

LEGISLATIVE UPDATE

**2023 MID-YEAR FORUM
ALEXANDRIA, VIRGINIA**



SUMMARY

The country is staring at the “end” of the COVID-19 pandemic this year, with the emergency declaration and incident periods expected to end on May 11, 2023. This termination is going to continue to alter the way we prepare for, respond to, and ultimately live with the new normal of public health emergencies and natural disasters. Emergency management has been thrust into the spotlight in recent years and this limelight provides emergency management professionals the platform to spread the word for proper preparation and mitigation opportunities.

Emergency management is not going away on Capitol Hill, with continued interest by lawmakers in NEMA’s legislative priorities since last we met in Stowe. These priorities included legislation that would allow for the rollover of management costs across multiple disasters, FEMA individual assistance reform, NEMA’s priorities, and a universal disaster application for disaster survivors. All of these bills saw some action but failed to make it over the finish line. They are being reintroduced as the 118th continues taking shape.

This month the nation also got a look into President Biden’s funding priorities for the year. More in-depth detail is provided further down in this update, but as an overview, the president’s requested budget for DHS sits at \$60.4 billion in discretionary budget authority for 2024, a \$600 million or one-percent decrease from FY23 enacted levels.

The horizon, particularly as it relates to federal funding, is anything but certain this year. Reports have the Disaster Relief Fund (DRF) running out of funding early- to mid-summer. This will coincide with when the country is due to reach the debt ceiling. One does not need to be a professional prognosticator to deduce this collision course is anything but ideal.

These are just highlights meant to demonstrate the continual success of the partnership between NEMA and our federal partners. This report aims to provide a looking glass into the last few months of changes and triumphs in the emergency management sphere, as well as provide an outlook for what is on the horizon.

CONVERSATIONS WITH CONGRESS

We are well underway in the new congressional session, with thousands of bills having been introduced in the first two months of the 118th session. NEMA staff are keen on maintaining our level of partnership and engagement with our friends on Capitol Hill once committee hearings ramp up again. While we wait on those hearings, NEMA has been active in other ways. In February, NEMA hosted a discussion between some state directors and bipartisan House Transportation & Infrastructure staff to discuss the reasoning and importance in creating a universal disaster assistance application, roll-over of management costs across disasters, and some Individual Assistance issues.

Other legislative conversations between congressional staff and NEMA members included continued discussion on wildfire policy reforms relating to Fire Management Assistance Grants (FMAG) and wildfire policy under the Public Assistance Program and Policy Guide (PAPPG). Language in a previous letter from NEMA to Congress on an Integrated Program Office between the Cybersecurity and Infrastructure Security Agency (CISA) and Federal

Emergency Management Agency (FEMA) is also piquing interest in the halls.

At the end of March, NEMA will also be represented at an informal roundtable meeting with the House Homeland Security Committee. Erica Bornemann, Director of Vermont Emergency Management and Past President of NEMA, will be representing the association in a discussion aimed to provide insight to the committee on FEMA's new and expanded role in areas that were not traditionally under their purview.

FY2024 AND FY2023 BUDGETS

FY2023

In December, the House and Senate finally landed on an agreement for the rest of FY23 funding. A full report from this budget was provided to the membership, but as a reminder, DHS received a total discretionary level of \$60.7 billion, which is \$3.2 billion more than FY22. CISA walked away with a net increase of \$389 million over FY2022 numbers, and FEMA received increases on almost every line item, totaling \$1.5 billion increase over FY22.

The omnibus bill required FEMA to brief congressional committees on the processes of BRIC implementation and how stakeholder concerns are being addressed. Congressionally Directed Funding, also known as earmarks, made their return in this agreement. Grant programs of particular interest to NEMA all did quite well with at least level funding from the previous year.

Attached to the omnibus was an emergency supplemental providing additional funding to a broad range of disaster-related programs. Highlights included \$5 billion in additional funding for the DRF, though the emergency management community quickly learned that amount is well short of what is needed to continue to fund current projects as well as whatever impacts the coming hurricane season may bring.

FY2024

Right on the heels of digesting the FY23 omnibus, the White House released their budget request for FY24, the third of President Biden's tenure. DHS is requesting a budget of \$60.4 billion in discretionary budget authority for 2024, a \$600 million or one-percent decrease from FY23 enacted levels. CISA received \$145 million over last year's allocation at \$3.1 billion and FEMA was portioned just over \$30 billion.

As for language highlights, the budget requests additional resources in order to implement FEMA's building code strategy, realigns funding for FEMA's Resilience reorganization, sustains funding for FEMA Integration Teams, and shifts around personnel so that FEMA can reach their Justice40 initiative goals. The DRF, which is in a gloomy situation, received an increase of \$336 billion, roughly 6.7 percent, for FY24 – short of the estimated need of ten percent. Major grant programs generally see level-funding to FY23.

D.C. FORECAST – WHAT TO EXPECT IN THE 118TH

♦ Danger for the DRF ♦

Touched on above, this new class of congressional members are facing a situation that will have a massive impact on the nation's emergency management posture for years to come. The Disaster Relief Fund (DRF) is projected to run out of funding during this summer. This means there will have to be a push to provide supplemental funding for the DRF, which could face some backlash as conversations in recent years among lawmakers have wondered if we are putting too much funding into it. Outside of that challenge, with the management barriers between the House and Senate in this new session of Congress, could see the DRF end up in an Immediate Needs Funding (INF) situation where only lifesaving

needs are funded – pausing emergency management progress till a supplemental agreement is reached. This will be complicated by the fact the country will reach the debt ceiling about the same time.

♦ The Future of Wildfires ♦

Wildfires is already gaining a lot of attention in the early days of the 118th – something that NEMA is looking to build upon with our own wildfire priorities. We have previously testified in the House Transportation and Infrastructure on wildfire priorities, worked with various members of the 117th Congress – including House leadership – on the inclusion of our wildfire priorities in legislative packages, and held multiple conversations with committee staff on the importance of this language. Work is already underway to reintroduce HR 8516 from the 117th Congress which directs FEMA to update policies for the Fire Management Assistance Grant (FMAG), make the PAPPG more consistent and inclusive of wildfire priorities, and address ongoing concerns with the agency’s Benefit-Cost Analysis.

♦ End of the Pandemic ♦

Sometimes it felt like the world would not get to this point, but it looks like all levels of government are shifting away from the emergency declaration period of COVID-19 and dealing with more of an ‘endemic’ state. It has been announced that May 11, 2023, will be the COVID-19 emergency declaration termination date, along with FEMA closing the incident period.

The need for clear and consistent close-out guidance on this process is paramount for the agencies and departments that were tasked with handling the pandemic – especially in a situation where it seemed to be by any means necessary. NEMA sent a letter to FEMA Administrator Deanne Criswell and DHS Inspector General Joseph Cuffari expressing the importance of swiftly publishing such guidance that can be used by grantees, FEMA, and OIG auditors throughout the close-out process.

♦ First State Emergency Management Director Elected to Congress ♦

The emergency management profession witnessed a first in this new congressional session. In November, former NEMA member and Director of Florida’s Division of Emergency Management, Jared Moskowitz, became the first state emergency management director elected to the House of Representatives. Serving as Director of Florida’s Division of Emergency Management from 2019 until 2021, NEMA is very pleased to have someone with such invaluable experience and knowledge in emergency management as Rep. Moskowitz on the Hill. NEMA and IAEM wasted no time going to meet with the Congressman and discuss areas in which we can partner. Congratulations to Rep. Moskowitz.

♦ Law Enforcement Carve-Out Increase ♦

There was a change in some of the homeland security programs that DHS provides – specifically the Urban Area Security Initiative (UASI) and the State Homeland Security Grant Program (SHGP). Previously, these programs required a mandatory 25 percent carve out for Law Enforcement Terrorism Prevention Activities (LETPA). At the end of February, the Secretary of DHS announced that those carve-outs for the LETPA requirement would be raised to 35 percent. NEMA was asked to provide comments on this policy change after it was made. As a response, NEMA submitted a letter to DHS Secretary Mayorkas requesting that adequate stakeholder consultation is taken into consideration in advance of changes when priority-setting at the national level.

♦ CDRZ Act ♦

Another piece of legislation that NEMA supported was the Community Disaster Resilience Zones Act (CDRZ Act) – which became law in December 2022. The bill requires the President to continue to maintain a natural hazard assessment program that develops and maintains publicly available products to show the risk of natural hazards across the country. These Community Disaster Resilience Zones will have their risk of natural hazards identified through outlined requirements and may receive additional support and resources if projects are performed inside them. NEMA signed on a

letter of support along with a list of other stakeholders, including partners such as IAEM, Big City Emergency Managers, the National Association of Counties, and BuildStrong Coalition.

♦ **NDA Emergency Management Provisions** ♦

Also passing in recent months was the National Defense Authorization Act. While it hit some speed bumps in its journey to passage, the final package of this must-pass bill included a few emergency management provisions. These included:

- Establishes Preliminary Damage Assessment (PDA) teams that are experts in the PDA process and meant to provide assistance to state and local partners.
- Expands and codifies the responsibilities of FEMA's Small State and Rural Advocate (SSRA) when helping state and local officials demonstrate localized impact and apply for federal disaster aid.
- Directs the FEMA Administrator to waive certain debts to the United States owed by individuals and households.
- A Sense of Congress that encourages FEMA to study the idea of integrating collapsible shelters for post-disaster non-congregate sheltering needs into the Agency's disaster preparedness stockpile.
- Provides the President authorization to grant FEMA's Crisis Counseling Assistance and Training Program (CCP) assistance, which provides short-term mental health resources to disaster victims, to the victims of Emergency Declarations (EDs).
- Directs DHS and FEMA to lead the establishment of an interagency committee for risk assessment that would report on the adequacy of continuity of operations (COOP) and continuity of government (COG) plans for each identified to ensure that the United States government is prepared for high-consequence events.
- Provides state and local governments with expanded FEMA assistance for training and programming to build resilience to chemical, biological, radiological, and nuclear hazards, and related emerging threats.

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