



**LEGISLATIVE UPDATE**  
**2014 MID-YEAR EM POLICY & LEADERSHIP FORUM**  
**ALEXANDRIA, VIRGINIA**

## SUMMARY

Budget negotiations, a government shutdown, a continuing resolution, and finally a budget deal ruled the landscape in Washington, D.C. since NEMA met in Anchorage last October. January ultimately brought some relief when the Fiscal Year 2014 Omnibus spending package was passed. Of course, the ink from the President's pen barely dried on that bill before the focus shifted to the pending debate about the debt ceiling.

Fortunately, none of these larger issues slowed the progress of working emergency management and homeland security issues on the Hill. On the budget front, EMPG continued to weather the storm better than most other grant programs. The Homeland Security grants did receive a slight increase, but still remain well-below historic levels. With the ongoing implementation of the Sandy Recovery Improvement Act (SRIA), Hill committees are beginning to examine how the progress of the roll-out and any potential concerns of NEMA.

Many non-traditional issues required addressing in recent months which meant an increase in coordination meetings with government agencies, other stakeholder associations such as NGA, and Capitol Hill committee staff. Cybersecurity and multiple discussions regarding concerns of the National Guard and Council of Governors remained on the rise. New outreach efforts were also expanded between NEMA and the National Guard Association of the United States and Big City Emergency Managers. Overall, NEMA continues to fare quite well on Capitol Hill and can effectively express the concerns and wishes of state emergency management directors to a broad and diverse audience.

The most significant opportunity for NEMA since the Annual Forum in Anchorage came through the chance to testify before one of the fastest growing national issues. On October 30, 2013, President Charley English testified before the House Committee on Homeland Security's Subcommittee on Emergency Preparedness, Response and Communications and the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies at a joint hearing entitled "Cyber Incident Response: Bridging the Gap Between Cybersecurity and Emergency Management." This gave NEMA a chance to outline the need for national officials to consider the potential physical consequences of a cyber-attack.

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

- EMPG remained steady-funded at \$350 million through the Fiscal Year 2014 Omnibus spending bill. Most grants received a slight increase due mainly to previous cuts which EMPG did not experience.
- The conversation regarding grant reform continues to evolve and could take another step forward with the hopeful inclusion of legislative language with the Administration's Fiscal Year 2015 budget submission due in March.
- 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.
- 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.

As the budget regains a more traditional schedule, all eyes will turn to the 2015 process which will play-out throughout the summer. The legislative priorities for 2014 have been updated to reflect current issues such as cybersecurity and the development of a national strategy to reduce disaster costs. 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 Annual Forum in Anchorage, Alaska, NEMA continues to closely monitor the unpredictable atmosphere of Washington politics. Building momentum before 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. With the interest in homeland security and emergency management growing, NEMA was able to provide a witness in a cybersecurity hearing. The hearing titled, “Cyber Incident Response: Bridging the Gap Between Cybersecurity and Emergency Management” gave great insight into the priorities Congress has for the upcoming months and afforded NEMA the opportunity to officially wade into the cybersecurity discussion. 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.*

### **CONGRESS PASSES OMNIBUS APPROPRIATIONS BILL**

After a brief government shutdown in late October, shortly after the New Year, Congress approved an Omnibus Appropriations bill with a top-end amount of \$1.012 Trillion.

In the more than 1,500 pages of this bill, NEMA priorities fared quite well. Even though EMAC was only specified in the Senate mark of the bill, since the Omnibus did not expressly remove the language, the \$2 million allocation is binding.

- Emergency Management Performance Grant (EMPG) once again received a steady \$350 million.
- State Homeland Security Grant Program (SHSGP) and Urban Areas Security Initiative (UASI) both received a slight bump-up (about \$120 million for SHSGP putting it at \$466 million and \$100 million for UASI putting it at \$600 million)
- Port and Transit grants saw a slight increase to \$100 million each
- The Center for Homeland Defense and Security (CHDS) account received a \$2 million increase over 2013.
- Predisaster Mitigation (PDM) is funded at \$25 million
- Emergency Management Institute received a slight bump up from \$17.8 million to \$20 million
- The Disaster Relief Fund is once again well-funded as the bill provided another \$6.221 billion.

### **JOHNSON & MAYORKAS CONFIRMED TO DHS**

On December 23, 2013, Jeh Charles Johnson was officially sworn in as the fourth Secretary of Homeland Security. Secretary Johnson, joined by his family, took the oath at his home in Montclair, New Jersey. The new Deputy Secretary, Alejandro Mayorkas, was also sworn in on that day. Both were approved after some delays in the Senate, but ultimately made it through to confirmation.

Prior to joining DHS, Johnson served as General Counsel for the Department of Defense, where he was part of the senior management team and led the more than 10,000 military and civilian lawyers across the Department. His career has included extensive service in national security, law enforcement, and as an attorney in private corporate law practice. Johnson was General Counsel of the Department of the Air Force in 1998 to 2001, and he served as an Assistant U.S. Attorney in the Southern District of New York in 1989 to 1991.

Mayorkas served as the Director of the Department of Homeland Security’s United States Citizenship and Immigration Services (USCIS). Prior to his appointment at USCIS, he was a partner in the law firm of O’Melveny & Myers LLP. In 2008, the National Law Journal recognized him as one of the “50 Most Influential Minority Lawyers in America.” In 1998, Mayorkas was nominated by President Clinton and

confirmed by the Senate to be the United States Attorney for the Central District of California, becoming the youngest U.S. Attorney to serve the nation at that time.

### **CYBER INCIDENT RESPONSE: BRIDGING THE GAP BETWEEN CYBERSECURITY AND EMERGENCY MANAGEMENT**

In October, NEMA was able to provide a witness to the House Homeland Security Committee Subcommittee on Emergency Preparedness, Response, and Communications. NEMA President Charley English testified on one of the most critical issues currently facing the nation. “Cybersecurity and the resultant vulnerabilities and consequences could easily match the impact of any significant natural disaster, so we must analyze these threats carefully and plan to manage them accordingly” Mr. English explained to Congress.

English described to Congress the vulnerabilities and consequences that emergency managers have growing concerns towards. In his testimony, English gave an example of the threats that could accompany a cyber-attack. “Citizens can evacuate in anticipation of a hurricane. Strong building codes and safe rooms can protect lives in anticipation of earthquakes or tornadoes. But as we consider the breadth and depth of our reliance on the cyber-infrastructure, the emergency response efforts regarding consequence management could easily overwhelm local, state and federal assets due to the interdependencies of critical infrastructure and key resource protection as well as the ease of vulnerability exploitation from a cyber-attack.” He also gave a short list of the current of vulnerabilities that included computer-controlled dams protecting a low-lying community, national power grids and nuclear power plants, EAS systems, banking systems, airlines, water supply, and basic smartphones.

In addition to English, the hearing had many other well qualified professionals to speak to this matter. Roberta Stempfley, Acting Assistant Secretary, Office of Cybersecurity and Communications stressed the importance of information sharing. She stated, “Sharelines facilitate the creation and dissemination of unclassified cyber threat reports to targeted private sector entities owned or operating within the United States, as well as Federal, State, local, tribal, and territorial partners, in a timely manner” Mike Sena, Deputy Director, Northern California Regional Intelligence Center, testified on behalf of the National Fusion Center Association. He also explained the importance and the value of information sharing to Congress by stating, “The partners at this table and around the country must work together through the pilot project and other settings to develop policies, protocols, and requirements that will result in the kind of information sharing and threat analysis our citizens expect.”

### **NATIONAL FLOOD INSURANCE PROGRAM UPDATE**

The National Flood Insurance Program has received quite a bit of attention lately as it has gone through several changes. In 2012 NFIP reform legislation which extended the NFIP for five years and made a number of changes related to improving the soundness of the NFIP, flood risk mapping, and flood mitigation programs, passed. It raised the limit on annual premium increases to 20% and required FEMA to submit a ten-year repayment plan for the program's debt to the U.S. Treasury, most of which was incurred during the 2005 hurricane season. Congress decided to not move forward with the reform and the NFIP stood still.

Recently the Senate passed a version delaying premium increases for up to four years. These increases are set to take effect next year as part of updated government flood maps. The plan also allows homeowners with certain flood insurance policies to transfer them to people who buy their houses. The White House expressed concerns about the proposal this week, but didn't threaten to veto it, only saying that any delay in the premium increases would further erode the financial position of the NFIP.

Now that the Senate has passed a revised version, the House is considering the options, one being the “modified version” of the Senate bill. Legislators who favor broader proposals, such as the Senate bill to delay rate hikes for up to four years, have taken issue with a measure introduced late last year. That bill is similar to the language included in the omnibus spending bill and would bar FEMA from raising rates on grandfathered properties until March 2015.

### **CYBERSECURITY MOVING FORWARD**

The House Homeland Security Committee advanced by voice vote a measure that would amend the 2002 law that created the department to expand its scope to include cyber-threat information-sharing between the federal government and private sector. If approved this measure would organize the Homeland Security Department’s central role in cybersecurity.

Along with the bill that the House is considering, the National Institute of Standards and Technology recently released a draft cybersecurity framework, which experts called a solid foundation for improving the protection of critical networks, but said the way ahead on digital security is going to require more analysis of best practices.

The Center for Strategic and International Studies had many experts from the field of cybersecurity participate in discussions about the recently-released NIST framework draft. Several of these experts said they would like to see some tweaks to the draft or expansion of it in the future, but they said the document the agency produced in compliance with a cybersecurity executive order the White House released earlier this year is based on sound principles.

Several panelists said they want to see the process of publicizing best practices continue, but while NIST has taken a major step in that direction, the agency doesn’t expect to play such a leadership role after it finalizes its framework, which is set to come out next year. NIST is looking to get out of the framework business in 2014 and will be looking for the private sector to pick up where it leaves off. NIST does intend, however, to publish a roadmap for future action beyond the framework.

### **EXTREME WEATHER EVENTS AND THE COST OF NOT BEING PREPARED**

The Senate Homeland Security and Governmental Affairs Committee held a hearing on extreme weather events and the costs of not being prepared. A Department of Homeland Security official told the Senate panel, “Lapses in preparedness for extreme weather events have cost the United States \$1.15 trillion dollars in economic losses from 1980 to 2010.” A Congressional Research Service report on severe weather and power outages said that storm-related power outages cost the U.S. \$20 billion to \$55 billion annually, and are becoming increasingly common.

Flooding has also presented problems for government spending. As of December 2013, NFIP stood at \$24 billion in debt, compared with the \$17.8 billion prior debt it faced before Hurricane Sandy in 2012, according to Mark Gaffigan, a managing director of the U.S. Government Accountability Office. FEMA has not repaid any of these loans since 2010.

Another hot topic of the hearing included the state of the infrastructure in the country. Establishing infrastructure protection that can withstand natural disasters is the best bet to save money in the future. Two years ago, David Heyman, Assistant Secretary for Policy for DHS said, “only 15 states had climate-protection plans. Now, 36 states have such plans.”

## LEGISLATION OF THE 113<sup>TH</sup> CONGRESS

*While battles over the government shutdown, budget processes, and debt ceiling are fought 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 Mary Landrieu (D-LA).

*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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