



**LEGISLATIVE REPORT**  
**2015 ANNUAL EM POLICY & LEADERSHIP FORUM**  
**MIAMI, FLORIDA**

## SUMMARY

With well over 30 hearings addressing topics of interest to the emergency management community and numerous pieces of legislation considered, 2015 has been a busy year so far in Washington, D.C.

Since NEMA's last meeting in March, the House and Senate have held hearings on a wide range of issues of interest—such as emergency communications, climate change, and flood insurance, to name a few. This has given NEMA members the opportunity to participate and ensure that the perspective of emergency managers is heard. In June, for example, Jimmy Gianato, Director of Homeland Security and Emergency Management for West Virginia, and Peter Gaynor, the Director of the Rhode Island Emergency Management Agency, testified before a House Committee on Homeland Security subcommittee on the collaborative efforts between the emergency management community and the military. Later that month, Jeffery Stern, the State Coordinator for the Virginia Department of Emergency Management, participated in a roundtable discussion entitled “Federal Disaster Assistance: Roles, Programs and Coordination” held by the a House Transportation and Infrastructure Committee subcommittee.

On the legislative side, a number of bills have been introduced and considered that could affect the work of emergency managers. On the positive side, two committees in the House of Representatives have considered bills to modernize FEMA's alert and warning program, known as the Integrated Public Alert and Warning System (IPAWS), and the Senate passed its own version. These efforts have long had the support of NEMA, and this could be the year that Congress succeeds in bringing them to the finish line.

More troubling, several bills have been considered that contain provisions that would impact and potentially undermine FEMA's Disaster Relief Fund (DRF). Recently, for example, the House of Representatives passed HR 2647, *the Resilient Federal Forests Act of 2015*, which would significantly change the structure and purpose of the Stafford Act by permitting the transfer of funds to the Departments of Interior and Agriculture for wildfire suppression activities on federal lands. Efforts such as these would mark a dramatic change and expansion of the program—and set a troubling precedent, as additional agencies will likely similarly seek to use FEMA funding to pay for other federal activities.

In the months to come, NEMA will continue to monitor these activities and provide Capitol Hill with homeland security and emergency management expertise. As Congress examines issues of interest to NEMA, we will continue to look for ways to inform the debate and ensure that members of Congress and their staff consider the perspective of the emergency management community.

## CAPITOL HILL HIGHLIGHTS

### FEMA DISASTER ASSISTANCE REFORM ACT

In mid-April, the House Transportation and Infrastructure Committee considered HR 1471, *FEMA Disaster Assistance Reform Act, 2015*. The bill as introduced contained a number of provisions NEMA supported, as well as several that raised concern—most notably, a provision that would allow DRF funding to be transferred to the Departments of Agriculture and the Interior for wildfire suppression activities on federal lands.

NEMA solicited comments from State Directors, and the Legislative Committee drafted a letter to the House T&I Committee outlining the provisions that NEMA supported and providing recommendations for others. During the mark-up hearing, the debate over the bill was brief, and only one amendment was taken up—a manager’s amendment that made technical changes and contained several new provisions, such as a requirement that in making disaster declaration recommendations, the FEMA Administrator must give greater consideration to “severe localized impact” and make corresponding changes to FEMA policies and regulations.

Significantly, no changes were made to the provision that permits DRF funding to be transferred to the Agriculture and Interior Departments. The bill, as modified by the manager’s amendment, passed unanimously.

### **GAO RELEASES DISASTER BUDGETING REPORT**

The Government Accountability Office (GAO) released a [report](#) in the spring that reviewed the approaches selected states use to budget for and fund state level disaster costs and how, if at all, state disaster budgeting approaches have changed over time.

In recent years, natural and human made disasters have increased in the United States in terms of both numbers and severity. For presidentially declared disasters, the federal government generally pays 75 percent of disaster costs and states cover the rest. As a result of this trend, governments at all levels have incurred increased costs for disaster response and recovery. An understanding of the approaches states take to budget for disaster costs can help inform congressional consideration of the balance between federal and state roles in funding disaster assistance. GAO was asked to examine how states typically budget for costs associated with disasters and any changes to those budget approaches during the past decade.

For this review, GAO selected 10 states based on criteria such as the number of major disaster declarations and denials for each state from fiscal years 2004 to 2013. GAO reviewed state statutes, budgets, and other documents explaining states’ approaches to budgeting for disaster costs and interviewed state officials. Although GAO’s findings are not generalizable, they are indicative of the variation in budget mechanisms among the states.

For the full report: <http://www.gao.gov/products/GAO-15-424?source=ra>.

### **NEMA MEMBERS TESTIFY BEFORE CONGRESS ON THE ROLE OF THE MILITARY IN DISASTER RESPONSE**

On June 10<sup>th</sup>, Jimmy Gianato, Director of the West Virginia Homeland Security and Emergency Management testified on behalf of NEMA before the U.S. House of Representatives on the role of the military in disaster response. Peter Gaynor, Director of the Rhode Island Emergency Management Agency, testified as well. He represented Rhode Island and spoke of the partnerships between his agency and the National Guard.

Before the House Committee on Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications, Mr. Gianato discussed the collaborative efforts between the emergency management community and the military. He reviewed lessons learned from the National Boy Scout Jamboree held in West Virginia, as well the partnerships between emergency management agencies and the military in other states. He highlighted the Emergency Management Assistance Compact (EMAC) and the key role it plays in facilitating collaboration among states and enabling them to share National Guard assets. Mr. Gianato also discussed the success of dual status command and how it enables effective coordination. He thanked the subcommittee and Congress for their support of the

emergency management community and encouraged them to continue this important dialogue on the collaboration among emergency managers, the National Guard, and federal forces.

Mr. Gaynor discussed the long-standing history of cooperation and partnership between Rhode Island and the Army and Air National Guard forces based in the state. He also mentioned that the use of the National Guard in disaster response has dramatically increased over time. He stated, “Since 2010, the Rhode Island National Guard has activated over 1,750 citizen soldiers to respond to numerous natural disasters and events while simultaneously deploying over fourteen hundred individuals in four company sized units overseas. Specific events such as the 2010 March floods, Hurricane Irene 2011, Hurricane Sandy 2013, the Boston Marathon bombing in 2013 and the winter blizzards of 2013 and 2015 all required Rhode Island National Guard personnel and equipment. Compared to the previous fifty years, Rhode Island National Guard activation over last five years for state emergencies has increased over 200 percent.”

Mr. Gaynor also discussed some emerging issues that require a synchronized and holistic approach. He explained that cyber security and the physical consequences that could result from an attack offer opportunities to engage in partnerships with the National Guard and other local, state, federal, and business partners to mitigate and prevent network attacks from domestic and foreign players.

Mr. Gaynor and Mr. Gianato answered questions from the subcommittee on the process of utilizing the National Guard in disaster response. They gave specific examples from their states while also discussing the use of EMAC to move assets from state to state.

#### **ROUNDTABLE ON FEDERAL DISASTER ASSISTANCE ROLES, PROGRAMS, AND COORDINATION**

On June 17<sup>th</sup>, the House Transportation and Infrastructure Committee Subcommittee on Economic Development, Public Buildings, and Emergency Management held a roundtable discussion on “Federal Disaster Assistance: Roles, Programs, and Coordination.” The purpose of the roundtable was to examine and discuss federal disaster assistance programs, the requirements and effectiveness of those programs, and coordination among various agencies and stakeholders.

Participants included FEMA, the U.S. Army Corps of Engineers, the U.S. Department of Housing and Urban Development, the Federal Transit Administration, GAO, and other experts. NEMA member Dr. Jeffrey Stern, State Coordinator for the Virginia Department of Emergency Management, was one of the participants.

The roundtable discussion grew out of a subcommittee hearing held in January, where Chairman Barletta announced that the subcommittee would be launching a comprehensive analysis and discussion about trends in disaster costs across the government and private sector, the drivers of the trends being observed, and what policy changes should be considered to reduce disaster costs.

#### **NATIONAL WEATHER SERVICE IMPROVEMENT ACT**

In June, Senate Commerce Committee Chairman John Thune (R-SD) introduced S. 1573, *the National Weather Service Improvement Act*. This legislation was discussed at the NEMA Board of Directors meeting and then among the NEMA Legislative Committee. As introduced, the bill had several provisions, the most significant of which took forecasting responsibilities out of the 122 local weather forecast offices and places them in six regional offices.

NEMA members raised a number of concerns about the bill and sent a letter to the committee explaining their concerns and providing examples. The International Association of Emergency Managers

(IAEM) and the National Association of Counties (NACo) also expressed their concerns about this legislation and sent a letter to the committee as well.

On June 25<sup>th</sup>, the Commerce Committee held a mark-up that included the NWS legislation. Fortunately, the Committee adopted a substitute amendment that struck the original text— including the establishment of six regional offices—and replaced the language with provisions that 1) clarify the responsibilities of warning coordination meteorologists (and requires that they work closely with emergency managers); 2) require the agency to conduct an assessment of the efficacy of the warnings and watches system; and 3) require the NWS to prepare and publicly post a report on the use of contractors in lieu of federal employees.

### **RESILIENT FEDERAL FORESTS ACT OF 2015**

In early July, the House of Representatives considered HR 2647, *the Resilient Federal Forests Act of 2015*, which includes provisions that would allow DRF funding to be used to fund wildland fire suppression activities on federal lands. The President sent a letter of opposition explaining that the legislation would run contrary to the purpose of the Stafford Act, which is intended to provide federal assistance to state, local, and tribal governments to alleviate disaster suffering and facilitate recovery.

After review from the NEMA Legislative Committee, NEMA along with the International Association of Emergency Managers (IAEM) sent a letter to several congressional committees voicing its strong concerns with those provisions. On July 9<sup>th</sup>, the House passed the legislation with a 262-167 vote. It was then sent to the Senate and referred to Committee on Agriculture, Nutrition, and Forestry, which has yet to act on it.

### **HOMELAND SECURITY ADVISORY COUNCIL REVIEWS PREPAREDNESS GRANTS EFFECTIVENESS**

Department of Homeland Security Secretary Jeh Johnson requested that the Homeland Security Advisory Council establish a task force to review the effectiveness of DHS's preparedness grants. The Task Force will focus on the following areas:

What are the intended outcomes of the grants process?

- Role of assessments in determining outcomes
- Processes to achieve desired outcomes

What are the mechanisms to achieve those outcomes?

- Alternatives to the current mix of formula and competitive grants

How can DHS best support a whole-community approach that is fundamentally rooted at the local level?

- Creation of communities of practice
- Analysis to support investment prioritization decisions
- Role of national standards-setting bodies to define assessment criteria

### **LEGISLATION OF THE 114<sup>TH</sup> CONGRESS**

*New legislation that affects the emergency management community continues to be introduced. The bills below represent key pieces of legislation that NEMA has been tracking this year.*

**HR 1471, Disaster Assistance Reform Act of 2015:** The bill has a number of important provisions. It reauthorizes FEMA, the Urban Search and Rescue program, and EMAC. It also raises the Public Assistance small projects threshold to \$1 million and establishes rates to reimburse states and local

governments for the administrative costs. Finally, the bill reinstates a 3-year statute of limitations on audits and clarifies mitigation activities related to wildfires and earthquakes. The bill was passed by the House Transportation and Infrastructure Committee but has yet to be taken up by the full House. NEMA sent a letter supporting certain provisions and providing recommendations for others.

**S. 1180, HR 1738, and HR 1472 Integrated Public Alert and Warning System Modernization Act of 2015:** While the bills have some key differences, they all attempt to put the Integrated Public Alert and Warning System Modernization (IPAWS) program on sounder footing by directing FEMA to make key improvements and providing it with the resources to do so. These bills also emphasize that FEMA needs to better coordinate and collaborate with state and local governments. S. 1180 has passed the Senate and has yet to be taken up by the House. NEMA provided letters of support for S. 1180 and HR 1738.

**S. 1573, National Weather Service Improvement Act:** As introduced, the bill had several concerning provisions, one of which would consolidate the forecasting responsibilities of 122 local weather forecast offices into six regional offices. NEMA sent a letter to the Senate Commerce Committee highlighting its concerns with these provisions, and the bill was subsequently amended to eliminate them. The bill has not yet been taken up by the full Senate.

**HR 2647, The Resilient Federal Forests Act of 2015:** This bill includes provisions that would significantly change the structure and purpose of the Stafford Act by permitting the transfer of funds to the Departments of Interior and Agriculture for wildfire suppression activities on federal lands. NEMA and IAEM sent a joint letter to several congressional committees voicing its strong concerns with those provisions. The House passed the legislation, and it was sent to the Senate Committee on Agriculture, Nutrition, and Forestry, which has yet to act on it.

*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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