



LEGISLATIVE UPDATE

FY23 Appropriations Bill & Report – House Appropriations

TO: NEMA State Directors
FROM: NEMA Legislative Committee
DATE: June 27, 2023
SUBJECT: FY23 House Appropriations Bill and Report

On Friday, the House Appropriations Committee completed work on their version of the funding bill for the Department of Homeland Security (DHS) for FY23 through September 30, 2023. The “next steps” are foggy at best. Media reports indicate the Senate Appropriations Committee intends to follow suit sometime this summer, but whether DHS remains as a package moving forward is uncertain. Most pundits envision a series of Continuing Resolutions (CR) until sometime after the mid-term elections and Congress can assess how to proceed based on those results.

DHS-WIDE SUMMARY

The bill provides total funding of \$85.67 billion, including \$60.3 billion within the subcommittee’s funding allocation, \$19.95 billion for major disaster response and recovery, and \$5.4 billion that is offset by fee collections. The total within the subcommittee allocation is \$2.7 billion above fiscal year 2022.

Highlights include:

- An increase of \$894 million above FY22 enacted for Customs and Border Control (CBP) including officers, technology, and infrastructure.
- \$138 million above FY22 enacted for Immigration and Customs Enforcement (ICE) to improve border investigations, enhance task forces, and combat cyber-crimes.
- The Coast Guard is recommended for a \$904 million increase primarily for continued vessel acquisition.
- An increase of \$77 million for Science & Technology for research and development, University Centers of Excellence, and the Minority Service Institutions Program.

Cybersecurity and Infrastructure Security Agency (CISA)

The bill includes \$2.93 billion for CISA, an increase of \$334.1 million above the FY 2022 enacted level and \$417.1 million above the request. Highlights potentially impacting states and locals include:

- \$15 million above the request for the development of a pilot program to make available scalable commercial cybersecurity shared services that critical infrastructure entities can utilize to detect and prevent cybersecurity threats and mitigate vulnerabilities more effectively. These shared services may include both capabilities currently provided to federal civilian agencies and new services tailored to address specific cybersecurity risks facing critical infrastructure.

- The Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA) (Public Law 117–103) mandates that CISA publish a Notice of Proposed Rulemaking to implement mandatory cyber incident reporting for all critical infrastructure owners and operators. A subset of these owners and operators, to be defined in the rulemaking, will be required to report any cyber incident to CISA within 72 hours and any ransom payment within 24 hours. To support CISA’s rulemaking, outreach, receiving and sharing reports, analyses, and report aggregation requirements as required by CIRCIA, the recommendation provides \$45 million above the request.
- The recommendation includes \$6 million above the request for attack surface visibility and national vulnerability incident response to improve situational awareness of internet-accessible attack surfaces related to non-federal, critical infrastructure and SLTT networks. This situational awareness will enable proactive vulnerability notification and other targeted services to these entities that voluntarily subscribe to applicable CISA-provided services.
- \$38 million is recommended for the Multi-State Information Sharing and Analysis Center (MS-ISAC).
- The recommendation includes \$41 million above the FY22 enacted level to further increase CISA’s threat hunting capabilities, to include optimizing threat hunting operations, intelligence analysis, and threat actor persona and campaign modeling. This funding is intended to increase CISA’s capacity to support defensive cyber operations and incident response across federal civilian agencies and non-federal networks, including SLTT governments and critical infrastructure organizations, and to support faster development of proactive guidance based on intelligence and learned behaviors after the positive identification of a compromise.
- The recommendation includes \$6 million above the request to allow CISA to expand its school safety services and product offerings to better serve districts across the country.

Federal Emergency Management Agency (FEMA)

The bill includes \$25.89 billion for FEMA, \$1.73 billion above the FY 2022 enacted level and \$771.3 million above the request. A breakdown of the major report language includes:

Operations & Support

- *Emergency Management Assistance Compact (EMAC)*. By way of its inclusion in the budget request, the Committee provides \$2 million for EMAC. The following report language is also included:
 - “The Committee has heard concerns from states about FEMA’s interest in placing additional requirements on EMAC related to the National Qualification System (NQS) that may unnecessarily burden EMAC and its users. The Committee supports the NQS and recommends the proposed increase for the One Responder System and NQS. However, the funding enhancement for NQS should not be construed to in any way support activities that interfere with the state-to-state relationship afforded through EMAC or place requirements on the Compact administrator related to NQS. In any furtherance of NQS, FEMA should ensure stakeholder input is incorporated into final guidance and processes and that the Compact is in no way hindered by NQS requirements.”

- *Benefit-Cost Analysis.* Requires FEMA to provide a briefing on the current BCA toolkit and provide recommendations for overcoming any limitations in utilizing the program.
- *Earthquake Preparedness.* Requires FEMA to provide a briefing on work with state emergency management agencies in the Cascadia Subduction Zone to ensure adequate planning and capacity to mitigate the loss of life and property resulting from an earthquake.
- *Hazard Mitigation Planning Resources.* Requires FEMA to analyze, consolidate, and streamline its publicly available Hazard Mitigation Planning resources to increase accessibility and utility for communities, to include a concise, actionable list of mitigation steps that communities can take to make their energy systems more resilient and renewable.
- *EMAP & CEM.* The recommendation includes increases above the request of \$305,000 for the Emergency Management Accreditation Program (EMAP) and \$370,000 for the Certified Emergency Manager (CEM) program.

Federal Assistance

- *Preparedness Grants.* A chart outlining funding levels for all the grant programs is included with this summary.
- *Management Costs for Community Funded Projects (Earmarks).* The bill includes a provision recommending up to \$22 million for management and administration of earmarked projects.
- *Management Costs for Non-Profit Grants.* With the continued expansion of the Non-Profit Security Grant Program (NSGP), a provision is included allowing states to utilize part of the NSGP funding for administration costs.
- *Continuing Training.* Of the \$12 million provided, \$3 million will be competitively awarded for FEMA-certified rural and tribal training. The balance is to support competitively awarded training programs to address specific national preparedness gaps such as cybersecurity, economic recovery, housing, and rural and tribal preparedness.
- *Next Generation Warning System (NGWS).* The Committee recommends \$40 million for NGWS, which is part of IPAWS. FEMA is directed to work with the Corporation for Public Broadcasting to implement the program.
- *School Safety.* Report language reiterates the availability of SHSGP funds which can be used for bullet resistant doors and glass; hinge-locking mechanisms; immediate notification to emergency 911 systems; mechanisms that provide real-time actionable intelligence directly to law enforcement and first responders; installation of distraction devices or other countermeasures; and other measures determined to improve school physical security.

Disaster Relief Fund

The Disaster Relief Fund (DRF) is funded at the full amount requested based on estimates of expenditures in the coming year (\$19.7 billion). This is \$1.1 billion over the FY22 enacted level. Language specific to the DRF includes:

- *De-Energization During Wildfires.* The Committee encourages FEMA to reimburse the cost of generators for individuals who are affected by de-energization protocols implemented as a result of a presidentially declared major disaster.
- *Disaster Recovery Reform Act (DRRA) Implementation.* Report language admonishes FEMA for the slow implementation of some DRRA provisions. A number of provisions in the Act that were immediately effective or have overdue statutory deadlines have still not been implemented,

including section 1215 on Management Costs, section 12221 on Closeout incentives, and section 1235 on Additional Mitigation Activities. While the Committee recognizes that the operational burdens of FEMA's response to the pandemic have contributed to delays, the Committee directs FEMA to implement these provisions expeditiously.

- *Insurance Not Required by the Stafford Act.* Report language directs FEMA to inform the Committee on whether the purchase or maintenance of insurance by and SLTT government that is not otherwise required under the Stafford Act will impact a recommendation by FEMA to the President to declare a Major Disaster; or negatively impact the amount of federal public assistance the entity is eligible to receive.
- *Wildfire Preparedness.* The Committee requires FEMA to brief them on preparedness efforts related specifically to wildfire season to include eligibility for the repositioning of equipment and staff and timelines for reimbursements under major disaster and emergency declarations, as well as through Fire Management Assistance Grants.

USEFUL LINKS:

[Committee Summary](#)

[Bill Language](#)

[Report Language](#)

[List of Congressionally Directed Spending](#)

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

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FEDERAL EMERGENCY MANAGEMENT AGENCY

| <i>(in millions)</i> | FY22 Enacted | FY23 Requested | FY23 House |
|--|-------------------------|---------------------------|-----------------------|
| Operations & Support | 1,246 | 1,378 | 1,414 |
| Procurement, Construction, and Improvements | 210 | 190 | 204 |
| Federal Assistance | 3,633 | 3,530 | 4,052 |
| State Homeland Security Grant Program | 645 | 616 | 520 |
| <i>Operation Stonegarden</i> | <i>(90)</i> | <i>(90)</i> | <i>(90)</i> |
| <i>Tribal Homeland Security Grants</i> | <i>(15)</i> | <i>(15)</i> | <i>(15)</i> |
| <i>Non-Profit Security Grant Program</i> | <i>(125)</i> | <i>(180)</i> | <i>(180)*</i> |
| Urban Area Security Initiative | 740 | 711 | 615 |
| <i>Non-Profit Security Grant Program</i> | <i>(125)</i> | <i>(180)</i> | <i>(180)*</i> |
| Public Transportation Security Assistance | 105 | 100 | 105 |
| Port Security | 100 | 100 | 100 |
| Assistance to Firefighters (SAFER/AFG) | 720 | 740 | 740 |
| Emergency Management Performance Grants (EMPG) | 355 | 355 | 370 |
| Critical Infrastructure Cybersecurity Grant Program | -- | 80 | -- |
| RiskMAP | 275 | 350 | 350 |
| Regional Catastrophic Preparedness Grants | 12 | 12 | 12 |
| High Hazard Potential Dams | 12 | 0 | 0 |
| Emergency Food & Shelter | 130 | 154 | 280 |
| Next Generation Warning System | 40 | 0 | 40 |
| Community Project Funding/Congressionally Directed Spending^ | 205^ | 0 | 248^ |
| Alternatives to Detention Case Management (by transfer) | 15 | 5 | 20 |
| Targeted Violence and Terrorism Prevention (by transfer) | 20 | 20 | 20 |
| Training & Exercises | 293 | 312 | 312 |
| <i>Center for Domestic Preparedness</i> | <i>(68)</i> | <i>(71)</i> | <i>(71)</i> |
| <i>Center for Homeland Defense and Security</i> | <i>(18)</i> | <i>(18)</i> | <i>(18)</i> |
| <i>Emergency Management Institute</i> | <i>(22)</i> | <i>(31)</i> | <i>(31)</i> |
| <i>U.S. Fire Academy</i> | <i>(53)</i> | <i>(58)</i> | <i>(58)</i> |
| <i>National Domestic Preparedness Consortium</i> | <i>(101)</i> | <i>(101)</i> | <i>(101)</i> |
| <i>Continuing Training</i> | <i>(12)</i> | <i>(12)</i> | <i>(12)</i> |
| <i>National Exercise Program</i> | <i>(20)</i> | <i>(21)</i> | <i>(21)</i> |
| Disaster Relief Fund (DRF) | 18,799 | 19,740 | 19,945 |
| Base Disaster Relief | 0** | 0** | 0** |
| Disaster Cap Adjustment | 18,799 | 19,740 | 19,945 |
| <i>Rescission of Prior Year Funds</i> | <i>(148)</i> | <i>(0)</i> | <i>(0)</i> |

* Nonprofit Security Grant funding moved from UASI and SHSGP accounts to separate Nonprofit Security Grant account by HAC for FY23

** Utilizes carryover balances from previous year

^ Detailed list sent under separate cover