

Calendar No. 222

115TH CONGRESS }
1st Session }

SENATE

{ REPORT
115-158

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

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 1117



SEPTEMBER 18, 2017.—Ordered to be printed

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Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 1117]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 1117) to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to the emergency or disaster, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 1117 requires the Administrator of the Federal Emergency Management Agency (FEMA) to submit a report regarding certain plans to assist applicants and grantees during the response to an emergency or disaster. The legislation would require the report to include specific plans for providing applicants and grantees with consistent guidance on disaster funding procedures and accurate assistance to ease the administrative burden. Additionally, the legislation would require FEMA to include in the report a plan to ef-

fectively maintain records related to disaster funding and to identify technologies that would assist individuals, organizations, and communities when recovering from major disasters.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Disaster response and recovery workforce

A Presidential disaster declaration triggers certain Federal response authorities and financial disaster assistance. FEMA utilizes a reservist workforce¹ and Cadre of On-Call Response and Recovery Employees (COREs)² to make up the disaster workforce. Reservists are incident management responders authorized through the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).³ These employees are “temporary, intermittent employees” and can be “deploy[ed] to perform disaster field activities directly related to specific disasters, emergencies, projects, or activities of a non-continuous nature.”⁴ FEMA COREs are also temporary employees. Although they are time-limited, they “may be renewed if there is ongoing disaster work and funding is available.”⁵ This workforce provides services at FEMA headquarters, regional offices, and disaster Joint Field Offices.

Improving field transitions by requiring consistent guidance

While FEMA has implemented several new technologies for its full time managers and staff, the temporary staff has not had the benefit of the same efforts. The Department of Homeland Security Office of Inspector General (OIG) and the Government Accountability Office have reported on the challenges that FEMA’s disaster workforce face.⁶ For example, some reservists continue to deploy to disasters without the knowledge, skills, and training they need to assist survivors effectively.⁷ In the immediate aftermath of the 2016 flooding in Louisiana, mayors voiced their frustration that FEMA was inept, inconsistent, and disorganized.⁸ It was apparent that FEMA staff lacked training and knowledge about rules and regulations. One Mayor stated that it was “common knowledge that your first interaction with a FEMA employee is more than likely

¹Federal Emergency Management Agency, *Introduction to the Reservist Program*, <https://www.fema.gov/reservist-program> (last updated Apr. 28, 2017).

²Federal Emergency Management Agency, *Cadre of On-Call Response/Recovery*, <https://careers.fema.gov/cadre-call-responserecovery> (last visited July 31, 2017).

³Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 100–707 (1988).

⁴Federal Emergency Management Agency, *Introduction to the Reservist Program*, <https://www.fema.gov/reservist-program> (last updated Apr. 28, 2017).

⁵Federal Emergency Management Agency, *Cadre of On-Call Response/Recovery*, <https://careers.fema.gov/cadre-call-responserecovery> (last visited July 31, 2017).

⁶See, e.g., Dept. of Homeland Security Office of Inspector General, OIG–16–127–D, *FEMA Can Enhance Readiness of its Disaster Incident Workforce* (Sept. 2, 2016), <https://www.oig.dhs.gov/assets/GrantReports/2016/OIG-16-127-D-Sep16.pdf> [hereinafter OIG–16–127]; Gov’t Accountability Office, GAO–15–437, *Federal Emergency Management Agency: Additional Planning and Data Collection Could Help Improve Workforce Management Efforts* (July 2015), <http://www.gao.gov/products/GAO-15-437>.

⁷OIG–16–127, *supra* note 6 at 4.

⁸*Oversight of the Federal Emergency Management Agency’s Response to the Baton Rouge Flood Disaster: Hearing Before the H. Comm. On Governmental Oversight*, 114th Cong. (2016) (statement of I. M. Shelton, Mayor, Central, Louisiana at 1) available at <https://oversight.house.gov/wp-content/uploads/2016/09/2016-09-09-Mayor-Shelton-Central-LA-Testimony.pdf> [hereinafter Shelton Statement]; *Oversight of the Federal Emergency Management Agency’s Response to the Baton Rouge Flood Disaster: Hearing Before the H. Comm. On Governmental Oversight*, 114th Cong. (2016) (statement of Gerard Landry, Mayor, Denham Springs, Louisiana) available at <https://oversight.house.gov/wp-content/uploads/2016/09/2016-09-09-Mayor-Landry-Denham-Springs-Testimony.pdf>.

to be your last with that same employee.”⁹ Loss of paperwork and inconsistent guidance through workforce transitions creates project delays, increases administrative costs, and in some instances, increases the risk of losing recovery funding because of improper documentation.¹⁰

H.R. 1117 requires the FEMA Administrator to create an action plan to help ease the burdens for disaster victims during transitions of temporary employees. The intent of this legislation is to improve the efficiency of the response and recovery temporary staff by forcing FEMA to articulate a plan of action to address the challenges and weaknesses of temporary staff. Ultimately, this will allow for greater coordination and less risk of projects languishing due to botched transition from one temporary disaster employee to another.

III. LEGISLATIVE HISTORY

Representative Vicki Hartzler (R–MO) introduced H.R. 1117 on February 16, 2017. The bill passed the House on March 27, 2017, by a vote of 408–0.

The Act was referred to the Committee on Homeland Security and Governmental Affairs. The Committee considered H.R. 1117 at a business meeting on July 26, 2017. The Committee favorably reported the Act by voice vote en bloc. Senators present for the vote were Johnson, Portman, Lankford, Daines, McCaskill, Tester, Heitkamp, Peters, Hassan, and Harris.

IV. SECTION-BY-SECTION ANALYSIS OF THE ACT, AS REPORTED

Section 1. Action plan to improve field transition

Subsection (a) requires the Administrator of FEMA to submit a report containing plans for providing consistent guidance to applicants on FEMA disaster funding procedures during the response to an emergency or disaster within 90 days of passage. Additionally, the report shall outline how FEMA will conduct appropriate record maintenance and document transfers to new teams during staff transitions and how FEMA will provide accurate assistance to applicants and grantees to ease the administrative burden throughout the assistance process.

Subsection (b) requires the report to also include a plan for how FEMA will implement operating procedures and documenting retention requirements so disaster victims can ensure records are appropriately maintained throughout the lifecycle of the emergency or disaster.

Subsection (c) requires the report to identify new technologies to aid the disaster workforce in partnership with state, local, and tribal governments to educate, assist, and inform applicants of the status of their applications and projects.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered

⁹ Shelton Statement, *supra* note 8 at 1.

¹⁰ See *e.g.*, Dep’t. of Homeland Sec. Office of Inspector General, OIG–17–13–D, Summary and Key Findings of Fiscal Year 2015 FEMA Disaster Grant and Program Audits 3 (Nov. 29, 2016), <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-13-D-Dec16.pdf>.

the regulatory impact of this Act and determined that the Act will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the Act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 4, 2017.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

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

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

Sincerely,

KEITH HALL.

Enclosure.

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

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

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

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

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

On March 6, 2017, CBO transmitted an estimate for H.R. 1117, as ordered reported by the House Committee on Transportation and Infrastructure on February 28, 2017. The two versions of the legislation are similar and CBO's estimates of their costs are the same.

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

VII. CHANGES IN EXISTING LAW MADE BY THE ACT, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would not make changes in existing law within the meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

