



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

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June 20, 2021

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Economic Development, Public Buildings, and
Emergency Management
FROM: Subcommittee Staff
RE: Subcommittee Hearing on “FEMA’s Priorities for FY22 and Beyond: Coordinating
Mission, Vision, and Budget”

PURPOSE

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Wednesday, June 23, 2021, at 2:00 p.m. in 2167 Rayburn House Office Building and via Zoom, to receive testimony from the Honorable Deanne Criswell, Administrator of the Federal Emergency Management Agency (FEMA) regarding “FEMA’s Priorities for FY22 and Beyond: Coordinating Mission, Vision, and Budget.”

BACKGROUND

Developments Since our Most Recent FEMA Administrator Hearing

The subcommittee last received testimony from a FEMA Administrator—former Administrator Peter Gaynor—on March 11, 2020. This testimony took place two days before President Trump invoked Sec. 501(b) of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act, P.L. 93-288 as amended) to issue emergency declarations for each state and territory of the United States to provide federal assistance in combatting the quickly expanding COVID-19 pandemic.¹ Subsequently, states sought major disaster declarations for expanded federal

¹ “Letter from President Donald J. Trump on Emergency Determination Under the Stafford Act,” March 13, 2020, “determine[ing] that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United

assistance, which President Trump granted to all states and territories, as well as some federally recognized tribes.²

During fiscal years (FYs) 2020 and 2021, Congress provided FEMA with significant amounts of supplemental assistance for COVID-related emergency measures.³ Concurrent with its activities related to the pandemic, FEMA was repeatedly tapped to assist state, local, tribal, and territorial governments as the nation was buffeted by record hurricane and wildfire seasons during the latter half of 2020,⁴ continuing recent trends of increasing severe weather and hazard activity.⁵

Decades of regular federal data collection and scientific research and analysis, as well as private sector research indicates that these types of events are increasing.⁶ State and tribal requests for FEMA federal emergency assistance and/or disaster relief are accordingly on the rise as state, tribal, territorial, and local governments' capacity to respond to and recover from these events is quickly exceeded given the scale and associated losses.⁷

FEMA's response to the pandemic since President Trump's invocation of *Stafford Act* Sec. 501(b) has been noteworthy, including nearly \$75.5 billion in assistance to state, local, tribal, and territorial partners,⁸ a 210-days-long activation of the National Response Coordination Center at FEMA headquarters; and an unprecedented logistics mission including 249 Project Airbridge flights to quickly import personal protective equipment in the opening months of the pandemic.⁹ It has proven the capacity and tenacity of FEMA's personnel and the flexibility of the *Stafford Act*, but it has also exposed the limitations of the agency's capabilities to quickly provide reimbursement for

States, the United States exercises exclusive or preeminent responsibility and authority." Available at <https://trumpwhitehouse.archives.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/>.

² FEMA.gov, "Coronavirus (COVID-19) Response." Available at <https://www.fema.gov/disasters/coronavirus>.

³ P.L. 116-136, *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (Division B, Title VI), March 27, 2020. See also P.L. 116-260, *FY 2021 DHS Appropriations Act and Coronavirus Response and Relief Supplemental Appropriations Act* (Division F, Title III and Division M, Title II), December 2020. See also P.L. 117-2, *American Rescue Plan Act* (Title IV, Secs. 4005, 4006, 4007, 4013, and 4014).

⁴ Scientific American. "A Running List of Record-Breaking Natural Disasters in 2020." Last updated December 22, 2020. Available at: <https://www.scientificamerican.com/article/a-running-list-of-record-breaking-natural-disasters-in-2020/>.

⁵ See *FEMA's Priorities for 2020 and Beyond: Coordinating Mission and Vision*; hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, 116th Congress, March 11, 2020. See also *Disaster Preparedness: DRR Implementation and FEMA Readiness*; hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, 116th Congress, May 22, 2019. See also *Building a 21st Century Infrastructure for America: Mitigating Damage and Recovering Quickly from Disasters*; hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, 115th Congress, April 27, 2017.

⁶ National Oceanic and Atmospheric Administration (NOAA). "Billion-Dollar Weather and Climate Disasters: Events". Available at: <https://www.ncdc.noaa.gov/billions/events>.

⁷ Congressional Research Service. *Stafford Act Declarations 1953-2016: Trends, Analyses, and Implications for Congress (R42702)*. August 28, 2017. See also FEMA, *Declared Disasters*. Available at <https://www.fema.gov/disasters/disaster-declarations>. See also FEMA. "Pandemic Response to Coronavirus Disease 2019 (COVID-19): Initial Assessment Report." January 2021. Available at: https://www.fema.gov/sites/default/files/documents/fema_covid-19-initial-assessment-report_2021.pdf.

⁸ FEMA. "DRF Funds Status report." Provided to committee staff by FEMA Congressional Affairs Division, June 10, 2021.

⁹ "Presentation of the Fiscal Year 2022 President's Budget for the Federal Emergency Management Agency," briefing to committee staff. June 16, 2021.

eligible activities, highlighted discrepancies in administering assistance across regions, and shown challenges for vulnerable populations across the country.¹⁰

FEMA Leadership During A Time of Transition

During Administrator Gaynor's tenure at FEMA, the Trump Administration did not nominate individuals to serve as the agency's other top two leadership posts—Deputy Administrator and Deputy Administrator for Resilience. The Associate Administrator for Response and Recovery was, and continues to be, filled by an official in an acting capacity. Administrator Gaynor was tapped to become acting Secretary of the Department of Homeland Security on January 11, 2021, in addition to his FEMA role.¹¹

President-elect Biden nominated Deanne Criswell to be FEMA Administrator on January 15, 2021.¹² During the transition of administrations, FEMA Region 9 Administrator Robert Fenton assumed the role of Acting Administrator on January 20, 2021, and Region 3 Administrator Mary Ann Tierney became the senior official performing the responsibilities of Deputy Administrator. Both Fenton and Tierney are career members of the Senior Executive Service with significant experience in the field of emergency management.¹³ However, tapping Tierney ignores the existing orders of succession in place to fill the vacancy in the Deputy Administrator role, continuing a practice with which the committee previously expressed concern.¹⁴

Administrator Criswell most recently served as the Commissioner of the Department of Emergency Management for the City of New York (NYCDEM), starting in 2019. Prior service in the first responder community includes 21 years in the Colorado Air National Guard as a firefighter (1992-2013), Emergency Manager for the city of Aurora, CO (2005-2011), and a stint at FEMA as a Federal Coordinating Officer and then leading one of the agency's elite National Incident Management Assistance Teams (IMAT) (2011-2017). Additionally, she was an emergency management consultant between her service at FEMA and NYCDEM.¹⁵

Administrator Criswell's nomination was formally transmitted to the Senate on February 22, 2021; the Senate Committee on Homeland Security and Governmental Affairs (HSGAC) held her confirmation hearing March 25, 2021; her nomination was fast-tracked out of committee on April 14, 2021; and she was confirmed by the Senate via unanimous consent on April 22, 2021.

The Biden administration has not yet announced additional nominees for political leadership positions at FEMA. On June 11, 2021, FEMA announced that Regional Administrator Tierney will serve as the agency's senior official performing the responsibilities of the Deputy Administrator

¹⁰ "Public Assistance Project Processing," briefing to committee staff. March 26, 2021; see also *Experiences of Vulnerable Populations During Disaster*, hearing before the Subcommittee on Economic Development, Public Buildings, and Emergency Management, 116th Congress, July 28, 2020.

¹¹ DHS.gov. "People - Peter T. Gaynor." Available at <https://www.dhs.gov/person/peter-t-gaynor>.

¹² Boston Globe. "Biden picks David Kessler, Deanne Criswell, David Cohen for top roles." January 15, 2021. Available at: <https://www.bostonglobe.com/2021/01/15/nation/biden-picks-deanne-criswell-david-cohen-top-roles-fema-cia/>.

¹³ FEMA.gov, "Robert J. Fenton" and "MaryAnn E. Tierney." Available at <https://www.fema.gov/profile/robert-j-fenton-jr> and <https://www.fema.gov/profile/maryann-e-tierney>.

¹⁴ "DHS Orders of Succession and Orders for Delegations of Authorities", updated January 31, 2020. Provided to committee by U.S. Dept. of Homeland Security Office of Legislative Affairs February 4, 2020.

¹⁵ LinkedIn. Profile of Deanne Criswell. Available at <https://www.linkedin.com/in/deanne-criswell-862bb2a>.

through July 6, 2021, and that Nancy Dragani—currently the Acting Regional Administrator for Region 8—will assume the Deputy Administrator role on July 8, 2021.¹⁶

Administrator's Priorities

During her confirmation hearing, Criswell stressed to HSGAC the importance of FEMA's employees and the need to bolster community resilience through mitigation. Criswell also highlighted the potential impact to communities across the nation posed by climate change.¹⁷

On her first full day following her swearing in, Administrator Criswell shared a message with FEMA's employees via an all-hands e-mail. She thanked them for their tireless efforts to respond to the pandemic and noted the challenges over which the agency prevailed, and revisited her commitment to bolstering resilience from the individual-level up to the nation as a whole. Administrator Criswell also stressed that considerations of equity, diversity, and inclusion are paramount to the agency's future efforts.¹⁸

Weeks later, during remarks to FEMA's National Advisory Committee (NAC) in early May, Administrator Criswell re-affirmed that her areas of focus would include FEMA's workforce; emergency management as a discipline—including managing expectations of the public and improving the community of emergency managers; resilience and mitigation; and equity—for disaster survivors, FEMA's workforce, and across the profession of emergency management.

President's Fiscal Year 2022 (FY22) Budget Request

President Biden's proposed budget for FY22 calls for a modest increase for the Disaster Relief Fund (DRF) over the base amount enacted for FY21 to account for ongoing pandemic-related operations and assistance. It also proposes an appropriation of \$500 million for Pre-Disaster Mitigation (PDM), which the president's budget request refers to as "Disaster Relief Climate." This \$500 million would be moved immediately into the PDM set-aside of the DRF established as part of Sec. 1234 of the *Disaster Recovery Reform Act* (Div. D of P.L. 115-254) to fund the Building Resilient Infrastructure and Communities (BRIC) program.¹⁹

The FY22 president's budget request also proposes the following changes over FY21 enacted appropriations:

- An increase of \$3.2 million to enhance Wildland-Urban Interface (WUI) Fire Outreach and Training activities of the U.S. Fire Administration and its National Fire Academy;
- An increase of \$2 million—to \$12 million for FY22—for the High Hazard Potential Dam grant program;

¹⁶ FEMA all-hands e-mail "FEMA Senior Leadership Announcement," June, 11, 2021. Provided to committee staff by FEMA Congressional Affairs Division.

¹⁷ See *Nomination of Deanne B. Criswell to be Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security*. Hearing before the Senate Committee on Homeland Security and Governmental Affairs. 117th Congress, March 25, 2021.

¹⁸ Provided by FEMA Congressional Affairs Division to committee staff.

¹⁹ DHS.gov, "Department of Homeland Security Federal Emergency Management Agency Budget Overview – Fiscal Year 2022 Congressional Justification." Available at https://www.dhs.gov/sites/default/files/publications/federal_emergency_management_agency_0.pdf

- An additional \$12.5 million—to \$275.5 million for FY22—for flood hazard mapping and risk analysis (RISKMAP);
- An additional \$10 million each—to \$370 million each for FY22—for Assistance to Firefighter Grants (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) Grants; and
- A reduction of \$15.3 million—to \$594.7 million for FY22—from the State Homeland Security Grant Program (SHSGP) and \$15.3 million—to \$689.7 million for FY22—from the Urban Area Security Initiative (UASI).²⁰

The President’s budget request seeks level funding for Emergency Management Performance Grants (\$355 million), Post Security Grants (\$100 million), Public Transportation Security Assistance (\$100 million), Emergency Food and Shelter (\$130 million), and Targeted Violence and Terrorism Prevention (\$20 million). Additionally, the President’s Budget request includes a proposal for resources to implement the Federal Flood Risk Management Standard (FFRMS), which is intended to ensure that all federal infrastructure investments are constructed with resilience to current and predictable future flood risk, and was re-instituted on May 20, 2021.²¹

²⁰ DHS.gov, “Department of Homeland Security Federal Emergency Management Agency Budget Overview – Fiscal Year 2022 Congressional Justification.”

²¹ “Executive Order on Climate-Related Financial Risk” Sec. 5(e). May 20, 2021. Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/20/executive-order-on-climate-related-financial-risk/>.

Overview of Disaster Relief and Mitigation Request in FY22 President's Budget²²
(in millions)

Program	FY 2021 Enacted	FY 2022 Authorized	FY 2022 President's Budget	Diff. of FY 2022 Pres. Budget and FY 2021 Enacted	
				\$	%
Disaster Relief Fund (DRF)	\$17,142.0 \$2,000.0 ²³ \$50,000.0 ²⁴ \$69,142.0	Such sums as necessary	\$18,799.0	+\$1.657 over initial FY21 enacted	+9.66%
Pre-Disaster Mitigation	\$0 ²⁵	Authorized in Stafford Act Sec. 203(i) ²⁶	\$500.0 ²⁷	+\$500.0	N/A
Emergency Management Performance Grants	\$355.0	No Authorization	\$355.0	\$0	0%
Total	\$18,218.2		\$5,933.1	-\$12,285.6	-67.4%

Ongoing Challenges

The committee, the Government Accountability Office (GAO), and various external stakeholder groups have identified several facets of FEMA's work ripe for improvement. The committee has already taken up legislation to address some of these issues and is working toward additional legislation. These areas include:

- Reducing the complexity of FEMA's programs to help individuals and disaster-impacted communities recover and cut red tape.
 - FEMA's Public Assistance (PA) program, which funds infrastructure repair/replacement and essential governmental services, has an arduous application process and the agency is now dealing with more PA applicants than ever in its history resulting from the COVID-19 pandemic and related Stafford Act declarations;²⁸

²² "Executive Order on Climate-Related Financial Risk" Sec. 5(e). May 20, 2021.

²³ P.L. 116-260, *FY 2021 DHS Appropriations Act and Coronavirus Response and Relief Supplemental Appropriations Act*, December 2020.

²⁴ P.L. 117-2, *American Rescue Plan Act*, March 2021.

²⁵ No money was appropriated by Congress to Pre-Disaster Mitigation (PDM) for FY21, but the Agency utilized some of the six percent set-aside established in Sec. 1234 of the *Disaster Recovery Reform Act of 2018* (DRRA, Division D of P.L. 115-254) to fund PDM grants for the FY20 grants cycle (Notice of Funding Opportunity released August 2020, awards pending) and will do so again for the FY21 cycle, for which a \$1B NOFO is expected in the summer 2021.

²⁶ To more permanently address the need for authorization and dedicated funding for Pre-Disaster Mitigation, the *Disaster Recovery Reform Act of 2018* (DRRA, Division D of P.L. 115-254) amended the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* to establish a National Public Infrastructure Predisaster Mitigation Assistance program, funded by a six percent set-aside from the Disaster Relief Fund, based on the estimated aggregate amount of the grants made pursuant to Stafford sections 403, 406, 407, 408, 410, 416, and 428 for major disasters.

²⁷ The President's budget refers to this as "Disaster Relief Climate", noting that this \$500 M will supplement the 6 percent set-aside allowed pursuant to DRRA, and that this is intended to make up for amounts not set-aside in October 2020.

²⁸ "Public Assistance Project Processing," briefing to committee staff. March 26, 2021.

- Overhauling the disaster survivor experience to ensure all those impacted by disaster who are under- or un-insured have access to the Individual Assistance (IA) they need and deserve and are not set back further in the wake of disaster;
- Working with federal partners like the U.S. Department of Housing and Urban Development (HUD) and the U.S. Small Business Administration (SBA) to eliminate post-disaster bureaucracy and align rebuilding standards where applicable;
- Increasing federal investment in resilience and mitigation to reduce future response and recovery costs.
 - Ensuring the full calculation of aggregate disaster costs are placed in the Pre-Disaster Mitigation set-aside of the Disaster Relief Fund to fund BRIC (Building Resilient Infrastructure and Communities) projects;
 - Providing states/tribes/territories the assistance needed to spend down post-disaster Hazard Mitigation Grant Program (HMGP) balances;
 - Encouraging communities to adopt building codes and standards to reduce the impacts of disaster using the full suite of assistance programs beyond HMGP and BRIC to construct a built environment that is insurable;
- Ensuring agency policies are consistently applied from one FEMA region to another.

CONCLUSION

FEMA has been tested in recent years given COVID-19 and increasing disasters. Disasters are becoming more costly and increasing in frequency.²⁹ The new FEMA administrator is tasked with leading the federal government’s crisis management agency during a time of overlapping management and mission challenges. It is imperative that the Biden administration has permanent leadership in place to tackle all of these issues and appropriately invest in pre-disaster mitigation and resilience to drive down the severity of future hazard events and ensure it has contributed to increasing national resilience from the individual citizen up to local, state, tribal, and territorial levels of government. This hearing provides the committee an opportunity to hear directly from Administrator Criswell how the administration will try to meet these challenges.

WITNESS LIST

The Honorable Deanne Criswell
 Administrator
 Federal Emergency Management Agency (FEMA)
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²⁹ National Oceanic and Atmospheric Administration (NOAA), “Billion-Dollar Weather and Climate Disasters: Events.” Available at: <https://www.ncdc.noaa.gov/billions/events>.