



NEMA Legislative Update  
2017 Mid-Year Forum  
Alexandria, Virginia

## SUMMARY

Much of the focus since the NEMA Annual Forum in Chicago centered on the 2016 Presidential Election and the months that followed have been dominated by a White House transition and the kick-off of the 115<sup>th</sup> Congress. After returning to DC following the November elections, lawmakers tackled a spending bill to stave off a government shutdown. At the urging of the Trump administration, Republican leadership worked to craft a Continuing Resolution that would fund the government through the spring and give the incoming Administration time to work with members and include their priorities in any full year spending agreement.

As occurs during each transition, Cabinet level and subcabinet political appointees relinquished their positions and left vacancies in key Departments and Agencies. The nominee for the Department of Homeland Security was a high priority for Congress and General John Kelly was confirmed immediately after inauguration. Appointments to the National Security and Homeland Security Councils were swift as well and many familiar faces from the Bush administration have returned. Along with new Cabinet leadership and Members of Congress, NEMA is now presented with an opportunity to educate new staff on critical emergency management legislation and programs.

## CAPITOL HILL HIGHLIGHTS

*Continuing Resolution (CR):* FY 2016 ended on September 30<sup>th</sup> and in typical Congressional fashion, a bill proposed by House Appropriations Chairman Rep. Hal Rogers to keep the government running through the election passed just hours before a government shutdown would have taken effect. This bill had major impacts on emergency management with a promised \$1.1 billion in emergency funding to fight and prevent the spread of the Zika virus and \$500 million in grants to help states recover from recent floods. This bill guaranteed funding through December 9<sup>th</sup> and it was expected Congress would come up with a longer-term solution before this date.

Following the election, Congress held a short week-long session to tie up loose ends, but the bulk of discussions surrounded the CR. On December 6<sup>th</sup>, the Appropriations Committee announced they had reached a deal. This CR would fund the government through April 28<sup>th</sup>, 2017 at \$1.07 trillion. Some highlights affecting the emergency management community include \$4.1 billion in disaster relief funding to address damages caused by recent natural disasters, including Hurricane Matthew, floods, drought, and other severe weather events and \$170 million to address the infrastructure and health needs of those communities affected by contaminated drinking water. No new grants can be distributed during this time, including EMPG.

*Nominations and Confirmations:* A new Administration brings new officials and most pertinent for emergency management was Trump's pick of General John Kelly to head DHS. Kelly had a relatively easy confirmation in the Senate with a vote of 88-11. Much of his confirmation hearing before the Senate Homeland Security Committee focused on his plans to combat against drug cartels south of the border and his organizational vision. Kelly said he wanted to continue former Secretary Johnson's "unity of effort" message, making department decisions inclusive and transparent, and further proposed enhancing intelligence sharing internally and externally. Regarding countering violent extremism, Kelly stated he would be open to following money trails (like combatting drug cartels by tracking the flows of money) as a methodology. However, he also stated that he would like to continue the community policing approach. When asked about the National Protection and Programs Directorate, Kelly stated that he wanted to completely reorganize it and maybe even rename it.

Along with Secretary Kelly's confirmation, Elaine Duke was appointed as his deputy. Ms. Duke had a distinguished career in the Department as the former Under Secretary for Management. In the White House, Tom Bossert was appointed as Homeland Security Advisor. Bossert was previously in the deputy role of this office under the Bush Administration. At the time of this writing, a FEMA Administrator had not been named.

## POLICY ISSUES AND CONGRESSIONAL HEARINGS

*Proposed Rulemaking – PA Disaster Deductible:* Disaster costs have been steadily increasing over the years and many oversight entities have proposed recommendations for reducing the cost to the federal government. To counter what many believe to be draconian recommendations to change the per-capita indicator or declaration threshold, FEMA is advancing discussions on a proposed PA Disaster Deductible model. The Advance Notice of Proposed Rulemaking (ANPRM) and Supplemental ANRPM on the Regulations.gov website gives greater detail of the proposal. FEMA will be taking comments until April 12<sup>th</sup>. NEMA has been in talks with partner stakeholders to identify key themes and understand all potential impacts on State and local emergency management departments.

*Incoming FEMA Administrator:* The House Homeland Security Committee held a hearing that was intended to provide a blueprint for the incoming FEMA Administrator. Captain Chris Kelenske from Michigan provided testimony on behalf of the National Governor's Association/GHSAC. Other witnesses included IAFC and Save the Children. President Wendy Smith-Reeve was invited to submit testimony for the record on behalf of NEMA. NEMA's key priorities for the incoming Administration include: enhancing the focus on resilience and mitigation, streamlining disaster operations, maintaining a focus on state and local disaster response, and building a more robust National Flood Insurance Program. –this sentence has different verb tenses or no verbs where verbs are needed

## KEY LEGISLATION

In January, the House passed 17 homeland security bills under suspension of the rules. This means that these pieces of legislation were bipartisan, non-controversial, or had passed the House last Congress and were simply reintroduced. These are the most pertinent for the emergency management community:

- H.R. 58 – FRIENDS Act: Requires the Secretary of DHS to submit a study on the circumstances which may impact the effectiveness and availability of first responders before, during, or after a terrorist threat or event.
- H.R. 687 – First Responder Access to Innovative Technologies Act: Directs FEMA to develop a uniform process for reviewing grant applications seeking to purchase equipment or systems that do not meet or exceed applicable national voluntary consensus standards UASI or SHSGP funds.
- H.R. 584 – Cyber Preparedness Act of 2017: Enhances preparedness and response capabilities for cyberattacks and bolsters the sharing of information related to cyber threats.
- H.R. 655 – Securing the Cities Act of 2017: Enhances the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas.

Other emergency management legislation introduced early in the 115<sup>th</sup> Congress includes:

- H.R. 654 – Pacific Northwest Earthquake Preparedness Act of 2017: Directs the Administrator of FEMA to carry out a plan for the purchase and installation of an earthquake early warning system for the Cascadia Subduction Zone.
- H.R. 1117 – Requires the Administrator of FEMA to submit a report to Congress regarding plans to provide: (1) consistent guidance to applicants on FEMA disaster funding procedures during the response to an emergency or disaster, (2) appropriate record maintenance and transfer of documents to new teams during staff transitions, and (3) accurate assistance to applicants and grantees to ease the administrative burden throughout the process of obtaining and monitoring assistance.
- H.R. 1214 – Disaster Simplified Assistance Value Enhancements (SAVE) Act: Increases the Small Projects Threshold to \$500,000 to streamline disaster assistance and speed up approval of PA funds. NEMA supported similar legislation in 2016 and expressed support for this iteration prior to mark-up in late February.