

TO REQUIRE THE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO SUBMIT A REPORT REGARDING CERTAIN PLANS REGARDING ASSISTANCE TO APPLICANTS AND GRANTEEES DURING THE RESPONSE TO AN EMERGENCY OR DISASTER

MARCH 9, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1117]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1117) to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. ACTION PLAN TO IMPROVE FIELD TRANSITION.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (FEMA) shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding the plans the agency will undertake to provide the following:

- (1) Consistent guidance to applicants on FEMA disaster funding procedures during the response to an emergency or disaster.
- (2) Appropriate record maintenance and transfer of documents to new teams during staff transitions.
- (3) Accurate assistance to applicants and grantees to ease the administrative burden throughout the process of obtaining and monitoring assistance.

(b) **MAINTAINING RECORDS.**—The report shall also include a plan for implementing operating procedures and document retention requirements to ensure the maintenance of appropriate records throughout the lifecycle of the emergency or disaster.

(c) **NEW TECHNOLOGIES.**—Finally, the report shall identify new technologies that further aid the disaster workforce in partnering with State, local, and tribal governments and private nonprofits in the wake of a disaster or emergency to educate, assist, and inform applicants on the status of their emergency or disaster assistance applications and projects.

PURPOSE OF LEGISLATION

H.R. 1117, as amended, would require the Administrator of the Federal Emergency Management Agency (FEMA) to submit a report regarding the development of an action plan relating to guidance provided to disaster assistance applicants and grantees, the transition of field personnel, maintenance of records, and the use of technology to facilitate the delivery of assistance and ease the administrative burden.

BACKGROUND AND NEED FOR LEGISLATION

Federal Emergency Management Agency: History

FEMA was established in 1979 by Executive Order 12148 by President Jimmy Carter in response to a number of massive disasters in the 1960's and 1970's. As a result of states trying to manage these disasters, the National Governors Association and others made a proposal to streamline and cut the number of agencies states were required to work with following a disaster. Prior to the creation of FEMA, the federal government's emergency response mechanisms were scattered among many agencies throughout government. The creation of FEMA helped to centralize these authorities and the coordination of the federal government's response to a disaster. The Disaster Relief Act of 1974 (P.L. 93–288), which constituted the statutory authority for most federal disaster response activities, especially of FEMA, was later amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, also known as the Stafford Act (P.L. 100–707).

Following more than two decades as an independent agency, the Homeland Security Act of 2002 (P.L. 107–296) created the Department of Homeland Security (DHS), placed FEMA within DHS, and FEMA's functions were dispersed among various offices and directorates within DHS. In 2006, following Hurricanes Katrina and Rita and the subsequent intensive Congressional investigations and oversight, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) (P.L. 109–295), which ad-

dresses key response roles and authorities and put FEMA back together again within DHS. PKEMRA authorized the National Preparedness System and FEMA for the first time in legislation. Most recently, Congress enacted the Sandy Recovery Improvement Act (SRIA) (P.L. 113–2), on January 29, 2013, in the wake of Hurricane Sandy’s impact to the East Coast. SRIA provided additional authorities to expedite and streamline Hurricane Sandy recovery efforts, reduce costs, and improve the effectiveness of several disaster assistance programs authorized by the Stafford Act.

Disaster response and recovery

When the President declares a major disaster or emergency, the official declaration triggers certain federal response authorities and financial disaster assistance. In particular, when a declaration is made, the President is authorized to direct any federal agency, with or without reimbursement, to assist state, tribal, and local governments and protect life and property. FEMA is responsible for coordinating federal agency response and ensuring the necessary federal capabilities are deployed at the appropriate place and time in support of state, tribal, and local response efforts. In addition, FEMA provides direct support and financial assistance to states, tribes, and local governments and individuals as authorized under the Stafford Act.

A significant portion of FEMA’s response and recovery capabilities resides in its Reservist¹ workforce and Cadre of On-Call Response/Recovery Employees (COREs).² FEMA Reservist and CORE personnel predominantly makes up FEMA’s “disaster workforce,” providing services at FEMA headquarters, regional offices, and disaster Joint Field Offices, in the immediate lead-up to, during, and after an emergency or major disaster.

H.R. 1117 improving field transitions and requiring consistent guidance

Despite disaster investigations, multiple Office of Inspector General and General Accountability Office reports, and amended legislative authorities, the Committee continues to hear about challenges with FEMA’s disaster workforce. State, tribal, and local emergency managers raise concerns about frequent turnover, the loss of paperwork, and inconsistent guidance which results in project delays, increased administrative expenses, frustration, and, in the worst-cases, the loss of recovery funds that are ultimately recouped by FEMA.

FEMA has implemented several new technologies for its full-time managers and staff, but it does not appear that the same efforts have been undertaken for field and temporary disaster response and recovery personnel and its disaster workforce. H.R. 1117, as amended, requires the Administrator to develop an action plan for issuing consistent guidance to applicants, ensuring the mainte-

¹FEMA Reservists are a type of Incident Management responder, hired under the Stafford Act as temporary, intermittent employees. They are a significant FEMA Incident Management component, staffing Joint Field Offices and other activities. These employees, when listed as available, can deploy to perform disaster field activities directly related to specific disasters, emergencies, projects, or activities of a non-continuous nature. Reservists are a necessary augmentation of permanent full-time staffing. (Source: <https://www.fema.gov/reservist-program>)

²FEMA CORE employees are hired under the Stafford Act to work for a specific, limited period and function. FEMA CORE employees may be renewed if there is ongoing disaster work and funding is available. (Source: <https://careers.fema.gov/cadre-call-responserecovery>)

nance of appropriate records, and easing the administrative burden of obtaining and monitoring assistance from FEMA. FEMA must articulate an action plan for implementing proper operating procedures and document retention requirements in the field to ensure the maintenance of appropriate records throughout the lifecycle of the disaster. Finally, FEMA must identify new technologies that would further aid the disaster workforce in partnering with state, local and tribal governments and private non-profits in the wake of a disaster or emergency.

In August of 2013, central Missouri experienced flooding, straight line winds, and storms and consequently, received a federal disaster declaration. In the years that have followed, recovery has been slowed by numerous, unorganized transitions of FEMA personnel, lost paperwork by FEMA personnel, and conflicting information from state and federal officials. Several major recovery projects still continue to languish. The intent of the requirements in this bill is to improve the efficiency of response and recovery operations and to improve the interaction between FEMA and state, tribal, and local grantees.

In recent storms, including Hurricane Matthew and flooding and tornadoes, the Committee is aware of challenges related to guidance provided to local governments on debris removal, emergency protective measures, and the construction of temporary facilities. Specifically, the lack of consistent guidance and direction given to communities on debris removal continues to be cited as a significant obstacle to recovery. The Agency's report should include how FEMA will provide detailed, consistent guidance to applicants and sub-applicants at each stage of a disaster, from initial response to recovery, to speed community recovery and improve the efficiency of the delivery of disaster assistance.

The Committee expects the report to detail how the Agency will provide consistent guidance and accurate information following a disaster. Specifically, it should address how FEMA will improve disaster field operations and staff transitions by:

- Providing consistent guidance to applicants on FEMA disaster funding procedures during the response to an emergency or disaster, including debris removal, emergency protective measures and temporary structures.
- Conducting appropriate record maintenance and transfer of documents to new teams during staff transitions.
- Providing accurate assistance to applicants and grantees to ease the administrative burden throughout the process of obtaining and monitoring assistance.
- Implementing operating procedures and document retention requirements to ensure the maintenance of appropriate records throughout the lifecycle of the disaster.
- Identifying new technologies that further aid the disaster workforce in partnering with State, local, and tribal governments and private nonprofits in the wake of a disaster to educate, assist, and inform applicants on the status of their disaster assistance applications.

HEARINGS

The Subcommittee on Economic Development, Public Buildings, and Emergency Management, held the following hearings and

roundtable discussions on subjects related to matters contained in H.R. 1117, as amended, during the 114th Congress:

“Rebuilding after the Storm: Lessening Impacts and Speeding Recovery” held on January 27, 2015. The purpose of the hearing was to launch an assessment of the rising costs of disasters, the cost effectiveness of disaster assistance, strategies to reduce disaster losses, and the appropriate roles of government and the private sector, and to consider reforms to save lives through improved alert and warning systems and search and rescue.

“What is Driving the Increasing Costs and Rising Losses from Disasters?” held on March 18, 2015. The purpose of the roundtable was to examine and discuss data related to disaster costs, the trends observed over time, and the projections for the future given the policies in place today.

“The State of Pennsylvania and FEMA Region III are Leaders in Mitigating Disaster Costs and Losses” held on May 28, 2015. The purpose of the roundtable was to examine disaster costs and losses, focus on hazards impacting Pennsylvania and the region, and identify best practices for mitigating and avoiding disaster impacts.

“Federal Disaster Assistance: Roles, Programs and Coordination” held on June 17, 2015. The purpose of the roundtable was to examine and discuss federal disaster assistance programs, the requirements and effectiveness of those programs, and coordination among various agencies and stakeholders.

“Controlling the Rising Cost of Federal Responses to Disaster” held on May 12, 2016. The purpose of the hearing was to begin exploring potential solutions and the principles that should be driving solutions to lower the overall costs of disasters and to help avoid devastating losses.

LEGISLATIVE HISTORY AND CONSIDERATION

On February 16, 2017, Representative Vicky Hartzler (R–MO) introduced H.R. 1117, a bill to require the Administrator of the Federal Emergency Management Agency to submit a report on certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster.

On February 28, 2017, the Committee on Transportation and Infrastructure met in open session to consider H.R. 1117. The Committee considered and adopted one amendment by voice vote—a technical amendment offered by Subcommittee Chairman Lou Barletta (R–PA). The Committee ordered the bill, as amended, reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules 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 consideration of H.R. 1117, as amended, or ordering the measure reported. A motion to order H.R. 1117, 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.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

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.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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. 1117, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 2017.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1117, a bill to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1117—A bill to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster

H.R. 1117 would require the Federal Emergency Management Agency (FEMA) to submit a report to the Congress on the agency's plans to provide consistent and accurate guidance and assistance to applicants for disaster funding. The bill also would require FEMA to include in the report a plan to effectively maintain records related to disaster funding and to identify technologies that would assist individuals, organizations, and communities when recovering from major disasters.

Based on information provided by FEMA, CBO estimates that implementing H.R. 1117 would cost less than \$500,000 in 2018; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 1117 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 1117 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1117 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Robert Reese. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation, as amended, is to require the Administrator of the FEMA to submit a report regarding the development of an action plan relating to guidance provided to disaster assistance applicants and grantees, the transition of field personnel, record maintenance and the use of technology to facilitate the delivery of assistance and ease the administrative burden.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill, as amended, includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 1117, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), the Committee finds that enacting H.R. 1117, as amended, does not direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

FEDERAL MANDATE 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. 1117, 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 OF LEGISLATIVE BRANCH

The Committee finds that the legislation, as amended, 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 (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1. Action plan to improve field transition

Section 1 requires the Administrator of FEMA to provide a plan for the development of consistent guidance to applicants on FEMA disaster funding, the maintenance of records and transfer of information, relieving administrative burdens, and the implementation of new technology tools during disaster response and recovery operations in the field.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 1117, as amended, makes no changes in existing law.

