

# LEGISLATIVE UPDATE

2019 ANNUAL FORUM  
COEUR D'ALENE, IDAHO



## SUMMARY

As 2019 has continued so too has political drama dominated the headlines in relation to Congress and Washington, D.C. The President's mercurial relationship with the Hill has been the source of many dust-ups this year which have overshadowed much of the regular business Congress conducts.

Following the 35-day federal shutdown to start the New Year, Congress operated on an abbreviated schedule to pass legislation, including a disaster aid supplemental and reauthorizing pandemic and all-hazards preparedness for public health security.

Unfortunately, the FY2020 Appropriations process has followed a similar path to FY2019, with significant controversy around border wall construction. The House got out of the Appropriations gate first completing most of their mark-ups by the August Recess. The Senate stalled, however, pending the resolution of an overall budget deal which Congress and the White House finally reached around the same time. Fortunately, the past six weeks saw the Senate pick-up the pace and begin marking-up bills of their own. This included completion of the DHS Appropriation the last week of September. But until both sides can begin negotiating on the final version of a full-year deal, a Continuing Resolution will maintain current funding levels until November 21. The big news out of the House and Senate action was proposed increases to EMPG by both. The House offered a \$25 million and the Senate followed suit with a proposed \$5 million increase of their own. Continued outreach with Congress will be imperative to ensure the Senate sees the wisdom of the House's proposal.

FEMA Administrator Brock Long resigned in March, shortly after the NEMA Mid-Year Forum. It is now expected that current Acting FEMA Administrator Pete Gaynor will be formally nominated to be the permanent Administrator in the coming months. In the meantime, the important work of engaging law makers on emergency management issues continues. The success of these efforts is in no small part to the individual relationships built by NEMA members among the Members of Congress.

## 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.



- NEMA met with Congressional staff on legislative proposals such as creating permanent teams at FEMA to conduct Preliminary Damage Assessments and enhance the information collected regarding pets in disasters. The Legislative Committee is reviewing both these bills for consideration.
- Throughout the appropriations process, NEMA has conducted regular meetings, calls, and attended mark-ups with House and Senate Appropriations Committee staffs as they worked toward their respective versions of the FY20 Appropriations bills for DHS. Successes include increases for EMPG in both bills and directed funding for EMAC.

- Participated regularly with the Hazards Caucus Alliance in support of the Congressional Hazards Caucus. The goal of the Caucus is to develop a wider understanding within Congress that reducing the risks and costs of natural disasters is of public value.
- As new staff joined Congressional offices and committees, NEMA conducted several introductory meetings to go over NEMA priorities and provide subject matter expertise on a range of technical issues.
- Throughout the year, NEMA partners with other stakeholder associations on efforts such as the Council of Governors, Stafford Act Coalition, and Flood Map Coalition in representing myriad issues before Congress.



## HEARINGS & MARK-UPS

In May, NEMA Vice President Sima Merick (OH) testified before the House Transportation & Infrastructure (T&I) Subcommittee on Economic Development, Public Buildings, and Emergency Management. The hearing examined [DRRA Implementation and FEMA Readiness](#). The hearing was split into two parts, one featuring Dan Kaniewski, Deputy Administrator for Resilience at FEMA as a one man show on the speed of DRRA implementation; perceived lack of attention to the effects of climate change; and at times painstaking nuance to individual project cases. The other panel featured Merick and other state and local representatives of emergency management.

Merick's testimony focused on the nexus of state, local, and federal preparedness capabilities to create a more resilient nation, how states build capacity through state-funded assistance programs, the Emergency Management Assistance Compact, and the assistance of programs including the Emergency Management Performance Grant (EMPG).

### Other notable hearings and mark-ups include:

- House Appropriations Committee; June 11; Making FY20 Appropriations for FY20.
  - Mired amidst debates of border security, the committee completed work on behalf of the House on FY20 Appropriations for DHS. A summary was sent to all NEMA members and highlights included substantive increases to almost every grant program.
- House Homeland Security; June 12; [Assessing FEMA's Readiness for Future Disasters](#).
  - Primarily discussed the enduring qualified workforce shortage at FEMA and how FEMA has worked to implement recommendations made for better disaster response after the 2017 hurricane season.
- House Homeland Security; July 11; *Road to Recovery: [Puerto Rico and the U.S. Virgin Islands After Hurricanes Irma and Maria](#)*.
  - Representatives from Puerto Rico, the Virgin Islands, and GAO testified regarding the status of the islands two years after the hurricanes.

- Senate Homeland Security and Governmental Affairs; July 25; Examining [State and Federal Recommendations for Enhancing School Safety Against Targeted Violence](#).
  - Panelists testified regarding safety recommendations developed after the shooting at Marjory Stoneman Douglas High School in Florida and from academic research.
- Senate Appropriations Committee; September 26; Making FY20 Appropriations for FY20.
  - The Senate delayed their Appropriations action somewhat while awaiting a final budget deal. Not to let the House take all the attention for debates on border issues, the upper chamber had similar discussions during both full and subcommittee mark-ups. Interestingly, however, the political rhetoric appeared more bipartisan than in other recent mark-ups regarding border security.

## CAPITOL HILL HIGHLIGHTS

### CONGRESS PASSES CONTINUING RESOLUTION

After months of delays and stalemates, Congress agreed to maintain current federal funding levels after the conclusion of FY19 on September 30, 2019, via a Continuing Resolution (CR) that will continue to keep the government funded through November 21. As part of the resolution, the National Flood Insurance Program is also extended.



Both the House and Senate Appropriations Committees have submitted their FY2020 Appropriations bills for funding the Department of Homeland Security to their respective full chambers, but there are significant differences in appropriated funding for border security and border wall construction. This is expected to present a significant challenge to the conference committee to reconcile the bills to the level required for passage by both chambers before the end of this Continuing Resolution on November 21 and could push full appropriations even deeper into FY20. Many are even speculating on the possibility of a full-year CR.

At present, the House is recommending an overall increase in EMPG funding by \$25 million, while the Senate is recommending a \$5 million increase. This is one of the many details that will need to be ironed out for the appropriations bills to be voted upon, but recommended increases in both chambers are a promising sign for emergency management.

### NFIP FUNDING EXTENDED THROUGH CONTINUING RESOLUTION

This year the National Flood Insurance Program has been extended several times this year without a full reauthorization. Back in June, to prevent it from lapsing, Congress extended it for a brief period while finishing negotiations for the summer's disaster aid bill, and then once again until the fiscal year deadline on September 30. To once again prevent a lapse in funding, the NFIP was extended as part of the CR that keeps the government funded until November 21.

The program does remain approximately \$25 billion in debt and structurally challenged to meet the needs of homeowners around the country. New risk ratings are expected in October 2020 which may significantly impact the cost of flood insurance policies, but until then, both the House and Senate are considering proposals for updates to the complex and financially distressed program. One of the biggest sticking points is how to make the program fiscally sound while also remaining accessible to lower income constituents. Surely, no easy task.



## KEY LEGISLATION

NEMA tracks all legislation that impacts emergency management and homeland security. The bills below are the most significant pieces of legislation NEMA is tracking and represent the most critical issues of which Directors should be aware.

- [S. 2582](#) – Department of Homeland Security Appropriations Act, 2020: This bill appropriates funds to DHS for all programs and purposes. It provides \$17.3 billion overall for disaster relief and \$5 billion for border wall construction. It contains a \$5 million increase in EMPG funding.
- [H.R. 3931](#) – Department of Homeland Security Appropriations Act, 2020: This bill appropriates funds to DHS for all programs and purposes. It provides \$14.5 billion for the Disaster Relief Fund and no money for border wall construction. It contains a \$25 million increase in EMPG funding.
- [H.R. 4358](#) – Preliminary Damage Assessment Improvement Act of 2019: This bill requires FEMA to report the average amount of time disaster assessment teams are deployed to a disaster and to establish a cadre of full-time employees to conduct PDAs.
- H.R. DRAFT – Pet AID Act: This bill has not been introduced yet in 2019. It amends the Stafford Act to require that the total number of animals sheltered and their species, age, circumstances of arrival at a shelter in a disaster.
- [S. 1790](#) – National Defense Authorization Act for Fiscal Year 2020: This bill authorizes all programs and purposes for the Department of Defense and National Guards. S. 1790 is used as a conference for [H.R. 2500](#).

*This summary is provided courtesy of the NEMA Legislative Committee. Should you have any questions, please contact NEMA Deputy Director, Matt Cowles at 202-624-5459 or [mcowles@csg.org](mailto:mcowles@csg.org) or NEMA Policy Analyst, Lauren Goodwillie at 202-624-5458 or [lgoodwillie@csg.org](mailto:lgoodwillie@csg.org).*