

LEGISLATIVE UPDATE

2018 ANNUAL FORUM
SAVANNAH, GEORGIA



SUMMARY

As NEMA members left the Mid-Year Forum in March, Congress appeared ready to spring into action. The House Transportation & Infrastructure Committee moved first ensuring the *Disaster Recovery Reform Act (DRRA)* could hitch a ride on the *FAA Reauthorization Act of 2018 (H.R. 4)*. In a little over a month, the Senate Homeland Security and Governmental Affairs Committee (HSGAC) held a mark-up of their own. NEMA joined forces with several other association and coalitions to encourage action, but a Senatorial hold on the bill due to a dispute over language on duplication of benefits as well as leadership disagreements over how to proceed with H.R. 4 slowed DRRA progress to a crawl.

Meanwhile, House and Senate Appropriators took aim at completing their work prior to the September 30 end of the fiscal year. The Senate struck first completing the mark-up of their bill funding DHS for FY19 in late June. The House needed a bit more time, but held a mark-up just before leaving for the August recess. Despite targeted and persistent prodding from NEMA, IAEM, the National Association of Counties, and Big City Emergency Managers, neither chamber provided the requested five percent increase for EMPG, but the coalition will continue working with the committees throughout the conference process to secure the first programmatic increase since 2012.

Despite lingering questions about the path forward, those interested in the DRRA should remain optimistic about a possible resolution. DHS will likely require a Continuing Resolution to survive through the Mid-Term elections, the outcome of which will guide future action for the bill funding the department. Time will reveal the resolution to these major issues, but the Legislative Committee monitors Congressional activity closely and is pleased to provide this update on events since the last NEMA Forum.

CONGRESSIONAL ENGAGEMENT

In addition to the numerous meetings, calls, and informal engagements required to secure the passage of legislation, NEMA joined with several other associations in recent months to address specific issues currently before Congress.

- While the Appropriations Committees were working on their allocations for FY19, NEMA and IAEM reiterated our support to [House](#) and [Senate](#) Appropriators for the EMPG increase as well as funds for Training & Exercises, Predisaster Mitigation, and EMAC.
- After the Senate completed work on their FY19 Appropriations bill, the lack of the requested EMPG increase prompted NACo and BCEM to join our call and signed onto a follow-up [letter](#) to Senate Appropriators asking them to reconsider during conference.
- NEMA, IAEM, and the International Association of Fire Chiefs submitted a [letter](#) of support for the House to act on the DRRA, which they subsequently voted out of the chamber successfully for the second time.

HEARINGS & MARK-UPS

In July, [Patrick Sheehan \(TN\)](#) represented NEMA before the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management. The title of the hearing was “Are We

Ready? Recovering from 2017 Disasters and Preparing for the 2018 Hurricane Season.” The purpose of this hearing is to understand the status of the recovery from the 2017 disaster season, including hurricanes and wildfires, and efforts to prepare for the 2018 Hurricane Season.

Sheehan’s testimony primarily focused on building capacity at the state and local levels through programs such as Emergency Management Performance Grants (EMPG); the importance of mitigation and enhancing preparedness; and NEMA-supported provisions of the Disaster Recovery Reform Act (DRRA). Key provisions of the DRRA include providing six percent of disaster costs for predisaster mitigation, increasing the management cost limits, and programmatic changes such as shifts in cost-share amounts for hazard mitigation and limiting deobligation activity.

Other notable hearings and mark-ups include:

- House Energy; April 11; [Update on the Restoration of Puerto Rico’s Electric Infrastructure](#). Examined the recovery in Puerto Rico. Focused on the private sector energy industry involvement.
- Senate Homeland Security & Governmental Affairs; April 24; [Mitigating America’s Cybersecurity Risk](#). Examined the effectiveness of Federal cyber-programs at DHS on mitigating cybersecurity risk.
- House Energy & Commerce; May 30; [Examining the Reauthorization of the Pandemic and All-Hazards Preparedness Act](#). A mark-up for the Pandemic and All-Hazards Preparedness Act (PAHPA).
- House Science, Space, & Technology; May 31; [Reauthorizing the National Earthquake Hazards Reduction Program](#). A review of the National Earthquake Hazards Reduction Program (NEHRP) including the strengths, weaknesses, and challenges of the 40-year interagency effort, and to receive recommendations for future reauthorization of the program.
- Senate Homeland Security & Governmental Affairs; June 13; A mark-up of [DRRA](#) (S. 3041).
- House Homeland Security; June 19; [Opioids in The Homeland: DHS Coordination With State and Local Partners To Fight The Epidemic](#). A field hearing to better understand how DHS is creating a force multiplier to combat the opioid epidemic by partnering with state and local entities.
- Senate Appropriations; June 21, [FY19 Funding for DHS](#). The Senate completed their work on funding the department for FY19. FEMA was largely funded at FY18 levels with few additions such as including \$15 million to resurrect the Catastrophic Regional Planning Grants.
- Senate Energy & Natural Resources; July 5; [Examine the 2018 Wildland Fire Outlook and Wildland Fire Management Programs](#). This hearing examined the 2018 Wildland Fire Outlook and the Wildland Fire Management Programs at the Department of the Interior and the U.S. Forest Service.
- House Energy & Commerce; July 13, [Realizing the Benefits of Rural Broadband: Challenges and Solutions](#). A hearing to examine the accomplishments of the Subcommittee as it relates to rural broadband promotion and consider additional steps that may be taken to further close the digital divide.
- House Homeland Security; July 11; [DHS’s Progress in Securing Election Systems and Other Critical Infrastructure](#). This hearing examined the work that DHS is doing to assist state and local officials to secure election infrastructure, including voting machines, vote tallying systems, and voter databases as well as DHS’s role working across all 16 critical infrastructure sectors.
- House Natural Resources; July 25; [Management Crisis at the Puerto Rico Electric Power Authority and Implications for Recovery](#). This hearing sought to address the need for legislation to resolve the ongoing issues regarding Puerto Rico recovery and the Puerto Rico Electric Power Authority.
- House Appropriations; July 25; FY19 Funding for DHS. While the House did a mark-up for FY19, the final bill has not yet been filed, so a complete summary is not available. Like the Senate, the draft version of the bill funds FEMA at FY18 levels with small increases for both the state homeland and urban area grants. A sizeable increase in funding for the border wall (\$5 billion) will likely delay further action on DHS funding until after the mid-term elections.
- House Homeland Security; July 25; [Using Innovative Technology and Practices to Promote a Culture of](#)

Preparedness. This hearing called upon DHS and the National Institute of Standards and Technology (NIST) to outline their efforts to develop innovative policies and technology to better prepare, equip, and train first responders and the public to mitigate and address cyber-threats.

- Senate Homeland Security & Governmental Affairs; August 22; [Pete Gaynor Nomination Hearing](#). A hearing to consider Gaynor’s nomination for Deputy Administrator of FEMA.

CAPITOL HILL HIGHLIGHTS

♦ FY19 FUNDING FOR DHS REMAINS UNCLEAR ♦

Despite both the House and Senate Appropriations Committees showing good forward progress on their respective bills for FY19, the overall strategy may leave them one of the odd-men out. All eyes appear focused on nine of the other 12 Appropriations bills to make significant progress before the end of the fiscal year on September 30. In all likelihood, DHS will join several of the other Appropriations bills in a Continuing Resolution (CR) which will allow Congress to await the outcome of the mid-term elections. Once the House and Senate do begin work on negotiating funding for DHS in FY19, the additional \$5 billion included by the House for funding of the border wall will likely be one of the most contentious issues. In total, the House recommends \$11.93 billion for FEMA compared to the Senate’s \$11.69. Both provide \$7.2 billion, as requested, for the Disaster Relief Fund (DRF). In general, the agency is level-funded from FY18 enacted. Based on the House bill still in “draft” form, the highlights include:

- \$10 million increase by the House for Urban Search and Rescue Teams;
- \$31 million increases by the House to both the State Homeland Security Grants and Urban Area Security Initiative;
- Both chambers maintaining the expanded eligibility established in FY18 of the Non-Profit Security Grant Program;
- \$15 million by the Senate to resurrect the Regional Catastrophic Planning Grants, not funded since 2011, and;
- \$15 million in new funding by the Senate to fund the Rehabilitation of High Hazard Potential Dams.

A full summary of both bills will be available upon the release of the final version of the House bill.

♦ OPTIMISM REMAINS FOR FUTURE OF DISASTER BILL ♦

First introduced in November 2017, the Disaster Recovery Reform Act (DRRA) includes dozens of provisions addressing various aspects of response and recovery programs at FEMA. The House originally introduced the DRRA and passed the legislation twice; once in September with the FY18 Supplemental and again in May with [H.R. 4](#) the *FAA Reauthorization Act of 2018*. It was ultimately stripped from the Supplemental but was sent to the Senate as part of H.R. 4.

Approximately six weeks later, the Senate marked-up their own version of the bill ([S. 3041](#)). The two versions are similar in content. NEMA joined associations such as IAEM, the International Association of Fire Chiefs, National Association of Counties, the Association of State Floodplain Managers, and others in supporting the passage of the DRRA overall while specifically calling out provisions we support or wish to see changed. Key provisions of the DRRA include providing six percent of disaster costs for predisaster mitigation, increasing the management cost limits, and programmatic changes such as shifts in cost-share amounts for hazard mitigation and limiting deobligation activity.

Upon returning from August recess, House and Senate staff began negotiating the final package. At the time of this update, work continues on the two versions of the bill, but questions remain about the outcome as it will require a legislative vehicle to ultimately make it to the President’s desk.

♦ PENDING LEGISLATION STILL BEING TRACKED ♦

[S. 2852](#) and [H.R. 6378](#)—*Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPA)*: Reauthorizes certain programs under the Pandemic and All-Hazards Preparedness Reauthorization Act, and most notably codifies a regional public health response system. The House version codifies the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE), which coordinates federal efforts to enhance CBRN and emerging infectious diseases preparedness via medical countermeasures (MCM). The Office of the Assistant Secretary for Preparedness and Response ASPR would be placed as the chair of PHEMCE. STATUS: House version passed mark-up.

[S. 3238](#) and [H.R. 6427](#)—*Reliable Emergency Alert Distribution Improvement Act of 2018 (READI)*: Directs FEMA to share best practices with state, local and tribal authorities on avoiding and retracting false alerts. It would also mandate that the FCC track false alerts. STATUS: House version still in mark-up.

[S. 2800](#)—*America's Water Infrastructure Act of 2018*: Requires the U.S. Army Corps of Engineers to responsibly manage non-Federal dollars by either applying excess funds to another project by the same sponsor or refunding the money and holds them financially accountable for any failures to complete studies and reports called for in the legislation in a timely manner. STATUS: Passed mark-up, placed on Legislative calendar.

[H.R. 8](#)—*Water Resources Development Act of 2018*: Strips a provision from the Senate bill that would reauthorize the Water Infrastructure Finance and Innovation Act which provides low-cost loans for major water and wastewater projects. STATUS: Passed House vote.

[H.R. 2825](#)—*Department of Homeland Security Authorization Act*: Reauthorizes the Department's programs. Establishes the positions of Chief Procurement Officer and Chief Security Officer; and includes acquisition management with the responsibilities of the Under Secretary for Management. DHS must also establish an Acquisition Review Board to: strengthen accountability and uniformity within the DHS acquisition review process, review major acquisition programs, and review the use of best practices. STATUS: Passed House vote.

[H.R. 6430](#)—*Securing the Homeland Security Supply Chain Act of 2018*: Authorizes DHS to restrict certain procurements related to information technology and associated products if the vendor poses a threat to DHS's supply chain. STATUS: Passed House vote.

[H.R. 6650](#)—*National Earthquake Hazards Reduction Program Act of 2018 (NEHRP)*: House companion to S. 1768 introduced last year which authorizes the program. The Senate version does not address funding, while the House version raises the five-year funding from \$8.67 million to \$9.39 million. STATUS: Still in mark-up.

[NFIP Reauthorization](#)—Congress passed seven extensions of the National Flood Insurance Program this past year and has been recently extended through November 30. A long-term extension seems highly unlikely with all the other priorities existing.

This summary is provided courtesy of the NEMA Legislative Committee. Should you have any questions, please feel free to contact the following NEMA staff:

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