



LEGISLATIVE UPDATE
2011 MID YEAR CONFERENCE
ALEXANDRIA, VIRGINIA

SUMMARY

As the 111th Congress wound down and closed-out 2010, time should have been spent watching the finalization of the FY 2011 budget and wondering how soon after Thanksgiving Congress would adjourn. The Mid-Term election of November 2, however, loomed heavy over Washington, D.C. and after that night of victory for the GOP, the end of the 111th quickly became a battle for the high ground.

Fortunately, in the eleventh hour, Congress passed one of our 2010 legislative priorities. After much negotiation between the Senate and House Committees, the Predisaster Mitigation Grant Program was finally reauthorized for three years at \$580 million. This remains a significant accomplishment for the embattled mitigation program as Appropriators were growing weary of keeping it alive through their legislation.

With the Mid-Term elections over, NEMA's attention quickly turned to facilitating a smooth transition of any new state directors. The need remained, however, to also address 113 new members of Congress. NEMA reached out to each of these new members, providing a letter of welcome and packet of information on current NEMA initiatives.

Aside from the victory of PDM, the other legislative priority seeing significant attention in late 2010 and early 2011 was the allocation of the D-Block radio spectrum to public safety. As a member of the [Public Safety Alliance](#) (PSA), NEMA remained active in various Hill meetings and Congressional hearings to support this effort. The D-Block allocation will continue to be an issue for the Association and has become a 2011 Legislative Priority since legislation is still required in order to prevent an FCC auction.

Originally anticipated for a February 7, release, the [President's Fiscal Year 2012 budget](#) was released on Monday, February 14. A summary write-up was provided to NEMA members, and work will begin in earnest on supporting the President's \$350 million proposed funding level for EMPG among other priorities. Unfortunately, before work in earnest can begin on the new FY2012 budget, Congress and the administration must come to agreement on FY2011 spending levels. As of the publication of this report, the government continues operations under a short-term continuing resolution. The Legislative Committee will continue to provide regular updates through direct email contact and the weekly *State Director Update*.

As we begin to advocate the legislative priorities for 2011, the commitment by NEMA membership to consistently engage Members of Congress is critical to advancing our priorities. Please watch for our expanded legislative update at www.nemaweb.org where there will be links to bill summaries, reports on the latest Congressional action, and much more!

CAPITOL HILL HIGHLIGHTS

NEMA was hard at work during the winter months making sense of the hectic finale of the 111th Congress and the unusual start to the 112th. While hearings on emergency management and homeland security topics normally abound, Committee time was precious and both the House and Senate have been judicious with their days in session. Late night votes and a tight legislative calendar defined December and the first few months of 2011 saw partisan posturing that temporarily pushed emergency management priorities to the side in the interest of the more pressing federal budget. The Committee make-up in the House shifted dramatically with the change from Democrat to Republican control and it remains unclear the impact this dynamic will have on the FY 2012 budget.

Pre Disaster Mitigation Receives Last Minute Authorization in the 111th Congress

The Pre Disaster Mitigation Program was originally created in section 203 of the *Robert T. Stafford Disaster Relief and Emergency Management Act* (Stafford Act) and reauthorized by the *Disaster Management Act of 2000* (DMA2K). Though the program was scheduled to sunset on September 30, 2008, the sunset was continuously extended in appropriations language until December 2010, when a new bill passed authorizing the program through 2015. The bill, H.R. 1746, was introduced by Representative James Oberstar (D-MN) in March of 2009, and laid dormant in the Senate after receiving almost immediate approval in the House. Only days before the 111th Congress ended, the bill was resurrected and approved, authorizing the program through FY2013. The bill sets the authorized appropriation level at \$180M for FY2011 and \$200M for FY 2012 and 2013. The largest win, however, may have come in the form of an earmark ban long-support by NEMA. The provision originated in the Senate version of the bill and helps protect the integrity of the program and allow the grant to be distributed as the original Stafford Act and DMA2K language intended.

D-Block Spectrum Galvanizes Public Safety Community

Who knew a turf battle over a broadband spectrum would become front page news? After the digital conversion of the Nation's television service freed up a large block of the broadband spectrum, referred to as the "D-Block", focus turned to what would become of the valuable commodity. The public safety community contends the spectrum should be given to first responders, giving them another tool to efficiently and effectively save lives. Last year, NEMA also joined with many public safety partners as a member of the Public Safety Alliance (PSA) to help advocate for allocation of the D-Block. Even after a failed attempt in 2008, and overwhelming disapproval from the Administration, the Federal Communications Commission (FCC) still plans to auction the D-Block to private carriers. Congress needs to get involved, however, and legislation is required to designate the spectrum for use by public safety groups. Attempts to progress legislation in the 111th failed but D-block bills were dropped only weeks into the 112th Congress, and is clearly held as a top priority for numerous committees. Senator John D. Rockefeller, IV (D-WV), Chairman of the Commerce, Science, and Transportation Committee, introduced S. 28, [*The Public Safety Spectrum and Wireless Innovation Act*](#), and a similar bill was jointly introduced by Representatives Peter King (R-NY) and Bennie Thompson (D-MS) who are Chair and Ranking Member of the House Homeland Security Committee. The House bill is meant as a companion to a bill expected to be introduced by Senators Joe Lieberman (I-CT) and John McCain (R-AZ). Senator Kay Bailey Hutchison (R-TX) has also introduced her own version of D-Block legislation. At this time, the PSA believes the Rockefeller bill accomplishes a majority of the objectives.

Cyber Bills Snubbed in 2010 but Emerge Quickly in the 112th Congress

Cybersecurity legislation may see a most promising year yet as long-time advocates start the year off by stressing its importance to the homeland security mission. Senate leaders aim to have cybersecurity legislation on the floor this spring, and continue to hash out the details according to Homeland Security Chairman Joe Lieberman (I-CT). Lieberman has indicated Senate Majority Leader Harry Reid (D-NV) hopes to have a bill on the floor by the summer requiring the administration to devise a national strategy for protection against cyberattacks and ensure a response framework is in place if any were to occur. In the 111th Congress, Lieberman and the panel's ranking Republican, Susan Collins (R-ME), wrote cybersecurity legislation along with Senator Tom Carper (D-DE). The bill was eventually merged with another measure authored by Commerce, Science and Transportation Chairman John D. Rockefeller, IV (D-WV) and Olympia Snowe (R-ME) but never reached the floor. Collins and Lieberman are working once again on a version of the legislation, and have begun negotiations over the provisions with Commerce panel leaders. There remain a few controversial aspects to the proposals as last year's bill would have allowed the President to declare a national emergency if there were a threat to the nation's cyber infrastructure and was interpreted by some as a veritable "kill switch" to essentially shut down the internet.

Children in Disasters Continue to be Supported by Strong Congressional Advocates

Senators Mary Landrieu (D-LA), Lamar Alexander (R-TN), and Thad Cochran (R-MS) reintroduced legislation to address the unique needs of children before, during, and after a disaster. The [Child Safety, Car, and Education Continuity Act](#) (S.263) is the culmination of work over the last two years including a number of hearings held by Senator Landrieu. The bill incorporates recommendations made by the [National Commission on Children and Disasters](#) (NCDD) report released in 2009. The bill would provide tuition reimbursements to elementary and secondary schools taking in displaced students, ease the financial aid regulations on students attending Institutions of Higher Education unable to operate after a disaster, and provide mental health counseling for pre-K students through Head Start Agencies. This legislation would also require HHS and states to work together in developing Disaster Guidance for Medicaid and Child Health Insurance Program (CHIP) providers to ensure displaced children have access to medical care. In the area of child care, the bill outlines an increase in access to child care services for disaster-affected families through the Child Care and Development Block Grant program and goes as far as to require child care centers that receive federal funding through that program to develop emergency plans for evacuation, reunification, special needs, and temporary operating standards.

Midterm Elections Shake up Committee Leadership in the House

After taking a visible hit to their membership, the House Democrats were forced to give up the coveted majority and make way for Republican committee chairs. After a shocking election loss for House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN), the Subcommittee on Emergency Management also saw a significant change when freshman Congressman Jeff Denham (R-CA) was appointed Chairman. Former Chairman Representative Eleanor Holmes Norton (D-DC) is now the ranking member. The House Homeland Security Committee, on the other hand, simply played a game of musical chairs reminiscent of the 109th Congress. Former Ranking Member Representative Peter King (R-NY) and Former Chairman Representative Bennie Thompson (D-MS) simply switched places, and all indications are they stand ready and willing to work together to accomplish the critical goals the Committee must address in the coming year. The House Appropriations Subcommittee on Homeland Security welcomes Representative Robert Aderholt (R-AL) as Chairman and Representative David Price (D-NC) brings his veteran leadership to the table as ranking member.

While there were not many changes to Committee leadership in the Senate, as they remained in the Democrat majority, the Appropriations Subcommittee on Homeland Security welcomed a familiar face to replace the late Senator Robert Byrd (D-WV). Senator Mary Landrieu (D-LA) was given the subcommittee's top post and is joined by Senator Dan Coats (R-IN) as ranking member to replace the Senator George Voinovich (R-OH) who retired at the end of 2010.

NEMA Selects Recipients for Congressional Recognition Awards

Based off their sustained commitment to emergency management and homeland security issues, NEMA selected two Representatives and one Senator to receive the annual Congressional Recognition award. Senator Tom Coburn (R-OK), Representative Peter King (R-NY) and Representative Eleanor Holmes Norton (D-DC) will be given the award to honor their commitment to the emergency management community and NEMA priorities in the past, with the hope they will continue their work in the future.

Upon completion of the Conference, please visit the NEMA website at www.nemaweb.org for more detailed bill descriptions and summaries, committee hearing reports, and status of all important legislation. The NEMA-DC staff will graciously answer any questions or comments you might have regarding your Congressional needs.

**This Legislative Update was prepared by Legislative Committee
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