

# LEGISLATIVE UPDATE

2019 MID-YEAR FORUM  
ALEXANDRIA, VIRGINIA



## SUMMARY

For those who enjoy the high drama of politics and governing at the Federal level, the time since the Annual Forum did not disappoint. One of the highlights from Savannah was learning the President signed the long-awaited Disaster Recovery Reform Act (DRRA). NEMA worked tirelessly in helping secure the final passage of this legislation, and the relief of legislative work done quickly lead to discussing implementation.

A few short weeks later, the political winds shifted, and the country sent a new majority to run the House of Representatives. This precipitated a frantic attempt to finalize outstanding Appropriations bills, but as Christmas decorations began appearing, the chances of finding that elusive deal disappeared. The longest shut-down in the history of the Federal government began on December 22 and despite myriad last-second deals being tossed on the table, no deal was found, and D.C. foundered for 35 days.

The impasse ultimately lead to a deal on the remaining Appropriations bills and central issue of border wall construction. Unfortunately, no sooner did we overcome that hurdle than pundits pointed to the FY20 budget process as the time for a similar stalemate. As the Administration rolled-out the budget request on March 18, border security once again played a key role. Few surprises lurked in the FEMA budget. Similar to previous years, grants took significant cuts, the Disaster Relief Fund is healthy once more, and they float the idea of mean-testing the National Flood Insurance Program.

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.

- Throughout the month-long government shut-down, NEMA monitored progress and communicated with the Appropriations Committees about the impact to emergency management and homeland security efforts across the country.
- With the change in the majority in the House, NEMA joined with IAEM in conducting several introductory meetings with either new Hill staff or those recently shifting into the majority/minority. At this time, we held meetings with most major committees with jurisdiction over NEMA priorities.
- Throughout the year, NEMA partners with other stakeholder associations on efforts such as the Hazards Caucus Alliance, Stafford Act Coalition, and Flood Map Coalition in representing myriad issues before Congress.

## HEARINGS & MARK-UPS

Given the change in Congressional leadership on the House side, incomplete Appropriations process, and month-long government shut-down, the hearing and mark-up schedule was light since the Annual Forum. NEMA did provide some support, however, to the New Jersey Office of Emergency Management as they accepted an invitation to testify before the House Homeland Security Subcommittee on Emergency Preparedness, Response, and Recovery. Major

Louis Bucchere represented the state on March 13 at a hearing entitled [\*Improving the Federal Response: Perspectives on the State of Emergency Management\*](#). Other representatives came from Monroe County Florida, the American Federation of Government Employees, and the NYPD.

The day before New Jersey took to the witness table, Acting FEMA Administrator Pete Gaynor testified before the House Appropriates Subcommittee on Homeland Security. During the hearing entitled [\*Update on Recovery Efforts for 2017 and 2018 Disaster\*](#), Gaynor highlighted some key themes and lessons learned as well as preparedness effort for 2019.

Other notable hearings and mark-ups include:

- House Financial Services; March 26; [\*The Administration of Disaster Recovery Funds in the Wake of Hurricanes Harvey, Irma, and Maria\*](#). This hearing was scheduled prior to the publishing of this report, so a summary is not yet available.
- House Appropriations; March 13; [\*Securing Federal Networks and State Election Systems\*](#). Primarily discussed the work of the Cybersecurity and Infrastructure Security Agency at DHS and their effort to secure Federal networks and address election security issues.
- House Financial Services; March 13; [\*Preparing for the Storm: Reauthorization of the National Flood Insurance Program\*](#). Two panels, one comprised of law makers and the other of interest groups testified on priorities for the reauthorization of NFIP.
- Senate Homeland Security and Governmental Affairs; March 5; [\*Nomination of Joseph Cuffari to be Inspector General, U.S. Department of Homeland Security\*](#). Cuffari previously served in the Air Force Office of Special Investigations, the Department of Defense Office of the Inspector General, and the Department of Justice Office of the Inspector General.
- House Oversight and Government Reform; November 28; [\*Evaluating Federal Disaster Response and Recovery Efforts\*](#). In long-awaited testimony, (former) FEMA Administrator Brock Long appeared before the committee to discuss the response to the 2017 hurricanes.

## CAPITOL HILL HIGHLIGHTS

### ♦ THE 35 DAYS OF SILENCE ♦

From midnight December 22, 2018, through January 25, 2019, eight Federal government departments, portions of two more, and the Executive Office of the President went through the longest shut-down in history. The stand-off centered mainly on the President's request for \$5.7 billion in funding for the construction of a border wall. While most of the unfinished Appropriations bills at that time remained in a holding pattern, the legislation funding DHS lingered with unanswered questions and potential movements for funding priorities across the remainder of the bill. In the end, Congress funded most programs at expected levels (based on previously-known House and Senate numbers). Funding the border wall, however, will remain an issue into FY20 with an anticipated request for another \$8.6 billion. The threat of another shut-down during the FY20 negotiations remains a distinct possibility, and when coupled with the lack of a budget deal for the coming fiscal year, we are likely to either see funding remain stagnant or endure another lapse in funding.

### ♦ CONGRESS FINALIZES DEAL ON FY19 APPROPRIATION ♦

After months of delays and stalemates, last week Congress presented to the President a final agreement for funding the Department of Homeland Security through the balance of FY19 (September 30, 2019). This agreement included funding for several other departments which were primarily delayed due to the protracted shutdown. The bill provided substantial increases over FY18 funding levels, predominately for border and immigration activities. The largest benefactors were Customs and Border Protection, Immigration and Customs Enforcement, and the U.S. Secret Service.

In total, Congress provided \$16.6 billion for FEMA, of which \$12.6 billion is for the Disaster Relief Fund (DRF). When considering non-disaster funding, FEMA received approximately \$100 million below FY18 levels. Highlights from the bill include:

- \$10 million for recapitalization of Urban Search and Rescue (USAR) equipment;
- \$10 million to resurrect the Regional Catastrophic Planning Grant;
- Funding and flexibility to implement the new Predisaster Mitigation Program created in the Disaster Recovery Reform Act;
- \$5 million increase for Operation Stonegarden, and;
- Continuing the \$10 million carve-out of the State Homeland Security Grant to expand eligibility of the Non-Profit Security Grant Program.

#### ♦ STAKEHOLDERS BEGIN DISCUSSING DISASTER REFORMS ♦

In December, the National Conference of State Legislatures (NCSL) held a convening in Washington, D.C. of various Federal and state emergency management stakeholders. The event kicked off with a Q&A with FEMA Administrator Brock Long. He looked back on his year at the agency, lamenting the struggles but praising the successes while discussing the hurricanes and wildfires that afflicted so much of the country. NEMA's Government Relations team was invited and presented during a session on emergency management in Congress. NEMA Deputy Director Matt Cowles and House Transportation and Infrastructure Committee Counsel Pam Williams were on the panel. Both Cowles and Williams praised the passage of the Disaster Recovery Reform Act (DRRA) and noted how it was a group effort of state and Federal partners working in tandem. They both echoed the importance of planning ahead on how to move the vast sums of money coming available and the importance of strong mitigation planning. Discussion of the coming programmatic changes also prompted the group to discuss the danger of allowing large balances to accumulate in the new Pre-disaster Mitigation program and encouraged legislators to work with their state emergency management directors in ensuring adequate plans are in place to move projects quickly.

#### ♦ NEHRP REAUTHORIZATION PRESENTED TO PRESIDENT ♦

On December 12, 2018, the President's signature officially changed S. 1768, *The National Earthquake Hazards Reduction Program (NEHRP) Act* to Public Law 115—307. NEMA joined several other groups in supporting the bill and hope to see its passage. Key provisions of the bill include:

- Permanently reauthorizes the National Earthquake Hazards Reduction Program (NEHRP).
- Removes outdated language related to earthquake prediction and instead emphasizes the continued development of earthquake early warning systems through the Advanced National Seismic System.
- Requires the production of a set of maps showing active faults and folds, liquefaction susceptibility and other hazards that can be induced by an earthquake, such as landslides.
- Enhances coordination among federal agencies, and with state agencies.
- Provides clear direction to the four federal agencies charged with overseeing NEHRP – the National Institute of Standards and Technology, FEMA, the U.S. Geological Survey, and the National Science Foundation – to continue working with states and private sector experts on performance-based design features.
- Directs FEMA to implement a grant program to assist states with incorporating earthquakes in their hazard reduction portfolios.

This summary is provided courtesy of the NEMA Legislative Committee. Should you have any questions, please feel free to contact NEMA Deputy Director, Matt Cowles at 202-624-5459 or [mcowles@csg.org](mailto:mcowles@csg.org)