



LEGISLATIVE UPDATE

FY23 Appropriations Bill & Report – Senate Appropriations

TO: NEMA State Directors
FROM: NEMA Legislative Committee
DATE: August 2, 2022
SUBJECT: FY23 Senate Appropriations Bill and Report

Last week, the Senate Appropriations Committee released draft versions of their bill and report funding bill for the Department of Homeland Security (DHS) for FY23 through September 30, 2023. This concept of “releasing” (vice passing) the bill and report text has been routine the past few years by the committee. Given the actions of the House a month ago, the future of Appropriations for FY23 appear to be headed for a Continuing Resolution (CR) at least until after the mid-term elections.

DHS-WIDE SUMMARY

The bill recommends a discretionary funding level of \$59.9 billion, \$2.4 billion above FY22 enacted levels. Highlights include:

- A \$1.7 billion increase for Customs and Border Protection to increase personnel and make investment in land ports of entry.
- \$119 million reduction to Immigration and Customs Enforcement, a significant amount attributable to reduced detention beds.
- The \$475 million increase to the U.S. Coast Guard is predominantly for the recapitalization and modernization of the sea, air, and 5 shore assets.
- The bill makes several significant reforms to the nation’s immigration laws that seek to reunite families, meet employer needs, deter irregular migration, and start to bring a badly outdated immigration system into the current century.

Cybersecurity and Infrastructure Security Agency (CISA)

The bill recommends \$2.91 billion, a \$318 million increase, or 12 percent, above FY22 enacted levels, for CISA. Of that amount, a total of \$1.73 billion is for cybersecurity activities, including protection of federal networks and information sharing with nonfederal partners; \$206 million is for infrastructure security programs; and \$197 million is for emergency communications. Highlights include:

- Not less than \$43 million for the MS-ISAC, which is \$16 million above the requested amount. The MS-ISAC is also instructed to bolster its support of election security activities.
- The Committee recommends \$300,000 above the budget request amount for CISA to mature and expand its existing relationship with the Health-ISAC (H-ISAC) and related entities that help mitigate risk to our healthcare infrastructure, along with all other sectors and ISACs.

- In addition to the restoration of FY22 funding for National Cyber Exercises, in furtherance of section 1547 of the National Defense Authorization Act for FY22 (Public Law 117–81), the Committee provides another \$6.5 million above the budget request amount for CISA to fulfill additional responsibilities in administering the National Cyber Exercise Program [NCEP].
- Requires a report to the Committee within 60 days of the date of enactment on CISA’s plan to hire all vacant Cybersecurity Coordinator positions.
- The bill includes \$34.5 million above the requested amount to implement the requirements of the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (Division Y of Public Law 117–103).

Federal Emergency Management Agency (FEMA)

The Committee recommends \$25.8 billion for FEMA, which is \$701 million above the requested amount and \$1.67 billion above FY22 enacted levels. A breakdown of the major report language includes:

Operations & Support

- *EMAC.* Directs \$2 million for EMAC.
- *Equal Treatment.* The Committee commends FEMA’s continued effort to serve all communities in responding to disasters including ongoing efforts to review existing policies to ensure they are not posing unjustified burden on survivors and working to enforce Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.
- *NEHRP & Dam Safety.* Recommends \$8.5 million and \$9.7 million for the National Earthquake Hazard Reduction Program and National Dam Safety Program respectively.
- *Dam Removal Coordination.* Requires FEMA and the Fish and Wildlife Service to submit a plan to increase interagency coordination around dam removal and flood map updates.
- *BRIC & Building Codes.* Language is included regarding a concern that many communities may be disadvantaged during the technical scoring process due to FEMA’s lack of consideration of the unique circumstances of many local municipalities. They specifically note a disadvantage for state building code laws outside local control. It also directs FEMA to enhance post-award explanations for failed applications.
- *Recovery Information.* The Committee required FEMA to evaluate how post-disaster and recovery information is disbursed to individuals, communities, and community leadership and consider opportunities to simplify and improve dissemination of such information.
- *Satellite Imagery.* Requires FEMA to develop, analyze, and deliver satellite imagery within 72 hours of a disaster.

Federal Assistance

- *Preparedness Grants.* A chart outlining funding levels for all the grant programs is included with this summary.
- *Combating Domestic Extremism.* Requires FEMA to post a public report detailing the use of FY21 and FY22 SHSGP and UASI grants related to combating domestic violent extremism.
- *Emergency Food & Shelter.* Makes up to \$50 million of the appropriated amount available for the construction of new, and the expansion of existing, shelter facilities.

Disaster Relief Fund

The Disaster Relief Fund (DRF) is funded at the full amount requested based on estimates of expenditures in the coming year (\$19.9 billion). This is \$1.1 billion over the FY22 enacted level. Language specific to the DRF includes:

- *BRIC Funding.* Repurposes not less than \$2 billion appropriated to the DRF through the American Rescue Plan (\$50 billion) to the BRIC set-aside to mitigate the effects of climate change.
- *Disaster Declaration Process.* Based on concern about states with larger, more populous, urban centers may be disadvantaged in the declaration process, FEMA is directed to consult with States, including those with large populations, on the policy of considering population size when determining the estimated costs of assistance criteria for public assistance. Considerations should include the local assessable tax base and the local sales tax, the median income as it compares to that of the state, the poverty rate of the local affected area as it compares to that of the state, and the economy of the state, including factors such as the unemployment rate, as compared to nationwide statistics.
- *Improving Access to BRIC.* Requires FEMA to provide a briefing on the abilities of states to qualify for access to BRIC. The briefing shall include an analysis of the ability of States to meet the program's building code requirements, States' options outside of this program to assist communities with needed pre-disaster mitigation, and other challenges in addressing pre-disaster mitigation

[Committee Summary](#)

[Bill Language](#)

[Report Language](#) (The list of Congressionally Directed Spending begins on page 138)

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>	FY23 Requested	FY23 House	FY23 Senate
Operations & Support	1,378	1,414	1,531
Procurement, Construction, and Improvements	190	204	189
Federal Assistance	3,530	4,052	3,876
State Homeland Security Grant Program	616	520	510
<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>(180)</i>	<i>(180)*</i>	<i>(180)*</i>
Urban Area Security Initiative	711	615	605
<i>Non-Profit Security Grant Program</i>	<i>(180)</i>	<i>(180)*</i>	<i>(180)*</i>
Public Transportation Security Assistance	100	105	105
Port Security	100	100	100
Assistance to Firefighters (SAFER/AFG)	740	740	740
Emergency Management Performance Grants (EMPG)	355	370	355
Critical Infrastructure Cybersecurity Grant Program	80	--	--
RiskMAP	350	350	276
Regional Catastrophic Preparedness Grants	12	12	12
High Hazard Potential Dams	0	0	12
Emergency Food & Shelter	154	280	330
Next Generation Warning System	0	40	40
Community Project Funding/Congressionally Directed Spending^	0	248^	115^
Alternatives to Detention Case Management (by transfer)	5	20	--
Targeted Violence and Terrorism Prevention (by transfer)	20	20	20
Training & Exercises	312	312	316
<i>Center for Domestic Preparedness</i>	<i>(71)</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>(31)</i>	<i>(31)</i>	<i>(31)</i>
<i>U.S. Fire Academy</i>	<i>(58)</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>(16)</i>
<i>National Exercise Program</i>	<i>(21)</i>	<i>(21)</i>	<i>(21)</i>
Disaster Relief Fund (DRF)	19,740	19,945	19,945
Base Disaster Relief	0**	0**	0**
Disaster Cap Adjustment	19,740	19,945	19,945
<i>Rescission of Prior Year Funds</i>	<i>(0)</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