



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

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**Chairman**

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October 18, 2019

**SUMMARY OF SUBJECT MATTER**

**TO:** Members, Subcommittee on Economic Development, Public Buildings, and Emergency Management  
**FROM:** Staff, Subcommittee on Economic Development, Public Buildings, and Emergency Management  
**RE:** Subcommittee Hearing on “An Assessment of Federal Recovery Efforts from Recent Disasters”

**PURPOSE**

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Tuesday, October 22, 2019, at 10:00 a.m. in 2167 Rayburn House Office Building, to receive testimony on “An Assessment of Federal Recovery Efforts from Recent Disasters.”

The Federal government’s disaster recovery programs and personnel are being stressed and tested like never before, as they simultaneously work to help communities recover from several of the costliest natural disasters in the Nation’s history.

Members will receive testimony from senior officials at the Federal Emergency Management Agency (FEMA) and the Economic Development Administration (EDA). Additionally, the Government Accountability Office (GAO) will testify regarding its findings in a comprehensive series of statutorily-mandated examinations of recovery efforts required by recent disaster supplemental appropriations packages.

The Subcommittee will also receive testimony from state- and local-level emergency managers and officials – from Missouri, North Carolina, and Puerto Rico – tasked with near- and long-term recovery – regarding their experiences in navigating the myriad Federal recovery programs. Finally, a representative from a non-profit focused on community-based disaster recovery

will discuss challenges it and similar organizations face in contributing to long-term recovery from recent presidentially-declared disasters.

Additional written testimony has been submitted by the Department of Housing and Urban Development (HUD) – another Federal entity responsible for significant appropriations tied to disaster recovery programs.

## **BACKGROUND**

### Disaster Losses and Federal Disaster Spending Continue Upward Trajectory

The National Centers for Environmental Information (NCEI) at the Department of Commerce’s National Oceanic and Atmospheric Administration (NOAA) is tasked with monitoring and assessing the environmental and economic impact of natural disasters. NCEI data indicates that this is the fifth consecutive year (2015-2019) during which the United States has been impacted by ten or more \$1 billion-dollar natural disaster events. Since 1980 – the first full year following the establishment of FEMA – the U.S. has experienced nine years with ten or more unique billion-dollar natural disaster events: 1998, 2008, 2011, 2012, 2015, 2016, 2017, 2018, and 2019.<sup>1</sup>

According to numerous studies, disaster losses and Federal disaster spending have increased significantly over the last five decades. Munich Re, the world’s largest reinsurance company, reported in 2012 that between 1980 and 2011, North America suffered \$1.06 trillion in total losses, including \$510 billion in insured losses, and an increase in weather-related events five-fold over the previous three decades.<sup>2</sup>

More recently, the Congressional Budget Office (CBO) reported that for most types of losses to the U.S. economy resulting from hurricane winds and storm-related flooding, expected annual costs will total roughly \$54 billion per year, equivalent to 0.3 percent of the Nation’s current gross domestic product (GDP). Of that \$54 billion, \$34 billion in expected annual economic losses would be borne by the residential sector, \$9 billion by commercial businesses, and \$12 billion by the public sector. CBO estimates that a combination of private insurance coverage for wind damage, Federal flood insurance, and Federal disaster assistance programs would cover roughly 50 percent of losses to the residential sector and 40 percent of losses to the commercial sector.<sup>3</sup>

In 2017, FEMA acknowledged the increase in the number of extreme disaster events and increased vulnerabilities throughout the United States due to shifting demographics, aging infrastructure, land use, and construction practices.<sup>4</sup>

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<sup>1</sup> National Oceanic and Atmospheric Administration, National Centers for Environmental Information, “Billion-Dollar Weather and Climate Disasters: Overview”. Available at <https://www.ncdc.noaa.gov/billions/>.

<sup>2</sup> Munich Re (2012). *Severe weather in North America –Perils Risk Insurance*. Munich, Germany: Muchener Ruckversicherungs-Gesellschaft.

<sup>3</sup> Congressional Budget Office, *Expected Costs of Damage From Hurricane Winds and Storm-Related Flooding*. Available at <https://www.cbo.gov/system/files/2019-04/55019-ExpectedCostsFromWindStorm.pdf>.

<sup>4</sup> Federal Emergency Management Agency, *National Strategy Recommendations: Future Disaster Preparedness*. September 6, 2013. Available at [http://www.fema.gov/media-library-data/bd125e67fb2bd37f8d609cbd71b835ae/FEMA+National+Strategy+Recommendations+\(V4\).pdf](http://www.fema.gov/media-library-data/bd125e67fb2bd37f8d609cbd71b835ae/FEMA+National+Strategy+Recommendations+(V4).pdf).

## Disaster Costs Borne by the Federal Government on the Rise and Exacerbated by Growth in Federal Recovery Programs

When state and local resources are overwhelmed and the “disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments,” the Governor of the affected state may request that the President declare a major disaster.<sup>5</sup>

FEMA was established in April 1979 after the Three Mile Island nuclear disaster to centralize and better coordinate the Federal government’s disaster activities, which had been scattered across the government and poorly coordinated in response to several disasters. Since 1979, numerous other agencies have received authorities and appropriations for additional Federal activities and programs focused on disaster recovery. These programs have differing legal authorities, eligibility requirements, and objectives.

Most recently, the following programs have been significantly involved in disaster recovery beyond FEMA’s Public Assistance (PA) and Individuals and Households (IA) programs authorized in the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (P.L. 100-107) and, as such, received supplemental appropriations:

- **U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery Funds (CDBG-DR)** – Congress can – and has – provided funding for disaster recovery through HUD’s CDBG Program. Most recently, funds were made available to provide non-competitive, nonrecurring assistance targeted at low-income areas impacted by disasters in Fiscal Years (FY) 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, and 2019. Congress has appropriated CDBG-DR funding in 19 of the last 27 fiscal years (FYs). Currently, the CDBG-DR grant portfolio has 137 active grants with a total of \$89.7 billion in appropriated funding.<sup>6</sup>
- **U.S. Department of Commerce, Economic Development Administration (EDA)** – Congress appropriated \$1.2 billion in additional Economic Adjustment Assistance (EAA) for certain Stafford Act events occurring in 2017, 2018, and 2019. Under the *Bipartisan Budget Act of 2018* (P.L. 115-123), Congress appropriated \$600 million to EDA for EAA targeted at disaster relief and recovery as a result of Hurricanes Harvey, Irma, and Maria, wildfires, and other calendar year 2017 natural disasters under the Stafford Act. The *Additional Supplemental Appropriations for Disaster Relief Act, 2019* (P.L. 116-20) provided EDA with \$600 million in additional EAA funding for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas impacted by Hurricanes Florence, Michael, Lane, Typhoons Yutu and Mangkhut, wildfires and other calendar year 2019 disasters under the Stafford Act, and tornadoes and floods in calendar year 2019.<sup>7</sup>
- **U.S. Department of Transportation (DOT) Federal Transit Administration Emergency Relief Program (ERP)** – The ERP’s purpose is to help states and public transportation systems

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<sup>5</sup> 42 U.S.C. § 5170.

<sup>6</sup> U.S. Department of Housing and Urban Development, “CDBG-DR Overview”, August 27, 2019. Available at <https://files.hudexchange.info/resources/documents/CDBG-Disaster-Recovery-Overview.pdf>.

<sup>7</sup> U.S. Economic Development Administration, “Disaster Supplemental Funding”. Available at <https://www.eda.gov/disaster-recovery/supplemental/>.

pay for protecting, repairing, or replacing equipment and facilities that may suffer or have suffered serious damage because of an emergency, including natural disasters. The ERP is also intended to improve coordination between DOT and the U.S. Department of Homeland Security (DHS) to expedite assistance to public transit providers in times of disasters and emergencies. The Additional Supplemental Appropriations for Disaster Relief Act, 2019 (P.L. 116-20) appropriated \$10.542 million for the FTA ERP, for transit systems affected by major declared disasters occurring in calendar year 2018. FTA has yet to develop program guidance for this most recent tranche of disaster recovery funding.

- **U.S. Army Corps of Engineers (Corps)** – The Corps receives money for the rehabilitation, repair, and construction of projects. These funds are available to projects provided they reduce future flood risk and support long-term sustainability.

#### Readiness Challenges of FEMA’s Incident Workforce

Following the active pace of Federal disaster declarations in 2017, FEMA updated its Strategic Plan for 2018-2022, to emphasize more focus on Presidentially-declared disasters being “Federally Supported, State Managed, and Locally Executed.”

While there has been a focus following the attacks of September 11, 2001, to provide training for state, local, tribal, and territorial emergency managers to enhance their abilities to manage crises, there continues to be an upward trend in the number of Presidentially-declared events under the Stafford Act. That said, in 2018, a total of 23,331 events were managed by local, tribal, and state governments absent any Federal assistance.

Specific to FEMA’s incident management workforce, there continue to be multiple limiting factors to full readiness:

- Both long-standing and recently-announced vacancies in key senior leadership roles across FEMA and the Department of Homeland Security;
- Quantity of qualified Federal Coordinating Officers and Federal Disaster Recovery Coordinators currently available for deployment;
- Sustained deployments for significant portions of qualified personnel in key recovery-focused cadres;
- Sustained and increasing high volume of open and active disasters and Joint Field Offices across the United States and its territories;
- Challenges for existing workforce meeting the requirements required by the FEMA Qualification System and associated Position Task Books;
- Fatigue across workforce as a result of volume and intensity of disaster deployments during last several years, resulting in retention and recruitment challenges.

Two years after the 2017 hurricane and wildfire seasons, which strained FEMA’s workforce more so than other recent years, FEMA has taken steps to address several of the challenges noted above yet it remains under-resourced to respond to multiple simultaneous responses to catastrophic disasters while also doing the work necessary to meaningfully impact the volume of ongoing recoveries across the Nation.

Since the start of 2019, FEMA has consistently reported significant readiness shortfalls for Federal Coordinating Officers (FCOs), as well as deficiencies in capacity for multiple response and recovery cadres in its daily operations briefings.

Workforce improvements have been made since the height of the 2017 disaster season—including the expansion of the Surge Capacity Force to include other Federal agency employees in addition to DHS employees—but the Agency still lacks adequate personnel to best serve the states it is assisting with recoveries.

### Quantifying Ongoing Federal Recovery Efforts

FEMA works hand in hand with state, local, tribal, and territorial partners to provide assistance on a reimbursable basis for qualified disaster recovery projects. It is able to do this through a combination of permanent, full-time employees as well as a significant Incident Management (IM) workforce of full-time temporary staff (COREs and Reservists). Based on a 2019 Incident Management Workforce Review (IMWR), FEMA currently projects a need for 17,670 IM personnel, an 8% increase in need compared to the 2015 findings of a less data-driven assessment. Current IM staffing falls short of the need and is adversely impacting ongoing recoveries across the Nation.

In 2019, FEMA is administering assistance for 60% more open disasters than at the same point in 2018, and doing so in 50% more Joint Field Offices, requiring a significant IM workforce—including 10 of the costliest disasters on record.<sup>8</sup> As of this week, the Public Assistance cadre of FEMA’s incident workforce has 11% availability for not-yet-deployed/assigned staff. Historically, staffing in this cadre has been far from full capacity and is a contributing factor in processing disaster assistance.

FEMA funds disaster recovery efforts out of the Disaster Relief Fund (DRF), an appropriated account that is funded via a calculation that was codified by the *Budget Control Act of 2011* (P.L. 112-25). As of September 30, 2019, the DRF is carrying a balance of \$28.2 billion in not-yet-obligated dollars for disaster response and recovery.<sup>9</sup>

HUD’s CDBG-DR program has been activated by congressional appropriations with increasing frequency to address long-term disaster recovery in communities particularly hard hit by disaster. In spite of supplemental appropriations for CDBG-DR during 19 of the last 27 years, HUD must develop individual program guidance for CDBG-DR for each state for which Congress designates appropriations. HUD’s Office of Community Planning and Development is responsible for administering the CDBG-DR program. Due to the non-authorized existence of the program, the GAO reported earlier this year about 2017 Stafford Act events qualifying for CDBG-DR that: “HUD did not yet have the staff in place to effectively oversee CDBG-DR funds. Without strategic workforce planning that determines if the number of staff the agency will be able to hire is sufficient to oversee the growing number of CDBG-DR grants, identifies the critical skills and competencies

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<sup>8</sup> National Centers for Environmental Information, “Billion-Dollar Weather and Climate Disasters: Table of Events”. Available at <https://www.ncdc.noaa.gov/billions/events>.

<sup>9</sup> Federal Emergency Management Agency, “Disaster Relief Fund: Monthly Report as of September 30, 2019”. Available at <https://www.fema.gov/media-library-data/1570634436664-80c80c86a5708ede9a78cac86dc18be1/Oct2019DisasterReliefFundReport.pdf>.

needed, and includes strategies to address any gaps, HUD will not be able to identify the staffing resources necessary to oversee CDBG-DR grants.”<sup>10</sup> Following the 2017 disasters, HUD was authorized via appropriations to hire additional staff to administer CDBG-DR; it is still in the process of growing from a team of 20 pre-2017-hurricane-season to 50.

Congress appropriated a total of \$1.2 billion for EDA’s Disaster Recovery program in FY18 and FY19. This funding is administered out of the Economic Adjustment Assistance Program and by a team of temporary field staff. The team that EDA has established to administer these supplemental appropriations and assist potential applicants and eventual grantees is currently staffed at 50% and there is an ongoing recruitment to fill the remaining positions.

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<sup>10</sup> U.S. Government Accountability Office, “GAO-19-232: Disaster Recovery: Better Monitoring of Block Grant Funds Is Needed”. Available at <https://www.gao.gov/assets/700/697827.pdf>.

**WITNESS LIST**

**Panel I**

**Mr. Jeffrey Byard**

Associate Administrator for Response and Recovery  
Federal Emergency Management Agency (FEMA)  
U.S. Department of Homeland Security

**Mr. Dennis Alvord**

Deputy Assistant Secretary for Economic Development & Chief Operating Officer  
Economic Development Administration  
U.S. Department of Commerce

**Mr. Chris P. Currie**

Director, Homeland Security and Justice  
U.S. Government Accountability Office

**Panel II**

**Mr. Michael Sprayberry**

Director  
North Carolina Emergency Management & North Carolina Office of Recovery and Resiliency  
On behalf of the National Emergency Management Association

**The Honorable Fernando Gil-Enseñat**

Secretary  
Departamento de la Vivienda (Department of Housing)  
Commonwealth of Puerto Rico

**Ms. Rhonda Wiley**

Emergency Management/911 Director and Floodplain Manager  
Atchison County, Missouri

**Mr. Reese C. May**

Chief Strategy and Innovation Officer  
SBP

**Additional Written Testimony**

Office of Community Planning and Development  
U.S. Department of Housing and Urban Development

## **SUPPLEMENTARY INFORMATION**

### **FEMA Response and Recovery Authorities**

FEMA is the Federal government’s lead agency in preparing for, mitigating against, responding to, and recovering from disasters and emergencies related to all hazards – whether natural or man-made. FEMA’s primary authority in carrying out these functions stems from the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act, P.L. 100-707).

When state and local resources are overwhelmed, the Governor of the affected state may request that the President issue a declaration. The Stafford Act authorizes three types of declarations: (1) major disaster declarations; (2) emergency declarations; and (3) fire management grant (FMAG) declarations.

If the President issues a declaration, Federal resources are deployed in support of state and local response efforts. By law, the President—acting through FEMA—appoints a Federal Coordinating Officer (FCO) to lead the Federal response to major disasters and emergencies. FEMA is responsible for coordinating Federal agency response and ensuring the necessary Federal capabilities are deployed at the appropriate place and time. In addition, FEMA provides direct support and financial assistance to states, tribes, and local governments and individuals as authorized under the Stafford Act. This includes, directing any Federal agency, with or without reimbursement, to assist state, tribal, and local governments and protect life and property.

### **FEMA Disaster Assistance Programs**

#### **A. Presidentially Declared Major Disaster**

When state and local resources are overwhelmed and the “disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments,”<sup>11</sup> the Governor of the affected state may request the President to declare a major disaster. FEMA’s primary Stafford Act programs for disaster response and recovery in the aftermath of a major disaster are the Public Assistance Program and the Individual Assistance Program. As part of each major disaster, FEMA also provides Hazard Mitigation Grant Program (HMGP) funds.

The Public Assistance Program, authorized primarily by Sections 403, 406, and 407 of the Stafford Act, reimburses state, tribal, and local emergency response costs and provides grants to state and local governments, as well as certain private non-profits to rebuild facilities. The Public Assistance Program generally does not typically provide direct services to survivors.

The Individual Assistance Program, authorized primarily by Section 408 of the Stafford Act and also known as the Individuals and Households Program, provides assistance to families and individuals impacted by disasters, including housing assistance. Housing assistance includes money for repair, rental assistance, or “direct assistance,” such as the provision of temporary housing.

Section 404 of the Stafford Act authorizes the HMGP, which provides grants to state and local governments to rebuild after a disaster in ways that: (1) are cost effective; and (2) reduce the risk of future damage, hardship, and loss from natural hazards. HMGP grants are calculated based

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<sup>11</sup> *Quoting (in part)* 42 U.S.C. §5170(a).



on a percentage of funds spent on Public and Individual Assistance for each Presidentially-declared disaster.

The central purpose of HMGP is to enact practical mitigation measures that effectively reduce the risk of loss of life and property from future disasters. FEMA provides grants to states under HMGP so that they may also assist families in reducing the risk to their homes from natural disasters.

In the case of wildfires, mitigation measures covered by HMGP include, but are not limited to: establishing defensible space measures around buildings; using fire-resistant building materials; and regularly clearing combustibles that could serve as fuel for a wildfire. FEMA provides up to 75% of the funds for mitigation projects under HMGP and the remaining 25% can come from a variety of sources (i.e., a cash payment from the state or local government).<sup>12</sup>

## **B. Fire Management Assistance Grant**

Section 420 of the Stafford Act authorizes FEMA to provide fire management assistance to state, local, and tribal governments for the mitigation, management, and control of any fires burning on publicly or privately-owned forests or grasslands that threatens such destruction as would constitute a major disaster. FMAG funding may be used for equipment and supplies, labor costs, emergency work, pre-positioning of resources, and temporary repair of damage caused by work directly related to firefighting activities associated with the declared fire.<sup>13</sup>

### T&I Committee's Leadership on Disaster Policy Reform

In the 114th and 115th Congress, the Committee led the policy discussion on how to lower the devastating losses from disasters in terms of lives, property, and costs, how to increase disaster resilience, and how to withstand the next disaster and recover more quickly from disaster impacts, which ultimately resulted in the *Disaster Recovery Reform Act of 2018* (DRRA, Division D of P.L. 115-254). As noted above, Congress has passed significant packages of disaster-related policy reforms during the previous two decades, with the Transportation and Infrastructure Committee playing a vital role:

- The *Disaster Mitigation and Cost Reduction Act of 2000* (DMA2K, P.L. 106-390) is perhaps the first major update to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Congress recognized the benefits of pre-disaster mitigation and made reforms and enhancements to Stafford and FEMA's response, recovery, and mitigation programs to lessen future exposure to risk of the Federal government. DMA2K also led to the development of hazard mitigation plans in communities across the country.
- The *Post-Katrina Emergency Management Reform Act* (PKEMRA, P.L. 109-295) followed in the wake of the 2005 hurricanes Katrina, Rita, and Wilma. It was also informed by the 2004 hurricane season, during which Hurricanes Charley, Frances, Ivan, and Jeanne criss-crossed Florida in less than two months. PKEMRA addressed some of the

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<sup>12</sup> "Hazard Mitigation Grant Program," Federal Emergency Management Agency, *Fema.gov*. (Accessed March 14, 2018).

<sup>13</sup> "Fire Management Assistance Grant Program," Federal Emergency Management Agency *Fema.gov*. (Accessed March 14, 2018).

potential gaps related to catastrophic disasters and most of the provisions are related to planning and response. PKEMRA provided for additional authority for response activities including: “accelerated Federal assistance” which can be provided in the absence of a state request in certain situations during the response to a major disaster or an emergency; expedited payments for debris removal; use of local contractors for Federal disaster response contracts; and the rescue, care, and shelter for pets and individuals and households with pets.

- The *Sandy Recovery Improvement Act* (SRIA, P.L. 113-2) was enacted to speed up and streamline Hurricane Sandy recovery efforts; reduce costs; and improve the effectiveness of several disaster assistance programs authorized by the Stafford Act, namely the Public Assistance Program, the Individual Assistance Program, and the HMGP.
- The *Disaster Recovery Reform Act* (DRRA, Division D of P.L. 115-254) is the most recent update to the Stafford Act and focuses on improving predisaster planning and mitigation, response, and recovery, and increasing FEMA accountability. While DRRA had been drafted and deliberated ahead of the 2017 hurricanes and wildfires, its amendments to the Stafford Act are retroactive to major disasters and emergencies declared on or after August 1, 2017 to capture the response to and recovery from Harvey, Irma, Maria, and the devastating western wildfires. Some other new authorities apply to major disasters and emergencies declared on or after January 1, 2016.<sup>14</sup>

#### A Few Disasters Account for Most Costs

The Congressional Research Service (CRS) analyzed data from over 1,300 major disasters since 1989, and adjusting for inflation, found that FEMA obligated more than \$178 billion for these disasters.<sup>15</sup> However, CRS also found that 25% of all disasters account for over 92 percent of disaster costs.<sup>16</sup> Therefore, the remaining 75% of smaller disasters constitute less than eight percent of FEMA disaster spending.

#### Key Provisions in DRRA

DRRA includes more than 50 provisions requiring FEMA to make policy or regulatory changes. Some of the more significant sections are highlighted below.

##### **Mitigation:**

Sec. 1204 – Wildfire Prevention – States granted Fire Management Assistance Grants will now be able to receive Hazard Mitigation Grant Program (HMGP) grants. Prior to DRRA, HMGP grants were only available for states, tribes, and territories that received Major Disaster declarations.

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<sup>14</sup> Congressional Research Service “The Disaster Recovery Reform Act: Homeland Security Issues in the 116th Congress (IN11055). Available at <https://www.crs.gov/reports/IN11055>.

<sup>15</sup> CRS Memo *Data Analysis for House Transportation and Infrastructure Committee*, January 14, 2015.

<sup>16</sup> *Id.*

Sec. 1205 – Additional Activities – Expands the allowable uses of all FEMA Hazard Mitigation Assistance programs to fund a comprehensive set of additional activities to mitigate future risk in any area affected by wildfire or windstorm.

Sec. 1206 – Eligibility for Code Implementation and Enforcement – Efforts of state and local governments to enforce consensus-based building code and floodplain management ordinances are now eligible for Hazard Mitigation Assistance. Additionally, building code implementation and adopted code enforcement activities for the first 180 days following a Presidentially-declared major disaster are eligible for reimbursement under the Public Assistance Program.

Sec. 1233 – Additional Hazard Mitigation Activities – Authorizes FEMA to provide assistance for activities to mitigate damage in earthquake-prone areas, including for earthquake early warning systems. Eligible assistance will be coordinated with the U.S. Geological Service.

Sec. 1234 – National Public Infrastructure Predisaster Hazard Mitigation – Creates a permanent pre-disaster mitigation program. Rather than relying on annual appropriations, the new program is funded as a 6% calculation of response and recovery efforts under Individual and Public Assistance Programs tied to major disaster declarations. Also authorizes redistribution of unobligated amounts that remain unobligated seven years post-disaster declaration.

Sec. 1235 – Additional Mitigation Activities – Authorizes FEMA to provide Public Assistance funds to replace and restore disaster-damaged infrastructure and facilities to the latest published editions of relevant, consensus-based codes and standards. Such repair and reconstruction will ensure enhanced resilience in communities recovering from disaster.

#### **Infrastructure and Public Assistance:**

Sec. 1207 – Program Improvements – Modifications to Stafford Act sections 406 and 428 to enhance recoveries from major disaster declarations.

Sec. 1209 – Guidance on Evacuation Routes – FEMA and the Federal Highway Administration shall identify and better coordinate on identification of evacuation routes, in the interest of eventually issuing guidance to state, local, tribal, and territorial governments on design, construction, maintenance, and repair of such vital routes.

Sec. 1210 – Duplication of Benefits – Grants Governors the ability to request a waiver from the President on prohibitions in the Stafford Act regarding duplication of Federal benefits if in the public interest and will not result in waste, fraud, and abuse; and clarifies that a loan cannot be determined to be a duplication of benefits. This section applies to declarations between 2016 and 2021, with the U.S. Dept. of Housing and Urban Development (HUD)—not FEMA—as the primary executive branch entity responsible for implementation. Additionally, states may receive HMGP grants from FEMA for water resource development projects also under the authority of the U.S. Army Corps of Engineers if such projects meet the requirements of FEMA’s HMGP grants.

Sec. 1215 – Management Costs – Provides additional assistance to state and local governments working through recovery by expanding the definition of management costs and mandating reimbursement of actual costs for up to 12% for Public Assistance (7% for recipient and 5% for subrecipient) and 15% for HMGP (10% for recipient and 5% for subrecipient).

Sec. 1220 – Unified Federal Environmental and Historic Preservation Review – Mandates that the FEMA Administrator assess the current state of the Unified Federal Review under Stafford Act section 429 and within two years work to issue regulations to further streamline the review process, taking into consideration categorical exclusions utilized by other Federal entities.

### **Housing and Individual Assistance:**

Sec. 1211 – State Administration of Assistance for Direct Temporary Housing and Permanent Housing Construction – Grants states and Federally-recognized Indian tribes additional authorities and flexibilities in addressing housing needs for survivors of disasters and provides for reimbursement if housing solutions will result in at least a 50% cost savings over comparable FEMA-administered options.

Sec. 1212 – Assistance to Individuals and Households –Increases authorized amounts of financial assistance for disaster survivors for rental and other needs assistance to address accessibility-related repairs for individuals with disabilities.

Sec. 1213 – Multifamily Lease and Repair Assistance – Provides additional authorities to FEMA to allow repairs to eligible properties above the value of lease agreements and expands eligibility to areas impacted by a disaster to maximize cost effective housing solutions.

Sec. 1223 – Study to Streamline and Consolidate Information Collection – Mandates a FEMA-led study and subsequent interagency plan—to include the Small Business Administration and HUD—to enhance and improve data collection from disaster survivors.

### **Other Key Provisions:**

Sec. 1222 – Performance of Services – Authorizes the FEMA Administrator to appoint temporary personnel—after serving for three continuous years—to positions in the Agency in the same manner as competitive service employees. This is a significant enhancement that will help the Agency retain skilled incident workforce employees who are often recruited away from the Agency after it spends a significant amount on training, education, and benefits.

Secs. 1224-1226 – Mandate enhancements to public and regular Agency reporting to Congress; prohibits contracting with entities that do not allow for full Agency, Comptroller General, or Inspector General auditing or reviewing of contract; and mandates IG audit of FEMA contracts for tarps and plastic sheeting.

Also included in the original version of DRRRA—but enacted in the Bipartisan Budget Act of 2018 (P.L. 115-123)—was a provision specifically crafted to incentivize state, local, tribal,

and territorial governments to undertake resilience-building efforts to unlock increased Federal cost-share for future response and recovery efforts.