

Preliminary Damage Assessments for Major Disasters: Overview, Analysis, and Policy Observations

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Summary

When a major disaster overwhelms a state or tribal nation's response capacity, the state's governor or tribal nation's chief executive may request a major disaster declaration from the federal government. The Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes the President to issue major disaster declarations in response to such requests.

To evaluate a state or tribal nation's need for federal assistance, the Federal Emergency Management Agency (FEMA) uses a Preliminary Damage Assessment (PDA) as a mechanism to determine the impact and magnitude of damage caused by the incident. Although not explicitly mentioned in the Stafford Act, PDAs play a crucial role in the declaration process. State and tribal governments use PDA information as part of the basis for their major disaster request, and FEMA relies on the PDA findings to provide a recommendation to the President concerning whether a major disaster declaration is warranted and what types of federal supplemental assistance should be made available.

More specifically, the PDA provides information about various "factors" which FEMA evaluates to determine whether Public Assistance (PA) is warranted after an incident. For PA, these factors include estimated costs of assistance, localized impacts, insurance coverage, hazard mitigation, recent multiple disasters, and the availability of other federal resources. Similarly, FEMA uses information from the PDA to assess factors that determine whether an incident warrants Individual Assistance (IA) and, if so, which types of IA.

Despite their importance in the declaration process, PDA information has only recently been publicly available. In 2008, FEMA, at the direction of Congress, began to post PDA reports on its website. PDA reports contain information concerning (1) damage estimates, (2) demographic information of the affected area (including percentages of elderly populations and low-income households), and (3) insurance coverage in the area.

This report analyzes a dataset built from 587 PDA documents. It also compares that constructed dataset to a previously constructed dataset of disaster declarations and other data from FEMA regarding obligations from the Disaster Relief Fund (DRF), the account from which FEMA provides PA and IA.

In recent years, congressional interest in emergency management has focused on funding, program administration, and program coordination—both among federal agencies and state emergency management agencies. The data from PDA reports informs debates about these policy issues. For example, PDA reports provide insight as to whether FEMA recommendations are applied uniformly to all major disaster requests. Similarly, PDA reports can be analyzed to address congressional concerns over whether PA and IA determinations are systematic and appropriate. More broadly, PDA information can inform the debate over whether federal disaster assistance is being provided for incidents that could be handled at the state, local, or tribal level.

Some of the key findings in this report include

- major disaster declarations that authorize PA generally conform with the PA thresholds outlined in regulation;
- higher percentages of low-income households in a disaster-impacted area seem to influence the decision to authorize IA;
- of requests that were neither expedited nor appealed, 18.5% were decided within one week, 63.7% were decided within two weeks, and 89.8% were decided within one month;

- the time between a major disaster request and decision varies based on the amount of PA and IA damage as well as the type of event; and
- the magnitude of PDA estimates for both PA and IA that under-estimate ultimate obligations is greater than the magnitude of estimates that over-estimate ultimate obligations.

This report concludes with policy observations and considerations for Congress. These considerations include

- replacing the per capita threshold used by FEMA to make major disaster recommendations with another form of measurement;
- requiring PDA reports to include additional information about the incident;
- taking measures to increase PDA accuracy; and
- amending Section 320 of the Stafford Act.

This report will be updated as events warrant.

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Introduction

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, hereinafter the Stafford Act) authorizes the President to issue declarations that authorize a range of federal assistance in response to natural or man-made incidents that overwhelm state, local, or tribal capacities.¹ When a major disaster overwhelms a state or tribal nation's response capacity, the state's governor or the tribal nation's chief executive may submit a request for a major disaster declaration.² Under Section 401 of the Stafford Act

All requests for a declaration by the President that a major disaster exists shall be made by the governor of the affected state. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments and that federal assistance is necessary.³

To help evaluate a state or tribal nation's need for assistance, the Federal Emergency Management Agency (FEMA) uses a Preliminary Damage Assessment (PDA) as a mechanism "to determine the impact and magnitude of damage and the resulting unmet needs of individuals, businesses, the public sector, and the community as a whole."⁴

Although not explicitly mentioned in the Stafford Act, PDAs play a crucial role in the declaration process. State and tribal governments use information from a PDA to determine whether to request a major disaster declaration and, if so, the basis for that major disaster request. FEMA relies in part on the PDA to provide a recommendation to the President concerning whether a major disaster declaration is warranted and, if so, which types of federal supplemental assistance should be made available.⁵

Despite the importance of PDAs in the declaration process, PDA information has only recently been made available to the public. In 2008, FEMA, at the direction of Congress via general provisions in appropriations legislation, began to post PDA reports on its website.⁶ The same provision was included in appropriations legislation through 2015, but it was not included in the Consolidated Appropriations Act of 2016.⁷ PDA reports summarize "damage assessment information used to determine whether to declare a major disaster."⁸ However, PDA reports do not necessarily provide the entirety of information that could be included in PDAs.

In spite of their limitations, PDA reports contain a great deal of information concerning (1) damage estimates; (2) demographic information of the affected area, including percentages of elderly populations and low-income households; and (3) insurance coverage in the area. PDA reports can also be used to track the timeline of a declaration request because they include request and declaration (or denial) dates. CRS constructed a dataset using information from PDA reports and coupled that dataset with data on declarations and obligations from the Disaster Relief Fund

¹ Stafford Act declarations can also be requested by U.S. territories and freely associated states. For more information on Stafford Act declarations see CRS Report R43784, *FEMA's Disaster Declaration Process: A Primer*, by Bruce R. Lindsay.

² 42 U.S.C. §5170. The Sandy Recovery and Improvement Act (P.L. 113-2, SRIA) authorized tribal nations to make direct major disaster requests.

³ 42 U.S.C. §5170.

⁴ 44 C.F.R. §206.33.

⁵ In all cases, the President maintains the authority to use discretion in either declaring a major disaster or denying a major disaster request.

⁶ Section 569 of P.L. 110-161, 121 Stat. 2092-2093.

⁷ P.L. 114-113.

⁸ Section 569 of P.L. 110-161, 121 Stat. 2092-2093. PDA reports are available only for major disaster declarations.

(DRF), through which FEMA funds PA and IA, to analyze the possible use of PDAs in the disaster declaration process.

Preliminary Damage Assessment Process

Conducting a PDA is a “bottom-up” process in which information is gathered from affected citizens, elected officials, and professionals in various fields and gradually rises to key decision-makers. In general, the PDA process begins with a pre-assessment at the state, local, or tribal level. If state, local, or tribal authorities decide a joint FEMA-State (or FEMA-Tribal Nation) PDA is warranted, a damage assessment team is assembled to assess and document the damage caused by an incident. The team that oversees the PDA process typically consists of representatives from the state government, representatives from the appropriate FEMA regional office, local officials familiar with the area, and, in some instances, representatives from the American Red Cross and/or the Small Business Administration (SBA).⁹ After the relevant information is gathered, it is consolidated, reconciled, and submitted with the governor’s or chief executive’s request to the President for a major disaster declaration. The following sections describe each phase of the process in more detail.

Pre-Assessment

Not all incidents require federal assistance. State and tribal governments are expected to verify initial information concerning the extent of damage following an incident before requesting federal participation in a joint PDA. According to FEMA regulations, when an incident occurs (or is imminent) the state or tribal official responsible for emergency management makes the initial determination as to whether incident response is beyond state and local (or tribal) capacity.¹⁰ If it is unclear whether response capacity has been (or will be) exceeded, the PDA process begins with a pre-assessment by the state or tribal government to determine if the situation warrants federal participation.¹¹ Pre-assessment allows the governor or chief executive to review the situation before initiating an official request for a major disaster declaration.

Pre-assessment information can help the governor or chief executive anticipate a potential denial for federal assistance and withhold a request. While there are obvious incentives to submit a request for federal assistance, there are at least two reasons why a request may be withheld. First, a denied request for a major disaster declaration can only be appealed once.¹² If early indications point to a possible denial, the governor or chief executive may have state, local, or tribal officials verify the extent of damage to ensure nothing has been overlooked. Given the limit on the number of appeals, it might be better to determine whether that information is available prior to submitting an initial request. Second, leaders may be concerned that a denied request will reflect

⁹ Other state and federal agencies, as well as other voluntary organizations, may also be asked to participate. The American Red Cross plays a large role in Emergency Support Function #6—Mass Care, Emergency Assistance, Housing, and Human Services. The Small Business Administration (SBA) provides direct disaster loans to help businesses, nonprofit organizations, homeowners, and renters repair or replace property damaged or destroyed in a federally declared disaster. For more information on the SBA Disaster Loan Program see CRS Report R41309, *The SBA Disaster Loan Program: Overview and Possible Issues for Congress*, by Bruce R. Lindsay; and CRS Report R44412, *SBA Disaster Loan Program: Frequently Asked Questions*, by Bruce R. Lindsay.

¹⁰ 44 C.F.R. §206.33(a).

¹¹ Pre-assessment efforts can be aided by local governments and private nonprofit organizations such as the American Red Cross.

¹² 44 C.F.R. §206.46(a).

adversely on a governor's or chief executive's decision-making skills and judgment under pressure.

Damage Assessment Teams

If a state or tribal nation decides to move forward with the major disaster request after the pre-assessment, a damage assessment team is assembled. The damage assessment team includes at least one state or tribal official; at least one federal official, typically a representative from the appropriate FEMA regional office; and a local official familiar with the area. As mentioned previously, in some cases it may also include representatives from other federal agencies or voluntary relief organizations.¹³

While state and tribal nations are responsible for coordinating local participation in the PDA process, FEMA representatives are responsible for briefing the team concerning which factors should be considered, what information will be helpful in the assessment, and how information should be reported. With that guidance, the damage assessment team collects relevant information about the incident and completes FEMA's PDA template (see **Appendix**).

Damage assessment teams often face challenges when collecting data. For example, while some information may be directly observable, such as damage to buildings and structures, less tangible information, such as the percentage of elderly residents affected in an area or the amount of insurance coverage for all homeowners and renters, may be more difficult to obtain in a timely manner. For another example, the geographic span of damage can create complications as the damage assessment team struggles to cover and access all of the affected area in a limited time.¹⁴

At times, a state or tribal government will suspend the information gathering process when officials believe the damage assessment team has documented the necessary amount of damage to warrant a declaration. In such instances, the PDA provides an incomplete portrait of the extent of damages and arguably of the types of assistance needed for the response and recovery process.

Waivers

A joint PDA is required to request a Stafford Act declaration, except in certain instances. According to regulation

The requirement for a joint PDA may be waived for those incidents of unusual severity and magnitude that do not require field damage assessments to determine the need for supplemental federal assistance under the Act, or in such other instances determined by the Regional Administrator upon consultation with the state.¹⁵

Some examples of incidents for which the PDA was waived include Hurricanes Gustav, Ike, Irene, Mathew, and Sandy. However, even when the PDA process is waived or expedited, initial federal assistance is typically limited, and subsequent PDA processes are required to determine what additional assistance is necessary. It may also be necessary to conduct an assessment to determine unmet needs for "managerial response purposes."¹⁶ Determining those unmet needs

¹³ Ibid.

¹⁴ According to 44 C.F.R. 206.36(a), the request for a major disaster must be made within 30 days of the incident, except in the case of an extension granted by the Federal Emergency Management Agency (FEMA) Assistant Administrator for the Disaster Assistance Directorate.

¹⁵ 44 C.F.R. §206.33(d).

¹⁶ Ibid.

can help a Federal Coordinating Officer (FCO) determine what forms of assistance are required in the declared area.¹⁷

Findings Review and Recommendation

At the close of the PDA process, FEMA will consult with state or tribal officials to discuss the findings. Regulations require that the participants reconcile any differences in their findings.¹⁸ Once the PDA has been completed, the governor or chief executive may submit a request for a major disaster declaration if the PDA warrants it. The request is submitted to the appropriate FEMA Regional Administrator who, in turn, acknowledges the request, summarizes the findings, analyzes the data, and submits a recommendation to FEMA Headquarters. FEMA then formulates and submits a recommendation, along with the original request, to the President concerning whether the incident warrants a major disaster declaration.

While the information gathered in PDA reports are publicly available, the recommendation provided to the President is considered “pre-decisional and deliberative information” by the executive branch because it is part of the package that is developed and sent to the White House for the President’s review and ultimate declaration decision. These materials may not be available under the Freedom of Information Act (FOIA) process.¹⁹

Public Assistance and Individual Assistance Factors: Trends and Analyses

A major disaster declaration under the authorities of the Stafford Act can trigger three major types of assistance: Public Assistance (PA), Individual Assistance (IA), and Hazard Mitigation Assistance. Under FEMA regulations

The Assistant Administrator for the Disaster Assistance Directorate has been delegated authority to determine and designate the types of assistance to be made available. The initial designations will usually be announced in the declaration. Determinations by the Assistant Administrator for the Disaster Assistance Directorate of the types and extent of FEMA disaster assistance to be provided are based upon findings whether the damage involved and its effects are of such severity and magnitude as to be beyond the response capabilities of the state, the affected local governments, and other potential recipients of supplementary federal assistance. The Assistant Administrator for the Disaster Assistance

¹⁷ A Federal Coordinating Officer (FCO) is responsible for the overall coordination and management of all federal resources and assistance being provided to support a disaster response operation. The FCO is essentially the “leader” of the federal government’s response and is tasked with efficiently facilitating the delivery of assistance from a wide array of federal departments and agencies, including other deployable federal assets. By law, FCOs are required to be immediately assigned upon a major disaster declaration (42 U.S.C. §5143). For more information about FCOs and deployable federal assets see CRS Report R43560, *Deployable Federal Assets Supporting Domestic Disaster Response Operations: Summary and Considerations for Congress*, coordinated by Jared T. Brown.

¹⁸ 44 C.F.R. §206.33(c). For example, the state may estimate damages at a different amount than the federal government. The differences are reconciled at the close of the PDA process.

¹⁹ According to the Department of Justice, the deliberative process privilege, sometimes referred to as “executive privilege,” has been held by the courts to be incorporated into Exemption 5 of the FOIA. United States Department of Justice, Guide to the Freedom of Information Act: Exemption 5, September 7, 2017, p. 3, at <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption5.pdf>. For more information about FOIA exemptions, see CRS Report R41933, *The Freedom of Information Act (FOIA): Background, Legislation, and Policy Issues*, by Meghan M. Stuessy.

Directorate may authorize all, or only particular types of, supplementary federal assistance requested by the governor.²⁰

Although all declared major disasters include Hazard Mitigation Assistance through the Hazard Mitigation Grant Program (HMGP),²¹ FEMA relies on information from the PDA to determine whether PA and/or IA should be recommended. The following sections describe each of the factors considered in that determination. Where possible, the following sections also analyze the extent to which each factor seems to influence PA and IA determinations using data from FEMA’s publicly available PDA reports.²²

Factors Considered for Public Assistance

The PA grant program provides assistance to state and local or tribal governments and certain private nonprofit organizations to conduct debris removal operations, provide emergency protective services, and repair or replace damaged public infrastructure.²³ These purposes are subdivided into seven categories (see **Table 1**).

Table 1. Categories and Types of PA Work

Category	Type of Work
Emergency Work:	A Debris Removal
	B Emergency Protective Measures
Permanent Work:	C Roads and Bridges
	D Water Control Facilities
	E Buildings and Equipment
	F Utilities
	G Parks, Recreational Facilities, and Other Items

Source: Federal Emergency Management Agency (FEMA), *Public Assistance Program and Policy Guide*, FP 104-009-2, January 2016, p. 19, at https://www.fema.gov/media-library-data/1456167739485-75a028890345c6921d8d6ae473fbc8b3/PA_Program_and_Policy_Guide_2-21-2016_Fixes.pdf.

Categories A and B refer to emergency work, such as debris removal and emergency protective measures, and may cover additional costs incurred by local public safety groups for their actions

²⁰ 44 C.F.R. §206.40(a).

²¹ 42 U.S.C. §5170c. Section 404 of the Stafford Act is applied to “any area affected by a major disaster.”

²² See Federal Emergency Management Agency, *Preliminary Damage Assessment Reports*, May 12, 2017, available at <https://www.fema.gov/preliminary-damage-assessment-reports>.

On November 14, 2016, all 634 PDA documents available were downloaded as PDF files. Those files were then imported into Excel and cleaned manually. In the final dataset, each document is represented by one line of data with 22 variables corresponding to information included in each PDA report (e.g., Date Requested, Date Declared/Denied). Ten percent of the data entries were manually checked against the original documents for reliability, which found an error rate of only 0.22%. The data from the PDA reports were then merged with a declarations dataset constructed by CRS using data from <https://www.fema.gov/disasters>, and the DSFR obligations dataset provided by FEMA Office of Legislative Affairs. The final dataset for this report includes information for 587 requested disasters, 506 of which were declared and 81 of which were denied. This represents 97.68% of major disasters declared and 93.02% of major disaster requests denied from October 2007 to December 2015, based on declaration data from Federal Emergency Management Agency, *Disaster Declarations*, at <https://www.fema.gov/disasters/>; and turndown data provided by FEMA Office of Legislative Affairs.

²³ For information on Public Assistance (PA) see CRS Report R43990, *FEMA’s Public Assistance Grant Program: Background and Considerations for Congress*, by Jared T. Brown and Daniel J. Richardson.

in responding to a disaster. Categories C through G constitute permanent work and cover the repair or replacement of infrastructure such as roads, bridges, and public buildings. Depending on the nature of the incident, one or more categories of work may be provided through PA.

FEMA considers six factors when assessing whether a governor's or chief executive's request warrants PA:

- estimated cost of the assistance;
- localized impacts;
- insurance coverage;
- hazard mitigation;
- recent multiple disasters; and
- programs of other federal assistance.

The above PA factors have been in use since 1968. Several reports by the Government Accountability Office (GAO) as well as the Department of Homeland Security Office of Inspector General have suggested taking steps to update the PA factors, particularly with the view of better assessing a state's capacity.²⁴ In response to the conversation on this issue, FEMA issued a Notice of Proposed Rulemaking on January 20, 2016.

Following public comment, FEMA published a second Advance Notice that sought to address earlier public comments requesting greater detail and clarity. The notice proposed the use a "Disaster Deductible" that "includes a methodology for calculating deductible amounts based on a combination of each state's fiscal capacity and disaster risk, a proposed credit structure to reward state for undertaking resilience building activities, and a description of how the program would be implemented."²⁵

The proposed Disaster Deductible would apply only to PA categories C through G for permanent work and would not affect FEMA assistance for emergency work (such as Debris Removal and Emergency Protective Measures). The proposal addressed several factors in explaining how the Deductible is developed. Perhaps the most direct response to previous criticisms are suggestions for calculating the fixed capacity of states which contains some of the previous recommendations from GAO and the IG. The comment period for the additional Advance Notice closed on April 12, 2017. A final rule has not yet been published. In the absence of a Final Rule, the following sections describe the factors currently in use.

Estimated Cost of Assistance

Estimated cost of assistance is perhaps the most important factor FEMA considers when evaluating whether a governor's or chief executive's request warrants PA because it is a strong indicator of whether "the situation is of such severity and magnitude that an effective response is

²⁴ See U.S. Government Accountability Office, *Disaster Assistance: Improvement Needed in Disaster Declaration Criteria and Eligibility Assurance Procedures*, GAO-01-837, August 2001, at <http://www.gao.gov/assets/240/232622.pdf>; U.S. Government Accountability Office, *Federal Disaster Assistance: Improved Criteria Needed to Assess a Jurisdiction's Capability to Respond and Recover on Its Own*, GAO-12-838, September 12, 2012, at <http://www.gao.gov/products/GAO-12-838>; and Inspector General: Department of Homeland Security, *Opportunities to Improve FEMA's Public Assistance Preliminary Damage Assessment Process*, OIG-12-79, May 2012, at https://www.oig.dhs.gov/assets/Mgmt/2012/OIG_SLP_12-79_May12.pdf.

²⁵ See Federal Emergency Management Agency, *Establishing a Deductible for FEMA's Public Assistance Program*, Docket ID: FEMA-2016-0003, at <https://www.regulations.gov/docket?D=FEMA-2016-0003>.

beyond the capacities of the State and affected local governments.”²⁶ FEMA generally relies on two thresholds to evaluate whether to recommend PA. The first threshold is \$1 million in public infrastructure damages. This threshold is set “in the belief that even the lowest population states can cover this level of public assistance damages.”²⁷

The second threshold used by FEMA is determined by multiplying the state’s population (according to the most recent census) by a specified statewide per capita impact indicator—currently \$1.43.²⁸ The statewide per capita impact indicator has been periodically adjusted based on the Consumer Price Index for all Urban Consumers since 1999.²⁹ In general, FEMA will recommend a major disaster declaration that includes PA if public infrastructure damages exceed \$1 million and meet or exceed \$1.43 per capita. The underlying rationale for using a per capita threshold is that tax revenues that support a state’s disaster response capacity should be sufficient if damages and costs fall under the per capita amount.³⁰

Depending on a state’s population, the per capita threshold may be difficult to reach. For example, the 2010 Census estimated California’s population at 37.25 million people. Multiplied by the current per capita impact indicator of \$1.43, an incident in California would need to require PA-eligible damages and costs of more than \$53.27 million before federal supplemental assistance would be recommended through a major disaster declaration. California is a large state with a budget and tax base commensurate with its size. Therefore, expecting California to be able to respond to an incident that causes more than \$53 million worth of damage could be considered by some to be within “the capabilities of the state.”³¹ On that basis, some would argue that using per capita thresholds as a consideration when determining whether an incident warrants PA is consistent with the Stafford Act.

Others disagree. In some cases, a rural area in a highly populated state is affected by an incident and denied federal assistance presumably because damages and costs do not exceed the per capita threshold. Some argue that these incidents warrant federal assistance because they overwhelm local response and recovery capacity in spite of not exceeding the statewide threshold. In other cases, some argue that the application of the per capita threshold is inequitable because the same incident may affect multiple states but only result in a major disaster declaration for some states by virtue of differences in state population. Further, GAO noted in a recent report that there may be more effective ways to account for the capabilities of the state.³²

²⁶ 44 C.F.R. §206.36(b)(1).

²⁷ 44 C.F.R. §206.48(a)(1). Public infrastructure is infrastructure that is used by the public (or owned by the public). For example, roads, water and sewage facilities are public infrastructure.

²⁸ Department of Homeland Security (DHS), FEMA, “Public Assistance Per Capita Impact Indicator and Project Thresholds” at <https://www.fema.gov/public-assistance-indicator-and-project-thresholds>. The term “statewide per capita impact” is used for all entities that can request a major disaster declaration including tribal nations.

²⁹ It is worth noting that FEMA did not adjust the indicator between 1986 and 1999.

³⁰ According to the 2010 Census, the per capita threshold is less than \$1 million for three states—North Dakota, Vermont, and Wyoming—and the District of Columbia. It is assumed that those states and the District of Columbia are held to the \$1 million threshold for this factor. With the exception of Puerto Rico, U.S. territories and freely associated states are also assumed to be held to the \$1 million threshold.

³¹ 42 U.S.C. §5170.

³² U.S. Government Accountability Office, *Federal Disaster Assistance: Improved Criteria Needed to Assess a Jurisdiction’s Capability to Respond and Recover on Its Own*, GAO-12-838, September 12, 2012, at <http://www.gao.gov/products/GAO-12-838>.

CRS constructed and analyzed a dataset using FEMA's publicly available PDA reports to determine how often declaration decisions align with meeting the two PA thresholds.³³ Of the 410 requests that resulted in a declaration that authorized PA, two—both for the state of Vermont—met the per capita threshold but not the \$1 million threshold, and two did not meet the per capita threshold.³⁴

One of the two declarations for which PA was authorized, even though the statewide per capita threshold was not met, was requested by the governor of Arizona in 2010 for severe storm and flooding damages affecting the Sovereign Tribal Nation of Havaspupai.³⁵ Within the tribal nation, the PA cost estimate was \$1.63 million, which equates to more than \$3,000 per capita according to the tribal per capita impact reported in the PDA report. Since the Sandy Recovery and Improvement Act (P.L. 113-2), which is discussed in the next section, similar requests can now be made directly by tribal nations.

The second declaration that authorized PA for an event that did not meet the statewide per capita threshold was for severe storm and flooding damages in Kansas during the summer of 2009. For this request, the statewide per capita impact estimate was one cent (\$0.01) below the threshold. Another request in the dataset reported a statewide per capita impact estimate that was one cent (\$0.01) less than the threshold, but that request was denied. There were also 17 PDA reports in which the state per capita threshold was exceeded but a major disaster was not declared. Two of those 17—both for tribal nations—did not meet the \$1 million threshold. The next section will discuss thresholds for declarations in tribal nations in greater depth.

In spite of the general adherence to the \$1 million and statewide per capita PA thresholds, Section 320 of the Stafford Act states that “no geographic area shall be precluded from receiving assistance under this Act solely by virtue of an arithmetic formula or sliding scale based on income or population.”³⁶ Consequently, some Members of Congress may argue that FEMA's use of these thresholds is justified only so long as it is one of several factors it takes into consideration when evaluating an incident's impact.

Estimated Cost of Assistance: Tribal Nations

P.L. 113-2, the Sandy Recovery and Improvement Act (SRIA) amended the Stafford Act to allow tribal nations to be treated as states and to be eligible to request a major disaster declaration directly from the President.³⁷ Previously, tribal governments were treated as local governments and any request on their behalf had to be made by the governor(s) of the affected state(s) where the tribal land and infrastructure had been affected. While tribes have long received assistance

³³ Public Assistance (PA) factors are used by FEMA in determining recommendations for the President. The dataset constructed for this report contains information on whether PA was authorized in the ultimate declaration from the President. It is unclear whether the decision by the President was in agreement with the recommendation from FEMA.

³⁴ An additional 85 requests that resulted in a declaration that authorized PA were excluded because the associated PDA report did not include a statewide per capita impact estimate.

³⁵ This declaration was issued before the Sandy Recovery and Improvement Act (SRIA, P.L. 113-2), among several significant changes to the Stafford Act, provided the opportunity for Native American groups to be treated as states and to be eligible to request a major disaster declaration directly from the President. Previously, tribal groups were treated as local governments and any request had to be made by the governor(s) of the affected state(s) where the tribal land, infrastructure, and populations had been affected by an incident that could warrant consideration for an emergency or major disaster declaration.

³⁶ 42 U.S.C. §5163.

³⁷ Under this provision in SRIA (now Stafford Act Sections 401 and 501), the “chief executive of an Indian Tribal Government” is able to submit a request for a declaration from the President without relying on the state.

under Stafford Act declarations, working through state governments for all assistance has been considered an issue of tribal sovereignty.

Tribal government requests are not evaluated by the per capita threshold. Instead, FEMA considers a tribal declaration request if it is determined that the tribal nation sustained at least \$250,000 in PA-eligible damages or costs.³⁸ This amount is not a trigger point for a declaration—it is the minimum amount of damage for which a request for a major disaster declaration will be considered. Of the eight requests in the FEMA database from tribal governments for which the PDA report included an estimate of total PA-eligible damages and costs exceeding \$250,000, seven were declared. In 2013, the Rosebud Sioux Tribe requested PA following severe storms, straight-line winds, and flooding. Although the tribe estimated \$472,158 in PA-eligible damages and costs, their request for a major disaster declaration was denied, and that denial was upheld upon appeal.³⁹

Localized Impacts

In addition to evaluating estimated cost of assistance at the state-level, FEMA considers impacts to localities (e.g., counties, parishes, boroughs). While capacity to respond to, and recover from, an incident are evaluated on the state level, PA and IA are provided only to the specific counties designated in a declaration. As specified in FEMA regulations

The Assistant Administrator for the Disaster Assistance Directorate also has been delegated authority to designate the affected areas eligible for supplementary federal assistance under the Stafford Act. These designations shall be published in the Federal Register. An affected area designated by the Assistant Administrator for the Disaster Assistance Directorate includes all local government jurisdictions within its boundaries.⁴⁰

To this end, FEMA uses a countywide per capita impact indicator of \$3.61 per capita in infrastructure damage to assess localized impacts.⁴¹ In general, it is expected that a locality that meets or exceeds the \$3.61 per capita threshold will be designated by FEMA for PA funding.

FEMA can recommend a major disaster declaration that includes PA even if the estimated cost threshold has not been reached if, for example, a localized incident damages critical infrastructure.⁴² Furthermore, given Presidential discretion in the declaration process, knowledge of large localized impact could weigh on the President's decision concerning whether to issue a major disaster declaration regardless of FEMA's recommendation.⁴³

³⁸ Based on correspondence with FEMA Office of Congressional Affairs.

³⁹ FEMA issued pilot guidance as a resource for tribal governments on Stafford Act declarations, disaster assistance, and related requirements in January 2017. See Tribal Declarations Pilot Guidance, Federal Emergency Management Agency, January, at https://www.fema.gov/media-library-data/1488558643845-ed263ddb090d7f739dd73bb0bfae76/TribalDeclarations_Pilot.pdf.

⁴⁰ 44 C.F.R. §206.40(b).

⁴¹ The countywide per capita threshold is periodically adjusted for inflation. See DHS, FEMA “Notice of Adjustment of Countywide Per Capita Impact Indicator,” 81 *Federal Register* 70430, October 1, 2016. The term “countywide per capita impact” is used for all localized impacts regardless of whether the locality is a county as opposed to a parish, borough, etc.

⁴² 44 C.F.R. §206.48.

⁴³ It was difficult to reliably extract county-level data from PDA reports for analysis across the entire dataset. Analysis of county-level data for specific disasters is available to congressional clients upon request.

Insurance Coverage

FEMA considers insurance coverage in its PA determinations when reviewing a governor's or tribal chief executive's request for major disaster assistance. As part of the assessment of disaster related damage, FEMA will subtract the amount of insurance coverage that is in force or that should have been in force as required by law and regulation at the time of the disaster from the total estimated eligible cost of PA for units of government and certain private nonprofit organizations. There is no data within the PDA reports regarding how much of an adjustment was made to the estimate of PA-eligible damages and costs due to presumed insurance coverage.

Though seemingly straightforward, this process can be a complicated. A considerable number of state and local governments "self-insure" their investments against some types of disasters and thus, arguably, could be found to have no remaining liability during the PDA process. In addition, the state insurance commissioner must certify that hazard insurance is both available and affordable for certain disaster types (such as earthquakes). If insurance for certain events is not available or affordable, it would be impractical to assume PA-eligible facilities or infrastructure would have any amount of coverage.

The process for flood events is more straightforward because FEMA administers the National Flood Insurance Program (NFIP), and program staff in each FEMA region monitoring NFIP participation. This knowledge makes it easier for FEMA to deduct the amount of coverage from flood insurance that should have been in place from the estimated amount of total PA-eligible damages and costs.

Hazard Mitigation

FEMA encourages hazard mitigation efforts by considering how previous measures may have decreased the overall damages and costs following an incident. This could include rewarding states that have a statewide building code.⁴⁴ If the requesting state can prove, by way of cost-benefit analyses or other related estimates, that its per capita amount of infrastructure damage falls short of the statewide per capita impact threshold due to mitigation efforts, FEMA will consider that favorably in its recommendation to the President. In these instances, FEMA may also consider whether the mitigation work has been principally financed with previous FEMA disaster assistance funding through the Hazard Mitigation Grant Program (HMGP), through the Pre-Disaster Mitigation (PDM) program, or by state or local resources.⁴⁵

PDA reports do not include information regarding mitigation and its effects on damages and costs, nor do they mention the results of previous spending through HMGP or PDM. In the absence of that information, it is difficult to determine how this factor influences the pre-decisional process for a major disaster declaration.

Recent Multiple Disasters

If a state or tribal nation has suffered multiple disasters—whether declared or not—in the previous 12 months, FEMA will consider the financial and human toll of those recent incidents in its consideration of whether to recommend PA. For example, if a state has responded on its own to a series of tornadoes, FEMA may consider a request for a declaration more favorably than they would have otherwise.

⁴⁴ 44 C.F.R. §206.48(a)(4)

⁴⁵ 42 U.S.C. §5170 and 42 U.S.C. §5133. For more information on the Pre-Disaster Mitigation (PDM) Program, see CRS Report RL34537, *FEMA's Pre-Disaster Mitigation Program: Overview and Issues*, by Jared T. Brown.

The PDA reports do not provide information about other recent incidents. Even when considering the denied requests included in the dataset, the PDA reports cannot provide a complete snapshot of the financial and human stressors of all recent events in a given state or tribal nation at the time a disaster is requested. There are, however, two requests that were each submitted for damages caused by two incidents.⁴⁶ Neither of these requests met the per capita threshold for the incidents independently, but one of the requests surpassed both the \$1 million and per capita thresholds when the damages from both incidents were combined. Regardless, both requests were denied.

Other Federal Assistance

FEMA also considers whether other federal disaster assistance is available when reviewing a major disaster request. In some cases, other federal programs are arguably more suitable for addressing the types of damage caused by an incident. For example, damage to federal-aid roads and bridges are eligible for assistance under the Emergency Relief Program of the Federal Highway Administration (FHWA).⁴⁷ Other federal programs may have more specific authority to respond to certain types of disasters, such as damage to agricultural areas. Assistance may also be provided under authorities separate from the Stafford Act with or without a major disaster declaration. For example, assistance for droughts is frequently provided through authorities of the U.S. Department of Agriculture (USDA) rather than Stafford Act authorities.⁴⁸ Similarly, the Secretary of Health and Human Services (HHS) can provide assistance to states in response to a public health threat without the President's involvement via a Stafford Act declaration.⁴⁹

Factors Considered for Individual Assistance

The IA program provides direct aid for individuals and households following a major disaster. Among the forms of IA authorized by the Stafford Act are housing assistance, other needs assistance, crisis counseling, case management services, legal services, and disaster unemployment assistance.⁵⁰ SBA disaster loans also become available to renters and homeowners if IA is provided for an incident. When making IA determinations, FEMA considers the following factors:

- concentration of damages;
- trauma;
- special populations;
- voluntary agency assistance;
- insurance; and

⁴⁶ The first of these requests was submitted on July 24, 2015, for wildfires in Alaska, and the second was submitted on August 31, 2015 for severe storms, tornadoes, straight-line winds, and flooding in Indiana. It is unclear whether there were incidents beyond the two reported in the PDA for either request.

⁴⁷ For more information on federal assistance for damaged roads see CRS Report R43384, *Emergency Relief for Disaster-Damaged Roads and Transit Systems: In Brief*, by Robert S. Kirk.

⁴⁸ For more information about assistance for agriculture disasters see CRS Report RS21212, *Agricultural Disaster Assistance*, by Megan Stubbs.

⁴⁹ For more information on federal assistance for public health incidents see CRS Report RL33579, *The Public Health and Medical Response to Disasters: Federal Authority and Funding*, by Sarah A. Lister.

⁵⁰ States or tribes may request all Individual Assistance (IA) programs or specific IA programs, as necessary, via the following form: Request for Presidential Declaration Major Disaster or Emergency, OMB Control Number 1660-0009.

- average amount of individual assistance by state.⁵¹

These factors were originally published in regulation in 1999. In 2013, under Section 1109 of SRIA, Congress directed FEMA to review the factors it considers when deciding whether to recommend IA.⁵² FEMA issued a Notice of Proposed Rulemaking and published the proposed rule on November 12, 2015. The proposed factors are

- state fiscal capacity and resource availability;
- uninsured home and personal property losses;
- disaster impacted population;
- impact to community;
- casualties; and
- disaster-related unemployment.⁵³

The comment period for the proposed rule closed on January 11, 2016. Individual Assistance Declarations Factors Guidance was published on September 22, 2016.⁵⁴ The comment period for the guidance closed on October 24, 2016, but a final rule has not yet been published. In the absence of a final rule, the following sections describe the factors effective as of 1999.

As part of the proposed rule, FEMA provided an analysis of major disaster requests including Individual and Household Program (IHP) funding, which constitutes the majority of IA, between January 2008 and July 2013. Through that analysis, FEMA

determined that the uninsured home and personal property losses' estimated cost of assistance was an important factor driving whether a major disaster declaration authorizing IHP was declared by the President.⁵⁵

The results of that analysis are provided in **Table 2**.⁵⁶ In the discussions of factors considered for IA in this report, these results will be used for comparison.

Table 2. Estimated Cost of Assistance to Declaration Decision Comparative

Dollar Amount of Estimated Costs of Assistance	Number of Disaster Requests	Number of Disasters Declared	Percentage of Disasters Declared
\$7.5 million or more	32	31	97%
\$1.5 million to \$7.5 million	87	38	44%
\$1.5 million or less	34	2	6%

⁵¹ 44 C.F.R. §206.48(b).

⁵² Section 1109 of P.L. 113-2, 127 Stat. 47.

⁵³ Federal Emergency Management Agency, "Factors Considered When Evaluating a governor's Request for Individual Assistance for a Major Disaster, Proposed Rule," 80 *Federal Register* 70115, November 12, 2015.

⁵⁴ Federal Emergency Management Agency, "Individual Assistance Declarations Factors Guidance," 81 *Federal Register* 65369, September 22, 2016.

⁵⁵ Federal Emergency Management Agency, "Factors Considered When Evaluating a governor's Request for Individual Assistance for a Major Disaster, Proposed Rule," 80 *Federal Register* 70128, November 12, 2015.

⁵⁶ This analysis may rely on information directly from PDAs as opposed to PDA reports. It is unclear how that may affect the results reported in **Table 2**.

Source: Table title and contents quoted from Federal Emergency Management Agency, “Factors Considered When Evaluating a governor’s Request for Individual Assistance for a Major Disaster, Proposed Rule,” 80 *Federal Register* 70128, November 12, 2015.

Notes: Based on major disaster declaration requests including FEMA’s Individuals and Households Program (IHP) between January 2008 and July 2013. Estimated Costs of Assistance includes uninsured home and personal property losses.

Concentration of Damages

One factor FEMA considers when evaluating the need for IA is the concentration of damages. FEMA asserts via regulation that highly concentrated damages “generally indicate a greater need for federal assistance than widespread and scattered damages throughout a state.”⁵⁷ The assumption that underlies this regulation is that the local support networks available to recover from an incident are increasingly undermined as more members of those local support networks become survivors of the incident.⁵⁸ The dispersion of damage, however, is not necessarily an indication of total individual and household needs. Rural incidents, in particular, can be more difficult to assess because damages tend to be geographically less concentrated. As mentioned under the factors considered for PA, Congress has sought to address the challenges posed by rural incidents in receiving major disaster declarations and assistance packages.⁵⁹

Trauma

FEMA regulations cite three conditions that indicate a high degree of trauma to a community:

1. large numbers of injuries and deaths;
2. large scale disruption of normal community functions and services; and
3. emergency needs such as extended or widespread loss of power or water.⁶⁰

FEMA considers the trauma caused by injuries and loss of life in determining whether IA, or specific programs under IA, is warranted in an affected area. For IA-eligible medical and funeral expenses under Section 408 of the Stafford Act, this factor can carry some weight in making a determination.⁶¹ There may also be a correlation between the number of injuries or deaths and media coverage of an incident, which some research has found to influence public and private responses to disasters.⁶²

Large scale disruption of normal community functions and emergency needs such as extended or widespread loss of power or water are also indicative of trauma and are considered when evaluating a governor’s or chief executive’s request. Assessing these indicators can be problematic because they are not currently defined in law or regulation. Consequently,

⁵⁷ 44 C.F.R. §206.48(b)(1).

⁵⁸ This is the rationale also underlies the distinction between a disaster and a catastrophe. For example, see E. L. Quarantelli, “Catastrophes Are Different from Disasters: Some Implications for Crisis Planning and Managing Drawn from Katrina,” *Social Science Research Council*, June 11, 2006, at <http://understandingkatrina.ssrc.org/Quarantelli/>.

⁵⁹ It was difficult to reliably extract data on localized damage from PDA reports for analysis across the entire dataset. Analysis of data on localized damage for specific disasters is available to congressional clients upon request.

⁶⁰ 44 C.F.R. §206.48(b)(2).

⁶¹ 42 U.S.C. 5174.

⁶² See, for example, Piers Robinson, “The CNN Effect: Can the News Media Drive Foreign Policy?” *Review of International Studies* 25, no. 2 (1999): 301-309; and Gorm Rye Olsen, Nils Carstensen, and Kristian Høyen, “Humanitarian Crises: What Determines the Level of Emergency Assistance? Media Coverage, Donor Interests, and the Aid Business,” *Disasters* 27, no. 2 (2003): 109-126.

discretionary judgments are significant aspects of the evaluation of IA needs for large scale disruptions of normal community functions and extended or widespread emergency needs.

Under Section 1109 of SRIA, Congress specifically directed FEMA to reconsider the conditions and losses that contribute to trauma. In the proposed rule, these conditions and losses were identified as “Impact to Community Infrastructure,” including Life-Saving and Life-Sustaining Services; Essential Community Services; Transportation Infrastructure and Utilities; and “Casualties,” specifically, “the number of individuals who are missing, injured, or deceased due to a disaster.”⁶³

Special Populations

FEMA considers the unique needs of certain demographic groups within an affected area when evaluating an IA request. These “special populations” include low-income and elderly populations, and American Indian and Alaskan Native tribal populations.⁶⁴ Although special populations are a distinct factor in the consideration of a governor’s or chief executive’s request, special populations may also contribute to the overall number of IA-eligible households in an affected area.

PDA reports include information on the percentage of low-income and elderly households in the affected community.⁶⁵ Using data from PDA reports, **Table 3** compares the average reported percentage of low-income households between requests that resulted in a declaration that authorized IA and requests that were either denied or resulted in a declaration that did not authorize IA. **Table 4** provides a similar comparison for the percentage of elderly households.

As can be seen in the “Percentage of Disasters Declared, IA Authorized” column in **Table 3**, the sample of PDA reports for which data were available for this analysis is comparable to the sample used for FEMA’s analysis of major disaster declaration requests including IHP between January 2008 and July 2013 in the proposed rule (see **Table 2**).

In **Table 4**, the total percentages indicate that the sample is less comparable to the sample used for FEMA’s analysis, but the general trend in the percentage of disasters declared in comparison to the estimated costs of assistance is similar.

Table 3 demonstrates that for IA declarations, as the total estimated costs of assistance for uninsured home and personal property losses increases, the average percentage of low-income households decrease. In other words, the percentage of low-income households seems less of a determining factor for securing IA programs when the cost of damages increase.

⁶³ FEMA, “Factors Considered When Evaluating a governor’s Request for Individual Assistance for a Major Disaster, Proposed Rule,” 80 *Federal Register* 70127, November 12, 2015.

⁶⁴ 44 C.F.R. §206.48(b)(3).

⁶⁵ PDA reports do not include information on American Indian and Alaskan Native tribal populations in an affected community.

Table 3. Average Percentage of Low-Income Households by Individual Assistance Decision

Dollar Amount of Estimated Costs of Assistance	Declared, IA Authorized		Denied or Declared, IA Not Authorized		Percentage of Disasters Declared, IA Authorized
	Average Percentage of Low-Income Households	Number of Disaster Requests	Average Percentage of Low-Income Households	Number of Disaster Requests	
\$7.5m or more	36.09%	42	26.00%	1	97.67%
\$1.5m to \$7.5m	43.66%	57	35.66%	45	55.88%
Less than \$1.5m	55.67%	5	40.95%	46	9.80%
Grand Total	41.18%	104	38.20%	92	53.06%

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, at <https://www.fema.gov/preliminary-damage-assessment-reports>.

Notes: “Dollar Amount of Estimated Costs of Assistance” includes uninsured home and personal property losses.

Unlike the analysis for percentage of low-income households, the analysis of percentage of elderly households does not seem to indicate any trends. As shown in **Table 4**, there is little correlation between average percentage of elderly households and estimated costs of assistance for declared disasters that received IA nor is there a systematic difference between average percentage of elderly households for requests that ultimately received IA and those that did not.

Table 4. Average Percentage of Elderly Households by Individual Assistance Decision

Dollar Amount of Estimated Costs of Assistance	Declared, IA Authorized		Denied or Declared, IA Not Authorized		Percentage of Disasters Declared, IA Authorized
	Average Percentage of Elderly Households	Number of Disaster Requests	Average Percentage of Elderly Households	Number of Disaster Requests	
\$7.5m or more	16.94%	16	-	-	100.00%
\$1.5m to \$7.5m	14.43%	27	16.11%	25	51.92%
Less than \$1.5m	15.94%	3	14.94%	20	13.04%
Grand Total	15.40%	46	15.59%	45	50.55%

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, at <https://www.fema.gov/preliminary-damage-assessment-reports>.

Notes: “Dollar Amount of Estimated Costs of Assistance” includes uninsured home and personal property losses.

Voluntary Agency Assistance

As with PA, FEMA considers whether state, local, or tribal governments “can meet the needs of disaster victims” prior to offering supplemental assistance through IA.⁶⁶ Additionally for IA, FEMA considers the extent to which voluntary agency assistance can meet those needs.

⁶⁶ 44 C.F.R. §206.48(b)(4).

This factor may be the most contentious in the disaster declaration process due to the assessment's subjectivity. FEMA's evaluation of state and local or tribal capabilities, let alone the capabilities of the local voluntary community, may vary greatly from incident to incident. As for the broader voluntary community, given the national scope of the primary voluntary agencies that respond when an incident occurs, the capacities and capabilities of those organizations to meet the needs of any specific disaster victim or affected community are also dependent on the number of other events occurring simultaneously or in short succession. Furthermore, even if state, local, tribal, and voluntary capacities could be assessed with consistency and accuracy, none are likely to be able to provide the amount of resources available at the federal level to assist in a full recovery.

Insurance

Similar to insurance coverage of public and certain private, nonprofit facilities for PA, insurance coverage of private residences is an important consideration for IA. Per FEMA regulation, "by law, federal disaster assistance cannot duplicate insurance coverage."⁶⁷ Therefore, the calculation of IA-eligible losses must deduct those losses covered by insurance.

FEMA assumes owner-occupied homes with a mortgage are insured against many natural disasters under their homeowner insurance policies. Under that assumption, FEMA uses census data to determine homeowner insurance penetration.⁶⁸ Further, if the home is located in a flood prone area then purchasing insurance for those disasters is often a legal requirement if the owner has a federally-backed mortgage. As mentioned previously, FEMA administers the NFIP which allows officials to more directly determine the status of flood insurance in communities and the number of policies in place in an affected area.

Average Amount of Individual Assistance by State

FEMA compares the total IA cost estimate from the PDA to the average amount of individual assistance by state. More specifically, regulations published in 1999 include a table of the average amount of IA per disaster, by state population, from July 1994 to July 1999 (reproduced as **Table 5**). FEMA stresses that these averages are not to be used as thresholds but rather as a guide that "may prove useful to states and voluntary agencies as they develop plans and programs to meet

⁶⁷ 44 C.F.R. §206.48(b)(5). This is in part derived from the General Prohibition in the statute of the Duplication of Benefits (42 U.S.C. §5155), as follows:

... each federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a result of a major disaster or emergency, shall assure that no such person, business concern or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.

⁶⁸ According to 44 C.F.R. 206.191, which establishes the policies implementing Section 312 of the Stafford Act, the prohibition on duplicating insurance benefits does not necessarily result in a delay in assistance. FEMA may provide assistance to individuals and households that have been affected by an incident for which they were insured but are waiting for insurance companies to process their claims. Under those conditions, applicants are able to receive FEMA assistance as long as they agree to reimburse FEMA when they receive their other assistance. In terms of declaration decisions, if an event occurred during which almost all of the damaged residences were fully insured for the damage that was sustained, FEMA could determine that a disaster declaration by the President is not necessary. Among the types of disasters FEMA frequently responds to, tornados most often present this challenge since wind coverage is a part of most homeowners' insurance policies. Also under 44 C.F.R. 206.191, a federal agency providing disaster assistance is responsible for preventing or rectifying duplication of benefits when they occur. 44 C.F.R. 206.191 includes a "delivery sequence" hierarchy intended to prevent waste, fraud, and abuse of program assistance, including the duplication of benefits.

the needs of disaster victims.”⁶⁹ Indeed, as an average, some of the values of total IA per disaster necessarily fall below the values listed in the table. Regardless, it has generally been inferred that the amount of damage listed in the table is generally how FEMA determines which incidents warrant IA.

Table 5. Average Amount of Assistance per Disaster

July 1994 to July 1999

	Small States Under 2 million population	Medium States 2-10 million population	Large States Over 10 million population
Average Population (1990 census data)	1,000,057	4,713,548	15,522,791
Number of Disaster Housing Applications Approved	1,507	2,747	4,679
Number of Homes Estimated Major Damage/Destroyed	173	582	801
Dollar Amount of Housing Assistance	\$2.8 million	\$4.6 million	\$9.5 million
Number of Individual and Family Grant Applications Approved	495	1,377	2,071
Dollar Amount of Individual and Family Grant Assistance	\$1.1 million	\$2.9 million	\$4.6 million
Disaster Housing/IFG Combined Assistance	\$3.9 million	\$7.5 million	\$14.1 million

Small Size States (under 2 million population, listed in order of 1990 population)

Alaska, Delaware, District of Columbia, Hawaii, Idaho, Maine, Montana, Nebraska, New Hampshire, New Mexico, Nevada, North Dakota, Rhode Island, South Dakota, Utah, Vermont, Virginia, West U.S. Virgin Islands and all Pacific Island dependencies, and Wyoming.

Medium Size States (2-10 million population, listed in order of 1990 population)

Alabama, Arizona, Arkansas, Colorado, Connecticut, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Oklahoma, Oregon, Puerto Rico, South Carolina, Tennessee, Virginia, Washington, and Wisconsin.

Large Size States (over 10 million population, listed in order of 1990 population)

California, Florida, Illinois, New York, Ohio, Pennsylvania, and Texas.

Source: Table reproduced from 44 C.F.R. §206.48. Information is displayed as it appears in the Code of Federal Regulations.

Notes: The high 3 and low 3 disasters, based on Disaster Housing Applications, are not considered in the averages. Number of Damaged/Destroyed Homes is estimated based on the number of owner-occupants who qualify for Eligible Emergency Rental Resources. Data source is FEMA’s National Processing Service Centers. Data are only available from July 1994 to July 1999.

Given the congressional mandate in Section 320 of the Stafford Act, the information in **Table 5** cannot be the basis of an arithmetic formula that *solely* determines whether IA is recommended. Furthermore, some question the table’s relevance because the amounts have not been updated in over 15 years and are based on 1990 census data. In the proposed rule, FEMA “determined that the table should be removed because it causes confusion among States.”⁷⁰

⁶⁹ 44 C.F.R. §206.48(b)(6).

⁷⁰ FEMA, “Factors Considered When Evaluating a governor’s Request for Individual Assistance for a Major Disaster, Proposed Rule,” 80 *Federal Register* 70137, November 12, 2015.

Using the CRS dataset constructed from PDA reports of major disaster requests dated October 2007 through December 2015, **Table 6** compares the average amount of assistance per disaster from July 1994 to July 1999, as reported in regulation, to the estimated amount of assistance reported in PDA reports for small, medium, and large states by declaration decision.⁷¹ The columns of the table indicate the number of requests in which estimates either do or do not exceed two damage indicators: the average number of residences with major damage or destroyed and the average total IA cost.⁷²

Table 6. Comparison of Average Damages in Regulation to Estimated Damages in PDA Reports by State Size and Declaration Decision

	Declared, IA Authorized			Declared, IA Not Authorized			Denied		
	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small
Exceeded Both Average Number of Residences with Major Damage/Destroyed and Average Total IA Cost	4	8	3	-	-	-	-	-	-
Only Exceeded Average Number of Residences with Major Damage/Destroyed	5	-	-	-	-	-	-	-	-
Only Exceeded Estimated Total IA Cost	5	15	3	-	-	-	-	1	-
Exceeded Neither Average Number of Residences with Major Damage/Destroyed nor Estimated Total IA Cost	7	40	10	6	24	13	13	28	5
Total	21	63	16	6	24	13	13	29	5

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, available at <https://www.fema.gov/preliminary-damage-assessment-reports>.

Notes: Small, medium, and large population states defined in 44 C.F.R. §206.48(b)(6) (see **Table 5**). The “Number of Homes Estimated Major Damage/Destroyed” in regulation is compared to the sum of “Major Damage” and “Destroyed” under “Total Number of Residence Impacted” on the PDA report. The “Disaster Housing/IFG Combined Assistance” in regulation is compared to “Total Individual Assistance cost estimate” in the PDA report.

⁷¹ A sample of 190 PDA reports contained complete data for this analysis.

⁷² The “Number of Homes Estimated Major Damage/Destroyed” in regulation is compared to the sum of “Major Damage” and “Destroyed” under “Total Number of Residence Impacted” on the PDA report. The “Disaster Housing/IFG Combined Assistance” in regulation is compared to “Total Individual Assistance cost estimate” in the PDA report.

As evidenced in **Table 6**, damage estimates exceeding either the average number of residences with major damage or destroyed or the average total IA cost is a strong predictor of whether a request receives a major disaster declaration that authorizes IA.⁷³ That said, over 75% of the requests included damage estimates that did not exceed either of the indicators. Of those requests that included damage estimates that did not exceed either indicator, almost 40% received IA. These findings were consistent across state sizes.⁷⁴

Preliminary Damage Assessment Timeline

PDA reports also provide information about the length of time between a major disaster request and its ultimate declaration or denial by the President. This information is often useful for setting expectations of when federal supplemental help may be authorized.

Table 7 categorizes the 587 major disaster requests in the PDA dataset into four categories—declared/not expedited, declared/expedited, denied/not appealed, and denied/appealed—and tallies the number of weeks between request and decision for each category. As would be expected, the declared/expedited requests are skewed toward the beginning of the timeline and the denied/appealed requests are skewed toward the end of the timeline. Of the requests that were neither expedited nor appealed, 89.8% were decided within a month after requested, 63.7% were decided within two weeks after requested, and 18.5% were decided within the week they were requested.

Table 7. Number of Weeks between Major Disaster Request and Decision

	Declared		Denied	
	Not Expedited	Expedited	Not Appealed	Appealed
Within 1 Week	88	33	5	0
Between 1 and 2 Weeks	213	2	14	0
Between 2 and 4 Weeks	121	3	10	2
Between 4 and 8 Weeks	39	1	2	21
Between 8 and 12 Weeks	5	0	2	11
12 Weeks or Longer	1	0	2	12

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, at <https://www.fema.gov/preliminary-damage-assessment-reports>.

Notes: “Within 1 Week” denotes 0-6 days. “Between 1 and 2 Weeks” denotes 7-13 days. “Between 2 and 4 Weeks” denotes 14-27 days. “Between 4 and 8 Weeks” denotes 28-55 days. “Between 8 and 12 Weeks” denotes 56-83 days, and “12 Weeks or Longer” denotes 84 days or more.

Beyond expedited and appealed requests, there are other reasons to expect the timeline to be different. For example, when an incident results in a great amount of damage, it is reasonable to assume the decision will be made more quickly than when an incident causes relatively less,

⁷³ Only one request that exceeded either the average number of residences with major damage or destroyed or the average total IA cost did not receive IA. A major disaster request for severe storms and flooding in Michigan in 2012 was denied in spite of exceeding the average total IA cost reported in regulation. As a medium state, the average total IA cost for Michigan is \$7.50 million. The estimated total IA cost was \$7.58 million.

⁷⁴ Nevada, New Mexico, and Utah grew from “small” population states in the 1990 census to “medium” population states in the 2010 census. For the purposes of this analysis, those three states are included as “small” states because they are reported as such in regulation. This decision affects only three requests in the sample. Those three requests included damage estimates that did not exceed either of the indicators.

albeit still as devastating, amount of damage. This assumption is supported by the data. When considering the estimated costs of PA, requests in which the per capita impact indicator was exceeded by the per capita impact estimate were decided, on average, 6.4 days sooner than requests in which the indicator was not exceeded. Furthermore, IA requests that estimated more than \$7.5 million in costs were decided on average in 6.2 days versus 13.4 days for those requests that estimate less than \$7.5 million in costs. This may indicate that those factors may make it far easier, or more obvious, to FEMA that IA should be recommend as part of a disaster declaration.

The type of disaster event may also impact the PDA timeline. When excluding those requests that were either expedited or appealed, the average number of days for key stages of the PDA process for fires, floods, hurricanes, severe storms, severe winter storms, tornadoes, and tropical storms are reported in **Table 8**. Across the 485 events included in the table, the average amount of time between when the incident begins and when the governor or tribal leader submits the request is 27.6 days.⁷⁵ However, for flooding events, the average time is 48.5 days, likely reflecting the unique access issues that prevent damage assessment teams from evaluating damage until the flood waters have receded. Conversely, the average time is shorter for hurricanes, likely reflecting the lead time and ability to anticipate the severity of those events given forecasting.

Similar to the time between when the incident begins and the request is submitted, the time between when the request is submitted and when the decision is announced varies by event. For example, the average time between when the request is submitted and when the decision is announced for all events is 13.4 days. However, decisions on major disaster requests for fire-related events occur, on average, 20.5 days after they are submitted. This likely reflects the availability of Fire Management Assistance Grants under Stafford Act authorities, which facilitate response to fires without the need for a presidentially declared disaster.⁷⁶

Table 8. Average Number of Days for Key Stages of the PDA Process by Event Type

Event Type	Average Incident Length (Days)	Average Days between Incident Begin and Request	Average Days between Request and Decision	Number of Events
Fire	45.1	27.8	20.5	17
Flooding	44.9	48.5	11.6	26
Hurricane	11.0	16.3	9.1	30
Severe Storm	14.0	29.5	14.4	152
Severe Winter Storm	6.2	32.2	16.1	110
Tornado	14.6	21.6	11.4	126
Tropical Storm	9.3	17.2	8.3	24
All Events	14.7	27.6	13.4	485

⁷⁵ As mentioned previously, according to 44 C.F.R. 206.36(a), the request for a major disaster must be made within 30 days of the incident, except in the case of an extension granted by FEMA's Assistant Administrator for the Disaster Assistance Directorate. It is assumed that the 30-day window begins at the incident end as opposed to the incident begin date. The incident begin date was used for this analysis because some requests and decisions are made prior to the official end of an incident, proving difficult for data analysis.

⁷⁶ For more information on Fire Management Assistance Grants, see CRS Report R43738, *Fire Management Assistance Grants: Frequently Asked Questions*, coordinated by Bruce R. Lindsay.

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, at <https://www.fema.gov/preliminary-damage-assessment-reports>.

Notes: Requests that were expedited or appealed are not included in this analysis. Event types were extracted from the header of PDA reports. An event type was included in this analysis if 10 or more major disasters were declared for that event type. Other types of events for which major disaster requests have been submitted include earthquakes, explosions, tsunamis, typhoons, and volcanic eruptions. Requests that were identified solely by those excluded event types were removed from the sample. Some requests were identified by multiple event types. If an event type did not uniquely identify at least 10 requests, the event type was removed and the request was classified by one of its other listed event types. In the cases of snowstorms and windstorms, the event types identified more than 10 requests but uniquely identified fewer than 10 requests. Therefore, seven snowstorms were reclassified as “Severe Winter Storm” and three windstorms were reclassified as “Severe Storm.” With the remaining event types, when there were multiple requests that were identified by more than one event type, the event was classified as the event type with the fewest overall requests. Consequently, one request classified as a fire event and 28 requests classified as severe winter storms could also be classified as floods. Four requests classified as tropical storms and three requests classified as hurricanes could also be classified as severe storms or floods. For the three most frequent event types—tornados, severe storms, and floods—there were many overlaps. In total, there were 155 tornadoes, 337 severe storms, and 345 floods. When including all tornadoes, the average incident length; days between incident begin and request; and days between request and decision are 13.6, 19.8, and 13.7, respectively. Similarly, when including all severe storms, the average incident length; days between incident begin and request; and days between request and decision are 14.5, 24.6, and 15.9, respectively, and for all floods, average incident length; days between incident begin and request; and days between request and decision are 18.6, 28.2, and 17.2, respectively.

Preliminary Damage Assessment Accuracy

Beyond the declaration decision, PDAs may be useful predictors of the ultimate obligations for PA and IA. By combining the information from PDA reports with information from the Disaster Relief Fund (DRF), it is possible to assess how accurate the PDA process is for estimating the amount of public and individual assistance ultimately obligated. This information may be useful for assessing the adequacy of the PDA process for evaluating whether federal supplemental assistance is necessary following an event.

Before examining the differences between DRF obligations and PDA estimates, a few words of caution are warranted. First, the estimates included in the PDA report are just that—estimates. Therefore, some might argue that some degree of inaccuracy should both be expected and tolerated. Second, given the process by which information from a PDA results in a major disaster declaration, there may be an incentive for damage assessment teams to gather enough data to demonstrate that damages and costs exceed the state’s capacity while not necessarily gathering data that captures the totality of those damages and costs.⁷⁷ Consequently, to the extent there are differences between DRF obligations and PDA estimates, it might be expected that the PDA estimates under-estimate ultimate obligations. **Table 9** and **Table 10** include summary statistics on the differences in obligations and estimates for PA and IA, respectively.

For PA, a typical PDA estimate differs from its corresponding DRF obligation, as measured by the median absolute value difference, by just over \$3.1 million (see **Table 9**). Overall, PDAs over-estimated PA obligations in 56.3% of the cases. However, the largest amount by which a PDA over-estimated PA obligations was \$64.6 million whereas the largest amount by which a PDA under-estimated PA obligations was \$453.9 million. The magnitude of difference between the greatest over-estimation and greatest under-estimation may be due to the incentive to gather enough data to demonstrate that damages and costs exceed the state’s capacity while not

⁷⁷ Department of Homeland Security Office of Inspector General, “Opportunities to Improve FEMA’s Public Assistance Preliminary Damage Assessment Process,” OIG-12-79, May 2012, p. 3, https://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-79_May12.pdf.

necessarily gathering data that captures the totality of those damages and costs, as mentioned in the previous paragraph.

Table 9. Differences Between Public Assistance Obligations from the Disaster Relief Fund and Public Assistance Estimates in Preliminary Damage Assessment Reports

	Lowest Value in Range	Average in 1 st Quartile	Average in 2 nd Quartile	Median	Average in 3 rd Quartile	Average in 4 th Quartile	Highest Value in Range
PA Obligations Minus Total PA Estimate	(\$64,600,338)	(\$12,143,681)	(\$1,555,490)	(\$368,202)	\$667,041	\$36,891,717	\$453,409,208
Absolute Value of PA Obligations Minus Total PA Estimate	\$5,451	\$400,255	\$1,878,079	\$3,138,509	\$5,098,345	\$44,166,597	\$453,409,208
PA Obligations Minus Total PA Estimate as Percentage of PA Obligations	0.3%	7.2%	26.0%	38.7%	54.0%	407.5%	15580.0%
PA Obligations > Total PA Estimate	179						
PA Obligations < Total PA Estimate	231						

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, at <https://www.fema.gov/preliminary-damage-assessment-reports>; and DRF data obligations provided by FEMA's Office of Congressional Affairs.

Notes: Disaster response and recovery expenses are often incurred over several years following an incident. To account for the total amount of federal assistance ultimately obligated for major disasters, "PA Obligations" reflects actual obligations as well as obligations projected under FEMA-approved spending plans as of December 2015. "Total PA Estimate" refers to the amount reported as "Total Public Assistance cost estimate" on PDA reports. Parentheses indicate a negative number.

For IA, a typical PDA estimate differs from its corresponding DRF obligation, as measured by the median absolute value difference, by just under \$3.6 million (see **Table 10**). Overall, PDAs were just as likely to overestimate IA obligations as to underestimate them. However, the largest amount by which a PDA over-estimated IA obligations was \$19.4 million whereas the largest amount by which a PDA under-estimated PA obligations was \$361.5 million. Again, the magnitude of difference between the greatest over-estimation and greatest under-estimation may be due to the incentive structure mentioned earlier. These differences for IA are similar to the differences for PA, but as a percentage of total obligations, the IA estimates are further from the projected obligations than their PA counterparts.

Table 10. Differences Between Individual Assistance Obligations from the Disaster Relief Fund and Individual Assistance Estimates in Preliminary Damage Assessment Reports

	Lowest Value in Range	Average in 1 st Quartile	Average in 2 nd Quartile	Median	Average in 3 rd Quartile	Average in 4 th Quartile	Highest Value in Range
IA Obligations:							
Total IA Estimate	(\$19,391,309)	(\$6,088,151)	(\$1,229,560)	(\$279,260)	\$3,093,134	\$61,572,966	\$361,532,302
Absolute Value of IA Obligations:							
Total IA Estimate	\$23,773	\$807,624	\$2,280,346	\$3,560,349	\$6,970,930	\$61,797,245	\$361,532,302
IA Obligations: Total IA Estimate as Percentage of IA Obligations	5.2%	19.1%	52.9%	67.6%	85.3%	891.0%	16654.3%
IA Obligations > Total IA Estimate				52			
IA Obligations < Total IA Estimate				53			

Source: CRS analysis of Federal Emergency Management Agency, Preliminary Damage Assessment Reports, May 12, 2017, at <https://www.fema.gov/preliminary-damage-assessment-reports>; and DRF data obligations provided by FEMA's Office of Congressional Affairs.

Notes: Disaster response and recovery expenses are often incurred over several years following an incident. To account for the total amount of federal assistance ultimately obligated for major disasters, "IA Obligations" reflects actual obligations as well as obligations projected under FEMA-approved spending plans as of December 2015. "Total IA Estimate" refers to the amount reported as "Total Individual Assistance cost estimate" on PDA reports. Parentheses indicate a negative number.

Policy Observations and Considerations for Congress

Per Capita Threshold

As mentioned previously, part of FEMA's recommendation for a major disaster declaration is determined by multiplying the state's population by a specified statewide per capita impact indicator. In general, FEMA will recommend a major disaster declaration that includes PA if public infrastructure damages exceed \$1 million and meet or exceed \$1.43 per capita. The statewide per capita impact indicator has been periodically adjusted based on the Consumer Price Index for all Urban Consumers since 1999. As noted earlier in this report, FEMA did not adjust the indicator between 1986 and 1999.

The underlying rationale for using a per capita threshold is that tax revenues that support a state's disaster response capacity should be sufficient if damages and costs fall under the per capita

amount.⁷⁸ Some may argue that using per capita thresholds as a consideration when determining whether an incident warrants PA is consistent with the Stafford Act.

Others may disagree that the per capita indicator is a useful tool for measuring state capacity. As mentioned previously, using the per capita indicator as a determinant for major disaster assistance may preclude some incidents from receiving federal assistance—particularly rural incidents occurring in populous states.

If Congress is concerned that the per capita threshold is a poor measurement of state capacity, it could require FEMA to replace or supplement the per capita threshold with another form of measurement. For example, in 2001, GAO issued a report on disaster declaration criteria. This report was a comprehensive review of FEMA’s declaration criteria factors. GAO recommended that FEMA “develop more objective and specific criteria to assess the capabilities of state and local governments to respond to a disaster” and “consider replacing the per capita measure of state capacity with a more sensitive measure, such as a state’s total taxable resources.”

The state’s Total Taxable Resources (TTR) was developed by the Department of the Treasury. GAO reported that TTR:

is a better measure of state funding capacity in that it provides a more comprehensive measure of the resources that are potentially subject to state taxation. For example, TTR includes much of the business income that does not become part of the income flow to state residents, undistributed corporate profits, and rents and interest payments made by businesses to out-of-state stock owners. This more comprehensive indicator of state funding capacity is currently used to target federal aid to low-capacity states under the Substance Abuse and Mental Health Service Administration’s block grant programs. In the case of FEMA’s Public Assistance program, adjustments for TTR in setting the threshold for a disaster declaration would result in a more realistic estimate of a state’s ability to respond to a disaster.⁷⁹

It could be argued that the use of TTR would conflict with the prohibition against arithmetic formulas established by Congress in Section 320 of the Stafford Act.⁸⁰ However, just as FEMA’s per capita measurement is one of several factors considered and not the “sole” determinant of a declaration, GAO stated that TTR would not violate Section 320 because TTR could also be used with other criteria such as those identified in regulations. Thus, some could contend that TTR could fill a similar role with perhaps more accuracy. It may also help reduce federal costs for disaster assistance by denying assistance to marginal incidents that could be otherwise handled by the state.

Loss of Life

PDA reports contain a wide-range of information regarding (1) damage estimates; (2) demographic information of the affected area, including percentages of elderly populations and low-income households; and (3) insurance coverage in the area. It is unclear, however, the extent

⁷⁸ According to the 2010 Census, the per capita threshold is less than \$1 million for three states—North Dakota, Vermont, and Wyoming—and the District of Columbia. It is assumed that those states and the District of Columbia are held to the \$1 million threshold for this factor. With the exception of Puerto Rico, U.S. territories and freely associated states are also assumed to be held to the \$1 million threshold.

⁷⁹ U.S. General Accounting Office, *Disaster Assistance: Improvement Needed in Disaster Declaration Criteria and Eligibility Assurance Procedures*, GAO-01-837, August 31, 2001, pp. 11-12, at <http://www.gao.gov/assets/240/232622.pdf>.

⁸⁰ 42 U.S.C. 5163.

to which loss of life is considered when evaluating an incident for federal assistance. Some may argue that loss of life should also be given greater weight when evaluating an incident. In addition to listing the number of fatalities caused by an incident, loss of life can be measured by using a method known as the value of statistical life (VSL) which assigns a monetary value to each fatality caused by the given incident. For example, the U.S. Department of Transportation uses \$9.1 million as the VSL when evaluating risk reduction.⁸¹ If Congress believes loss of life should also be considered when evaluating a state or tribal nation's need for federal assistance, it could require FEMA to add it as an additional factor when formulating its major disaster recommendation.

PDA Report Requirement

As mentioned previously, PDA reports were made publically available largely because Congress required FEMA to provide a "summary of damage assessment information used to determine whether to declare a major disaster" via general provisions in appropriations legislation from 2008 to 2015.⁸² That provision was not included in the Consolidated Appropriations Act of 2016.⁸³ Congress may consider continuing this requirement in future appropriations or establish the requirement in permanent law. Congress may also choose to be more explicit in what information is required to be included in publically available documents.

PDA Timelines and Accuracy

PDA reports provide information regarding the length of time between a major disaster request and its ultimate declaration or denial by the President. As discussed in "Preliminary Damage Assessment Timeline," of the requests for major disaster declarations that were neither expedited nor appealed, 89.8% were decided within a month after requested, 63.7% were decided within two weeks after requested, and 18.5% were decided within the week they were requested. Some may view these timelines as acceptable. Others may disagree and argue that timelines between requests and decisions should be shortened. Congress could explore options to shorten the timelines if it believes they are too long.

In addition, Congress may consider conducting oversight to determine the accuracy of PDA reports. PDA reports appear to be summary documents of the information gathered during the preliminary damage assessment. It is unclear to what extent PDA reports include the entirety of information collected during the assessment.

If Congress considers PDA reports as inaccurate or wants them to contain additional information, it could take measures to increase accuracy and/or provide additional resources for the PDA process.

On the other hand, some may argue that requiring greater accuracy or additional requirements and information may increase PDA processing times, thereby potentially increasing the time states and localities must wait for federal assistance. If that is the case, Congress may decide to retain the PDA process as it is.

⁸¹ U.S. Department of Transportation, *Economic Values Used in Analyses*, August 18, 2015, at <https://www.transportation.gov/regulations/economic-values-used-in-analysis>. The U.S. Department of Transportation defines VSL as the additional cost that individuals would be willing to bear for improvements in safety (i.e., reductions in risks) that, in the aggregate, reduce the expected number of fatalities by one.

⁸² Section 569 of P.L. 110-161, 121 Stat. 2092-2093. PDA reports are available only for major disaster declarations.

⁸³ P.L. 114-113

Section 320 of the Stafford Act

As indicated earlier in this report, Section 320 of the Stafford Act precludes the use of a sliding scale or formula as a condition for federal assistance. Some may argue the use of per capita threshold violates Section 320 of the Stafford Act. Others may argue that measurements such as the per capita threshold or GAO's recommended use of the TTR represent only one of several factors considered and not the "sole" determinant of a declaration.

If Congress believes the use of the per capita threshold violates Section 320, or that the per capita threshold is weighted too heavily (compared to other factors), it could consider strengthening Section 320 of Stafford Act. On the other hand, if Congress believes such measurements are useful, it could consider eliminating Section 320 from the Stafford Act.

Concluding Observations

As this report notes, the PDA is a crucial component of the declaration process and has evolved to become a collaborative process that results in agreed upon figures for consideration by the governor or chief executive, FEMA, and, ultimately, the President. Due to Congress' insistence on making PDA reports public, there is now a rich collection of data that allows for a review of various aspects of the PDA landscape.

CRS analysis has discerned a generally consistent quality of PDAs across FEMA regions. PDAs appear to be useful tools in assessing the impact of disaster events and, as such, seem to provide a consistent rationale for the ultimate decisions regarding a governor's or chief executive's request for supplemental federal assistance. Although the amount of damages and costs can vary widely by incident, just as incidents can present various challenges to the estimating processes, FEMA appears generally to adhere to consistent indicators in declarations decisions, such as per capita amounts to support a request for PA. While estimates do not always comport with eventual DRF spending, they do serve as a guide to the scope of the disasters and the likely categories of spending.

The PDA reports also offer some insights into the swiftness of disaster response efforts. CRS analysis of PDA reports indicates that in most cases states or tribal nations will receive a decision within two weeks of submitting a request. This finding likely indicates that once the necessary information has been submitted, the decision-making process can generally proceed with little delay. That analysis also reveals that different types of disaster events take different amounts of time, on average, for assessment. For example, damage caused by a tornado is quickly assessed whereas damage from flooding may take longer because damage assessment teams need to wait for the waters to recede.

The PDA process is likely to be improved in the future as FEMA and the states develop better survey tools that capture more information without encumbering the goal of providing emergency assistance. The efficiency of the PDA process, however, also relies on the factors used for assessing disaster damage. As mentioned earlier, those factors are likely to change in the near future. Congressional oversight of these changes is likely to be a high priority for the foreseeable future.

Appendix.

Figure A-I. Preliminary Damage Assessment Summary
FEMA Template

PAGE 1 OF _____ PAGES

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY PRELIMINARY DAMAGE ASSESSMENT SUMMARY					DATE	
PART I - APPLICANT INFORMATION						
COUNTY		NAME OF APPLICANT		NAME OF LOCAL CONTACT		PHONE NO.
POPULATION		TOTAL BUDGET Approved \$ _____ Balance \$ _____		MAINTENANCE BUDGET Approved \$ _____ Balance \$ _____		DATE FY BEGINS
PART II - COST ESTIMATE - SUMMARY (COMPLETE SITE ESTIMATE BEFORE SUMMARIZING BELOW)						
CATE- GORY	NO. OF SITES	TYPES OF DAMAGE	COST ESTIMATE	POTENTIAL LOCAL FUNDS FOR RECOVERY		
				FUND/ACCOUNT	AVAILABLE ACCOUNT	
			TOTAL	TOTAL		
PART III - DISASTER IMPACTS (USE SEPARATE SHEETS IF NECESSARY)						
A. GENERAL IMPACT 1. Identify and describe damages which constitute a health and/or safety hazard to the general public. 2. Population adversely affected directly or indirectly by the loss of public facilities or damages. 3. What economic activities are adversely affected by the loss of public facilities or damages?						
B. RESPONSE CAPABILITY: Can the applicant respond and recover from the damages quickly and without degradation of public services? Describe.						
C. IMPACT ON PUBLIC SERVICES IF DECLARATION IS NOT MADE: e. g., Deferral of permanent repairs, impact on ongoing services and capital improvements, etc. Describe.						
NAME OF INSPECTOR			AGENCY		PHONE NO.	

FEMA Form 90-80, MAR 05

Source: Available at https://www.fema.gov/media-library-data/20130726-1608-20490-1917/90_80.pdf.

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