



LEGISLATIVE UPDATE
2016 MID-YEAR EM POLICY & LEADERSHIP FORUM
ALEXANDRIA, VIRGINIA

SUMMARY

Since the 2015 Annual Forum in October, NEMA continues to be a strong presence in the nation's Capital through consistent outreach, partner collaboration, and aggressive education on Capitol Hill regarding emergency management priorities. As 2016 gets underway, NEMA is well positioned to affect real change and remain a key resource for the 114th Congress.

The Congressional hearing schedule lightened a bit, but NEMA was able to provide a witness for two hearings held by the House Homeland Security Committee. On October 22, NEMA President Bryan Koon (FL) testified before the House Homeland Security Emergency Preparedness, Response and Communications Subcommittee on Federal Emergency Preparedness and Response Capabilities. The subcommittee held the hearing in light of the 10th anniversary of Hurricane Katrina earlier this year and the 3rd anniversary of Hurricane Sandy, to assess FEMA's capabilities to respond to large-scale disasters. On March 15, before the House Committee on Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications, Mr. Jim Butterworth, Director of Emergency Management and Homeland Security for the State of Georgia highlighted concern over the Administration's FY17 budget proposal which made significant cuts to vital FEMA Preparedness Grants.

On February 9, President Obama's final budget request was released to Congress amidst the contentious early caucus and primary season. The Fiscal Year 2017 budget proposal received mixed responses, with many lawmakers dismissing it before it even made its debut. While some proposals were shot down for being too lofty or ambitious, many in the public safety community expressed concern with sharp cuts to some principal grant programs aimed at supporting critical homeland security and emergency management efforts.

Late spring and early summer will be busy with the drafting of Appropriations bills and potential votes. While House and Senate leadership have expressed interest in holding votes on a bill (either individually or as small collections), the political nature of these votes in a Presidential election year may complicate traditional budget schedule. The federal fiscal year runs until September 30, 2017 and with few days in session between August recess and the usual hiatus for campaigning in October, there are limited legislative days to accomplish votes on the final Conference Report of a large scale Appropriation bill. The next steps are grounded in tradition but will always depend on the political landscape.

As we begin to advocate our 2016 legislative priorities the commitment by NEMA membership to consistently engage Members of Congress is critical to advancing our priorities. 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 2015 Annual Forum in Miami, NEMA continues to closely monitor the unpredictable atmosphere of Washington politics. 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.

NEMA PRESIDENT TESTIFIES BEFORE CONGRESS ON RESPONSE CAPABILITIES

In October, NEMA President Bryan Koon testified before the U.S. House of Representatives Committee on Homeland Security Emergency Preparedness, Response and Communications Subcommittee on Federal Emergency Preparedness and Response Capabilities. Koon's testimony focused on the need to continue to build and maintain the capabilities that exist at the state and local level for a national response, rather than relying on the Federal government.



Koon explained that effective preparedness and response capabilities require robust programs such as the Emergency Management Assistance Compact (EMAC), which has played an invaluable role in disaster response for more than 20 years. He also told subcommittee members, "The capability that the states and locals build to respond to disasters both at home and through EMAC is often funded by the Emergency Management Performance Grant (EMPG). EMPG is the only source of federal funding directed to state and local governments for planning, training, exercises, and key professional expertise for all-hazards emergency preparedness."

Koon stated that mitigation is the first and the last step in a jurisdiction's overall readiness. And while many communities have the desire to harden their infrastructure, they lack the resources and technical ability necessary to do so. He said, "If we are to truly ensure that we are prepared as a nation, we must increase our efforts to prepare our built environment for future disasters by incentivizing and facilitating mitigation."

NCSL FEDERAL-STATE-LOCAL DISCUSSION

The National Conference of State Legislators and the PEW Charitable Trusts held an event titled, "Federal-State-Local Disaster Response and Recovery Relationship Discussion Group" which focused on the roles of the federal, state, and local governments in disaster response and recovery. A number of Congressional staff attended the event.

Two NEMA members, Kurt Schwartz, Director of Massachusetts Emergency Management Agency and Mike Sprayberry, Director of North Carolina Emergency Management were invited to participate as panelists. They focused on the improvements FEMA has made in disaster recovery and response and highlighted the work being done on the reengineering of the Public Assistance (PA) program. They discussed the flexibility and incentivized programs that the Sandy Recovery Improvement Act provided and Sprayberry mentioned the importance of incorporating mitigation into recovery activities.

Elizabeth Zimmerman, Associate Administrator, Office of Response and Recovery, FEMA and Dr. Gavin Smith, Director of the Department of Homeland Security - Coastal Resilience Center of Excellence at the University of North Carolina were also panelists. Zimmerman discussed FEMA's review of disaster declaration criteria and the work they have done with the reengineering of the PA program. She also mentioned that FEMA will publish PA unified guidance sometime in January.

SENATE HEARING ON PAST WILDFIRE SEASONS AND FUTURE FEDERAL WILDLAND FIRE MANAGEMENT STRATEGIES

Congress held a number of hearings regarding the 2015 wildfire season. Senate Energy and Natural Resources Committee, Chairwoman Lisa Murkowski (R-AK), said her state and other western states cannot endure many more fire seasons like 2015.

"For its part, 2015 has been marked by a relentless wildfire season that has stretched nearly all year. According to the National Interagency Fire Center, more than 9.4 million acres have burned through October 30. This year's season is among the most devastating years for wildfires since reliable records began in 1960 – coming close to 2006, when an all-time high of nearly 9.9 million acres burned" said, Chairwoman Murkowski, (R-AK).

The third hearing about the 2015 wildfire season held by the Senate Energy and Natural Resources Committee focused heavily on the ways the Department of Interior and the National Forest Service work together and some issues in the standardization of credentials for aviation firefighting. A number of witnesses discussed the need to have resources to manage small fires before they grow into unmanageable sizes and much more expensive fires. Some of these needed resources are aircrafts with tankers on them for suppression. Both the National Forest Service and the Department of Interior require certification for aircrafts to fight fires. They both card to the same standard, however it is required to have both certifications.

As a result of the hearings, Ranking Member Sen. Cantwell is continuing work on a longer-term bill with Chairman Lisa Murkowski, the objectives of which include:

- Ending the practice of “fire borrowing,” by funding fire suppression responsibly;
- Improving the efficiency of our operations, such as ensuring aircraft are available when needed and improving the safety of our firefighters;
- Increasing our communities’ preparedness, through activities such as FireWise® and risk-mapping;
- Investing in fuels treatments that we know make a difference, such as prescribed fires and mechanical thinning;
- Increasing our use of technology, including unmanned aerial vehicles so we can more accurately see the locations of “spot” fires when firefighters are sent out; and
- Recognizing that the recovery needs of our communities and landscapes often go beyond the existing Burned Area Emergency Response program.

NEMA TESTIFIES BEFORE CONGRESS

On March 15, Jim Butterworth, Director of Emergency Management and Homeland Security for the State of Georgia, testified before the U.S. House of Representatives on behalf of the National Emergency Management Association.

Before the House Committee on Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications, Butterworth highlighted concern over the Administration’s FY17 budget proposal which made significant cuts to vital FEMA Preparedness Grants. He explained that overall the programs would see a cut 44 percent below FY 2016 enacted levels. In fact, the Urban Area Security Initiative (UASI) Program would be cut by 45 percent, from \$600 million for FY16 to \$330 million in FY17 and the State Homeland Security Grant Program (SHSGP) would be cut by 57 percent, from \$467 million to \$200 million.

Butterworth explained cuts to critical preparedness grant programs impact individual states in substantial ways. He mentioned, through mutual aid, facilitated by the Emergency Management Assistance Compact (EMAC), any decrease in funding for building homeland security and emergency management capacity reverberates across the nation. He did highlight the Emergency Management Performance Grants (EMPG) which allows States and locals to build capacity and enhance their capability to respond to disasters.

Butterworth ended by explaining the growing need to reform the preparedness grant programs. He explained in his testimony, “today’s dynamic threat environment requires a grants program that prioritizes investments based on risk while maintaining state and local ability to sustain prior investments that support national goals. Grant programs must be flexible and agile to address changing hazards and ensure local investments synchronize with statewide and regional priorities.”

CONGRESS APPROVES FIRST MAJOR CYBER BILL IN YEARS

The final text of a major cybersecurity bill as part of a sweeping omnibus spending package was signed by the President back in December. The bill, which provides incentives for companies to share data on hacking threats with the government without fear of facing customer lawsuits, was passed as part of the Consolidated Appropriations Act, 2016 (H.R.2029).

The bill is the biggest piece of cyber legislation Congress has passed since a 2013 holiday shopping season data breach at Target started a tidal wave of hacks that have since hit retailers like Home Depot, banks like JPMorgan Stanley, health insurers like Anthem and government agencies like the Office of Personnel Management (OPM).

“It is the most significant effort by Congress to address the cyber threat to date,” said House Intelligence Committee ranking member Adam Schiff (D-CA), a co-sponsor of one of the House bills.

The passage was a huge win for Intelligence and Homeland Security leaders in both the House and Senate, some of whom have been at work for years on some iteration of the measure.

The bill encourages companies to share information only through the Department of Homeland Security (DHS), seen as the agency best suited to scrub out personal details before any cyber threat data is shared across the government.

HOUSE HOLDS TWO NFIP HEARINGS

In January the House Financial Services Committee Subcommittee on Housing and Insurance held two hearings on the National Flood Insurance Program (NFIP). The first hearing was titled, “Opportunities and Challenges Facing the National Flood Insurance Program” and the witnesses included: Stephen Ellis, Taxpayers for Common Sense; Christopher Heidrick, Independent Insurance Agents and Brokers of America, Inc.; Patty Templeton-Jones, Property Casualty Insurers Association of America; and Tom Woods, National Association of Home Builders.

The hearing focused on the National Flood Insurance Program and the \$23 billion dollar debt it has acquired. Chairman Luetkemeyer (R-MO) explained that flooding is the number one natural disaster in the United States and with the September 30, 2017 re-authorization of the flood insurance program approaching it was a great time to start discussing the reform. Several witnesses discussed the possibility of a merge between private insurance providers and the NFIP however they all agreed that eliminating the NFIP altogether would not be beneficial.

The witness from the Taxpayers for Common Sense organization explained that the NFIP produced many mitigation efforts that would be critical to retain in the reform legislation. Other witnesses also expressed support for the Flood Insurance Market Parity and Modernization Act (HR 2901), introduced by Representatives Dennis Ross and Patrick Murphy on June 25, 2015. This bill would amend the Flood Disaster Protection Act to clarify that flood insurance offered by a private carrier outside of the NFIP can satisfy the Act’s mandatory purchase requirement. It defines acceptable private flood insurance as a policy providing flood insurance coverage that is issued by an insurance company that is licensed, admitted, or otherwise approved to engage in the business of insurance in the state or jurisdiction in which the insured property is located. Under H.R. 2901, an acceptable private flood insurance policy may also be issued by an insurance company that is eligible as a non-admitted insurer to provide insurance in the state or jurisdiction where the property to be insured is located.

The second hearing entitled “How to Create a More Robust and Private Flood Insurance Marketplace” included the following witnesses: Teresa Miller, National Association of Insurance Commissioners; Steve Bradshaw, Mortgage Bankers Association; Brady Kelley, National Association of Professional Surplus Lines Offices and Birny Birnbaum, Center for Economic Justice.

This hearing examined the NFIP and legislative concepts that would facilitate the creation of a

competitive private flood insurance market to compliment the NFIP. The panel reviewed the current government flood insurance model, the technological challenges that still remain, and how the private sector could develop a private flood insurance market that compliments the current NFIP model.

WHITE HOUSE ANNOUNCES FEDERAL EARTHQUAKE RISK MANAGEMENT STANDARD

The White House held an Earthquake Resilience Summit where a number of subject matter experts discussed a number of topics ranging from early earthquake warning, to building codes, to next generation warnings. One of the panelists included Director of the Oregon Office of Emergency Management and NEMA Member, Andrew Phelps.



Phelps highlighted the importance of collaboration between all sectors to spread the preparedness message. "A warning is only good if the person that receives it knows what to do with the information." Phelps stated.

He also discussed the culture of preparedness and the key to shifting from a victim mindset to a survivor. Through collaboration, coordination, cooperation, and relationships, the preparedness message becomes clearer and more concise.

On the same day, the White House released an Executive Order establishing a Federal Earthquake Risk Management Standard. President Obama ordered all new or renovated federal buildings to be equipped with the latest protections against earthquakes. The White House says the standard will improve federal buildings' resilience to earthquakes, making them safer and lowering the costs for recovering from a quake. The order states that agencies constructing or updating federal buildings must ensure they're built with earthquake-resistant designs that meet the latest building codes.

LEGISLATION OF THE 114TH CONGRESS

New 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.

H.R. 1471 FEMA Disaster Assistance Reform Act of 2015: This bill reauthorizes FEMA, USAR, 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. Reinstates a 3-year statute of limitations on audits and clarifies mitigation activities related to wildfires and earthquakes. NEMA sent a letter supporting certain provisions and providing recommendations for others.

S.1180 Integrated Public Alert and Warning System Modernization Act of 2015: A bill to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes. After a review by the Legislative Committee, NEMA sent a letter of support to Senator Johnson on May 18, 2015.

H.R.1738 Integrated Public Alert and Warning System Modernization Act of 2015: A bill to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes. After a review by the Legislative Committee, NEMA sent a letter of support to Congressman Bilirakis on May 1, 2015.

S. 1573 Weather Alerts for a Ready Nation Act of 2015: 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. The bill was subsequently amended to eliminate these provisions. After a

review by the Legislative Committee of the bill as introduced, NEMA sent a letter to Senator Thune on June 22, 2015 outlining our concerns.

H.R. 2647 The Resilient Federal Forests Act of 2015: Includes provisions to allow DRF funding to be used for federal wildland fire suppression activities. NEMA sent letters to the Agriculture and Natural Resources Committees expressing concern. NEMA also copied the House Transportation and Infrastructure Committee. The letter was also shared with the Senate Agriculture, Homeland Security and Governmental Affairs, and the Appropriation Committees.

H.R. 1472 Integrated Public Alert and Warning System Modernization Act of 2015: A bill to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes.

H.R. 3503 Department of Homeland Security Support to Fusion Centers Act of 2015: This bill directs the Comptroller General to conduct an assessment of Department of Homeland Security (DHS) personnel assigned to fusion centers established under the Homeland Security Act of 2002. (A fusion center serves as a focal point within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial, and private sector partners.)

H.R. 3598 Fusion Center Enhancement Act of 2015: This bill amends the Homeland Security Act of 2002 to revise provisions concerning the Department of Homeland Security (DHS) State, Local, and Regional Fusion Center Initiative. The bill renames it as the Department of Homeland Security Fusion Center Partnership Initiative and changes references to "participating state, local, or regional fusion centers" to references to the "National Network of Fusion Centers," which is defined as a decentralized arrangement of fusion centers intended to enhance individual state and urban area fusion centers' ability to leverage the capabilities and expertise of all fusion centers for the purpose of enhancing analysis and homeland security information sharing nationally.

H.R. 4243 Individual Assistance Improvement Act: This bill requires the Federal Emergency Management Agency (FEMA) to submit to Congress an annual report on recommendations for improving federal assistance for small states and rural areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and additional resources required for such improvements.

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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