

The logo for the Natural Hazard Mitigation Association (NHMA) features the letters "NHMA" in a brown, serif font. Below the text are two horizontal bars: a green one on top and a blue one on the bottom. To the right of the text and bars is a light blue rectangular gradient.

Natural Hazard Mitigation Association

“Mitigation makes communities and people safer from disasters”

[www.nhma.info](http://www.nhma.info)

**Legislation Newsletter  
December 2009**

Dear NHMA Membership:

The attached *NHMA Legislation Newsletter* is intended to provide you all with a summary of major legislative actions being undertaken in the field of hazard mitigation. Although NHMA is not taking a formal position on legislative items at this time, we feel it is critical that everyone be informed of what is being proposed.

Legislative items have been categorized by topic relevance for easy reference. Although a few of the items contained herein are follow-ups to previously reported pieces of legislation which have since been the subject of congressional action, many items are new as of October or November and are related to the Department of Homeland Security budget. All information regarding federal legislation has been retrieved from the Library of Congress website at [www.thomas.loc.gov](http://www.thomas.loc.gov).

I encourage you all to provide feedback on the format and content of the newsletter so that we may make improvements when necessary and ultimately provide the most useful hazard mitigation policy tool possible. Also, please feel free to forward any information regarding innovative state or local legislation or programs which you feel are relevant to the field of hazard mitigation and worthy of being featured in the NHMA newsletter, as we would be happy to include such information in future newsletters.

Please visit the NHMA Facebook page, LinkedIn group and the NHMA Yahoo group to share your thoughts on this newsletter and on all things hazard mitigation.

Thanks again for your continued support of NHMA and the profession of hazard mitigation.

Jerry Graves, Jr.  
NHMA Legislative Committee

# Amendments to the Stafford Act

## **H.R.3377** (*Follow-up from the September 2009 Newsletter*)

**Title:** To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes.

**Sponsor:** [Rep Oberstar, James L.](#) [MN-8] (introduced 7/29/2009)      [Cosponsors](#) (3)

**Latest Major Action:** 11/5/2009 House committee/subcommittee actions. Status: Ordered to be Reported (Amended) by Voice Vote.

### **SUMMARY AS OF:**

7/29/2009--Introduced.

Disaster Response, Recovery and Mitigation Enhancement Act of 2009 - Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to: (1) require the President to award financial assistance under the pre-disaster hazard mitigation program on a competitive basis; and (2) authorize continuing appropriations for such program through FY2012.

Requires: (1) the President, acting through the Administrator of the Federal Emergency Management Agency (FEMA), to modernize and implement the integrated U.S. public alert and warning system; and (2) the Administrator to establish an Integrated Public Alert and Warning System Advisory Committee.

Makes temporary FEMA employees hired in the aftermath of a disaster eligible to enroll in the Federal Employees Health Benefits Plan.

Authorizes the President to transfer excess materials, supplies, or equipment acquired for response or recovery efforts in connection with a major disaster or emergency to a state, local government, or relief organization to assist victims of other major disasters, emergencies, or incidents.

Directs the Administrator to: (1) continue to administer the National Urban Search and Rescue Response System; (2) provide for a national network of standardized search and rescue resources; (3) designate task forces to participate in the System and determine participation criteria; and (4) enter into annual preparedness cooperative agreements with sponsoring agencies.

Provides for the establishment of a Disaster Relief Fund.

Authorizes the President to: (1) increase disaster mitigation assistance to states that are actively enforcing approved building codes; and (2) provide temporary assistance in the form of mortgage or rental payments for individuals and families

who, because of financial hardship caused by a major disaster, are at imminent risk of dispossession or eviction from a residence.

Authorizes FEMA to rescue and shelter animals during disasters and emergencies.

Sets forth provisions concerning the storage, sale, transfer, and disposal by FEMA of temporary housing units.

Authorizes the Administrator to: (1) continue to administer the Citizen Corps and the Community Emergency Response Team Program; and (2) make grants for implementation of the Emergency Management Assistance Compact.

**ALL ACTIONS:**

**7/29/2009:**

Sponsor introductory remarks on measure. (CR [E2079-2080](#))

**7/29/2009:**

Referred to the House Committee on Transportation and Infrastructure.

**7/30/2009:**

Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.

**11/5/2009:**

Subcommittee on Economic Development, Public Buildings and Emergency Management Discharged.

**11/5/2009:**

Committee Consideration and Mark-up Session Held.

**11/5/2009:**

Ordered to be Reported (Amended) by Voice Vote.

## Federal Emergency Management Agency (FEMA)

### **H.R.1174** (*Follow-up from the September 2009 Newsletter*)

**Title:** To establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes.

**Sponsor:** [Rep Oberstar, James L.](#) [MN-8] (introduced 2/25/2009) [Cosponsors](#) (29)

**Related Bills:** [S.412](#)

**Latest Major Action:** 11/5/2009 House committee/subcommittee actions. Status: Ordered to be Reported (Amended) by Voice Vote.

**SUMMARY AS OF:**

2/25/2009--Introduced.

FEMA Independence Act of 2009 - Reestablishes the Federal Emergency Management Agency (FEMA) as a cabinet-level independent establishment in the

executive branch. Requires FEMA to be headed by an Administrator appointed by the President.

Establishes as FEMA's primary mission to reduce the loss of life and property and protect the nation from hazards by leading and supporting the nation in a comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

Prescribes the Administrator's responsibilities. Requires each Regional Administrator to establish a Regional Advisory Council. Requires FEMA to have an Office of the Inspector General.

Includes among FEMA functions: (1) those functions it had on January 1, 2009, including continuity of operations and government programs; and (2) functions relating to FEMA under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Directs the Administrator to continue to maintain a National Advisory Council.

Requires the National Integration Center to ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the federal response to any hazard. Abolishes the position of Principal Federal Official.

Requires the Administrator to: (1) continue to implement a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, state, local, and tribal governments, and organizations that represent emergency response providers to collaborate on developing standards for deployment capabilities, including for credentialing and typing; and (2) appoint a Disability Coordinator.

**ALL ACTIONS:**

**2/25/2009:**

Sponsor introductory remarks on measure. (CR [E412-413](#))

**2/25/2009:**

Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

**2/25/2009:**

Referred to House Transportation and Infrastructure

**2/26/2009:**

Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.

**11/5/2009:**

Subcommittee on Economic Development, Public Buildings and Emergency Management Discharged.

**11/5/2009:**

Committee Consideration and Mark-up Session Held.

**11/5/2009:**

Ordered to be Reported (Amended) by Voice Vote.

**2/25/2009:**

Referred to House Homeland Security

**3/2/2009:**

Referred to the Subcommittee on Management, Investigations, and Oversight.

**3/2/2009:**

Referred to the Subcommittee on Emergency Communications, Preparedness, and Response.

## **H.R.3791**

**Title:** To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

**Sponsor:** [Rep Mitchell, Harry E.](#) [AZ-5] (introduced 10/13/2009) [Cosponsors](#) (103)

**Related Bills:** [H.RES.909](#)

**Latest Major Action:** 11/19/2009 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

**House Reports:** [111-333](#) Part 1

### **SUMMARY AS OF:**

11/18/2009--Passed House amended. (There is 1 [other summary](#))

Fire Grants Reauthorization Act of 2009 - (Sec. 2) Amends the Federal Fire Prevention and Control Act of 1974 to reauthorize through FY2014 the Federal Emergency Management Agency's (**FEMA's**) Assistance to Firefighters Grants (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) program.

Modifies the scope of the AFG program, including by permitting the use of grant funds for volunteer, non-fire service emergency medical services organizations and for certifying fire and building inspectors employed by a fire department or serving as a volunteer building inspector with a fire department. Prohibits providing program funds to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

Increases: (1) funding for fire prevention and firefighter safety programs; and (2) maximum AFG grant amounts. Lowers matching and maintenance of expenditure requirements and authorizes the Administrator of **FEMA** to waive or reduce such requirements for applicants facing demonstrated economic hardship.

Revises grant allocation requirements to require 25% of grant amounts for a fiscal year to be allocated to each of: (1) career fire departments; (2) volunteer fire departments; (3) combination fire departments. Requires remaining amounts to be awarded on a competitive basis among such fire departments.

Revises grant limits based on jurisdiction populations. Sets forth new limits on awards to state fire training academies. Limits grant amounts used to obtain training to training that complies with applicable national voluntary consensus standards.

Amends SAFER program provisions to: (1) limit the period of program grants to three years; (2) require grantees to commit to retaining firefighters hired for the entire grant period, with an economic hardship exception; and (3) limit to 80% the portion of the cost of hiring firefighters for each fiscal year that may be provided under a grant.

(Sec. 3) Directs the Administrator of **FEMA** to make grants directly to career, volunteer, and combination fire departments for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security (DHS).

(Sec. 4) Requires the Administrator of the United States Fire Administration, in conjunction with the National Fire Protection Association, to conduct and report to Congress on a study to: (1) define the current roles and activities associated with the fire services on a national, state, regional, and local level; (2) identify the equipment, staffing, and training required to fulfill such roles and activities; (3) conduct an assessment to identify gaps between what fire departments currently possess and what they require on a national and state-by-state basis; and (4) measure the impact of the AFG program in meeting the needs and filling the gaps identified. Authorizes appropriations.

(Sec. 5) Directs the Secretary of Homeland Security to: (1) conduct a survey to ascertain whether each career fire department, volunteer fire department, and combination fire department in the United States is in compliance with the national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness; and (2) establish a Task Force to Enhance Firefighter Safety.

(Sec. 6) Prohibits using any funds appropriated to carry out this Act for a congressional earmark.

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## **MAJOR ACTIONS:**

10/13/2009 Introduced in House

11/7/2009 Reported (Amended) by the Committee on 111-333, Part I.

11/7/2009 Committee on Homeland Security discharged.

11/18/2009 Passed/agreed to in House: On passage Passed by the Yeas and Nays: 395 - 31 ([Roll no. 901](#)).

11/19/2009 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

## **H.R.3837**

**Title:** To amend the Homeland Security Act of 2002 to provide for clarification on the use of funds relating to certain homeland security grants, and for other purposes.

**Sponsor:** [Rep Kilroy, Mary Jo](#) [OH-15] (introduced 10/15/2009) [Cosponsors](#) (26)

**Related Bills:** [S.2793](#)

**Latest Major Action:** 11/17/2009 House committee/subcommittee actions. Status: Ordered to be Reported (Amended) by Voice Vote.

### **SUMMARY AS OF:**

10/15/2009--Introduced.

Strengthening and Updating Resources and Equipment Act or the SURE Act - Amends the Homeland Security Act to permit grants awarded under the State Homeland Security Grant Program or the Urban Area Security Initiative to be used for maintenance agreements, user fees, or sustainment costs for purchased equipment related to preventing, preparing for, protecting against, and responding to acts of terrorism.

Prohibits the Administrator of the Federal Emergency Management Agency (**FEMA**) from imposing: (1) a limit on the amount of any such award that may be used to pay for equipment purchase and maintenance costs; and (2) any additional limitation, including any fiscal year limitation, on the amount of any such award that may be used for a specific type, purpose, or category of equipment purchase or maintenance cost.

## **H.R.3980**

**Title:** To provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

**Sponsor:** [Rep Cuellar, Henry](#) [TX-28] (introduced 11/2/2009) [Cosponsors](#) (1)

**Latest Major Action:** 12/3/2009 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

**House Reports:** [111-346](#)

### **SUMMARY AS OF:**

12/1/2009--Reported to House without amendment. (There is 1 [other summary](#))

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

Redundancy Elimination and Enhanced Performance for Preparedness Grants Act - Amends the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency (**FEMA**), for homeland security preparedness grants (under the Urban Area Security Initiative and under the State Homeland Security Grant Program) and other grants specified by the Administrator, to submit a report to the congressional homeland security committees every two years that: (1) identifies redundant reporting requirements for grant recipients and includes a plan for eliminating such redundancies; (2) includes a plan for developing and improving the performance metrics required for such grants; and (3) includes an assessment of each program under which such grants are awarded.

Requires each such plan to: (1) be developed in coordination with state, local, tribal, and territorial governments; and (2) include a proposed timeline for implementing actions.

Requires each such program assessment to include: (1) a brief summary of program purposes, objectives, performance goals, and key findings; (2) an assessment of the quality of the program's performance metrics and the extent to which necessary performance data are collected; (3) a summary of how the program's strengths and weaknesses are contributing to or impeding its successes or failures; (4) a description of the extent to which any trends, developments, or emerging conditions affect the need to change the mission of the program or the way it is being carried out; (5) an identification of best practices used for allocating resources that resulted in positive outcomes; (6) recommendations for program modifications to improve program results; (7) a summary of key results of the program assessment that support maximizing the amount of funds appropriated for the program; and (8) an assessment of the quality of customer service offered to recipients of funds under the program and a strategy for improving such service.

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**MAJOR ACTIONS:** [[

11/2/2009 Introduced in House

12/1/2009 Reported by the Committee on Homeland Security. H. Rept. [111-346](#).

12/2/2009 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 414 - 0 ([Roll no. 922](#)).

12/3/2009 Referred to Senate committee: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

# Hazards Research, Monitoring, and Training

## H.R.3820

**Title:** To reauthorize Federal natural hazards reduction programs, and for other purposes.

**Sponsor:** [Rep Wu, David](#) [OR-1] (introduced 10/15/2009) [Cosponsors](#) (4)

**Latest Major Action:** 10/21/2009 House committee/subcommittee actions.

Status: Ordered to be Reported (Amended) by Voice Vote.

### **ALL ACTIONS:**

#### **10/15/2009:**

Referred to the Committee on Science and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### **10/15/2009:**

Referred to House Science and Technology

#### **10/21/2009:**

Committee Consideration and Mark-up Session Held.

#### **10/21/2009:**

Ordered to be Reported (Amended) by Voice Vote.

#### **10/15/2009:**

Referred to House Natural Resources

#### **10/19/2009:**

Referred to the Subcommittee on Energy and Mineral Resources.

#### **10/15/2009:**

Referred to House Transportation and Infrastructure

#### **10/16/2009:**

Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.

## H.R.3891

**Title:** To improve research on health hazards in housing, to enhance the capacity of programs to reduce such hazards, to require outreach, and for other purposes.

**Sponsor:** [Rep Brady, Robert A.](#) [PA-1] (introduced 10/21/2009) [Cosponsors](#) (None)

**Latest Major Action:** 10/21/2009 Referred to House committee. Status: Referred to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

**ALL ACTIONS:**

**10/21/2009:**

Referred to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

**10/21/2009:**

Referred to House Energy and Commerce

**10/21/2009:**

Referred to House Financial Services

**10/21/2009:**

Referred to House Agriculture

AMANDA