

LEGISLATIVE UPDATE

**2024 MID-YEAR FORUM
WASHINGTON, D.C.**



SUMMARY

The time since October was mostly filled with ongoing budgetary debates in Washington, D.C. With the FY24 budget process continuing to linger through the Mid-Year Forum, Congressional watchers are left to merely hope all 12 Appropriations accounts can get through the month unscathed. At a minimum, those in the homeland security and emergency management space hope to avoid an FY15 situation where all corners of the federal government had funding except DHS.

Despite the pitfalls of federal spending, NEMA saw significant progress on two major legislative priorities. In late October, the Senate Homeland Security and Governmental Affairs Committee (HSGAC) marked-up S. 3071, the Disaster Management Cost Modernization Act. This bill would allow management costs to rollover from one disaster to the next. Not long after, the House Transportation & Infrastructure Committee marked-up H.R. 7070, the Wildfire Response Improvement Act. This bill requires the Federal Emergency Management Agency (FEMA) to update guidance related to Fire Management Assistance Grants, Public Assistance, and the Benefit Cost Analysis to properly reflect the growing wildfire hazard. In a Congress rife with disagreement and slow-walking, movement on these bills points to the continued priority placed on the needs of emergency managers and disaster response.

Priorities for the balance of the 118th Congress include securing final passage of the above mentioned bills, continuing negotiations with stakeholders on the Resilient America Act, and ensuring Appropriators recognize the importance of programs such as the Emergency Management Performance Grant and Emergency Management Assistance Compact.

CONGRESSIONAL AND FEDERAL AGENCY ENGAGEMENT

In recognition of a year of record-breaking disaster events, NEMA pursued numerous engagements with Members of Congress and their staff as well as federal agency leadership to address timely emergency management issues.

- In February, NEMA and other members of the Governors' Homeland Security Advisors Council (GHSAC) met with Department of Homeland Security (DHS) and FEMA staff to review guidance on Fiscal Year 2024 homeland security grants. NEMA members emphasized the need for maximum possible flexibility within national priority areas for states to help local jurisdictions address their specific security needs and to reset the Law Enforcement Terrorism Prevention Activity (LETPA) to 30 percent. A follow-up letter from NEMA was sent to Secretary Mayorkas.
- In January, NEMA joined a coalition with the International Association of Emergency Managers (IAEM) and Big City Emergency Managers (BCEM) in a letter calling on the White House Office of Management and Budget (OMB) to include an increase of \$100 million for Emergency Management Performance Grants (EMPG) in the executive budget in Fiscal Year 2025, bringing the baseline allocation for the program back to \$455 million.
- Among several D.C.-based meetings with partner organizations, NEMA participated in a November 2023 briefing for Congressional staff and professional association members on the *AM Radio for Every Vehicle Act* introduced this session by Senator Ted Cruz (R-TX) and Senator Ed Markey (D-MA), which requires U.S.-based automobile manufacturers to maintain AM radio access in all vehicles. The briefing featured a panel of stakeholder

organizations including NEMA, the National Association of Farm Broadcasters, Latino Media Network, and the National Urban League.

- In November, the House Committee on Homeland Security and Governmental Affairs called a field hearing in New Orleans, Louisiana on "Emergency Preparedness: Examining Federal, State, and Local Coordination in Coastal Communities" and invited witnesses including Casey Tingle, who at the time held dual positions as Director of the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness and Chair of NEMA's Response and Recovery Committee. Director Tingle highlighted the importance of states as pass-through entities of disaster assistance funds to locals and of the importance of Emergency Management Performance Grant and Hazard Mitigation program funds in particular for supporting capacity-building at the local level in coordination with state officials. He also named the *Disaster Management Costs Modernization Act* and *Disaster Survivors Fairness Act* as two critical pieces of (NEMA-sponsored) legislation for the committee members to consider to make emergency management coordination more efficient and effective.

FY2024 BUDGET

The outcome of the Fiscal Year 2024 appropriations will remain a mystery until after the completion of the Mid-Year Forum. On Thursday, February 29, Congress passed another short-term Continuing Resolution (CR) funding several Appropriations bills through March 8 and the balance (including DHS) through March 22. A series of CR's helped the federal government avoid shutdowns at several different points throughout the last several months, with some announced hours before a shutdown. Complicating this process will be the anticipated budget proposal by the White House for FY25 due to be released the first week of March. NEMA continues following this process closely to demonstrate the importance of increases for programs such as EMPG and EMAC. The latter of which was recognized in the Senate mark for FY24 with a recommended \$500,000 increase.

In October 2023, the Biden Administration submitted a \$100 billion supplemental funding request to Congress for several items deemed critical priorities. These critical priorities included the Federal Emergency Management Agency's (FEMA's) Disaster Relief Fund (\$9B), the Federal Highway Administration's Emergency Relief Program (\$634M), the Economic Development Administration to aid long-term community-level disaster recovery (\$510M), the Department of Education for the Disaster Education Recovery Program (\$405M), FEMA's Nonprofit Security Grant Program (\$200M), the Small Business Administration's Disaster Loan Program (\$127M), and the Department of Agriculture to enable certain of their grants to be used for FEMA cost-share requirements (\$10M).

BILLS, HEARINGS & MARK-UPS

WILDFIRE BILL RECEIVES HOUSE MARK-UP, PASSES OUT OF COMMITTEE

Throughout the last several months, NEMA worked tirelessly to secure co-sponsorship and partner signatures on a bill introduced by Rep. Greg Stanton (D-AZ) and Rep. Doug LaMalfa (R-CA) codifying some of the recommendations included in NEMA's wildfire position paper of 2022. The existing legislation will require FEMA to update the Fire Management Assistance Grant, Public Assistance Program and Policy Guide, and the benefit-cost analysis process to reflect the unique needs of wildfires. Earlier this year, the Wildfire Response Improvement Act was finally marked up in the House Transportation & Infrastructure Committee and received broad support. Committee members introduced various amendments, most of which were withdrawn, but included one amendment introduced by Rep. Garret Graves (R-LA) related to duplication of benefit in the Community Development Block Grant-Disaster Recovery (CDBG-DR) program. While this addition complicates the prospect of the bill by drawing the attention of additional stakeholders, the prospects continue to be promising. The bill now moves to the full House. As the bill progresses, NEMA is working with IAEM, the International Association of Fire Chiefs, and BuildStrong America to maintain a coalition of support.

DISASTER MANAGEMENT COSTS MODERNIZATION ACT RECEIVES SENATE MARK-UP, PASSES OUT OF COMMITTEE

In October 2023, Senators Maggie Hassan (D-NH) and James Lankford (R-OK) introduced a bipartisan bill, S. 3071, the *Disaster Management Costs Modernization Act*, that NEMA has strongly supported. Currently, the Stafford Act allows state, local, Tribal, and territorial (SLTT) governments coordinating FEMA disaster recovery grants to utilize a percentage of funds for management costs to offset the administrative requirements of these efforts. This bill enables grant recipients to spread available management funds across all open disasters rather than limiting expenditures to a single disaster and will help streamline the overall fund disbursement and disaster close-out process from the local level upward. Utilizing management funds across all open disasters will also help SLTT governments engage in longer-term resilience and capacity building to be able to address hazard mitigation in increasingly complex disaster responses.

The Act received a swift mark-up in the Senate Committee on Homeland Security and Governmental Affairs, chaired by Senator Gary Peters (D-MI). After voting to include a few amendments put forth by Senator Rand Paul (R-KY) stating that no additional funds would be appropriated for the purposes of the legislation and that the Government Accountability Office would conduct a study on the management costs of disasters, the bill was voted out of the committee (with no nay votes) and now moves to the full Senate.

AM RADIO FOR EVERY VEHICLE ACT PASSES SENATE, MOVES TO HOUSE

In July 2023, the Senate passed the *AM Radio for Every Vehicle Act* to require automakers to maintain AM broadcast radio in vehicles. The bill directs the National Highway Traffic Safety Administration (NHTSA) to issue a rule that requires automakers to maintain AM broadcast radio in their vehicles without a separate or additional payment, fee, or surcharge beyond the base price of the device. It also requires any automaker that sells vehicles without access to AM broadcast radio before the effective date of the NHTSA regulation to clearly disclose to consumers that the vehicle lacks access to AM broadcast radio. Finally, the bill also directs the Government Accountability Office (GAO) to study the reach and effectiveness of AM broadcast radio for alerting the public to emergencies relative to other technologies. The bill was backed by associations including NEMA, IAEM, the International Association of Fire Chiefs, the American Public Works Association, and the National Association of Broadcasters as well as several former FEMA Administrators and 27 bipartisan co-sponsors in Congress.

NEMA also participated in a November 2023 briefing for Congressional staff and professional association members on the bill. The briefing featured a panel of stakeholder organizations including NEMA, the National Association of Farm Broadcasters, Latino Media Network, and the National Urban League. NEMA continues working to ensure this bill moves swiftly through the House and is signed into law to ensure all vehicle owners and users maintain access to AM radio during emergency events.

DISASTER ASSISTANCE SIMPLIFICATION ACT PASSES SENATE, MOVES TO HOUSE

In late July 2023, S. 1528, the *Disaster Assistance Simplification Act* passed the Senate. The bill, with NEMA and IAEM support, requires FEMA to establish a universal disaster application for disaster survivors. It would bring together many (but not all) programs from agencies such as the Small Business Administration (SBA), Department of Housing and Urban Development (HUD), and the U.S. Department of Agriculture (USDA). The bill allows FEMA to share information on disaster survivors with other federal agencies to simplify recovery efforts and reduce the burden on survivors after a disaster. FEMA would be the lead in implementing a universal disaster application for disaster victims so that they would no longer be required to submit multiple applications, which often ask duplicative questions, to each federal entity for assistance. All information sharing practices would have to meet applicable data security standards and best practices. The bill has now moved to the House but no further action has been taken at this time.

DISASTER SURVIVORS FAIRNESS ACT MOVES OUT OF HOUSE COMMITTEE

In late March 2023, Rep. Dina Titus (D-NV) and Rep. Garret Graves (R-LA) who lead their respective caucuses in the House subcommittee with oversight of FEMA, reintroduced the *Disaster Survivors Fairness Act*. The act is aimed at simplifying the process for seeking assistance following major disasters, expanding communities' access to hazard mitigation assistance, and streamlining the prioritization of FEMA resources toward the most vulnerable communities. This bill is similar to the Disaster Assistance Simplification Act but also includes several reforms to the Individual Assistance Program. At this time, the bill has passed the House Committee on Transportation and Infrastructure in February and has been placed on the House calendar for an upcoming vote.

HIGHLIGHTS FROM AROUND D.C.

FEMA ADMINISTRATOR ANNOUNCES SWEEPING CHANGES TO INDIVIDUAL ASSISTANCE PROGRAM

In January, FEMA Administrator Deanne Criswell announced the most comprehensive updates to FEMA's Individual Assistance Program in the past 20 years. These planned updates to reform the Individual Assistance program will:

- establish new benefits that provide flexible funding directly to survivors when they need it most.
- cut red tape and expand eligibility to reach more people and help them recover faster, while building back stronger.
- simplify the application process to meet survivors' individual needs and meet people where they are.

With the increase of extreme weather events fueled by climate change, these updates will provide survivors with faster and easier access to resources they need after disasters. Find the full details on the new changes [here](#). These new changes will go into effect for disasters declared on or after March 22, 2024.

BIDEN ADMINISTRATION ISSUES NATION'S FIRST EXECUTIVE ORDER ON AI

In late October, the Biden Administration issued the nation's first executive order concerning artificial intelligence (AI). The order is focused on eight core areas of guidance encompassing cybersecurity standards, consumer privacy protections, civil rights and equity guidance, worker protections, and the promotion of domestic and international partnerships with public and private sector organizations to harness the innovative potential of AI. The Office of Management and Budget released more detailed guidance about how federal agencies will implement the order. According to the White House, the Administration has already consulted widely on AI governance frameworks over the past several months—engaging with Australia, Brazil, Canada, Chile, the European Union, France, Germany, India, Israel, Italy, Japan, Kenya, Mexico, the Netherlands, New Zealand, Nigeria, the Philippines, Singapore, South Korea, the UAE, and the UK. The actions are meant to complement Japan's leadership of the G-7 Hiroshima Process, the UK Summit on AI Safety, India's leadership as Chair of the Global Partnership on AI, and ongoing discussions at the United Nations. These efforts also join an increasing number of commitments from private sector leaders to prioritize these same issues in the development of AI. Certain experts and stakeholders have weighed in on the order and expressed concerns over its limitations to prevent against civil rights and workers' rights violations in balance with national security. Any stronger legal protections at the federal level will likely require Congressional action to implement.

WHITE HOUSE ANNOUNCES \$500 MILLION FOR WILDFIRE RESILIENCE

In February, the Biden administration announced they will put \$500 million toward combating wildfires. This total will include \$400 million in funds from the Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL) that will go toward 21 high-risk landscapes the Agriculture Department has identified as priorities. The remaining funds will be part of the U.S. Forest Service's Collaborative Wildfire Risk Reduction Program, which focuses on risk mitigation outside the priority landscapes. "This is allowing us to begin to expand beyond ... the 21 priority areas into areas which we refer to as

the wildland urban interface,” Agriculture Secretary Tom Vilsack said on a call with reporters. “This is going to allow us with \$100 million to help build local capacity to provide tools and resources so that we can provide those communities with assistance and help to reduce the risk of fire as it relates to their community.” The funding brings the total IRA and BIL funding for wildfire resilience to \$2.4 billion.

CISA RELEASES ROADMAP FOR ARTIFICIAL INTELLIGENCE

In November, the Department of Homeland Security’s (DHS) Cybersecurity and Infrastructure Security Agency (CISA) released its first Roadmap for Artificial Intelligence (AI). As the nation’s cyber defense agency and the national coordinator for critical infrastructure security and resilience, CISA envisions a secure and resilient digital ecosystem for the nation that supports unparalleled innovation and significant enhancement of critical infrastructure services provided to the American public. CISA’s roadmap outlines five lines of effort:

- **Line of Effort 1: Responsibly use AI to support our mission.** CISA will use AI-enabled software tools to strengthen cyber defense and support its critical infrastructure mission. CISA’s adoption of AI will ensure responsible, ethical, and safe use—consistent with the Constitution and all applicable laws and policies, including those addressing federal procurement, privacy, civil rights, and civil liberties.
- **Line of Effort 2: Assess and Assure AI systems.** CISA will assess and assist secure by design, AI-based software adoption across a diverse array of stakeholders, including federal civilian government agencies; private sector companies; and state, local, tribal, and territorial (SLTT) governments. Assurance will be established through the development of best practices and guidance for secure and resilient AI development and implementation, including the development of recommendations for red-teaming of generative AI.
- **Line of Effort 3: Protect critical infrastructure from malicious use of AI.** CISA will assess and recommend mitigation of AI threats facing our nation’s critical infrastructure in partnership with other government agencies and industry partners that develop, test, and evaluate AI tools. As part of this effort, CISA will establish JCDC.AI to catalyze focused collaboration around threats, vulnerabilities, and mitigations related to AI systems.
- **Line of Effort 4: Collaborate and communicate on key AI efforts with the interagency, international partners, and the public.** CISA will contribute to DHS-led and interagency efforts, including developing policy approaches for the U.S. government’s overall national strategy on cybersecurity and AI, and supporting a whole-of-DHS approach on AI-based-software policy issues. This also includes coordinating with international partners to advance global AI security best practices and principles.
- **Line of Effort 5: Expand AI expertise in our workforce.** CISA will continue to educate our workforce on AI software systems and techniques, and the agency will continue to actively recruit interns, fellows, and future employees with AI expertise. CISA will ensure that internal training reflects—and new recruits understand—the legal, ethical, and policy aspects of AI-based software systems in addition to the technical aspects.

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 or Policy Analyst Gillian McBride at 202-624-5458 or gmcbride@csg.org