



LEGISLATIVE UPDATE
2014 ANNUAL EM POLICY & LEADERSHIP FORUM
ATLANTA, GEORGIA

SUMMARY

When NEMA met for the Mid-Year Forum in March, the topics of conversation were all of high drama. Budget negotiations, a government shutdown, a continuing resolution, and finally a budget deal ruled the landscape in Washington, D.C. The Capital has certainly calmed some since those days, but the key issues for emergency management and homeland security professionals continued on a steady track.

The hearing schedule lightened a bit, but still tackled issues such as grant reform, the National Earthquake Hazard Reduction Program (NEHRP), and innovations in mitigation. Legislation supported by NEMA at the Mid-Year Forum saw quick action once the Appropriators agreed to include the language allowing Fire Mitigation Assistance Grants (FMAGs) to receive Hazard Mitigation Grant Program (HMGP) funds in their bill. The budget is still awaiting final action which won't come until after the elections, but a strong partnership between NEMA and the International Association of Fire Chiefs (IAFC) helps solidify the FMAG effort.

The latter part of the past six months has seen Congress focusing on their own job security and work back in the districts. August was spent in recess and after a short stint back in DC in the first two weeks of September to pass a continuing resolution; it was full speed ahead on the campaign trail.

The biggest issues addressed by NEMA and partner associations in DC includes a significant cybersecurity effort with the National Governors Association (NGA), the FMAG effort with IAFC, and many informal Hill meetings between NEMA leadership and congressional committee staff. Overall, NEMA continues to fare quite well on Capitol Hill and continues to effectively express the concerns and wishes of state emergency management directors to a broad and diverse audience.

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

- Emergency Management Performance Grant (EMPG) remained steadily-funded at \$350 million through the Fiscal Year 2015 in both the House and Senate budgets. Despite operating under a continuing resolution at this time, no issues are anticipated for steady funding of EMPG.
- The conversation regarding grant reform continues to evolve and could take another step forward with the hearing by Kris Eide (MN) where she represented NEMA and NGA on the issue.
- Once again, EMAC received the desired line item funding in the Senate Appropriations bill. Discussions continue with House staff to impress upon them the importance of this system, but language in the Senate bill alone is binding once final budgets or an Omnibus are passed.
- 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 2015. This includes a slight \$2 million increase for the account supporting CHDS.
- Senate Appropriations language included language supported by NEMA and IAFC which will allow FEMA to award HMGP funds to FMAGs for the coming year.

The elections will put normal order on hold for a bit longer, but budgets and the lame duck session will take center stage once Congress returns to town. 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 2014 Mid-Year Forum in Alexandria, NEMA continues to closely monitor the unpredictable atmosphere of Washington politics. Building momentum in an election year can be very 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. NEMA was able to provide a witness in a mitigation hearing. The hearing titled, “Disaster Mitigation: Reducing Cost and Saving Lives” gave great insight into the priorities Congress has for the upcoming months and afforded NEMA the opportunity to encourage the mitigation discussion. NEMA also had the opportunity to provide a joint witness with the National Governors Association before the House Homeland Security Subcommittee. The hearing which was in regards to FEMA’s suite of preparedness grants and discussed the need for comprehensive reform in order to enhance accountability, make planning more effective, and improve flexibility at the state and local level. 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.

STAKEHOLDER ASSESSMENT OF THE NATIONAL PREPAREDNESS GRANT PROGRAM

In April the House Homeland Security Committee Subcommittee on Emergency Preparedness, Response and Communications held a hearing titled, “Stakeholder Assessments of the Administration’s National Preparedness Grant Program Proposal”. NEMA in conjunction with the NGA provided a joint witness to testify before Congress regarding this issue.

Kris Eide, Director of the Minnesota Division of Homeland Security and Emergency Management testified on how comprehensive reform of federal preparedness grant programs will better serve state and local efforts to build and sustain capabilities to address the various threats and hazards they face. Eide’s testimony discussed the continuing benefit of federal investments in state and local preparedness, the enduring need for grant reform, the importance of a strong state role in grants administration, and the value of intergovernmental partnerships.

Eide also provided Congress with several recommendations to ensure federal investments in state and local preparedness remain aligned with national preparedness goals and provide a clear value to both communities and the taxpayer. Those recommendations included: value local decision-making and national assessment, assess risk continuously across all levels of government, encourage strategic plans versus spending plans, allocate funds based on priority needs, measure progress to fill capability gaps, and provide consistency and support long-term planning.

NEMA VICE PRESIDENT TESTIFIES ON DISASTER MITIGATION

In April, Bryan Koon, NEMA Vice President and Director of Florida’s Division of Emergency Management, testified before the House Committee on Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management. The hearing was titled “Disaster Mitigation: Reducing Cost and Saving Lives,” focused mainly on floods and the mitigation efforts taken by states and communities to reduce the devastating effects.



Subcommittee Chairman Lou Barletta (R-PA) explained, “Flooding is the number one natural disaster in the United States, costing the taxpayer, states, local communities, and individual homeowners and businesses billions of dollars every year.” With that the subcommittee wanted to focus on practical steps that communities and individuals could do to protect their homes and themselves from floods and at the same time reduce their costs and insurance premiums.

One practical step Koon highlighted was the community rating system (CRS). He explained that out of the 22,000 communities in the National Flood Insurance Program (NFIP) only six percent participate in the CRS. Koon then provided recommendations to help communities get in and stay in the CRS program. Those recommendations included providing better education and more outreach to individuals and communities, reevaluating the CRS program to make sure it fits communities of all sizes, examining the administrative hurdles and road blocks that prevent advancement in the program, and creating a better system so that the program can move at a faster pace.

HOUSE SUBCOMMITTEE REVIEWS THE NATIONAL EARTHQUAKE HAZARD REDUCTION PROGRAM

In August, the House Science, Space, and Technology Committee Subcommittee on Research and Technology held a hearing to review the National Earthquake Hazard Reduction Program (NEHRP). Illinois Director Jonathon Monken testified on the background of the program and progress being made as well as pending issues and recommendations.

Monken stated, “Far too many structural vulnerabilities compromise our resilience, and NEHRP is potentially on a track which will not only see us lose the valuable gains we have made, but regress to a time that predates the establishment of the program This program deserves to be a legislative priority and balance should be restored to how the program is governed and funded. Only through robust coordination can we properly prepare for, mitigate against, respond to, and recover from the impacts of a major earthquake.”



Monken continued to explain that while NEHRP reauthorization is critical it is not the only problem within the program. He explained three recommendations to create a more resilient program and nation. The recommendations included enhanced coordination, support for regional consortiums, and balancing research and implementation.

TRANSFERS OF MILITARY EQUIPMENT TO POLICE COMES UNDER BIPARTISAN FIRE

In August, lawmakers criticized the oversight of programs that allow state and local police departments to acquire military-grade equipment, with some questioning the need for such programs altogether. Lawmakers said Congress also had a responsibility to reassess the programs, including the Department of Defense's (DOD) 1033 program, which gives excess military equipment to state and local police forces. The DOD does not determine whether local forces need the equipment they are requesting, and federal agencies running formula grant programs do not closely track how equipment purchased with the grant money is used.

Officials who oversee the Department of Homeland Security's Homeland Security Grant program and the Department of Justice's Edward Byrne Memorial Justice Assistance Grant program said they also do not take need into account when providing grants. The grants are based on a formula that incorporates risk, among other factors.

Administration officials also noted that the military equipment has helped protect officers and civilians, such as during the response to the Boston Marathon bombings. But several lawmakers dismissed those examples, saying the programs remain too costly and could cause more harm than good.

Senator Claire McCaskill, (D-MO) suggested that Congress could require that local police forces first use federal funding for body cameras on all officers before allowing it to be used for military equipment. That way, the government could ensure the equipment is being used correctly, she said.

SENATE EMERGENCY MANAGEMENT SUBCOMMITTEE HEARING - MAKING FEMA MORE EFFECTIVE

Chairman Mark Begich (D-AK) and the Senate Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia held a hearing in June on the efficiency of FEMA. The hearing titled, “The Path to Efficiency: Making FEMA More Effective for Streamlined Disaster Operations” included four witnesses that testified on the subject: John Roth, Inspector General of the U.S. Department of Homeland Security; Joseph Nimmich, then Associate Administrator for the Office of Response and Recovery (ORR); Christopher Currie, Director, Emergency Management and National Preparedness Issues, GAO; Daniel Sutter, Professor of Economics, Johnson Center for Political Economy at Troy University.

Joseph Nimmich spoke on the reforms that FEMA hopes to introduce to make FEMA more efficiently help those in disastrous situations. The reforms are in three focus areas: workforce development, streamlining the complexity of FEMA’s business processes, and increasing the ability to use data for rapid situational awareness and effective decision making. Nimmich strongly believes that a lot of the issues come from systemic issues that FEMA hopes to correct through these key reform areas.

Christopher Currie discussed the opportunity for workforce development through reduction in administrative costs. Currie noted that FEMA spent \$95 billion on disaster response from 2004 to 2013, and 13 percent of that, which is \$12.7 billion, was administrative costs. Cutting back on some of these costs could create funding for workforce development and therefore better response to disasters. When later asked by Chairman Begich what the driver for the increase administrative costs is, Currie mentioned that GAO had not identified that.

HOUSE PASSES SOCIAL MEDIA WORKING GROUP BILL

In July, the House passed a measure amending the Homeland Security Act of 2002 and directing the Secretary of Homeland Security to establish a social media working group to provide guidance and best practices to the emergency preparedness and response community on the use of social media technologies before, during, and after a terrorist attack. This legislation was developed by the House Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications. The Subcommittee held a hearing on the use of social media in disasters in which Albert Ashwood, Director of the Oklahoma Department of Emergency Management testified and utilized many of his comments in the drafting of the bill.

The bill requires the group to submit an annual report including a review of current and emerging social media technologies being used to support preparedness and response activities related to terrorist attacks. The group will also produce a list of best practices and lessons learned on the use of social media during the response to terrorist attacks that occurred during the period covered by the report, as well as recommendations to improve DHS's use of social media. Finally, the report will produce a summary of coordination efforts with the private sector to discuss and resolve legal, operational, technical, privacy, and security concerns.

LAST MINUTE NEGOTIATIONS SECURES NEXT STEP FOR HMGP ON FMAGs

During the 2014 Mid-Year Forum, the NEMA membership voted to endorse legislation allowing HMGP funds to be awarded on FMAGs. The Senate bill S. 1396 (Sen. Udall, D-CO) and companion bill HR 3333 (Rep. Ruiz, R-FL) would authorize FEMA to award mitigation financial assistance in certain areas

affected by wildfires. The bills amend the Stafford Act to authorize the President to provide hazard mitigation assistance in any area which fire management assistance was provided whether or not a major declaration was declared and provide fire management assistance in any area in which hazard mitigation assistance was provided.

In an eleventh hour agreement with members of the Senate Appropriations Committee, NEMA was able to work with the IAFC and National Association of Counties (NACo) to secure a victory on the effort to award HMGP to FMAGs. The language was added to the Senate Appropriations bill for DHS. The only concession required was that the agreement is just for fiscal year 2015. Despite the temporary implementation, it will give us significant time to work toward a permanent agreement. All of the signs point to this language surviving the full Appropriations or Omnibus process and being codified in the 2015 budget.

CONGRESSIONAL HAZARD BRIEFINGS

In July, the Congressional Hazard Caucus Alliance (of which NEMA is a member) held a briefing on landslide hazards. The panel included Dave Norman, the State Geologist of Washington, Jennifer Bauer, Principle Geologist and co-owner of Appalachian Landslide Consultants, and Michael Chard, Director of the Boulder Office of Emergency Management. The speakers presented to the House and the Senate on the SR 530 landside, the fire and flooding events that led to the landside in Boulder Colorado, and landslides that have occurred in North Carolina. The panel discussed new technology to help map the areas in which landslides have the potential to occur. The new form of technology is called light detection and ranging (LIDAR). The experts also discussed the need for a cooperative National Landslide Partnership Program, standards on landslide hazard mapping among the private sector and the federal, state, and local government agencies, and the need for engagement with all stakeholders throughout the entire process.

Last month, the National Fire Protection Association, the University of California at Riverside and San Diego, and the Western Governors' Association hosted a briefing on the challenges wildfires pose to the nation. Several experts discussed the advances in the science and understanding of wildfires, the impact of federal and state policies, mitigation strategies for communities and new technologies for first responders. The panel explained that the fire season - which is usually 6 months - has grown increasingly longer, expanding by 60-80 days. The experts also stated that knowing where the fire was and how it was progressing is critical to planning the next phases of response. The National Fire Protection Association also discussed their Firewise Communities Program which encourages local solutions for safety by involving homeowners in taking individual responsibility for preparing their homes from the risk of wildfire.

LEGISLATION OF THE 113TH CONGRESS

Although building momentum in an election year can be difficult, legislation that affects the emergency management community continues to be introduced. 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 Stafford 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 Mary Landrieu (D-LA).

S. 1991 and HR. 3989 Disaster Savings Account Act of 2014: Amends the Internal Revenue Code to: (1) establish tax-exempt disaster savings (2) allow a deduction from gross income up to \$5,000, (3) exclude from gross income distributions from such accounts to pay disaster mitigation and recovery expenses; and (4) set forth tax rules and penalties for excess contributions to disaster savings accounts and for failure to file required reports on such accounts. NEMA is working with International Association of Emergency Managers to develop a strategy of supporting this legislation.

S. 1396 and HR 3333 Authorize the Federal Emergency Management Agency to award mitigation financial assistance in certain areas affected by wildfire: This bill would amend the Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide: (1) hazard mitigation assistance in any area in which fire management assistance was provided, whether or not a major disaster had been declared; and (2) fire management assistance in any area in which hazard mitigation assistance was provided.

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
Chair Jimmy Gianato (WV) in coordination with
Matt Cowles and Rachel Mouser from the NEMA-DC Office.**