

LEGISLATIVE UPDATE

2022 ANNUAL FORUM
STOWE, VERMONT



SUMMARY

As we have continued to mold our missions and service around the pandemic, the emergency management community has returned to the difficulties of responding to the onslaught of natural and man-made disasters – which seem to be increasing in severity with each passing week. Since our last pre-forum legislative update, we have seen a monumental amount of funding, including for climate change, a new virus testing our pandemic lessons learned in Monkeypox, and yet another season of widespread disasters impacting our communities.

The requests and conversations NEMA and the rest of the emergency management community are having on Capitol Hill are not falling on deaf ears – with plenty of legislative progress being made in the last six months. NEMA continues seeing invaluable progress in Congress, with legislation relating to small project threshold increases, universal disaster applications, and management costs rollover all moving one vote away from President Biden's desk, House Majority came to NEMA to provide our biggest wildfire policy priorities for their reform package and in a separate standalone bill, and continued involvement by NEMA staff on various other legislative packages.

There was another milestone piece of legislation we saw passed in the Inflation Reduction Act. Some may recognize the Build Back Better namesake for this legislation from earlier in the year – this package was finally enacted. While significantly less than the original \$3 trillion topline amount – this \$670 billion bill invests \$300 billion intended for deficit reduction and \$369 billion in energy security and climate change over the next 10 years.

NEMA continues to advocate for the emergency management community on a weekly basis with those on the Hill. The expertise and knowledge that NEMA's members provide are a concrete foundation for the voice and partnerships that the Association has with Congress and continues to allow NEMA to uphold its status as a champion of emergency management policy.

CONGRESSIONAL ENGAGEMENT

In addition to the numerous meetings, calls, and informal engagements required to secure the passage of legislation, NEMA joined with several other associations in recent months to address specific issues currently before Congress.

- NEMA worked closely with Congressional leadership to see the successful passage of provisions on increasing the small project threshold, developing a universal disaster application, and a long-time priority in allowing management costs to rollover across different disasters.
- Ongoing legislative activities include negotiations on the Resilient America Act, which would increase the BRIC set aside from six to 15 percent. NEMA remains in conversations with other stakeholder associations on additional policies in the Act, such as building code requirements.
- Throughout the year, NEMA partnered with other stakeholder associations to such collaborate on legislative activities. These groups include the Hazards Caucus Alliance, Stafford Act Coalition, BuildStrong Coalition, International Code Council, and Flood Map Coalition in representing myriad issues before Congress.

HEARINGS & MARK-UPS

Hearings on topics related to emergency management were in large part substituted for mark-ups and other business meetings in the last couple months. The House Transportation and Infrastructure Committee held a roundtable, with NEMA being invited to participate. California State Director Mark Ghilarducci represented the association and brought up pressing and important discussions around emergency housing, wildfire responses, and needed Individual Assistance changes. Lengthier conversations and issues that the table flagged had to do with the equity of using hotels as emergency housing, how we can utilize temporary housing to cultivate a community of survivors and easier access to social services, and maintaining affordability for survivors regardless of their situation (homeowners, renters, landlords, etc.).

The most notable mark-up was with Senate Homeland Security and Governmental Affairs Committee (HSGAC), which held a 26-bill hearing that included three of NEMA's 2022 legislative priorities. A long-time effort by NEMA to see the rollover of management costs funds across disasters moved one step closer to enactment, as well as language to create a universal disaster assistance application. FEMA also increased the small project threshold ceiling for PA programs to \$1 million.

HSGAC also held a hearing on FEMA's strategic priorities and disaster preparedness. As the witness, Administrator Deanna Criswell talked through various initiatives and on-going points of focus for FEMA. Some of the discussions included the timeline for the STORM Act Notice of Funding Opportunity, which provides funding for state revolving loan funds, is looking to be moved up to early 2023.

HIGHLIGHTS FROM AROUND D.C.

♦ FY2023 Spending Package Outlook ♦

In the last few months, the Senate and House Appropriations Committees released their recommendations on the FY23 budget. This leaves a conference agreement among the House and Senate as the final piece – however the likelihood of this coming any time soon remains unclear. Backed up against the wall of the new fiscal year, and with a government shutdown looming, Congress decided to pass a continuing resolution (CR) that would see the government funded at FY22 levels through December 16. Included in this stopgap bill was reauthorization of the national flood insurance program, additional aid to Ukraine, full apportionment of the DRF, and \$2 billion to the CDBG-DR program for long-term housing, infrastructure, and economic relief among other items. The major hang-up for this CR was the result of a promise made by Majority Leader Senator Chuck Schumer (D—NY) to Senator Joe Manchin (D—WV) on a pipeline permitting provision – which failed to be included after lacking support from either side of the aisle. The outcome of the November midterm elections will likely paint a better picture on the plans for a full-year FY23 spending package.

♦ FY2023 FEMA Budget Recommendations by Chamber ♦

House Recommendations

Federal Emergency Management Agency (FEMA)

The bill includes \$25.89 billion for FEMA, \$1.73 billion above the FY 2022 enacted level and \$771.3 million above the request. A breakdown of the major report language includes:

Operations & Support

- *Emergency Management Assistance Compact (EMAC)*. By way of its inclusion in the budget request, the Committee provides \$2 million for EMAC. The following report language is also included:
 - “The Committee has heard concerns from states about FEMA’s interest in placing additional requirements on EMAC related to the National Qualification System (NQS) that may unnecessarily burden EMAC and its users. The Committee supports the NQS and recommends the proposed increase for the One Responder System and NQS. However, the funding enhancement for NQS should not be construed to in any way support activities that interfere with the state-to-state relationship afforded

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through EMAC or place requirements on the Compact administrator related to NQS. In any furtherance of NQS, FEMA should ensure stakeholder input is incorporated into final guidance and processes and that the Compact is in no way hindered by NQS requirements.”

- *Benefit-Cost Analysis.* Requires FEMA to provide a briefing on the current BCA toolkit and provide recommendations for overcoming any limitations in utilizing the program.
- *Earthquake Preparedness.* Requires FEMA to provide a briefing on work with state emergency management agencies in the Cascadia Subduction Zone to ensure adequate planning and capacity to mitigate the loss of life and property resulting from an earthquake.
- *Hazard Mitigation Planning Resources.* Requires FEMA to analyze, consolidate, and streamline its publicly available Hazard Mitigation Planning resources to increase accessibility and utility for communities, to include a concise, actionable list of mitigation steps that communities can take to make their energy systems more resilient and renewable.
- *EMAP & CEM.* The recommendation includes increases above the request of \$305,000 for the Emergency Management Accreditation Program (EMAP) and \$370,000 for the Certified Emergency Manager (CEM) program.

Federal Assistance

- *Preparedness Grants.* A chart outlining funding levels for all the grant programs is included with this summary.
- *Management Costs for Community Funded Projects (Earmarks).* The bill includes a provision recommending up to \$22 million for management and administration of earmarked projects.
- *Management Costs for Non-Profit Grants.* With the continued expansion of the Non-Profit Security Grant Program (NSGP), a provision is included allowing states to utilize part of the NSGP funding for administration costs.
- *Continuing Training.* Of the \$12 million provided, \$3 million will be competitively awarded for FEMA-certified rural and tribal training. The balance is to support competitively awarded training programs to address specific national preparedness gaps such as cybersecurity, economic recovery, housing, and rural and tribal preparedness.
- *Next Generation Warning System (NGWS).* The Committee recommends \$40 million for NGWS, which is part of IPAWS. FEMA is directed to work with the Corporation for Public Broadcasting to implement the program.
- *School Safety.* Report language reiterates the availability of SHSGP funds which can be used for bullet resistant doors and glass; hinge-locking mechanisms; immediate notification to emergency 911 systems; mechanisms that provide real-time actionable intelligence directly to law enforcement and first responders; installation of distraction devices or other countermeasures; and other measures determined to improve school physical security.

Senate Recommendations

Federal Emergency Management Agency (FEMA)

The Committee recommends \$25.8 billion for FEMA, which is \$701 million above the requested amount and \$1.67 billion above FY22 enacted levels. A breakdown of the major report language includes:

Operations & Support

- *EMAC.* Directs \$2 million for EMAC.
- *Equal Treatment.* The Committee commends FEMA’s continued effort to serve all communities in responding to disasters including ongoing efforts to review existing policies to ensure they are not posing unjustified burden on survivors and working to enforce Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

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- *NEHRP & Dam Safety.* Recommends \$8.5 million and \$9.7 million for the National Earthquake Hazard Reduction Program and National Dam Safety Program respectively.
- *Dam Removal Coordination.* Requires FEMA and the Fish and Wildlife Service to submit a plan to increase interagency coordination around dam removal and flood map updates.
- *BRIC & Building Codes.* Language is included regarding a concern that many communities may be disadvantaged during the technical scoring process due to FEMA's lack of consideration of the unique circumstances of many local municipalities. They specifically note a disadvantage for state building code laws outside local control. It also directs FEMA to enhance post-award explanations for failed applications.
- *Recovery Information.* The Committee required FEMA to evaluate how post-disaster and recovery information is disbursed to individuals, communities, and community leadership and consider opportunities to simplify and improve dissemination of such information.
- *Satellite Imagery.* Requires FEMA to develop, analyze, and deliver satellite imagery within 72 hours of a disaster.

Federal Assistance

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- *Combating Domestic Extremism.* Requires FEMA to post a public report detailing the use of FY21 and FY22 SHSGP and UASI grants related to combating domestic violent extremism.
- *Emergency Food & Shelter.* Makes up to \$50 million of the appropriated amount available for the construction of new, and the expansion of existing, shelter facilities.

♦ Passage of the Inflation Reduction Act♦

On August 16, a long-standing administrative priority was accomplished when President Biden signed the Inflation Reduction Act into law – investing hundreds of billions towards climate initiatives and reducing health care costs while intending to reduce the budget deficit by over \$300 billion. This legislation did not have specific emergency management policy or funding included; however it did provide \$369 billion for energy security and climate change and \$4 billion for western drought resiliency.

♦ NEMA Wildfire Policies Introduced in Congress ♦

In August, the House Majority assembled a wildfire policy reform package and reached out to NEMA to provide our policy priorities from the wildfire position paper submitted earlier this year. The priorities provided included: aligning FMAG eligibilities and timelines with those of other disasters in the PAPPG; requiring the FEMA Administrator to update the PAPPG guidance on wildfire-specific challenges; and a review of BCA criteria for mitigation projects – which will have a large impact across all grant projects in the emergency management sphere.

In addition to being wrapped into this larger reform package by House Majority, Representative Stanton (R—AZ) also introduced these policies as a standalone measure in the House, [H.R. 8516](#).

♦ CREW Act Progresses Along ♦

In September, the CREW Act ([S. 2293](#)) saw more movement, receiving a vote for reconsideration. If you recall, the CREW Act would provide USERRA protections to FEMA reservists on deployment. NEMA did not support this language due to concerns that this would affect state staffing resources. These are concerns highlighted by both state directors and NEMA private sector members. In conveying this to staff, we ensured a strong level of effort to work with FEMA on the roll-out and guidance development of a policy like this.

♦ State Capacity Engagement on STORM Act ♦

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Part of the invaluable aspect of NEMA is our ability to gauge opinions, capacities, and ideas from all the states and territories. FEMA reached-out to NEMA to gain insight into the positioning of state capacity to stand-up the newly enacted revolving loan fund, authorized by Congress via the STORM Act. NEMA gathered that the states see this as a great opportunity to increase local mitigation for low-resource communities, but are concerned about the administrative burdens of these revolving loan funds. The Hill remains keenly interested in the implementation of this program as well and continued outreach by FEMA to stakeholders is appreciated.

♦ Resilient America Discussions Continue♦

The discussions on [H.R. 5689](#), or the *Resilient America Act*, continued through the year as stakeholders, including NEMA, continue to hash-out an agreed upon framework for the legislation. Most notably, this measure would increase the BRIC set aside from six to 15 percent. Among other political roadblocks that this bill has faced are the stringent building code requirements. NEMA joined in a dialogue with IAEM, the BuildStrong Coalition, and International Code Council to work with Hill staff on developing language amenable to all parties. While the future of this bill remains unclear, NEMA is actively discussing priorities with these other stakeholders and Hill staff to try and build a more sustainable package.

♦ Senate HSGAC Holds 26 Bill Mark-Up ♦

In August, the Senate Homeland Security & Governmental Affairs Committee held a mark-up to address a range of issues – passing all bills in a voice vote block. Included in this mark-up were three major pieces of NEMA’s legislative priorities:

- **[H.R. 5641](#), Small Project Efficient and Effective Disaster (SPEED) Recovery Act**

The SPEED Recovery Act updates the threshold for what qualifies as a “small project” and increases the amount to \$1 million. This update will allow more recovery projects to proceed under simplified procedures and in turn streamline the process and paperwork for many projects, reduce administrative burdens, and provide more certainty in the recovery process for communities.

- **[S. 4654](#), Disaster Management Costs Modernization Act**

S. 4654 allows for grantees to rollover their management costs across multiple disasters. Administrative burdens often lead to lengthy close out processes, often spanning multiple years post-disaster, and leaves states grasping for funding. This flexibility will incentive the close out of disasters by the states and result in savings for the federal government. The language would also guarantee that states are provided the necessary resources to complete the required processes and documentation which will increase auditing and after-action tasks down the road.

- **[S. 4955](#), Disaster Assistance Simplification Act**

S. 4955 requires FEMA, HUD, SBA, and USDA to develop and implement a universal disaster application – with FEMA being the lead agency. This universal application, which allows for the agencies to share data to benefit recovery efforts, will streamline assistance processes for disaster survivors and increase equity by removing bureaucratic barriers that have disproportionately impacted vulnerable and underserved communities.

♦ State and Local Cyber Grants Updates ♦

In mid-September, DHS released the Notice of Funding Opportunity (NOFO) for the State and Local Cybersecurity Grant Program, which was funded at \$1 billion over four years through the Infrastructure Investment and Jobs Act (IIJA). NEMA worked for many years with other stakeholders to build a cyber-focused state and local grant. Our priorities included consistent management practices, a sustainable construct, and a program including measurable outcomes. The result is a program bringing together a broad diversity of stakeholders, a program funding for the next five years, and a reasonable approach to match and pass-through

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requirements. A central priority for NEMA, ensuring the role of the State Administrative Agency, is in final guidance and will help ensure the integration of this program with existing grants.

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, Jamie Logan at 202-624-5458 or jlogan@csg.org