



LEGISLATIVE UPDATE

FY24 Senate Appropriations Summary

TO: NEMA State Directors
FROM: NEMA Legislative Committee
DATE: August 17, 2023
SUBJECT: FY24 Senate Appropriations Summary

In the wake of their House counterparts, the Senate has now also completed work on their version of a funding bill for the Department of Homeland Security (DHS) for Fiscal Year 2024 (FY24). The Senate operated under a different topline budget number, so many programs (mainly FEMA grants) saw reductions. With the end of the fiscal year looming on September 30, 2023, the future remains uncertain. Last week, the Administration finally submitted a \$40 billion supplemental request, \$12 billion of which is intended for FEMA's Disaster Relief Fund (DRF). All signs point to the need for a Continuing Resolution (CR) and House leadership is saying they do not want to extend beyond "early December." But with disagreement across aisles, chambers, branches of government, and even within parties, no clear path forward exists currently. Fortunately, even a short-term CR will allow FEMA to obtain a full year allocation for the DRF.

DHS-WIDE SUMMARY

The bill includes \$61.3 billion in total discretionary appropriations for DHS. This is approximately \$1.4 billion less than the total in the House, and \$700 million over FY23. The full amount requested for the DRF, \$20.26 billion, is included. Highlights include:

- New resources to stop the flow of fentanyl and strengthen efforts abroad to disrupt and dismantle transnational criminal organizations trafficking in narcotics, firearms, and people.
- Increasing capacity at ports of entry to improve the flow of goods and people.
- Massive hiring for Customs and Border Protection.
- Largely level-funded efforts for the U.S Coast Guard, Secret Service, and Transportation Security Administration.

Cybersecurity and Infrastructure Security Agency (CISA)

The Committee recommends a total program level of \$3 billion for CISA, which is \$49 million below the budget request amount and \$100 million above the FY23 enacted level. Highlights include:

- Urges CISA to mature and expand CISA's existing relationship with the Health Information Sharing and Analysis Center [H-ISAC] and related entities that help mitigate risk healthcare infrastructure.
- Directs CISA to continue enhancing its ability to centrally verify and manage asset and vulnerability data on Internet-facing cyber terrain for Federal, critical infrastructure, and SLTT (state, local, Tribal, and territorial) partner networks. This is intended to provide better asset visibility and vulnerability protection.
- Directs CISA to expand outreach to the State courts through national level associations to drive participation and understanding of services available to prevent, protect against, and response to cyber-attacks on State court electronic data systems.

- Provides \$1 million above the budget request to increase the number of elections infrastructure exercises conducted in FY24.
- Requires CISA to report within 60 days on a plan for hiring all vacant Cybersecurity Advisor positions across the country.
- There are some interesting developments regarding the funding of the ***Multi-State Information Sharing and Analysis Center (MS-ISAC)***. The current FY23 funding for the MS-ISAC and Elections-ISAC is \$43 million. The House proposed a funding reduction to \$25 million, and the Senate has proposed a cut to approximately \$15 million. The Senate also includes language designating this funding for "SLTT ISAC."

Federal Emergency Management Agency (FEMA)

The Committee recommends \$25.5 billion for FEMA, which is \$346 million below the budget request amount and \$136 million below the FY23 enacted level. A breakdown of the significant language includes:

Grants

- A chart outlining funding levels for all the grant programs is included with this summary.
- The bill includes a sizeable investment (\$752 million) in the Shelter and Services Program (SSP) for FY24. This is the likely negotiating point against broader reductions in all the legacy grant programs.
- FEMA is directed to provide a briefing outlining a plan and the resources necessary (by State) to assist Tribes and local governments that lack the financial resources and capacity to address tsunami preparedness and hazard mitigation in the ***Cascadia Subduction Zone coastal States***.
- Urges FEMA to ***implement the final recommendations and goals of the Technical Mapping Advisory Council's Annual Reports***, including transitioning to current and future condition risk scores, structure-specific flood risk analysis, incorporating high-resolution topographic data into flood risk maps, and better communicating current and future direct and residual flood risk to property owners.
- Includes the following language on the ***recent increase in set-aside percentage for the Law Enforcement Terrorism Prevention Activity (LETPA)***:

Prior to setting the LETPA set-aside for the State Homeland Security Program and Urban Area Security Initiative, FEMA is directed to brief the Committee on the threat environment. FEMA is also directed to include in this brief a discussion of any stakeholder engagement undertaken up to that date. The Committee believes that preventing and responding to terrorist activity and targeted violence requires a whole-of-community approach. As such, FEMA is strongly encouraged to engage with a range [of] stakeholders beyond only law enforcement entities to ensure all that entities that play a role in preparing for and responding to a terrorist activity and targeted violence are given the opportunity to provide inputs and feedback.
- Directs FEMA to report qualitative and quantitative outcomes of enhanced security as a result of the ***Non-Profit Security Grant Program***.

Resilience

- Similar to the language included by the House, the Senate demonstrates clear frustration at the inability of FEMA to ***adequately define "resilience."*** This is compounded by a lack of transparency in the agency's ongoing Resilience reorganization. FEMA is directed to become fully compliant with the Disaster Recovery Reform Act (DRRA) requirement to define resilience within 30 days of enactment of the appropriations bill.

- Language reflecting concerns about the speed of BRIC awards is included as is a requirement for FEMA to provide regular briefings. Those briefings are to encompass all stakeholder outreach and input efforts received by the agency.
- Encourages counties to develop FEMA-approved hazard mitigation plans to protect and for FEMA to utilize this planning effort to increase the number of communities in rural areas that are eligible for hazard mitigation funds.

Preparedness & Protection

- Requires FEMA and the Department of Housing and Urban Development to collaborate in a more robust fashion on addressing the ongoing homelessness issue across the country. No specific objective is provided.

Response & Recovery

- Includes not less than \$2.5 million for the ***Emergency Management Assistance Compact (EMAC)***, an increase of \$500,000. The report also includes the following language:
The Committee recognizes the important value of EMAC as a cost-effective solution to requesting and deploying assets; conducting planning, training, and exercises; and completing and implementing lessons learned. As natural disasters continue to increase in both number and intensity, the Committee anticipates reliance on EMAC will also grow...The Committee also directs FEMA to ensure that the base level of funding for EMAC is specified in the President’s Budget for fiscal year 2025.
- Requires FEMA to more clearly articulate eligibility of loan interest on ***Public Assistance loan interest reimbursement***.

Disaster Relief Fund

The Disaster Relief Fund (DRF) is fully funded per the Administration’s FY24 request. This includes \$20.261 billion for disaster response and \$145 million for the Base side of the DRF. Report language also sets the ***BRIC state set-aside*** at not less than \$1.5 million per state and requires a briefing by FEMA to demonstrate those efforts underway to enhance ***transparency in the process of awarding a Presidential Declaration***.

Helpful Links

[Bill Language](#)

[Committee Report Language](#)

[Congressionally Directed Spending \(Earmarks\)](#)

This summary is provided courtesy of the NEMA Legislative Committee. Should you have any questions, please contact:

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