



2015 LEGISLATIVE PRIORITIES MID-YEAR FORUM MARCH 2015

➤ **Continue Support for Emergency Management Performance Grants (EMPG)**

For four years, NEMA has worked tirelessly to demonstrate the return on the federal investment in emergency preparedness through the EMPG Return on Investment report. For every \$1 of federal investment, State and local emergency management organizations match at least that much to maintain a robust emergency management capability. NEMA strongly supports sustained funding of \$350 million and will continue to illustrate to Congressional leadership and the Administration the value of this program and how investments in EMPG reduces disaster costs and help protect lives and property.

➤ **Implement Comprehensive Preparedness Grant Reform to Better Address Risk**

For three years, NEMA continues support reform to the suite of homeland security grants offered by the Federal Emergency Management Agency. While the President's National Preparedness Grant Program ultimately looked similar to the NEMA proposal, there remain some differences which could easily be reconciled. An integrated and cost-effective grants system will allow us as a nation to be agile in confronting any threat to the homeland, whether it is natural, technological, or terrorist-related. The ultimate goal of these grants should be to allow grantees more flexibility to adequately address changing threats while also providing added accountability to Congress.

➤ **Ensure Cybersecurity Policies and Legislation Considers Physical Consequences**

Cybersecurity represents one of the paramount threats currently facing our nation. Many of the consequences from a cyber-attack could manifest themselves in the form of physical events similar to those of a natural disaster. When considering cybersecurity legislation or changes to federal policy, Congress and the Administration must address how these consequences will be managed during the response to and recovery from a major cyber-attack.

➤ **Encourage Development of the National Strategy for Reducing Future Disaster Costs**

The Sandy Recovery Improvement Act (SRIA) directed FEMA to develop a framework for a strategy to reduce disaster costs to the nation. While FEMA fulfilled the requirement to Congress, NEMA believes the work has just begun and a full strategy should be developed. With the frequency and cost of disasters on the rise, only through coordination and an honest assessment of existing policies can we effect change in the fiscal commitment required by the nation.

➤ **Secure Funding for the Emergency Management Assistance Compact (EMAC)**

Mutual aid is a cost savings to the federal government as it can lessen the need for federal assets during a response. EMAC is the first national disaster-relief compact ratified by Congress since the Civil Defense and Disaster Compact of 1950. Since ratification in 1996, 50 states, the District of Columbia, and U.S. Territories have enacted legislation to become EMAC members. Annual line-item funding is critical for building EMAC capabilities and our nation's mutual aid system.

➤ **Support Emergency Management and Homeland Security Training and Education**

Programs such as the Emergency Management Institute (EMI) and Center for Homeland Defense and Security (CHDS) provide invaluable training and educational opportunities to emergency management and homeland security professionals. NEMA supports sustained funding for EMI and direct funding of CHDS.

➤ **Coordinate Stafford Act Changes with the Emergency Management Community**

If Congress considers changes to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, NEMA and partners in the emergency management community should be consulted regarding any changes. Consultation will provide for a comprehensive review of any impact to states and disaster response.

Continue Support for Emergency Management Performance Grants (EMPG)

Background

Emergency Management Performance Grants (EMPG) allows State, tribal, and local governments to make key investments to build capacity and enhance the capability of states and localities to respond to disasters.

EMPG is the *only* source of federal funding directed to state and local governments for planning, training, exercises, and key professional expertise for all-hazards emergency preparedness. The money is often used to conduct risk and hazard assessments and support emergency operations centers which are the coordination hubs for all disaster response. The program also provides public education and outreach, enhanced interoperable communications capabilities, and the ability to manage statewide alerts and warnings.

Few federal programs boast EMPG's 50-50 matching commitment from the state and local level. EMPG stands as the beacon of Congressional commitment to ensuring communities and states are more ready to prepare, mitigate, respond, and recover from any number of emergencies and disasters. EMPG does far more, however, than provide funds for planning, training, exercises, and communications. EMPG must continue to be strengthened and maintained through shared investments.

Talking Points

- Only federal source of funding to assist state and local government with planning and preparedness activities associated with natural disasters.
- Primarily for maintaining emergency management programs and building capacity at the state and local levels.
- NEMA intends to continue focusing heavily on building metrics to measure outcomes of the program and continues to support the matching requirement in exchange for flexibility.
- The program was funded at \$350 million in fiscal year 2014. NEMA supports the President's proposed funding level of \$350 million for fiscal year 2016 and sustained funding for 2015.
- For the fifth year, NEMA has joined with local emergency managers to produce the report *EMPG; Providing Returns on a Nation's Investment* which highlights the effectiveness of EMPG.

Requested Action

- Congress should continue to make strong investments in EMPG and ensure adequate support for preparedness at the state and local levels. Congress should approve sustained funding of EMPG at \$350 million.
- EMPG must be maintained as a flexible and all-hazards program and not stray from the Congressional intent of authorizing legislation including the Stafford Act. Program funds should not be tied to specific percentages, or "carve outs," for specific tasks, and improvements to emergency operations centers should continue as an allowable cost.

Implement Comprehensive Preparedness Grant Reform to Better Address Risk

Background

Since the inception of the State Homeland Security Grant Program (SHSGP), NEMA has maintained support of these grants as critical resources to help state and local governments build and sustain capabilities to address the various threats and hazards they face. During the fiscal year 2012 budget discussions, the NEMA Board of Directors decided on a new approach to the full suite of grants within the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS). Congress had repeatedly expressed the need for answers to lingering questions about the effectiveness and performance of the suite of FEMA grant programs. Therefore, NEMA decided the time had come to develop an innovative approach to grants that goes beyond simply requesting additional funding.

The eight month long process conducted by NEMA produced a four page document addressing the full suite of preparedness grants. Key principles and values include supporting PPD-8; building a culture of collaboration; the ability to be agile and adaptive to confront changing hazards; building and sustaining capabilities; encouraging innovation; providing full visibility to all stakeholders; and recognizing the interdependencies of our national systems. The importance of these principles and values highlight a critical point in any retrospective on homeland security grants. Regardless of our country's fiscal situation, physical security and economic security are not mutually exclusive and can be achieved with a more streamlined grant structure.

Talking Points

There are four key components of the NEMA grants proposal:

1. **The THIRA.** The THIRA process is necessary to assess the risks of threats and hazards, but will have limited effectiveness if implemented in the current grant system due to shortcomings in the planning process.
2. **Comprehensive Planning.** Current planning efforts are fiscally-centric and focus on capabilities based on expected funding which limits our ability to measure progress. A comprehensive preparedness plan should be developed to examine the full range of needs, capabilities, and requirements to help buy-down risk. As funding is allocated against long-range priorities, the delta between “need” and “capability” will become measurable over time.
3. **Skilled Cadre.** NEMA proposes utilizing and mirroring the existing EMPG structure by adding a homeland security cadre grant. These grants will support efforts to maintain all-hazard planning efforts, remain current with appropriate levels of training and exercises, support national priorities as outlined in PPD-8, and conduct public education, and grants management.
4. **Investment Grants.** A majority of the funding through this new system would go toward investment grants still made through a single allocation to states. These applications are reviewed by a multi-disciplinary and multi-jurisdictional advisory committee, and the SAA makes awards as appropriate.

Requested Actions

- Congress should address the need for a comprehensive preparedness grants structure. This reform should harness lessons of the past ten years and allow participation from the full range of stakeholders.
- The new system must be flexible, adaptable, and transparent. By offering flexibility to grantees, Congress and the Administration can expect added accountability.

Ensure Cybersecurity Policies and Legislation Considers Physical Consequences

Background

Emergency managers stand increasingly concerned regarding the inter-connectedness of the cybersecurity threat and everyday life in America. Citizens can evacuate in anticipation of a hurricane. Strong building codes and safe rooms can protect lives in anticipation of earthquakes or tornadoes. But as we consider the breadth and depth of our reliance on the cyber-infrastructure, the emergency response efforts regarding consequence management could easily overwhelm state and federal assets due to the interdependencies of critical infrastructure and key resource protection as well as the ease of vulnerability exploitation from a cyber-attack.

Underlying statutory authorities guiding a response are equally as unclear as how to manage pre-event cyber-issues. During the NEMA Annual Emergency Management Policy & Leadership Forum in Seattle, Washington in 2012, a panel of experts addressed issue of statutory authorities. According to the panelists including a former Adjutant General, a DHS Deputy Assistant Secretary, and several state Homeland Security Advisors, the Civil Defense Act of 1950 (81-950) represents the only law potentially applicable to a potential cyber-attack. Since the original intent of this Act provided for the response to a nuclear attack from the Soviet Union, the time to explore the efficacy of our current statutory authorities is now. Current statutory authorities are lacking regarding cyber-attacks and are currently under revision; however, the recent remark by President Obama that a cyber-attack can now be classified as an “act of war” significantly changes the “environment.” This recent change should be taken into consideration when speaking of statutory authorizes and can be used to further illustrate the fluid and uncertain nature of the issue.

Most emergency managers will turn to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 92-288) for federal assistance. Unless the consequences of a cyber-attack truly have catastrophic and physical consequences, however, the Stafford Act will be limited. Unfortunately, too many of the legislative fixes currently under consideration in Congress only address the prevention and preparedness side of cybersecurity. While the pre-event aspects of cybersecurity maintain a high level of importance, so too will the post-event considerations especially when considering the potential disastrous physical consequences of a cyber-attack.

Talking Points

- Responding to the physical consequences of a cyber-attack could be as complicated as a large natural disaster.
- Current legislation and Administration policies seem to focus on coordination and integration instead of how the response and recovery to an event will be managed.
- The vulnerabilities of state and local governments must be acknowledged at the national level and new strategies developed to ensure integration, coordination, and an adequate recovery mechanism.

Requested Action

- Review current statutory authorities for emergency management personnel and ensure resources can and will be available to respond to a cyber-attack.
- Coordinate with state and local officials to ensure their priorities are included in legislative reforms and changes to Administration policies.
- Avoid unfunded mandates from the federal level to state and local governments.

Encourage Development of the National Strategy for Reducing Future Disaster Costs

Background

In response to the needs of state and local governments, Congress passed the *Sandy Recovery Improvement Act* (SRIA) which made sweeping changes to the existing Stafford Act. This legislation not only helped facilitate a smooth recovery in the Sandy-impacted area, but also forever changes FEMA programs and policies. Some of the provisions of SRIA, such as the debris removal pilot program, have been supported by NEMA for many years.

Fortunately, NEMA held our Mid-Year Forum in Washington, D.C. just three weeks after passage of SRIA which afforded the opportunity to adequately review the legislation and begin a dialogue with FEMA about implementation of the Act. NEMA found this legislation so important, more than seven hours were dedicated to the review thereby facilitating ample opportunities for FEMA officials to engage with state emergency management directors while considering the necessary changes to policies and rules. NEMA quickly realized the effort to develop a framework for a National Strategy for Reducing Future Disaster Costs could be paramount in ensuring the solvency of our disaster response network for generations to come.

NEMA members understood the importance of clearly articulating initial steps in developing an informed and effective national strategy for reducing future disaster costs including planning assumptions. NEMA also recognizes varying levels and types of activities to consider for reducing future disaster costs including those in the near-term, long-term, administrative/programmatic/operational, and strategic. While the initial direction from Congress was for FEMA to simply describe a framework, NEMA encourages the full development of this strategy.

Talking Points

- FEMA was required to develop a National Strategy for Reducing Future Disaster Costs through the Sandy Recovery Improvement Act.
- The Administration submitted their proposed framework in September 2013.
- No further imperative exists to codify the framework in to a true strategy.
- FEMA should be instructed to take this effort to the next step and fully develop the National Strategy for Reducing Future Disaster Costs in consultation with states.

Requested Action

The National Strategy for Reducing Future Disaster Costs should be finalized to:

- Build, enhance, and sustain capabilities, self-reliance, and resilience of our communities and nation while encouraging innovation.
- Reflect the fiscal realities and limitations of the present and the future. This nation deserves safety and security, but it also deserves solvency.
- Recognize the complex interdependencies and vulnerabilities of our national systems, particularly the movement of goods, services, and people.
- Mitigation and long-term recovery are societal investments – not a cost. These endeavors must build on non-traditional partnerships to communicate that efforts are worth the investments.

Obtain Budget Line Item Funding for EMAC

Background

EMAC was the first national disaster-relief compact ratified by Congress since the Civil Defense and Disaster Compact of 1950. Since ratification in 1996, every state, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands have enacted legislation to become EMAC members. Annual line item funding is critical for response to disasters (natural and man-made) in support of our nation's mutual aid system.

Since ratification by Congress, EMAC has grown significantly in size, volume, and the types of resources states are able to deploy. For example, 26 emergency management personnel responded to the September 11, 2001, terrorist attacks. Conversely, 67,000 personnel from a variety of disciplines deployed to the Gulf Coast in response to Hurricanes Katrina, Rita, and Wilma and 12,279 personnel to Texas and Louisiana during Hurricanes Gustav and Ike. The 2009 Spring Flooding in North Dakota and Minnesota resulted in states deploying equipment, sandbags, and 1,029 personnel to North Dakota. In all, 727 National Guard personnel and 302 civilians were sent to assist via the compact. In 2011, 953 personnel were deployed in response to the pipeline spill, floods, and tornados in Montana, Missouri, North Dakota, Nebraska, South Dakota, Mississippi, Alabama, and Tennessee. Also in 2011, 1,130 personnel were deployed to New York, Vermont, Connecticut, Delaware, Maryland, Massachusetts, New Jersey and Virginia in response to Hurricane Irene and Tropical Storm Lee. During Hurricane Sandy, 35 states sent over 2,600 personnel to assist with the response and recovery efforts through EMAC. Most recently, EMAC was used in the response for the manhunt in Pennsylvania, severe weather in Mississippi, wildfires in Washington, and tropical storms in Hawaii.

The state response through EMAC is also coordinated with the federal response, ensuring there is no overlap of resource requests.

Talking Points

- All 50 states, DC, and 3 territories have enacted legislation becoming EMAC members.
- The Post Katrina FEMA Reform Act authorized \$4 million annually for EMAC.
- Line item funding for EMAC is *not* an earmark. The funds are for a nationwide mutual aid system and not for a specific state, jurisdiction, or project.
- All resources in a state can deploy through EMAC (fire-hazmat, law enforcement, public health, medical, mass care, animal response, emergency medical services, National Guard, public works, search & rescue, transportation, human services, engineering, agriculture, forestry, emergency, incident management, and more).
- Investment into EMAC leverages federal grant dollars— such as those from the Hazard Grant Mitigation Program, Homeland Security Grant Program, and the Emergency Management Performance Grant – that have already been invested in state and local emergency management capabilities.
- FEMA requires states to participate in EMAC in order to receive homeland security grant funding.

Requested Action

- Provide budget line item for EMAC to the fully authorized amount of \$2 million.
- Include an annual budget line item in FEMA to assist with planning, training, education and exercises; operations support; information and resource management; after action reviews and implementation of lessons learned and model practices.

Support Emergency Management and Homeland Security Training and Education

Background

Training and education opportunities stand as one of the most effective ways to ensure the continued professionalization of emergency management and homeland security personnel as well as to increase their abilities to best protect our nation and communities. The two federal government programs representing the pedigree of these efforts are the Emergency Management Institute (EMI) and the Naval Postgraduate School's Center for Homeland Defense and Security (CHDS). Not only do these two institutions provide the "gold standards" within their respective professional education realms, they also provide leadership and share resources to support a collaborative effort among training and education efforts throughout the country.

EMI directly supports the professional core competencies of emergency managers at the federal, State, local, tribal, public and private sectors. The Institute trains more than 2 million students annually with residential on-site programs, off-site programs in partnership with State and local emergency managers, and computer based E-learning. EMI has recently partnered with NEMA and the International Association of Emergency Managers to develop the National Emergency Management Academy. The Academy consists of five courses and provides a structured and progressive approach to acquire skills, knowledge, and abilities to meet career challenges in emergency management

CHDS Programs include a fully accredited Master's Degree program; executive education seminars for Governors, locally elected officials, and their senior department leaders; an Executive Leaders Program; a Fusion Center Leaders Program; a peer reviewed online academic journal; a university and agency partnership effort; and the world's largest online homeland security library. These endeavors by CHDS significantly advance the strategic and critical thinking abilities of emergency management and homeland security personnel in their daily responsibilities, policy deliberations, and relationships with senior leadership within their jurisdictions.

Talking Points

- EMI supports emergency management training at all levels of government including the private sector.
- By working with NEMA, EMI is able to customize courses to meet specific needs while remaining flexible to changing dynamics in the emergency management community.
- Since 2003, CHDS has provided over 1,300 Master's degrees and executive leaders certificates, over 265 executive education seminars reaching more than 10,000 state and local officials, and partnered with over 320 universities, colleges, and agencies, and over 1,200 educational partners.
- CHDS provides fully sponsored opportunities to help emergency managers with professional development, graduate education, and enhanced relationships with their elected leaders.

Requested Action

- Congress should support continued funding of \$20.569 million for EMI.
- Congress should follow the recommendation of the President's budget and provide \$18 million in a specific allocation for CHDS.

Coordinate Stafford Act Changes with the Emergency Management Community

Background

The *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act) authorizes the President to issue a major disaster declaration to speed a wide range of federal aid to states determined to be overwhelmed by hurricanes or other catastrophes. Financing for the aid is appropriated to the Disaster Relief Fund (DRF) and administered by DHS and FEMA. Funds appropriated to the DRF remain available until expended which makes it a “no year account.” The Stafford Act authorizes temporary housing, grants for immediate needs of families and individuals, repair of public infrastructure, emergency communications systems, and other forms of assistance.

In regard to recent changes to the Stafford Act, NEMA has extended offers to work closely with FEMA as policies and regulations are put in place under the *Sandy Recovery Improvement Act of 2013* (SRIA). The broad sweeping changes to the Stafford Act under this legislation will forever change the way recovery is managed at all levels of government and state emergency managers must be consulted as changes are implemented.

Since the Stafford Act provides the President with permanent authority to direct federal aid to stricken states, Congress need not enact new legislation to meet immediate needs, but will occasionally address program reauthorization within the Stafford Act.

Talking Points

- NEMA continues to engage Congressional committees as they explore potential changes to the Stafford Act.
- The Stafford Act Coalition, of which NEMA is a member, remains available to Congressional staff to discuss issues impacting the Stafford Act.

Requested Action

- Should more broad changes to the Stafford Act be considered, NEMA should be utilized as a resource for consultation as the bills are being considered.
- NEMA stands ready to work with Congress on any efforts to explore changes to the Stafford Act.