110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
110–322

EMERGENCY MANAGEMENT PERFORMANCE GRANTS REAUTHORIZATION

SEPTEMBER 10, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

REPORT

[To accompany H.R. 2775]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2775) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197 et seq.) is amended by adding at the end the following:

"SEC. 630. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

"(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall continue implementation of an emergency management performance grants program (in this section referred to as the 'program') to carry out the provisions of this title and section 201.

"(b) FEDERAL SHARE.—Except as otherwise specifically provided by this Act, the Federal share of the cost of an activity carried out using funds made available under the program shall not exceed 50 percent.

"(c) APPORTIONMENT.—For fiscal year 2009, and each fiscal year thereafter, the Administrator shall apportion the amounts appropriated to carry out the program among the States as follows:

"(1) BASELINE AMOUNT.—The Administrator shall first apportion 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands and 0.75 of such amounts to each of the remaining States.

"(2) REMAINDER.—The Administrator shall apportion the remainder of such amounts in the ratio that—

"(A) the population of each State; bears to

"(B) the population of all States.

"(d) MINIMUM APPORTIONMENT.—If the total amount appropriated to carry out the program for a fiscal year equals or exceeds $200,000,000, no State shall receive an apportionment under subsection (c) for the fiscal year that is less than the amount that the State received in emergency management performance grants for fiscal year 2007.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $450,000,000 for fiscal year 2009, $500,000,000 for fiscal year 2010, and $550,000,000 for fiscal year 2011. Such sums shall remain available until expended.".

SEC. 2. CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended to read as follows:

"SEC. 614. CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

"(a) GRANTS.—The Administrator of the Federal Emergency Management Agency may make grants to States under this title for equipping, upgrading, and constructing State and local emergency operations centers.

"(b) FEDERAL SHARE.—Notwithstanding any other provision of this title, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.".

PURPOSE OF THE LEGISLATION

H.R. 2775, as amended, authorizes the Emergency Management Performance Grant ("EMPG") program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"). H.R. 2775 further amends the Stafford Act to allow the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing state or local Emergency Operations Centers ("EOCs").

BACKGROUND AND NEED FOR LEGISLATION

The Emergency Management Performance Grant program is the Federal Government's principal grant program to assist State and local emergency managers in preparing for all hazards. Administered by the Federal Emergency Management Agency ("FEMA"), this grant program has been in existence, under different names, since the 1950s.

H.R. 2775 codifies the EMPG program in the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Stafford Act is the natural and historic home for this program, as this longstanding program derives its authority from this Act.

The EMPG program has a long, successful history of fostering emergency management preparedness capabilities at the state and local level. The program requires a non-Federal share of 50 percent, but state and local governments overmatch Federal funds by approximately $96 million each year. The 50-percent cost share is specifically designed to require state and local governments to contribute their resources to building strong emergency management capabilities.

Across the nation, States face a far greater risk of experiencing a natural disaster or other catastrophe than suffering a terrorist attack. Yet, Federal spending for all-hazards preparedness, through the EMPG program, continues to fall far short of what the Federal Government spends for programs specifically targeted to terrorism. In FY 2006, funding for the EMPG program represented approximately 10 percent of the funding allocated to terrorism preparedness programs.

The EMPG program has historically relied on an indefinite authorization for appropriations in Title VI of the Stafford Act. In the 109th Congress, Congress authorized appropriations of $375 million for the EMPG program for FY 2008 (P.L. 109–295). H.R. 2775 codifies the EMPG program as an amendment to the Stafford Act, and authorizes a total of $1.5 billion for the program for fiscal years 2009 through 2011.

The Committee has received strong support for H.R. 2775 from State and local emergency managers. In a June 25, 2007 letter to Chairman Oberstar and Subcommittee Chairwoman Norton, the National Emergency Management Association, representing State emergency management officials, stated that the bill would strengthen state and local emergency management programs by maintaining the program's traditional historical legislative authority, the Stafford Act. The International Association of Emergency Managers, representing city and county emergency management officials, also submitted a letter expressing support for the authorization of the EMPG program under the Stafford Act, citing the importance of maintaining the link between the EMPG program and other phases of emergency management, including response, recovery, and mitigation.

SUMMARY OF THE LEGISLATION

Section 1. Emergency Management Performance Grants

Subsection (a) codifies the EMPG program in the Stafford Act. The EMPG program currently relies on the authority of the Stafford Act.

Subsection (b) specifies that the Federal share of the cost of an activity carried out using funds made available under the EMPG program shall not exceed 50 percent, consistent with current program implementation.

Subsection (c) apportions 0.75 percent of the funds appropriated to EMPG to each state, the District of Columbia, and Puerto Rico; and 0.25 percent to other territories. The balance of the program funds are distributed on the basis of population. This funding distribution formula is consistent with FEMA's current practice in administering the program.

Subsection (d) assures that no State will receive in any fiscal year less than the State received in fiscal year 2007, provided that the total appropriation for the EMPG program in that fiscal year equals or exceeds $200 million, the amount appropriated for the program in FY 2007.

Subsection (e) authorizes a total of $1.5 billion for fiscal years 2009 through 2011 for the Administrator of FEMA to continue to implement the EMPG program.

Section 2. Construction of Emergency Operations Centers

Section 2 amends section 614 of the Stafford Act, concerning the Federal share for construction of Emergency Operations Centers. Section 2 allows the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing State or local EOCs. While equipping, upgrading, and constructing EOCs are eligible activities under the EMPG program, section 2 applies the Federal cost share to the EMPG program and any other program authorized under Title VI of the Stafford Act that provides grants for construction of EOCs.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In the 110th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management has held several hearings on FEMA, including a hearing on April 26, 2007, on "FEMA's Preparedness and Response to All Hazards". The EMPG program was discussed at length at that hearing by both Members of Congress and witnesses.

On June 19, 2007, Chairman James L. Oberstar introduced H.R. 2775, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes.

On June 28, 2007, the Committee on Transportation and Infrastructure met in open session to consider H.R. 2775. The Committee adopted an amendment in the nature of a substitute to the bill by voice vote. The amendment made three changes to H.R. 2775. The amendment added a provision to guarantee that no State will receive less EMPG funds, in any year, than the State received in fiscal year 2007, provided that the total appropriation for the EMPG program in that fiscal year equals or exceeds $200 million, the amount appropriated for the program in FY 2007. The amendment also increased the authorization of appropriations for fiscal year 2009 from $400 million to $450 million and clarified that the Federal cost share for emergency operations centers applies to grants made to States for state or local EOCs. The Committee ordered the bill, as amended, reported favorably to the House by voice vote.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with any amendment offered to H.R. 2775 or with ordering H.R. 2775 reported. A motion to order H.R. 2775, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to authorize the Emergency Management Performance Grants program and to allow the Federal Government to pay for up to 75 percent of the construction of state or local EOCs.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2775 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2775, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Daniel Hoople (for federal costs) and Melissa Merrill (for the state and local impact).

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

H.R. 2775—A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes

Summary: H.R. 2775 would authorize the appropriation of $1.5 billion over the 2009–2011 period for the Federal Emergency Management Agency (FEMA) to make grants to states and territories for emergency management. The legislation also would codify a 75 percent maximum federal share for grants made to states and localities for the equipment, construction, and renovation of Emergency Operations Centers. This cost share limitation was made permanent by the Congress in 2003 (see Public Law 108–7), but was not changed in FEMA's statutory authority.

CBO estimates that implementing H.R. 2775 would cost about $1.3 billion over the 2009–2012 period, assuming the appropriation of the specified amounts. Enacting the legislation would have no effect on direct spending or revenues.

H.R. 2775 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2775 is shown in the following table. The cost of this legislation falls within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Emergency Management Performance Grants Spending Under Current Law:						
Budget Authority/Authorization Level [1]	200	375	0	0	0	0
Estimated Outlays	125	230	170	58	38	0
Proposed Changes:						
Authorization Level	0	0	450	500	550	0
Estimated Outlays	0	0	180	380	465	315
Emergency Management Performance Grants Spending Under H.R. 2775:						
Budget Authority/Authorization Level	200	275	450	500	550	0
Estimated Outlays	125	230	350	400	465	315

[1] The 2007 level is the amount appropriated for that year for emergency management performance grants. The 2008 level is the amount authorized to be appropriated for that year by Public Law 109–295.

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted during this Congress and that the authorized amounts will be appropriated for each fiscal year beginning with 2009.

H.R. 2775 would authorize the appropriation of $1.5 billion over the 2009–2011 period for FEMA's Emergency Management Performance Grant (EMPG) program. The Congress appropriated $200 million for the EMPG program in 2007, and authorized the appropriation of $375 million in 2008 (see Public Law 109–295). Funds authorized by the bill would be allocated to states and territories based on relative population for planning, staff, equipment, public education, training, and other emergency management activities. Based on the historical expenditure pattern for EMPG, CBO estimates that implementing this provision would cost $1.3 billion over the 2009–2012 period, subject to the appropriation of the specified amounts.

Intergovernmental and private-sector impact: H.R. 2775 contains no intergovernmental or private-sector mandates as defined in UMRA. Assuming appropriation of the authorized amounts, state governments would receive $1.3 billion over the 2009–2012 period for emergency management projects. Any costs to those governments could be incurred voluntarily as a condition of receiving federal aid.

Estimate prepared by: Federal costs: Daniel Hoople; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2775 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 2775, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

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TITLE VI—EMERGENCY PREPAREDNESS

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Subtitle A—Powers and Duties

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[SEC. 614. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.]

SEC. 614. CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.

(a) GRANTS.—The Administrator of the Federal Emergency Management Agency may make grants to States under this title for equipping, upgrading, and constructing State and local emergency operations centers.

(b) FEDERAL SHARE.—Notwithstanding any other provision of this title, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.

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Subtitle B—General Provisions

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SEC. 630. EMERGENCY MANAGEMENT PERFORMANCE GRANTS.

(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall continue implementation of an emergency management performance grants program (in this section referred to as the "program") to carry out the provisions of this title and section 201.

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(A) the population of each State; bears to

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