

NEMA Committee Reports

NEMA 2024 ANNUAL FORUM

OCTOBER 1-4, 2024 BALTIMORE, MD

NEMA Legal Counsel Committee
October 1, 2024
Meeting Summary

Roundtable Discussion with FEMA Chief Counsel

Legal Counsel Committee Chair, Will Polk, welcomed everyone to the meeting and reflected on the ongoing response efforts for Hurricane Helene. He then invited Adrian Sevier, Chief Counsel of FEMA, to give remarks. Sevier began by highlighting the newly released Public Assistance (PA) Mitigation Cost Share Incentives policy which implements section 406(b)(3) of the Stafford Act by providing guidance regarding eligible measures that meet FEMA's criteria for the federal cost share increase up to 85 percent. He noted that the policy was effective immediately and FEMA was accepting public comments to inform future iterations. FEMA is also working on a National Flood Insurance Program (NFIP) regulation to implement legislation that allows flood insurance premiums to be paid in installments. Sevier anticipates that the regulation will be published in the coming weeks.

Sevier then noted that extreme heat has been a topic of increased focus, with FEMA being asked to amend the definition of a major disaster to include extreme heat and wildfire smoke. Several pieces of legislation are seeking to do similar. He explained that regulatory and statutory definitions of a major disaster are identical, but the definitions are not exhaustive—there is no statutory impediment for declaring an extreme heat disaster, though the states and locals must be able to demonstrate that they are overwhelmed. Sevier also addressed recent legislation implementation and other FEMA-related bills under consideration on the Hill. He spoke to FEMA's implementation of the *STORM Act*, noting that they announced the second set of recipients two weeks ago, and then touched other bills still on the Hill including the *Disaster Survivors Fairness Act* and the *Disaster Management Costs Modernization Act*. Sevier also provided an update on FEMA appropriations, noting the Disaster Relief Fund (DRF) funding in the Continuing Resolution, the recent end of Immediate Needs Funding (INF), and the likelihood that FEMA will be back in INF by December.

Finally, Sevier spoke to the recent Supreme Court ruling on *Loper v. Bright*. He explained the details and context of the ruling, noting that that decision retains *Skidmore v. Swift and Company*, which means that courts will give due respect to agency views and agencies have power to persuade. He believes district courts will lean towards giving due respect to agencies when the topics are particularly technical and that, because of the decision, FEMA may not be less “adventurous” but may be more conservative in the *process* of policymaking and rulemaking. Sevier commented that FEMA did not view the ruling as a “bombshell” like other agencies, as FEMA doesn't typically get challenged based on “Chevron.”

Impact of Supreme Court “Chevron” Ruling on Emergency Management

Ken Hardy of the National Governors Association (NGA) then provided their perspective on the Supreme Court's “Chevron” ruling and how it is likely to impact the emergency management community. He noted that there is significant “head scratching” in the states and they grapple with what to expect. There are three main questions that the NGA has been hearing from their membership: 1) how is policy going to be interpreted; 2) what is the level of deference that is going to be given to agency action; and 3) is Congress going to be more specific in legislation moving forward? He noted that precedent is likely to be held together based on the respect the lower courts are supposed to give agencies, which echoed Adrian Sevier's opinion.

Hardy also touched on another recent ruling, *Corner Post v. Board of Governors of the Federal Reserve System*, which significantly extended the timeframe in which courts can review certain current and future

regulations. The *Corner Post* decision clarifies the time within which a party may sue an agency under the Administrative Procedure Act (APA) for harm caused by the agency's final actions and ruled that the right of action for a suit brought under the APA accrues when the plaintiff suffers harm, not when the rule is issued.

Hardy returned to the impacts of the *Loper v. Bright* ruling and explained that NGA was getting many specific questions across five broad areas: 1) transportation; 2) energy regulation (e.g., permitting and building projects); 3) environment (e.g., EPA and state environmental protection agency actions); 4) OSHA (e.g., the recent rule involving emergency service providers); and 5) healthcare and COVID-19 (and future pandemics, more broadly). Hardy noted that the questions around the impact of the *Loper v. Bright* ruling are not going to be resolved in the short term—it will require a lot of legislation and precedents, likely over the span of 3-5 years.

Managing the Legal Boundaries in Artificial Intelligence

Will Polk noted that as generative AI becomes more of a resource, legal counsels must recognize ethical and legal boundaries. This is particularly important around the *Privacy Act* and protecting personally identifiable information (PII). We don't want PII to be input and exposed to, or harvested by, algorithms and systems. He also touched on the legal framework associated with AI and mentioned that the European Union has propagated rules and regulations on this. The US Congress has been considering the issue for several years, and numerous states are likely to start promulgating rules and regulations as it relates to generative AI.

Preparing for an Elections Related Emergency

Will Polk then turned to the topic of the upcoming elections and how to best prepare for a potential election-related emergency. He noted that early voting will be starting soon in many states, and it's inevitable that there will be a variety of different issues. Examples include natural hazards and/or civil disturbances (e.g., campus protests), foreign election interference, election infrastructure issues (e.g., power outages), and more. Polk discussed how it was critical for emergency management agencies to interface with election authorities at the state and local levels to coordinate prior to elections as they serve as a force multiplier.

Polk noted that tabletop exercises are a great tool and should include all key stakeholders. They help all parties to understand relevant state and local election laws. He also explained how North Carolina has put together a working group with counsels from their State Board of Elections, Department of Public Safety, law enforcement, FBI, and the US Attorney's Office.

NEMA EMAC Committee
October 2, 2024
Meeting Summary

EMAC Committee Chair Director Kevin Sweeney (MI) opened the meeting at 1:45 pm.

Director Sweeney stated since 2017, 64% of EMAC response has been to hurricanes, other incidents are increasing in frequency.

Oregon EMAC Playbook: Navigating and Learning from the West Coast Wildfires

Kelly Jo Craigmiles, Oregon Department of Emergency Management

- Collaborated with State Fire Marshal since 2005 to develop a statewide mobilization plan
- Exercise of EMAC process is key
- OR deployed \$40 million in assets to CA over two years involving 15 strike teams and 275 personnel
- Communication and planning essential to keep resources active

Lessons Learned from the 2024 Republican National Convention

Greg Engle, Wisconsin Emergency Management

- Deployment of 1,855 personnel from 25 Assisting States to include 1,625 law enforcement and 230 National Guard personnel
- Planned event, funded by BJA Grant, state acting on behalf of Milwaukee as a grant subgrantee, grant award not issued till June 2024
- Lessons learned: develop playbook for NSSE, develop an agreement with BJA/FEMA to recognize EMAC within grant guidance, need for more staffing to support incoming resources, 24 hour customer service for assisting agencies, engage planning team members sooner, develop a central communication plan with local law enforcement

Update from the EMAC Executive Task Force

Jordan Abshire, Arkansas Division of Emergency Management

- Prior to Hurricane Helene, EMAC had 32 events opened in the EMAC Operations System with 6,394 personnel deployed since March 2023
 - Most recently, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia have opened events in the EMAC Operations System in response to Hurricane Helene
 - **Florida** has 14 missions with 150 personnel deployed by 10 Assisting States
 - **Georgia** has 4 missions with 14 personnel deployed
 - **South Carolina** has 6 missions with 119 personnel deployed
 - **Virginia** has 2 missions with 2 personnel deployed
 - **North Carolina** has 57 missions with 569 personnel deployed from 25 Assisting States
- Ms. Abshire thanked the following states who have provided assistance to date: Alaska, Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Kansas, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New York, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and Wisconsin.
- Progress made on all three SATFs:
 - EMAC Coordinator Workshop will be held in Nashville, TN on December 11th and 12th. The workshop is currently only for EMAC Coordinators.

- Liaisons positions: Continue to explore how this role can be beneficial for both FEMA and EMAC
- Continuous Improvement Process: Identifying areas for improvement and addressing issues that should be clarified in policy by the ETF or the EMAC Committee

Discussion on Policy for Administrative Fees

Discussion was held on the need for a policy regarding administrative fees for EMAC missions. Ms. Abshire was asked to establish a working group to explore the issue, complete a survey, and report findings back to the EMAC Committee in March 2025.

Recognition of EMAC NG Liaison, Kim Ketterhagen

NEMA President, Secretary Strickland and the EMAC Committee recognized EMAC NG Liaison, Kim Ketterhagen who is retiring this year following 12 years of distinguished service as a contractor to NEMA.

The meeting was adjourned at 1:46pm.

NEMA Resilience Committee
October 2, 2024
Meeting Summary

Discussion with FEMA on the HIRA/THIRA and the RAND Recommendations

Resilience Committee Vice Chair, Bill Turner, welcomed everyone to the meeting and introduced Victoria Salinas, Kathy Smith, and Matthew Brainovich from FEMA. Salinas provided context around the Threat and Hazard Identification and Risk Assessment (THIRA) and Hazard Identification and Risk Assessment (HIRA), noting that there are many ways the agency can make updates or changes to the processes to better utilize and implement the assessments. Kathy Smith then provided an overview of the two assessments, explaining how their processes and intended outcomes differ. She also explained the relationship between the THIRA and the Stakeholder Preparedness Review (SPR) and between the HIRA and the Hazard Mitigation Plan (HMP).

Brainovich then provided a brief overview of the RAND report’s recommendations for aligning the THIRA and HIRA. FEMA is faced with the challenge of streamlining the THIRA/SPR and HIRA/HMP in a way that reduces burden on SLTT partners, while balancing the requirements outlined in law, regulation, and established doctrine. Proposed actions include the following:

1. **Adopt a unified timeline:** The THIRA/SPR could shift to a five-year cycle to align with the HMP process so that whenever an SLTT is completing their HMP, they would also need to update their THIRA.
2. **Streamline processes and revise data collection:** FEMA is considering updating its data collection tool for the THIRA/SPR to help facilitate data sharing for SLTTs that are required to complete both a THIRA and HMP. FEMA may also explore how the interface in the data collection tool could create reports that could be used for HMPs.
3. **Develop joint tools, training, and technical assistance:** FEMA is considering including new questions in the THIRA/SPR that will incorporate equity considerations, as well as other questions specifically around community resilience and whether communities factor climate adaptation into their planning processes. FEMA is also considering broad types of guidance products, such as risk matrix resources, for use by community partners to support prioritization across types of threats and hazards.

National Institute of Building Sciences Turbo Grants

Bryan Koon first provided an overview of the National Institute of Building Sciences (NIBS) and his experience with the organization. He then explained that NIBS conducted a survey of over 400 emergency managers, state agency representatives, and other stakeholders to ask about the difficulties they encounter when searching for federal funding resources to better understand why they were “leaving mitigation funding on the table.” Common issues included technical challenges (e.g., conducting a benefit-cost analysis [BCA]), insufficient time or resources to pursue the funding, inability to find a match for grants requiring cost shares or matches, and grant deadlines that do not coincide with the project.

As a result, they designed TurboGrants to streamline the grant identification process by using technology to match applicants’ needs with suitable resources and offer enhanced technical assistance to accelerate resilience-building initiatives. Koon then detailed the objectives of the TurboGrants program and highlighted its functionality. SLTTs can enter project details into the TurboGrants search engine to be

matched with grants that meet their exact needs. After being matched with appropriate grants, TurboGrants will allow users to apply for grant funds through an existing portal or direct users to federal portals to apply as a sub-applicant. TurboGrants User Support will bridge the gap to existing mitigation and emergency management tools to answer users' process questions, connect with direct technical assistance, and provide risk evaluation and BCA resources.

Report Outs:

State Hazard Mitigation Officers (SHMO) Subcommittee-Tom Hughes

Tom Hughes briefly highlighted the recent activity of the Subcommittee, including key topics of discussion. These topics include Building Resilient Infrastructure and Communities (BRIC) obligation and award rates and allowing scoping projects in the competitive bucket. Hughes noted that the Subcommittee is eagerly awaiting information on Flood Mitigation Assistance (FMA) and BRIC for 2024. This will enable them to formulate their timelines and posture for the applications. Hughes also highlighted issues some states were having regarding management costs, as well as discussions the Subcommittee has had regarding when a period of performance starts and how that is managed in the system.

The Subcommittee has recently been discussing extreme heat incidents and the associated projects. There are questions, for example, about how to best conduct the BCA. Given the impacts of climate change, these are becoming increasingly popular projects. Finally, Hughes provided an update on the *STORM Act*. Only one state, New Jersey, is close to moving the funds so they may be a good resource for best practices and other guidance related to the *STORM Act*.

Public Information Officers Subcommittee - Kevin Sur

Kevin Sur began by emphasizing the vital role played by the Public Information Officers (PIO) Subcommittee in facilitating information sharing across the community. He also discussed the importance of PIOs being on the leading edge of disaster response and recovery, and able to discuss updates and changes in the emergency management community (e.g., the recent IA changes). He noted that the Subcommittee regularly shares communication strategies and lessons learned from National Special Security Events (NSSE), such as this year's RNC and DNC. They also collaborate extensively on issues involving extreme weather events that are impacting communities across the country, including both well-known natural hazards (e.g., hurricanes, tornadoes, flooding) and other threats (e.g., election security issues, mis/dis/mal-information, artificial intelligence). Finally, Sur highlighted the National PIO Training Summit—in coordination with FEMA External Affairs (EA)—in August of this year. The Summit included all of FEMA's EA leadership and 31 PIOs from state and tribal nations at the new FEMA National Disaster and Emergency Management University.

Emergency Management Accreditation Program - Angee Morgan and Nicole Livingston

Angee Morgan and Nicole Livingston provided an update on the Emergency Management Accreditation Program (EMAP) and provided key background information. Morgan highlighted the importance of the listening sessions several years ago that led to a strategic plan. Because of this plan, there have been significant improvements to EMAP. A record number of assessments are taking place, with the help of 96 volunteer assessors. Of those 96 assessors, 34 have committed to at least two or more assessments per year, with one committing to ten per year. Accredited programs include 32 states and DC, 39 local programs, six federal programs, and seven higher education programs.

Morgan then highlighted the different ways to seek accreditation. This included the traditional method, as well as the Continuous Administrative Compliance Process, and the tiered approach. For each, she

outlined the basic steps of the process and the respective benefits and key considerations. Morgan also highlighted the PowerDNS system, which is a low-cost tool for document control and management of the program. PowerDNS offers a library, training, webinars, and other helpful resources. Finally, Morgan noted that the Assessment and Training Subcommittee has been busy reviewing the EMAP training. In the past, they heard there was a significant training gap, so they have worked hard to address the issue, and the training is shown to be working. A trend analysis is being conducted to see how well the training works for certain programs without the need for listening sessions.

Mitigation Inquiry from National Institute of Building Sciences

Kristin Robinson explained that NIBS has an inquiry for state and local governments regarding investments being made into mitigation. They want to better understand what types of investments are being made through state and local government appropriations federal funding isn't available. This will feed into a Congressionally mandated three-year study to survey the national need for mitigation overall. They are currently in the second year of that study, and this information will help inform them of the overarching need. Robinson is seeking out subject matter experts who are interested in supporting the study.

Community Disaster Resilience Zones (CDRZ): Discoveries from the August Meeting

Resilience Committee Vice Chair, Bill Turner, transitioned into a discussion of the recent Community Disaster Resilience Zones (CDRZ) meeting. Following a request during NEMA's Mid-Year Forum, FEMA scheduled a workshop in Kansas City (and virtually) for states and locals to work through and discuss CDRZ implementation. This was largely driven by concerns with the latest round of designations which included no input from the states or locals.

There was a lot of discussion about the data sets that were used for the initial designations, including the use of the National Risk Index and the reliance on census tract data, which is not often used in emergency management. The participants provided extensive information to FEMA about other available datasets that may be useful, with a common theme that there is not a one-size-fits-all dataset that can be used consistently for every state. Local knowledge or existing data sets must be considered before the next round is conducted. There was also a frequent request that the states have a role in the next round of designations to provide input or vetting before the zones are finalized. Turner also noted that there was significant confusion surrounding the concept of project certification. The benefits of certification have not been clearly communicated but seemed to focus on attracting private sector investment.

Turner then invited Victoria Salinas from FEMA to provide her thoughts and perspective on the CDRZ workshop. Salinas noted that the first round of designation was impacted by the limited time FEMA had to implement the program and that the subsequent process of designations for tribal nations and territories allowed them to test a more collaborative approach that included feedback from those tribal nations and territories. She also noted that the project certifications were an element of the CDRZ legislation and that there's a Request for Information (RFI) out now to solicit information on what that should look like. The ultimate goal is for the project certifications to make it easier to attract different types of capital to projects needed to accelerate adaptation and resilience. She also clarified that FEMA will not begin certifying projects this year—the agency will be in “listening mode” to better define what a meaningful certification process looks like.

What's the Buzz on FEMA's Community Rating System (CRS) Refresh?

Chad Berginnis, Executive Director of the Association of State Floodplain Managers, noted that 39% of states identified CRS support as an unmet need and nearly 25% of state floodplain programs are operated

by state emergency management agencies. As a potential CRS redesign is being considered, Berginnis described the four key reform areas:

1. **Comprehensive floodplain management:** The intent of the CRS program can be looked at through the legislation that established it—it is to provide incentives for measures that go beyond the minimum standards of the NFIP; to have more effective measures that protect natural and beneficial functions of floodplains; to encourage broad, comprehensive floodplain management; and to promote the reduction of federal flood insurance losses. Accordingly, Berginnis encouraged FEMA in an RFI to go back to the Congressional intent of the program, which is a *broader floodplain management*, not simply a loss control function of the NFIP.
2. **A simpler CRS program for everyone:** The current program is very complex, and an administrative burden and changes are necessary. For example, there is a concept of automatically enrolling every community in the NFIP into the CRS so that everyone has equal access. Simplification, however, would require much more robust data systems and feedback loops so that when it is time for communities to recertify or renew, it is not a huge administrative burden.
3. **Maintain flexibility:** While simplification is ideal, we also want to maintain the flexibility of the program and credit the vast array of activities the CRS currently includes (i.e., 19 activities and 90 elements). Communities have unanimously said that flexibility is beneficial as all floodplain management plans are different. The credits are currently insurance premium rate reductions, but Berginnis noted that other benefits could go to the community itself instead of the property owner. One idea is a more favorable cost share for Public Assistance or mitigation programs, although this would likely have to be changed in the law itself.
4. **A more holistic approach to CRS technical assistance:** If the 22,000 NFIP communities are going to actively participate in CRS, we would need a holistic and layered approach to technical assistance. The state should have the primary role in working with the communities. The FEMA regions, while helpful, will not have sufficient staffing. Berginnis also noted the need for an appropriate and integrated role for the contracting community as duplication of efforts is sometimes an issue between contractors and the states.

**NEMA Homeland Security Committee
October 3, 2024
Meeting Summary**

The Threats Behind Election Security

After some brief opening comments by the committee chair, John Cohen, Executive Director of the Program for Countering Hybrid Threats at the Center for Internet Security (CIS), provided an overview of the threat landscape as it relates to election security.

Overall, professionals in the security industry are seeing greater preparedness levels by state and local governments. This is the most complex threat environment seen in years and adversaries are fully leveraging the internet and emerging technologies in their tactics. Unfortunately, domestic programs and policies lag behind the actions of our adversaries. Overall, the threat picture directly impacts the conduct of election, including threats toward elections officials, danger to law enforcement, online scams and hacking, and mis- or dis-information campaigns. Some of the intelligence is showing adversaries adopting military-style operations where an attack is integrated. For example, targeting government functions, systems, and critical infrastructure simultaneously.

CIS maintains engagement with law enforcement and cybersecurity officials. The recent assassination attempts, fake emails, swatting calls, and deep fake content all continue entering mainstream communications. Despite challenges, Cohen remains confident that awareness breeds preparedness. He outlined four key considerations for security officials to address: 1) Is your cyber-house in order with the latest protections? 2) Is the gathering of online content part of your intelligence cycle? 3) Do you have the right partners? And 4) Are you prepared to quickly combat rumors or intentionally false information?

Border Security: Understanding the Numbers

Olympia Belay, Deputy Executive Director, Office of the Commissioner – Policy Directorate, at Customs and Border Protection walked the committee through some of the actions being taken by the department and the current situation at the border. According to Belay, the department is seeing a 50 percent decrease in border crossings since the June directives by the White House. August alone saw a 68 percent drop. Total removals and apprehensions continue to decline as well. She said the administration continues stressing the dangers of conducting crossings to those yet to cross. She also provided a brief overview of drug and fentanyl operations. Seizures are up due to the utilization of technology and canine units, but the pervasiveness of the threat remains high within our communities.

Preparedness Grants: Sheltering, Sustainment, and Security

Pam Williams, Assistant Administrator for Grant Programs at FEMA was the final speaker. Williams provided an update on the recent state of the suite of preparedness grants. FEMA recently closed out \$2 billion in FY24 awards, and the agency does not anticipate an on-time FY25 process due to delayed appropriations. She praised recent efforts by NEMA to address concerns and said the Secretary repeatedly asks about her engagement strategy with stakeholders and the input she receives.

Overall, FEMA is working on simplifying the process for grantees. Some of the current issues in the process are required by law, but the agency continually works to control those issues within an

administrative scope. For FY24, they felt reducing the mandatory spending areas was a step toward simplification and a victory for stakeholders. Election Security is the only priority area required in FY24.

The Non-Profit Security Grant Program is seeing record attention. The program is regularly over-subscribed and has seen a 1400 percent increase in funding since 2017. FEMA is working to remove duplicative reviews in the process of this grant. She also informed the committee that another round of funding should be expected around the end of October with a 90-day application period.

She reminded the committee there are only two years remaining on the current authorization for the State and Local Cybersecurity Grant Program. They remain engaged with the appropriate Congressional committees regarding possible changes needed in a permanent authorization, but there is no clear path forward for the program at this time.

NEMA Response and Recovery Committee
October 3, 2024
Meeting Summary

Briefing from Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development with the Department of Housing and Urban Development (HUD)

HUD has a dynamic role in disaster recovery and established in 2022 the Office of Disaster Recovery to elevate those efforts. HUD looks to gain the President's permanent authorization for its recovery programs as requested in the President's budget. HUD will publish a comprehensive universal CDBG-DR notice to help standardize the CDBG-DR process and requirements through a public comment period. HUD's community planning and development funding is designed to increase resilience and disaster recovery for low and moderate-income persons and communities. The program invests in community development, increases access to affordable housing, promotes homeownership, and provides technical assistance and capacity-building resources.

Today, disasters' impacts are distributed unevenly, disproportionately affecting vulnerable and low-income communities. After a disaster, HUD will immediately work with FEMA and SBA to assist communities in recovering. HUD provides long-term recovery to communities, focuses on rebuilding and rehabilitating damaged or destroyed homes or infrastructure, and enables economic revitalization. They also offer support for individuals and families who experience homelessness or recently became homeless before the disaster. The goal is to gain active participation within the community through the planning, implementation, and assessment of their programs. HUD's role in disaster recovery:

Assistance for Emergency Housing

- HUD conducts site inspections to assess shelter capacity to aid in the rehousing of displaced persons.
- When requested and funded by FEMA, HUD administers the Disaster Housing Assistance Program, which includes rental assistance and case management services to disaster survivors in need of interim to long-term housing assistance.

Protections and Support for Homeowners and HUD-assisted Properties

- The Office of Housing assists renters, single-family, and multifamily housing properties, including damage assessment, overseeing repairs, post-disaster moratoriums on foreclosures, and mortgage insurance programs.

Flexibilities and Technical Assistance for HUD Grantees

- HUD offers additional flexibilities to allow grantees to use existing HUD resources in response to a Presidentially Declared Disaster, including re-allocation of annual funding for use in disaster recovery under CDBG/ ICDBG and suspending or waiving statutory or regulatory requirements to make grant funds available for disaster recovery activities.

A newer program, RUSH, or Rapid Unsheltered Survivor Housing Program provides rapid assistance for individuals and families experiencing homelessness or at risk of homelessness in eligible declared disaster areas. The aid is under the Emergency Solutions Grant Program and was first launched in 2022. To date, nearly \$27.6M has been awarded to disaster-impacted areas. To address long-term impacts, CDBG-DR is the primary program that helps provide community recovery and the restoration of infrastructure when other federal programs' timelines end. In recent appropriations, a set-aside requires 15% of the grant for mitigation efforts.

HUD and FEMA created a first-of-its-kind partnership for a [pre-disaster housing planning initiative](#). This initiative aims to help build local capacity and ensure states adopt a proactive approach to housing recovery. Other resources HUD offers are climate action and heat plans, Green and Resilient Retrofit

Program (GRRP), the [HUD Community Resilience Took Kit](#), the [Resilient Building Code Toolkit](#), and the [Disaster Recovery Homelessness Toolkit](#).

Briefing from Tony Robinson, Region 6 Administrator for the Federal Emergency Management Agency

The Pre-Disaster Housing Initiative program amplifies FEMA's and HUD's focus on improving housing outcomes and understanding the challenges to accomplishing this work. FEMA, HUD, and state partners launched the initiative to create a new model for addressing housing recovery challenges by creating cohorts to help guide the model design. The first cohort was with Louisiana, Montana, New Jersey, and Washington. The second cohort consists of Kentucky, Michigan, Missouri, and North Carolina (which may be postponed due to response/recovery efforts from Helene). These cohorts help to build tools and resources and strengthen relationships. The initiative aims to find better solutions to plan for and execute post-disaster housing to make survivors and states more resilient.

2024 is the Year of Resilience for FEMA. Through this mantra is the strategy to double recovery mitigation funding by 2026. This comes with some ambitious goals for recovery: increasing the amount of individual damage on a project with mitigation proposals from 10% to 20% for major disasters; doubling the amount of public assistance permanent work funding for mitigation activities to 10%; expanding Appendix J in the PAPPG version 5 with eight new types of pre-approved mitigation measures with two of those focused on wildfire mitigation; and implementing a policy to increase the federal share of projects that include mitigation. Understanding this is not a one-person dance, but to accomplish these goals will be determined by FEMA and its partners. Individual Assistance reform intends to improve the overall survivor experience, speed recovery, and increase the survivor's chances to recover fully. Since the reform, FEMA has delivered 167 just-in-time training and 74 information sessions to empower staff and partners working to support a disaster. More than 23,000 households have been awarded over \$29M in financial assistance that would have previously required an application with SBA first.

A few updates were reported regarding policy changes. The PAPPG version 5 has received over 2,6000 public comments so far, with the trends focused on hazard mitigation (Appendix J); private non-profits to clarify which are eligible; debris; roads and bridges; and non-congregate sheltering. The new PDA Guide operational draft was released in July to supersede the 2021 edition. The final version is expected to be released by December. The PDA guide establishes a standardized national framework for state, local, tribal, and territorial governments, FEMA staff, and partners to collect, validate, and document disaster-related damage. The document aims to enhance PDA coordination. As the National Disaster Recovery Framework is still under public comment review until October 23, FEMA has the target date for publication in December.

As part of an effort to improve Disaster Case Management (DCM), FEMA is conducting a "year of listening" to solicit feedback on past DCM awards and new efforts using the modern approach. Under a DCM grant, FEMA provides funds to state, local, territory, tribe, or qualified private organizations to contract with a case management service provider. Case managers work one-on-one with survivors to develop individualized disaster recovery plans to meet the survivor's disaster-caused unmet needs. A state, tribe, or territory can apply for a DCM program under a Presidential Major Disaster Declaration. A Request for Information on DCM has been posted on SAM.gov, and FEMA has extended the deadline for responses to this RFI to October 25 and asked everyone to socialize the request.

Massachusetts Navigation Through the Refreshed FEMA Individual Assistance Program

Simon Van Leeuwen, Assistant Director for Recovery and Mitigation at the Massachusetts Emergency Management Agency shared a first-hand account of an IA declaration under the new guidelines. This was after a disaster of large-scale flooding that was denied during the first attempt of the declaration but was granted under the appeal due to the new IA guidelines. The question then came about memory recall after

an event eight months prior, but it did provide communities success in the program's aid. Considerations under the new guidance that included basements as a livable area showed promise in helping those households that would not have received the assistance under the past guidance. The just-in-time training with FEMA, state, and local partners helped to leap into action. A proactive approach with the online form, phone bank, and impeccable customer service helped the application process. With the strength of the knowledge from the partners bringing in the aid, the survivors were less confused, knew their options, and could gain assistance efficiently.

NEMA Diversity and Equity Committee
October 4, 2024
Meeting Summary

Mississippi's Approach to Accessibility, Morgan Middleton, MS Emergency Management Agency

The Disability Integration Advisor is responsible for planning, implementing, and monitoring emergency management programs and services to ensure the inclusion and accessibility of individuals with disabilities and functional needs. The advisor frequently collaborates with FEMA. Mississippi established this position in 2016 and has added an additional position; in addition, they have trained the IA staff on disability integration. The emergency management agency has also designed a Disability Integration Task Force to host a kick-off meeting later this month. Both the disability integration and the access functional needs (AFN) task force share the same mission to ensure that individuals with disabilities and those with AFN receive accessible, appropriate, and timely services in all aspects of emergency management by understanding and meeting the true needs of the entire affected community. They aim to engage the community in defining resource needs, devising ways to meet them, and building on the strength and promotion of independent resilience for all individuals. The taskforce considerations are:

- Ensure that emergency alerts and warnings are accessible to individuals who are deaf or hard of hearing.
- Public information may need to be translated into other languages.
- Plans should include several forms of transportation.
- Shelters should accommodate households with infants by offering supplies for infants and nursing mothers.
- Power for medical or other assistive devices to ensure they can maintain equipment if power is lost.
- Provide accommodations for service animals (as required by law).

The state invested in extensive research to understand its communities. Since 2023, Mississippi has had three presidentially declared disasters that greatly impacted people with disabilities or access and functional needs, proving an increase of 40% in the state's healthcare costs. They also discovered that the SVI for the state overall does not reach the granular level needed to help disaster survivors.

Mississippi created a resource that helps to identify communities' needs better and has created county profiles emergency managers can use as they plan, mitigate, communicate, respond, and support recovery (especially with disaster response centers) in those areas. This tool is designed in an easy-to-distribute format, making it responsive to disasters. The resource tool is called CMIST; each letter stands for a word that helps to address the impact disasters have on people with disabilities.

- **C**ommunication - Relates to anyone with communication barriers, either relaying or receiving messages.
- **M**aintaining Health - Maintaining chronic health conditions, minimizing preventable medical conditions, and avoiding worsening of an individual's health status.
- **I**ndependence – If an individual who uses medical equipment (including a service animal) is separated from their equipment, their ability to be independent may be impacted.
- **S**upport & Safety - If an individual is separated from personal care, this could negatively impact the person due to being in an unfamiliar environment.
- **T**ransportation - Specific transportation services may be needed to transport and evacuate the AFN population.

Most of this was driven by the agency taking the opportunity from disaster response and recovery to enhance this program and bring in the partners needed to continue for it to thrive. Leaning on community leaders to help gain further information also advanced the tool and profiles.

Committee Work Plan for 2024-2027

The committee agreed to the work plan for the next three years. The work plan outlines the intent of the committee's work while illuminating how to achieve these goals. The plan's focus will begin with prioritizing any shares of best practices among the states. The committee will also seek to identify additional resources to assist with any of the actions, but not without the support of the NEMA leadership.

FEMA Region 1: Inclusion Fusion, Bob Fogel and Kate McCarthy-Barnett, Federal Coordinating Officers, FEMA

FEMA is creating an agency that is more survivor-centric in its mindset. To do so, they are incorporating an internal and external concept of operations. The internal concept identifies areas of impact, lists key indicators of vulnerability, GIS overlay to map vulnerabilities, prioritizes complex issues and equity concerns, and focuses resources efficiently. They do that by listening to the states and partners and matching their concerns to programs FEMA upholds to help their communities. They use the GIS tools they have and take a map of disaster impact, with the layover of results from the FEMA Community Resilience Challenges Index (CRCi), with a layer of language used to communicate, with a layer of medical needs utilizing HHS emPOWER, with a layer of age population, and with a layer of economic status. All those layers create the picture needed to help the community become involved in planning and recovery. As they gather this information, they build the external concept for leadership support and a partnership equity team. They begin with a collaborative data assessment of impacted areas, IA registrations, survivor, and community interactions, and filed observations. They take the information and help amplify messages for outreach and press releases. Then, they enable partners with stakeholder engagement, such as hosting a statewide equity workgroup, leveraging a network of champions, connect all channels of communication for FEMA and State future resiliency.

NEMA Private Sector Committee
October 4, 2024
Meeting Summary

Secure our World and Cyber Security Awareness Month.

Bob Nadeau, Partnership Branch Chief, Cybersecurity and Infrastructure Security Agency

Laura Edwards, Section Chief for Awareness and Outreach, Cybersecurity and Infrastructure Security Agency:

1. With the devastation from Helene in the Southeast, they've been working very hard to ensure that people who want to help are aware of how to differentiate scams from real relief efforts.
 - a. Steps need to be taken to ensure that those who want to contribute are doing so with legitimate organizations.
2. The U.S. took down a recent Russian effort to impact government agencies.
 - a. 41 internet domains have been seized.
 - i. The goal was to trick individuals to gain credentials and gain access to government systems. CISA has a cyber hygiene program that continuously identifies vulnerabilities in the networks and systems. Comments have been received from participants about the service because it's free, and they've been able to hire additional personnel for the organization.
 - ii. This service would have identified Russian attempts to hack into networks and could have prevented many headaches.
3. Election security is at the forefront of many cybersecurity concerns.
 - a. CISA has election security as a top priority for 2025. Assuring voters that foreign adversaries will not be able to alter the outcome of the election, and that the system is safe is a priority.
 - b. Work is being done with local SLTT officials to ensure the systems are secure.
4. Exercises, training, meetings, and engagements with election officials have been conducted to protect election infrastructure. Communication with voters is paramount.
 - a. The Cyber Incident Reporting Act was passed last year and is in the process of being rolled out.
 - b. The presentation will focus on threats to small businesses, which employ 50% of the workforce.
5. Cybercriminals often target smaller businesses that serve larger clients because of possibly weaker security measures as a gateway to more lucrative targets. Any organization dealing with sensitive data must prioritize cyber security.
6. Investment scams totaled over 4 billion dollars.
 - a. Russian attempts and text support scams were a major part of these scams. Educating small businesses on the impact of cyber attacks is just as important as educating them on the impacts of natural disasters.
 - b. Informational technology, financial services, and commercial facilities are all impacted.
7. There are several types of business email compromise scams: data theft, CEO fraud, account compromise, false invoice schemes, and lawyer impersonation.
 - a. Many things can compromise a business from the cyber side, but there are also many things that can be done (see PowerPoint slide).
8. We must establish a culture of cybersecurity, select and support a security program manager, and review and approve the incident response plan (IRP).
 - a. Talk with the CISA regional office for resources, talk with employees, vendors, and customers to implement cyber-safe actions, and demand secure design principles.

1. Laura Edwards:

- a. We know the world is becoming more connected, and people are becoming more reliant on devices. It is essential to keep these devices and accounts secure. People need to be empowered at the individual and business levels.
 - b. Outreach and education efforts are particularly targeting SMB owners ages 26 to 57. Messaging is centralized around multi-factor authentication, managing passwords, recognizing phishing, and updating software.
 - c. Phishing is becoming much more sophisticated, which is why we should “think before we click.” If it uses emotionally charged language to scare you and is unsolicited, take a second look.
2. “Secure our World” year 1 had significant impacts. To amplify messaging, more partnerships are being prioritized (see slide for further info on PSA results).
 - a. Through media buys, 2.1 billion impressions have been made.
 - b. Key messaging should target audiences of the general public, cyber security professionals, small business owners, parents/teachers, and the disabled community.
 - c. Partners of Secure our World with CISA can be both individuals and businesses.

Joel Thomas, SPIN Global Community Disaster Resilience Fund:

A private sector-led fund is looking to invest in resilience in states and communities around the nation. SPIN was introduced by Joel Thomas of Spin Global.

1. A private sector-led fund is looking to invest in resilience in states and communities around the nation. SPIN was introduced by Joel Thomas of Spin Global.
 - a. Funding can be a problem because it is reliant on grants or loans, which can be inefficient and unreliable. How can resilience be transformed into an investable target?
 - b. This fund is the “SPIN Community Disaster Resilience Fund.”
 - c. How can this fund best serve at-risk and vulnerable communities?
2. What if mitigation positions could be funded for 20 years straight?
 - a. Funding needs to be sustainable, instead of depending on the whims of Congress.
 - b. Most money is spent on recovery, but we need to “put our money where our mouth is” and begin investing in resilience.
 - c. SPIN facilitates the investment of private capital in public benefit programs that reduce exposure and vulnerabilities to disasters and increase economic opportunities.
 - d. The intended use of IGR is to submit project investment applications to access private capital intended for use in public benefit programs. Project funding goals range from 100 million to 50 billion. Mitigating floods on the entire Mississippi River is a 40-billion-dollar problem, which must be looked at now as an investment opportunity and not just a recovery effort down the road.
 - e. It can take 16 weeks, down from 3 years, to get the money in an account and begin using it for a public project. Spending is much more flexible for different opportunities within a project’s domain.
 - f. The minimum project size is 100 million dollars, with the maximum being 50 billion. Fixed rates over 10-35 years for a funded project exist as options for longer-timescale projects. Project owners do not need to put any money down, and it comes back as 100% debt-free equity.
 - g. If a project receives funding from the CDRF, upfront feasibility study costs incurred up to three years before the associated project start date are eligible for full reimbursement. SPIN Global provides end-to-end support.
 - h. Types of projects include flood and fire mitigation, bridge construction, build-to-suit schools, infrastructure projects, the purchase of vehicles for public safety, the

replacement of aging infrastructure, housing construction, and purchasing existing facilities and leasing them back to the owner, along with many more opportunities.

- i. Projects are not meant to have a capital stack.
 - ii. Applications must be submitted with a letter from an IGR. Once submitted, business plans are reviewed, third-party verification takes place, and a particular purpose vehicle is created to create a partnership for public and private entities. After this, funds are deposited, and the project can begin. Studies are being conducted on areas that are not being funded and could benefit from moving into the private capital market.
3. What if, as part of building infrastructure, the community had the authority to elevate the standards required to build disaster-resilient infrastructure and possibly have a say in how similar projects in the future are conducted with these standards?
4. Work is being done with a state on a several hundred-million-dollar water supply project. Capital is brought to the table over time, and the project is paid for over a certain period.
5. Community disaster resilience zones are being explicitly targeted; a goal is for work to be amplified nationally.
6. Resilience doesn't have to be expensive if it's done correctly. How can an ecosystem of resilience across the board be created?

NEMA Legislative Committee
October 4, 2024
Meeting Summary

NEMA Legislative Update

Legislative Committee Vice Chair, John Benson, welcomed everyone to the meeting and highlighted that over the last year, the committee has reviewed, commented, or provided a position on over 80 bills. He specifically discussed three priority bills that could see action before the end of the 118th Congress. The *Disaster Management Costs Modernization Act* cleared a big hurdle last week as it was marked-up by the House Transportation & Infrastructure Committee, putting it in a good position for expedited passage in both the House and Senate. Benson thanked several groups and individuals for enabling the bill's progress, including Johanna Hardy and Naveed Jazayeri with the House and Senate Committee staffs; NEMA's partners at IAEM, BCEM, BuildStrong America, and NVOAD; and the multiple state directors that made key calls to their Members of Congress. Benson also highlighted that the *Disaster Survivors Fairness Act*, which creates a universal disaster application and some IA reforms, is also in a position to possibly move in the Lamé Duck. He noted that there is also a standalone Senate bill—the *Disaster Assistance Simplification Act*—that creates a universal application.

Benson also provided an update on the ongoing appropriations situation. The federal government is funded through December 20, but there is likely not enough funding in the Disaster Relief Fund (DRF) to get to that date without reinstating Immediate Needs Funding (INF). He noted that NEMA has already been in touch with all the associations representing state and local elected officials, including NGA, IAEM, and BCEM, in developing a strategy on how to address the DRF and another round of INF. Benson explained that we will be working together to stress the impact of INF and how this current cycle for the DRF is unsustainable. The state directors can expect to see more messaging on that in early November.

Discussion with Congressional Staff on Emerging Issues

Three members of Congressional committee staff that regularly work with NEMA provided an update on their committees through the end of the 118th Congress and into the 119th. After these updates, the staff was asked to comment on the best method for state directors to share information and communicate with the various committees. All three committee staffers noted that they welcome both direct engagement by individual state directors and engagement coordinated through NEMA. They emphasized that working through NEMA can be particularly helpful, however, as it enables the state directors to have internal discussions and agree on specific positions, rather than requiring the committees to individually collect and consider separate feedback from every state.

Johanna Hardy, House Committee on Transportation and Infrastructure

Hardy explained that over the past year, Chairman Sam Graves wanted to focus on targeted, smaller bills that can still have large impacts. Recently, the committee marked up more than a dozen FEMA-related bills, each of them intended to target specific issues. The committee also recently had a hearing with Russ Strickland, testifying on behalf of NEMA, that focused on building codes and the Building Resilient Infrastructure and Communities (BRIC) program, and how building code implementation by FEMA may impact mitigation.

Key committee objectives include finding ways to remove obstacles, bureaucracy, and red tape from FEMA programs. Hardy emphasized the importance of the conversations the committee has with NEMA about how to make things simpler and more efficient.

Naveed Jazayeri, Senate Committee on Homeland Security and Governmental Affairs

Jazayeri explained that his committee shares many goals with the House Transportation and Infrastructure Committee. He noted several key Senate priorities and accomplishments over the last year, including the *Disaster Assistance Simplification Act* and the *Disaster Survivors Fairness Act*. He also noted that several FEMA-related bills were signed into law over the last Congress, including the reauthorization of the Staffing for Adequate Fire and Emergency Response (SAFER) grants and Assistance to Firefighters Grants (AFG) and the *Disaster Deadlines Alignment Act*, which aligned deadlines between FEMA's Individuals and Households Program (IHP) and disaster unemployment program.

Jazayeri also noted that the committee held a recent hearing on wildfires after the release of the Wildland Fire Mitigation and Management Commission report, which helped to identify unique challenges that Members from states without wildfires might not be aware of. He also emphasized that committee staff are not disaster experts and it's vital that they maintain their strong relationships with NEMA and the Legislative Committee.

Diana Bergwin, House Committee on Homeland Security

Bergwin noted that the Committee on Homeland Security does not have a lot of jurisdiction over FEMA, unlike the previous speakers. While they have broad oversight responsibilities, their legislative jurisdiction is focused on the terrorism preparedness grants. They have been big proponents of grant programs for emergency management and making sure that FEMA does appropriate outreach to communities to ensure that they are aware of the available grants. She noted that the Emergency Management and Technology Subcommittee chairman is a former NYPD detective and fire chief, so they have focused a lot on the fire services.

Bergwin noted that the Committee held a hearing on OSHA's new proposed rulemaking to overhaul the fire brigade standard, as well as a hearing on drones as first responders. The committee is particularly interested in emerging technologies and how they assist the emergency management community. She also noted that the committee is looking at cybersecurity threats to first responders and the emergency management community, including a focus on reauthorizing the State and Local Cybersecurity Grant Program.

Discussion on Community Development Block Grants – Disaster Recovery (CDBG-DR)

Legislative Committee Vice Chair, John Benson, introduced the discussion noting that Representative Rouzer of North Carolina recently introduced legislation during the recent House Transportation and Infrastructure Committee markups to establish an unmet needs program similar to CDBG-DR at FEMA. He noted that the Legislative Committee reviewed the legislation and was concerned about whether it could unintentionally create a duplicative program instead of replacing CDBG-DR. In the back-and-forth that got the *Disaster Management Costs Modernization Act* cleared for markup last week, NEMA and IAEM agreed to work with Representative Rouzer and his staff in crafting a solution. Kevin Bush from the Cadmus Group, who previously worked at HUD, agreed to come and give the committee an overview of CDBG-DR.

Kevin Bush explained that CDBG-DR is built on the "chassis" of the regular CDBG program that was created in 1974 when Congress consolidated a patchwork of community development programs. After Hurricane Andrew, Congress realized that they had a delivery pipeline that went to states and locals and

used it for other programs, including disaster recovery. CDBG-DR has grown significantly since its first use in 1992, with just shy of \$100 billion appropriated to date. Bush noted that it is not a fully authorized program—instead, it is authorized every time there’s an appropriation.

When asked whether there was a dollar figure that typically “triggers” Congress to decide to appropriate CDBG-DR funding, Bush noted that it varies significantly. In some cases, smaller communities can coordinate together to get Congress to act, while other times a single catastrophic disaster can trigger action. In short, it comes down to the lobbying efforts from the impacted states and some states have better experience with that than others.

Discussion with NEMA’s Partners

Legislative Committee Vice Chair, John Benson, emphasized that none of NEMA priorities are possible without the association’s partnerships. He then introduced representatives from several key NEMA partners to briefly highlight their current priorities and accomplishments.

Thad Huguley, International Association of Emergency Managers (IAEM)

Huguley noted that for a profession with no political action committee and limited resources, we have a formidable lobby and punch above our weight. Listing his association’s priorities for the rest of the year, he first highlighted the need to get the *Disaster Management Costs Modernization Act* across the finish line and signed into law. He also highlighted the need to address the repeated DRF shortages and educate our lawmakers about how moving from one INF period to another is unsustainable for the emergency management community. Looking into 2025, he recognized the commitment made to finding a solution to the CDBG-DR problem. Finally, he noted the need to safeguard the emergency management community’s interests related to grants and the need to continue advocating on Capitol Hill.

Renee Antoine, National Governors Association (NGA)

Antoine highlighted NGA’s priorities, starting with the need to appropriately fund the DRF. They put out a statement emphasizing that need and plan to release additional commentary on the issue in the coming weeks. She also highlighted the importance of programs like EMPG, BRIC, EMAC, and the State and Local Cybersecurity Grant Program.

Federal declarations are also on the mind of governors right now. NGA continues to track federal declarations, working with FEMA to understand what disasters are meeting minimal standards and which are being funded at higher rates than others. Antoine also noted that cybersecurity continues to be a key priority. This year they had a hearing on healthcare cyber attacks and NGA is focusing on the state-federal nexus of the issue and ensuring that communication, data exchange, agreements, memoranda of understanding (MOU), and other actions are occurring in an efficient manner.

Natalie Enclade, BuildStrong America

Enclade highlighted the work her association focuses on, including advocating for more mitigation resources and stronger lifeline infrastructure as it related to the built environment. She noted that they have worked with NEMA on many issues, including the *Disaster Management Costs Modernization Act*, the *Resilient AMERICA Act*, and others. Enclade also highlighted her concerns over FEMA’s recent cost-share incentive policy. They are concerned that FEMA did not engage with them prior to rolling out the interim policy and they plan to focus significant attention on the policy through the comment period.

She noted that the intent was for states to take increased mitigation measures, but the policy achieves the exact opposite. Additionally, the uptake of insurance was a big part of the intent that the policy does not

incentivize, and she's concerned that the federal government does not recognize many of the great things the states are doing in their mitigation programs. She encouraged everyone to submit comments and noted that they plan to highlight the congressional intent issue.

Karl Fippinger, International Code Council (ICC)

Fippinger began by highlighting ICC's priorities for the 119th Congress, which include the *Resilient AMERICA Act*. They are most interested in the bipartisan support for increased calculation for BRIC statutory codes set aside and state managed resilient retrofits for non-PA eligible structures. Another priority is looking at clarifying copyright codes and standards that are incorporated by reference to law.

Other priorities mentioned include the reauthorization of the National Earthquake Hazard Reduction Program and the authorization of CDBG-DR to ensure reconstruction efforts align closely with other federal disaster recovery programs and other departments and agencies across the executive branch. Finally, Fippinger spoke about legislative efforts to enhance modular and offsite construction and efforts to protect resources already provided by Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) for code-related activities.

Elizabeth Duffy, Association of State Floodplain Managers

Duffy highlighted the association's priorities for the rest of the 118th Congress, starting with ensuring that the NFIP does not lapse. While it is currently in the Continuing Resolution, they will continue to watch the appropriations process to ensure it is continued. She also noted that she shares the group's concerns about the DRF and plans to work with partners to seek a supplemental for the DRF. They have been working with Members of the House to put down some marker bills—recognizing that they will not get traction in the 118th Congress—that will hopefully be used to introduce in the 119th. One is on transparency for NFIP premiums, and another is on SBA loan updates to increase the amounts of eligible personal assistance loans. Into the 119th Congress, they will once again be seeking long-term reauthorization of the NFIP and push for full funding for mapping, among other issues.