

# DISASTER PREPAREDNESS: DRR IMPLEMENTATION AND FEMA READINESS

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(116-18)

## HEARING

BEFORE THE  
SUBCOMMITTEE ON  
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND  
EMERGENCY MANAGEMENT

OF THE

COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

—————  
MAY 22, 2019  
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Printed for the use of the  
Committee on Transportation and Infrastructure



Available online at: [https://www.govinfo.gov/committee/house-transportation?path=/  
browsecommittee/chamber/house/committee/transportation](https://www.govinfo.gov/committee/house-transportation?path=/browsecommittee/chamber/house/committee/transportation)

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40-590 PDF

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

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MAY 17, 2019

**SUMMARY OF SUBJECT MATTER**

TO: Members, Subcommittee on Economic Development, Public Buildings, and Emergency Management  
FROM: Staff, Subcommittee on Economic Development, Public Buildings, and Emergency Management  
RE: Subcommittee Hearing on “Disaster Preparedness: DRRR Implementation and FEMA Readiness”

**PURPOSE**

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Wednesday, May 22, 2019, at 2:00 p.m. in 2167 Rayburn House Office Building, to receive testimony on “Disaster Preparedness: DRRR Implementation and FEMA Readiness.” At the hearing, Members will receive testimony about the Federal Emergency Management Agency’s ongoing implementation of the Disaster Recovery Reform Act (DRRA, P.L. 115–254) and emergency management workforce readiness ahead of the 2019 hurricane and wildfire seasons. The Subcommittee will hear from the Federal Emergency Management Agency (FEMA) and representatives of many organizations with equities in the crafting and implementation of DRRR as well as emergency management workforce readiness: the National Emergency Management Association (NEMA), the International Association of Emergency Managers (IAEM), the National Domestic Preparedness Consortium (NDPC), the National Association of Counties (NACo), the Build Strong Coalition (BSC), and the National Association of Home Builders (NAHB).

**BACKGROUND**

*THE DISASTER RECOVERY REFORM ACT (DRRA, DIVISION D OF P.L. 115–254)*

The Disaster Recovery Reform Act of 2018 (DRRA, Division D of P.L. 115–254), which became law on October 5, 2018, is the most comprehensive legislation on the Federal Emergency Management Agency’s (FEMA’s) disaster assistance programs since the passage of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113–2) and, previous to that, the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109–295).<sup>1</sup> This Subcommittee has conducted significant oversight of FEMA for several years, following an increase in the volume of Presidentially-declared disasters and emergencies, the severity of losses from disasters, and increasing federal spending to recover from costly events.

DRRA focuses on improving predisaster planning and mitigation, response, and recovery, and increasing FEMA accountability. It amends several sections of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, 42 U.S.C. §§5121 et seq.). Generally, DRRR’s amendments to the Stafford Act apply to major disasters and emergencies declared on or after August 1, 2017. Other new authorities apply to major disasters and emergencies declared on or after January 1, 2016.<sup>2</sup>

Following significant disaster events, Congress has routinely addressed the challenges of federal disaster response and recovery with supplemental appropriations but also authorization packages crafted to address challenges during federal response and recovery operations encountered by disaster survivors, impacted commu-

<sup>1</sup> Congressional Research Service “The Disaster Recovery Reform Act: Homeland Security Issues in the 116th Congress (IN11055).” Available at <https://www.crs.gov/reports/IN11055>.

<sup>2</sup> Id.

nities, and emergency management professionals. The events of the 2017–2018 hurricane and wildfire seasons served as the impetus for enactment of DRRRA.

DRRA was initially crafted to address the rising costs of disasters in the United States and was intended to reform federal disaster programs to ensure communities are better prepared for future hurricanes, flooding, earthquakes, wildfires, and other disasters. It incentivizes states to invest in stronger mitigation measures and resilient rebuilding—which will reduce the future loss of life and the rising costs of disasters—to ensure that communities are well-equipped to better prepare for and withstand disasters of all kinds.

The National Institute for Building Sciences (NIBS) has found significant cost savings in mitigation projects and the adoption of consensus-based building codes and standards. In examining code aspects related to riverine flood, wind, and earthquake, the NIBS concluded:

- There is a national benefit of \$11 for every \$1 spent by designing buildings to meet the *2018 International Residential Code* (IRC) and *2018 International Building Code* (IBC)—the model building codes developed by the International Code Council (ICC)—versus the prior generation of codes represented by 1990-era design and National Flood Insurance Program (NFIP) requirements.<sup>3</sup>
- Hazard mitigation projects funded with federal grants provided by FEMA, U.S. Economic Development Administration (EDA), and U.S. Department of Housing and Urban Development (HUD) can save the country \$6 in future disaster response and recovery costs for every \$1 spent, according to more than two decades worth of data on these grants.<sup>4</sup>
- Investing in certain hazard mitigation measures above and beyond select requirements of the *2015 International Codes* (I-Codes)—the model building codes developed by the International Code Council (ICC)—can save the nation \$4 for every \$1 spent.<sup>5</sup>

The changes under DRRRA should be viewed as complimentary to FEMA’s existing efforts both in the resilience-building space as well as streamlining recovery programs. DRRRA was intended to streamline FEMA’s programs, provide additional federal resources for resilience-building, and provide improved transparency and accountability to the Agency.

#### *KEY PROVISIONS IN DRRRA*

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

##### *Mitigation:*

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

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

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

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

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

<sup>3</sup>National Institute of Building Sciences “Natural Hazard Mitigation Saves Study.” Available at <https://www.nibs.org/page/mitigationsaves>.

<sup>4</sup>Id.

<sup>5</sup>Id.

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

*Infrastructure and Public Assistance:*

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

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

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

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

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

*Housing and Individual Assistance:*

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

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

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

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

*Other Key Provisions:*

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

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

Also included in the original version of DRRRA—but enacted in the Bipartisan Budget Act of 2018 (P.L. 115–123)—was a provision specifically crafted to incentivize state, local, tribal, and territorial governments to undertake resilience-building efforts to unlock increased federal cost-share for future response and recovery efforts.

*READINESS OF EMERGENCY MANAGEMENT AND FEMA INCIDENT WORKFORCE*

Assessing the readiness of the emergency management community begins at the local level. In 2018, 23,331 events were managed by local, tribal, and state governments without federal assistance.

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

In the years following the attacks of September 11, 2001, there has been a sustained and significant effort to provide training for state, local, tribal, and territorial emergency managers, whether at FEMA’s Center for Domestic Preparedness in Aniston, Alabama; the Emergency Management Institute in Emmitsburg, MD; or at facilities that are part of the National Domestic Preparedness Consortium.

Absent lapses of federal appropriations—which fund a significant portion of these trainings—non-federal emergency management capacity-building has been effective and delivered significant returns on investment. More professional and capable non-federal emergency managers ensure that local and regional events do not warrant a Presidential declaration under the Stafford Act.

Specific to FEMA and the federal incident management workforce, there are multiple limiting factors to readiness heading into the most active time of year for disasters:

- Vacancies in key senior leadership roles across FEMA and the Department of Homeland Security;
- Quantity of qualified Federal Coordinating Officers and Federal Disaster Recovery Coordinators currently available for deployment;
- High percentage of deployed force strength and limited availability of remaining force strength;
- Current volume of open and active disasters and Joint Field Offices across the United States and its territories;
- Challenges for existing workforce with the FEMA Qualification System and associated Position Task Books;
- Fatigue across workforce as a result of volume and intensity of disaster deployments during last several years.

Nearly two years after the 2017 hurricane and wildfire seasons, which strained FEMA’s workforce more so than other recent years, FEMA has taken steps to address several of the challenges noted above. However, it is still under-resourced when it comes to the volume of Incident Workforce employees available to respond to multiple simultaneous responses to catastrophic disasters.

FEMA’s Field Operations Directorate (FOD)—responsible for the Incident Workforce—is in the process of finalizing the Coordinated Workforce Review (CWR). The CWR is utilizing lessons learned from recent active disaster seasons to formally define workforce needs based on risk.

FOD is working to enhance the corps of Federal Coordinating Officers and increase Incident Workforce trainings and qualification across the other cadres of disaster specialists. However, since the start of 2019, FEMA has consistently reported significant readiness shortfalls for Federal Coordinating Officers (FCOs), as well as deficiencies in capacity for multiple response and recovery cadres in its daily operations briefings.

Workforce improvements have been made since the height of the 2017 disaster season—including the expansion of the Surge Capacity Force to include other federal agency employees in addition to DHS employees—but the Agency may still find it lacks adequate personnel should the 2019 disaster season approach the severity of 2017 and 2018 seasons.

WITNESS LIST

*PANEL I*

- Dr. Daniel Kaniewski, Deputy Administrator for Resilience, Federal Emergency Management Agency (FEMA)

*PANEL II*

- Sima Merick, Executive Director, Ohio Emergency Management Agency, on behalf of the National Emergency Management Association

- Nick Crossley, CEM, CPM, Director, Emergency Management and Homeland Security Agency, Hamilton County, Ohio, on behalf of the International Association of Emergency Managers
- James Gore, Supervisor, 4th District, County of Sonoma, California, on behalf of the National Association of Counties
- Al Davis, Deputy Director, Texas A&M Engineering Extension Service, on behalf of the National Domestic Preparedness Consortium
- Pamela Williams, Executive Director, Build Strong Coalition
- Randy Noel, MIRM, CGB, CMP, President, Reve, Inc., on behalf of the National Association of Home Builders

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## SUPPLEMENTARY INFORMATION

### *FEMA RESPONSE AND RECOVERY AUTHORITIES*

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

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

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

### *FEMA DISASTER ASSISTANCE PROGRAMS*

#### *Presidentially Declared Major Disaster*

When state and local resources are overwhelmed and the “disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments,”<sup>6</sup> the Governor of the affected state may request the President to declare a major disaster. FEMA’s primary Stafford Act programs for disaster response and recovery in the aftermath of a major disaster are the Public Assistance Program and the Individual Assistance Program. As part of each major disaster, FEMA also provides Hazard Mitigation Grant Program (HMGP) funds.

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

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

Section 404 of the Stafford Act authorizes the HMGP, which provides grants to state and local governments to rebuild after a disaster in ways that: (1) are cost effective; and (2) reduce the risk of future damage, hardship, and loss from natural hazards. HMGP grants are calculated based on a percentage of funds spent on Public and Individual Assistance for each Presidentially-declared disaster.

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

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<sup>6</sup>Quoting (in part) 42 U.S.C. §5170(a).

In the case of wildfires, mitigation measures covered by HMGP include, but are not limited to: establishing defensible space measures around buildings; using fire-resistant building materials; and regularly clearing combustibles that could serve as fuel for a wildfire. FEMA provides up to 75 percent of the funds for mitigation projects under HMGP and the remaining 25 percent can come from a variety of sources (i.e., a cash payment from the state or local government).<sup>7</sup>

#### *Fire Management Assistance Grant*

Section 420 of the Stafford Act authorizes FEMA to provide fire management assistance to state, local, and tribal governments for the mitigation, management, and control of any fires burning on publicly or privately-owned forests or grasslands that threatens such destruction as would constitute a major disaster. FMAG funding may be used for equipment and supplies, labor costs, emergency work, pre-positioning of resources, and temporary repair of damage caused by work directly related to firefighting activities associated with the declared fire.<sup>8</sup>

#### *T&I COMMITTEE'S LEADERSHIP ON DISASTER POLICY REFORM*

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

- The *Disaster Mitigation and Cost Reduction Act* (DMA2K, P.L. 106–390) is perhaps the first major update to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988. Congress recognized the benefits of pre-disaster mitigation and made reforms and enhancements to Stafford and FEMA's response, recovery, and mitigation programs to lessen future exposure to risk of the Federal government. DMA2K also led to the development of hazard mitigation plans in communities across the country.
- The *Post-Katrina Emergency Management Reform Act* (PKEMRA, P.L. 109–295) followed in the wake of the 2005 hurricanes Katrina, Rita, and Wilma. It was also informed by the 2004 hurricane season, during which Hurricanes Charley, Frances, Ivan, and Jeanne criss-crossed Florida in less than two months. PKEMRA addressed some of the potential gaps related to catastrophic disasters and most of the provisions are related to planning and response. PKEMRA provided for additional authority for response activities including: "accelerated federal assistance" which can be provided in the absence of a state request in certain situations during the response to a major disaster or an emergency; expedited payments for debris removal; use of local contractors for federal disaster response contracts; and the rescue, care, and shelter for pets and individuals and households with pets.
- The *Sandy Recovery Improvement Act* (SRIA, P.L. 113–2) was enacted to speed up and streamline Hurricane Sandy recovery efforts; reduce costs; and improve the effectiveness of several disaster assistance programs authorized by the Stafford Act, namely the Public Assistance Program, the Individual Assistance Program, and the HMGP. Key provisions of SRIA include:
  - Expedited debris removal and public assistance alternative procedures: allows the use of cost estimates and consolidated projects;
  - Federal assistance to individuals and households: allows FEMA to make limited repairs, instead of lease payments, for the purpose of providing housing when less expensive;
  - Hazard mitigation: expedites hazard mitigation projects by streamlining the environmental review, provides states with advanced hazard mitigation assistance, and provides for state administration of hazard mitigation grants;
  - Dispute Resolution Pilot Program: establishes a limited dispute resolution pilot program to resolve disputes over assistance and drive projects to closure and avoid cost overruns;
  - Unified federal environmental review: requires the President to establish an expedited review for environmental and historic requirements for rebuilding damaged infrastructure;

<sup>7</sup>"Hazard Mitigation Grant Program," Federal Emergency Management Agency, *Fema.gov*. (Accessed March 14, 2018).

<sup>8</sup>"Fire Management Assistance Grant Program," Federal Emergency Management Agency *Fema.gov*. (Accessed March 14, 2018).

- Individual assistance factors: requires FEMA to review and update factors for individual assistance disaster declarations to make them less subjective; and
- Tribal requests for major disaster declarations: provides for disaster declarations for tribal governments.

*DISASTER LOSSES AND FEDERAL DISASTER SPENDING HAVE INCREASED SIGNIFICANTLY*

According to numerous studies, disaster losses and federal disaster spending have increased significantly over the last 50 years. In 2012, Munich Re, the world's largest reinsurance company, reported that between 1980 and 2011, North America suffered \$1.06 trillion in total losses, including \$510 billion in insured losses, and an increase in weather-related events five-fold over the previous three decades.<sup>9</sup> In 2005, it was reported that since 1952, the cost of natural disasters to the federal government more than tripled, as a function of gross domestic product.<sup>10</sup>

There are numerous causes that may be driving these costs including population growth and increased density in disaster-prone areas, changes in weather and fire events, and changes in disaster relief programs. In a 2013 report, FEMA acknowledged the increase in the number of extreme disaster events and increased vulnerabilities throughout the United States due to shifting demographics, aging infrastructure, land use, and construction practices.<sup>11</sup>

*A FEW DISASTERS ACCOUNT FOR MOST COSTS*

The Congressional Research Service (CRS) analyzed data from over 1,300 major disasters since 1989, and adjusting for inflation, found that FEMA obligated more than \$178 billion for these disasters.<sup>12</sup> However, CRS also found that 25 percent of all disasters account for over 92 percent of disaster costs.<sup>13</sup> Therefore, the remaining 75 percent of smaller disasters constitute less than eight percent of FEMA disaster spending.

*HURRICANE SEASON BASICS*

The National Weather Service defines a hurricane as "an intense tropical weather system with well-defined circulation and sustained winds of 74 mph (64 knots) or higher."<sup>14</sup> The Atlantic hurricane season runs from June 1 to November 30. The areas covered include the North Atlantic Ocean, Gulf of Mexico, and the Caribbean Sea. The Saffir-Simpson Hurricane Wind Scale rates hurricanes according to intensity. This scale estimates potential property damage based on wind speed and other factors and rates them in Categories 1 through 5, with Category 5 being the most intense. Hurricanes reaching Category 3 and higher are considered major hurricanes because of their potential for significant loss of life and damage.

*2017–2018 HURRICANE AND WILDFIRE SEASONS AND OTHER DISASTER ACTIVITY*

Recent years have been marked by a significant level of disaster response and recovery activity, most notably from very active and impactful hurricane seasons, record-setting wildfires, powerful storms, and frequent flooding events.

The 2017 and 2018 hurricane seasons produced several devastating storms and hurricanes. Eighteen hurricanes were recorded in the Atlantic, including eight major hurricanes (Category 3, 4 or 5), which devastated parts of Florida, North Carolina, Puerto Rico, South Carolina, Texas, and the U.S. Virgin Islands.<sup>15</sup> The

<sup>9</sup> Munich Re (2012). *Severe weather in North America—Perils Risk Insurance*. Munich, Germany: Muchener Ruckversicherungs-Gesellschaft.

<sup>10</sup> The Princeton University Geoscience 499 Class, *The Increasing Costs of U.S. Natural Disasters*. Geotimes, November 2005.

<sup>11</sup> Federal Emergency Management Agency, *National Strategy Recommendations: Future Disaster Preparedness*. September 6, 2013. Available at [http://www.fema.gov/media-library-data/bd125e67fb2bd37f8d609cbd71b835ae/FEMA+National+Strategy+Recommendations+\(V4\).pdf](http://www.fema.gov/media-library-data/bd125e67fb2bd37f8d609cbd71b835ae/FEMA+National+Strategy+Recommendations+(V4).pdf).

<sup>12</sup> CRS Memo *Data Analysis for House Transportation and Infrastructure Committee*, January 14, 2015.

<sup>13</sup> *Id.*

<sup>14</sup> See National Hurricane Center, National Oceanic and Atmospheric Administration, *Tropical Cyclone Climatology*.

<sup>15</sup> National Oceanic and Atmospheric Administration, "Extremely active 2017 Atlantic hurricane season finally ends." November 30, 2017. Available at: <https://www.noaa.gov/media-release/extremely-active-2017-atlantic-hurricane-season-finally-ends>; see also National Oceanic and Atmospheric Administration, "Destructive 2018 Atlantic hurricane season draws to an end." November 28, 2018. Available at: <https://www.noaa.gov/media-release/destructive-2018-atlantic-hurricane-season-draws-to-end>.

2017 season alone brought over \$368.66 billion in damages, due mostly to the season's three most destructive hurricanes.<sup>16</sup>

In the Texas area, Hurricane Harvey dropped a record-setting 51.88 inches of rain, resulting in at least 83 deaths, displacement of over 30,000 people and over 17,000 rescues.<sup>17</sup> Hurricane Harvey was one of the most costly hurricanes in U.S. history, with damage estimates reaching \$200 billion.<sup>18</sup>

Following Hurricane Harvey in Texas, Hurricane Irma hit Florida and parts of the Caribbean, causing 47 total direct deaths.<sup>19</sup> In addition to the loss of these lives, about \$50 billion in damages were recorded in the United States.<sup>20</sup> Hurricane Maria, another major hurricane, hit Puerto Rico and other parts of the Caribbean shortly after Hurricane Irma. Hurricane Maria caused numerous deaths with the actual death toll in Puerto Rico highly uncertain,<sup>21</sup> and roughly \$90 billion in damages in Puerto Rico and the U.S. Virgin Islands.<sup>22</sup>

Hurricane Maria also broke a record by becoming the most intense cyclone to strike U.S. territories.<sup>23</sup> Hurricane Irma was able to sustain 185 mph winds for 37 hours, which is another record for the highest speed winds for the longest period of time.<sup>24</sup> All the damages from these hurricanes and other smaller ones made the 2017 hurricane season the costliest season ever recorded and one of the most active.

In 2018, Hurricane Michael leveled areas of Florida when it made landfall as a Category 5 hurricane, bringing devastating winds as well as storm surge to coastal areas and significant rain and winds inland. Sixteen deaths and \$25 billion in damages are directly attributable to Michael.<sup>25</sup>

In addition to having one of the most destructive and active hurricane seasons ever recorded, 2017–2018 also were two terrible wildfire seasons. Nationwide, over 122,000 wildfires burned over 18.3 million acres of land.<sup>26</sup> Strong Santa Ana winds, dry brush and dead trees, fueled the start of most of the fires. The 2017 wildfires set ablaze a significant portion of the state of California—spreading as far north as the Oregon border and as far south as San Diego, California. The wildfires spread across the Western United States, hitting 10 states in total including parts of Arizona, Oregon, Montana, Nevada, and Washington.<sup>27</sup>

Combined, these events have presented challenges for countless communities across the nation as they grapple with recovering from locally catastrophic events and navigating complex federal programs. From an emergency management work-force perspective, the recent pace of response and recovery operations is spreading the federal workforce thin and placing additional responsibilities on officials at the state, local, tribal, and territorial levels.

<sup>16</sup> National Oceanic and Atmospheric Administration “Hurricane Season—2017.” Available at: <https://sos.noaa.gov/datasets/hurricane-season-2017/>.

<sup>17</sup> National Oceanic and Atmospheric Administration “Hurricane Season—2017.” Available at: <https://sos.noaa.gov/datasets/hurricane-season-2017/>; *see also* National Oceanic and Atmospheric Administration, “Hurricane Harvey: Clouds with Precipitation—2017.” Available at: <https://sos.noaa.gov/datasets/hurricane-harvey-clouds-with-precipitation-2017/>.

<sup>18</sup> *Id.*

<sup>19</sup> Statistics provided by NHC, available at [https://www.nhc.noaa.gov/data/tcr/AL112017\\_Irma.pdf](https://www.nhc.noaa.gov/data/tcr/AL112017_Irma.pdf)

<sup>20</sup> *Id.*

<sup>21</sup> Statistics provided by NHC, available at [https://www.nhc.noaa.gov/data/tcr/AL152017\\_Maria.pdf](https://www.nhc.noaa.gov/data/tcr/AL152017_Maria.pdf). Stating “... that hundreds of additional indirect deaths in Puerto Rico may eventually be attributed to Maria’s aftermath pending the results of an official government review.”

<sup>22</sup> *Id.*

<sup>23</sup> National Oceanic and Atmospheric Administration “Hurricane Season—2017.” Available at: <https://sos.noaa.gov/datasets/hurricane-season-2017/>.

<sup>24</sup> *Id.*

<sup>25</sup> National Oceanic and Atmospheric Administration, National Hurricane Center “Tropical Cyclone Report—Hurricane Michael (AL142018).” Available at: [https://www.nhc.noaa.gov/data/tcr/AL142018\\_Michael.pdf](https://www.nhc.noaa.gov/data/tcr/AL142018_Michael.pdf)

<sup>26</sup> <https://www.ncdc.noaa.gov/sotc/fire/201713>; *see also* <https://www.ncdc.noaa.gov/sotc/fire/201813>.

<sup>27</sup> “Statistics” from the National Interagency Fire Center. Available at [https://www.nifc.gov/fireInfo/fireInfo\\_statistics.html](https://www.nifc.gov/fireInfo/fireInfo_statistics.html).

## **DISASTER PREPAREDNESS: DRRR IMPLEMENTATION AND FEMA READINESS**

**WEDNESDAY, MAY 22, 2019**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC  
BUILDINGS, AND EMERGENCY MANAGEMENT,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 2:03 p.m., in room 2167, Rayburn House Office Building, Hon. Dina Titus (Chairwoman of the subcommittee) presiding.

Ms. TITUS. The subcommittee will come to order.

I ask unanimous consent that Members not on the subcommittee be permitted to sit on the subcommittee at today's hearing and ask questions.

Without objection, so ordered.

Glad to have you here with us today.

Before we get started on the purpose for today's subcommittee hearing about Federal buildings and how to make them more resilient and energy efficient, I want to take a minute just to make a statement to address the comments that were made by the President this morning that directly impact and threaten this subcommittee's work.

I want to start by saying, as you all in this room know and we on the committee know, the Nation's infrastructure is crumbling. As a senior member of the Transportation and Infrastructure Committee, I am committed to working with anyone who is serious about making the sound, long-term investments that will boost our economy.

But today the President showed that apparently he is not very serious. In fact, he said he won't work with Congress on any legislation, much less infrastructure, even if it benefits this country unless Congress ignores its constitutional responsibility to carry out oversight of the administration. If the President wants to hold good-paying jobs hostage, that is his choice, but it certainly isn't mine and I don't believe it is of this committee.

This subcommittee has jurisdiction for overseeing the General Services Administration, the Government agency that the Office of Inspector General has said improperly ignored the Emoluments Clause when it let Trump keep his DC hotel and openly profit from the Presidency. We also have serious questions about that and the administration's decision to stop the FBI from relocating its headquarters, thereby preventing a potential hotel competitor from moving in.

The President wants to present us with a false choice between legislating and investigating. Well, we are not going to accept that deal. It is beneath the dignity of the Office for the President to suggest he will allow bridges to collapse, airports to overcrowd, and ports to deteriorate unless we end our investigations. It is the intent of this committee, so that we all know, to move forward on both of those fronts because that is our charge.

Now I would like to thank our witnesses for coming today as we examine how FEMA is implementing the Disaster Recovery Reform Act, DRRRA, as well as take a look at the readiness of the emergency management workforce on the eve of the wildfire and hurricane seasons.

Over many years and through several catastrophic disasters, this subcommittee has worked well with FEMA and the broader emergency management stakeholder community to examine the challenges that our Nation faces as natural disasters continue to strike with more frequency and greater intensity.

The result, as you all know, of DRRRA is a transformative update of the Stafford Act. Regardless of one's position on climate change, it is impossible to ignore the data and dispute the rising costs of natural disasters and the fact that investments can be made to create greater resiliency in our buildings across the country.

The impacts of these disasters, whether it is more rain storms, devastating tornadoes, longer flood seasons, stronger hurricanes that barrel further inland, extremely large and intense wildfire complexes, all need to be addressed because they threaten the health and safety of tens of millions of Americans and the economic welfare of our communities.

With DRRRA, Congress has signaled the importance of building resiliency so that Americans in communities impacted by disasters are able to get back up on their feet again with a minimal loss to lives and property.

We all learned in kindergarten that an ounce of prevention is worth a pound of cure, and DRRRA is the statutory embodiment of that embroidered pillow on your grandmother's sofa. We know based on the analysis of the National Institute for Building Sciences that significant changes can be found in mitigation projects and the adoption of consensus-based building codes and standards.

For example, \$11 in savings come from every \$1 spent building to the 2018 International Residential Code and International Building Code. Six dollars are in savings from future disaster response and recovery spending for every \$1 spent on FEMA, EDA, and the HUD mitigation grants.

And there are \$4 in savings for every \$1 spent building above and beyond hazard mitigation measures in the 2015 International Building Code. That is a lot of money. It adds up. Pretty soon you are talking real money we could be saving.

DRRA provides stable funding for a new national Pre-disaster Mitigation Program and makes changes to Stafford that are targeted specifically at addressing wildfires in the West. It also encourages communities to build back to the most recent, strongest consensus-based standards.

Since the Federal Government is paying at least 75 percent of these recovery costs, it is necessary for us to protect our investment, be smart about it, and require stronger, smarter, and more resilient rebuilding.

So here we are at the busiest time of the year in terms of emergency managers. We are approaching 2 years from dealing with the devastating impacts of Harvey, Irma, Maria, and the wildfires of the West. But unfortunately, progress on DRRA implementation has been fairly slow, and we know that FEMA's workforce is stretched thin.

So my colleagues and I on the committee are eager to hear about your progress, and we also want you to understand how important it is that the agency take this opportunity to be bold in implementing the changes that are in the law because the scale of disasters impacting this country isn't going to let up. In fact, it is likely to get even worse.

So having said all that, I would now call on our ranking member, Mr. Meadows, for his opening statement.

[Ms. Titus' prepared statement follows:]

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**Prepared Statement of Hon. Dina Titus, a Representative in Congress from the State of Nevada, and Chairwoman, Subcommittee on Economic Development, Public Buildings, and Emergency Management**

I want to take a minute to make a statement to address the comments that were made by the President this morning that directly impacts and threatens this subcommittee's work.

As you all in this room know, and we on the committee know, this nation's infrastructure is crumbling. As a senior member of the Transportation and Infrastructure Committee, I'm committed to working with anyone who is serious about making the sound, long-term investments that will boost our economy. But today the President showed that apparently he's not very serious.

In fact, he said that he won't work with Congress on any legislation—even if it benefits this country—unless Congress ignores its Constitutional responsibility to carry out oversight of the Administration. If the President wants to hold good-paying jobs hostage, that's his choice, but it certainly isn't mine. And I don't believe it is of this committee.

This subcommittee has jurisdiction for overseeing the General Services Administration—the government agency that the Office of Inspector General said “improperly ignored the Emoluments Clauses” when it let Trump keep his D.C. hotel and openly profit from the presidency. We have serious questions about that and this Administration's decision to stop the FBI from relocating its headquarters, thereby preventing a potential hotel competitor from moving in.

The President wants to present us with a false choice between legislating and investigating. Well we're not going to accept that deal. It is beneath the dignity of the office for the President to suggest that he'll allow bridges to collapse, airports to overcrowd, and ports to deteriorate unless we end our investigations. It's the intent of this committee to move forward on both of those fronts because that's our charge.

I want to thank our witnesses for joining us today as we examine how the Federal Emergency Management Agency is implementing the Disaster Recovery Reform Act—or DRRA—as well as take a look at the readiness of the emergency management workforce on the eve of wildfire and hurricane seasons. Over many years and through several catastrophic disasters, this Subcommittee has worked with FEMA and the broader emergency management stakeholder community to examine the challenges our nation faces as natural disasters continue to strike with more frequency and greater intensity. The result is DRRA, which is a transformative update to the Stafford Act.

There are some who believe that climate change is a hoax and others who believe that any threat is limited only to coastal residents, but it's impossible to dispute the rising costs of natural disasters and the fact that there are investments that

can be made to build greater resilience across the country. The impacts of these more regular one-percent-chance rain storms, longer flood seasons, stronger hurricanes that barrel further inland, and extremely large and intense wildfire complexes must be lessened—they're a threat to the health and safety of tens of millions of Americans.

With DRRRA, Congress has signaled the importance of building resilience so that Americans and communities impacted by disaster are able to get up on their feet again, with minimal losses of life or property. I'm assuming the President agrees, otherwise he could have vetoed it. Each of us up here at some point in our lives has noted that an ounce of prevention is worth a pound of cure. DRRRA is the statutory embodiment of that.

We know—based upon the analysis of the National Institute for Building Sciences—that significant cost savings can be found in mitigation projects and the adoption of consensus-based building codes and standards:

- There's \$11 in savings for every \$1 spent building to the 2018 International Residential Code and International Building Code;
- There's \$6 in savings from future disaster response and recovery spending for every \$1 in FEMA, EDA, and HUD mitigation grants; and
- There's \$4 in savings for every \$1 spent building above and beyond certain hazard mitigation measures in the 2015 International Building Code.

That's a lot of money we could save from future disaster supplementals.

DRRRA provides stable funding for a new national Pre-Disaster Mitigation Program, and also makes changes to Stafford targeted specifically at addressing the staggering wildfire challenge facing the West. It also encourages communities to build back to the most recent, strongest consensus-based codes and standards. Since the Federal Government is paying for at least 75 percent of major disaster recovery costs, it's necessary for us to protect our investment by requiring stronger, smarter, and more resilient rebuilding. But here we are—on the verge of the busiest time of year for emergency managers, and approaching two years after the devastating impacts of Harvey, Irma, Maria, and countless catastrophic wildfires in the West—and progress on DRRRA implementation has been slow, and FEMA's workforce is stretched thin.

My colleagues and I are eager to hear about your progress, but we also want you to understand how important it is that the Agency seize this opportunity to be bold in implementing these changes, because the scale of the disasters impacting this country isn't letting up.

Mr. MEADOWS. Thank you, Chairwoman Titus.

As she has mentioned, we are fast approaching the hurricane season, and yet we are still recovering from a number of disasters across the Nation, whether it be hurricanes, tornadoes, floods, or wildfires.

Last year, as you know, my home State of North Carolina was hit by Hurricane Florence, Tropical Storm Michael, and other severe storms and tornadoes. And so I see that it is not only critical that we look at how we prepare for the next disaster but ensure that the reforms get implemented, and specifically, as she was mentioning, the reforms that were part of the Disaster Recovery Reform Act, they must be implemented quickly.

And so I am looking forward to testimony from you today as to why we haven't gotten there, and I can tell you that we will be unified in our willingness to work with you but also in holding you accountable for why we haven't made much progress, in my opinion.

In the second panel we have a number of State emergency management leaders. I can tell you, in my home State of North Carolina, Mr. Sprayberry is someone who I trust implicitly. And I want to give him the tools to make sure that he can do the job within the State, because I know if we get out of the way that he will do it right.

And yet, I can tell you that some of these critical reforms for communities, not just in North Carolina, but in California, in Mis-

souri, in Louisiana, in Texas, in Florida, and Georgia, they are just not being addressed. And yet we appropriate billions of dollars.

And I guess the frustrating thing is we go in and we talk about disaster relief, and we appropriate billions of dollars. And that is the good news, because all of a sudden everybody says, well, money is on the way. But, yet, deploying that money—I found that when I came in under the last storm in North Carolina, which, by the way, was over 7 hours from where I live, as I went in to look at that, we were still waiting on money from the previous hurricane to be deployed.

And so I have got a real problem with that, and so to the extent that you are here, I understand that you are an acting director. I understand that we are getting quarterly updates. It is just not good enough. We have got 55 action items that are related in terms of what we need in terms of implementing a law that we passed last October.

And out of those 55 there has really been only 2 of the action items that have gotten accomplished. And so what I would say is your implementation plan at this point is an unmitigated disaster. So let's use this as an opportunity to figure out how we can get back on the right message and honestly get our staffs, both the majority and minority, an action item to make sure that we get that done.

And I say that because I believe that you are here with a good purpose, trying to make sure that the American taxpayer and those that are suffering from disaster actually get relief. And yet what I will not stand for today is the promise of help tomorrow without a real action item and how we measure success. And that hopefully outlines for what I am looking for. We look forward to hearing your testimony, and I would yield back to the chairman.

[Mr. Meadows' prepared statement follows:]

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**Prepared Statement of Hon. Mark Meadows, a Representative in Congress from the State of North Carolina, and Ranking Member, Subcommittee on Economic Development, Public Buildings, and Emergency Management**

We are fast approaching hurricane season, and we are still recovering from a number of recent disasters across the Nation, including hurricanes, tornadoes, floods, and wildfires. Last year, my home state of North Carolina was hit by Hurricane Florence, Tropical Storm Michael, and other severe storms and tornadoes.

It is critical that we not only look at our preparedness for the next disaster but ensure reforms we enacted last year in the Disaster Recovery Reform Act are implemented, and implemented quickly. These reforms are critical to ensuring all communities recover and rebuild faster, smarter and better. In essence, we have to be able to walk and chew gum at the same time.

As communities recover from past disasters and prepare for future disasters, we cannot afford to do things the old way. We know, for example, for every \$1 invested in mitigation, \$4 to \$11 are saved. Ensuring the mitigation reforms are fully implemented as communities rebuild is crucial to making communities safer and reducing overall costs of future disasters.

And on the recovery front, we must continue to work to streamline and eliminate the red tape. We appropriate billions in emergency spending when disasters strike, and our communities see the dollars are there, but the funds are too slow to get to where they are needed.

We also know the longer it takes to recover, the more dollars are spent as the costs to rebuild go up. Additionally, it doesn't help that disaster funding is scattered

across government, with uneven results creating inconsistencies, confusion, and waste.

That is why I co-sponsored H.R. 1984, the DISASTER Act, with Rep. Peters of California, and I am glad to note it was passed out of Committee earlier this month. I hope this legislation gets passed quickly as it will give us vital data to understand how we use our disaster funds.

We must ensure our federal programs are streamlined, efficient, and coordinated. This is critical not only to reduce costs but to help communities recover faster and smarter. That's why implementation of the Disaster Recovery Reform Act is so important.

FEMA has been providing us with quarterly updates on DRRR implementation, but this is not enough. We need to ensure as many of these reforms as possible are implemented now and how Congress can help speed up implementation. And if we need to look at additional reforms and ways to streamline the process, we need to know.

Through the Disaster Recovery Reform Act and the 2013 Sandy Recovery Improvement Act, we have provided authorities to FEMA that will speed up the recovery process, support common sense rebuilding, and cut red tape. These reforms are designed to help communities better prepare for, respond to and recover from disasters. We must begin applying them today.

Ms. TITUS. Thank you very much. As you can see, the ranking member and I are in agreement on what we want to hear from you and where we want to go from today.

I would now like to recognize Mr. DeFazio, who is chairman of the Transportation and Infrastructure Committee.

Mr. DEFASIO. Thank you, Madam Chair. And I am really pleased that we are holding this hearing today on FEMA's implementation of the Disaster Recovery Reform Act and the readiness of the emergency management workforce as we head into yet another hurricane and wildfire season.

The Disaster Recovery Reform Act—I have to start saying DRRR or it is going to take too long—enjoyed significant bipartisan, bicameral support, something that this committee strives toward as much as possible.

Disasters certainly don't care about your political perspective, whether you live on a coast, on the plains, or whether you believe in climate change or not. They happen regardless of our differences, and the Federal Government has an obligation to effectively both deal with post-disaster relief and pre-disaster mitigation.

The DRRR is intended to give us more resilient communities and help mitigate future disasters. For every dollar invested in mitigation we know that we will save \$4 in future costs post-disaster. We had several bipartisan conversations with FEMA confirming the Agency understands that the intent of this new stream of pre-disaster funding is mandatory, and it will provide consistency to a program with a proven record of saving taxpayers money.

As I have noted many times before, it is nonsensical that the Federal Government pays to rebuild communities after disaster back to inadequate standards only to have those facilities destroyed in another disaster with the Federal Government once again coming in and building back to the original standard as opposed to a more resilient and more robust standard. It is time to get smarter about how we respond and how we rebuild after disasters.

And the other part is, FEMA has something called the Hazard Mitigation Grant Program, and States get that money when a disaster is declared. But prior to passage of DRRR they were not pro-

vided when a State received a Fire Management Assistance Grant, FMAG, to respond to wildfires on non-Federal lands. And coming from a part of the country that has wildfires, that was absolutely nonsensical.

After the wildfires there is a lot of recovery that must take place. There is potential for mudslides. We need to get in and mitigate and replant and do other things. By fixing that problem, States will now be able to restore landscapes' vegetation destroyed by wildfires, make the land less susceptible to future mudslides and floods, and also clarifies that wildfire-related mitigation activities are eligible under both PDM, yet another acronym, and HMGP programs.

Together these provisions will help prevent wildfire-related disasters and also clarify that earthquake-related activities are eligible for mitigation assistance. We have two major faults on the west coast, one down in California in the Cascadia Subduction Zone in northern California, up across Oregon and Washington. We just have the bare beginnings of an early warning system, which, again, could save lives and mitigate concerns.

In Japan when there is a disaster everything shuts down, so the trains don't derail, elevators stop on floors, the doors open so people aren't trapped. You know, they have done a lot. Chairman Denham and I visited after their last major tsunami and earthquake, and I brought back manuals that they provided to their people and things that they had done, and it is very instructive of the things we haven't done and we need to do to prepare for this coming disaster.

So with that, Madam Chair, I yield back the balance of my time.  
[Mr. DeFazio's prepared statement follows:]

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**Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure**

I'm glad that we're holding this important hearing today regarding FEMA's implementation of the Disaster Recovery Reform Act, or DRRRA, and the readiness of the emergency management workforce as we head into hurricane and wildfire seasons.

I was proud to help draft DRRRA and was pleased to see it enacted as Division B of last year's FAA reauthorization.

In an era of historic disagreement over so many issues in Congress, DRRRA enjoyed significant bipartisan and bicameral support. Disasters don't care if you're a liberal or conservative; whether you live on a coast or on the plains; or whether you believe in climate change or not. Disasters happen regardless of our differences, and each one is a catastrophe for survivors.

DRRA is intended to build more resilient communities and encourage better behavior before and after disaster strikes. As we'll likely hear many times today, we know—for a fact—that for every dollar invested in mitigation to make our communities stronger before disaster strikes, the taxpayer saves \$4 in future disaster response and recovery costs.

As the Chairwoman noted, DRRRA furthers the goal of investing in mitigation before disaster strikes by establishing a steady funding stream for FEMA's Predisaster Mitigation program. This new stream of pre-disaster mitigation spending complements the existing stream of post-disaster hazard mitigation assistance provided for each major disaster.

In the run-up to DRRRA's enactment, we had several bipartisan conversations with FEMA confirming that the Agency understands the intent of this new stream of pre-disaster funding as mandatory, which will provide consistency to a program with a proven record of saving taxpayers money. I'm eager to learn more about the status of this new program and when states can expect guidance.

Another section that I am looking for an update on deals with building codes.

I've noted many times how nonsensical it is that the federal government pays to rebuild communities after a disaster back to inadequate standards only to have those facilities destroyed again by a later disaster—with the federal government once again on the hook for the cost of rebuilding.

Under DRRA, this nonsense will finally stop. DRRA requires communities to rebuild to the latest consensus-based, design standards and in a more resilient manner, thereby ensuring stronger, smarter facilities going forward. The cycle of repeatedly rebuilding and repairing disaster-damaged public infrastructure should finally end.

Although FEMA must define “resilient” and “resiliency” pursuant to regulations within two years of the date of enactment of this Act, FEMA is required to adopt guidance to immediately implement the “resiliency” requirements of this legislation. The need for resilient construction has become even more apparent after the 2017 and 2018 hurricane and wildfire seasons.

FEMA must use this opportunity to invest taxpayer funds wisely while saving lives and reducing injuries. FEMA has the ability to ensure that the United States leads the way in disaster recovery, and I urge FEMA to seize this moment.

I am also looking forward to an update on changes to FEMA's Hazard Mitigation Grant Program. A state receives HMGP funds when a disaster is declared. However, prior to passage of DRRA, HMGP funds were not provided when a State received a Fire Management Assistance Grant to respond to wildfires on non-Federal lands.

This made little sense because wildfires destroy the landscape, often causing mudslides and flooding that then result in a disaster declaration. I am pleased that DRRA included language to ensure that States will receive HMGP funds if they have received an FMAG to respond to wildfires.

With HMGP funds, States will be able to restore landscapes and vegetation destroyed by wildfires and make the land less susceptible to future mudslides and floods. This legislation also clarifies that wildfire-related mitigation activities are eligible under both the PDM and HMGP programs. Together, these provisions will help prevent wildfires and related disasters.

Finally, DRRA also clarified that earthquake-related activities are eligible for mitigation assistance.

I pushed for this provision because the West Coast faces the most risk from multiple and extreme earthquakes, and Oregon is long overdue for an earthquake and tsunami resulting from the Cascadia Subduction Zone. Unfortunately, the United States' earthquake early warning system lags far behind those of some other nations.

Clarifying for grantees that mitigation funds are available for earthquake-related activities will save lives and reduce injuries in a future disaster.

In closing, I look forward to the update from FEMA on all of these issues as well as the testimony from all of our witnesses. We are fast approaching the two-year anniversaries of Harvey, Irma, and Maria, and still debating a disaster supplemental to address not only lingering issues from those events, but other devastating floods, hurricanes, and wildfires that ravaged communities across the nation during the last two years.

It's vitally important that FEMA—and the emergency management community at all levels of government—have the capacity they need to help impacted survivors and communities recover with as little red tape as possible. Thank you again for your efforts.

Ms. TITUS. Thank you, Mr. Chairman.

I now recognize Mr. Graves, the ranking member of the standing committee.

Mr. GRAVES OF MISSOURI. Thank you, Chairwoman Titus. I appreciate it.

As you know, our committee has a critical role in emergency management, and that includes ensuring that FEMA and the Federal emergency management programs are working as efficiently as possible to help communities that get hit by these disasters. And in recent years and even in recent days, we have seen some significant storms, floods, and wildfires all across the country.

And in the Midwest we obviously had above average snow in parts in the northern plains, and you combine that with the heavy

rainfalls, it resulted in some severe flooding along the Missouri and Mississippi Rivers included in my district. The flooding impacted tens of thousands of acres of farmland and caused significant damage to homes and to communities and in infrastructure.

And I am glad that Missouri received a Federal disaster declaration this week for Public Assistance, but more is needed. My constituents have experienced millions of dollars' worth of damages to farms and personal property, and I hope this is given full consideration as FEMA moves forward with the recovery efforts.

Like all other regions of the country hit by disasters, our State and local communities, our first responders, our faith-based organizations and other organizations, they all responded. But Federal aid is still sitting idle. The Federal resources are critical to helping our communities recover, and it can't get there fast enough.

Even as we work to recover from an April flooding, as we speak we are experiencing more flooding across the State of Missouri right now. And it makes little sense for us to simply rebuild the same way over and over and over again, and that is why it is important for the reforms that we pass and the Disaster Recovery Reform Act to be implemented quickly. Helping communities build in mitigation upfront and streamlining the recovery process and reducing the bureaucracy is going to save lives and it is going to reduce costs.

And with that, I look forward to hearing from our witnesses, and I would yield back. Thank you.

[Mr. Graves of Missouri's prepared statement follows:]

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**Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure**

Our Committee has a critical role in emergency management, and that includes ensuring FEMA and federal emergency management programs are working as efficiently as possible to help communities hit by disaster. In recent years—and even days—we have seen significant storms, floods, and wildfires across the Nation.

In the Midwest, we had above average snow in parts of the northern plains. That, combined with severe storms and heavy rainfalls, resulted in severe flooding along the Missouri and Mississippi River systems, including in my district. The flooding impacted tens of thousands of acres of farm land and caused significant damage to homes, communities, and infrastructure.

I'm glad that Missouri received a federal disaster declaration this week for Public Assistance, but more is needed. My constituents have experienced millions of dollars' worth of damages to farms and personal property. I hope this is given full consideration as FEMA moves forward with recovery efforts.

Like other regions of the country hit by disasters, our state and local communities, first responders, faith-based and other organizations responded, but federal aid is sitting idle. Federal resources will be critical to helping our communities recover, and it can't get there fast enough. Even as we work to recover from April flooding, as we speak we are experiencing more flooding across the state of Missouri.

It makes little sense for us to simply rebuild the same way over and over again. That is why it is important for the reforms we passed in the Disaster Recovery Reform Act to be implemented quickly. Helping communities build in mitigation upfront, streamlining the recovery process, and reducing the bureaucracy will save lives and reduce costs.

Ms. TITUS. Thank you, Mr. Graves.

I would now like to welcome our first witness on panel one. This is Dr. Daniel Kaniewski, who is the Acting Administrator of FEMA.

We would like to welcome you here. Thank you for being with us, and we look forward to your testimony.

Without objection, our witness' full statement will be included in record.

Since your written testimony has been made part of the record, Doctor, we would request that you limit your oral comments to 5 minutes.

You may proceed.

**TESTIMONY OF HON. DANIEL KANIEWSKI, PH.D., DEPUTY ADMINISTRATOR FOR RESILIENCE, FEDERAL EMERGENCY MANAGEMENT AGENCY**

Mr. KANIEWSKI. Thank you, Chairwoman Titus, Ranking Member Meadows, Ranking Member Graves, members of the subcommittee. My name is Dan Kaniewski, and I am the Deputy Administrator for Resilience at FEMA, and I am currently the Agency's second ranking official.

On behalf of FEMA Acting Administrator Pete Gaynor, I appreciate the opportunity to speak with you today about our Agency's implementation of the Disaster Recovery Reform Act, or DRRA, and the state of FEMA's readiness heading into the 2019 hurricane season.

On October 5 of last year, President Trump signed DRRA into law. Thanks to the bipartisan efforts of Congress, the reforms included in this legislation helped to increase FEMA's and the Nation's readiness for future disasters, acknowledge the shared responsibility of disaster response and recovery, and aimed to reduce the complexity of FEMA.

Several key provisions in DRRA help to directly support our strategic plan. The first goal in our strategic plan is to build a culture of preparedness. A crucial provision in DRRA section 1234 allows for the establishment of a National Public Infrastructure Pre-disaster Hazard Mitigation Program.

This program, which FEMA is calling Building Resilient Infrastructure and Communities, or BRIC, will be funded as a 6-percent set aside from disaster grants under the Stafford Act to allow for greater Federal investment in mitigation before a disaster.

This second goal in FEMA's strategic plan is readying the Nation for catastrophic disasters. DRRA included several provisions that aimed to develop this capability for FEMA's State, local, Tribal, and Territorial partners. For example, section 1211 allows FEMA to provide grants to State and local governments that administer or implement certain housing programs.

Section 1215 also supports FEMA's efforts to develop the capability of State and local governments to manage grant programs by increasing the percentage of management costs that FEMA provides to manage Public Assistance and Hazard Mitigation Grant Programs.

DRRA also allows FEMA to consider temporary personnel for permanent full-time appointments after they have served at the Agency continuously for 3 years, in the same manner that employees with competitive status are considered. This allows FEMA to retain staff that have proven expertise in emergency management

and will strengthen our national incident workforce and overall readiness.

The third goal in FEMA's strategic plan is reducing the complexity of FEMA. DRRA section 1223 directs an interagency study to streamline information collection from disaster assistance applicants and grantees. We look forward to continuing the work with our partners on implementation of this section to explore how best to improve the customer service experience.

Other sections also direct FEMA to issue guidance on processes or clarify information to our stakeholders to continue to support our goal of reducing the complexity of FEMA. FEMA is committed to full and timely implementation of DRRA. Immediately following its enactment FEMA established a Policy Coordination Group comprised of accountable executives and other senior leaders from headquarters and the regions to ensure a deliberate and coordinated approach to implementation of each provision.

FEMA also established a DRRA project management office to manage and track DRRA implementation across the Agency. FEMA has engaged and continues to engage its partners throughout the process of DRRA implementation. This includes updating our intergovernmental partners, many of whom are here today, regularly through calls and conferences with the National Emergency Managers Association and the International Association of Emergency Managers.

FEMA also maintains a DRRA-specific web page with an overview of each provision along with the status on implementation. In the 7 months since DRRA enactment, FEMA has made significant progress in implementing these DRRA provisions. FEMA has issued interim policies for increased management costs under section 1215 for both Public Assistance and the Hazard Mitigation Grant Program in November 2018.

FEMA has provided updated direction to the regions and revised templates for declaration request materials in order to give greater consideration to severe local impact and recent multiple disasters under section 1232.

In March 2019, FEMA began retroactive payments in accordance with section 1212 which expands available grant funding through the Individual Assistance Programs. Since retroactive payments began, FEMA has provided an additional \$54 million to 10,000 applicants.

FEMA has also issued a hazard mitigation post-fire policy to provide guidance on implementing section 1204, which allows hazard mitigation assistance following a Fire Management Assistance Grant, without the need for a major disaster declaration.

The program will help provide funding to substantially reduce the future of damage following catastrophic wildfires. And FEMA has focused heavily on stakeholder engagement to inform the development of program guidance for the new BRIC program. For example, FEMA recently held a 2019 hazard mitigation stakeholders workshop with more than 300 State and local participants.

On Monday we launched a solicitation for public comment through a crowdsourcing website called IdeaScale and announced four webinar listening sessions scheduled for June on the topic of BRIC.

Thank you to Congress, and specifically this committee, for your efforts to reform emergency management to meaningfully assist communities in reducing their risks. We look forward to continued collaboration with you throughout the DRRR implementation process, and I am happy to answer any questions you may have. Thank you.

[The prepared statement of Mr. Kaniewski follows:]

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**Prepared Statement of Hon. Daniel Kaniewski, Ph.D., Deputy  
Administrator for Resilience, Federal Emergency Management Agency**

INTRODUCTION

Good afternoon, Chairwoman Titus, Ranking Member Meadows, and Members of the subcommittee. My name is Dan Kaniewski, and I am the Deputy Administrator for Resilience at the Federal Emergency Management Agency (FEMA). On behalf of FEMA Acting Administrator Peter Gaynor, I appreciate the opportunity to speak with you today about the agency's implementation of the Disaster Recovery Reform Act.

THE DISASTER RECOVERY REFORM ACT

On October 5, 2018, President Trump signed the Disaster Recovery Reform Act (DRRA) into law as part of the Federal Aviation Administration Reauthorization Act of 2018. Thanks to bipartisan efforts in Congress, the reforms included in this legislation help to build the nation's capacity for the next catastrophic event, acknowledge the shared responsibility of disaster response and recovery, and aim to reduce the complexity of FEMA.

Several key provisions in DRRA help directly support FEMA's goals in our 2018–2022 Strategic Plan. The first goal in FEMA's Strategic Plan is *Building a Culture of Preparedness*. A crucial provision in DRRA, Section 1234, allows for the establishment of a National Public Infrastructure Pre-disaster Hazard Mitigation Program. This program, which FEMA is calling Building Resilient Infrastructure & Communities, or BRIC, will be funded as a six percent set aside from disaster grants under the Stafford Act to allow for a greater federal investment in mitigation before a disaster. Previously FEMA could provide pre-disaster mitigation grants only by annual Congressional appropriations. By funding this program through the Disaster Relief Fund instead of separate annual appropriations, it allows for a more reliable funding stream to enable more robust project development.

Building to stringent codes and standards is one of the most effective ways to reduce risk across the nation. To help emphasize its importance, DRRA includes provisions to expand eligible funding to restore disaster damaged facilities to the latest relevant consensus-based codes and standards, and expands eligible funding to state and local partners for building code enforcement.

DRRA also has multiple provisions expanding the scope of eligible activities under the Hazard Mitigation Grant Program (HMGP) to cover additional activities that reduce risk for wildfires, windstorms, and earthquakes.

The second goal in FEMA's Strategic Plan is *Readying the Nation for Catastrophic Disasters*.

DRRA includes several provisions that aim to develop the capability of FEMA's state, local, tribal, and territorial (SLTT) partners, which is a key component in improving the nation's ability to respond to catastrophic disasters. For example, section 1211 allows FEMA to provide grants to state and local governments who administer or implement certain housing programs. Section 1215 also supports FEMA's efforts to develop the capability of SLTT governments to manage grant programs by increasing the percentage of management costs that FEMA provides to manage Public Assistance (PA) and HMGP.

As the number of annual federal disaster declarations continue to increase, FEMA is exploring the best role for federal government in disaster response to ensure that we are ready for the next catastrophic disaster, while also supporting our SLTT partners when they do not have the capacity to respond. In line with these efforts, Section 1239 directs FEMA to review its declaration factors, particularly the estimated cost of assistance factor which includes a per capita indicator.

DRRA also allows FEMA to consider temporary personnel for permanent full time appointments, after they have served the agency continuously for three years, in the

same manner that competitive service employees with competitive status are considered. This allows FEMA to retain staff that have proven expertise in emergency management and will strengthen our overall national incident workforce.

The final goal in FEMA's Strategic Plan is *Reducing the Complexity of FEMA*. FEMA stakeholders, including our SLTT partners and disaster survivors, provided feedback that multiple federal agencies request the same information, which can create confusion about roles and responsibilities. DRRA Section 1223 directs an interagency study to streamline information collection from disaster assistance applicants and grantees. We look forward to continuing to work with our partners on the implementation of that section to explore how to best improve customer service to our partners.

Other sections also direct FEMA to issue guidance on processes, or clarify information to stakeholders, to continue to support our goal of reducing the complexity of FEMA. For example, FEMA is in the process of issuing guidance on inundated and submerged roads, hazard mitigation acquisition, and evacuation routes, in accordance with various provisions in the law.

#### FEMA'S IMPLEMENTATION APPROACH

##### *Policy Coordination Group*

FEMA is committed to a full and timely implementation of DRRA. Immediately following its enactment, FEMA established a Policy Coordination Group (PCG) comprised of accountable executives and other agency senior leaders from Headquarters and the Regions to ensure a deliberate and coordinated approach to implementation of each provision.

The PCG meets on a regular basis to provide oversight and direction related to decision points on the way forward for various provisions. There are also staff-level working groups dedicated to each provision.

FEMA also established a DRRA project management office to manage and track DRRA implementation across the agency. This team resides within FEMA's Office of Policy & Program Analysis.

##### *Stakeholder Engagement*

FEMA continues to engage its Federal, state, local, tribal, and territorial partners throughout the process of DRRA implementation. This includes updating our inter-governmental partners regularly through National Emergency Managers Association (NEMA) and International Association of Emergency Managers (IAEM) calls and conferences. FEMA is also conducting targeted outreach and soliciting feedback from relevant stakeholders for provisions as appropriate. For instance, in accordance with the Agency's Tribal Consultation Policy, FEMA is in the planning stages of tribal consultation for DRRA provisions that have tribal implications.

FEMA also maintains a DRRA-specific webpage<sup>1</sup> with an overview of each provision along with a status on implementation. The webpage is continually updated with various fact sheets, guidance documents, and policies as we move forward with implementation of each provision. This is a one-stop-shop for the public to transparently track our progress.

FEMA also holds quarterly update meetings with related appropriations and authorizing committee staff to maintain open lines of communication between drafters of the legislation and those implementing it.

#### SEVEN MONTHS POST-ENACTMENT UPDATE

In the seven months since DRRA enactment, FEMA has made significant progress in implementing DRRA provisions.

##### *2019 Annual Planning Guidance*

In particular, FEMA's 2019 Annual Planning Guidance prioritized five DRRA provisions for specific focus this year:

1. One of FEMA's top implementation priorities is to build the BRIC program. Currently, FEMA is focused heavily on stakeholder engagement to inform the development of program guidance for the new BRIC program under section 1234. For example, FEMA recently held the 2019 Hazard Mitigation Stakeholders Workshop with more than 300 SLTT participants. The workshop included several presentations and four stakeholder "listening sessions" on BRIC, along with additional sessions on several other DRRA provisions.

<sup>1</sup> <https://www.fema.gov/disaster-recovery-reform-act-2018>

2. FEMA issued interim policies for increased management costs under section 1215 both PA and HMGP in November 2018. We are now working on full implementation, including technical changes to grants systems and associated training and job aids.
3. FEMA is finalizing an interim directive to implement its new hiring authority for temporary employees under section 1222. We are targeting summer 2019 for its release.
4. FEMA provided updated direction to the Regions and revised templates for declaration request materials in order to give greater consideration to severe local impact and recent multiple disasters under section 1232.
5. FEMA is conducting a review of PA declaration factors pursuant to section 1239.

FEMA has also made good progress on other provisions across the DRRRA:

In March 2019, FEMA began making retroactive payments in accordance with Section 1212, which expands grant funding through the Individual Assistance programs by providing for separate maximum grant amounts for Housing Assistance and Other Needs Assistance. The provision also excludes expenses for accessibility-related repairs and personal property from the maximum grant amounts for survivors with disabilities. Since retroactive payments began, FEMA has provided an additional \$54 million to more than 10,000 applicants. FEMA has also implemented the new caps in accordance with Section 1212 for current and future disasters.

FEMA successfully funded and issued a contract to the National Academy of Medicine for a study and report concerning best practices regarding mortality following major disasters in accordance with Section 1244 in DRRRA.

FEMA has also put out guidance and policies related to several other provisions, including: the final policy on HMGP following Fire Management Assistance Grants; a fact sheet on Duplication of Benefits; interim policies on management costs for PA and HMGP, a fact sheet on Right of Arbitration, and an extension of the Jeopardy Biological Opinion in Oregon.

#### *Next Steps*

FEMA, through our DRRRA project management office, will continue to strive toward implementing provisions in a timely manner. One of the key areas of focus will continue to be the development, implementation, and roll out of the BRIC program. BRIC will focus on building resilient infrastructure, with an emphasis on protecting critical lifelines (for example, transportation, safety and security, health and medical, energy, and communications). FEMA anticipates issuing the first Notice of Funding Opportunity for this new program before the end of CY2020. FEMA is continuing stakeholder engagement in designing BRIC, including numerous presentations at various stakeholder conferences, establishing an email inbox to solicit ideas, and actively working on identifying additional mechanisms for gathering further stakeholder input on the development of this program.

#### CONCLUSION

Every day I am grateful for the opportunity to work for an organization dedicated to helping people before, during, and after disasters. Thank you to Congress, and specifically this Committee, for your efforts to reform emergency management to meaningfully assist communities in reducing their risks. We look forward to continued collaboration with you throughout the DRRRA implementation process. I am happy to answer any questions you may have at this time.

Ms. TITUS. Thank you very much.

I will now recognize each Member for 5 minutes of questions each, and I will start by recognizing myself first for some questions. Thank you.

Doctor, in your testimony you mention that the Agency is committed to full and timely implementation of the DRRRA statute, and I certainly recognize and appreciate what you have done. You laid out some of the accomplishments, most importantly, I think, the retroactive additional payments of assistance to the disaster survivors. But there are other provisions, I think as the ranking member pointed out, that have just fallen by the wayside.

I would point out a couple specifically that seem to me to be low-hanging fruit and ask you why you haven't addressed these. Is it

lack of personnel, resources not prioritized? What are the reasons? A couple that are specifically noticed, section 1245, this provides potential assistance for damaged underground water infrastructure, and section 1230(b), which has to do with co-ops and condos. Would you explain that to the committee?

Mr. KANIEWSKI. Of course. And first let me say in general, we were delighted to have DRRRA pass. Nobody was happier to see DRRRA than FEMA. These are reforms that we have been asking for and hoping for for many years, long before this administration, frankly since the beginning of FEMA.

I heard comments from members of the committee saying exactly right, it is crazy that we only do mitigation post-disaster. Of course we should do more disaster mitigation before that disaster strikes. So I just want to say that in general that we are excited about this, and I look forward to overseeing many of these provisions for implementation.

With respect to 1245, that is underground water damage, so we are implementing this through an assessment and we will deliver a congressional briefing as required in the provision. So the congressional brief is in final FEMA review. It is going to the interagency, I believe, this week, which means we should be able to brief you very soon, I would hope within a week or so.

And the target date for completion of the congressional report is October 2019, and we appreciate, again, your interest in that, and we will be providing you an update very soon. I commit to you to that.

And 1230(b), you said, was—

Ms. TITUS. Co-ops and condos.

Mr. KANIEWSKI. Condos? Yeah, condos, OK. So we will implement that through a report to Congress, including a legislative proposal. The report is currently in final FEMA review, and target date for interagency review is also by the end of the month with the interagency. Our legislative proposal is due to you on January 3, 2019. It was extended. Thank you for extending it, and we owe it to you imminently.

Ms. TITUS. We will look forward to getting that sooner rather than later.

Mr. KANIEWSKI. Yes, ma'am.

Ms. TITUS. Another question I am curious about is that recently FEMA was responsible for a data leak that exposed financial and other personal information for up to 2.5 million survivors. We have been frustrated by lack of information from FEMA about how you are addressing this, what you have done to be sure that a similar leak doesn't occur in the future, and any kind of services like credit monitoring or identity protection that you have offered to these people who have already been victimized and now this adds insult to injury.

Could you address that for us?

Mr. KANIEWSKI. Sure. Well, first, it was an over share of information with one of our contractors. In other words, FEMA provided more information than we needed to provide to that contractor for them to execute on that contract. Since then we have pulled back information that wasn't directly applicable to that contract.

And more importantly, we determined that there is no evidence that any of the information that that contractor was provided somehow leaked to a broader audience. In other words, to the best of our knowledge, it was not provided publicly. So that protected information did go to the contractor. The contractor since expunged that information from their systems, and there is no evidence that it was provided more broadly.

Now, what are we doing going forward? We want to make sure we harden our systems to make sure this doesn't happen again. We put better protocols in place to ensure our cybersecurity standards are up to snuff. And we are working very closely with our parent organization, the Department of Homeland Security, to make sure we can implement those practices in a timely and effective manner. And we will have more information to share with you very soon on that path going forward.

Ms. TITUS. Seems like all my questions are going to get more information in the near future as opposed to today, but all right.

And the people who were affected by this have been notified and reassured that their information hasn't been shared—over shared?

Mr. KANIEWSKI. Like I said, we will be able to be better prepared to speak to that with the U.S. Department of Homeland Security in the coming days.

Ms. TITUS. OK. Well, we look forward to it because it has been frustrating not being able to find that information out.

All right. Thank you. I will yield to the ranking member.

Mr. MEADOWS. Thank you, Madam Chair.

First off, let me give an unbelievably sincere compliment to the men and women of FEMA who leave their homes many times to come. I was amazed when I see just the conditions that they have to live in to serve constituents in North Carolina, many of them were from Massachusetts, New Hampshire, all over the country literally coming, and it is not just in North Carolina but it is across the board.

And so I want in my opening remarks that the rank-and-file FEMA disaster responders do not take that as any kind of a negative impression on their effort, in fact, just the opposite. I have been at command stations where they have been in a little teeny trailer in the middle of nowhere under—you know, eating fast food that honestly they would not survive on a long time if they had to do it more than a few weeks. And so I want to say that going forward.

I am curious by your optimism on what you have implemented versus what your own website says you have done, because the—my opening remarks were based off of your website and your information in terms of what you have accomplished and what you haven't accomplished.

And so let's take 1234, because you just mentioned that in your opening remarks. How much of the 6-percent set aside has actually been deployed to individuals for preparation? How many dollars?

Mr. KANIEWSKI. So if I had to say which provision I personally am most excited about, and I would say many of us in FEMA are most excited about, it is that provision. It is the building resilient infrastructure and communities provision because it is a game

changer. It changes our profession being able to invest that kind of money before a disaster.

Now, this is a new program, a large program, a complex program, and one despite any of our best efforts we can't just wave a magic wand and say that program has been implemented.

Mr. MEADOWS. You have given a great answer to a question I didn't ask. How many dollars of what you have retained has actually been deployed?

Mr. KANIEWSKI. So in conversations with Congress leading up to this provision Congress has taken the action to provide a historic amount of pre-disaster mitigation money under existing programs.

Mr. MEADOWS. I am talking about 1234. You just had your testimony—

Mr. KANIEWSKI. Yes.

Mr. MEADOWS [continuing]. Where it is a 6-percent set aside. How much have you gotten to those individuals that would ultimately be receiving it? How much of the money have you gotten to them?

Mr. KANIEWSKI. So, again, let me just state, we have an existing PDM program, and through that existing program, Congress has authorized us with \$250 million last year and this year, which is more mitigation money that Congress has made available to your communities than in the last 10 years combined.

Mr. MEADOWS. That is great. And I appreciate it. And I know because we have been voting on that. How much of the money—so let me just—perhaps I am not being clear. How much of the money has actually gotten to the people in North Carolina under your section 1234? How much money? Is it zero?

Mr. KANIEWSKI. That program has not been implemented—

Mr. MEADOWS. Exactly. I mean, it is a softball question, and, I mean, I don't know why we have to go around this so long. So here is—here is my concern in why you are feeling a little bit of passion, because what happens is in a bipartisan way we support these disasters, and what happens is on the ground they don't get the money.

And I guess my question for you is at what point will the guidance be done for a bill that we passed in October of 2018, when can you quit telling the chairman that it is coming and you can say it is done? So what is the date?

Mr. KANIEWSKI. Sure. So we expect to provide formal notice of the draft—of the program at the end of 2020. Now, until then we have our existing—

Mr. MEADOWS. Oh, gosh.

Mr. KANIEWSKI [continuing]. Pre-disaster—sir, can I—with all due respect—

Mr. MEADOWS. Well, with all due respect, 2020 on a bill that we passed in 2018?

Mr. KANIEWSKI. But—

Mr. MEADOWS. Is that the fastest that you can do it?

Mr. KANIEWSKI. It—listen, we have, as you can fully appreciate, a new—an opportunity here that we don't take lightly. And that in conversations with this committee leading up to the passage of this bill there was a great understanding on both sides that we wanted to do this right. And to do it right we felt that we needed time to

engage our community, which frankly many of them are seated behind us, to engage them and to see what they want to see out of this program.

Sir, if we just wanted to turn on this program tomorrow, maybe we could under the existing PDM program, but it wouldn't be the kind of game-changer investments that you are looking for. It would be a lot of the same kind of PDM programs.

Mr. MEADOWS. All right. So let me—and I am sorry to interrupt. So let me get to the crux of the matter. Enough of the quarterly updates, enough of pretending like everything is done, because we went to your website, and so if your website is not up to date, get it up to date. Because we went up to your website, 55 different actions by section, 1234—I was just following during your opening testimony, and out of the 55 sections you have 2 that are done, 2 that are partially done, and 1 of the ones that actually you have completed can't be implemented unless a different section is actually done.

And so what I am saying is, out of 55 action items, you may be paddling like a duck under—you know, with his little feet underwater. But here is what I am saying is, until the money gets deployed to the people that need it, it is worthless. It is just action items.

And so here is what I would ask: Are you willing to commit to give this committee staff weekly updates on the progress on each of these items? Will you commit your staff to do that?

Mr. KANIEWSKI. We have provided updates, and we will commit to your—

Mr. MEADOWS. Quarterly updates, I get it. This is not my first rodeo. Are you willing to commit to weekly updates to this staff?

Mr. KANIEWSKI. If that is what your staff would like, we are happy to do them more frequently, yes, sir.

Mr. MEADOWS. So weekly updates?

Mr. KANIEWSKI. If that is what you would like, yes, sir.

Mr. MEADOWS. All right. Thank you. I yield back.

Ms. TITUS. Thank you.

I now recognize Ms. Mucarsel-Powell for 5 minutes.

Ms. MUCARSEL-POWELL. Thank you.

Thank you, Madam Chairman.

Dr. Kaniewski, thank you for being here this morning. I represent Florida's 26th District. It is the southern-most district in the United States. It includes Miami-Dade County and all of the Florida Keys. And as you know, parts of my district got destroyed after Hurricane Irma. It is going to be almost 2 years. But our community is strong, resilient. We helped each other out, and we got back up and running very quickly. But we are not fully recovered, and it has been almost 2 years, and it is in large part due to the lack of FEMA funding.

Let me share with you one example. Keys Energy is the public power utility for the lower Florida Keys. After the storm, Keys Energy was supposed to receive \$42 million from FEMA. As of today, FEMA has only provided \$15.5 million to the Florida Department of Emergency Management. Of that, only \$2.2 million has been paid out to Keys Energy, \$2.2 million from the \$42 million that was approved.

As a result of this low payout, Keys Energy had to take out a line of credit of \$50 million to pay for the recovery cost. You can imagine people need to recover from this storm. Keys Energy has already paid over \$1 million in interest for this loan, \$1 million in interest, and is now turning to bonds to lower the interest that they have to pay.

Not only is this timeline incredibly frustrating and unnecessarily expensive but it is also very dangerous. We are approaching hurricane season very rapidly in south Florida. They don't have any liquidity, and if they get hit by another storm in the coming months, they will have great difficulty paying for any recovery. This is just completely unacceptable.

Another example, the Florida Keys Electric Cooperative, a small utility at the top of the Keys, also suffered significant damage to their community by Irma, and their total FEMA bill is \$19 million. To date not one single dollar has been released from FEMA and reached the utility, not one. This is unacceptable.

I also represent, as I mentioned, the large Port of Miami-Dade County. The county as a whole has submitted reimbursement requests to FEMA to the tune of \$299 million. However, to date, FEMA has only provided \$1.5 million out of the \$299 million, and only \$782,000 has actually reached Miami-Dade County, which means that FEMA is sitting on roughly \$297 million of the \$299 million that the county needs.

So I would like to ask, can you please explain to us what is taking so long for FEMA to release the funds? And it has been almost 2 years.

Mr. KANIEWSKI. Thank you, Congresswoman.

Well, let me say, first of all, I can't speak to those two particular cases, but I will get you an answer on those two cases. I would like to provide a little broader perspective specifically for Florida just to make sure that you know that we are committed to supporting the full and complete recovery from Hurricane Irma.

Take a step back. FEMA is responsible for providing immediate assistance to individuals. We want to make sure those disaster survivors are cared for immediately after a disaster, and in Florida I believe we did that. We provided \$290 million immediately to those disaster survivors impacted by Hurricane Irma. We also provided \$370 million in National Flood Insurance Program claims to claim holders in Florida.

As far as Public Assistance, which is what you are referencing, our primary focus following a disaster is on emergency work. It is to take those actions that will save lives and protect property in the immediate aftermath of a hurricane, for example.

Over the long term is when we focus on investing in infrastructure, making sure that that infrastructure, such as some of the infrastructure you mentioned, can be built back, repaired, or replaced, if necessary. Already FEMA has provided \$71.5 million in Public Assistance for projects such as the ones you mentioned. And, again, I will have to follow up to find out.

Ms. MUCARSEL-POWELL. And I am sorry, Mr. Kaniewski, thank you, but you are saying that you have given \$200 million. In our area we have only received about \$15 million, so those numbers don't add up at all. And I can tell you that people haven't received

that relief funding. We have actually lost thousands of families in Monroe County that have had to leave the area because they didn't get the reimbursements that they had requested.

So I implore you to please go back to your Agency and see what you can do to speed things along. And I would love for you to make a commitment today that you will get back in touch with my office within a week with the information that I need, specifically as it relates to Irma recovery funds.

Mr. KANIEWSKI. Of course. We will be back in touch with you certainly within 1 week.

Ms. MUCARSEL-POWELL. And, you know, it seems like there are a lot of inefficiencies. And I happen to agree with my colleague, Mr. Meadows, in sharing that frustration. What can Congress do to make sure that we speed up this process, that when we pass disaster relief funds here in Congress that those funds get allocated specifically to those areas that have been affected by natural disasters?

Mr. KANIEWSKI. Again, we do get individual assistance out the door quickly. That is the money to help the individuals, disaster survivors. For Public Assistance, for any of these large infrastructure projects, we have two sometimes competing goals: One is to make sure that we can rebuild and recover that community as fast as possible. But the other goal that FEMA has is to make sure we safeguard the American taxpayers' dollars. We have to provide, consistent with the law, appropriate oversight and make sure that these dollars are being spent in the way they should be consistent with appropriate law and regulations.

Ms. MUCARSEL-POWELL. Mr. Kaniewski, it has been 2 years. Maybe we need to add to the FEMA payroll, more people to provide oversight, but we need to speed things up. Thank you very much.

Ms. TITUS. Thank you. We will now recognize Mr. LaMalfa.

Mr. LAMALFA. Thank you, Madam Chair and fellow committee members, for allowing me to sit in on today's committee and ask these questions. Appreciate it.

I represent northern California, which includes the town of Paradise that you have heard so much about, and FEMA has been extremely helpful in that timeline since last November, 18,000 buildings destroyed, 150,000 acres burned, over \$16 billion in damages, one of the worst disasters in 2018, and 85 lost lives.

Me and my staff, I think largely complimentary of FEMA's work there. And, you know, FEMA has listened when there have been issues, such as disposal of the demolition and finding local solutions instead of more truck traffic and other things. So, you know, we give kudos for that.

And the dollars that have flowed have been pretty effective, good interaction with local governments, State governments. So, you know, by and large, for as bad as this has been, things are making good progress. But we do, you know, here comes the "but," right, you have got not an easy situation to deal with, but FEMA has been—expertise has been a lot more on flood and hurricane and like that, and wildfire probably hasn't been as much of an issue, especially one of this magnitude as Paradise.

So just a couple questions I would have in that area. One of them, after a wildfire we have a lot of dead trees in the area

around Paradise, and the car fire around Redding, California, and wherever there is one. Does FEMA really consider these dead trees to be part of the debris process?

Again, you have been hauling away a lot of ash, hazardous ash to proper disposal areas and concrete debris and others. But dead trees, they are as big of a hazard still standing, and then we have a lot of these log piles that have accumulated in the process of cleaning up these lands as well. What is FEMA—what should your approach be on these debris trees?

Mr. KANIEWSKI. It would depend, I think, on the particular location of those trees. So if it was impeding a roadway or somehow impeding a recovery effort, FEMA dollars are available for debris removal as well as direct assistance to provide to support that.

Mr. LAMALFA. So if they haven't fallen in a roadway or in a cleanup area, if they are still standing, they might not be deemed as—is there a Stafford Act issue there?

Mr. KANIEWSKI. I think how you characterized it would probably be correct. They wouldn't be debris if they were perhaps still standing. It also depends whether they are on private land or public land. And I don't want to, you know, go into detail too much other than to say that FEMA money can be used, as you correctly stated, for debris removal. Generally that is focused on public space, but in the case of Paradise, given the huge impact there, especially including on private lands, we have taken some extraordinary steps to make sure—

Mr. LAMALFA. You have, and it is greatly appreciated. Due to the magnitude, we don't want all that material flowing into all the watersheds. So I would ask you to take a closer look at even the standing trees and others being part of a debris problem we have because of the magnitude, OK, as we move along on this.

And then the water issue up there as well. The water system, you know, a lot of plastic pipes, PVC pipes, so with the heat involved with the fire, much of that has been damaged or may be damaged, we don't know the full extent, so it has to be tested as to—benzine and other chemicals could be in that waterway.

So we can't turn the water system back on that exists that hasn't been damaged because we don't have, I think, strong enough protocols on quickly testing, efficiently testing the zones of the system. Do we have a good area here, do we have a broken or, you know, need to be replaced area there.

What can you see we could do to help that develop a better protocol for testing that will help speed this process? Because we are 6 months in, and it would be really good to turn the water on to the buildings that are—have existed or the units that have been brought in.

Mr. KANIEWSKI. So FEMA isn't the arbiter on whether the water is safe to drink or not. We have Federal partners that, of course, are technical experts and that have the lead on issues like that. That would be the EPA.

Mr. LAMALFA. And can EPA help in expediting this process?

Mr. KANIEWSKI. Yes. So EPA is our key Federal partner on that and, of course, your State and local water officials. I know we work very closely with the Paradise Irrigation District, and what you really need to make sure is we are all synced up. We will double

down on that, and I will speak to our region about that to make sure we are doubled down, making sure EPA and FEMA and the State and local officials are all focused on that priority.

Mr. LAMALFA. OK. Thank you for that. And everybody is looking for safety but also expeditious.

Lastly, on the mobile housing units, again, it has been 6 months and it seems that the process has been impeded to get these housing units in place. I know you have had some challenges with getting proper land for that, but maybe we need to have another look at what would be considered a fire safe one in an area that has already burned.

I think these housing units could come into place back in Paradise in cleared areas because the fire has struck. It is not going to be a hazard at this point. We need to have more flexibility on FEMA being able to put these MHUs back into the area and—because, you know, we have folks that have given up on that, that the housing numbers actually seem to be going down as to the perceived need. We need to look into that as well because I think the need is still out there.

Mr. KANIEWSKI. Yeah. And I think fire safety is definitely important. But we also have to make sure that there is access to water, to sewer, to electricity, and as, you know, much of that infrastructure was badly damaged or destroyed. So it is—it is a very—I don't want to understate the challenge here. Ninety percent of your housing stock has been destroyed.

Mr. LAMALFA. Yes, sir.

Mr. KANIEWSKI. So this is a huge challenge. Housing is always a challenge. It is a particular challenge when there is not adequate housing available.

Mr. LAMALFA. We are already housing impacted in California in the north, yes. So that is why we need—maybe we can find a little more flexibility still within a safe atmosphere there that works. I think folks would be—they would be OK going along with that—

Mr. KANIEWSKI. I think you—

Mr. LAMALFA [continuing]. And the portable water, things like that.

Mr. KANIEWSKI. I think you characterize it correctly which is we want to do it quickly but we have to also do it safely. And so what you are saying is we need to push a little bit faster, and I commit to you we will do that.

Mr. LAMALFA. A little more flexibility—

Mr. KANIEWSKI. And just a little more ability to bend what had been the traditional rule, especially when we are talking a wildfire situation not a flood. So anyway, I appreciate that, and if you could follow back up with us on what you might be able to do in that area. So—

Mr. KANIEWSKI. I will be back in touch.

Mr. LAMALFA. Thank you. Thank you for your indulgence, Madam Chair.

Ms. TITUS. Thank you.

I now recognize Ms. Norton.

Ms. NORTON. Thank you very much, Madam Chair. This is a very important hearing, and I appreciate your testimony, Mr. Kaniewski.

I am very concerned in this period of climate change wherein real time we are being hammered in many jurisdictions in our country by climate change. There is no way to avoid what we can see and, yes, in many States, feel. Therefore, I am concerned about evacuation routes. We have always had evacuation routes and FEMA has, of course, regarded this as a priority.

In our last bill we asked for improvements in coordination of these routes and even for guidance on meeting design and maintenance and repair of vital routes. I mean, signaling that Congress knows we may need to change the routes not only in light of climate change but in light of the time that has passed since people have looked at their routes in light of evacuation needs.

I would like to know what progress we are making on this change that was required by the Disaster Recovery Reform Act recently passed by the Congress.

Mr. KANIEWSKI. Yes. And so traditionally evacuations are handled at the State and local level. State and local governments know best not only the routes but the dangers posed to those individuals, and, in fact, it is the reason that—

Ms. NORTON. Regulations, of course, are not—

Mr. KANIEWSKI. I am sorry?

Ms. NORTON. I am talking about regulations. Are you saying those regulations—we asked FEMA and the Federal Highway—

Mr. KANIEWSKI. Right.

Ms. NORTON [continuing]. Administration to identify and improve the coordination.

Mr. KANIEWSKI. Yes. And I am sorry, I was just giving you background that the State and local officials generally handle evacuation. But you are absolutely right that DRRRA requires us to work with the Federal Highway Administration to better understand how we can support our State and local partners, specifically on evacuation. And so, yes, we are working with FHWA, and, yes, we will get you a report and it will be provided to you consistent with DRRRA.

Ms. NORTON. What is your timing on that, Mr. Kaniewski?

Mr. KANIEWSKI. Could you give me the—does anybody know the section number off the top of your head?

Ms. NORTON. Yeah. I did have a section number here.

Mr. KANIEWSKI. 1209 I was just told.

Ms. NORTON. 1209? All right.

Mr. KANIEWSKI. Yes. So let's see here. So it doesn't look like—there was not a deadline established in DRRRA, but target date for release on guidance is July.

Ms. NORTON. Ah, that is very, very good to hear. Are you—

Mr. MEADOWS. July of this year?

Mr. KANIEWSKI. July of this year.

Ms. NORTON. Of course, that—how does that coordinate with the hurricane season, by the way?

Mr. KANIEWSKI. So hurricane season is June 1.

Ms. NORTON. Yeah, just in time, I might say.

Mr. KANIEWSKI. Yes, ma'am.

Ms. NORTON. Are there factors that complicate the identification of evacuation routes? I mean, you already have some evacuation routes—

Mr. KANIEWSKI. Absolutely.

Ms. NORTON [continuing]. But we were concerned that there needs to be improved coordination. So I would like to know what are the complications that you think may be involved?

Mr. KANIEWSKI. And so what we hope to offer is additional guidance to our State and local partners on best practices for evacuation. We have learned a lot of lessons from 2017 and 2018 on evacuation. We want to make sure that we provide those to our State and local partners. So we are directly aligned with you. We want to make sure that whatever we at FEMA and the Federal Highway Administration can do to provide those best practices we will do so.

Ms. NORTON. Thank you, Mr. Kaniewski.

I yield back.

Ms. TITUS. Thank you.

Before we go to Mr. Palmer, I would like to recognize the ranking member for a question.

Mr. MEADOWS. So it appears that you are referring to a document that actually has dates on it that we are unaware of. So here is—I guess the chairman and I would agree, I think it would be very beneficial to this committee if you could supply that document to us so that we actually know the timeframes that are not codified in statute. Are you willing to do that?

Mr. KANIEWSKI. Yes, Ranking Member. In fact, I think that these are often discussed at our briefings. I believe the last one was in March, so what you are hearing is new information because it is probably from March until now. I know we also have a briefing already scheduled with your staff for June. But to answer your question, yes, we will provide you a document with dates.

Mr. MEADOWS. I thank the chair.

Ms. TITUS. Thank you. We appreciate that, because I understand after the last briefing you wouldn't share it with us, so that is a new approach and it is an improvement.

All right. We will now go to Mr. Palmer.

Mr. PALMER. I thank the chairman.

Dr. Kaniewski, I want to take this in a little bit different direction. You made three different statements that I really appreciate, and one is you want to exercise greater oversight. That is always good. You say you want to make game-changing investments. I think the committee supports that. You said you want to do it right.

And I think in the broader perspective of helping people recover from disasters, one of the things that I have been concerned about is the inability to track money once it has been appropriated for disaster recovery, now, particularly in the longer term. Obviously we don't have a lot of choice. We have to appropriate money upfront for search and rescue, medical aid, that sort of thing, getting food to people in particular areas.

But in the longer term perspective, we have touched on a little bit of this, and that is building in resiliency for future disasters, which we are never going to have particularly weather related, which will, I think, require that we repeal or reform the Stafford Act. Is it my understanding that that is a position of FEMA, or you just want to play around with the edges of it?

Mr. KANIEWSKI. So we are certainly not advocating repeal of the Stafford Act, if that is what you are asking.

Mr. PALMER. What I am specifically referring to is we have had disasters, particularly like in Puerto Rico and places like that. We have had a bridge washed out and the bridge is replaced and it is basically the same structure in the same location where—and we have talked. I think the Madam Chairman brought this up. I believe it was her that brought it up about paying for the same house multiple times when, if we were smart about replacing structures, whether it is a bridge or a building, or utility lines that we put them in places where they wouldn't be destroyed a second time or a third time or a fourth time. That is where I am getting at. That would require some reform to the Stafford Act.

Mr. KANIEWSKI. So let me point out that we have several programs that are authorized actually in the Stafford Act that can help with situations like that. Now, we are talking about mitigation. There are multiple mitigation programs. Of course, the one we are all most excited about is BRIC, but we have existing programs.

I mentioned PDM, the preexisting Pre-disaster Mitigation Program. I won't delve anymore on that, but our existing Post-disaster Mitigation Programs that includes dollars, mitigation dollars that can be used for strengthening infrastructure, for doing things like you are talking about, for taking away risk from those vulnerable areas.

In addition, we have mitigation programs that can strengthen on a project-by-project basis following a disaster. In other words, to the saying don't just build back, build back better.

Mr. PALMER. Right. Engineer better, and build back better.

Mr. KANIEWSKI. Yeah.

Mr. PALMER. Now, on that line, that is the longer term issue here, is once you provide the immediate aid and you stabilize the situation then you start the longer term rebuilding process.

I ran a think tank for 25 years, but prior to that I worked for two international engineering companies, and one of my concerns is how we handle contracts.

I know Congress has been big on the community block grants, but there is an inability to track where the money actually goes. And I just wonder if there would be some consideration given that after the initial funding for the recovery that—for the rebuilding process that we do and build the invoice, that if you let a contract—and, again, this is what we would have done in the engineering world.

We would have a contract and we would pay the contractor as they completed certain percentages of the project. That way you have actually got more oversight and it allows you to do it right, the two things you have said you would like to see FEMA do.

Mr. KANIEWSKI. Yeah. So one of the really great provisions that is in DRRRA that we implemented almost immediately was increased management costs. That means—

Mr. PALMER. Yes, but I asked specifically are you willing to do it on a pay-to-invoice basis so you have got excellent oversight over the contractor?

Mr. KANIEWSKI. Yeah. I would have to get back to you on that specific aspect, but several of the provisions in DRRRA both enhance

transparency and enable State and local governments, our partners who may not have that oversight ability that the Federal Government does, to provide them additional tools and additional funding to do exactly that oversight you are talking about.

Mr. PALMER. Well, I am pretty sure that you and a number of us in this room would not write a blank check for someone to build a house or do much of anything that required substantial cost to us and just hand somebody a blank check and tell them to build it. But that is what we do with the Federal Government.

Mr. KANIEWSKI. Well, we reimburse—

Mr. PALMER. And I am really thinking, well, we are not trying to pick on FEMA. What we are trying to do is improve performance—

Mr. KANIEWSKI. Agree.

Mr. PALMER [continuing]. And meet needs and do it in a way that gives us the opportunity to mitigate against future damage in disasters and provide the best use of the taxpayer's money.

Madam Chairman, I yield back.

Mr. KANIEWSKI. Can I just clarify one—

Ms. TITUS. Thank you. We have got—they are going to call votes—

Mr. KANIEWSKI. One sentence.

Ms. TITUS [continuing]. And then we are going to have to move—  
OK.

Mr. KANIEWSKI. We don't issue block grants. We provide cost reimbursable grants. So we reimburse only after the work is performed, unlike a block grant that you mentioned.

Ms. TITUS. Thank you.

Mr. Garamendi.

Mr. GARAMENDI. Thank you, Madam Chair.

And I want to thank Mr. Meadows for his involvement in all of this. It is increasingly clear that the number of natural disasters that we have had has put extraordinary stress on FEMA. There are numerous cases in California where money has been spent, as you just said, and the paperwork is sitting on FEMA desks somewhere and the cities, counties, local governments are awaiting their reimbursement.

It is an ongoing problem. Most of these areas that have had these disasters, whether it is Paradise or Sonoma, Lake County, Calaveras County, Amador County, are small counties, they don't have the resources to finance the out-of-pocket costs that they have incurred.

Bottom line is, you are sitting on paperwork. What does it take to get the paperwork cleared? Question one.

Mr. KANIEWSKI. I don't think it is fair to say that we are sitting on the paperwork. I think that—

Mr. GARAMENDI. OK. It is on your desk. You are not sitting on it. It is on your desk.

Mr. KANIEWSKI. Sure. So if there is a specific example you would like to give me, I am happy to follow up on that specific request.

Mr. GARAMENDI. Yes, I will give you specific examples. The fellow behind you from Sonoma County, the fellow that I saw earlier today from Lake County, a supervisor in Calaveras County that I talked to on the phone 30 seconds ago or 3 minutes ago, all of them

said, paperwork has been on your desk for more than a year and a half. Why is it still there?

Mr. KANIEWSKI. Again, I can't respond to that specific case, but please let me know so that I can——

Mr. GARAMENDI. I gave you four different counties in California. Will you respond?

Mr. KANIEWSKI. I would appreciate you sharing that with me, and I would be happy——

Mr. GARAMENDI. I just did.

Mr. KANIEWSKI. I don't have that——

Mr. GARAMENDI. I will give it to you again in writing. Thank you.

Mr. KANIEWSKI. Congressman, thank you.

Mr. GARAMENDI. Next question.

Mr. KANIEWSKI. Thank you.

Mr. GARAMENDI. Not finished. Next question has to do with the creation of what can best be called a disaster industrial complex. Essentially you are recreating or creating the military industrial complex. Major national corporations, some of them new, who handle the paperwork who have the contracts go into the local counties and bring in contractors and workers from 2,000 to 3,000 miles away to do work that is desperately needed and jobs that are desperately needed by the locals.

Why are you building a disaster industrial complex? Why are you not using local contractors? Why is your paperwork so dense, so obscure that the local communities are fearful of even going for a FEMA contract for fear that you will claw back the money because they forgot to dot an I or cross a T?

Mr. KANIEWSKI. So the funding that we provide is to the State. The State then finds the subrecipients, meaning your local governments and contractors——

Mr. GARAMENDI. That is just not the case. That is not what is happening in these counties. What is happening in these counties is you are bringing in national companies, often based 2,000 to 3,000 miles away, to conduct the actual work on the ground because they are familiar or they have the inside track.

Why are you doing that?

Mr. KANIEWSKI. Again, we provide the funding to the State, and the State decides how they will execute those programs. There are some exceptions, and, again, if there is a specific example, I might be able to respond better.

But in general, FEMA provides Public Assistance money to rebuild State and local infrastructure, and it is up to the State to decide how best to execute that program.

Mr. GARAMENDI. I will have specific examples on your desk, and you will respond in 18 months?

Mr. KANIEWSKI. Sir, I will respond quickly. Thank you. Thank you for the opportunity.

Mr. GARAMENDI. Yes, you will respond quickly.

Next question really for the Members here. A lot of discussion about how you get out of town when there is a hurricane or a fire or whatever. We are putting forth a bill that we actually had last week. It is called the ESCAPE Act. We are going to avoid FEMA. We are going to put this in the Department of Transportation. And my colleague sitting just to the left of me will be able to deal with

that so that there will be a grant program so that, perhaps, local counties, communities, and others could actually access money in a more timely way than depending upon FEMA.

I yield back.

Ms. TITUS. The Chair will now recognize Mrs. Miller.

Mrs. MILLER. Thank you, Chairman Titus and Ranking Member Meadows. And thank you all for being here today.

I appreciate your time and effort in working to improve innovation in disaster relief and recovery response initiatives.

In 2016, three schools within Nicholas County, West Virginia, were destroyed due to flood damage. I cannot stress how important it is to improve mitigation efforts between Federal, State, and local entities. It is now 2019, and we are still waiting on review assessment needed to replace these schools.

I would like to hope that we can work to improve transparency and communication across the Government so that we are better prepared for handling disaster recovery in the future.

Dr. Kaniewski, we have people in school districts, cities, and counties that need guidance, help, and support. What strategies are being implemented to ensure that States are prepared to handle the funding that they receive through FEMA?

Mr. KANIEWSKI. So we have a number of new programs, including the FEMA integration teams that are in many of your States, including, Congresswoman, in your State. So those FEMA integration teams work side-by-side with the States to build up their own capacity so that they can manage these disasters in the future. And it is something we at FEMA, you may have heard us describe as federally supported, State-managed, and locally executed. That is a goal.

At some point in the future, we would love to have all of the States have the capability in their State so they can manage, whether it be manage these contracts effectively or to rebuild infrastructure effectively or to build capacity. And those FEMA integration teams are a great way, a great start, certainly, to build up that capacity at the State level.

You also mentioned the schools. And I know that we are working very closely at the regional level with all of the appropriate parties. And we are doing weekly meetings and updates to go through that environmental review process. And, again, it is not a FEMA process that we are trying to work through. It is an environmental review process. But we stand shoulder to shoulder with you in the region to make sure that we can get you through that process.

Mrs. MILLER. OK. I was hoping you would provide me with an update on the progress in rebuilding these schools in Nicholas County.

Mr. KANIEWSKI. And like I said, it is a weekly update that we do at the regional level. I have spoken to our Regional Administrator, who is quarterbacking that. I am very confident that that process is moving along; it is moving forward. And all of us hope there will be a resolution soon to that process, that environmental review process.

Mrs. MILLER. OK. Have you noticed any significant differences in how rural populations handle disaster relief funding versus urban and suburban populations?

Mr. KANIEWSKI. Ma'am, coming from a rural area in Minnesota, I know they handle them differently. And there are different types of hazards in a rural area and an urban area.

We have several programs that focus on that. One is our preparedness grants in general. So our Homeland Security preparedness grants that are provided to the State. It is my hope that those grants are distributed by the Governor to all areas, not just high-population urban areas.

But just to make sure, we do have specific training, for example, through the Rural Domestic Preparedness Consortium available specifically for those rural communities. In addition, we have technical assistance to help with planning and some exercise support, again, specifically for rural communities. I would be happy to get you that additional information.

Mrs. MILLER. It would be important because most of my areas are rural.

Thank you very much. I yield back my time.

Ms. TITUS. Thank you.

I would now like to recognize Mrs. Fletcher. And I point out that she is the vice chair of this committee and thank her for her assistance and leadership.

Mrs. FLETCHER. Thank you, Chairwoman Titus, and thank you, Ranking Member Meadows, for holding this hearing today, and to the witness for taking time to testify.

I represent Texas' Seventh Congressional District. And anyone who has lived there in Houston as long as I have knows that there will always be another storm. Hurricanes on the gulf are a fact of life. But flooding as a result doesn't have to be.

In 2017, Hurricane Harvey caused more than \$125 billion in economic loss to the region, and recovery from Harvey is still ongoing in our district, even as we enter the next storm season.

I know that FEMA personnel are stretched thin managing response across the country from 2017 and 2018 hurricane and wild-fire seasons. We ask the Agency to do a lot, often with limited resources.

With that said, I think most of us here on this committee still see room for improvement in how we respond to natural disasters.

Often, the recovery money and efforts are slow to flow after a disaster with local municipalities like mine running into seemingly endless redtape.

I know that, for many of my constituents, their greatest concern today is that they still don't feel safe in their homes after Hurricane Harvey, and they don't see any progress being made toward preparing for the next storm. That is why I introduced my first bill, the Hazard Eligibility and Local Projects, or HELP Act, which will improve the process for hazard grant eligibility. We must find ways to administer hazard mitigation grants at a quicker pace.

This isn't a partisan issue. I want to sincerely thank Ranking Member Meadows and his staff for working with my office on the issue and being an original cosponsor on the HELP Act.

We know that when disasters strike our communities, they aren't Republican or Democratic. They are just people who need help. And I look forward to working with you, Dr. Kaniewski, on these issues and hope your expertise can advise where Congress can be helpful

in implementing changes that will facilitate and speed up the process.

One of the issues we have run into in my district is project phasing.

We have one mitigation project that is currently going through the eligibility process at FEMA, and this project will turn a local golf course into detention for flooding. At first, the city of Houston had planned to turn only part of the course, three holes, into a detention basin. This went through the FEMA hazard eligibility process and was approved.

Before the city started construction or received funds on the approved portion, it decided it wanted to expand the project scope and do the entire course.

While that proposal is going through the FEMA process now, our chief resilience officer has just learned that the city can no longer start on the previously approved three-hole project because it is now part of a larger project, and starting construction would prohibit others from qualifying.

Nothing has changed about the first initial proposal of using these three holes of the golf course for detention. People in my district are incredibly frustrated because we know we need additional detention to manage our floodwaters. So nothing has changed about the first portion, but now it is caught up in redtape.

So what are your thoughts on a phased approach to certain projects like this one so that we can get shovels in the ground more quickly? Is it possible under the current statute?

Mr. KANIEWSKI. Thank you, ma'am. And, again, I am not familiar with this project. But let me say that, in general, of course, we agree that those are worthwhile projects. We want to make sure that we don't experience the severe flooding, whether it be in Houston or elsewhere, that we have experienced before.

For those communities that are considering a new project, a new mitigation project, that they are going to draw down on the post-disaster mitigation money—I know this is confusing—so the HMGP money.

There is a program available that is called Advanced Assistance. You can draw down a portion of that post-disaster money before you start the project to help pay for defrayed costs such as doing the environmental assessments and some of the other really laborious and potentially expensive steps that you need to do before the project would be approved.

So, the short answer is, yes, there are limited programs available to provide that financial assistance before the project is undertaken. But, of course, the right answer is to use pre-disaster mitigation money. And whether it be our existing PDM program or the new BRIC program, we are all anxiously awaiting that program so that we can do this in a very methodical way.

Mrs. FLETCHER. Well, and I appreciate your—I have very limited time, so I just want to make it clear.

I think the problem here is that we have a project that is approved. And now, because it could become part of a larger project, it is now held up.

So how can we phase our projects so that we can get shovels in the ground faster?

Mr. KANIEWSKI. Again, without responding to that particular project, I don't have the details on it in front of me. I can simply say that there is money available to do some of that work so that you can get that shovel in the ground like we all want as soon as possible.

So I am happy to get you more information on that program because we all want to see these mitigation programs underway as soon as possible.

Mrs. FLETCHER. Thank you.

And I yield back my time.

Ms. TITUS. Thank you.

I now recognize Miss González-Colón.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair.

And thank you for being here today.

I want to say for the record that the staff of FEMA in Puerto Rico has been helping us all the way.

But we still, 21 months after the hurricane, still suffering from a lot of the bureaucracy that is—the redtape in many agencies.

And my first question will be, in FEMA's own website that tracks disaster recovery for Federal funding, Puerto Rico's disaster funding totals \$42.2 billion. And of those being assigned by—prepared by Congress. But just \$20.3 billion has been obligated for specific projects. Of those, only \$12.6 billion has made it to the island to my constituents. So we have got a great disparity of what has been approved and what is actually on the island.

I do understand that FEMA has just informed Puerto Rico that they will be implementing a new plan for processing permanent work requirements—or requests.

My first question will be, was the COR3, the Central Office for Recovery, Reconstruction and Resiliency, on the island included in any of the conversations about this new plan? Yes or no.

Mr. KANIEWSKI. Can you tell me the name of the plan you are mentioning?

Miss GONZÁLEZ-COLÓN. Yeah. The new plan for processing permanent work requests.

Mr. KANIEWSKI. OK. So, on permanent work requests, we have lifted the 270 controls, which I know is something that you had as a priority, and we did, too, to make sure that Puerto Rico could manage its own recovery. We have taken off those controls, and now we are expecting fixed cost estimates, meaning the estimates on how much it is going to cost, of course, from the Commonwealth's perspective by October.

Miss GONZÁLEZ-COLÓN. If you can send us the information if the COR3, which is the local government agency that was created in the requirements of the Federal funding, to manage all of the reconstruction of the island, was informed or at least in the conversations to make this new plan.

This new plan indicates actually that FEMA will deploy 500 people to Puerto Rico by June 3rd. How do you plan to do that?

Mr. KANIEWSKI. So I think what you might be referencing is kind of a validate-as-you-go approach. In other words, we are going to sit side-by-side with you and make sure that we are validating all of these requests as they are coming in so that we don't wait until the end, so we don't wait until a closeout of the disaster. This is

something that we are also doing in Florida and in Texas, so both Irma and Harvey. Governments are working together with us on that process.

So it may be new to Puerto Rico, but it is not new to FEMA. And so we are committed to working with you and, like I said, sit side-by-side and make sure with COR3 to make sure they understand the process. And at the end of the day, this is going to be good for everybody because it enables us to get you the funding in a more expeditious way while also providing the oversight that we need to provide on these catastrophic disasters.

Miss GONZÁLEZ-COLÓN. In the case of Puerto Rico, of course, we are in hurricane season, and, sadly, we are going to receive it all because we are in the belt for hurricanes.

We do sign an agreement of section 428, and you said that that fixed cost estimate will be developed just by FEMA after statements of award that are agreed on. If this kind of agreement signed is by the Governor of Puerto Rico, will you mean that FEMA is going to be releasing Puerto Rico from the requirement of 428?

Mr. KANIEWSKI. No. I think we are all on board that 428 was the way we are going to go, and that is why the Governor signed that document. And that was an agreement made in the aftermath of the disaster.

What we are saying is the fixed cost estimates for these sectors, that is due in October, and we will be working very closely with you to make sure that you can meet that deadline. I know I was just in Puerto Rico recently, and there was some concern about that.

Miss GONZÁLEZ-COLÓN. There is concern because—the reason for that is that we have more than 70,000 sites identified in need of an inspection of those. To this day, more than just 10,000 of them have actually been executed.

There is a holdup. My concern, the Governor's concern, everybody's concern on the island is that you have got a deadline in October of this year to actually use all of the Federal money we approved in this Congress. I mean, for Puerto Rico, it is the biggest amount of funds ever been approved, but we haven't received all of them because of this holdup in the deadline in October.

I mean, if we are still inspecting more than 60,000 sites, how are we going to meet that benchmark without losing the Federal funds that were approved? And given that municipalities in Puerto Rico are often better staffed with the local governments, with licensing staff who are willing and able to conduct these inspections and certifications, why are we not using those professionals to the backlog side of requirement inspections? Because we are going to lose the money.

I know my time has expired, but I would love to submit for the record several other questions, Madam Chair.

Mr. KANIEWSKI. Can I respond?

Ms. TITUS. Just briefly.

Mr. KANIEWSKI. I don't anticipate that you would lose the money. I don't think you are at risk of losing the money. The estimates are not due until October, and we are working with COR3 to make sure that we can meet that deadline.

Ms. TITUS. All right. We will take the questions and submit them.

And be reassured that this committee will oversee that recovery in Puerto Rico and will plan to have a hearing just on that topic at some point in the future. We will look to you for some assistance with that.

Thank you. And I now call on Ms. Plaskett.

Ms. PLASKETT. Thank you very much to the chairwoman and to the ranking member and thank you for allowing me, although I am not a member of this subcommittee, to ask questions of the witness that we have here today.

Good afternoon, sir. Doctor, thank you very much for being here.

And I wanted to talk with you about some of the mechanisms that are in place. As you know, I represent the Virgin Islands, and we are in the midst of not just recovery, but the beginning stages of a rebuilding. FEMA's Public Assistance program is a reimbursable program that requires the Virgin Islands to submit paid contractor invoices prior to being able to request reimbursement of those Federal funds.

As the pace of recovery has quickened, many of those invoices amount to millions of dollars, and they are adding up. The Territory's severe disaster-related cashflow problems make it extremely difficult to advance the cash to pay those contractors, and this has led to long delays, work delays, and contractor dissatisfaction.

We have not even gotten to the project worksheets for rebuilding of our schools, of our hospitals. This week, one of the schools that were damaged had a wall collapse while the children were in school. This is a very tenuous situation that we are living in, and there is no media attention to what is happening in the Virgin Islands.

I am going to ask you. Given the small size of the Virgin Islands' general budget, with billions of dollars of FEMA Public Assistance projects in the works, what can FEMA do to advance funds to the Territory to provide the support necessary to start all of these critical infrastructure projects?

Mr. KANIEWSKI. Well, thank you, ma'am. And you are right. We have approved a significant amount of funding for the U.S. Virgin Islands. I mean, I think it is about \$2 billion at this point.

However, USVI has some unique circumstances facing it, as you said, cashflow. And so we provided USVI with \$309 million in community disaster loans to provide some of that assistance now in advance of receiving the Public Assistance down the road.

Ms. PLASKETT. And because the Treasury as well as the OMB Director have created additional conditions on those loans that were outside of what this Congress requested, I have a letter from both the prior chair of this committee, Chairman Shuster at the time, and the ranking member, who directed Treasury not to put those restrictions on. We have not even been able to get the full amount of those loans because of those restrictions, but as you said, they are loans.

Mr. KANIEWSKI. Uh-huh.

Ms. PLASKETT. So how do we get to these contractors? I know that there is the Insular Areas Act, which says that for the small Territories, not our big sister Territory of Puerto Rico, but for the

smaller ones, who have smaller amounts of cash, that you and FEMA, the Director of FEMA, have the ability, in your discretion, to waive the cost share for small Territories because they have these smaller budgets. Even if we didn't have cashflow, our budget is \$1 billion, and we are talking about \$9 billion, \$10 billion to rebuild the Virgin Islands. There is no way we would have the cashflow to be able to do that on our own.

How do you expect us to do this outside of the loans that you have given us?

Mr. KANIEWSKI. Sure. So USVI has a 90/10 cost share. So most disasters in this country only receive 75 percent from the Federal Government. USVI will be receiving 90 percent—is receiving and will continue to receive 90 percent.

There are other funding programs throughout the Federal Government, of course. USVI is the recipient, I believe, of significant money from Housing and Urban Development through the Community Disaster Grant Program. That funding can be used to supplement our funding. And you appropriately said that our funding is cost reimbursable. That is just how our program is set up. I can't change the fact that it is cost reimbursable.

But at this time, again, it is 90/10 cost share.

Ms. PLASKETT. But you can change that because you do have the discretion under the Insular Areas Act to take away that cost share. That is the law. This Congress has given you that authority. Are you saying that is not your authority, that there are other places that have directed you not to do that, or are there reasons why you don't have that authority? Because I remember speaking with Director Brock Long, who said that, you know, it is something he would like to do, but he is unable to do that.

Mr. KANIEWSKI. So our view is that 90/10 is the appropriate cost share for Virgin Islands and that there are other Federal funding programs to support the additional cost share costs that you are talking about.

Ms. PLASKETT. OK. The other question I have for you is about the public shelters. And public shelters have not been rebuilt as of yet. And we have been utilizing the program that you have in place that is called the Sheltering and Temporary Essential Power, or STEP, program. How do we in the Territory have those remaining homes, the 400 homes, and FEMA approval to get these done before the peak hurricane season using existing contracts?

Mr. KANIEWSKI. So I don't know the current status of those homes, but I can say that, yes, the STEP program is one of those tools we have in our toolbox. And it depends on the circumstances facing each of those structures, whether the STEP program or other FEMA programs or other Federal programs or, frankly, other non-Federal programs are the appropriate program for that.

Ms. PLASKETT. My time has run out.

Thank you very much for the questions.

Ms. TITUS. Thank you. I now recognize Mr. Graves. Where did Mr. Graves go?

Mr. GRAVES OF LOUISIANA. Thank you, Madam Chair.

Deputy Administrator, thank you for being here. I appreciate your testimony, and I know you are somewhat of a sacrificial lamb today.

We have two kind of communities in the United States: those that have been through the disasters and those that will. You have many people up here who believe that spending money in disaster prevention and hazard mitigation and adaptation is pork spending and an unwise investment, and I think that study after study indicate otherwise, that if you make principled investments in resiliency, that you end up saving money. Considering we spent \$1.7 trillion in the last \$220 billion-plus disasters in this country, we can't afford to continue not making the right investments.

And I think the DRRRA, the Disaster Recovery Reform Act, made giant leaps towards some of this proactive versus reactive, together with a few laws that we passed in the last Congress.

I first want to jump on board with Congresswoman Plaskett just because she brought up an issue that is important, this whole cashflow issue and this approval issue. We have contractors in Louisiana that have not been paid for work in USVI because of this whole approval process and cashflow issues.

Ms. PLASKETT. Help me get them paid, Garret.

Mr. GRAVES OF LOUISIANA. Hey, I am in. I am in. Absolutely. We can even knock a hole in the wall between our offices and work on this together.

But here is the deal. If you continue to do this to contractors, this collective approval process, you are going to end up with a smaller and smaller group of contractors that are able to do this, that are able to float the cashflow. And you are going to end up paying more and more money. You think \$1.7 trillion is a lot of money? Just wait. If you only have a handful of contractors that are actually capable of funding these types of projects, it is a flawed path.

I understand you can point to Territorial governments, State governments, local governments. But the deal is it affects FEMA and its mission. Disasters are inherently unpredictable, and I understand it is a tough job that FEMA has got to come in and help be more agile in responding to the types of disasters that we have because all this is going to do is drive up costs.

A key issue for us at home is duplication of benefits. And we amended section 312 of Stafford through section 1210 of DRRRA. And we said that if you have someone who accepted a loan or was even approved by a loan from the Small Business Administration, they are not prohibited from receiving a grant. This became law in October. The State of Louisiana has one-quarter of a billion dollars sitting in the bank waiting on guidance. And I know you are getting ready to start pointing fingers at OMB and HUD and everybody else. This is Stafford Act. And I would like to know where you are in this overall process in finishing this guidance.

Mr. KANIEWSKI. Can you give me the section number again? I am sorry.

Mr. GRAVES OF LOUISIANA. 1210(a) which amends section 312 of Stafford. Duplication of benefits.

Mr. KANIEWSKI. I appreciate that you have this memorized, Congressman.

Mr. GRAVES OF LOUISIANA. It affects 7,000 families. We are holding up one-quarter of a billion dollars. People have gone through foreclosures, bankruptcies, having to choose between leukemia

medication or paying a loan back. This is just stupid, and it is unacceptable. And yeah, I have it memorized because we are going to continue aggressively representing the disaster victims because we have had the Governor of Texas, Louisiana, Puerto Rico, and North Carolina that have all asked for the 45-day discretion granted under the bill, and no one has gotten a response back.

Mr. KANIEWSKI. And so we agree with you. I think the comment earlier about transparency with these programs, coordination of these programs, eliminating—

Mr. GRAVES OF LOUISIANA. I just want to know where you are on guidance. Where are you?

Mr. KANIEWSKI. Yeah. So we are currently in the process of developing the report that is due to you on October 5th of this year. I would say that if you want more detail right now, we have had—

Mr. GRAVES OF LOUISIANA. There is no report—the report is a report looking at the efficacy of this once it is actually implemented.

We can't—the State is prohibited from releasing one-quarter of a billion dollars that has been sitting in the bank for 2 years because we don't have guidance yet. We don't have implementation.

These people are going to get paid eventually, and all we are doing is delaying the inevitable and having an adverse effect on these families. And it is—I mean, you are talking just in Louisiana, 7,000 families. Across Texas, North Carolina, Puerto Rico and others, I am sure it is tens of thousands, if not more.

Mr. KANIEWSKI. I got you. So it looks like we issued a fact sheet in February, and HUD is on the hook to issue the guidance.

Mr. GRAVES OF LOUISIANA. Right. And I know—we are going to sit here pointing fingers at HUD. And I want to remind you: It is codified in Stafford Act. You were at the table. I understand there was a meeting 2 days ago to discuss this with senior officials.

I just want to urge you. This is part of the recovery process, and it is part of the job that you do in disaster response and recovery. I urge you to light a fire under someone. This is wrong what y'all are doing to disaster victims. Our own Government is revictimizing our own citizens, and it is wrong.

Madam Chair, I just want to ask a QFR: if you could please provide in writing an update on interpretation of section 1209 of DRRA, I would appreciate it.

Thank you.

Ms. TITUS. Thank you.

I now recognize Mr. Huffman.

Mr. HUFFMAN. Thank you, Madam Chair. And I especially want to thank you for your opening remarks about the latest twists and turns in our infrastructure struggle with the White House.

Deputy Administrator Kaniewski, I want to bring your attention to issues on the ground in Sonoma County, in my district, where the community is still working to recover from devastating wildfires in 2017. I also encourage you to stick around, if you can, for the second panel, because you will hear from my own Sonoma County Supervisor, James Gore, who is sitting right behind you. And I think some of the information that he will be sharing is very important for you to hear.

As FEMA works to implement the provisions of the DRRA, I urge you to actually listen to these communities that are trying to rebuild after disasters. The assistance that your Agency provides is absolutely critical. And don't get me wrong; it is entirely appreciated. But we need to do more than just post implementation guidelines online. They need to be fully incorporated into the day-to-day work of FEMA staff. And our experience tells us that poor communication regarding disbursement timelines and what exactly qualifies for Public Assistance, for example, can not only confuse localities but can increase financial risk after a disaster.

I don't believe any community out there is trying to game the system after a major disaster. When we are faced with not only the cost of rebuilding but a tax base that has been devastated, cities and counties desperately need accurate, timely information from FEMA that they can count on.

Even today, in my district, almost 2 years later, I am still hearing concerns from communities in Sonoma County that FEMA is ill-equipped to review and approve the need for tree removal and vegetation management after the last wildfire in order to avert the next disaster.

The city of Santa Rosa, as a specific example, has proposed a number of tree removal projects that FEMA is still reviewing, and I want to urge you to do what you can to make sure that these projects are quickly approved so we can avoid future wildfires.

Time is of the essence. We used to have a fire season in California. Now, we pretty much have a year-long fire threat.

Here is why FEMA's approval of these projects in a timely fashion is so critical. As you know, fires in densely populated areas leave behind dead and dying trees across thousands of parcels, which need quick attention so that the fire does not permanently damage the ecology of the area. But without tree removal, the stumps can regrow as thicker vegetation or brushes that actually exacerbate fire damage in the next fire season. That is the problem that we are dealing with, and that is where we need your help.

We will also hear later from Supervisor Gore that FEMA still has not yet implemented DRRA provisions that expand wildfire mitigation measures that are eligible for assistance through hazard mitigation grant funding. These activities include the removal of burned trees, reduction of hazardous fuels, and establishment of defensible space measures.

So, Deputy Administrator, one of the provisions DRRA, was an amendment to that law, included the removal of burned trees as a specifically eligible activity under the 404 Hazard Mitigation Program.

And I want to just ask you, when will FEMA finally have its guidance issued on the implementation of this provision?

Mr. KANIEWSKI. Thank you, Congressman. And yes, wildfire—I think honestly focusing on wildfires is something that we can't take our eyes off of, particularly in the wildland/urban interface, is something that I think the American public is just starting to understand. Of course, California has understood this for a long time. So thank you for your comments.

Specifically on 1205, where you are talking about expanding eligible wildfire activities under the mitigation programs, we are

working with key scientific staff and researchers, including the National Institute of Standards and Technology, NIST, to determine the best approach to implement this finding.

Mr. HUFFMAN. Do you know when that guidance will be out?

Mr. KANIEWSKI. There is no deadline. However, FEMA will implement a new policy after we get through the technical review, which is on target for publication next summer.

Mr. HUFFMAN. Well, I just want to say, I hope for the sake of the communities I represent and certainly many others that must be similarly situated, that FEMA can move more quickly in implementing these provisions. We are now looking at extra fire seasons where we are at risk simply because we can't get clarity on how these programs are to move forward. So thank you for doing what you can.

And, with that, I yield the balance of my time.

Ms. TITUS. Thank you. We are about to have votes called. And so, as a result of that, I would like to ask for a unanimous consent that we forgo a second round of questions.

Lucky for you.

Well, thank you. And thank you, Doctor, very much for your testimony. It has been very enlightening. I have been very liberal with the time because everybody on the panel has a disaster in their district that they really want to get some answers to. So we look forward to your getting back to us with some of the questions and some of those deadlines. We appreciate that very much.

I would now like to call up panel 2. And, again, I will ask for unanimous consent that, because of the time, the witnesses limit their statements to 3 minutes instead of 5 minutes.

All right.

Mr. MEADOWS. While they are getting going—Doctor—Doctor, it is the voice of God.

While they are getting set up, what I think might—based on Mr. Graves' comments, what I think might be prudent is for you and Secretary Carson to work with us very quickly in terms of some of the mitigation rulemaking, some of the issues that Mr. Graves brought up. It doesn't just affect Louisiana. It affects Texas, across the board.

And if you will contact Secretary Carson, he is well aware of our concerns. I think it is good that we would have a briefing. And to the extent the chairman wants to be involved in that, we would welcome that as well.

Ms. TITUS. While you are still here, Doctor, just because you are not at the table didn't mean we wanted you to leave. We would ask that you please stay at least through the opening statements in case there is something that you might want to add or we might want to refer to you.

Thank you very much.

All right. It is my pleasure now to introduce our next panel of witnesses. We have Sima Merick, who is the executive director of the Ohio Emergency Management Agency, who is here on behalf of the National Emergency Management Association; Nick Crossley, who is the director of the Emergency Management and Homeland Security Agency for Hamilton County, Ohio, who is here on behalf of the International Association of Emergency Managers; James

Gore, who is the supervisor from the Fourth District of the County of Sonoma, California, who is here on behalf of NACo; Al Davis, deputy director from Texas A&M Engineering Extension Service, here on behalf of the National Domestic Preparedness Consortium; Pamela Williams, executive director of the BuildStrong Coalition; and Randy Noel, who is president of Reve, Inc., who is here on behalf of the National Association of Home Builders.

I thank you all for being here today, for waiting for us, for abridging your testimony to 3 minutes. We look forward to it.

I believe Mr. Graves wants to make a few comments about Mr. Noel and welcome him.

Mr. GRAVES OF LOUISIANA. Thank you, Madam Chair.

Randy Noel has been building homes in south Louisiana for over 30 years, built I think well over 1,000 custom homes in the State but has really been a leader in building standards and flood recovery work for the Louisiana home builders. And as past chairman of the National Association of Home Builders, he worked with Louisiana home builders to help design a recovery program for flood victims that helped to get them back in homes much faster than they otherwise would have.

And let me just say it again, a real leader in flood insurance and building standards and recovery and in resilient standards for disasters. You have been through many of them yourself. Lives right outside of the New Orleans area. I want to thank you very much for being here today and for your expertise on this issue.

Ms. TITUS. Thank you, Mr. Graves.

Without objection, our witnesses' full statements will be included in the record. And with the previous panel, since your written testimony will be part of the record, we are going to ask you again, please, to limit your testimony to just 3 minutes.

We will now proceed with the witnesses in the order they are sitting. We will begin with Ms. Merick.

**TESTIMONY OF SIMA MERICK, EXECUTIVE DIRECTOR, OHIO EMERGENCY MANAGEMENT AGENCY, ON BEHALF OF THE NATIONAL EMERGENCY MANAGEMENT ASSOCIATION; NICK CROSSLEY, C.E.M., C.P.M., DIRECTOR, EMERGENCY MANAGEMENT AND HOMELAND SECURITY AGENCY, HAMILTON COUNTY, OHIO, ON BEHALF OF THE U.S. COUNCIL OF THE INTERNATIONAL ASSOCIATION OF EMERGENCY MANAGERS; HON. JAMES GORE, SUPERVISOR, SONOMA COUNTY, CALIFORNIA, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES; ALPHONSE DAVIS, DEPUTY DIRECTOR, TEXAS A&M ENGINEERING EXTENSION SERVICE, ON BEHALF OF THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM; PAMELA S. WILLIAMS, EXECUTIVE DIRECTOR, BUILDSTRONG COALITION; AND RANDY NOEL, M.I.R.M., C.G.B., C.M.P., PRESIDENT, REVE INC., ON BEHALF OF THE NATIONAL ASSOCIATION OF HOME BUILDERS**

Ms. MERICK. Thank you, Chairwoman Titus, for that introduction, calling this valuable hearing today with Ranking Member Meadows and allowing me to testify before the subcommittee on FEMA, readiness, and implementation of the DRR.

As vice president of NEMA, I am proud to represent the State emergency management directors of all 50 States, Territories, and the District of Columbia.

In general, readiness of FEMA relies on the readiness of State and local emergency management organizations. FEMA is not a first responder, and States only request FEMA's assistance after exhausting their own capabilities.

To give you some context, in fiscal year 2018, 66 disasters required a declaration requiring FEMA assistance. Beyond those declarations, State and local emergency managers handled 23,331 additional events without Federal assistance, because the capabilities we have built.

There are three ways the States have built capabilities. One, States helping themselves: 26 States maintain their own State-funded assistance program to help citizens and businesses in the wake of disaster. Many events did not meet FEMA thresholds, which is evident by the 23,000 events managed by States and the locals.

States also help one another through the EMAC, Emergency Management Assistance Compact. In 2016, Ohio specifically utilized more than 1,000 personnel through EMAC to help with the Republican National Convention in Cleveland. Since that time, nearly 26,000 personnel have deployed through EMAC to events ranging from hurricanes. We also utilize programs, such as Emergency Management Performance Grant.

We are fortunate in Ohio to be spared the horrors suffered by others in the 2017–2018 disasters. However, we have had a couple of disasters in 2018 and 2019 that were declared in southern Appalachian regions of Ohio. During the disaster, Public Assistance staff was flown into Ohio, received just-in-time training, and then were deployed to the declared counties.

This lack of FEMA-trained previous disaster experience led a great deal of inconsistency with the decisions made by FEMA personnel, thereby increasing the aggravation of applicants.

Unfortunately, history may be repeating itself with the 2019 disaster, as FEMA assistance staff in Ohio will not be on the ground until mid-June.

NEMA is also working closely with FEMA on another readiness effort: its implementation of the DRRRA. The crown jewel of this program is the 6-percent set aside. From a workshop FEMA did during the NEMA forum this past March, it became clear that implementation is progressing slowly at best. This new mitigation program should be one of the highest priorities for the Agency.

The other key provision for us was the increase in management costs. We appreciated FEMA moving quickly to establish a guidance, but several questions remain. With management costs now statutorily split between the States and locals, how will this change roles and responsibilities? How will monitoring and oversight be accomplished? And how can we ensure the flexibility of these funds to build necessary capacity at the State and local levels?

Thank you again for holding this hearing. Emergency management policy is never easy, mainly because every day across the Nation, State and local emergency managers are still recovering from

the last event and continuing to conduct planning, building the capacity, and setting the stage for the next storm.

[The prepared statement of Ms. Merick follows:]

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**Prepared Statement of Sima Merick, Executive Director, Ohio Emergency Management Agency, on behalf of the National Emergency Management Association**

Thank you, Chairman Titus, Ranking Member Meadows, and distinguished members of the Committee for allowing me to testify before you today.

I am proud to testify today as Vice President of the National Emergency Management Association (NEMA). NEMA represents the state emergency management directors of all 50 states, territories, and the District of Columbia. On behalf of my colleagues in state emergency management, we thank you for holding this discussion on implementation of the Disaster Recovery Reform Act (DRRA) and FEMA readiness.

No discussion of the DRRA would be complete without us again expressing our appreciation for the hard work of this committee in securing passage of that transformative reform package. NEMA was an ardent supporter as DRRA worked through the legislative process and appreciated the receptiveness of you and your staff to engage in constructive dialogue. I will discuss the DRRA in more detail shortly but will first address the other topic of this hearing—FEMA readiness.

STATE READINESS MEANS FEMA READINESS

FEMA readiness must be viewed through the lens of state and local readiness. In the absence of the state and local building blocks of the emergency management foundation, the response and recovery to a major event will falter.

In assessing state readiness, the events of the 2017 and 2018 disaster seasons remain in the forefront of all our minds. We were fortunate in Ohio to be spared the brunt of Mother Nature, but still managed two Major Disasters Declarations for severe storms. Many of my colleagues, however, would tell a much different story.

Tennessee, California, and Wyoming would talk about the devastating affects of wildfires. Florida would undoubtedly highlight concerns with debris removal and pre-event contracting. Texas realized the difficulties in managing the housing mission but continues to persevere. North Carolina now understands first-hand the lack of coordination between federal disaster programs and continues educating the NEMA membership on danger zones in managing the Community Development Block Grant–Disaster Recovery of the Department of Housing and Urban Development. Regardless of the various challenges, they would share some common sentiments.

In addition to the physical disasters which swept the nation, we saw several examples of missteps in utilizing alert and warning systems. The management of these systems, however, varies from state to state, so Congress should carefully consider any broad, sweeping changes as any issues may be isolated to specific instances. Typically, the one-size-fits-all mantra does not apply to emergency management policy.

Citizens across the country as well as political leadership must understand the roles and responsibilities in responding to and recovering from disasters. The Federal Emergency Management Agency (FEMA) is not a first responder, and the Governor maintains ultimate authority over managing the disaster, but without robust local emergency management, the execution of programs and projects will falter.

Finally, one of the most sensitive issues post-disaster is managing housing programs. In 2017 we saw states such as Texas take bold steps in managing their own housing programs. Through this process, we learned of some opportunities for better performance overall in the hierarchy of national housing programs and sheltering. Even if the programs are found to be satisfactory, we must consider how best to communicate and manage the relocation of thousands of citizens, and carefully explain the intent of assistance programs which aim for ultimate repatriation. In recent years, FEMA made intimations of deferring management of the housing mission to states through a block grant, citing regulatory and compliance difficulties. If fundamental problems exist within the housing programs, we should err on the side of make appropriate adjustments, not arbitrarily shifting responsibility to the states which every Governor may not want.

## BUILDING CAPACITY

Three fundamental pieces stand-out when looking at state capacity to respond to and recover from disasters—How States Help Themselves; How States Help One Another; and The State-Federal Partnership.

*How States Help Themselves*

As stated previously, FEMA is not a first responder. According to a report produced by NEMA and the International Association of Emergency Managers, in FY18, state and local emergency management organizations managed 23,331 events without federal assistance. Furthermore, we must set expectations in what federal programs can, cannot, should, and should not be able to accomplish.

According to NEMA's 2018 Biennial Report, 26 states maintain their own state-funded assistance program to help citizens and businesses when a disaster or emergency does not meet the criteria for a federal declaration. Of those, 22 have public assistance programs; eight have individual assistance programs; five offer unmet needs programs; eight have other assistance programs; and one state has an economic/business recovery disaster assistance program. Other assistance programs also exist to meet shortfalls such as short-term housing assistance, hazard mitigation programs, housing and personal property losses, and shortfalls in local budgets due to damage incurred by a disaster.

*How States Help One Another*

No state has all the resources they would need to fill every shortfall for every possible disaster. The Emergency Management Assistance Compact (EMAC) is the system states turn to in times of need. EMAC is implemented by the state emergency management agencies allowing for an efficient, effective, and coordinated response between states. Since Congress ratified Public Law 104-321 in 1996, EMAC grew to include all 50 states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, and Guam.

In 2016, Ohio utilized EMAC to bring in over 1,070 law enforcement officers from seventeen states including California, Florida, Georgia, Indiana, Kansas, Massachusetts, Michigan, Missouri, North Carolina, New Jersey, and Wisconsin in providing security for the Republican National Convention. Officers arrived trained, experienced and equipped enabling the City of Cleveland to fully implement their security plan.

The diversity of EMAC in the availability of disciplines and ability to handle any range of hazards is unparalleled. I know that should Ohio need search and rescue, animal response, public health, emergency medical services, medical, fire, mass care, cybersecurity, utility workers, telecommunications, National Guard, or resources from other disciplines; we can request and will receive them through EMAC. The ability to utilize resources from across the nation who arrive trained and experienced is invaluable. It also leverages federal grant dollars invested in building capabilities and provides experiences that can be taken back home to improve plans and procedures.

Since 2016, nearly 26,000 personnel deployed through EMAC for hurricanes, wildfires, severe weather, gas explosions, a measles outbreak, an active shooter event, a volcano, and an earthquake. Most recently, resources from Minnesota, Kansas, and Washington recently deployed in response to major flooding in Nebraska. Meanwhile, Arizona, Colorado, Kentucky, New York, Oregon, Tennessee, and Nevada deployed personnel to Alaska in support of the earthquake.

In large-scale disasters, states also deploy teams to FEMA's National Response Coordination Center and the Regional Response Coordination Centers to coordinate the state response through EMAC with the federal response. In 2017, the first team to stand-up the EMAC liaison desk was from the District of Columbia. These teams worked with FEMA to garner critical support for transportation to both the U.S. Virgin Islands and Puerto Rico as well as housing for first responders.

States are continually working to improve the implementation of EMAC, making changes to EMAC procedures and finding innovative ways to utilize the Compact. Following Hurricane Harvey, Texas innovated the process by offering a 75 percent reimbursement advance to assisting states to shorten the length of time before states recouped expenses. In 2017, states in Region VI—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas utilized the Interstate Emergency Response Support Plan (IERSP) that accelerates the EMAC response by pre-identifying resource shortfalls and resource providers who immediately deploy when triggers are met. Similarly, states in Region IV utilized the FEMA Unified Planning Coalition relationships to quickly and efficiently share resources through EMAC.

Robust national response through EMAC has made the Compact invaluable and the impact of it on the lives of our citizens is immeasurable. To quote the EMAC

Response to the 2017 Hurricane Season After Action Report, “At its core, EMAC is a commitment between all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam to provide aid to each other during their most desperate times of emergency. The 2017 hurricane season demonstrated an exceptional level of commitment to the compact, as states across the Nation came together in an overwhelming show of unity and sacrifice. It is clear the support provided by EMAC saved lives and minimized damage to property.”

*The State-Federal Partnership*

One of the key ways in which emergency managers build capacity is through programs such as the Emergency Management Performance Grant (EMPG). With a one-to-one matching requirement at the local and state levels, this program represents one of the best values in federal investment. EMPG continues as a critical driver of progress and success made across the country in preparing for, responding to, and recovering from all hazards. The program’s success is shared by all levels of government and relies heavily on the continued, and decades-long, commitment of Congress.

In 2018, the federal investment in EMPG was \$350 million—a little more than \$1 per citizen—and with the match requirement and additional state and local investment, the return on investment exceeded \$700 million and was felt in communities from Maine to California. Every investment the federal government makes is matched dollar-for-dollar and, in most cases, states, locals, and tribes match even more, illustrating that any cuts to EMPG funding will have far-reaching and long-term impacts on readiness. In almost every category of positive community impacts the EMPG creates, emergency managers at the state and local level report improvements since last year’s programmatic data.

For these reasons in FY19, NEMA joined with colleagues of the International Association of Emergency Managers (IAEM), representing local emergency management, in requesting a modest five percent inflationary increase for EMPG to \$368 million. Given the matching requirement of EMPG, many of which states and locals far exceed, this \$18 million increase will have a combined impact totaling at least \$36 million nationwide. Few other federal programs can demonstrate that rate of return. While Congress did not act on this request in the FY18 Omnibus, we continue to emphasize the importance of this program and the need for additional funding in FY19.

DRRA IMPLEMENTATION

Emergency management is a profession of evolution as we continually evolve from each subsequent event. When considering how best to prepare for the next disaster season, any changes to policy, statute, or processes must be done with an eye toward comprehensive solutions. For the most part, the DRRA accomplished this needs assessment. No sooner did the victory of DRRA passage settle in then it was time to look toward implementation.

We urge FEMA to use the occasion of DRRA implementation to think strategically and beyond the confines of their traditional roles and responsibilities. Examples of such opportunities include:

*National Public Infrastructure Pre-Disaster Mitigation Assistance*

This program will forever shift the paradigm of mitigation funding in this country. Allowing six percent of disaster costs to fund pre-disaster mitigation, however, is a massive influx of funding for a program historically underfunded. To date, the lack of information and vision provided by FEMA on this program remains disappointing. While focusing on name changes not included in statute, the agency seems unable to expand their vision beyond the current pre-disaster mitigation grant program. This creates frustrations among the federal interagency as well as stakeholders such as NEMA.

The DRRA was not exclusively written for FEMA, and the agency should be actively engaging the interagency and encouraging those of us at the state level to do the same. The hundreds of millions of dollars which will flow through this program in coming years cannot be an emergency management-only effort. So, we continue encouraging our members to work with any state agency which could help ensure the efficacy of new mitigation projects rapidly adjust to changing needs.

NEMA will soon be prepared to present a set of forward-leaning recommendations to FEMA, the Office of Management and Budget, and the National Security Council in the coming weeks. But make no mistake, we will not make these recommendations through the lens of the existing pre-disaster mitigation program and instead look to expand the traditional definition of “mitigation;” leverage efforts of existing

federal programs; ensure transparency for the American Taxpayer; and ensure the priorities of smaller or rural states remain prominent.

#### *Management Costs*

The increase in management costs for Public Assistance (PA) and the Hazard Mitigation Grant Program (HMGP) was a long-time coming for our members, and we remain appreciative. Especially as we continue working with FEMA on their State-Led PA concept, the jump from 3.34 percent to seven and 10 percent respectively will greatly increase the ability for us to build capacity. We understand the issues at play in the speed at which FEMA had to initiate the current guidance, but fundamental questions remain in how this change integrates with existing program and procedures. If states are going to be encouraged to build capacity and manage FEMA's Public Assistance Program, thus reducing the cost of the federal footprint, a change in management costs or incentive for states to invest, is critical for its success.

As management costs are now split between state and local governments for the first time, clarity must be gained on how or if responsibilities will shift between federal, state, and local emergency management, oversight of reporting requirements, and procedural changes in response processes.

The amounts managed after disasters can equal billions of dollars in Federal grants through FEMA. Currently, management costs are limited to each specific disaster and regulations do not allow grantees to economize by managing workloads across all open disasters. As FEMA continues evolving this new management cost policy, they should allow grantees to utilize management costs across all open disasters which will ensure building recovery and mitigation capacity; incentivize disaster close-out; and drive down the costs of disasters.

In June of last year, NEMA and IAEM came together and submitted a proposal to FEMA on implementing this change, a copy of which is being included with this statement for the record. While this could be done administratively, Congressional persuasion often goes a long way toward affecting change, so we would appreciate any such support the Committee would be willing to provide.

Overall, we appreciate the time and effort Members of the Committee and their staff dedicate to completing work on the DRRRA and look forward to an equally as productive partnership as we monitor the implementation.

#### CONCLUSION

On behalf of the state emergency managers, thank you again for holding this hearing and drawing attention to the needs of the emergency management community. Often in the wake of a major disaster or series of disasters; judgment is cast on federal programs and perceived successes or failures sometimes even before the flood waters recede. As you look at the topics of this hearing, remember specifically that state and local readiness is FEMA readiness, and more staffing at the federal level is not necessarily the silver bullet to managing disaster response. Daily across the nation, state and local emergency managers are still recovering from the last event and conducting the planning, building the capacity, and setting the stage for the next storm to approach, all while working diligently to implement and manage complicated federal programs.

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#### ATTACHMENT

##### ROLLOVER OF DISASTER MANAGEMENT COSTS: INCREASING CAPABILITY AND RESPONSIBILITY IN MANAGING DISASTER DECLARATIONS

**Executive Summary.** When managing disaster declarations, states and locals coordinate billions of dollars in Federal grants through the Federal Emergency Management Agency (FEMA). To help offset administrative requirements of these grants, FEMA regulations allow recipients to utilize a percentage for management costs. These management costs, however, are limited to each specific disaster and regulations do not allow grantees to economize by managing workloads across all open disasters. FEMA should allow grantees to utilize management costs across all open disasters which will ensure the building recovery and mitigation capacity; incentivize disaster close-out; and drive down the costs of disasters.

**Background.** One of the fundamental requirements of creating a strong and nationwide emergency management system is to build recovery and mitigation capacity which can range from developing plans, coordinating effective mutual aid, and the assets to manage the consequences of myriad potential hazards. FEMA continues to encourage states and local to manage "less than catastrophic" disaster dec-

larations thereby reducing the Federal burden disaster costs nationally. The resources FEMA utilizes to achieve these goals are found primarily in 44 C.F.R. Part 207—Management Costs. This regulation provides the Grantee 3.34 percent of the projected Federal program costs of public assistance and 4.89 percent of projected Federal program costs of Section 404 Hazard Mitigation.

States have long argued that the management costs percentages are low, compared to the percentages allowed under other Federal grants and the amount FEMA utilizes to administer the same disaster declaration. NEMA supports efforts such as the *Disaster Recovery Reform Act (DRRA)* being considered by Congress and the current FEMA administration in increasing these percentages to as high as 12 percent. Beyond the funding percentage, however, the lack of flexibility within the grant consumes time and resources of emergency management organizations which could be better-utilized to manage response and recovery activities.

With each disaster declaration comes an allowance for management costs to administer Public Assistance and Hazard Mitigation grants. Despite administering numerous open disasters, each declaration has a locked-in amount for management costs. Throughout the management of the grant, all associated personnel costs must be tied to a specific declaration, program, and project. While simple in theory, this administrative over-kill limits flexibility and detracts from a program designed to provide disaster assistance, build recovery and mitigation capacity, and empower states to reduce dependency on FEMA. For example, a project inspector working an eight-hour day may visit multiple sites across a region of a state. Since those sites may be associated with more than one disaster, all associated travel, incidental costs, and personnel time must be parceled-out to possibly dozens of open grants.

This dynamic is particularly problematic in declarations with limited damages. While management costs may be minimal, the process and manpower required is equal to that of larger declarations. Management costs for declarations with less damage are quickly exhausted and state funds must be utilized to complete the administration of the Federal grant. Likewise, during close-out of declarations with large damages, remaining funds create the unintended consequence of encouraging declarations remain open for extended periods of time to ensure the expenditure of all eligible costs. This runs contrary to the preferences of all involved at the Federal, state, and local levels to close-out disasters expeditiously.

**The Solution.** FEMA should immediately begin the process of amending 44 C.F.R. Part 207 to:

- Provide each state an unfunded grant for both the Public Assistance Program and Hazard Mitigation Grant Program. As disasters are declared, management costs will continue to be obligated under current regulations, but deposited into the generic program accounts.
- Allow remaining funds after the close-out of a disaster to be available to build recovery and mitigation capacity at the state and local levels, close-out remaining disasters which may be more complicated, and build resilience for the next disaster.

Taking these actions will allow states with more robust recovery and mitigation capacity to assist states with infrequent declarations and therefore less capacity (i.e. EMAC); manage the smaller declarations; and allow FEMA to focus on catastrophic events. The nation would realize an overall reduction of administrative costs and increased capability and responsibility at the state and local levels.

Ms. TITUS. Thank you.

We now go to Mr. Crossley.

Mr. CROSSLEY. Thank you, Chairwoman Titus, Ranking Member Meadows, and distinguished members of the House Subcommittee on Economic Development, Public Buildings, and Emergency Management for this opportunity to testify on the Disaster Recovery Reform Act of 2018 and the state of disaster readiness in local governments across the country.

My name is Nick Crossley, and I am the director of the Hamilton County Emergency Management and Homeland Security Agency. I appear before you today as the immediate past president of the International Association of Emergency Managers, an industry group representing the profession dedicated to protecting America's

local communities from all hazards and threats, both natural and manmade.

Our country's resilience, the ability to survive and recover quickly from storms and disasters without the significant loss of life or property, involves preparedness for and mitigation against the risks and hazards.

The new and expanded authorities in the Disaster Recovery Reform Act, once those authorities have been fully implemented, will be critical to supporting State and local efforts to promote resilience and disaster readiness.

Emergency managers at every level are grateful to Congress for the transformational tools and authorities contained in the DRRRA, which the President signed into law on October 5th of 2018.

This law clearly demonstrates that Congress, you, are committed to resilience and changing the conversation to reduce disaster costs and losses across the country.

The provisions within this law support those in State, local and Tribal governments, as well as FEMA, to build more resilient communities, lessen the impacts of disasters, and ultimately help individuals and communities recover quickly.

This law focuses on pre- and post-disaster mitigation to reduce the cost of disasters. Key provision in this law enable greater investment in pre-disaster mitigation, support efforts to reduce risks from future disasters after fires, increase State and local capacity to manage disaster recovery, and provide greater support and flexibility to survivors with disabilities.

But much like the recovery from the 2017 storms, there is much work left to be done on the implementation of DRRRA. FEMA will need continued oversight and monitoring to ensure they meet the requirements, commitments, and the intent of Congress.

As FEMA moves forward toward continuing to implement these provisions, it will be critical that they continue to engage and work with the entire community engaged in building resilience throughout the country, including other Federal partners, State, local, and Tribal governments, and the private sector.

In closing, I sincerely appreciate your giving me the opportunity to discuss the emergency management community's reaction to the enactment and initial implementation of DRRRA, as well as the country's readiness posture for the current disaster environment.

Local emergency managers have and will continue to benefit from Congress' investments in mitigation and resilience.

The capabilities created and the capacity built will ensure that not only our communities are ready to respond to the next disaster but also withstand and recover quickly from the next disaster.

While Congress has done much to incentivize resilience, much work remains to be done in order to make our communities safer and more disaster ready in 2019 and beyond.

Thank you, Chairwoman Titus, Ranking Member Meadows, and all members of the subcommittee. I look forward to answering any questions you may have.

[The prepared statement of Mr. Crossley follows:]

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**Prepared Statement of Nick Crossley, C.E.M., C.P.M., Director, Emergency Management and Homeland Security Agency, Hamilton County, Ohio, on behalf of the U.S. Council of the International Association of Emergency Managers**

Thank you, Chairwoman Titus, Ranking Member Meadows, and distinguished members of the U.S. House of Representatives' Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, and Emergency Management for this opportunity to testify on the Disaster Recovery Reform Act of 2018 (DRRA; P.L. 115-124) and the state of disaster readiness in local governments across the country.

My name is Nick Crossley, and I am the Director of the Hamilton County, Ohio, Emergency Management and Homeland Security Agency. I have been a Certified Emergency Manager for 19 years, and I appear before you today as the Immediate Past President of the International Association of Emergency Managers (IAEM).

**ABOUT IAEM AND THE LOCAL ROLE IN EMERGENCY MANAGEMENT**

IAEM, comprised of more than 6,000 emergency management professionals worldwide, is a non-profit educational organization dedicated to promoting the "Principles of Emergency Management" and representing THE profession dedicated to protecting America's local communities from all hazards and threats, natural and man-made.

Local governments serve as our nation's first line of defense when disasters strike. Immediately following a disaster, local responders, including emergency managers, are first on the scene and play a key role in coordinating local response and recovery efforts, working to mitigate further damage from disasters. In the aftermath of disasters, we coordinate and help fund clean-up, recovery, and rebuilding so our residents can return to their lives as quickly as possible. All disasters begin and end locally.

We deeply appreciate the continuing support this Subcommittee has provided to the emergency management community. Thank you for the time devoted to the topics of preparedness, readiness, and ensuring our national resilience.

**DISASTER PREPAREDNESS, READINESS AND RESILIENCE**

The most consequential work of local emergency managers actually happens BEFORE disaster strikes. Emergency managers strive every day to create well-oiled coordination and communication systems that save lives and property during and immediately following disasters. Emergency managers wake up every day thinking about and planning for the next disaster because hurricanes, public health emergencies, earthquakes, active shooters, floods, tornadoes, and technological hazards are going to happen, and usually with little-to-no notice. During times when we aren't responding to an emergency, emergency managers are hard at work behind the scenes, every day and in all levels of government and in all sectors of the nation, to help our communities become better prepared.

The 2019 Atlantic hurricane season starts in 10 days. In addition, our communities are constantly bombarded by numerous disasters, from floods and wildfires, to tornados and earthquakes. At every level, individuals, communities, and businesses must be able to plan for disasters, as well as build and sustain the capability to respond. We must understand that our local efforts will be more impactful, our communities more resilient, with the support and partnership of our state, federal and private sector partners.

FEMA's Emergency Management Performance Grant (EMPG) has been the backbone of the nation's all-hazards emergency management system and is the only source of direct federal funding to state and local governments for emergency management capacity building. EMPG is used for personnel, planning, training, public education, and exercises at both the state and local levels. Thanks in large part to capacity built through EMPG, local governments have been able to support the development, evaluation, implementation, and administration of local Emergency Operations Plans, meeting the unique disaster threats of our particular communities. EMPG also helps build capacity to support other jurisdictions through the provision of mutual aid, assisting each other when disasters exceed individual capacities. Additionally, EMPG facilitates critical state and local coordination and interstate collaboration and lessens the impact of disasters and helps our communities recover faster when impacted.

Training and exercises, supported at all levels of government, is also critical to preparing our professionals and communities. FEMA's Emergency Management Institute (EMI) in Emmitsburg, Maryland, has greatly increased the training that is

available both online and in person to emergency managers, responders and professionals. These courses have led to a stronger, more robust emergency management community.

#### DISASTER RECOVERY REFORM ACT OF 2018 (DRRA)

Our Country's resilience, the ability to survive and recover quickly from storms and disasters without the significant loss of life or property, involves preparedness for and mitigation against the greatest risks and hazards. The new and expanded authorities in DRRA have been critical to supporting state and local efforts to promote resilience and disaster readiness.

Today, local emergency managers are the immediate and integral partners in responding to and recovering from disasters and mitigating against future risk. Emergency managers at every level are grateful to Congress for the transformational tools and authorities contained in DRRA, which the President signed into law on Oct. 5, 2018. This law illustrates Congress' commitment to resilience and changing the conversation to reduce disaster costs and losses across the country. The provisions within this law support those in state, local and tribal governments, as well as FEMA, to build more resilient communities, lessen the impacts of disasters, and ultimately help individuals and communities recover quickly.

This law focuses on pre- and post-disaster mitigation to reduce the cost of disasters. Key provisions in this law enable greater investment in pre-disaster mitigation; support efforts to reduce risks from future disasters after fires; increase state and local capacity to manage disaster recovery; and provide greater support and flexibility to survivors with disabilities. Specifically, some of the most significant provisions incentivizing resilience and building capacity include:

- *Build State and Local Capacity and Ease the Administrative Burden.* DRRA authorizes reimbursements to state and local governments for the management and administrative costs incurred to manage federal disaster funds. This allows states and locals to build capacity to manage disaster recovery and mitigation projects. Additional provisions clarify and simplify FEMA's programs in an attempt to make them more transparent and less burdensome for communities trying to respond to and recovery from disasters.
- *Facilitate and Incentivize Resilience.* One of the most significant provisions of DRRA is the creation of the National Public Infrastructure Pre-Disaster Mitigation Grant Program, which provides a significant, reliable, and consistent source of funding for states to invest in pre-disaster mitigation projects helping states take actions to prevent the threat of disasters. DRRA dedicates an additional six percent of annual disaster costs for risk reducing, cost effective projects. This likely will be one of the key investments to help draw down disaster costs and losses over time. Research has shown that mitigation saves \$6 for every \$1 of investment. There are also provisions that help facilitate the use of FEMA funds post-disaster to invest in mitigation and "build back better," in order to avoid future disaster damage.
- *Mitigation for Wildfire Prevention.* DRRA makes permanent the authorization which allows states that receive Fire Management Assistance Grants to receive post-fire hazard mitigation assistance to help communities recover and prevent deadly floods and mudslides after wildland fires. DRRA also clarifies the eligibility for certain wildfire mitigation measures under FEMA grant programs.
- *Adoption and Enforcement of Building Codes.* DRRA incentivizes states to adopt the latest model building codes. Public Assistance funds are available post disaster to replace and restore damaged facilities to the latest codes and standards. DRRA also allows states and local governments to use mitigation grants to facilitate the adoption and enforcement of building codes. According to a December 2018 report from the National Institute of Building Science, the benefit-cost ratios for adopting model building codes saves \$11 for every \$1 spent.

But much like the recovery from the 2017 storms, there is much work left to be done on the implementation of DRRA. FEMA will need considerable oversight and monitoring to ensure they meet their requirements, commitments, and the intent of Congress. As FEMA moves forward toward continuing to implement these provisions, it will be critical that they continue to engage and work with the entire community engaged in building resilience throughout the country, including other federal partners, state, local, and tribal governments, and the private sector.

#### CONCLUSION

In closing, I sincerely appreciate the opportunity to discuss the community's reaction to the enactment and initial implementation of DRRA, as well as the country's

readiness posture for the current disaster environment. Local emergency managers have and will continue to benefit from Congress' investments in mitigation and resilience. The capabilities created and the capacity built will ensure that not only are our communities ready to respond to the next disaster but withstand and recovery quickly from the next disaster. While Congress has done much to incentivize resilience, much work remains to be done in order to make our communities safer and more resilient in 2019 and beyond.

Thank you, Chairwoman Titus, Ranking Member Meadows, and all members of this Subcommittee. I look forward to answering any questions you may have.

Ms. TITUS. Thank you.

Now Mr. Gore.

Mr. GORE. Wake up, wake up others, and stay woke.

I will say that again. Wake up, wake up others, and stay woke.

The new normal is upon us, ladies and gentlemen. I want to take the heat from those fires that burnt down my community and the floods that have gone over it and use the urgency that we all feel on the ground and honor the fact that you all show that same urgency here today with respect to FEMA and implementation of the DRRA.

I don't just stand here as a supervisor from Sonoma County, California, who has had five to seven, depending on how you calculate them, disasters in the last 3 to 4 years. I stand here as a representative of the National Association of Counties Resilient Counties Advisory Board, where more than one-third of the 3,000 counties in the United States have had a Federal disaster designation in the last 2 years.

The new normal is upon us. It is time for this stuff to be implemented rapidly, efficiently, getting it on the ground as you said, Mr. Meadows.

You know, I look around me and around the State, and I think about all of the things that we already manage at the county level. It is very rare when we have to get to a Federal designation. We own most of the infrastructure in our areas, roads, bridges, other vital infrastructure. But once it comes to these big events that outweigh the capacity of a local, regional, or municipal aid system at a State level, that is where we need this partnership. That is where we need it.

I won't go into the details of our disaster. We have seen the videos. We have heard the speeches. You all have seen it in your own communities. But what I do want to say here before you is that the Disaster Recovery Reform Act was passed to improve the resilience of this Nation. You all know that.

NACo, the National Association of Counties, and all of us counties out there, strongly supported that. But we need these reforms now. And I applaud you once again for asking them and asking for accountability.

We need to make sure that it is implemented readily. We need to make sure that transparency and communication from the regional offices and our local entities is actually acted upon, and it is done. We need to make sure that specific policies come out with guidance sooner rather than later on submerged roads, ensuring evacuation routes, wildfire season applicability.

As you all say, I look at our colleagues, I look at FEMA, I think about all of the work that needs to be done. I think about all of the redtape that exists in implementing these programs. But at the

same time, I look at the urgency on the ground, just as you all do, and I know that we need to do more.

And it is not just pointing at FEMA. It is us working together. We want to work with FEMA's Pre-Hazard Mitigation Program. But we need even draft guidance to come out so we can provide comments, follow up, and deliver as appropriate.

Great work from FEMA on the ground. Need it more than anything. But right now, all disasters start local, end local? No. There is Federal partnership in the middle, and we thank you for that support and look forward to answering questions.

[The prepared statement of Mr. Gore follows:]

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**Prepared Statement of Hon. James Gore, Supervisor, Sonoma County,  
California, on behalf of the National Association of Counties**

Chairwoman Titus, Ranking Member Meadows and distinguished members of the Subcommittee, thank you for the opportunity to testify on "Disaster Preparedness: DRRR Implementation and FEMA Readiness."

My name is James Gore and I am an elected county supervisor in Sonoma County, California. Today, I am representing the National Association of Counties (NACo), where I serve as the Chair of the Resilient Counties Initiative. I also previously chaired NACo's Community, Economic and Workforce Development Steering Committee, and I serve as a member of our Rural Action Caucus. I appreciate the opportunity to be here today to underscore the necessity for the Federal Emergency Management Agency (FEMA) to expedite the implementation of key reforms laid out within the Disaster Recovery Reform Act (DRRA).

NACo works to represent all county governments in the United States, including Alaska's boroughs and Louisiana's parishes. Founded in 1935, NACo assists America's 3,069 counties in pursuing excellence in public service to produce healthy, vibrant, safe and resilient communities.

My work as chair of NACo's Resilient Counties Initiative helps to strengthen county resiliency by building leadership capacity to identify and manage risk and allow counties to become more flexible and responsive. Through sustainable practices and infrastructure, counties will be better prepared to address these issues in a manner that can minimize the impacts of disasters on local residents and businesses, while helping counties save money.

Counties are on the front lines of defense before and after disasters strike. While state statutes and organizational structures vary, local emergency management responsibilities are most commonly vested in county governments. Following a disaster, local elected officials are often first on the scene, along with our emergency managers, who play a key role in coordinating local emergency management efforts and working to mitigate damage from disasters. Other key county staff involved in pre- and post-disaster efforts include local police, sheriffs, firefighters, 911 call center staff, public health officials and public records and code inspectors. In the aftermath of disasters, we coordinate clean-up, recovery and rebuilding efforts so our residents can return to their lives as quickly as possible.

Furthermore, because counties are major owners of public infrastructure, we are also uniquely positioned to mitigate the impacts of disasters before they occur, so that their impact on our communities and residents' lives is decreased. Collectively, we own 45 percent of America's roads, nearly 40 percent of bridges, 960 hospitals, more than 2,500 jails, more than 650 nursing homes and a third of the nation's airports. We also own and maintain a wide variety of public safety infrastructure, including roadside ditches, flood control channels, stormwater culverts and pipes, Municipal Separate Storm Sewer Systems (MS4) and other infrastructure used to funnel water away from low-lying roads, properties and businesses. We also provide extensive outreach and education to residents on water quality and stormwater impacts prior to and following disasters, and we work to reduce water pollution, adopt setbacks for land use plans and are responsible for water recharge areas, green infrastructure and water conservation programs.

Over the past 20 years, natural and man-made disasters have increased in frequency, severity and cost. On average, 24 percent of counties have experienced at least one disaster in each of the last three years. The past three hurricane and wild-fire seasons have included six hurricanes that cost a combined \$330 billion in dam-

ages and eight wildfires causing over \$40 billion in damages. Over the last decade, most counties have received a major disaster declaration, with many receiving more than one over that time frame (see Map 1).

In fact, just last year, 570 counties (19 percent of counties) received at least one major disaster declaration. The previous year, 815 (27 percent of counties) counties received a major disaster declaration (see Map 2). Both 2017 and 2018 disasters are eligible for the recovery and mitigation reforms implemented under the DRRA, and the breadth of counties requiring these resources is evidence that the reforms need timely and efficient implementation.

Counties are not merely stakeholders in this conversation, but a part of the federal-state-local partnership of governments that together share the responsibility of protecting our nation and its residents from disasters. Like the federal government, counties are entrusted by taxpayers to provide a variety of important services to their residents, and we stand ready to work with the federal government to effectively and quickly implement new disaster programs and resources to help our shared communities.

Our experience is similar to many other counties facing disaster across the country. Sonoma County is in the Bay Area of California, 50 miles from San Francisco. It's bordered on the west by the Pacific Ocean and on the east by a coastal mountain range, the Mayacamas, and has a population of roughly 500,000 people. We are the largest producer of wine-grapes in California's Wine Country and we are ranked 32nd overall in the country on agricultural production. The Mediterranean Climate that characterizes Sonoma County also makes it prone to floods in the winter and periods of drought that can sometimes last years. This combination, along with its mountainous terrain make it highly prone to wildfires in the late summers and early fall. Sonoma County is also located on top of several seismic faults, making it vulnerable to severe earthquake damage. When the 1906 earthquake struck San Francisco, Sonoma County experienced significantly more damage per capita than San Francisco.

For example, on October 8, 2017, three wildfires—the Tubbs, Pocket and Nuns Fires—broke out across Sonoma County and could not be contained for more than three weeks due to high winds. Over the course of their burn, the wildfires caused the destruction of over 110,000 acres, the loss of an estimated 6,500 structures and 23 fatalities. Mandatory evacuations were ordered for large portions of the county. At the height of the fires, the county and its non-profit partners operated 37 shelters and serviced over 4,000 individuals. Many of the evacuees were in and out of county shelters multiple times as mandatory evacuations were lifted and then re-engaged.

#### IMPORTANCE OF IMPLEMENTING THE DISASTER RECOVERY REFORM ACT

Disaster response, recovery and mitigation starts local and ends local. Counties are currently tackling one of the largest cumulative recovery efforts our nation has ever experienced. *DRRA was passed to improve the resiliency of our nation, which NACo strongly supported, and counties need these reforms to be implemented now to help our communities, residents and economies recover.* By delaying implementation of the critical reforms, we are missing a vital opportunity to put these reforms into practice and aid those working on recovery efforts across the country. We also understand that FEMA has been asked to implement dozens of new programs and reforms without increased staff, and would support additional resources to take on this effort given the critical nature of these changes.

As was noted above, over a quarter of all counties have faced a major disaster in the past two years. This figure only represents disasters rising to the level of federal disaster declarations, and does not include hundreds of other smaller disaster events that can be equally as destabilizing for communities. While state statutes and organizational structures vary, local emergency management responsibilities—including 911 call centers—are most commonly vested in county governments, and counties serve as the main driver for recovery and mitigation following a disaster. Following an incident, local emergency managers and elected officials are often first on the scene and play a key role in mitigating damage and coordination throughout the response, recovery and mitigation efforts for minor incidents and major disasters.

Perhaps the most important reason rapid implementation is necessary is to ensure FEMA headquarters and field staff are aligned on programs and priorities to help communities recover. For example, in 2017, Sonoma County participated in a Private Property Debris Removal (PPDR) program, which was co-managed by FEMA and the U.S. Army Corps of Engineers. Over 3,800 survivors participated in this program with the intention to efficiently remove debris from properties to re-

duce threats to public health or the environment, as well as providing survivors with a safe, clean lot ready for reconstruction. Approximately two million pounds of debris were removed by thousands of heavy-truck loads moving across the county's network of roads.

The need for clear communication on federal emergency management programs was made clear when Sonoma County received mixed messages on approval through the Public Assistance program during this clean-up effort. The damage to county roads as a result of the PPDR program was discussed with FEMA Region IX on December 1, 2017, at which point Sonoma County was assured that if a damage claim was filed under public assistance with adequate documentation, the county would qualify for road-repair funding. A claim for \$21 million was then submitted in August 2018, but in November 2018, the county received a letter stating that a claim for \$3 million in road damage had been denied. The county then followed up with regional FEMA staff in January 2019 to understand the denial and the status of the remaining \$18 million sum claimed. Regional staff indicated they did not know the reason no determination had been made on the \$18 million, but they committed to sharing the official determination and reasoning with the county. As of today, Sonoma County has not received an official response on the status of the claim, but we were informed during a May 13, 2019 meeting that this type of claim has not been approved in the past.

In addition to the damage to the roads, Sonoma County put countless hours into documenting and preparing the claims made for this program. Because FEMA headquarters and regional staff were not on the same page, the county may not receive the full claim and could lose the hours of effort put into creating and filing the claim. Given the new decisions required under DRRRA, a timely implementation that is consistently and transparently communicated to regional FEMA offices would help local agencies appropriately plan and prioritize resources.

As Congress and FEMA determine next steps for implementing DRRRA, the following examples help illustrate the urgency with which we need these reforms to be implemented in order boost counties' ability to prepare for and respond to disasters:

1. Building Resilient Infrastructure and Communities Program
2. Wildfire Prevention and Expanded Mitigation Activities
3. Guidance on Inundated and Submerged Roads

#### *1. Building Resilient Infrastructure and Communities Program*

The DRRRA created the National Public Infrastructure Pre-Disaster Mitigation Program (PDMP). This program will provide much needed technical and financial assistance to county governments to support local government efforts to establish and implement consensus-based codes, specifications and standards for community rebuilding. It will also help incorporate hazard-resistant designs and establish minimum acceptable criteria for hazard mitigation project design, construction and maintenance.

As we rebuild from two intense years of disasters, now is the time to operationalize assistance on the ground, where repairs and rebuilding are both needed and already underway in our counties. It is imperative that FEMA expedite project approval and funding obligation to capitalize on the opportunity to rebuild and strengthen our communities—while the opportunity to do so is present. For example, implementing guidance to support hurricane-ravaged communities as they rebuild by using hurricane-resistant design and planning will help mitigate potential losses due to future storms.

Implementation of this program would be extremely beneficial to Sonoma County as it rebuilds. The county has committed to rebuilding its community following the 2017 Sonoma Complex Fires to be more resilient and better than it was before. This program would help facilitate that, but we cannot make progress until FEMA officially implements the provisions set forth in DRRRA.

#### *2. Wildfire Prevention and Expanded Mitigation Activities*

DRRA included an expansion of wildfire mitigation measures that are now eligible for FEMA assistance. Whether or not a major disaster is declared, provisions in DRRRA make recipients of Fire Management Assistance Grants (FMAG) eligible for Hazard Mitigation Grant Program (HMGP) assistance. We appreciate FEMA's expediency in issuing policy guidance on this provision. However, FEMA has yet to implement the corresponding DRRRA provision that expands wildfire mitigation measures that are eligible for assistance through HMGP. Many counties are eligible for HMGP funding, as referenced in Map 3 (attached).

According to Section 1205 of the bill, recipients may use HMGP assistance for activities that help reduce the risk of future damage, hardship, loss or suffering in

any area affected by a wildfire or windstorm. Additional mitigation activities that are eligible for assistance include:

- Mitigation measures involving vegetation,
- Culvert and other drainage system modifications,
- Hardening of electrical transmission or distribution utility pole structures,
- Removal of standing burned trees,
- Reduction of hazardous fuels,
- Establishment of defensible space measures, and
- Replacement of water systems that have been burned and caused contamination.

The California Office of Emergency Services (CalOES) has recommended over 20 HMGP grants be approved by FEMA. Expediting this approval would be extremely helpful in making Sonoma County more resilient. Given that the next wildfire season is quickly approaching, and a major earthquake could strike at any time, FEMA should make these tools available by quickly implementing DRRR provisions.

### 3. *Guidance on Inundated and Submerged Roads*

Under the DRRR, FEMA, in coordination with the Federal Highway Administration (FHA), must develop and issue guidance regarding inundated and submerged roads damaged or destroyed by a major disaster. The guidance from FEMA and FHA will cover the repair, restoration and replacement of inundated and submerged roads, as well as the associated costs of post-disaster mitigation measures that are eligible for Public Assistance Mitigation funding. This is a particularly large concern for counties, as we own and maintain 46 percent of all public road miles across the country, more than any other level of government. Counties also own 38 percent of the nation's bridges. Given our major stake in public infrastructure, we urge FEMA to quickly and clearly issue guidance on inundated and submerged roads, which is critical to helping counties restore roadways and evacuation routes.

Counties impacted by flooding are currently formulating project worksheets that will govern the repair and rebuilding of submerged county roads. This is a moment of great opportunity: FEMA could issue this new, required guidance as we undertake current large-scale recovery efforts. Implementing DRRR changes now has the potential to significantly improve the repair and reconstruction of critical county road systems, helping ensure critical routes are resilient against future flooding, thereby improving public safety of counties nationwide.

In February of this year, Sonoma County declared an emergency for flooding along the Russian River, which resulted in a mandatory evacuation of thousands. The river crested at over 45 feet, the highest recorded level since 1995. Damage to Sonoma County roads has been estimated at over \$23 million, including landslides and slip-outs. Without clear guidance from FEMA on how DRRR implementation, the county is unable to move forward in the most effective, efficient and collaborative manner possible.

### CONCLUSION

Counties are on the front lines of the pre- and post-disaster efforts, and without proper federal assistance, recovery and mitigation efforts may lack the full support necessary to be successful. The reforms offered within the DRRR signal a willingness to create change within our disaster response network. However, without rapid implementation of those reforms, counties across the country will continue to struggle and bear the financial and emotional burdens of disasters. To that end, we also support additional resources for FEMA to be able to implement these programs in a timely and effective manner.

All disasters start and end at the local level, and counties need federal help to provide proper response and recovery to our residents through implementation of these key reforms.

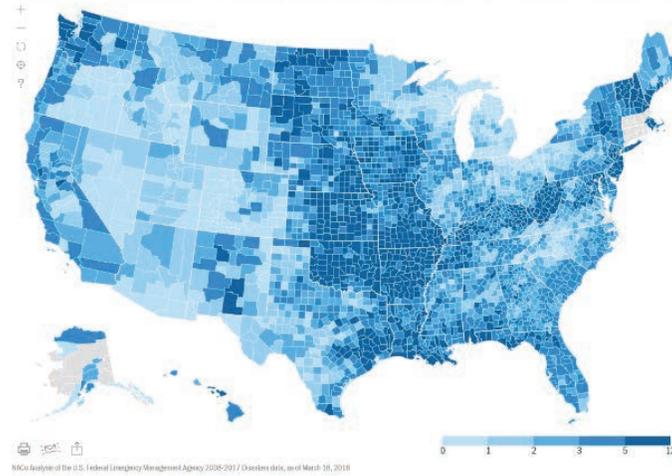
Thank you again for the opportunity to testify today. I appreciate the Subcommittee's time and look forward to answering your questions.

### ATTACHMENTS:

- Map 1: Total Number of Disaster Declarations per County from 2008–2017
- Map 2: Total Number of Major Disaster Declarations per County in 2017
- Map 3: FEMA Hazard Mitigation Grant Program Eligibility

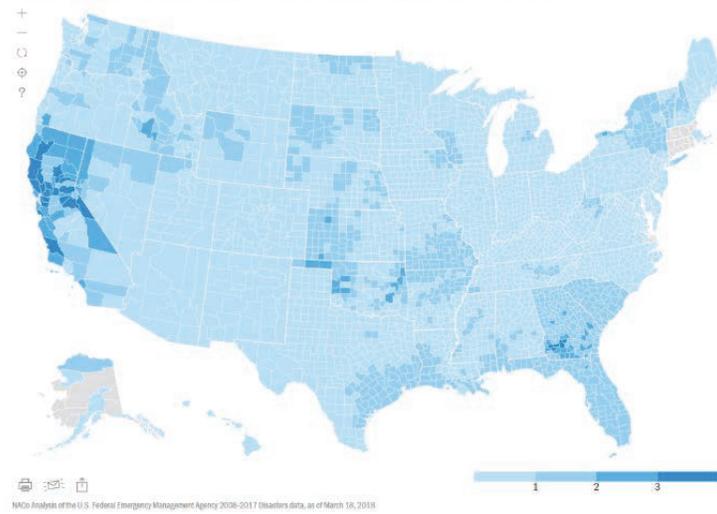
MAP 1: TOTAL NUMBER OF DISASTER DECLARATIONS PER COUNTY FROM 2008–2017

**2008-2017 NUMBER OF MAJOR DISASTER DECLARATIONS - NATURAL DISASTERS**

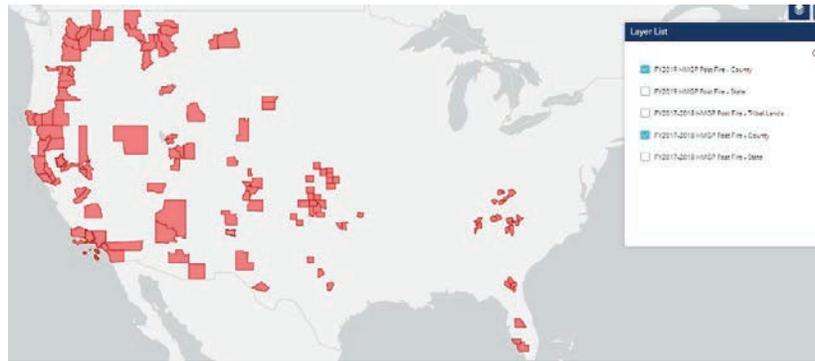


MAP 2: TOTAL NUMBER OF MAJOR DISASTER DECLARATIONS PER COUNTY IN 2017

**2017 NUMBER OF MAJOR DISASTER DECLARATIONS - NATURAL DISASTERS**



MAP 3: FEMA HAZARD MITIGATION GRANT PROGRAM ELIGIBILITY



Ms. TITUS. Thank you very much, Mr. Gore.

Mr. Davis.

Mr. DAVIS. Good evening, Chairwoman Titus, Ranking Member Meadows, and members of the subcommittee.

I am Al Davis, the current chairperson of the National Domestic Preparedness Consortium, a major FEMA training partner.

Since 1998, the 7 members of the consortium have trained more than 3 million first responders, reaching all 50 States, the District, Tribal Nations, and each Territory.

Information on our members, their core competencies, is available in my written testimony and in the “NDPC Annual Report,” which should be in front of you. We have also shared information on our NDPC training, provided to first responders in each of your districts.

Our experience, expertise, unique training facilities, and expansive and mature infrastructure support the national training mandate to identify, develop, test, and deliver all-hazards training to all emergency disciplines.

With nearly 1,200 subject matter professionals from across the Nation, professional instruction design and curriculum development teams and direct access to academia, the NDPC training meets and exceeds quality and excellence standards.

And we know we need to be relevant. Some examples of relevancy include developing recovery training. It includes also doing a training gap analysis program called the RTIP—Readiness: Training Identification and Preparedness Planning. And we also work to have continuous contact and engage with our State and local stakeholders and FEMA partners.

We have an SAA Advisory Council. And that is very important. It is made up of 12 State representatives, one Territory representative, and one Tribal representative. We meet regularly.

One of our greatest strengths is our strong relationship with our partners at FEMA, whom we work very, very closely with, and our network of relationships include many of the professional associations in the field of emergency management, including some of those represented by my esteemed fellow panelists today.

In closing, when you think about the range of incidents our Nation has faced, whether they are natural or manmade, from hurricanes, tornadoes, flooding, wildfires, active shooters, the Boston Marathon bombing, Ebola, or terrorist attacks, the NDPC training has played a role in the response.

Thank you again for inviting me to testify on behalf of the National Domestic Preparedness Consortium, and I am happy to answer any questions that you may have.

[The prepared statement of Mr. Davis follows:]

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**Prepared Statement of Alphonse Davis, Deputy Director, Texas A&M Engineering Extension Service, on behalf of the National Domestic Preparedness Consortium**

Good morning, Chairwoman Titus, Ranking Member Meadows, and Members of the Subcommittee. My name is Al Davis and I am Deputy Director of the Texas A&M Engineering Extension Service (TEEX). TEEX is a state agency and part of the Texas A&M University System.<sup>1</sup> Since 1998, TEEX has been a member of the National Domestic Preparedness Consortium (NDPC) and I am honored to serve as the NDPC's current chairman.

HISTORY OF THE NDPC:

Established in 1998 in the aftermath of the bombing attack on the Oklahoma City Murrah Federal Building, the NDPC's mission is to enhance the preparedness of Federal, state, local, territorial, and tribal emergency response providers to reduce the nation's vulnerability to all hazards, including natural disasters, acts of terrorism, weapons of mass destruction, and other high-consequence events by developing, delivering, and assessing plans, training, technical assistance, and exercises.

The NDPC is Congressionally authorized and annually appropriated funding through the Homeland Security National Training Program to develop and deliver training for the Nation's emergency responders within the context of all hazards; including chemical, biological, radiological, and explosive Weapons of Mass Destruction (WMD) hazards.

The NDPC is a unique partnership of seven members, including several nationally recognized universities and professional organizations. Our members include:

- The National Nuclear Security Administration (NNSA) Nevada National Security Site (NNSS), Counterterrorism Operations Support (CTOS)—Center for Radiological/Nuclear Training in Las Vegas, Nevada; competencies in the prevention, deterrence and response to radiological/nuclear attacks.
- The Energetic Materials Research and Testing Center (EMRTC) at New Mexico Tech (NMT) in Socorro, New Mexico; competencies in explosive and incendiary attacks.
- The National Emergency Response and Recovery Training Center (NERRTC) at the Texas A&M Engineering Extension Service (TEEX), a part of the Texas A & M University System (TAMUS) in College Station, Texas; competencies in incident management, health and medical services, public works, infrastructure protection, hazardous materials, threat and risk assessment, cybersecurity, executive programs, crisis communications, search and rescue, sport/special event risk and incident management, planning and training gap analysis.
- The National Center for Biomedical Research and Training (NCBRT) Academy of Counter-Terrorist Education at Louisiana State University (LSU) in Baton Rouge, Louisiana; competencies in the prevention, deterrence and response to terrorist acts, law enforcement, biological and food defense/agricultural related terrorism response.
- The Security and Emergency Response Training Center (SERTC) at the Transportation Technology Center, Inc. (TTCI) in Pueblo, Colorado; competencies in

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<sup>1</sup>The Texas A&M University System is one of the largest systems of higher education in the nation, with a budget of \$4.7 billion. Through a statewide network of 11 universities and seven state agencies, the Texas A&M System educates more than 153,000 students and makes more than 22 million additional educational contacts through service and outreach programs each year. System-wide, research and development expenditures exceeded \$996 million in FY 2017 and helped drive the state's economy.

transportation research and testing and providing emerging technology solutions for the railway industry.

- The National Disaster Preparedness Training Center (NDPTC) at the University of Hawai'i (UH) in Honolulu, Hawai'i: competencies in natural hazard risks to coastal region, island and urban communities; natural disaster preparedness, response and recovery planning; and leveraging technology for disaster management applications.
- The Center for Domestic Preparedness (CDP), Department of Homeland Security, Federal Emergency Management Agency (DHS/FEMA) in Anniston, Alabama; competencies in prevention, deterrence and response to chemical, biological, and nuclear attacks involving hazardous materials.

#### NDPC: A NATIONAL TRAINING RESOURCE

Since its inception in 1998, the members of the NDPC have worked tirelessly to prepare the nation for the possibility of catastrophic disasters, training more than three million first responders and receivers, emergency managers, governmental officials and staff members, and their critical infrastructure partners in every state and in each territory.

The NDPC is an entity with deep experience, demonstrable expertise, unique competencies, and a long-standing relationship with DHS/FEMA; one which is trusted by state, local, tribal, and territorial jurisdictions. It supports the national training program mandate to identify, develop, test, and deliver homeland security training to all emergency disciplines.

NDPC resources include:

- Established and mature training infrastructure (e.g., people, training sites, products, processes and systems)
  - Unique training facilities
  - Significant human capital at all levels:
    - 1,138 Subject Matter Professional instructors from across the nation
    - Certified Training and Development Professionals
    - Professional Instructional Design and Subject Matter Curriculum Development Teams
    - Direct access to academia—including advanced research in core competency areas
- Courses that meet and/or exceed FEMA certified curriculum and instructor qualification criteria requirements and support community lifeline sustainment
- Consistency, effectiveness, and efficiency enabled through centralized management with decentralized training and course deliveries.
- Partnerships between NDPC members, academic organizations, and with multiple other Federal Agencies and professional responder associations.
- Continuous improvement via course participant feedback, course evaluations, needs assessments and regularly scheduled course reviews and updates.

#### KEEPING UP WITH EVOLVING THREATS BY BUILDING CAPABILITIES

Today, responders from various disciplines must work together to respond to a myriad of emergencies including natural disasters, active shooters and complex coordinated attacks, among others. By responding together, the number of casualties can be reduced. This requires seamless coordination, which can only be accomplished by planning and training for such emergencies together. NDPC courses give responders and the whole community the opportunity to train together, so they can work together during an emergency to save more lives.

The NDPC has the ability and willingness to continually evolve and be immediately responsive to the unique first responder/receiver training needs of each state through cooperation and coordination with each State Administrative Agency (SAA). The NDPC provides each state with targeted and needed first responder/receiver training to address current gaps and strengthen its identified core capability needs, thus enhancing our nation's preparedness.

#### *Just In Time Training to Protect our Responders*

Immediately after the U.S. Ebola fatality in Dallas, TX, CDP received the mission to develop a course on the safe and effective use of personal protective equipment (PPE) by emergency responders operating in an infectious disease environment. The development team immediately consulted with subject matter experts from the Centers for Disease Control and Prevention and within three days designed and developed an eight hour course. This process normally takes at least 160 hours.

The course was very successful and the demand for training quickly outpaced the CDP's ability to deliver enough courses. To address the high demand for the training, the team subsequently partnered with other members of the NDPC to deliver training across the country. All seven NDPC member organizations mobilized to offer the course across the country to reach as many personnel as possible in the following year. Several members are still delivering the course today when it's requested.

#### *Active Shooter Training*

In one example of the value of training designed for emerging threats, the NDPC has several courses that specifically address the need to improve the integration of law enforcement, fire, and emergency medical services in the response to active shooter events. Courses on active threat integrated response, law enforcement active shooter emergency response, and active shooter incident management are several examples of training delivered in Las Vegas prior to the tragic events of October 1, 2017 on the Las Vegas strip.

#### *Developing Recovery Training*

Following the 2017 hurricanes and the devastating impact of the storms on territories and states including Puerto Rico, Florida, Georgia, South Carolina, North Carolina, Alabama and Texas, the need for training on recovery was identified. As response to the storms ended and recovery began, it became clear that many of the impacted communities were not prepared with the knowledge and skills they needed to quickly aid recovery from such catastrophic events. NDPC members acted quickly by developing courses on damage assessment, debris management, planning and resilience. The training provides the knowledge and skills necessary to enhance and adopt existing plans to better address recovery for the whole community, encouraging coordinated planning and public/private partnerships to support critical infrastructure resilience. The courses also assist communities in identifying and recognizing disaster recovery program resources, informing them of public assistance options and the methods to access those programs. State and local communities identified training needs at all levels, for individual community members, planners and administrative staff, as well as senior elected officials.

#### CONTINUOUS CONTACT AND ENGAGEMENT WITH FEMA PARTNERS AND THE EMERGENCY MANAGEMENT COMMUNITY

We have strong relationships with our FEMA partners and work closely with them to address long-term trends that influence national preparedness; collaborating to design and deliver training that closes critical training gaps. Our partnerships and relationships with federal agencies extend beyond our primary FEMA partners, to departments and agencies with resources and responsibilities related to our training, ensuring accuracy, alignment and relevance to national priorities.

The NDPC actively works with a SAA Advisory Council made up of 12 state representatives, one territorial representative and one tribal representative. The Council and the NDPC meet regularly, actively working together to ensure training needs and gaps are identified, assisting us in creating and delivering training that is truly needed. This continuous engagement also provides valuable insight and feedback on the impact of training, supporting our continued efforts to evaluate and improve training.

#### *Training Gap Analysis*

As a result of the close relationships with the states and the state training points of contact responsible for identifying training needs, the NDPC developed a training gap analysis course: "Readiness: Training Identification and Preparedness Planning (RTIPP)", a whole community approach to creating an effective training plan that identifies and catalogs training goals, prioritizes training efforts, develops improvement plans, and implements a course of action. Communities report that the training was "long overdue for local jurisdictions to make honest and meaningful assessments of our training and readiness gaps." (R. Land, Columbus, GA)

We also have strong relationships with many of the professional associations in the field of emergency management, including some of those represented by my esteemed fellow panelists here today:

- National Emergency Management Association (NEMA)
- International Association of Emergency Managers (IAEM)
- National Association of Counties (NACo)

As well as many other associations critical to our mission and audience including, but not limited to:

National Sheriffs Association (NSA)  
 International Association of Chiefs of Police  
 International Association of Fire Fighters

And many more . . .

LOOKING FORWARD:

In closing, I would like to thank you again for inviting me to testify on behalf of the National Domestic Preparedness Consortium. I want to underscore the importance of each individual in every discipline, the national responder and local, county, tribal, territorial and state organizations and our collective corps of NDPC subject matter professionals; without them, we don't have a mission or reason to exist. Similarly, I want to acknowledge the efforts of our partners in creating a culture of preparedness; namely, the Rural Domestic Preparedness Consortium, the National Cybersecurity Preparedness Consortium and certainly the various organizational components of DHS/FEMA. It is an honor to serve with them all.

Ms. TITUS. Thank you, Mr. Davis.

Ms. WILLIAMS.

Ms. WILLIAMS. Thank you for holding this important hearing today, particularly on the eve of the Atlantic hurricane season.

I am Pamela Williams, the executive director of the BuildStrong Coalition, and it is the honor of my career to be before you today to discuss one of the most transformational pieces of emergency management and resilience legislation since the creation of FEMA.

I join my partners here, the emergency management and resilience community, in our gratefulness for the continued bipartisan leadership and commitment demonstrated by this entire committee to reduce the impacts, costs, and losses of disasters across the country.

Today it is my privilege to serve as the executive director of the BuildStrong Coalition and to testify here before you today on their behalf.

The BuildStrong Coalition, formed in 2011 to respond to an increasing number of severe disasters, is made up of an incredibly diverse group of members, representing firefighters, emergency responders, emergency managers, insurers, engineers, architects, contractors, and manufacturers, as well as consumer organizations, code specialists, and many others that are committed to building a more disaster-resilient Nation.

The BuildStrong Coalition has been a partner with this committee and your work to investigate the causes of and devise solutions to the rising cost of disasters in the United States since you initiated this conversation in 2013, and we appreciated the opportunity to inform several key provisions of the Disaster Recovery Reform Act. I will now refer to this as DRRRA.

The many provisions of DRRRA work intricately together to provide incentives to address some of the country's policies and laws that continue to leave lives, homes, and communities quite vulnerable.

The compelling arguments for these policy changes are grounded in overwhelming science and evidence. Better land use, modern science applied to home construction and increased mitigation measures can dramatically reduce the devastation brought on by these disasters.

Most recently, the National Institute of Building Sciences released a report and reported adopting model building codes can save \$11 for every \$1 invested.

DRRA clarifies that the development, implementation, and enforcement of modern building codes are eligible uses under FEMA's mitigation programs. It also incentivizes States to adopt model building codes by providing recovery funds to replace and restore damaged facilities to the latest codes and standards.

As we have discussed today, the true game-changer for disaster recovery policy in this country is the creation of the National Public Infrastructure Pre-Disaster Mitigation Fund, which is an additional set-aside of 6 percent disaster spending for the purposes of greater investment in mitigation before a disaster.

DRRA gives FEMA the opportunity and the challenge to create a new permanent mechanism to provide substantial funding for cost-effective, risk-reducing pre-disaster mitigation projects.

With FEMA's leadership, the nationwide pre-disaster grant program will impact both public infrastructure and individual preparedness by increasing resilience through State-sponsored safe home grants.

[The prepared statement of Ms. Williams follows:]

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**Prepared Statement of Pamela S. Williams, Executive Director, BuildStrong Coalition**

Chairwoman Titus, Ranking Member Meadows, and distinguished members of the Committee, I would like to thank you for holding this important hearing today regarding the ongoing efforts surrounding the implementation of the Disaster Recovery Reform Act of 2018 (P.L. 115-254), as well as the nation's readiness for disasters, particularly on the eve of the 2019 Atlantic Hurricane Season. I am Pamela Williams, the Executive Director of the BuildStrong Coalition, and it is the honor of my career to be before you today to discuss one of the most transformational pieces of disaster legislation since the creation of the Federal Emergency Management Agency (FEMA), and most certainly since the Post-Katrina Emergency Management Reform Act. I join the emergency management and resilience communities in our gratefulness for the continued bipartisan leadership and commitment demonstrated by the Chairwoman, Ranking Member, and this Committee in reducing disaster impacts, costs, and losses across the country.

BACKGROUND AND INTRODUCTION

My journey here began over 20 years ago, aiding the City of Des Moines, Iowa in recovery from the devastating 1993 Midwest floods. During my career, I have served at the federal, state and local levels, dealing with disaster policy. I have helped local governments adopt and enforce codes and standards as they attempted to rebuild from catastrophe, guided states toward prioritizing disaster preparedness and mitigation efforts, and worked in the trenches with FEMA addressing the consequences of this country's most catastrophic disasters. Most recently, I was honored to serve this Committee for five years, most importantly as the members of this Committee developed the legislative response to the unprecedented 2017 disaster season. I have a deep appreciation for the emergency management profession, the challenges in driving responsible disaster policy, and the tremendous, tireless efforts put forth every day by FEMA, all levels of government, and our private sector partners in trying to get to a better answer on disasters.

Today, it is my privilege to serve as the Executive Director of the BuildStrong Coalition and to testify before you today on its behalf. The BuildStrong Coalition, formed in 2011 to respond to an increasing number of severe disasters, is made up of a diverse group of members representing firefighters, emergency responders, emergency managers, insurers, engineers, architects, contractors, and manufacturers, as well as consumer organizations, code specialists, and many others committed to building a more disaster resilient nation. We are proud to be at the forefront of

this conversation and serve as a rational, trusted expert in the areas of disaster resiliency, mitigation, and preparedness. We look forward to continuing our efforts to raise awareness and increase capacity to help minimize risk and reduce losses to communities, businesses, and families.

The BuildStrong Coalition has been a partner with the Committee in its work to investigate causes of, and devise the solutions to, the rising cost of disasters in the U.S. since you initiated this conversation in 2013. We have been honored to present witnesses and participants in hearings, roundtables, and briefings to identify opportunities for policy changes that promote mitigation and the smart investment of federal resources to address our country's increasing number of severe and costly weather events, including informing several provisions of the Disaster Recovery Reform Act of 2018.

#### TRANSFORMING DISASTER RECOVERY AND MITIGATION

In recognition of unsustainable impacts of disasters, the enormous challenges presented by the recovery needs of the 2017 disaster season, and the increasing proof of the overwhelming benefits of mitigation—particularly pre-disaster mitigation—this Committee introduced and passed the bipartisan Disaster Recovery Reform Act of 2018 (DRRA) and other disaster recovery provisions in the Bipartisan Budget Act of 2018. These changes to disaster law and policy will support and incentivize states and localities to adopt enhanced mitigation measures to protect lives and taxpayer dollars, remove some of the moral hazards that increase risk, and transform disaster resilience in this country. FEMA now has more tools to help impacted communities recover smarter and stronger and end the cycle of build, damage, rebuild.

##### *Bipartisan Budget Act of 2018*

On February 9, 2019, the President signed into law the Bipartisan Budget Act of 2018, which included the first key portion of DRRA adopted to incentivize states to implement risk-reducing measures to draw down disaster costs and losses. The provision provides up to an additional 10 percent in federal disaster funds as a reward to states that take measures that will reduce their exposures to vulnerabilities identified in their mitigation plan.

Not only should this allow FEMA to incentivize and reward states for being proactive, but this is also an opportunity for FEMA to help establish a minimum baseline standard for states to be working toward in their level of readiness, preparedness, and mitigation activities.

##### *The Disaster Recovery Reform Act of 2018*

On October 5, 2018, President Trump signed DRRA into law as part of the Federal Aviation Administration Reauthorization Act of 2018. These reforms amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act and:

- acknowledge the shared responsibility of disaster response and recovery,
- aim to reduce the complexity of FEMA recovery programs, and
- build the nation's capacity for the next catastrophic event by reducing disaster risk and enhancing capabilities at the federal, state, and local levels.

The many provisions of DRRA work together to provide incentives and address some of this country's policies and laws that continue to leave lives, homes, and communities vulnerable. The compelling arguments for these policy changes are grounded in overwhelming science and evidence. Better land use, modern science applied to home construction, and increased mitigation measures can dramatically reduce the devastation brought by these disasters. Most recently, the National Institute of Building Sciences (NIBS) released its "Natural Hazard Mitigation Saves: 2018 Interim Report," concluding that:

- Adopting Model Building Codes Saves \$11 per \$1 Invested
- Federal Mitigation Grants Save \$6 per \$1 Invested
- Exceeding Codes Save \$4 per \$1 Invested
- Mitigating Infrastructure Saves \$4 per \$1 Invested

DRRA provides incentives and rewards through providing the appropriate level of funding to communities who invest in resiliency and stronger building codes, and who make smart pre-disaster mitigation efforts.

Among the key provisions in DRRA:

- enable greater and more consistent investment in pre-disaster mitigation;
- support efforts to reduce risks from future disasters after fires;
- facilitate earthquake-related hazard planning;
- increase state capacity to manage disaster recovery;

- provide expanded funding for individuals and households and greater flexibility to survivors with disabilities;
- grant FEMA the ability to hire and retain a more experienced disaster workforce;
- direct FEMA to reconsider the factors it uses to evaluate a jurisdiction's request for a major federal disaster declaration; and
- require FEMA to update Congress on the development of a national preparedness assessment and efforts to avoid duplication across preparedness grants.

#### *New Tools for Mitigation and Code Enforcement*

DRRA clarifies that the development, implementation, and enforcement of modern building codes are eligible uses under FEMA's existing hazard mitigation programs. It also incentivizes states to adopt model building codes by providing recovery funds to replace and restore damaged facilities to the latest codes and standards. In the wake of a disaster, FEMA assistance may also be available to cover base and overtime wages for extra hires involved in the enforcement of building codes to ensure that recovery rebuilding efforts comply with locally adopted build codes.

Additionally, like other disaster declarations, DRRA allows states that receive Fire Management Assistance Grants to receive post-fire hazard mitigation assistance to help communities recover and prevent deadly floods and mudslides after wildland fires. Finally, DRRA clarifies that activities related to wildfire, windstorm, and earthquake mitigation are eligible for FEMA's mitigation assistance programs.

#### *National Public Infrastructure Pre-Disaster Mitigation Fund*

The true game changer for disaster recovery policy in this country is the creation of the National Public Infrastructure Pre-Disaster Mitigation fund, which is an additional set-aside of 6 percent annual disaster spending for the purpose of funding greater investment in mitigation *before* a disaster. DRRA establishes FEMA the opportunity and the challenge to create a new, permanent mechanism to provide substantial funding for cost-effective, risk-reducing pre-disaster mitigation projects. DRRA provides a significant increase in reliable funding for grants for state, local, tribal, and territorial governments and communities that will enable them to better plan and execute cost-effective risk mitigation projects. With FEMA's leadership, this nationwide pre-disaster mitigation grant program will impact both public infrastructure and individual preparedness by increasing residential resilience through state-sponsored safe home grants. The competition for these resources will create an incubator for best practices, lessons learned, and great ideas for projects and programs that can be tailored at the state and local level to reduce the risks unique to those communities.

### IMPLEMENTATION

As with all significant reforms, we have our work cut out for us. DRRA contains over fifty provisions requiring a program or policy update, revision, or issuance from FEMA or another federal partner. Many of these provisions are retroactive so that they can impact the recoveries in the wake of the devastating 2017 hurricanes and wildfires. Looking ahead, members of Congress should have a great deal of urgency ensuring the objectives and principles set forth in DRRA are adhered to. FEMA has the daunting task to effectively and efficiently implement the law to its fullest extent so that we achieve the meaningful impact that was envisioned by this Committee. Let me make clear, I applaud FEMA for their efforts, transparency, and considerations of the many stakeholders in these measures and their willingness to embrace the challenging task in ensuring the law's implementation. FEMA has done a tremendous job fostering resiliency at every level and has implemented many provisions in DRRA which could be quickly implemented. The BuildStrong Coalition has been engaged by FEMA as a technical partner, bringing the right stakeholders to the table to provide input.

#### *Principles for Implementation*

New funding alone cannot solve a problem of this magnitude. This new investment must be deployed wisely and in a manner that realizes its full benefit. The following represent key principles for guiding the BuildStrong Coalition's engagement on behalf of its members, particularly related to the provisions in DRRA:

1. *Enhance the adoption and enforcement of statewide building codes.* Where practicable, the adoption and enforcement of building codes should be a basic, fundamental program element and requirement, also recognizing the key importance of enforcement and measuring the effectiveness of codes in states.
2. *Competitive program based on risk.* The most competitive projects are those that increase a community's resilience to disasters, saving lives and property.

3. *Competitive program dual focus.* Funding should be directed toward:
  - a. State-led Residential Resilience/Safe Homes Programs
  - b. Cost Effective, Risk-reducing Infrastructure Projects
4. *Reduce disaster risk nationwide.* Assistance should not be confined to only a few states or certain hazards. Disasters impact us all and hazards exist in every state. A nationwide conversation should include how to measure risk and how actions should be weighted to address that risk. A system that uses measures such as the Insurance Service Office (ISO) Build Code Effectiveness Grading Schedule, also known as BCEGS, in addition to other credit calculation tools, would be a good benchmark.
5. *Small allocation to states for capacity and capability building.* States must build a capacity to develop real, working mitigation plans that identify top vulnerabilities and the concrete steps that must be taken to reduce these vulnerabilities. The actions identified in the state mitigation plans and codes must then be implemented.
6. *Promote resilient materials and life safety methods.*
7. *Promote individual and community preparedness.*
8. *Support national response framework lifelines and FEMA's strategic objectives.*
9. *Encompass new construction and retrofitting.* Taking lessons learned from recent disasters, improve the resiliency of multi-family buildings. Encourage disaster resistant techniques for new construction and retrofitting aged mid-rise/high-rise multi-family structures.
10. *Leverage existing work by states, local governments, and the private sector.* Take advantage of existing programs, identify best practices, and incorporate lessons learned.
11. *Leverage existing programs and other streams of funding.* Build upon existing disaster recovery programs that encourage mitigation, such as Public Assistance Mitigation and the Hazard Mitigation Grant Program available post-disaster. Also, programs and guidance must be consistent with other programs and streams of funding in terms of eligible applicants, projects, and program requirements, like the Community Development Block Grant–Disaster Recovery program and the National Flood Insurance Program.
12. *Facilitate partnerships.* Where possible, public-private partnerships and public-public partnerships should not only be facilitated, but encouraged.
13. *Not to augment state staff.* These funds are not intended to be used to hire additional staff.
14. *Simple, scalable programs and guidance that can easily be replicated in and followed by states.* Where possible, establish pilot programs, ensure maximum flexibility and speed of enactment, and avoid lengthy rulemaking and implementation procedures that will delay deployment.

#### NEXT STEPS

The BuildStrong Coalition is working hard with its member and partner organizations to identify the efforts likely to result in the greatest risk-reducing, cost-effective mitigation projects. Similar to FEMA's focus on the stabilization of lifelines across infrastructure sectors, we are also focusing on increasing the resilience of these lifelines through mitigation. Lifelines provide indispensable services that enable the continuous operation of critical business and government functions, and without prompt restoration would risk health, safety, and economic security. Focusing on these lifelines, such as power, water, and sheltering, allow decision-makers to better identify key risks and facilities and more readily target projects that can help protect or restore critical functions during a disaster.

We are also keenly focused on what resilience means to the individual and household. Just last week, our partners at the Insurance Institute for Business and Home Safety (IBHS) testified on resiliency before the Committee on Ways and Means. As IBHS President and CEO Roy Wright testified,

As important as these federal measures are, they will not advance adaptation unless states understand how these funds can be applied to make homes, businesses, and communities less vulnerable to the severe weather scenarios that play out at the IBHS Research Center. It is critical to connect the dots between these new federal grant opportunities and bricks and mortar state programs that can strengthen the built environment for the future. We have partnered with the BuildStrong Coalition to provide technical assistance in making these connections. The DRRRA, once fully implemented, will deliver the largest investment by the Federal government to buy down the risk of natural disasters prior to the devastation occurring.

We look forward to sharing with Congress and FEMA those projects which an individual homeowner can undertake to make the greatest impact on mitigating certain risks, such as wind, water, hail, and fire.

Another critical next step, particularly for the implementation of the additional pre-disaster mitigation funding, is to build capacity at the state level to identify risks and cost-effective projects, then facilitating the development of effective and efficient grant applications and awards. For its part, the BuildStrong Coalition has partnered with FEMA and the U.S. Chamber of Commerce to host a series of resilience summits across the country to help stakeholders develop the capacity to apply for and implement these grants. The first summit will be July 23, 2019, in Washington, D.C. Future meetings will be held in Sacramento, CA, and Houston, TX. Further, through these partnerships we are working to align and leverage other federal resilience programs, such as Community Development Block Grant–Disaster Recovery (CDBG–DR) funds and resources from the Department of Energy and EPA.

Disasters won't take a vacation while we are doing this hard work. This country will undoubtedly be faced with additional catastrophes before DRRRA is fully implemented. Even now, Congress considers disaster-related legislation. I implore you, as the leaders in disaster policy, to remain steadfast and ensure that any disaster-related legislation or infrastructure package remain consistent with the transformational changes of DRRRA, including leveraging the investment of federal resources in a smart, strong way to increase resiliency.

#### CONCLUSION

It will take us years to recover from the destruction caused during 2017 and other recent disasters. The country is currently undertaking one of the largest nationwide disaster recovery efforts in the history. Congress gave FEMA the tools and authorities to ensure that the current recovery efforts result in stronger, more resilient communities. As the 2019 Atlantic Hurricane Season gets underway, we are once again reminded that time is of the essence to ensure that we do everything we can to facilitate the timely implementation of DRRRA, facilitate the streamlining of FEMA's programs, and continue to incentivize mitigation throughout this country. My prayer is that we will be able to see in the very near future how our actions today have had a real impact on helping individuals, businesses, and communities survive disasters.

This committee is to be commended for pushing the reforms to federal disaster spending that put pre-disaster mitigation at the forefront and positioned FEMA on the cutting edge of the effort to rebuild our infrastructure in a way that is fortified against natural disasters. But we cannot take our foot off the gas and must continue our tireless efforts to push for an efficient, effective implementation of the law.

Chairwoman Titus and Ranking Member Meadows, thank you for convening this hearing and raising these important issues. I look forward to answering any questions you may have.

Ms. TITUS. Thank you.

Mr. Noel.

Mr. NOEL. I am not on—although it says 5 minutes for me.

Thank you, Chairwoman Titus, Ranking Member Meadows, and members of the committee, and particularly my congressman, Garrett Graves, for his kind words.

I am here to represent the National Association of Home Builders. I am a custom home builder from LaPlace, Louisiana, and we actually counted the numbers. We are up to 2,000 houses we built now.

And one of the greatest pleasures I have had and one of the most wonderful opportunities was, after Katrina, which was this Nation's worst disaster, we managed to pass a statewide uniform enforced building code in the State of Louisiana. We got 369 jurisdictions under a code with an inspector who was trained within 2 years. It was a masterful feat.

So I know a little bit about adopting building codes and how to handle disasters. We had Katrina. We had Isaac, and then we had Baton Rouge. And we have done a great deal of recovery with that.

Most of the State and local governments that adopt regulations to protect homes and occupants from severe weather events and hazards—but you have always got to remember this, that \$1 that saves \$11, it affects the initial purchase of the home. I can spend money and build homes such that will never pay a claim, but it will be a very small percentage of people that can afford to buy that home. So we have got to delicately balance how we make our homes more resilient and keeping them affordable to the people of America.

The Bipartisan Budget Act contains several directives to make buildings more resilient. The law provides additional resources for implementation of building codes post-disaster. It allows certain funds to be used for code adoption and enforcement and requires repair and rebuilding of federally assisted facilities to follow certain building codes to make buildings more resilient.

Many of these efforts are predicated on acquiring the use of the latest published edition of certain codes or standards. We believe this is too prescriptive, too costly, and does very little to improve resilience and would discourage adoption.

Currently 49 States have adopted a residential code. Those States use as much as sometimes 3 years to review codes before they change codes. The codes are generally updated every 3 years. What happens if you do it repetitively every 3 years, you are having to retrain your inspectors, you are having to buy all new books and get all new equipment. It is better to take a longer time between code adoptions. To tell you the truth, I have been building houses since adoption of the codes and preadoption of the codes. We had a significant change before when we went from before the codes to the codes, about 8 percent increase in cost. That was in 2005, 2006. We have adopted three more codes since then and we really have been building the house the exact same way. There haven't been significant structural changes in the way we build the houses, even though there are three additional codes that we are adopting.

So we take the discovery of DRRA, which was signed into law on October 5, 2018, including the sister provision that defined latest published buildings codes as the two most recently published editions of the codes on pre-disaster mitigation. We believe that this provides States with flexibility to file its own code adoption, implementation, and enforcement process, and will help encourage them to adopt the code.

[The prepared statement of Mr. Noel follows:]

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**Prepared Statement of Randy Noel, M.I.R.M., C.G.B., C.M.P., President,  
Reve Inc., on behalf of the National Association of Home Builders**

#### INTRODUCTION

Chairwoman Titus, Ranking Member Meadows, I am pleased to appear before you today on behalf of the National Association of Home Builders (NAHB) to share our views regarding disaster preparedness. My name is Randy Noel, and I am NAHB's Immediate Past Chairman of the Board. I am also the president of Reve Inc., a cus-

tom home building firm based in LaPlace, Louisiana. My company has built more than 1,000 homes in the greater New Orleans area. As a longtime resident of Louisiana, I have had a firsthand look at what catastrophic disasters can do to communities.

NAHB represents more than 140,000 members who are involved in land development and building single-family and multifamily housing, remodeling, and other aspects of residential and light commercial construction. NAHB's members construct approximately 80 percent of all new housing built in the United States each year. NAHB's mission is to enhance the climate for housing and the building industry, including providing and expanding opportunities for all people to have access to safe, decent, and affordable homes.

Due to the wide range of activities they conduct on a regular basis to house the nation's residents, our members are often required to comply with various FEMA mandates and/or opt to participate in voluntary programs and initiatives to meet their business goals. As such, NAHB has a long history of supporting and participating in many of FEMA's disaster- and resiliency-related activities and the National Flood Insurance Program (NFIP). We have repeatedly demonstrated our commitment to working with FEMA and others to promote sound federal disaster and floodplain management policies and cost-effective, market-driven solutions that maintain housing affordability while balancing the needs of growing communities with the need for reasonable protection of life and property. Today, I would like to discuss with you the role building codes play in disaster preparedness and the need for policies and programs to enable and facilitate the production of resilient homes.

It is clear that the unusual number of significant natural disasters occurring over the past few years, coupled with ongoing concerns over the effects of climate change, have increased awareness of and raised concerns about the resilience of buildings. Although most states and localities are governed by building regulations that are designed to protect homes and their occupants from severe weather events and hazards, some argue that more should be done. But those additional efforts come at costs that not only curtail homeownership and significantly hinder housing affordability, but also can severely impact state and local economies. This is because these policies greatly influence how existing structures and cities are reengineered, rebuilt and/or remodeled and impact how and where new homes and communities are built.

#### BACKGROUND

The Disaster Recovery Reform Act (DRRA) of 2018 was signed into law by President Trump on Oct. 5, 2018 as part of the broader legislation that reauthorized the Federal Aviation Administration. The DRRA, which amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act, reforms several FEMA programs to help states and communities better prepare for, respond to, recover from, and mitigate against disasters of all types. To do so, much of the focus is on two areas: ensuring that buildings, infrastructure and communities are able to absorb the effects of a natural disaster and recover within reasonable expectations and manageable costs; and mitigating potential damage before it occurs.

The unprecedented number and scope of disasters over the past several years and their associated losses have been tragic and sobering. They have impacted lives, businesses and communities across the spectrum, including many NAHB members and our affiliated state and local home builder associations. In fact, when disaster strikes, the Nation's home builders are at the forefront of many of the recovery and rebuilding efforts. As such, NAHB is fully supportive of the continuing efforts to improve the nation's readiness and capacity to respond to catastrophic disasters but cautions that care must be taken to ensure these efforts are comprehensive, flexible, focused on highest risk areas and structures, and that solutions are cost effective for all stakeholders. NAHB stands ready to work with you, your colleagues, FEMA and others to continue to improve the resiliency of the nation and, in particular, the nation's housing stock.

#### BUILDING CODES

The DRRA includes a number of directives targeted at making buildings more resilient, such as providing additional resources for the implementation of building codes post disaster, allowing certain funds to be used for code adoption and enforcement, and requiring repair and rebuilding of federally-assisted facilities to follow certain building codes. Many of these efforts are predicated on requiring the use of "latest published editions" of certain codes or standards.

NAHB has long been a supporter of the development and implementation of reasonable, practical, and cost-effective building codes and standards. We have established a highly knowledgeable and active member committee to oversee and partici-

pate in code development, as well as a seasoned staff team that is dedicated to advocating for builders and consumers. Our participation is evident with ICC, ASHRAE, the National Fire Protection Association, the American Society of Civil Engineers, the American Wood Council, and the American Society for Testing Materials and others, through which we aim to find workable solutions that are both affordable and provide jurisdictional flexibility.

It is with this backdrop that we raise concerns about requiring the adoption of the “latest published editions.” Doing so can be extremely problematic. First, modern codes already are resilient, so increasing the stringency is not necessary. Second, any policy must recognize and accommodate the different risks, building technologies and landforms that occur across the country by specifically allowing the model codes to be amended. Third, each state and local government follows its own code adoption, implementation, and enforcement processes and has limited dedicated resources, which may not be conducive to adopting the latest published codes within the expected timeframes. Finally, although the term “latest published editions” is defined in DRRRA as the two most recently published editions, which would mean, for example the 2015 or 2018 I-Codes, this definition sunsets after five years. Once that happens, FEMA retains the discretion to define “latest published editions” as it sees fit. NAHB believes a literal interpretation is unworkable and unnecessary.

#### *Modern Codes are Resilient*

Building codes are designed to establish minimum requirements for public health and safety for commercial and residential structures. Although they have existed in various forms for decades, building codes in the United States achieved a milestone in 2000 when the three regional code organizations were consolidated into the International Code Council (ICC) and their codes were combined to create the first set of “I-Codes”, which were published in 2000. Although there are other building codes available, the I-Codes are the most widely used model building codes, with some form of the International Building Code (IBC) adopted in all 50 states and versions of the International Residential Code (IRC) adopted in 49 states. The I-Codes are modified through a formal public consensus process every three years. This has resulted in the publication of a new edition in 2003, 2006, 2009, 2012, 2015, and 2018. Work has commenced on the 2021 version of the code and final votes will take place in the fall of 2019.

When the I-Codes were created, a number of major improvements were immediately made to the traditional building code requirements within the residential building code to address issues observed after Hurricane Andrew in 1992 and the California earthquakes of 1989 and 1994. Although additional improvements have been made since the I-Codes’ debut in 2000, the number of changes incorporated into the newer editions of the IRC that dramatically impact structural reliability and occupant life safety within residential structures have greatly diminished. In other words, the modern building codes (e.g., post-2000) have proven to be resilient and the need for triannual updates is not necessary for improved resilience.

Despite this, many believe that homes built following the “latest published edition” of the building code equate to more resilient homes, but that is not necessarily the case when compared to those built to previous editions of the IRC. Homes built to modern building codes—defined as any edition of the IRC—have been shown to be resilient. Evidence from FEMA and others demonstrate the IRC, throughout its history, has been very effective in preventing the destruction of homes due to various storms and earthquakes and significantly reducing damage to wall and roof coverings.<sup>1</sup> Further, because many of today’s new homes are built with additional sustainable and high-performance building features, they are even more durable and resilient.

The successful performance of the IRC is also an indication of the “maturing” of building codes as they have gone through the iterative process of refinement since 2000. While tweaking the code to reflect technological advances will continue, it is clear that major changes aren’t as necessary as they used to be. Similarly, because the codes are nearing a point of diminishing returns in terms of the cost/benefit

<sup>1</sup>For example, FEMA’s Summary Report on Building Performance—2004 Hurricane Season (FEMA 490, March 2005) indicates that “no structural failures were observed to structures designed and constructed to the wind design requirements of . . . the 2000 IBC/IRC”. FEMA’s Summary Report on Building Performance from Hurricane Katrina (FEMA 548, April 2006) states “most structural failures observed . . . appeared to be the result of inadequate design and construction methods commonly used before IBC 2000 and IRC 2000 were adopted and enforced.” FEMA’s MAT Report following Hurricane Irma in Florida (FEMA P-2023, December 2018) states “buildings designed and constructed to comply with the FBC met expectations by performing well structurally.”

ratio, additional updates may not be cost effective. Homes can be built to withstand any disaster, but homes cannot yet consistently be built to withstand any disaster *and* be affordable. New homes built to modern codes are safe. New homes built to modern codes are resilient. There is no need to require adherence to the latest published edition of the code—especially if that is interpreted to mean the most recent version.

#### *Codes Must be Amendable*

State and local governments play a key role in the codes adoption process and determining the value of and need for certain code requirements. For decades, state and local governments have been responsible for evaluating each new edition of the model consensus-based building codes and determining which provisions are applicable within their borders. This is done after a thorough consideration of risks, costs, technology, and resources, among other factors. Some states make few changes to the model codes, others hand-pick the provisions and/or amend certain requirements, and others use the model code as a baseline to create their own state-specific code.

DRRA acknowledges the need to recognize “standards, and amendments made by State, local, tribal, or territorial governments during the adoption process,” and, in fact, the ability of state and local governments to tailor building codes and amend them, as needed, to fit the needs of their communities and protect their citizens is one reason the model building codes work. Under this rubric, Nevada is free to identify the risks it faces and adopt the codes that are best suited to its locale, geography and economic conditions, while North Carolina is able to do the same. In fact, the model codes are intended to be tailored and amendments are made to nearly every code that is adopted at the state or local level, whether it applies to only the administrative requirements or major rewrite of the entire document. For example, North Carolina adopted its 2018 building codes based on the 2015 I-Codes on January 1 of this year with 38 pages of amendments.<sup>2</sup> Similarly, Nevada adopts the building codes at the local level, but collaborates statewide on the amending process and had 14 pages of amendments on the residential code alone.<sup>3</sup> Implementation of the new statute must not alter this vital underpinning and must allow and embrace amendments.

#### *Code Adoption Processes Vary*

Evaluating and adopting a new building code is a time consuming and costly undertaking—one which oftentimes requires state legislative, as well as administrative action. The multi-step process typically entails public hearings, comment periods and appeals—an administrative procedure that can take over a year to complete, not counting the transitional period between when the new code is approved and when it takes effect. This additional time is necessary so that builders and code officials can be trained on the new requirements, how they are to be implemented, and how compliance will be measured and enforced in the field.

Recognizing the level of effort required to update the codes, coupled with resource constraints and the controversial changes made to the 2009 and 2012 IRC codes (unrelated to structural integrity or resilience, including the mandatory requirements for fire sprinklers and stringent energy code requirements that increased cost, mandated the use of particular building products and systems, and created unintended consequences such as mold and moisture issues), many state and local governments have elected to follow a six-year or longer cycle for updating their building codes. In this way, they are able to maintain building safety without compromising their ability to oversee, administer and enforce the requirements or keep up with emerging technology.

Given these realities, mandating the adoption of the “latest published editions” creates an unintended disadvantage for many states and localities that, under other measures, would be considered to be fairly up to date in maintaining their codes (e.g., following a standard and predictable process and timeline). FEMA must value and recognize state and local governments that make good faith efforts to adopt and enforce modern codes and defer to state and local expertise in determining which building codes are appropriate.

In sum, those who call for the adoption of more stringent and costly building requirements fail to understand that this would do very little to provide further pro-

<sup>2</sup>See Summary of NC State Building Codes Amendments at Code [http://www.ncdoi.com/OSFM/Engineering\\_and\\_Codes/Documents/2018\\_NCBuildingCode\\_amendments/2018\\_NCBuildingCode\\_amendments.pdf](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Documents/2018_NCBuildingCode_amendments/2018_NCBuildingCode_amendments.pdf).

<sup>3</sup>See Southern Nevada Amendments to the 2018 International Residential Code at [http://www.clarkcountynv.gov/building/plan-review/Building%20Codes/2018\\_IRC\\_Amendments.pdf](http://www.clarkcountynv.gov/building/plan-review/Building%20Codes/2018_IRC_Amendments.pdf).

tection from natural disasters. Any by, inappropriately focusing on new construction, this would create hardships for state and local governments, and would make new housing prohibitively expensive for hard-working families at a time when the nation is already suffering through a housing affordability crisis. A better approach is the swift implementation of DRRRA's various mitigation, funding and assistance programs with a specific focus on making the existing housing stock more resilient.

#### PRE-DISASTER MITIGATION

The DRRRA includes a number of actions related to improving the ability of existing structures to withstand catastrophes, including the creation of the National Public Infrastructure Pre-Disaster Mitigation Program, which allows the President to set-aside up to 6 percent of the amount appropriated to FEMA's disaster relief fund for pre-disaster mitigation. States and tribal governments that have received a major disaster declaration in the past seven years will be eligible to competitively apply for these grants, which estimates suggest could range from \$800 million to \$1 billion annually. NAHB asserts that increasing the resiliency of the existing housing stock would be a prudent use of this funding stream.

One hundred and thirty million homes out of the nation's housing stock of 137 million were built before 2010, and therefore, most were not subject to the modern building codes that are now in effect. Equally problematic, the latest Census statistics show the number of homes built before 1970 that are taken out of commission is only about six out of every 1,000 being retired per year. These low rates of replacement mean that the built environment in the U.S. will change slowly and continue to be dominated by structures that are at least several decades old. Indeed, optimistic estimates suggest that if 1.2 million homes were built every year, after 20 years only 16 percent of the conventional housing stock would consist of new homes built between now and then. In comparison, 68 percent would still consist of homes built before 1990.<sup>4</sup> Clearly, these statistics demonstrate the impact that more recent improvements in development and construction practices and building codes can have on the built environment is limited because they largely focus on new construction, and points to the need to proactively address the existing housing stock.

Many of the post-disaster investigations support this conclusion. For example, in FEMA's Mitigation Assessment Team Report regarding Hurricane Sandy, the summary reads, "Many of the low-rise and residential buildings in coastal areas [that had observable damage] were of older construction that pre-dates the NFIP."<sup>5</sup> Similarly, the Insurance Institute for Business and Home Safety stated in its preliminary findings report for Hurricanes Harvey and Irma that, "[t]otal destruction from wind occurred to mobile homes, as well as older site built conventional homes," and "[n]ewer homes generally performed better than older buildings."<sup>6</sup>

As policymakers seek to mitigate the effects of future natural disasters, they need to create opportunities and incentives to facilitate upgrades and improvements to the older homes, structures and infrastructure that are less resilient to natural disasters because they were built when there were no national model codes in existence or constructed following codes that are now outdated.

#### HOUSING AFFORDABILITY

The DRRRA directs FEMA to enact a series of reforms to strengthen building code adoption and enforcement, authorize new resources for pre-disaster mitigation and identify new eligible mitigation activities, among others. Those related to the enactment of more stringent codes and the provision of additional funding streams are the ones most likely to impact the residential construction industry and, more specifically, housing affordability.

Many people cannot afford to purchase a home, much less one that exceeds current building requirements. In Louisiana, after the new code was adopted, builders saw an increase in construction costs of about 8 percent. Obviously, those costs are passed along to the consumer and can have a significant impact on the pool of eligible buyers. Indeed, NAHB estimates that in 2019, a \$1,000 increase in the median

<sup>4</sup> Emrath, Paul, Ph.D., *More New Homes Needed to Replace Older Stock*, National Association of Home Builders, August 2, 2018.

<sup>5</sup> Federal Emergency Management Agency, *Mitigation Assessment Team Report Hurricane Sandy in New Jersey and New York*, November 27, 2013.

<sup>6</sup> Brown-Giammanco, Ph.D., *Hurricanes Harvey and Irma—IBHS Preliminary Findings Report*, Insurance Institute for Business & Home Safety, May 19, 2019.

new home price would price 127,560 U.S. households out of the market.<sup>7</sup> But compliance with many code changes and building retrofits can be significantly more costly than \$1,000. For example, cost increases range from \$4,800–\$14,000 due to the changes from the 2006 to the 2009 code.<sup>8</sup>

At the end of the day, stricter construction standards and mitigation come with a price tag. Regardless of the level of benefit, some entity has to provide the upfront funding required to conduct the construction or mitigation activities or they will not occur. This is where the challenge lies for most consumers and homeowners. Just because more stringent codes or pre-disaster mitigation may provide a benefit doesn't mean it can or will be implemented. While the increased funding from DRRRA can help, because most of these sources have been consistently oversubscribed and target the highest risk structures, it is unlikely they will be able to fully serve the array of mitigation needs associated with existing housing. New sources, avenues, and incentives must be found.

One alternative that has been used in several states is providing insurance discounts for conducting specific activities. In Texas, the state's hurricane insurance pool, the Texas Windstorm Insurance Association, offers premium discounts of 19% to 33% for building code compliance. In Rhode Island, insurers are required to waive the hurricane deductible for insured homeowners who voluntarily implement mitigation measures that are specified in the insurance regulation.<sup>9</sup> These programs have proven to be popular, as they provide value through loss reduction, yet enable and facilitate broader participation through reduced costs. The recognition and expansion of programs like these is one way to engage participation while avoiding hefty fees.

Another alternative is to recognize the value of the above-code measures and/or mitigation investments within the lending process—a practice that could apply to both new and existing construction. Under current practice, in most instances, mortgage companies, appraisers and real estate professionals do not consider the costs or benefits associated with the various resiliency upgrades that DRRRA promotes. This creates a disincentive to take proactive steps to reduce a home's exposure, as those expenditures are not necessarily considered to add value. If the improvements are not included in the appraisal or appraised value of the structure, not only is the buyer uninformed about the home's qualities, his or her willingness to pay more can be significantly diminished.

In an effort to spur private investment in resiliency, the value and benefit of above code practices and mitigation measures should be incorporated into standard real estate lending practices and real estate listings. By recognizing and valuing the upgrades, appraisers can consistently give weight to these improvements in their valuations, lenders may reconsider qualifying loan ratios, realtors can promote their benefits, and homeowners would get assurances that the investments they have made will retain value and be recognized in resale. Homes will also get the upgrades needed to better weather storm events, thereby reducing future damage, insurance outlays, and homeowner displacement—the very purpose of many of DRRRA's directives.

Other opportunities to facilitate, incentivize, and offset the costs of voluntary above-code construction and/or pre-disaster mitigation include tax incentives, grants, the creation of a weatherization assistance-like program for resiliency, and other financing programs. Clearly, FEMA cannot solve this issue on its own, but it can work within the DRRRA framework to lay the groundwork for future collaborations.

#### MOVING FORWARD

Sound building codes are already in place in most communities and they are doing their job. As FEMA considers and takes action to implement the various directives of DRRRA, NAHB remains concerned with how any expansion of federal authority over state and local governments' ability to adopt location-appropriate building codes and take other steps will impact where and how homes are built and severely constrain the production of affordable housing. NAHB is also troubled by the inappropriate focus the adoption of the most recent versions of codes places on new construction at the expense of the existing housing stock and strongly believes that ex-

<sup>7</sup>Zhao, Na, Ph.D., *NAHB Priced-Out Estimates for 2019*, National Association of Home Builders, January 2, 2019.

<sup>8</sup>Home Innovations Research Labs, *Estimated Costs of the 2015 IRC Code Changes*, (Report No. 5946-002\_11192014, January, 2015)

<sup>9</sup>Frith, Alan, *Developing a Comprehensive Wind Mitigation Incentive Program Is Complicated, but Modeling Simplifies the Task*, AIR, September 25, 2017.

panding the mitigation opportunities and targeting them to existing structures could help to better manage and more evenly distribute the risks.

We strongly urge FEMA and this Subcommittee through its oversight role to focus any efforts related to housing on cost-effective, market driven solutions that encourage greater resiliency in the nation's housing stock while preserving housing affordability for both new and existing homes. Further, given our members' knowledge and experience building homes and communities—activities that place them on the front lines in terms of designing, planning, and building to reduce risks and minimize future losses—we stand ready to assist and help deliver positive results and help FEMA reach its goals.

#### CONCLUSION

I would like to thank the Subcommittee for the opportunity to testify today and share NAHB's views. The nation's home builders have long supported the adoption and implementation of building codes as a way to ensure the homes we build are solid and safe. In doing so, what has become clear is that with each new home we build, we are transforming our communities into resilient cities of the future.

Ms. TITUS. I am afraid we are down to 55 seconds to get over there and vote. So the committee will stand in recess. And we will reconvene 10 minutes after the end of the last vote to ask questions. And we appreciate it and apologize and we will be back and then you all can continue this discussion.

Thank you very much.

[Recess.]

[5:29 p.m.]

Ms. TITUS. The committee will now reconvene for questions of the second panel. I want to apologize for keeping you waiting, but thank you very much for staying, because this is a very important topic. You can tell every member of the committee has something particular to their district and cared very much about the topic so it has been very important to us.

As I listen to all of your comments, abbreviated though they were, it seems to me some themes came out. One, you want transparency, one you want to be at the table, and one you want it sooner rather than later, especially in terms of the guidance so as least you know what to prepare for.

So with those things in mind, I would like to ask you because you have all been involved in this from your different perspectives for a long time. If you could share your experiences in your particular organization under previous legislation, like the Sandy Recovery Improvement Act or the Post-Katrina Emergency Management Reform Act and now DRRA.

What have we learned from those that we can now do better? What is working better now already? Could you just kind of compare your experiences and let that kind of inform our decision-making as we try to implement DRRA in the near future? And we will go back and start at this end and maybe just move down or jump in. Whatever.

Ms. Merick?

Ms. MERICK. Thank you very much. You know our experiences, DRRA versus SRIA, I think that SRIA overall the implementation of SRIA appeared to be more agencywide focused. The DRRA implementation currently seems fragmented throughout the agency. With that being said, some of the DRRA provisions are much larger in scale and scope than those of SRIA, so some differences are to be expected.

I think the mitigation program and the piece of that has to have top priority. And we have to take a look at that and we have to do it through interagency. And that is the difference for us on this one versus SRIA.

Ms. TITUS. OK. Thank you.

Mr. CROSSLEY. I would agree with Director Merick, so we are both from Ohio, so I have been there about 4 years now. And I would say that the post-Katrina addressed a lot of the perceived failings in both local and FEMA. And then the post-Sandy act was processed internal.

And then with DRRRA, I think the criticality of one is just massive focus on mitigation funding. I mean that is just key. Resilient infrastructure, enhancing building codes, just sort of pushing it down and encouraging us and enabling us to say this provides the benefit to be more resilient. And I think that one of the keys is going to be also from a FEMA perspective is engaging representatives of the various interested parties or the impacted parties, let us just call it impacted, because at the local level, the State is normally the grantee and we are the subgrantee. The State has X amount of flexibility and we really need similar flexibility at the local level to look at our programs, look at how we are structured, and use the funds that can really drive resiliency in our community.

So I think you have a real opportunity here as I stated to continue your oversight of FEMA, but also to encourage them to say we need you to reach out to the stakeholders and make sure that as you develop these timelines, as you develop the guidance, that at a minimum you consider their viewpoint. At a maximum you really start taking it to heart and putting it in the guidance that you—and considering the impact, especially being from a county that the county rolls down to other communities within that county.

Ms. TITUS. Thank you.

Mr. Gore.

Mr. GORE. It is interesting because I look at this from a couple different aspects, one is what have we gone through? And then what is our hope for DRRRA, what is our real hope? Because it hasn't been implemented yet. And so, you know, what we have encountered is extreme professionalism and great work with FEMA on the ground. We have not had problems with our field offices, with them being as clear as possible as what they could foresee what would happen at headquarters. Right? You need to send this in. We are going to work with you on the ground. We are going to make sure there is not clawback on the back end. We are going to verify all your costs. We are going to put the people on the ground to do this.

So the biggest thing for us with Sonoma was once it goes to headquarters right now understanding that they are overloaded and we want to work with them to do it. Unfortunately, it can become a black hole, just like the question for you with guidelines and you all when you were talking about oh, are you going to come out with guidelines 1 year from now or 1½ years from now.

So the hope is definitely that the pre-disaster mitigation funds the enhanced area becomes a new paradigm. Even that up to \$200

million to \$300 million a year, that is not a substantial investment compared to you all appropriating an additional \$100 billion to \$150 billion a year. So you can see where you have to do—agencies like the Forest Service when I worked at the U.S. Department of Agriculture have the same issue. So it is more about what we want to achieve out of it. And I just continue to say that the—how do we be a part of that? Because right now, just like you asking, it seems like FEMA saying, well, we are going to come out and do a report. Well, what about all this?

Thank you.

Ms. TITUS. Thank you. Yes, sir.

Mr. DAVIS. My perspective, Madam Chairwoman, is from basically someone who went through Katrina and recovery in Katrina. Then I was on several forums after Sandy, and then now we deal with this.

And as the chairman of the National Domestic Preparedness Consortium, what we have observed, especially after Harvey, is that the training needs to be a component of it, the awareness part, because at the end of the day, it is the local level, it is the elected officials, the appointed officials understanding all these things, timelines, the mechanics of what forms and other type of things. So I would say a man—well, I shouldn't use the word "mandate." Guidance on that training and education and awareness on whatever act needs to be a part of it.

Ms. TITUS. OK. Thank you.

Ms. Williams, briefly.

Ms. WILLIAMS. So one of the most important things that we saw during the Sandy Recovery Improvement Act was a phased implementation through a lot of pilots, field testing, and there are absolutely the opportunities to do that in DRRRA. I know the State emergency managers' BuildStrong Coalition have communicated a lot of our driving principles and things that FEMA should be looking at in considering this. But they shouldn't let the perfect be the enemy of the good. And there are many, many opportunities to start phasing this in and start making the meaningful changes right now.

Ms. TITUS. Thank you. Uh-huh, Mr. Noel.

Mr. NOEL. Thank you. Having lived through Katrina, as my friend, and adopting the building code and watching the interaction between the legislators that had to adopt that building code between the place where the disaster was and the rest of the State where it was not, they have to have some flexibility in adopting that code. If you try to mandate the latest published code and you have no changes and no amendments on it, you are not going to get them adopted. That is the problem with that.

Further, we had to stand up code offices. We needed money to stand up those code offices. We were blessed. We got \$11 million out of Governor Blanco. We got about \$12 million out of FEMA, and we got another \$10 million out of HUD.

It took \$34 million to stand up those code offices. They are going to need money to stand up those code offices because they have got to train inspectors. They have got to find those inspectors. They have got to pay those inspectors to make this thing work. But it does work.

The legislature that voted against the adoption of the building codes went after Rita, Gustav and Ike and saw the houses that were built to the building codes and saw how much less damage was there versus Katrina. They were believers after that happened. So I am a 100-percent believer in that, but you do need to have some flexibility when you are adopting codes.

Ms. TITUS. Thank you. Well, thank you very much.

Now, Mr. Palmer.

Mr. PALMER. Thank you, Madam Chairman.

On that theme, Mr. Noel, every State has its own building code. So are you advocating for a Federal code for post-disaster rebuilds, or are you—I want to understand what you are asking for. On where you are involving Federal money in a post-disaster rebuild, are you asking for a Federal code to apply where Federal money is involved, or are you—tell me—

Mr. NOEL. The post-disaster adoption of a building code, you need to give some flexibility to the jurisdiction to be able to adopt a code that could go back as far as two cycles. Many have already adopted them, and they can then adjust them. But the need to have some ability—

Mr. PALMER. Who are you talking about those adopting those codes? Are you talking about the States or the localities?

Mr. NOEL. The State.

Mr. PALMER. OK. So what—I am trying to work this out because you have got some federalism issues involved here. You are involving Federal money, grant money. And what I am trying to get to is are you—see, my perspective is, is that the States that are in disaster-prone areas need to reevaluate their building codes period and whether it is a new build, a rebuild, a renovation.

We ought to be building resiliency into those structures, whether it is a road, a bridge, building without having to tie it to a Federal grant for disaster recovery. Is that—I mean, is that what you are suggesting?

Mr. NOEL. The building codes that we have adopted since 2000 have been pretty resilient.

Mr. PALMER. We? Who is “we”? Is that Louisiana? Is that the home builders?

Mr. NOEL. That is when we did the studies across Florida with the storms that went there. Texas A&M was doing a study for us. When you looked at Mexico Beach, the houses that were still standing—

Mr. PALMER. Right.

Mr. NOEL [continuing]. Were codes built in the last few years, codes that were adopted.

Mr. PALMER. Well, I am from Alabama. What I want to know is, is this—when you say these building codes, have they been adopted nationwide by a—

Mr. NOEL. It is 49 States that have adopted the code.

Mr. PALMER. OK. That is what I wanted to get at, because I think that is where we need to be is part of our overall approach to this is, in terms of mitigation, is building resiliency into the structures. And it is not just—and the physical structures like a house or an office building or a school. It needs to apply across the board to infrastructure like roads and bridges and other structures

as well so that we are not having to rebuild the same thing time and time and time again.

Mr. NOEL. That is why I wonder why utility power lines aren't in the ground. They are on poles.

Mr. PALMER. That is a good point. And, you know, one of the things that, after the hurricane that hit Puerto Rico, we had a meeting with some of their folks and talking about the fact that there were utility poles that were on the ground prior to the hurricane. And under the Stafford Act, they could go in and put up the poles that were knocked down by the hurricane, but they couldn't put up the ones that were already down, which really doesn't make sense, and you are putting back the same thing so the next major storm like that takes them down again.

I was talking with you, Mr. Gore, earlier about some of these other issues related to that, and you were nodding about how we do this mitigation to reduce the cost of these storms. And I think if you spend the money on the front end, you save a whole lot more on the back end. You want to comment on that?

Mr. GORE. Well, I think that is appropriate. And as we saw in your briefing, whether it is the \$1 going to \$11 in value or it is the mitigation dollars really being not on the code side but the mitigation dollars, \$1 investment in mitigation and \$6 in disaster, absolutely.

You know, what we are dealing with, and as we have talked about this is a considerable amount of help on the ground to put together like our post-disaster hazard mitigation programs with FEMA. But then ultimately going through the State and then going through the Federal area, the same exact grants that we were encouraged to apply for to use to help our rebuild are delayed so long that our rebuild is 50 to 70 percent done by the time that \$5 million with a \$1 million cost share hits the ground.

And, you know, some of those could even be off-the-box, cookie-cutter approvals. Everything is site specific, but if you are talking about home hardening, raising homes, other kinds of things like that, to have a year and a half of review on those things and bureaucratic responses, "we will get to it when we can," it is difficult on the ground.

Mr. PALMER. One of the things I think we could do, if I may continue for a little bit, Madam Chairman, is working with administration is, on a situation like this, have a one-stop-shop where you get the agencies that have got to give you the permits and the approvals all working together so that you are not having this long, drawn-out process.

And the other thing, I ran a think tank for 25 years. Prior to that, I worked for two international engineering companies, and our oversight of the money I think becomes important on the longer term projects. I think on the front end, you have got to appropriate the money—I said this earlier in that first panel—to meet the immediate need, you know, the search and rescue, the medical needs, the water and food and things like that, shelter.

But as you start to rebuild and the cleanup, I think we ought to approach it like an engineering company where we would pay 20 percent upfront to get the contractors on the ground, stage and everything, and then you pay the invoice after that. It gives you a

better oversight mechanism, allows, again, better use of the money. And I think you would get a lot more bang for the buck if we approached it that way where we are actually managing the projects and exercising the appropriate oversight level at the agency level and from Congress.

With that, Madam Chairman, I appreciate your indulgence. I yield back.

Ms. TITUS. Absolutely. Thank you for the suggestion.

Now Mr. Huffman.

Mr. HUFFMAN. Thank you, Madam Chair.

And thanks to the witnesses especially for your patience as we were interrupted by that last vote series.

Supervisor Gore, good to see you again this week. And as I was explaining to Deputy Administrator Kaniewski, we cannot go back in time, obviously, and fix problems that were caused by the communication breakdowns on the ground following our North Bay wildfires in 2017. But we should be drawing as many lessons as possible from them as we look ahead, and so I want to ask what you believe FEMA should take away to make sure they are better prepared to work with other counties and potentially our county next time around.

Mr. GORE. Well, if I was sitting here in the place of Mr. Kaniewski before and a lot of this was saying how fast can you implement, how can you get this guidance out, how can you get this funding out, I would be looking back at this panel and saying I need the resources to be able to do it, right.

So, first and foremost, the people we work with at FEMA have been great. They are overloaded. But once again, the idea that—whether it is the HMGP program on the ground, you applying for it and it taking a year and a half for it to come back, number two, is even before our fires the year before, floods that came in—you know, in your district, you fought for this tooth and nail successfully, and we got those qualified for FEMA funding.

But this last year we had a flood, and the roads became worse after we had been approved for funding that never got appropriated. Those kinds of things are definitely, as we talk about, there is a logjam somewhere. And that is frustrating for field staff on the ground too.

So I don't mean to hate on it, but, you know, I used to work at the U.S. Department of Agriculture, and sometimes we would get more mandates with less staff. Our budget out of the President's office would be for less staff to cut, but then our mandate for farm bill programs to get out in the community would be more. You can't do that.

So I just think—I looked at his presentation, and I think he is trying to justify, rightfully so, the hard work there. But how do we give him the capacity and the partnership to try pilots out in the field, to work with us, to work with the National Association of Counties to touch 3,000 counties? And in a sense, right now, they are locked up. So anything you guys can do to help them reach out to us—

Mr. HUFFMAN. Fair point. Fair point. And we are in appropriations season, so it is a good time to think of that side of this as well.

I want to ask you about something that my colleague John Garamendi was referring to as the disaster industrial complex and some of the frustrations that can be experienced as a result of that. Talk about quality control for contractors on the ground and what we saw in Sonoma County with FEMA preselecting contracts. Obviously, that can be a good thing when you have to rush in and respond to a disaster, but if there is not quality control, if there are miscommunications, we have a few lessons to learn there as well, don't we?

Mr. GORE. The disaster industrial complex, which is referring to all of the consultant teams and the different—whether it is debris removal or people representing you before FEMA, this whole idea of the capacity coming into your county and your local agency to assist you and you contracting them to do it, the reason that that exists is because the system is so complex that you can't do it on your own. You can't afford to have that kind of capacity at a local level all the time because you would be spending too much money waiting for a once-every-5-year disaster.

The complexity drives that, and then all of a sudden you get into this world where contracting just kind of falls upon you. One of the things that I have talked about is not just how I encourage other counties, and I hate to say the word "mandate," but as a part of our local hazard mitigation plans we should be selecting pre-event contractors for our work.

Imagine on the ground, Sonoma or one of the other thousand counties, you get hit by a disaster, and you have all of these people jumping in, and you don't know if they are charlatans or good or whatever. And then you have got to do an RFP in the middle of it. And so you can do no-dollar pre-disaster contracts and things like that, and I think that is something that needs to be looked at because, otherwise, everybody is just kind of trying to figure it out on the fly.

Mr. HUFFMAN. Very good.

I yield the balance of my time. Thanks again to the witnesses.

Ms. TITUS. Thank you.

Mr. LaMalfa.

Mr. LAMALFA. Thank you, Madam Chair.

Mr. Noel, I wanted to cover maybe some of the same ground that was maybe done already, but when the DRRRA was put in place, it directed FEMA to have particular guidelines on increasing the Federal cost share up to 85 percent. Now, did I hear you tell Mr. Palmer that you think 49 States have already adopted the code in order to meet that Federal standard? Is that right? Or what did you say to him?

Mr. NOEL. There are 49 States that have adopted building codes.

Mr. LAMALFA. Yeah. The newer ones, 2018.

Mr. NOEL. Well, no. They are—I don't know what the count was. Most of those States right now on 2015.

Mr. LAMALFA. On 2015, yeah.

Mr. NOEL. Yes. They don't adopt codes that fast. I mean, they take about 3 years to 4 years to have some time to review the code, make sure there is no errors in the code.

Mr. LAMALFA. But the provisions of the bill require that, in order to kick up to an 85-percent reimbursement, you have to have the 2018 codes adopted by your State and in place, right?

Mr. NOEL. Latest published consensus code, right.

Mr. LAMALFA. And being implemented, right?

Mr. NOEL. Right.

Mr. LAMALFA. OK. So—

Mr. NOEL. And in compliance.

Mr. LAMALFA. So, in order to have success in this, what should—what do we need to be communicating to FEMA to help to find these building codes in that guidance? What do we need to do to push them along or have success—some more eligibility for that 85-percent level is available to these communities and to those wishing to build or rebuild?

Mr. NOEL. We are hoping that the definition of “latest published codes” is the codes out of the last two cycles and that the State and local jurisdictions can amend the codes so that they can comply.

Mr. LAMALFA. You are hopeful. So—

Mr. NOEL. That is what we hope.

Mr. LAMALFA. So it is really going to be up to the States to get with it?

Mr. NOEL. Right.

Mr. LAMALFA. Or is this—

Mr. NOEL. At the end of the day, the State and the local is going to have to adopt the code.

Mr. LAMALFA. Yeah. Is there something on the FEMA side we can do to provide some way to expedite that, some additional flexibility—

Mr. NOEL. Well, we have got the language—

Mr. LAMALFA [continuing]. To get that success, you know, for—you know, obviously northern California has been ravaged by wild-fire in my area, Supervisor Gore’s area, you know, and so we have to battle to get augmentations above the 75 percent. So what is it we could be doing on this end in defining how FEMA—what do you see FEMA doing to help define that?

Mr. NOEL. We think FEMA looking at the jurisdictions and making the request, looking at the code they already have adopted, seeing that it is working to mitigate the disaster and making sure that it is adopted and it is no older than two cycles, which is 6 years, 3-year cycles when you are dealing with the particular international codes. There are other codes beside the international codes. And then, if they do State amendments or local amendments, FEMA is going to make sure that they don’t take something that mitigates that particular disaster out of the code.

Mr. LAMALFA. OK. Yeah. They don’t want to take inaction. That makes them ineligible?

Mr. NOEL. Right.

Mr. LAMALFA. Right. So—

Mr. NOEL. We need FEMA to be able to have the flexibility to do that.

Mr. LAMALFA. And how do we get that flexibility from what you see of the 2018—

Mr. NOEL. Well, largely, if we support the adoption of the language that was in the—what is that?

Mr. LAMALFA. The 2018—

Mr. NOEL. [Inaudible] amendment because it is two code cycles back and then local and States can amend the code, because there are some things in the code that have nothing to do with the disaster and mitigating from the disaster that doesn't need to be adopted.

Mr. LAMALFA. So, when you say two cycles back, how far does that go: 2012 or so?

Mr. NOEL. It would be—if it is 2018 is today, it would be 2012, yeah.

Mr. LAMALFA. Wow, OK. So we have requirements to catch up to 2018, but there is still a lot of people operating on 2012 and maybe falling out of eligibility?

Mr. NOEL. Most of the adoptions that we have reported are 2015. It is just a handful of them that are less than—older than that. And there is not a real significant jump from what was in 2012, 2015, of 2018 from a structural standpoint.

Mr. LAMALFA. No. I expect it is probably narrow bits that were updated and not the entirety of the whole code, right?

Mr. NOEL. Right.

Mr. LAMALFA. So what do we need to carry forward from today, urging States to adopt or to have more flexibility by FEMA to recognize the effort that a State is being made and make them—and deem that as eligible for 85 percent?

Mr. NOEL. That would be having FEMA recognize that there is some flexibility in those adoptions as opposed to the latest published code in toto.

Mr. LAMALFA. Do you believe from your experience that FEMA has the latitude to build and recognize it that way?

Mr. NOEL. Yeah.

Mr. LAMALFA. You do?

Mr. NOEL. Right? Yeah.

Mr. LAMALFA. All right. We will have to ask the FEMA folks then. All right. Well, thank you, Madam Chair. I will yield back.

Ms. TITUS. Thank you.

Do any other panelists want to comment on the building codes issue?

Mr. CROSSLEY. So I would say you are challenged. So I am at the local government level. And when you are—so the biggest argument I hear—I have been doing this for 20 years—is continuing to pay for the same things. So we maintain repetitive loss property list at the local and State level because we are paying out on the same houses under the flood insurance program. It is sort of the same concept.

So, if you have a disaster that is large enough in impact, which is uninsured losses, that the Federal Government helps to rebuild that community, then it seems to me that if you want to say—sort of when they went on the coast of Mississippi, and they said, “If you are going to rebuild, you have to put your house on stilts,” that it just makes sense.

If you think about it from a—it is Federal dollars, which is everybody's dollars going into this pot to help rebuild this community; let's put some standards on that. And that while there are statewide building codes, depending on the form of government in

different States, a community may or may not have a building code because of the way that counties can rule themselves, if you will, home rule.

So I think—and I would encourage that if you are going to take Federal dollars to rebuild, which is everybody, basically the whole country helping you rebuild, that we don't want to come back in 5 years and rebuild the same thing.

So because, for example, resilient infrastructure, bridges, roads, all that kind of stuff, that not only helps if there is a disaster, it also helps it last longer. I mean, it seems to me that you have an opportunity here under DRRA to say, "We understand you want the money," so it is the same thing with the—everybody has to have a hazard mitigation plan. If you don't have it and you have a federally declared disaster, you have a year to write one or you have to give back all the Public Assistance you got for your disaster. I mean, and that is already in statute. So I think you have an opportunity here, Congresswoman, to say, "We are going to help you, but there are some standards around it, and we don't want to come back in 5 years and do all this again." So I would—I think it has its place.

Ms. TITUS. Ms. Merick.

Ms. MERICK. The only thing that I would add to that is that there does have to remain the flexibility because, as we look at the Nation and we look across our States, each of our counties and our municipalities all have different levels of capability. So I think both of those being put into the process would help in our implementation moving forward.

Ms. TITUS. And there is some flexibility in the statute now though that looks at those local standards. Isn't that correct? I see nodding heads.

Well, thank you. I know, Ms. Merick, you have got to go. Looks like it is just you all and me, so we will—I want to ask you one quick thing, though. This is something that I am concerned about, and that is the issue of pet and pet evacuations.

I know part of FEMA provides funding for local governments to contract for this, maybe with local animal shelters and things. We know the money goes out, but we don't really have much of a handle on how it is used. I have got legislation, excuse me, to require some reporting. I know nobody wants an extra reporting requirement, but I don't think it would be too onerous.

And wouldn't that help you know who your best contractors are or if you are getting your money's worth for—and they are taking care of pets and animals? Because we know that people won't leave if their pets can't leave, and then that leads to more problems. Anybody from local government want to address that?

Ms. MERICK. So I will start off. Thank you. The legislative committee at NEMA is taking a look at that right now.

Ms. TITUS. Oh, good.

Ms. MERICK. That is a very real—you are absolutely correct. That is a real issue for us. And with our recent flooding in Ohio, we have people who will not leave, and in particular, elderly will not leave because their companion and the person they depend on—or, I am sorry, their companion is a four-legged, and they are

not going to leave them behind. So that is something that NEMA and our legislative committee is looking at currently.

Ms. TITUS. Will you keep us posted on that as you develop that policy?

Ms. MERICK. Yes, ma'am.

Ms. TITUS. Thank you.

Anybody else? Mr. Gore.

Mr. GORE. You know, it is interesting because right now the institutional capacity really isn't there from the level of organizing for us what we went through with FEMA. That was something that the nonprofit and our county and others just rallied on. We created fairgrounds. We have a location for horses, for other kind of pets. Then, if you drove around our community, what you would see is lost pet and found pet booths that were put up by different members and organizations in our community. And it has really been heartwarming to see that.

One of the things that has happened over time is that, if you look at this, the pre-disaster mitigation grants or the hazard mitigation grants, all this preparedness funding always goes directly to a county or a local government, a Tribal agency, whatever.

One of the things that has been discussed is, is there an openness to more partnership with some nonprofits and groups to be able to be a part of that as well, because what you really have is a lot of the applications that come in, they come out very county-centric and very emergency management-centric, not community-powered centric.

And there has to be a discussion with hazard mitigation and pre-mitigation grants about how much outreach is happening. Are all you doing is refortifying your bunker of emergency management, or are you getting out into those other areas? Because that funding only comes through State, nonprofit, or other kind of sources.

Ms. TITUS. OK. Anybody? Yes, sir.

Mr. DAVIS. Yes, ma'am. At the Texas A&M University system, we appreciate the veterinary emergency team authorization in DRRRA. A&M has a vet school and a vet emergency team, and we look forward to FEMA implementation in that provision.

Ms. TITUS. Again, well, thank you. I hope you will work with me as we move that forward.

Now, Miss González-Colón, I kept them here just for you, so we are going to let you ask your questions.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair. I really appreciate that, and I will bring some rum from Puerto Rico so we can make that waiting less difficult. Thank you.

I want to thank all the members of the panel. Being from a jurisdiction that suffered from hurricanes and still working on that recovery process, I may have a lot of questions, but I will just begin with one of those, and it is to the whole panel, and it is in terms of the conversation regarding building infrastructure code for resiliency.

However, there is some instance that the code just isn't as structurally sufficient. And I guess in Puerto Rico we got a lot of cement power lines installed around the island that were built to withstand winds in excess of 150 miles per hour, and they were gone. They were completely gone after the hurricane, which speaks of the

industry standards. We are not talking about something different from Puerto Rico.

However, both hurricanes had sustained winds that exceeded 180 miles per hour and 175 miles per hour that literally crippled those power lines. How can local governments adapt building codes that include resiliency to better prepare for the next disaster? Because in our case and in many others, it is going to happen again.

Same thing happened when I was Speaker of the House in Puerto Rico, we did a lot of changes in the local codes. That is a reason a lot of houses in Puerto Rico are built in cement, which is different to what happened in Florida. But still many of the people that do not have the resources are building in wood.

So that is a reason we have still got more than 30,000 people living under blue roof or blue tarps, as we call it, on the island. The money has been assigned. The money is in FEMA, but things are not moving faster to help those people have a better roof when we are in the next—during the next 10 days, we are going to be having the next hurricane season.

So how can we adapt to those codes locally to actually face disasters like that? And we are talking about hurricanes. I am not even talking about—I am not even going to mention them because we don't have—we don't want them. So feel free.

Mr. CROSSLEY. So, first of all, our association just held our annual board meeting in Puerto Rico. I really enjoyed being there and met with your State director and had some conversations.

I think, from the agency that is responsible for writing these hazard mitigation plans, so that each county has one and then the State has one, I think the thing to remember about building codes is they are base level of requirements. And so when—I think there needs to be a conversation between that hazard mitigation planning requirement that you have in Puerto Rico, just like we all have, and a discussion of which part of the building code needs to be enhanced to match the sort of catastrophic hazards. So you are talking about wind. You are talking about storm surge, the two main ones, wind and storm surge and flooding.

And so what in this code can be enhanced to start making us more resilient to that and get those two—get the emergency management people, the people writing the hazard mitigation plan with your building officials and so that—and then make some recommendations to your legislature to say, you know—and I am not familiar with how the Commonwealth is ruled, if the State can—if they can pass a law and the locals have to follow it, but then—because then you can make some commonsense arguments to say: These hurricanes aren't going away. These high-wind events, these storm surges, all this other kind of stuff.

And so, if you combine the two, once you put it in that mitigation plan that is how you can, in candid terms, make yourself eligible for FEMA funding to start providing some of the support from that. So, when you look at your electrical grid, which is publicly owned, getting them in the mitigation plan, looking at the code, and saying: You know what? We need a study done, what can withstand it, whether it is bearing or upright poles or whatever. And then, once it is in there, you can then talk to the region about possibly

mitigation funding to help fund that because it is in your mitigation plan. So the two need to be linked.

Miss GONZÁLEZ-COLÓN. I have just got 30 seconds, and I want to say—I mean, of course, I am going to submit a lot of questions for the record, but I would love to know the experience of you guys in terms of, do you prefer to have FEMA managing CDBG funds DR or—because in our case, it is a mess. I mean, having CDBG being approved by HUD, the rules and the guidelines not being published in the Federal Register, and then having FEMA for the reimbursement.

So it is like having two different fights at the same time waiting one for the other. And, you know, the money has been approved. Congress did its part. The President signed it. But the money is not arriving. And when that happens, people get upset and lose confidence in their institutions.

So I want to thank you, all of you, for your testimonies and your recommendations as well. And in any way we can help, you know, defining even essential services, we will be more than glad.

Thank you, Madam Chair, for your indulgence here.

Ms. TITUS. Thank you.

Seeing no more questions—oh, you want to respond, sir? Certainly.

Mr. GORE. I just want to say, you know, Representative, it is—a CDBG–DR program, we could have a whole 'nother one of these about that, the Federal Register notices. We could have a whole 'nother one of these about the Small Business Administration loans on the ground that some of my block captains and fire survivors called a fictitious loan program.

You know, we could talk—and I just—but as you say is with the FEMA and reaching a standard, there is one thing that is crazy is, is that there is this term that comes up that says the disaster doesn't discriminate, but the recovery and the rebuild does, because it has to be actionable, but it has to be a good standard.

And as you say, the CDBG–DR area for you all and getting that onto the ground is hugely complex. It is as complex if not more than what we are dealing right here with FEMA. So I understand, if there is any support we can provide, please let us know from the community.

Ms. TITUS. Thank you. All right. Well, thank you very much for your patience and for your wisdom and your experience and your good advice, and we will stay in touch with you. And I think it has been a very worthwhile hearing.

We are adjourned.

Oh, wait. I am sorry. I have got something else. I now ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing, and unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing.

Without objection, so ordered.

No other Member has anything to add? Good. The subcommittee now stands adjourned. So thank you again.

[Whereupon, at 6:08 p.m., the subcommittee was adjourned.]



## SUBMISSIONS FOR THE RECORD

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**Op-ed, “Natural Disasters Could Be Far Less Damaging With Better Building Codes,” by William Bryant, R. David Paulison, and James Lee Witt, The Hill, May 2, 2019, Submitted for the Record by Hon. Titus**

NATURAL DISASTERS COULD BE FAR LESS DAMAGING WITH BETTER BUILDING CODES

From the mudslides in Montecito, Calif., to the flash floods in Ellicott City, Md., Hurricane Florence in the Carolinas and the wildfires that swept through Northern California, 2018 saw natural disasters of every type affect communities across the country. In total, the president declared 59 major disasters last year [<https://www.fema.gov/disasters/year/2018>]. And these disasters came at a high cost, with more than 200 people killed and countless more injured—and more than \$91 billion [<https://www.ncdc.noaa.gov/billions/events/US/1980-2018>] in property damage.

In fiscal year 2018, FEMA, through its Disaster Relief Fund, invested more than \$20 billion to support recovery efforts, providing aid to repair damage and construct new homes, small businesses, schools, hospitals, police stations and community centers. The truth, however, is that many of these newly rebuilt and repaired structures will face new hazards and natural disasters—whether it’s in the next five years or 50 years from now—and they will need to be prepared. Fortunately, there is a highly cost-effective strategy for ensuring that these structures can handle it: building codes.

A recent study [<https://www.nibs.org/page/mitigationsaves>] by the congressionally-established National Institute of Building Science (NIBS) found that using the latest model building codes provides a benefit of \$11 for every \$1 invested through earthquake, flood and wind mitigation benefits, with a \$4 to \$1 wildfire mitigation benefit. These ratios represent avoided casualties, property damage, business interruptions and insurance premiums. They quantify the importance of modern codes that we see every year when natural disasters strike.

Just this past year, modern codes ensured that the state of Alaska sustained minimal damage and a quick recovery following the Port MacKenzie earthquake. In Florida, following Hurricane Michael, buildings built to modern code requirements fared far better than buildings built to older standards.

Despite the demonstrated benefits of up to date codes, their adoption is not consistent across the country. Many states set code baselines statewide, while in 20 states local governments determine what, if any, building codes apply in their jurisdictions. In some states where local governments control code adoption, upwards of 25 percent of residents are subject to codes that are nine or more years old. Several states with statewide code adoption are using codes that are just as dated. This variation leads to real-world ramifications. The International Building Code, which is adopted in every state, requires storm shelters for schools in tornado-prone regions. Yet, of the 21 states that regularly face tornado risk, only a third require tornado shelters to be built in schools.

With the need for modern code requirements so clear, and the President and leaders from both parties calling for increased investment in our nation’s infrastructure, it makes sense for any infrastructure modernization legislation to require new and renovated buildings be built to the latest building codes. Schools, public housing, hospitals, shelters and other public amenities are all pillars of our communities and especially important in meeting the needs of vulnerable populations. Ensuring they are constructed to modern codes protects the people who use and occupy these structures as well as the federal government’s own investment.

These standards also track with FEMA’s requirements for post-disaster public assistance, HUD requirements for post-disaster community development and the federal government’s requirements for its own buildings. To do otherwise, locks in avoidable risk over investments with 75-year lifetimes or more.

An infrastructure bill with minimum code requirements is the simplest and most cost-effective way to avoid long-term risk and increase natural disaster mitigation in communities across the country.

*William R. Bryant, MCP, CBO, is the board president of the International Code Council and a Code Official for Anne Arundel County, Md.*

*R. David Paulison served as director of the Federal Emergency Management Agency (FEMA) under President George W. Bush from September 2005–January 2009 and is senior advisor to the BuildStrong Coalition.*

*James Lee Witt served as director of the Federal Emergency Management Agency (FEMA) under President Bill Clinton from April 1993–January 2001.*

## APPENDIX

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QUESTIONS FROM HON. DINA TITUS TO HON. DANIEL KANIEWSKI, PH.D., DEPUTY ADMINISTRATOR FOR RESILIENCE, FEDERAL EMERGENCY MANAGEMENT AGENCY

*Question 1.a.* A majority of the Congress is very alarmed at the increasing severity and costs of extreme weather. GAO recently reported that since 2005, federal funding alone for disaster assistance is approaching half a trillion dollars (about \$430 billion), most recently for catastrophic hurricanes, flooding, wildfires, and other losses in 2017 and 2018. Costs and damage are projected to increase as extreme weather events become more frequent and intense due to climate change—as observed and projected by the U.S. Global Change Research Program and the National Academies of Sciences, Engineering, and Medicine.

What do you see as FEMA's role in addressing this national challenge?

*ANSWER.*

- FEMA's mission is to help people before, during, and after disasters. To continue to accomplish our mission in the years to come, FEMA is working collaboratively with stakeholders across the whole community to ensure the United States is preparing and planning for both current and future risks. These future risks include a wide array of changes, including shifting demographics, aging infrastructure, and the possibility for increases in number and severity of extreme weather events.
- Addressing future risks, such as those posed by extreme weather events regardless of their cause, is key to FEMA's mission. Wherever possible, FEMA brings data to bear and works in support of state, local and tribal needs and priorities. By addressing future risks, state, local, tribal and territorial governments are better prepared for extreme weather events and can bounce back faster at the individual and community level.
- It is important to note that extreme weather events are just one of many future risks FEMA plans for, but one that could significantly alter the types and magnitudes of hazards impacting communities and the emergency management professionals serving them. Accordingly, consistent with FEMA's focus on enabling disaster risk reduction nationally, FEMA is supporting state, local, and tribal governments with efforts to prepare for these impacts through adaptation, which means planning for the changes that are occurring and expected to occur.
- The Stafford Act sets the statutory framework from which FEMA manages its role in mitigation of future risk. The Stafford Act stipulates that post-disaster mitigation activities must "substantially reduce the risk of future damage." This law mandates that FEMA address future risk and helps ensure federal taxpayer dollars are used responsibly given the possibility of changing conditions.
- Additionally, the Stafford Act requires actions by communities to address future risk by requiring state, local and tribal governments to develop mitigation plans for hazards, risks and vulnerabilities in their respective jurisdictions. Accordingly, state, local and tribal mitigation plans are required to include the "probability of future hazard events" occurring in a given jurisdiction. Also, the plans must contain a mitigation strategy that speaks to reducing or avoiding the long-term vulnerabilities the hazards pose. Without this future look, a community cannot adequately prepare to mitigate against future loss of life and property.
- FEMA's three Hazard Mitigation Assistance (HMA) grant programs: 1) Pre-Disaster Mitigation (PDM); 2) Flood Mitigation Assistance (FMA); and 3) Hazard Mitigation Grant Program (HMGP) share a common mission of preventing loss of life and property damage from natural hazards and reducing the risks from future disasters. Two of the programs—PDM and FMA—are proactive programs aimed at building a community's resilience before disasters by reducing overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding in future disasters for response and recovery costs. The new pre-disaster mitigation program, BRIC (Building Resilient Infra-

structures and Communities), which will soon replace PDM, and is funded with a 6 percent set aside from major disaster funding, will provide a robust and vigorous means of mitigating the increased risk from natural hazards.

- Since 2013, FEMA's HMA grant programs allow for consideration of future risk in flood mitigation projects that include NOAA and United States Army Corps of Engineers predicted sea level rise estimates regardless of the source of the sea level rise. The projected sea level rise may be added to the current flood elevations for the project area in addition to any required freeboard, which is a margin of safety built into flood mitigation projects. Likewise, FEMA's HMA grants will fund mitigation projects that take into consideration increased urbanization and development that can contribute to rising flood elevations over time.

PDM, HMGP Postfire (which allows for wildfire mitigation assistance absent a major disaster declaration), and HMGP, as authorized by Disaster Recovery Reform Act (DRRA) provisions, Sections 1204 and 1205, continue to focus on reducing risk from wildfire particularly in the Wildland Urban Interface (WUI), as higher temperatures and drier conditions render populations in the WUI vulnerable not only to increased risk from wildfire, but to post-fire effects like erosion and flooding. Further, as part of BRIC, eligibility considerations will include the adoption and enforcement of consensus-based codes, specifications and standards (i.e., building codes) which can significantly contribute to withstanding increased risk from various natural hazards including flooding and wildfire. Further, with its focus on making infrastructure more resilient, BRIC will truly build communities that are more resilient to the future impacts of climate change.

- Following Hurricane Sandy, FEMA worked with its federal partners through the Hurricane Sandy Rebuilding Task Force to ensure that all federally-funded rebuilding projects undertaken as part of the recovery from Sandy meet a single government-wide flood risk reduction standard that takes into account the increased risk the region is facing from changing conditions.
- FEMA released the State Mitigation Plan Review Guide ("Guide"). The Guide is FEMA's official policy on the natural hazard mitigation planning requirements from Title 44 Code of Federal Regulations Part 201, and federal regulations for state hazard mitigation plans, inclusive of the District of Columbia and five U.S. territories. The guide supports state, tribal, and local government mitigation planning to identify risks and vulnerabilities associated with natural hazards and establish a long-term strategy for protecting people and property in future hazard events. State mitigation plans are one of the eligibility prerequisites to receive certain FEMA assistance, such as Public Assistance and Hazard Mitigation Assistance grants (PDM, FMA, HMGP). States are required to update their mitigation plans every five years.
  - This guide asks states to consider the probability of future hazard events, including changing future conditions, development patterns, and population demographics. The Guide clarifies that the probability of future hazard events must include considerations of changing future conditions, including the effects of long-term changes in weather patterns and climate on the identified hazards. States must continue to provide an overview of all natural hazards that can affect their jurisdiction, using maps and data where appropriate.

To better reduce risk and enhance resilience, the Guide encourages states to take a holistic approach and include not only emergency management, but also the sectors of economic development, land use and development, housing, health and social services, infrastructure, and natural and cultural resources in their planning process and mitigation program, where practicable.

*Question 1.b.* What steps is FEMA taking to help strengthen the preparedness of state and local partners for more frequent and severe disasters?

*Question 1.c.* Do you think the current structure of federal disaster recovery coming from numerous federal departments (DHS, HUD, SBA, DOD) is effective? Are any changes needed?

*ANSWERS (1.b.–1.c.).* FEMA is firmly committed to improving preparedness and capabilities of state, local, tribal, and territorial (SLTT) partners to implement disaster recovery. Lessons learned since the publication of the National Disaster Recovery Framework (NDRF) have driven home the challenges that SLTTs face in preparing for and implementing the complexity of short- and long-term recovery. Recognizing the importance of improving preparedness in this area, FEMA's strategic plan emphasizes this effort through Objective 3.2 Mature the NDRF, Strategy #1:

*Increase SLTT embrace and implementation of NDRF principles and concepts through recovery management, planning and preparedness.*

FEMA is implementing the plan through numerous efforts. These efforts include development of new guidance for financial management of disasters, disaster housing planning guidance, and improved preparedness training resources. This work is coordinated by a new Outcome Driven Recovery State, Local, Tribal, and Territorial Capacity Building Workgroup. The workgroup leverages the capabilities across the Agency to provide an integrated outcome driven focus among the Preparedness and Recovery Directorates, the Federal Insurance and Mitigation Administration, Office of Chief Financial Officer, and other FEMA entities.

The current structure for coordinating federal disaster recovery funding takes place both in the field after a disaster and through the Recovery Support Function Leadership Group (RSFLG). The RSFLG is a Federal interagency body designed to identify and facilitate resolution of operational and policy issues related to disaster recovery and greatly contributes to enhancing efficacy. In addition, the RSFLG deconflicts and aligns policy in response to issues identified by partners in the field to expedite resolutions for immediate implementation. Continuing strong federal interagency participation and support of this body is critical to coordinating recovery funding from multiple departments.

The RSFLG structure has been effective in their mission, and no changes are recommended to the structure. However, FEMA is striving to further enhance this coordination by focusing the interagency approach on Outcome Driven Recovery. Outcome Driven Recovery is a problem-solving approach that promotes unity of effort among stakeholders to identify recovery needs, vision, and goals, and to resource holistic recovery solutions. The results of an outcome-based approach include a more deliberate and strategic use of federal funds to maximize impacts; prevent duplication of benefits; and, build mitigation and resilience into the recovery projects and programs. The Outcome Driven Recovery approach will align federal agencies through guidance and doctrine, establish unity of effort through a consistent approach to field operations, clarify roles and responsibilities, and promote accountability. This shift from individual agencies implementing their programs independently to a coordinated and prioritized approach will increase the effectiveness of the interagency efforts.

The RSFLG met frequently since the immediate aftermath of Hurricanes Harvey, Irma, and Maria. This coordination was the first large-scale operationalization of the NDRF doctrine, demonstrating its scalability for a catastrophic event in lieu of historical practice. In previous major disaster situations such as Hurricane Sandy, a cabinet level official established an ad hoc taskforce to address interagency challenges. Since then, the NDRF pointed the way towards the establishment of the RSFLG to serve this role. The disasters of 2012 to 2016 helped strengthen coordination efforts and prepared the interagency for its role during and since the 2017 disasters.

As interagency policy issues have arisen, the RSFLG has scoped the nature of the policy questions, developed options, and made recommendations for senior administration officials. A wide range of executive branch entities have maintained robust participation in these meetings. This body has provided a forum for achieving successful interagency coordination on operational and policy challenges.

The majority of the RSFLG's focus since November 2017 has been recovery from Hurricanes Harvey, Irma, and Maria. Moving forward, it will build on lessons learned and encompass the efforts relative to other disasters, and work to enhance the recovery readiness posture and capability across the federal government.

In addition to the various recovery programs and initiatives outlined above, FEMA administers a suite of preparedness grant programs that are intended to improve the nation's readiness in preparing for, responding to, and recovering from terrorist attacks, major disasters and other emergencies. Since 2002, Congress has allocated over \$50 billion to these grant programs to support the preparedness investments of state, local, tribal, and territorial governments, as well as nonprofits and critical infrastructure owner/operators, including nearly \$2.5 billion in FY 2019. Although most of the grant programs are focused on terrorism preparedness, FEMA encourages multi-purpose investments to help support all-hazards preparedness investments.

FEMA recognizes that the preparedness grant programs must evolve to meet the nation's shifting threat environment. However, the existing preparedness grant programs are constrained by their authorizing statutes, which limits the ability of states and local partners to address the threat of more frequent and severe disasters. To provide FEMA and its preparedness partners greater flexibility to address a dynamic and ever-changing threat environment, the President's FY 2020 budget proposes the National Priorities Security Grant Program.

The new National Priorities Security Grant Program would help address the dynamic risk environment by introducing an agile program informed by lessons-learned from catastrophic disasters, terrorist acts, and other incidents. It would allow state and local preparedness partners to apply for funding to address all-hazards capability gaps—not just those directly relating to terrorism. The key difference between the proposed program and current programs is that FEMA would create a set of national priorities to drive innovative solutions and investments that address emerging threats, while stakeholders continue to use limited traditional funding sources to maintain existing preparedness capabilities. To ensure the program reflects the current risk landscape, FEMA will have the ability to shift the program's priorities as needed.

*Question 2.a.* When this committee finalized work on the Disaster Recovery Reform Act (DRRA), the six percent set-aside for pre-disaster mitigation was considered by many to be the crowning achievement of the legislation. Since that time, members of this committee, staff, and stakeholders groups have challenged FEMA to think broadly, across the interagency, and beyond what we currently know as pre-disaster mitigation. This is a unique opportunity for FEMA to act boldly and develop a program that will stand the test of time. Yet some stakeholder groups have reported comments from FEMA about this new endeavor being an enhanced version of the current pre-disaster mitigation program.

Could FEMA's implementation process be expedited if the existing PDM program was not replaced, but just modified? Would such a modification reduce the time required to do all new rulemaking, branding, and rollout?

*ANSWER.* Section 1234 of the DRRA<sup>1</sup> allows FEMA to set aside six percent of estimated disaster expenses for each major disaster. This set-aside will fund a new pre-disaster mitigation program which will take the place of the PDM grant program and be called Building Resilient Infrastructure and Communities (BRIC). FEMA appreciates the significant opportunity presented by Section 1234 to design a program that will have a substantial impact on the resiliency of our nation's communities. We also recognize the urgency to empower communities to undertake these projects before disaster strikes.

Based on historical disaster expenditures, FEMA anticipates BRIC will receive \$300–\$500 million per year on average. The most important thing to note as FEMA transitions from PDM to BRIC is that, regardless of how long it takes to complete the new policy or guidance, there will be no gap in mitigation assistance for our State, Local, Tribal, and Territorial partners.

Before the passage of the DRRA, FEMA anticipated likely changes ahead for the PDM program. FEMA worked within its existing authorities to execute the vision and designate a large amount of funding for resilient infrastructure projects in the 2018 grant cycle and will do so again in the 2019 grant cycle. In addition, FEMA started setting aside the six percent of estimated disaster expenses in 2018 and has \$250 million available for the 2019 PDM program. FEMA will continue to move mitigation forward by making these Section 1234 funds available for SLTT governments.

FEMA is evaluating what changes it needs to further make to PDM to transition to BRIC and deliver a mitigation program that will (1) more meaningfully and measurably reduce risk; (2) reduce disaster costs to the Disaster Relief Fund, and (3) increase resilience across the full spectrum of hazards for our SLTTs. FEMA is taking measures to ensure we can fulfill all the requirements for new program development, thoughtfully design and implement BRIC, and continue to engage fully with our many stakeholders from all levels of federal, state, local, tribal and territorial governments, private sector industries and community agencies and non-profits.

As with any new initiative, implementation can take some time. Since the passage of the DRRA in October 2018, FEMA engaged in extensive stakeholder interaction and received feedback to inform the BRIC program design. On May 20, 2019, FEMA requested public input on key areas about the development and implementation of BRIC on a forum called Ideascale. FEMA hosted four listening sessions in June via a webinar platform. Communities from all levels of government and key stakeholders, including private businesses, citizens, vulnerable and at-risk populations, critical infrastructure sectors, and non-profit, academic, and philanthropic organizations are encouraged to provide comment. To date, FEMA has received over 4,560 comments and will continue to engage with stakeholders through the summer. This

<sup>1</sup>Section 1234(a)(5) of the Disaster Recovery Reform Act of 2018, Division D of the Federal Aviation Administration Reauthorization Act of 2018, Public Law 115–254, (October 5, 2018).

includes a focus on engagements with federally-recognized tribes online, in-person and at conferences.

The development of the BRIC program and how as a nation we can deliver those outcomes is vital and FEMA is working as quickly as possible to create the best possible program, we do not want to shortcut this process.

*Question 2.b.* Recognizing that there is an open period for public comment, please provide some specific examples of the innovative ideas that FEMA is considering as it stands up this program, as well as how FEMA is working across the interagency to leverage existing programs to bolster mitigation nationwide?

*ANSWER.* Since the passage of the DRRRA, FEMA has been emphasizing extensive stakeholder engagement to inform program design. On May 20, FEMA requested public input on key areas about the development and implementation of BRIC on a forum called Ideascap. FEMA hosted four “listening sessions” in June via a webinar platform. Communities from all levels of government and key stakeholders, including private businesses, citizens, vulnerable and at-risk populations, critical infrastructure sectors, and non-profit, academic, and philanthropic organizations were encouraged to provide comment. To date, FEMA has received over 4,560 comments and will continue to engage with stakeholders through the summer. This includes a focus on engagements with federally-recognized tribes online, in-person and at conferences.

FEMA is taking these measures to ensure we can fulfill all the requirements for new program development, thoughtfully design and implement BRIC, and continue to engage fully with our many stakeholders from all levels of federal, state, tribal and territory governments, private sector industries and community agencies and non-profits.

*Question 2.c.* What progress has FEMA made in implementing this new pre disaster grant program and when does the Agency expect the first grant awards to be made?

*ANSWER.* FEMA just released the selections for the 2018 PDM grant cycle which involves the highest amount of funding ever appropriated for PDM (\$249.2M). The selections can be viewed at: <https://www.fema.gov/pre-disaster-mitigation-program-fy-2018-subapplication-status>. As authorized by Section 1234 of the DRRRA, FEMA began setting aside 6% of estimated disaster expenses at the end of 2018 and has \$250 million available for the 2019 PDM program.

FEMA anticipated the changes that would be made to the PDM program if the DRRRA passed and, working within its existing authorities to execute that vision, designated a large amount of funding for resilient infrastructure projects in this year’s grant cycle and will do so again in the 2019 grant cycle. FEMA will continue to move mitigation forward by making these funds available for competition to state, tribes, and territories in the next few months. At the same time, FEMA is evaluating potential changes in order to transition from PDM to BRIC in 2020 to deliver a program that will more meaningfully and measurably reduce risk; reduce disaster costs to the Disaster Relief Fund; and, increase resilience across the full spectrum of hazards for our SLTT partners.

Since the passage of the DRRRA, FEMA has been emphasizing extensive stakeholder engagement to inform program design. On May 20, FEMA requested public input on key areas about the development and implementation of BRIC on a forum called Ideascap. FEMA hosted four listening sessions in June via a webinar platform. Communities from all levels of government and key stakeholders, including private businesses, citizens, vulnerable and at-risk populations, critical infrastructure sectors, and non-profit, academic, and philanthropic organizations were, and are encouraged to provide comment.

FEMA is taking these measures to ensure we can fulfill all the requirements for new program development, thoughtfully design and implement BRIC, and continue to engage fully with our many stakeholders from all levels of federal, state, tribal and territory governments, private sector industries and community agencies and non-profits. FEMA continues to make progress on the development of program structure, funding award criteria, and project prioritization guidance.

*Question 2.d.* In your view, how should such funding be targeted nationwide?

*ANSWER.* FEMA is thoroughly engaging with our many stakeholders to design how BRIC funds can best be targeted to address critical needs and priorities. FEMA has heard from stakeholders that it is important to build community capabilities and capacity, and to ensure small and impoverished communities are not left out. BRIC will also be targeting resilient infrastructure projects, emphasizing whole community impacts and risk reduction.

*Question 2.e.* Why is FEMA funding the existing PDM program for FY 2019 using dollars from the new set-aside, when the Agency has received instruction from Congress to transfer funds from the Disaster Relief Fund for PDM in FY 2019?

*Question 2.f.* Should the funding be awarded competitively? Should states and tribal governments be guaranteed a certain amount of funding? Should certain types of disasters be prioritized?

*Question 2.g.* The six percent is a “may”, not a “shall”. Can you envision a circumstance under which the 6% might not be made available for pre-disaster mitigation, and if so, how would the new BRIC program continue to function?

*Question 2.h.* In years with few disaster declarations, the six percent set-aside could potentially be a relatively small amount of money. How would the new BRIC program function in these circumstances? How could BRIC be best designed to cope with uncertain amounts of annual funding?

*ANSWERS (2.e.–2.h.).* The *FY 2019 DHS Appropriations Act* provided FEMA a “bridge year” of PDM in 2019 using the first \$250 million of the amount set aside for implementing Section 1234, BRIC. FEMA anticipates following a similar schedule to the 2018 grant cycle in 2019. This means there will be no interruption in delivery of pre-disaster mitigation assistance to our external stakeholders.

The Stafford Act requires the principal amount of assistance to be awarded competitively for mitigation activities under BRIC. FEMA continues to work and engage our stakeholders to thoughtfully design and implement BRIC, including consideration of decisions such as whether states, tribal, and territorial governments should be guaranteed a certain amount of funding, and whether to prioritize certain types of disasters.

FEMA anticipates setting aside the full six percent estimate from each major disaster declaration within 180 days after declaration. Based on historic balance levels of the DRF it would be a rare circumstance in which there is no set aside. FEMA is currently evaluating ways to normalize the annual BRIC program in order to provide consistent annual funding despite fluctuations in annual disaster activity.

*Question 2.i.* Some concerns have been expressed that the new BRIC program might focus on infrastructure projects that might better be carried out by the U.S. Army Corps of Engineers, rather than innovative pre-disaster mitigation projects. How is FEMA planning to address such concerns?

*Question 2.j.* Concerns have also been expressed that BRIC might give less importance to traditional pre-disaster mitigation planning. How will you ensure that state and community mitigation planning continues to be supported?

*ANSWERS (2.i.–2.j.).* FEMA will not provide assistance for activities for which it determines the more specific authority lies with another Federal agency or program. Other programs and authorities should be examined before applying for BRIC funding. BRIC funds are not intended to be used as a substitute for other available program authorities. Available program authorities include other FEMA programs (e.g., IA, PA) and programs under other Federal agencies, such as U.S. Army Corps of Engineers

FEMA will develop BRIC based on extensive engagement and feedback. This effort will include such topics as: how we improve the program; how we will provide grant recipient technical assistance; how mitigation planning is incorporated; determining program evaluation needs; encouraging projects that increase resilience and decrease risk; and, increasing community capability and capacity.

FEMA has led a comprehensive stakeholder engagement effort by encouraging involvement in professional conferences, in-person listening sessions, and virtual forums to gather feedback from members of the public and key partners at all levels of government, industry, and the nonprofit sector on important program design considerations.

Our internal and external stakeholders provided extensive feedback on maintaining traditional mitigation projects which includes mitigation planning. The purpose of mitigation planning is for state, local, territories and tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from those hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide range of resources. All mitigation projects must align with an approved state/territorial and local, or tribal mitigation plan. BRIC will seek to provide an opportunity to expand the concept of mitigation planning by incorporating other planning mechanisms within HM plans.

*Question 2.k.* Currently, buyout programs are slow and only available for a relatively limited number of properties. Do you think that the six percent set-aside could make it possible to move communities out of hazardous locations?

*ANSWER.* Many policy related decisions are under consideration as FEMA develops the policy to implement BRIC. FEMA anticipates the six percent set-aside under

BRIC will provide a more robust and stable funding stream which may be used to implement a number of pre-disaster, community-wide mitigation projects. Through the hazard mitigation planning process, floodplain modeling and flood loss history, communities often pre-identify areas that would be well suited for large scale acquisition (buyout) projects. Oftentimes, however, the existing pre-disaster grant funding is insufficient to address these issues on a larger scale. The six percent set-aside under BRIC may serve to enhance the ability of state, territory, tribe and local governments to undertake large scale community acquisition and relocation projects. However, community-wide acquisition projects may easily exceed available funding for such activities depending on property values and number of structures being acquired.

*Question 3.a.* As the Federal Emergency Management Agency works on the implementation of the Disaster Recovery Reform Act, it is important to think about the work across all federal agencies to help communities after a disaster.

Is FEMA getting what it needs from other agencies to implement DRRRA?

*Question 3.b.* If not, are there ways Congress can help?

*ANSWERS (3.a.–3.b.).* Several DRRRA provisions require FEMA to work with its Federal partners to implement authorities that improve FEMA's assistance to people before, during and after disasters.

For DRRRA provisions where FEMA is primarily responsible for implementation, and also for provisions where other Federal departments and agencies are responsible for implementation, FEMA is coordinating closely with relevant Federal departments and agencies outside of DHS, including: the U.S. Departments of Energy, Health and Human Services, and Transportation; the U.S. Army Corps of Engineers, the U.S. Geological Survey, the U.S. Environmental Protection Agency; the Occupational Safety and Health Administration, and the U.S. Small Business Administration.

FEMA currently has no unmet needs with respect to coordination with other Federal departments and agencies on implementation of the DRRRA.

*Question 4.a.* In your testimony, you mentioned the Agency's commitment to a "full and timely implementation of DRRRA. While we certainly commend the Agency for some of its progress to this point, such as the retroactive additional assistance to disaster survivors, there are other provisions that have apparently fallen by the wayside.

Specifically, there were several provisions included in the bill that can and will have an impact on several open disasters including wildfires and Florence, Harvey, Irma, Maria, and Michael, such as Section 1245, regarding potential assistance for damaged underground water infrastructure; and Sec. 1230b the legislative proposal on co-ops and condos.

Can you please provide us with any charts or slides that FEMA is using for internal project management of DRRRA implementation?

*ANSWER.* FEMA is making steady progress on implementation of the DRRRA's many provisions, consistent with its intent to ensure that each provision is implemented in a deliberate manner that is informed by lessons learned from previous disasters, stakeholder input, and other relevant policy considerations.

Through recent and ongoing engagements with staff from the House Committee on Transportation and Infrastructure, FEMA is providing bi-weekly written updates on the implementation status of each provision in the DRRRA, as well as ongoing quarterly in-person briefings with senior agency leadership that includes PowerPoint presentations and other materials detailing the ongoing implementation efforts of the Agency.

*Question 4.b.* Please provide an update on the status of the legislative proposal on how to provide eligibility for disaster assistance with respect to common areas of condominiums and housing cooperatives, which FEMA was required to submit to the Committee not later than 90 days after the date of enactment of DRRRA pursuant to Section 1230(b).

*ANSWER.* FEMA developed the draft legislative proposal and submitted it for review and concurrence by agency leadership. If approved by DHS and the Office of Management and Budget (OMB), FEMA will be able to submit the final legislative proposal to Congress.

*Question 5.a.* The 2017 and 2018 disasters calls into question whether FEMA has adequate personnel resources and capacity to respond to multiple catastrophic disasters simultaneously.

What steps are being taken to bolster FEMA's response capabilities to ensure the federal government is ready to respond to multiple, simultaneous catastrophic-scale

disasters, such as a Cascadia earthquake and tsunami, or a New Madrid earthquake?

*ANSWER.* The 2017 and 2018 disasters certainly challenged FEMA and its Federal partners' capacity to support multiple concurrent disasters with limited resources. While the challenges faced in 2017–2018 strained our capacity, a catastrophic scenario like Cascadia or New Madrid would require FEMA to manage shortfalls, as all levels of government would lack sufficient resources to meet all requirements posed by those scenarios.

FEMA must ensure its response teams and assets, as well as those of its Federal partners, and from the whole community, remain ready and can be rapidly mobilized during multiple concurrent incidents or a catastrophic incident. To build capacity to respond to more frequent and severe incidents, FEMA continues to build and modernize its response capabilities, in part due to continued support from Congress to fund critical recapitalization and new capabilities. For example, FEMA received funding to replace the aging equipment caches for its 28 Urban Search and Rescue Task Forces, increasing its fleet of Mobile Emergency Operations Vehicles, and recapitalizing aging land mobile radios.

To ensure the federal Response enterprise is positioned to quickly respond to the unique needs of the nation's most catastrophic risks, the FEMA Regions perform a Threat hazard Identification Risk Analysis (THIRA) process with their states which in turn inform the prioritization of planning and exercise events. For instance, this year featured a major interagency large-scale exercise for the NMSZ risk called "Shaken Fury" which served as a culmination of a joint 4-Region planning effort with their respective states in the central United States. In the West, our Region VIII is in the process of updating the Wasatch Earthquake Fault plan; while in the Pacific Northwest, our Region X and IX offices are engaged in the update to our Cascadia Subduction Zone earthquake readiness efforts which include tsunami threats. Meanwhile all our regions update and exercise against their respective hazards.

To ensure its staffing is appropriately aligned to meet the unique requirements across all 23 cadres, FEMA completed a Coordinated Workforce Review to review the staffing force structure to ensure FEMA can deploy the right people with the right skills, to the right place, and at the right time to help survivors after a disaster. In addition to needs generated over the last few hurricane seasons, FEMA reviewed the disaster workforce structure needed for potential future disaster activity the agency may face. To achieve FEMA's target force structure, FEMA is starting a multi-year recruitment and hiring process. While this process is ongoing, the agency will continue placing increased emphasis on training for existing employees to increase readiness and enhance the disaster survivor experience. Even at full workforce strength, FEMA will need to rely on contingency staffing solutions like contracts, mission assignments, and other federal employees through the Surge Capacity Force.

FEMA has also increased its inventory of critical commodities (food, water, tarps, generators) in the Continental United States (CONUS) and outside of the Continental United States (OCONUS) to levels that exceed those in 2017 and 2018. FEMA has also expanded the number of Incident Support Base/Federal Staging Area Teams ready to quickly deploy and establish staging areas to receive life-saving/life-sustaining commodities and supplies for disaster survivors. The Agency has increased its response logistics contract capacity to \$3 billion, to include key commodity and transportation (Maritime and National Cross-Docking) contracts. It has developed, with the Defense Logistics Agency, 5-year contracts to provide emergency fuel (diesel, mogas, jet) and propane for all 50 states, the Caribbean, Guam, and the Northern Mariana Islands. FEMA has awarded a new contract for 352 new generators to add to its existing inventory to assist CONUS and OCONUS disaster operations. In addition, FEMA has established a replacement west coast Distribution Center in Tracy, CA with 224,000 sq. ft. increasing the capability for storing critical commodities and supplies in the region—a four-fold increase over the previous facility.

FEMA also developed the concept of community lifelines as a means to better communicate across government and non-governmental partners using a common, plain language vernacular focused on stabilizing the most critical services in a community to alleviate the immediate threats to life and property. Lifelines were designed, and have proven to be an effective means, to help inform challenging resource allocation decisions the Nation will face in a catastrophic scenario. Lifelines are being formalized in national-level policy through the National Response Framework 4th Edition.

Preparedness for catastrophic scenarios requires more than just building more capability within FEMA. It involves balancing risk by recognizing that FEMA will

never be staffed to support the full set of requirements levied by the worst day in the country's history. It is imperative State and local governments continue to invest their own resources to ensure they are prepared. Equally important, the nation must invest in response capabilities at the state and local level, modernize infrastructure to increase resilience and reduce likelihood of failure, and strengthening interstate mutual aid compacts like the Emergency Management Assistance Compact (EMAC), which serves as a complementary mechanism to Direct Federal Assistance to mobilize the nation's response capabilities to support communities impacted by disasters.

*Question 6.a.* We remain concerned about the slower than normal pace of recovery in Puerto Rico and the U.S. Virgin Islands. GAO and others have reported that very few permanent work recovery projects are underway and very little monies have actually been spent on recovery, as is reflected in the significant balance remaining in the Disaster Relief Fund.

Do you believe the pace of recovery in Puerto Rico is acceptable?

*Question 6.b.* What are the primary causes of the slowness and what steps are needed to speed it up?

*Question 6.c.* Is there anything this Committee or Congress can do to help speed up recovery?

*ANSWERS (6.a.–6.c.).* Hurricanes Irma and Maria caused unprecedented impacts in Puerto Rico that required significantly extended emergency response operations to protect life and property. Whereas in most disasters response is transitioned to recovery in the first 30 to 60 days, full recovery could not begin in earnest until nearly a year after the storms made landfall due to the severe damage to communities and infrastructure (i.e., communications, energy systems) that were critical to address the immediate needs of the Commonwealth and disaster survivors. For example, according to the *Transformation and Innovation in the Wake of Devastation: an Economic and Disaster Recovery Plan for Puerto Rico*, over 25 percent of transmission line towers and poles were damaged following the storms which rendered 100 percent of the power grid inoperable and all 1.5 million customers were left without power. The concentrated rain from Hurricanes Irma and Maria led to more than 41,000 landslides across a significant portion of Puerto Rico—and at least one landslide per square kilometer in most of the mountainous areas. Further, 95 percent of cellular sites were out of service and just 400 miles of road were passable out of 16,700 miles. These damages to infrastructure were also exacerbated due to pre-existing vulnerabilities in the system; for example, prior to Hurricanes Irma and Maria, Puerto Rico was experiencing power outages that were significantly more frequent than industry averages.

Given the extended period of emergency work required and due to the size and scope of the disaster in Puerto Rico, FEMA immediately doubled the timeframe for submitting fixed cost estimates to October 2019—24 months after the disaster declaration. Generally, Public Assistance applicants have 12 months after a disaster declaration to submit fixed cost estimates for permanent work. As of June 24, 2019, FEMA obligated more than \$5 billion for more than 1,150 emergency work projects, more than \$483.7 million for 139 permanent work projects, and more than \$5.8 billion for all work in Puerto Rico in response to the 2017 hurricanes. Factors that contribute to the speed at which recovery permanent work can be performed are influenced by Puerto Rico. These factors include the Commonwealth's bankruptcy and lack of liquidity; inadequate financial and internal controls; insufficient grant procedures; a need to significantly strengthen the Commonwealth's capability and capacity for recovery planning and staffing, including Commonwealth agencies' ability to hire; and changing leadership in the Commonwealth responsible for managing recovery.

However, FEMA and the Central Office for Recovery, Reconstruction, and Resilience for Puerto Rico, (COR3) continue to work closely together to address the significant Public Assistance permanent work requirements in Puerto Rico. A significant example of these efforts is the implementation of the Public Assistance National Delivery Model in Puerto Rico at the request of the Commonwealth of Puerto Rico and COR3. The National Delivery Model streamlines the delivery of Public Assistance in Puerto Rico and increases the timeliness, accuracy, and consistency of grant development by segmenting work and consolidating the development of scopes of work and cost estimates at Consolidated Resource Centers. The National Delivery Model formalizes coordination and collaboration at every step of the grant development process by (1) establishing complete transparency into grant development through Grants Manager and Grants Portal; and, (2) establishing a single point of contact for applicants and recipients whose primary responsibility is to communicate, coordinate, and collaborate with applicants on grant development. As a re-

sult, recipients and subrecipients can monitor and actively engage in every project action as it moves through the steps: damage identification, documentation, scoping, cost estimation, and compliance review. Additionally, COR3 will have representation at the Consolidated Resource Center in Puerto Rico, known as the CRC Atlantic. These combined efforts and close coordination between FEMA and COR3 ensure continued progress in recovery operations in the Commonwealth.

*Question 6.d.* How many cost estimates in Puerto Rico and the U.S. Virgin Islands have been submitted under Section 428 Alternative Procedures for Public Assistance? How many of those have been approved? How many of the cost estimates are still in review waiting for approval 3 months/6 months/12 months after they have been submitted?

*ANSWER.*

USVI:

- Currently 39 Projects has been submitted under Section 428 Alternative Procedures for Public Assistance to the CRC Costing Unit “Pending CRC Development”.
- 2 Projects has been approved (Cost Estimates under Section 428 are considered approved after Obligation)
- 39 Projects (requested Fixed Cost Offers) are still in review, being costed no more than 30 days.

Puerto Rico:

As of COB 10/8/2019 (Data Source, GM)

- 6225 Public Assistance large permanent work projects have been submitted under Section 428 Alternative Procedures.
- 50 Public Assistance large permanent projects were tagged as having a “Fixed Cost Offer Accepted” under Policy Issue. There are 23 Obligated Public Assistance large permanent projects under Section 428 Alternative Procedures.
- 12 Public Assistance large permanent work projects under Section 428 Alternative Procedures are in FEMA, Recipient or Subrecipient review.

*Question 6.e.* How is FEMA coordinating with other federal agencies on large infrastructure projects underway in Puerto Rico and the U.S. Virgin Islands for projects being funding from sources other than the Disaster Relief Fund?

*ANSWER.* The National Disaster Recovery Framework (NDRF) enables FEMA to coordinate at headquarters and in the field with other federal agencies through the Recovery Support Function Leadership Group (RSFLG) and the six Recovery Support Functions (RSF), including the Infrastructure Systems RSF, which is coordinated by the U.S. Army Corps of Engineers (USACE). FEMA, the U.S. Department of Agriculture (USDA), the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA) are among several primary and supporting agencies for this RSF and work closely together to ensure appropriate coordination of infrastructure projects and funding.

FEMA in collaboration with EPA and other federal agencies, has been leading efforts in recovery on how best to restore, redevelop, and revitalize the health, social, economic, natural, cultural, and environmental fabric of PR and USVI communities in order to make the islands more resilient. As part of this FEMA-led collaboration, EPA has been working with the six recovery support functions (RSFs) established by the NDRF by: providing *technical assistance* in exploring sustainable sound solutions. This includes work in *Infrastructure* (i.e. drinking water systems, sanitary sewage systems, storm water systems), *Natural & Cultural Resources* (i.e. solid waste infrastructure/solid waste management), *Economic* (land revitalization strategies, renewable energy microgrids, workforce training and development), and *Housing and Health and Social Services* (i.e. Healthy Building, lead/mold/asbestos training) RSFs. EPA is also working with the FEMA-led *Community Planning and Capacity Building* RSF by promoting *capacity building* to the Government of Puerto Rico, the Territory of the USVI, municipalities, and private non-profits through workshops, training and partnerships to explore accessing funding opportunities during recovery.

FEMA and HUD are also working together through regular RSFLG meetings to coordinate policy issues around FEMA-funded infrastructure projects where the local cost share will be funded by the HUD Community Development Block Grant-Disaster Recovery (CDBG-DR) program. For example, in the Energy Sector, FEMA and HUD, together with DOE and USDA, sit on the RSFLG Energy Subgroups for Puerto Rico and USVI in order to coordinate funding and requirements for permanent restoration of the Island’s electrical grids. HUD has not yet issued the Federal Register Notice establishing administrative requirements for the \$2 billion in CDBG-DR funding set aside by Congress for electrical power system enhancements

and improvements, and they are working closely with FEMA, DOE, and the USDA Rural Utilities Service (RUS) to ensure that the rules, when issued, correspond as closely as possible with FEMA Public Assistance requirements, DOE recommendations, and USDA RUS electrical industry standards.

As part of the RSFLG, the Program Management Office (PMO) tracks disaster funding and outcomes across the federal interagency partners for the largest disasters since 2017 and 2018, including Hurricanes Harvey, Irma, Maria, Florence, and Michael and the California wildfires. The purpose of the PMO is to provide accountability and transparency, enhance coordination and collaboration, and facilitate outcome driven recovery across the federal government. The PMO's public-facing website shows which federal agencies received disaster funding from Congress and where those agencies spend that funding on recovery activities. Along with tracking disaster funding by agency or state/territory, visitors to the site can see "funding in action" with stories of how the federal government is using those funds.

Each federal agency providing recovery grant funding is required to complete a review ensuring proposed projects will be compliant with federal environmental and historic preservation (EHP) laws and executive orders. In cases where FEMA's disaster recovery programs and other programs such as HUD's CDBG-DR program are funding the same facility, the Unified Federal Environmental and Historic Preservation Review (UFR) process exists to reduce redundancies and streamline these reviews. This effort is led at the field level by a FEMA UFR Advisor who works across the interagency to not only reduce redundancies but to also identify opportunities to streamline the EHP review process for federal agencies and their grant applicants.

The FEMA UFR Advisor is currently working with HUD and a number of other federal recovery funding agencies and the regulatory agencies responsible for implementing the various EHP laws to create a process that will effectively manage the EHP legal compliance process for projects funded by multiple agencies. This effort is being accomplished through the creation and use of interagency streamlining tools and agreements that can be leveraged whenever programs identify projects that will be jointly funded by multiple federal agencies. This helps ensure these grants not only meet EHP legal compliance consistently across the federal family, but it also helps ensure that work completed by one agency is shared to reduce the associated administrative burden from the other funding agency and the project applicant.

*Question 7.a.* As was discussed briefly in the hearing, FEMA was responsible for a data leak that improperly exposed the financial and other personally identifiable information of up to two and a half million survivors to a contractor. You indicated that we would be hearing shortly from FEMA and DHS on this matter, but it has been more than two weeks since your testimony without any additional information from either DHS or FEMA.

What steps has FEMA taken since that data leak to ensure a similar incident never happens again?

*Question 7.b.* Has any credit monitoring or identity protection services been offered to those whose information was exposed, and if so, for how long will you provide it?

*ANSWERS (7.a.-7.b.).* On Tuesday, June 11, 2019, a briefing was provided to your committee staff, following up on the commitment made during the hearing. It is important to note that FEMA has not identified any information that indicates survivor data was compromised while under contractor control. However, out of an abundance of caution, FEMA will notify affected survivors of this incident individually via U.S. Mail.

In the notification to affected survivors, FEMA will outline proactive steps affected survivors may wish to take as a best practice to ensure their Personally Identifiable Information (PII) is safeguarded, which will enable them to maintain their focus on recovery. FEMA will also provide credit monitoring services to those who request it. Instructions to obtain information, receive responses to questions, request free credit reporting, or register for free credit monitoring will be identified in a FEMA notification letter that will be sent to affected disaster survivors.

Although the privacy information under discussion was overshared, it was not leaked. The data recipient is a FEMA contractor authorized to receive FEMA data to perform work under the contract.

From a governance standpoint, FEMA recognizes that the information sharing process needs improvement to prevent similar privacy incidents and overshares from happening again. As such, FEMA initiated an Agency-wide information sharing process and assessment initiative focused on: (1) conducting an Agency-wide assessment of FEMA's current PII/SPII sharing agreements, identifying and docu-

menting errors or gaps, and implementing corrective actions; and, (2) developing a standardized, risk-based process for executing agreements for sharing PII/SPII. The expected results of this effort will yield robust policies, procedures, and tools that will foster a consistent, compliant information sharing program at FEMA. As part of these improved procedures, information sharing requests will be analyzed to ensure that FEMA is only sharing relevant and necessary information with our partners; and, ensuring that both FEMA and recipients of FEMA data are aware of their responsibilities to protect FEMA information.

When the situation was discovered, FEMA engaged the DHS Breach Response Team to determine appropriate remediation strategies for the overshare based on risks and cost benefit analysis. On May 15, 2019, remedial steps to help affected survivors was approved. FEMA will offer credit monitoring services for 18 months to all impacted survivors, along with establishing a call center and website for survivors to obtain information and receive responses to questions. The agency has entered into contract with a vendor to provide those services, and is currently executing the requirements of that task order. Call center activities and notification letter mailings to the affected individuals are scheduled to begin in August 2019.

*Question 8.a.* As a result of Section 1206 of DRRRA, FEMA will be able to—for the first time—provide incentives to jurisdictions for modern code adoption and enforcement pre-disaster, which will provide significant mitigation benefits. FEMA currently supports code activities post-disaster through the Hazard Mitigation Grant Program (HMGP), which has not had a lot of success in promoting those activities—just 0.3 percent of the 27,000-plus HMGP grants have supported code adoption and enforcement. The existing framework of FEMA’s pre-disaster mitigation program mirrors HMGP.

Can you commit to working with this Committee and key stakeholders on solutions that will ensure better code incentivization through FEMA’s new pre-disaster mitigation effort?

*ANSWER.* FEMA’s new pre-disaster mitigation program is commonly known as the BRIC program authorized under DRRRA Section 1234. The question incorrectly associates the pre-disaster code incentivization provisions with Section 1206 of DRRRA, when in fact, the correct Section for this program is 1234. Therefore, FEMA’s response is presuming that you are referring to Section 1234 of the DRRRA. It is true, also, that building code activities are incentivized under Section 1206, but that section only refers to post-disaster activities governed by Sections 402 and 406 of the Stafford Act.

FEMA recognizes and appreciates the extraordinary opportunity and responsibility presented by Section 1234 of the DRRRA, which allows FEMA to set aside six percent of estimated disaster expenses for each major disaster in order to fund BRIC which will take the place of the PDM. FEMA fully embraces this significant opportunity to move mitigation forward across the Nation. We appreciate Congress’ support of pre-disaster mitigation and remain steadfast in our efforts to deliver a quality pre-disaster mitigation program as it transitions to BRIC.

Section 1234 requires FEMA to consider the extent to which SLTTs have facilitated the adoption and enforcement of building codes when it provides assistance under BRIC and added the enforcement and implementation of building codes as an eligible activity. FEMA has undertaken extensive engagement and outreach, including with key stakeholders, as it develops the program, and this has included discussions surrounding how to implement these specific provisions. Considering two-thirds of communities in the United States do not have the most recent hazard-resistant building codes they need; the BRIC program can have a significant impact on increasing the number of communities with disaster-resistant codes. FEMA is committed to working with all stakeholders and Congress on solutions that can be implemented effectively.

Also, as noted in the question, FEMA does currently support code activities post-disaster through the Hazard Mitigation Grant Program (HMGP). But now, under the DRRRA, FEMA is expanding its support of code activities through Section 1206 *Eligibility for Code Implementation and Enforcement* and Section 1235(b) which address public assistance as it relates to section 406 of the Stafford Act. Section 1206 authorizes FEMA to provide assistance to state and local governments for building code and floodplain management ordinance administration and enforcement. Section 1235(b) authorizes FEMA to provide Public Assistance funding to replace and restore disaster damaged facilities to the latest published editions of relevant consensus-based codes and standards to ensure that facilities are restored in a manner that allows them to be more resilient.

Together, these new DRRRA provision affecting building code activities pre and post disaster are going to yield significant mitigation benefits and enable stronger

recovery from future disasters. As stated in FEMA's Strategic Plan, Goal 1, Disaster resilience starts with building codes, because they enhance public safety and property protection.

*Question 9.a.* Section 1209 of DRRRA requires FEMA, in coordination with the Federal Highway Administration, to develop guidance for state, local and territorial governments to identify evacuation routes. One part of the guidance is supposed to look way ways to improve the resiliency of evacuation routes.

How are FEMA and the Federal Highway Administration coming on developing this guidance?

*Question 9.b.* When do you anticipate it to be completed for states and communities to use?

*ANSWERS (9.a.–9.b.).* As called for under Sections 1209(a)(1) and 1209(b)(1) of the DRRRA, FEMA's National Integration Center is developing evacuation planning guidance entitled *Planning Considerations: Evacuation and Shelter-In-Place—Guidance for State, Local, Tribal, and Territorial Partners*. The Federal Highway Administration (FHWA) has contributed to the document's development, along with their partners in the Association of State Highway Transportation Officials. The guide also underwent a 30-day national engagement period to allow stakeholders across the country to provide input and recommendations. The guide is currently undergoing a final review and approval process; FEMA's anticipated release is July 2019.

The *Planning Considerations* guide addresses key concepts for evacuation and shelter-in-place operations including the use of zone-based planning and implementation. The guide encourages jurisdictions to establish evacuation zones to ensure the most vulnerable zones are evacuated, while limiting the need for evacuating large areas that are not under the threat of the hazard. The guide also addresses critical considerations or challenges that jurisdictions may encounter when planning or implementing evacuation and shelter-in-place operations. The concepts and principles contained in the document draw from evacuation and shelter-in-place best practices and lessons learned from the National Emergency Management Association, the National Governor's Association, and numerous state, urban area, and local jurisdictions.

The *Planning Considerations* guide includes vignettes based on discussions with, and lessons learned from, jurisdictions. These vignettes address the zone evacuation implementation in tidal Virginia; the use of assembly points and "hub and spoke" evacuations in New Orleans, Louisiana; and, observations from engagements with both Los Angeles County, California and Larimer County, Colorado, which have dealt with an increasing number of wildfires in previous years. The principles, emerging concepts, and best practices outlined in this guide have already informed recent Evacuation and Shelter-in-Place Planning Collaborative Technical Assistance efforts conducted with the Baltimore Urban Area Security Initiative jurisdictions, the State of Georgia, and Snohomish County, Washington.

Per Sections 1209(a)(2) and 1209(b)(2) of the DRRRA, FHWA is conducting a separate review, in coordination with FEMA, of state capabilities regarding contraflow operations and developing recommended strategies. FHWA has also reviewed its existing regulations, policies, and guidance, and determined that they adequately address the remaining considerations identified in Sections 1209(a)(2) and 1209(b)(2) of the DRRRA.

*Question 10.a.* On the issue of FEMA's own workforce readiness, the Committee included Section 1222 in DRRRA, which allows the FEMA Administrator to appoint temporary personnel who have served three consecutive years to permanent positions in the same manner as competitive service employees. These are employees that FEMA has spent significant resources on training, who were then being recruited by the private sector, costing the Agency even more to replace them.

What is the status of implementation of Section 1222? How many formerly temporary personnel who served three consecutive years with FEMA have competed for permanent positions and how many have been appointed to permanent positions?

*ANSWER.* FEMA implemented DRRRA 1222 effective 2:00 pm EDT on Tuesday, July 30, 2019. As of August 28, 2019, a total of 87 Job Opportunity Announcements for Merit Promotion positions have been posted to USA jobs that include the DRRRA 1222 eligibility. Of the position posted as of August 28th, 1,420 applicants indicated that they would like to receive consideration for the Merit Promotion Opportunity using the DRRRA 1222 authority. The eligibility extends to current and former FEMA employees who have served continuously since August 1, 2014. No final selections or appointments have been made for any of those 87 positions as of this submission.

*Question 10.b.* Do you feel that there's a need for additional incentives to fill the current significant vacancies in FEMA's Incident Management workforce?

*ANSWER.* Incentives alone would not solve the issue. A primary problem now is the very low unemployment rate combined with no job protections (such as provided for the military reserves) when individuals are deployed.

*Question 10.c.* Have you or the Agency given any thought to what else may be needed?

*ANSWER.* Hiring targets and challenges are regularly discussed. FEMA works as a team to try and identify how to tackle the challenges.

*Question 11.a.* FEMA's 2018–2022 Strategic Plan prioritizes efforts to incentivize investments that reduce risk, including pre-disaster mitigation, and increase the number of properties covered by flood insurance. However, top leadership support within the executive branch has regressed, as related executive orders have been rescinded. For example, Executive Order 13690 was revoked in 2017, which established a government-wide federal flood risk management standard to improve the resilience of communities and federal assets against the impacts of flooding.

If increasing our nation's resilience is a FEMA priority, why were these efforts revoked?

*ANSWER.* FEMA supports efforts to improve the Nation's preparedness and resilience against hazards, including flooding hazards. While EO 13807 rescinded EO 13690, it left in place EO 11988, "Floodplain Management." EO 11988 establishes floodplain management standards and procedures across the Executive Branch. As a consultation agency under the EO 11988, FEMA provides technical assistance and advice to other federal agencies in the development and implementation of these standards and procedures. FEMA also continues to seek more effective ways to assess and reduce the risk of current and future flooding and increase community resilience. In addition, states and localities continue to adopt design standards as appropriate for their circumstances to account for flood hazards.

*Question 11.b.* In your view what is the federal role in encouraging resilience?

*ANSWER.* FEMA's role is to build relationships with our emergency management partners, ideally before disasters occur, so that the Agency can understand their unique conditions and needs. FEMA is responsible for identifying best practices and working within the emergency management community to encourage proactive risk assessment, preparedness activities, and mitigation investments. Post-disaster, FEMA's responsibilities primarily involve coordinating and assigning Federal assets to support SLTT partners and providing grant assistance to help SLTTs, individuals, and private non-profit organizations cope with disaster losses and recovery. However, FEMA does not and cannot serve as the sole or primary responder.

To that end, pre-disaster coordination and communication among partners is critical to improving response and recovery outcomes. Equally important are mitigation and actions that we can take to enhance the resilience of our communities before disasters occur. In order to be resilient, communities must make efforts to protect lives and property before disasters occur. In every phase of emergency management, success requires the cooperative contributions of the whole community.

*Question 11.c.* What strategies have you identified to increase the purchase of flood insurance policies?

*ANSWER.* Our strategies to increase the purchase of flood insurance policies include:

- Instituting Risk Rating 2.0, which will provide fairer rating and ensure pricing better reflects flood risk;
- Redesigning the NFIP Policy Forms to be more user friendly for both the policyholder and insurance agent;
- Building and enhancing partnerships to influence insurance uptake. For example, we are working with Realtors, Lenders, and other influencers in the communities;
- Enhancing marketing, using new behavioral science techniques and geographically targeted marketing campaigns; and,
- Developing relationships with, and coordinating with the Private Flood market to better understand insurance uptake other than the NFIP.

In addition, we are constantly seeking to improve the customer experience and implementing innovations that can improve risk awareness and flood insurance uptake. Of note, in fiscal year 2018, we saw a five percent growth in flood insurance (NFIP and estimated private flood markets combined). This is a great step forward, but still requires considerable effort to address the overall insurance gap.

*Question 12.a.* In the 2019 National Defense Authorization Act, which was passed by Republican majorities in both the House and the Senate—and which the President enacted—language was included mandating that military construction projects be built to at least two feet above the base flood elevation. For critical infrastructure, the NDAA called for construction at three feet above the base flood elevation.

Would FEMA encourage and support similar language for any non-military infrastructure bill that this Congress might consider?

*Question 12.b.* HUD guidance on flood resilience standards requires that all residential structures in the Special Flood Hazard Area (SFHA) that receive federal assistance for new construction, repair of substantial damage, or substantial improvement as defined in 24 C.F.R. 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two to three feet above BFE (see Department of Housing and Urban Development, “Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recover Grantees,” 83(28) Federal Register 5861, February 9, 2018). Would FEMA consider adopting similar standards?

*ANSWERS (12.a.–12.b.)* Congress should consider ways to make Federal infrastructure more resilient, including using structural or nonstructural methods to reduce or prevent damage; or designing the structure to adapt to, withstand and rapidly recover from a flood event. In selecting the appropriate resilience approach, Federal departments and agencies should consider several factors such as flood depth, velocity, rate of rise of floodwater, duration of floodwater, erosion, subsidence, the function or use and type of structure or facility, and other factors. However, as no feasibility study has been conducted and we have not estimated the cost of adopting a similar provision for non-military infrastructure, FEMA defers to GSA and other Federal agencies.

In addition to implementing statutory requirements related to building codes under the Stafford Act, FEMA worked with HUD on flood and building codes standards included in the Federal Register notice containing the grant requirements for Community Development Block Grant (CDBG)-Mitigation grants. Generally, for CDBG disaster recovery grants to address unmet recovery needs, HUD requires that all residential structures in the Special Flood Hazard Area (SFHA) that receive federal assistance for new construction, repair of substantial damage, or substantial improvement as defined in 24 C.F.R. § 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two to three feet above BFE (see Department of Housing and Urban Development, *Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recover Grantees*, 83 Federal Register 5861, February 9, 2018). So that HUD could consider potential modifications for requirements that apply to CDBG mitigation funds, in addition to flood elevation standards, FEMA has shared with HUD, and provided guidance on the FEMA Hazard Mitigation Assistance (HMA) grant programs, as well as the requirements for various structures to be built to the American Society of Civil Engineers (ASCE) standards, to ensure fulsome disaster resistant building protection, not just compliance with an elevation standard. The objective is to make buildings resilient to withstand risk of damage from multiple hazards.

*Question 13.a.* FEMA’s 2018–2022 Strategic Plan states that “[d]isaster resilience starts with building codes, because they enhance public safety and property protection.” The Plan also calls for straightforward processes and policies for staff and improvements in FEMA’s stewardship of Federal taxpayer dollars. FEMA’s Public Assistance Program to rebuild public facilities post disaster generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA’s programs—like Individual Assistance, Public Assistance, and Hazard Mitigation—could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

Is that something FEMA would/should consider? For example, would/should the Agency consider applying its PA codes and standards minimum where the Agency is funding permanent housing construction through its Individual Assistance program?

*Question 13.b.* Would FEMA consider requiring work performed using funding made available pursuant to a Stafford Act declaration, including Public Assistance, Individual Assistance, and Hazard Mitigation Assistance, to be built at a minimum to the most current codes set by the International Code Council, referred to as the “I-Codes”?

*ANSWERS (13.a.–13.b.)* FEMA regulations require that any permanent or semi-Permanent Housing Construction (PHC) that FEMA provides must be consistent with current minimal local building codes and standards where they exist, or min-

imum acceptable construction industry standards in the area where no codes and ordinances apply. FEMA has incorporated the 2018 International Building Code (IBC) standards for new homes being constructed as part of FEMA's PHC program in the Commonwealth of Northern Marianas Islands following Super Typhoon Yutu and will consider updating Individual Assistance policy in the future to align PHC with minimum codes and standards requirements for Public Assistance and Hazard Mitigation.

FEMA is not considering requiring disaster survivors who receive financial assistance for Home Repair or Replacement under the Individuals and Households Program to build to additional codes and standards beyond what the local government requires.

FEMA's Public Assistance Program is currently developing an interim policy to implement Section 1235(b) of the DRRRA which authorizes FEMA to fund the restoration of eligible facilities based on the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of such facilities. FEMA's Minimum Standards Policy already requires application of the hazard resistant provisions of the IBC for buildings when the code is triggered. As such, FEMA is receptive to referencing the I-Codes in its interim policy and is currently evaluating them against the criteria described in the DRRRA.

*Question 14.a.* When you're not serving as the Acting Deputy Administrator, you serve as the Deputy Administrator for Resilience.

Given your experience in that position, can you speak to what communities are seeking most when it comes to FEMA's assistance in both pre- and post-disaster?

*ANSWER.* FEMA continues to work with external stakeholders to seek feedback on Section 1234 of the DRRRA which amended FEMA's pre-disaster mitigation (PDM) program. FEMA will replace PDM with a new program called Building Resilient Infrastructure and Communities (BRIC). Since the passage of the DRRRA and as it establishes BRIC, FEMA has emphasized extensive stakeholder engagement to inform program design.

At the Hazard Mitigation Assistance (HMA) annual workshop for State/Tribal Hazard Mitigation Officers in April 2019, FEMA hosted several group discussions for idea sharing and input. For two months, beginning on May 20, 2019, FEMA requested public input on key areas about the development and implementation of BRIC on a forum called Ideascale. FEMA hosted four "listening sessions" in June via a webinar platform. We continue to urge communities from all levels of government and key stakeholders—including private businesses, individuals, vulnerable and at-risk populations, critical infrastructure sectors, and non-profit, academic, and philanthropic organizations—to provide comment. To date, FEMA has received over 4,560 comments and will continue to engage with stakeholders through the summer. This includes a focus on engagements with federally-recognized tribes online, in-person and at conferences.

While FEMA is still adjudicating those comments and other feedback collected through the listening sessions, so far key themes identified by stakeholders include resource constraints, concerns about the focus on infrastructure and large-scale projects, technical assistance and capability building needs, challenges encountered given the complexity of existing processes and requirements and the importance of building partnerships as key items that will provide resilience in both pre- and post-disaster.

*Question 14.b.* What are they looking to FEMA for the most of in terms of design and implementation to be more resilient and better withstand a disaster?

*ANSWER.* FEMA's partnership with SLTTs is priority when speaking in the realm of resilience and preparedness. Resilience is achieved through a variety of initiatives from across the public and private sectors and philanthropic entities that promote hazard mitigation. By making mitigation investments, communities help protect lives and property, and reduce risk and the costs of disasters. By working together, everyone can help keep the Nation safe from harm and help it be resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

FEMA is concentrating on building resilience. Disaster resilience is the backbone of emergency management and the foundation for FEMA's mission: helping people before, during, and after a disaster. A good way for us to prepare the Nation for catastrophic events and reduce the personal and financial costs of disasters is through mitigation. Mitigation begins at the local level. We must incorporate mitigation into all aspects of local infrastructure—to include utilities, parks, economic, zoning, building codes, and planning development to minimize disruption when a disaster does occur.

FEMA continues efforts on its 2016 Building Codes Directive [<https://www.iccsafe.org/wp-content/uploads/FP-204-078-2.pdf>], which greatly increases the use and visibility of disaster-resistant building codes across the Agency. Communities that adopt and enforce today's disaster-resistant building codes will benefit from these policies, which affect Public Assistance, Hazard Mitigation Assistance, and many of FIMA's programs.

Building codes are a key component of a resilient Nation. The Natural Hazard Mitigation Saves Interim Report [<https://www.nibs.org/page/mitigationsaves>] authored by the National Institute of Building Sciences, demonstrates the financial benefits of mitigation. This research shows that new construction that exceeds the select provisions of the 2018 International Building Code and the 2018 International Residential Code results in a national benefit of \$11 for every \$1 invested. In addition, 23 years of federal mitigation grants provided by FEMA, the U.S. Economic Development Administration, and the U.S. Department of Housing and Urban Development (HUD) have resulted in a national benefit of \$4 for every \$1 invested. Federally-funded mitigation grant programs from 1993 through 2016 have resulted in \$158 billion in savings.

The National Mitigation Investment Strategy proposes a single national strategy for the whole community to more effectively and efficiently advance the practice of mitigation investment in the United States—all to increase the Nation's resilience to natural hazards and, ultimately, to build a culture of preparedness.

The National Mitigation Investment Strategy frames the initial steps needed to more effectively and efficiently advance the practice of mitigation investment nationwide. Effective mitigation investments can save lives and money.

The goals of the National Mitigation Investment Strategy are:

- 1): Demonstrate How Mitigation Investments Reduce Risk;
- 2): Coordinate Mitigation Investments to Reduce Risk; and
- 3): Make Mitigation Investment Standard Practice.

FEMA is establishing new strategic public/private partnerships to help catalyze local mitigation investment, especially considering the known return on these investments.

The NMIS seeks to increase the effectiveness of existing Federal mitigation programs and incentivize greater SLTT, and private sector action and contributions to long-term risk reduction.

*Question 15.a.* Section (a) of the new Stafford Act Section 430, authorized by Section 1224 of the Disaster Recovery Reform Act (DRRA), requires the FEMA Administrator to publish on the FEMA website award information for grants awarded under Section 406 of the Stafford Act in excess of \$1,000,000. For each such grant, FEMA shall provide the following information: FEMA region, declaration number, whether the grantee is a private nonprofit organization, damage category code, amount of the federal share obligated, and the date of the award.

Section (d) of the new Stafford Act Section 430, authorized by Section 1224 of DRRA, requires the FEMA Administrator to publish within the first ten days of each month on the FEMA website information about each contract executed by FEMA in excess of \$1,000,000. For each such contract, FEMA shall provide the following information: contractor name, date of contract award, amount and scope of the contract, whether the contract was competitively bid, whether and why there was a no competitive bid, the authority used to bypass competitive bidding if applicable, declaration number, and the damage category code. The new Section 430 of the Stafford Act also requires the FEMA Administrator to provide a report to the appropriate Congressional committees on the number of contracts awarded without competition, reasons why there was no competitive bidding process, total amount of the no-competition contracts, and the applicable damage category codes for such contracts.

When will FEMA begin posting the award information and providing a report to congressional committees on Section 406 grants and for contracts as required under Section 1224 of DRRA? Will FEMA retroactively provide this information for all grants and contracts over \$1,000,000 for the Hurricanes Irma and Maria disasters?

*ANSWER.* FEMA already posts information on Public Assistance grant awards under Section 406 in excess of \$1 million on our website. This includes the information required under new section (a) of the new Stafford Act Section 430. The posted data includes Public Assistance grant awards under Section 406 in excess of \$1M dating back to 2013, including grant awards for Hurricanes Irma and Maria.

Information on Public Assistance grant awards from 2013–2016 can be found at: <https://www.fema.gov/media-library/assets/documents/30731>

Information on Public Assistance grant awards from 2017–2019 can be found at: <https://www.fema.gov/media-library/assets/documents/128200>

Pursuant to section (d) of the new Stafford Action Section 430, FEMA intends to begin posting data on FEMA contracts in excess of \$1,000,000 by October 10, 2019. FEMA will post information on FEMA contracts in excess of \$1M dating back to at least August 1, 2017, consistent with the effective date of the amendment, including contracts in excess of \$1M for Hurricanes Irma and Maria. FEMA will also begin required reporting to Congressional committees pursuant to section (d) by October 10, 2019.

*Question 16.a.* The Subcommittee has heard from many local governments currently engaged in disaster recovery that are frustrated with the difficulty of incorporating intergovernmental cooperative purchasing into their recovery projects. In non-disaster procurements, they have experienced significant savings and benefits from these intergovernmental purchasing agreements. It would seem that similar savings could be found with disaster mitigation, preparation, and recovery efforts.

Similar cooperative construction contracts have been broadly used for hurricane and other disaster relief efforts in New York, New Jersey, Florida, Texas, and other areas. Importantly, the federal rules for non-federal entity use of federal funding actually encourage state and local governments to use intergovernmental purchasing to increase efficiencies and reduce costs (2 CFR § 200.318(e)).

In what ways has FEMA enforced these federal rules to encourage the use of intergovernmental purchasing.

*Question 16.b.* Do you believe there are ways that FEMA can further encourage the use of intergovernmental purchasing across its various programs rather than discouraging it?

*ANSWERS (16.a.–16.b.).* FEMA is supportive of intergovernmental cooperative purchasing for recovery projects. We encourage the use of intergovernmental agreements in a variety of ways in line with our strategic plan. The second goal outlined in the Strategic Plan is to Ready the Nation for Catastrophic disasters. FEMA believes encouraging the use of intergovernmental purchasing is part of reaching that goal.

To help educate state, local, tribal, and territorial governments (SLTTs), FEMA's Procurement Disaster Assistance Team (PDAT) provides training on how to use intergovernmental agreements while remaining in compliance with the federal rules for procurements under grants. PDAT hosts trainings, including a specialized training on cooperative purchasing to highlight intergovernmental agreements. Along with such trainings, PDAT provides technical assistance and guidance on procurement actions, including cooperative purchasing, to help SLTTs comply with the federal requirements and facilitate their recovery.

Recently, PDAT worked with the states of Texas and Virginia to help them structure their state-based contracts so they can be better used by all manner of SLTTs. Finally, FEMA's Public Assistance Division released a cooperative purchasing fact sheet to help guide non-state entities looking to take advantage of intergovernmental purchasing.

FEMA intends to further encourage the use of intergovernmental purchasing across its various programs.

*FEMA will Expand the Number of Cooperative Purchasing Training Sessions to SLTTs:*

FEMA is expanding PDAT's training outreach on cooperative purchasing. PDAT recently developed a training called "Beyond the Basics" which focuses in part on intergovernmental agreements, including cooperative purchasing and joint procurements. The training will help Public Assistance applicants be better equipped to use these tools to respond to and recover from emergencies and major disasters.

*FEMA will Review Cooperative Purchasing Contracts for Compliance with the Federal Procurement Regulations:*

Upon request, FEMA reviews SLTT cooperative purchasing actions for compliance with the federal regulations for procurements under grants. Often, an applicant's frustration regarding cooperative purchasing stems from a lack of understanding about which rules apply to it as a non-state entity and how to apply those rules when multiple entities are involved in a procurement. When requested, FEMA can advise PA applicants prior to procuring goods or services through cooperative purchasing to help them avoid making costly mistakes.

*FEMA will Develop a Fact Sheet on GSA Multiple Award Schedule Contracting:*

FEMA is developing guidance to assist SLTTs use the U.S. General Services Administration (GSA) Disaster Purchasing Program Multiple Award Schedule (MAS) contracts, yet remain compliant with the requirements of procurements under federal grants per 2 C.F.R. §§ 200.317–326. The GSA Disaster Purchasing Program al-

lows SLTTs to use the GSA MAS contracts to purchase products and services to facilitate recovery from a Presidentially-declared disaster under FEMA's Public Assistance program. FEMA will distribute the Fact Sheet to inform SLTTs of potential pitfalls but allow them to successfully enter into cooperative purchasing agreements that comply with federal procurement regulations.

QUESTIONS FROM HON. MARK MEADOWS TO HON. DANIEL KANIEWSKI, PH.D., DEPUTY ADMINISTRATOR FOR RESILIENCE, FEDERAL EMERGENCY MANAGEMENT AGENCY

*Question 1.* In the Disaster Recovery Reform Act and the Bipartisan Budget Act of 2018, Congress directed FEMA to issue comprehensive guidance to implement the federal cost share incentive of an additional 10% if states meet certain criteria, such as the adoption of the latest published edition building codes. How will FEMA define latest published building codes in the comprehensive guidance? What are some incentives that the federal government can provide to help prepare states to adopt modern building codes?

*ANSWER.* The Federal Emergency Management Agency (FEMA) is looking at the best way to holistically approach the review of its building code related authorities and programs and what would help drive increasing resilience across the country. This effort includes relevant sections in the *Disaster Recovery Reform Act (DRRA)* and the cost-share adjustment provision in the *Bipartisan Budget Act of 2018*. This review is currently ongoing.

*Question 2.* Congressional oversight is an important part of implementing new legislation, especially legislation as important as DRRA. Can you explain how FEMA intends to improve its coordination with this committee to ensure we receive needed information in a timely manner?

*ANSWER.* In consultation with committee staff, FEMA is increasing its updates on DRRA implementation. This effort will include monthly update calls on selected provisions and more frequent email updates, in addition to continuing the existing in-person quarterly update meetings.

*Question 3.* To Dr. Kaniewski: DRRA required FEMA to undertake interim guidance on some key definitions of "resiliency" and "resilient" within 60 days and final rules within 18 months of enactment of the DRRA. Has this process begun? When can we expect to see interim guidance? Will the guidance and the final rule be consistent with Section 406(e)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by DRRA) that establishes new criteria for federal funding for post-disaster repairs that require projects to adhere to "the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purposes of protecting the health, safety, and general welfare of a facility's users against disasters" . . . "in a manner that allows the facility to meet the definition of resilient developed pursuant to this subsection."?

*Question 4.* In developing these definitions for the interim guidance and the final rule, will FEMA take a building-material neutral approach?

*ANSWERS (3.-4.).* FEMA is evaluating a number of existing definitions of resilience, including that of the National Institute of Standards and Technology (NIST), as potential options for the purpose of Section 1235(b) of the DRRA. NIST defines resilience as "the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions."

FEMA intends to release interim guidance on Section 1235(b) by September 2019. The guidance will be consistent with the legislative mandate in the provision.

FEMA is currently evaluating the suitability of a range of consensus-based codes and standards to implement Section 1235(b).

*Question 5.* There is no question that helping victims is our first priority, but it is extremely concerning just how drastically the federal government's share of post-disaster losses has risen in the last decade. After Hurricane Diane in 1955, the federal government covered about 6% of total losses. Fast forward to Superstorm Sandy in 2012, taxpayers were on the hook for 77% of losses. In FEMA's eyes, why are taxpayers covering so much more of the disaster, and how will the DRRA, once fully implemented, help curb this concerning trend?

*ANSWER.* FEMA is focused on reducing the cost of disasters, but it remains a challenge when current laws, regulations, and policies disincentivize state and local communities from taking on more responsibility in regards to preparing for and responding to natural disasters.

The first goal of FEMA's strategic plan is to create a culture of preparedness across America in order to achieve disaster resilience. Specifically, the first objective of this goal is to incentivize investments that reduce disaster risk and disaster costs at all levels, including pre-disaster mitigation. A 2017 National Institute of Building Sciences study shows that \$1 that the Federal government invests in mitigation can save an average of \$4 in future spending.

FEMA believes that DRRA Section 1234 (National Public Infrastructure Pre-disaster Hazard Mitigation) provides substantial support to FEMA's efforts to incentivize pre-disaster mitigation by creating a stable and much larger funding source. With a more reliable stream of funding, we believe communities will be able to better plan and execute mitigation programs to help reduce disaster risk. The Administration is committed to ensuring we track spending under this new grant program to determine reductions to long-term Federal disaster spending.

Other DRRA sections also support FEMA's efforts to reduce disaster risk and in turn recovery costs. For example, DRRA Section 1206 (Code Implementation and Enforcement) and DRRA Section 1235(b) (Consensus-Bases Codes and Standards) support efforts to increase resilience through enhanced building codes and standards. This could help decrease recovery costs by minimizing damage to infrastructure from future events.

FEMA continues to review the various provisions of DRRA to determine the total costs and potential savings to taxpayers.

*Question 6.* Transparency is critical to ensuring there is accountability. Section 1224 of DRRA requires FEMA to publish online disaster data and collect contract information for oversight purposes. I understand some of this information is now available online, but the collection of contract information has not been implemented. When can we expect this section to fully be implemented?

*ANSWER.* Pursuant to subsection (d) of the *Stafford Act* Section 430, FEMA intends to begin posting data on FEMA contracts in excess of \$1,000,000 by October 10, 2019.

Subsection (e) requires that, in addition to FEMA contracts, FEMA also collect contract information from recipients and sub-recipients. FEMA does not currently collect this information from recipients and sub-recipients. Adding new collection fields to the current legacy system is not feasible, as doing so may cause the system to fail. FEMA is in the process of modernizing the system and expects it to be operational in 2020.

FEMA must also undergo a *Paperwork Reduction Act* (PRA) review through the Office of Management and Budget, given the nature of the data that will be collected from recipients and sub-recipients. FEMA is unable to provide an estimate on how long the PRA process will take to complete.

Given the dependencies on system modernization to collect and store the data, and PRA approval to do so, the earliest that FEMA could be in a position to implement subsection (e) is the end of calendar year 2020.

QUESTIONS FROM HON. STACEY E. PLASKETT TO HON. DANIEL KANIEWSKI, PH.D.,  
DEPUTY ADMINISTRATOR FOR RESILIENCE, FEDERAL EMERGENCY MANAGEMENT  
AGENCY

*Question 1.a.* Section 1211 of the Disaster Recovery Reform Act of 2018 authorizes the Federal Emergency Management Agency (FEMA) to approve pilot programs, in advance of developing formal guidance, for State or territory-run Permanent Housing Construction under Section 408 of the *Stafford Act*.

The 2019 hurricane season has now commenced. More than 400 families in the Virgin Islands badly need this assistance, whose homes still could be repaired before the peak of hurricane season. These hundreds of homes are ready to go; including cost estimates accepted by FEMA, building permits, and design plans. All materials were already purchased through the Sheltering and Temporary Essential Power (STEP) emergency housing program and are in warehouses in the territory.

Public shelters have not been rebuilt yet while the Virgin Islands continues to work through FEMA's Public Assistance processes. The only difference from last year is that, through the STEP program, 1,700 families can now shelter-in-place. The Virgin Islands just wants the same for the remaining 400+ homes, and FEMA approval could get these done before peak hurricane season using existing contracts.

Will FEMA reconsider its denial of the Virgin Islands' request for a pilot program authorized under Section 1211?

*ANSWER.* FEMA has already reconsidered the U.S. Virgin Island (USVI) request and provided a final determination denying the request on May 13, 2019. FEMA explained in the denial that authorizing a grant program under Section 1211 of the *Disaster Recovery Reform Act of 2018* would not change the eligibility requirements

for housing assistance. Applicants who did not qualify under Permanent Housing Construction (PHC) Repair under the FEMA-managed program would still not qualify under a Territory-administered PHC program under Section 1211. FEMA explained to the Territory that applicants with home damage that exceed the scope of assistance authorized under PHC-Repair should be included in a Community Development Block Grant Disaster Recovery (CDBG-DR) funded housing construction program.

Guidance for State, Territory, and Tribal governments to apply for and implement a grant to administer a housing mission on FEMA's behalf has not been finalized. Until this guidance is finalized, FEMA will not issue a grant to a State, Territory, or Tribal government to implement a housing mission on FEMA's behalf. This determination is due to the DRRR requiring FEMA to institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and mismanagement for the program before approving a grant application. However, Community Development Block Grant—Disaster Recovery (CDBG-DR) funds are available for the Territory to assist applicants with more extensive home damage.

*Question 1.b.* Is FEMA willing to re-open the STEP Period of Performance under the same reasoning as last year—that there are inadequate sheltering options—and let them finish these 400+ homes? All of the 400+ homes are STEP-eligible; however, the territory could not get them done because time extensions came in 60-day increments, and these are roof repairs that will take twice that long (closer to 120 days).

*ANSWER.* The Period of Performance (POP) for all Sheltering and Temporary Essential Power (STEP) events have ended and transitioned into the final reconciliation and project closeout phase. As an emergency protective measure, STEP is intended to address immediate threats to life, public health, and safety, and is subject to regulatory requirements for emergency work at 44 CFR § 206.204(c)(1), which establishes a six-month deadline for emergency work. STEP under FEMA-4340-DR-VI was extended numerous times, well beyond the six-month deadline typical for emergency work. Additionally, FEMA informed the Recipient in its last time extension authorization that no further time extensions would be granted. For these reasons, FEMA will not consider additional time extensions to the POP for STEP in the USVI.

*Question 2.a.* FEMA has only just recently released its initial request for public comment for the new pre-disaster hazard mitigation grant fund authorized under the Disaster Recovery Reform Act of 2018, which was signed into law some eight months ago. The regular grant cycle for pre-disaster hazard mitigation grants is in the Fall; so, communities may not see these grants until fiscal 2021.

When do you expect FEMA to actually be able to offer these pre-disaster mitigation grants, which will be important to improving the resiliency of infrastructure in disaster-affected areas?

*ANSWER.* As FEMA transitions from its current Pre-Disaster Mitigation (PDM) program to the new program Building Resilient Infrastructure and Communities (BRIC), there will be no gap in mitigation assistance for our state and local governments, territories, and tribes (SLTT). FEMA just released the selections for the 2018 PDM grant cycle which involves the highest amount of funding ever appropriated for PDM (\$249.2 million). The selections can be viewed at: <https://www.fema.gov/pre-disaster-mitigation-program-fy-2018-subapplication-status>. Congress appropriated \$250 million from the Disaster Relief Fund for the 2019 PDM program. FEMA will continue to move mitigation forward by making these funds available for competition to state and local governments, territories, and tribes in the next few months. Additionally, as authorized by Section 1234 of the DRRR, FEMA began setting aside 6% of estimated disaster expenses at the end of 2018. FEMA is evaluating potential changes in order to transition from PDM to BRIC in 2020 to deliver a program that will (1) more meaningfully and measurably reduce risk; (2) reduce disaster costs to the Disaster Relief Fund; and, (3) increase resilience across the full spectrum of hazards for our state and local government, territory, and tribal partners.

*Question 2.b.* Considering a place like the Virgin Islands—which may not have a large population, but is certainly a high-impact area—how does FEMA plan to evaluate applications for these pre-disaster mitigation grants to see that the Virgin Islands can equitably compete for those types of grants?

*ANSWER.* The non-disaster grant programs are announced on a yearly basis through the FEMA Federal Insurance and Mitigation Administration (FIMA). The Notice of Funding Opportunity is distributed to stakeholders, and posted online at [grants.gov](https://www.grants.gov), to ensure that the territory and stakeholders are aware of the funding opportunity.

In addition to the above, the FEMA Region II Mitigation Division works directly with the State Hazard Mitigation Officer and the Virgin Islands Territorial Emergency Management Agency (VITEMA), to provide technical assistance and guidance regarding the application process, development and submittal.

*Question 3.* After Hurricanes Irma and Maria in the Virgin Islands, some people who had insurance did not have enough to cover all costs. Some of them took out a Small Business Administration (SBA) loan to begin recovery and work on their homes right away. Some of those who took out SBA loans to help cover the gap are now still saddled with those loans, and many of these individuals had completely destroyed homes.

Under Section 1210 of the Disaster Recovery Reform Act of 2018, governors have the ability to request a waiver of Stafford Act prohibitions regarding duplication of federal benefits, if it is in the public interest and will not result in waste, fraud, and abuse. In carrying out this authority, the Act clarifies that a loan cannot be determined to be a duplication of assistance.

With this new provision in federal law, those who took out an SBA loan right after a major disaster—some out of desperation, others out of the need to begin rebuilding right away—will they be able to use any community development block grant funds that they receive to repay that SBA loan?

*ANSWER.* FEMA, in coordination with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Small Business Administration (SBA), issued a Fact Sheet on February 2, 2019 explaining the scope of this authority.

FEMA defers to questions involving HUD's Community Development Block Grant Disaster Recovery Program and SBA's Disaster Loan Assistance to those agencies. That said, we understand that HUD on June 17, 2019 published notices to their Grantees regarding changes to their application of duplication of benefits as a result of Section 1210. Those notices can be found at <https://www.hudexchange.info/news/hud-publishes-duplication-of-benefits-notices-for-cdbg-dr-grantees/>

QUESTIONS FROM HON. JENNIFFER GONZÁLEZ-COLÓN TO HON. DANIEL KANIEWSKI, PH.D., DEPUTY ADMINISTRATOR FOR RESILIENCE, FEDERAL EMERGENCY MANAGEMENT AGENCY

*Question 1.a.* I understand that FEMA has just informed Puerto Rico that they will be implementing a new plan for processing permanent work requests.

Was COR3 included in any conversations about this new plan?

*Question 1.b.* The plan indicates FEMA will deploy 500 people to Puerto Rico by June 3rd, how do you plan to do that?

*Question 1.c.* Is it smart to deploy so many people days after Hurricane Season is scheduled to start?

*ANSWERS (1.a.–1.c.).* FEMA and Puerto Rico's Central Office for Recovery, Reconstruction, and Resilience (COR3) have been in constant communication to identify strategies to improve and enhance Puerto Rico's recovery process. After months of collaboration, our joint efforts were memorialized in a letter dated May 13, 2019, that included an overview of the National Public Assistance Delivery Model to directly address COR3's request to streamline the delivery of Public Assistance in Puerto Rico. This model is not new. With over 50,000 successfully completed projects nationwide, we are implementing a proven program delivery approach to benefit the island. The National Public Assistance (PA) Delivery Model has been in use in every other disaster operation nationwide since October of 2017 and includes simplified roles and responsibilities, consolidated grant processing and standardized software support. Currently, there are roughly 100 disasters that are being processed using this program delivery model. Implementing the National Delivery Model in Puerto Rico, which FEMA has done at COR3's request, reduces the number of points at which grants can linger in a review queue from 43 to 23, and increases the ability of FEMA staff in the field to focus on collaboration with COR3 and applicants, completing site inspections, and collecting documentation. The National Delivery Model does not change the use of Section 428 Alternative Procedures for permanent work in Puerto Rico.

With the implementation of the National Delivery Model, Public Assistance work will continue to be done by FEMA staff already on the ground. Our local staff, representing over 82 percent of our workforce on the island, has developed its capabilities with on-hand training and field experience for over a year, successfully realigning roles and responsibilities within the organization. The implementation of the National Delivery Model does not include reference to a requirement to deploy a particular number of staff. However, the Consolidated Resource Center (CRC) Atlantic was established in June 2019 and will hire 147 staff to complete the development and review of projects, including emphasis on supporting requirements for Puerto

Rico. With the CRC, the Agency brought in mentors from headquarters and regional offices to assist FEMA, COR3, and applicant staff already on the ground in transitioning to the National Delivery Model, to develop and process grants. One major benefit of the CRC is that its resources do not get pulled into disaster response roles and can continue moving PA grant work forward regardless of changes in response posture. The timing of the implementation of the National Delivery Model was designed so that the groundwork was laid before hurricane season began, and the transitional period will occur before the peak of hurricane season; historically from August through October.

*Question 2.a.* The plan indicates that Fixed Cost Estimates will be developed solely by FEMA after statements of work are agreed to.

Doesn't this violate the Section 428 agreement signed with the Government of Puerto Rico? If so—does that mean FEMA is releasing Puerto Rico from the requirement to use 428?

*Question 2.b.* Certainly, you are aware the law doesn't allow you to condition public assistance on the acceptance of Section 428 and, since it would seem this decision nullifies the Section 428 agreement, that would mean Puerto Rico can use traditional programs for recovery now, correct?

*ANSWERS (2.a.–2.b.).* The Public Assistance National Delivery Model does not change the use of the Section 428 Alternative Procedures for all large project funding for permanent work in Puerto Rico. Fixed Cost Estimates are developed collaboratively with COR3 and the sub-recipients in accordance with the Section 428 Guide for Permanent Work in Puerto Rico.

The National Delivery Model has been implemented in Puerto Rico at the request of the Government of Puerto Rico and COR3 Executive Director Mr. Omar Marrero. The National Delivery Model streamlines the delivery of Public Assistance in Puerto Rico and increases the timeliness, accuracy and consistency of grant development by segmenting work and consolidating the development of scopes of work and cost estimates at Consolidated Resource Centers.

As part of the 428 agreement, COR3 and FEMA jointly formed, and their representatives participate in, the Center of Excellence and Independent Expert Panel. Through quality assistance and quality control, the Center of Excellence helps ensure consistent application of cost estimating methodologies and cost estimating factors that take into account Puerto Rico-specific means, methods, materials, and costs. The Independent Expert Panel will validate any cost estimates that meet any of the following criteria: (1) the cost estimate equals or exceeds \$5 million; (2) FEMA, COR3, and the sub-recipient cannot reach agreement on a cost estimate; and, (3) a "50 Percent Rule" calculation is required and the replacement estimate exceeds \$5 million.

The National Delivery Model formalizes coordination and collaboration at every step of the grant development process by: (1) establishing complete transparency into grant development through Grants Manager and Grants Portal; and, (2) establishing a single point of contact for applicants and recipients whose primary responsibility is to communicate, coordinate and collaborate with applicants on grant development. As a result, recipients and sub-recipients can monitor and actively engage in every project action as it moves through the steps: damage identification, documentation, scoping, cost estimation and compliance review. Additionally, COR3 will have representation at the Consolidated Resource Center in Puerto Rico, known as the CRC Atlantic.

*Question 2.c.* In Puerto Rico alone, there are more than 70,000 sites identified in need of an inspection, to date more than 10,500 have actually been executed. What is the hold up given the October deadline?

*Question 2.d.* Given that municipios in Puerto Rico are often better staffed than local governments with licensed staff who are willing and able to help conduct inspections for certification, why hasn't FEMA moved forward with using local licensed professionals in Puerto Rico, beyond their workforce to address the backlog of sites requiring inspections?

*ANSWERS (2.c.–2.d.).* FEMA and the Commonwealth of Puerto Rico are currently evaluating the number of locations that require site inspections. Applicants eligible for Public Assistance have identified many thousands of individual damaged facilities—the 70,000 sites noted account for each individual building, section of damaged road, culvert, etc. On average, a site inspection will verify damage for approximately three facilities. While FEMA and the Commonwealth of Puerto Rico have completed and fully documented about 30 percent of the required field inspections, additional inspections have been completed by joint FEMA/Commonwealth teams or individual FEMA or Recipient teams where full documentation in our systems of record is still pending. As of June 14, 2019, roughly 17,000 damage line items have

a work order in process, with either a completed site visit pending upload into Grants Manager, or with a scheduled site visit.

FEMA is committed to the expedited recovery of Puerto Rico and as such, we have implemented several innovations to further facilitate the completion of field inspections. One such innovation is the installation of a Consolidated Resource Center (CRC). The CRC will be solely dedicated to the completion of scopes of work (SOW) and cost estimates generated from the inspections done by field personnel. This frees up our field personnel to exclusively perform field inspections and document disaster damage and dimensions, and not developing SOW. In addition, earlier this year, we officially developed a statistical method to reduce the number of inspections and develop cost estimates for sites with similar facility characteristics. FEMA's Cost Analysis and Validation Team is working with each Sector to develop asset classes that qualify for the use of this methodology and are beginning to develop projects accordingly. The methodology is only being applied to the inventoried disaster damage identified by the Sub-recipient. FEMA's Cost Analysis and Validation Team will now be part of the CRC.

FEMA considers local engineering expertise and coordinates with the Commonwealth to accept site inspection reports previously completed by the Commonwealth. FEMA and the Recipient work with local entities to document and verify eligible damage, fully considering local engineering expertise provided to expedite and inform project formulation. Because recovery is a partnership between FEMA, COR3 and the applicants, FEMA must ensure that all aspects of grant development are coordinated at the appropriate levels with those entities. Working to complete site inspections and subsequent workload requires that both FEMA and the Commonwealth are resourced appropriately.

FEMA's long-term recovery operations in Puerto Rico relies heavily on locally hired staff. At present, locally hired staff represent over 82 percent of our overall staffing levels. This reflects a strong commitment to recruit and hire those most familiar with Puerto Rico. In addition, the CRC Atlantic will employ nearly 150 permanent local staff to help move recovery forward on the island.

*Question 3.* It seems ill-advised, at best, to once again rewrite the recovery process while simultaneously denying the island a blanket extension on time to develop fixed cost estimates for projects. How do you envision this impacting the island's recovery?

*Question 4.* On that topic—given FEMA has taken at least 6 months just to develop Section 428 procedures, why wouldn't you grant at least a 6-month extension to the Fixed Cost Estimates deadline? More time if you once again change the rules.

*ANSWERS (3.-4.).* COR3 was informed of the transition to the National Public Assistance Delivery Model in direct response to requests from the Government of Puerto Rico and COR3 to streamline the delivery of Public Assistance in Puerto Rico. The National Delivery Model does not change the use of Section 428 Alternative Procedures for permanent work in Puerto Rico. The National PA Delivery Model has been in use in every other disaster operation Nation-wide since October of 2017 and includes simplified roles and responsibilities, consolidated grant processing, and standardized software support.

Due to the size and scope of the disaster in Puerto Rico, FEMA immediately doubled the time period for submitting fixed cost estimates to Oct. 11, 2019—24 months after the disaster declaration. Generally, Public Assistance applicants have 12 months after a disaster declaration to submit fixed cost estimates for permanent work.

In accordance with the agreement between the Commonwealth and FEMA established in the Public Assistance Alternative Procedures Guide for Permanent Work in DR-4339 (the 428 Guide), the deadline to agree on all fixed-cost estimates is October 11, 2019. The Fixed Cost Estimate Deadline is an important milestone in moving recovery forward and extending it without thoughtful consideration of progress toward completing site inspections and developing damage descriptions, scopes of work, and cost estimates will result in recovery construction delays. While the October 11 deadline keeps the recovery process moving forward, FEMA and the Commonwealth anticipated the need for project-specific time extensions and defined that process in the 428 Guide for Puerto Rico. Upon request from the Commonwealth, FEMA will evaluate extensions to the Fixed Cost Estimate Deadline on a project-by-project basis and FEMA will consider project-specific time extensions upon the development of a sector- or municipality-specific program delivery plan and agreement to that plan by FEMA and Commonwealth officials.

*Question 5.* What recourse does the island have if your fixed cost estimates are not adequate and don't appropriately meet the requirement? Appeals will only add to the time before work is done, or is that the ultimate goal?

*ANSWER.* Due to the size and scope of the disaster in Puerto Rico, FEMA immediately doubled the time period for submitting fixed cost estimates to October 11, 2019—24 months after the disaster declaration. This is the first time FEMA has extended this deadline for any disaster operation. Generally, Public Assistance applicants have 12 months after a disaster declaration to submit fixed cost estimates for permanent work. While the October 11 deadline keeps the recovery process moving forward, FEMA anticipated the need for project-specific time extensions and defined the process in the 428 Guide for Puerto Rico.

For information on necessary documentation for time extensions, please refer to Table 11 on page 142 of the Public Assistance Program and Policy Guide: [www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG\\_3.1\\_508\\_FINAL\\_5-4-2018.pdf](http://www.fema.gov/media-library-data/1525468328389-4a038bbef9081cd7dfe7538e7751aa9c/PAPPG_3.1_508_FINAL_5-4-2018.pdf).

Fixed Cost estimates are developed collaboratively with COR3 and the sub-recipients, per the 428 Guide for Permanent Work in Puerto Rico. Significant collaborative efforts have been made to establish and agree to cost estimating approaches. With complete transparency, and dedicated resources in mind, establishing and maintaining communication channels helps identify and address disagreements early on in the process. In addition, all cost estimates over \$5million, and any other projects at COR3's request, will be reviewed by a third-party independent expert panel.

If there are disagreements that cannot be resolved through discussion and documentation, FEMA has a process that issues "determination memos" for portions of projects under dispute. This process allows the non-disputed portions of projects to move forward, while the disputed portions of those projects are separated out and in no way hinders or stalls project work. It is the prerogative of COR3 and the applicant to appeal any negative eligibility determinations; the appeal process does not affect the timeline for elements of a project that are not disputed.

*Question 6.* How has the State, Local, Tribal, and Territorial (SLTT) partnership improved resiliency implementation or planning for natural disasters? Who are the members of the partnership, specifically which territories are involved?

*ANSWER.* A critical part of FEMA's mission is supporting State, Local, Tribal, and Territorial (SLTT) preparedness to effectively respond to and recover from disasters. Prior to 2017, FEMA Region II was routinely engaged with both Puerto Rico and the U.S. Virgin Islands (VIPR) via the Caribbean Area Division (CAD) and regional counterparts on matters related to planning, training, exercises, organization and equipment. Between 2009–2017 FEMA Region II exercised six catastrophic scenarios spanning thirteen exercises, responded to seven incidents, and performed two continuity assessment reports. Puerto Rico made great strides in strengthening public safety communications through the Homeland Security Grant Program (HSGP) since 2005. Under each HSGP program between 2005–2016, Puerto Rico addressed several communications gaps identified in its Homeland Security Strategy and annual Threat and Hazard Identification Risk Assessments (THIRA). Grant funding also strengthened Puerto Rico's CBRNE, intelligence and information sharing, and planning capabilities. Between FY13–17, the Emergency Management Institute delivered training to 1,165 students from Puerto Rico on topics such as the Incident Command System, grants management, firefighting, and hurricanes. Such training has continued post-2017 with 358 students receiving training in FY18. In August 2017 FEMA hosted two (2) Ready Business Workshops in Puerto Rico, providing guidance to 195 private sector partners on preparing for earthquakes and power outages.

Since 2017, FEMA has redoubled to help SLTT partners in Puerto Rico to improve their resilience to both manmade and natural disasters. FEMA has coordinated hundreds of community preparedness events throughout Puerto Rico in partnership with private sector entities, including shopping centers and hardware stores, along with nongovernmental organizations, and the public sector. Events have focused on issues including but not limited to family preparedness, the psychological aspects of disaster recovery and the 'Until Help Arrives' training program. This program teaches individuals to know the steps they can take when responding to a life-threatening situation. FEMA is also supporting the Community Emergency Response Team (CERT) program in Puerto Rico. Through this program, local community volunteers are educated about disaster preparedness to enhance and build upon their capabilities to prepare for, respond to, and recover from disasters.

FEMA has also worked with stakeholders across Puerto Rico to increase the resilience of organizations to recover and perform their essential functions and duties in the aftermath of emergencies. Since 2017 FEMA has conducted numerous continuity events, impacting thousands of participants. For example, the Agency has advised private sector industries such as pharmaceutical, airline, hotel and shipping

companies to help increase their capacity to deliver services in the aftermath of a disaster. Utilizing workshops, trainings and tabletop exercises, FEMA has provided technical assistance to territorial and local emergency management offices to support the development and completion of their respective continuity of operation plans.

In the realm of training, in 2018 FEMA's Center for Domestic Preparedness (CDP) trained nearly 100 of the territory's emergency and healthcare workers to respond to mass casualty incidents. CDP personnel spent months planning and preparing for the training, working with partners in Puerto Rico to register students, arrange venues and translate all course documents into Spanish. FEMA is also working with the Puerto Rico Emergency Management Bureau (PREMB) to stand up a Puerto Rico Incident Management Team (PR-IMT). PREMB selected staff that will participate in training, exercise and mentorship programs to qualify them as the PR-IMT. This program will help build a solid emergency management team for the Government of Puerto Rico through theoretical and hands-on training following FEMA's Incident Command System.

*Question 7.* During FEMA's quarterly update meetings with related appropriations and authorizing committee staff necessary to maintain open lines of communication between drafters of the legislation and those implementing it, would you please consider opening these calls to staffers of members on the committee? Would you consider opening up these calls to Members on the committee?

*ANSWER.* FEMA is committed to keeping Congress updated on our implementation of the DRRRA. We will work with committees of jurisdiction on their preference for inviting Members and additional staff to the quarterly update meetings. Additionally, we are happy to follow up with individual Member offices on any specific areas of interest they have with regards to DRRRA implementation. FEMA is also providing updates at [www.fema.gov/drra](http://www.fema.gov/drra). This webpage includes synopses of the DRRRA provisions, and related implementation updates for each provision as they become available.

QUESTIONS FROM HON. GARRET GRAVES OF LOUISIANA TO HON. DANIEL KANIEWSKI, PH.D., DEPUTY ADMINISTRATOR FOR RESILIENCE, FEDERAL EMERGENCY MANAGEMENT AGENCY

#### *Duplication of Benefits*

*Question 1.a.* A major priority of this committee was fixing Duplication of Benefits conflicts within the Stafford Act.

Can you comment on the status of implementation of Part A of Section 1210 of DRRRA—stating that loans and grants are not duplicative?

Part B of that same section is more directly related to FEMA: This measure is crucial to ensuring that federal dollars (which have already been appropriated) are able to be utilized toward authorized water resources development projects to ensure efficient delivery of hazard mitigation projects.

*Question 1.b.* Can you comment on the status of implementation of Part B of Section 1210?

*ANSWERS (1.a.–1.b.).* Pursuant to DRRRA Section 1210(a)(2), DRRRA Section 1210(a)(1) does not apply to repair and replacement assistance under FEMA's Public Assistance program, or any assistance under FEMA's Individual Assistance program. FEMA, working in coordination with HUD and SBA, issued a Fact Sheet on February 2, 2019 explaining the scope of this authority. HUD has primary responsibility for implementation of the provision. We understand that HUD on June 17, 2019 published notices to their Grantees regarding changes to their application of duplication of benefits as a result of Section 1210. Those notices can be found at <https://www.hudexchange.info/news/hud-publishes-duplication-of-benefits-notices-for-cdbg-dr-grantees/>

FEMA believes Section 1210(b) to be immediately effective, should a state desire to prioritize its funding under the Hazard Mitigation Grant Program (HMGP) to fund a water resources development project that might otherwise be funded by the U.S. Army Corps of Engineers (USACE) and is an eligible activity under Section 404 of the Stafford Act. FEMA is working with USACE to develop guidance, with a target date of mid-to-late October 2019 due to product development, continued inter-agency coordination, and internal review processes.

#### *"Stacked" Reductions*

*Question 2.* Prior to DRRRA, the Stafford Act required that disaster assistance provided to an uninsured facility in a Special Flood Hazard Area must be reduced by either the value of the facility at the time of the disaster or the insurance proceeds

that would have been payable under the NFIP. DRRR Section 1207(b) limited this penalty, which largely affected multi-structure campuses like schools and hospitals, by applying this reduction to one building on a multi-structure campus rather than to each building individually. However, FEMA has yet to issue guidance. Without this guidance, parish schools and other public buildings in my district and South Louisiana cannot realize the actual reduction in their costs. Can you comment on the status of implementation of Section 1207(b)?

*ANSWER.* FEMA implemented Section 1207(b) through a memorandum to the Regions.

#### *Long-Term Disaster Recovery*

*Question 3.a.* Has FEMA investigated whether the limitations on temporary vs. permanent home repairs are driving up taxpayer costs? When families are trying to recover from a disaster, would recovery dollars be better spent fixing the damage to their home one time where possible, as opposed to limiting repair and rebuilding “to a safe and sanitary living or functioning condition” only to fully repair the home later?

To put it another way, why should FEMA buy someone a mini fridge for a couple of months, only to come back in and replace it with a full-sized refrigerator six months later?

*Question 3.b.* Similarly, could this inflexibility be limiting technical innovations in short-term recovery that would save taxpayer dollars, like 3-D printed homes that can be added onto later? Would installing a 3-D printed home instead of a Manufactured Housing Unit violate some definition about temporary vs. long-term housing buried in the regulations?

*ANSWERS (3.a.–3.b.).* FEMA most commonly provides Manufactured Housing Units (MHUs) under Section 408(c)(1)(B) of the Stafford Act, which authorizes FEMA to provide Temporary Housing Units (THUs) as a form of direct assistance for temporary housing. FEMA’s regulations do not define “Temporary Housing Unit,” but the types of THUs FEMA typically provides includes MHUs, Recreational Vehicles, multi-family housing units leased and repaired by FEMA, and other residential housing obtained through direct lease. 3-D home printing is an emerging technology that is not currently commercially viable. However, if it were, it would be more appropriate to provide such homes as Permanent Housing Construction (PHC) under Section 408(c)(4). FEMA may only authorize PHC in insular areas and other locations where no alternative housing resources are available and temporary housing assistance is unavailable, infeasible, or not cost effective. For FEMA to consider a unit purchased and installed by FEMA suitable for use as temporary housing, it must be practicable to remove from the site when no longer needed.

#### *General*

*Question 4.* As my constituents know all too well, standards implemented by FEMA through its NFIP and Stafford Act programs are often disjointed with the standards of the Department of Housing and Urban Development through the CDBG–DR program. Do you have additional broad thoughts on what Congress can do to streamline these different standards to ensure quick and efficient aid after a disaster?

*ANSWER.* FEMA is committed to reducing the complexity of disaster recovery. The first objective of Goal 3 of FEMA’s Strategic Plan is to streamline and integrate FEMA’s disaster assistance programs and processes. The second objective is to mature the National Disaster Recovery Framework, in order to ensure that Federal disaster recovery assistance across Federal departments and agencies is integrated, community-focused, and adapted to the unique circumstances of each community and disaster.

FEMA believes that the DRRR supports FEMA’s efforts to streamline and integrate disaster assistance across Federal agencies. For example, DRRR Section 1210(a) requires FEMA to coordinate with other relevant Federal agencies and report on efforts to improve coordination when delivering disaster assistance to individuals. Similarly, DRRR Section 1223 requires FEMA to coordinate with the SBA, the HUD, the Disaster Assistance Working Group of the Council of the Inspectors General on Integrity and Efficiency, and other appropriate agencies, to conduct a study and develop a plan to streamline and consolidate information collection.

QUESTIONS FROM HON. DINA TITUS TO SIMA MERICK, EXECUTIVE DIRECTOR, OHIO EMERGENCY MANAGEMENT AGENCY, ON BEHALF OF THE NATIONAL EMERGENCY MANAGEMENT ASSOCIATION

*Question 1.a.* Section 1215 of the Disaster Recovery Reform Act amends Stafford Act Section 324—Management Costs—to place a cap on any direct administrative cost, and any other administrative associated expense, of not more than 12 percent of the total award amount provided under Sections 403, 406, 407, and 502 of the Stafford Act. The 12 percent cap is to be divided between the primary grantee and sub-grantees with the primary grantee receiving not more than seven percent, and sub-grantees receiving not more than five percent of the total award amount.

How has placing a cap on the management costs for Stafford Act programs affected the states' ability to manage Stafford Act program funding?

*ANSWER.* NEMA welcomed the increase in management costs for Public Assistance and Hazard Mitigation in the DRRR. Especially as we continue working with FEMA on their State-Led PA concept, the increase from 3.34 percent will greatly increase the ability for states to build capacity. With management costs now being split between state and local governments for the first time, we must establish clarity on how or if responsibilities will shift between federal, state, and local emergency management, oversight of reporting requirements, and procedural changes in response processes.

The management cost process, however, still requires one fundamental change. In June of last year, NEMA and the International Association of Emergency Managers (IAEM) came together and submitted a proposal to FEMA on implementing this change, a copy of which accompanied my statement for the record. While this could be done administratively, Congressional persuasion often goes a long way toward affecting change, so we would appreciate any such support the Committee would be willing to provide.

*Question 2.a.* Members of both parties have urged a significant investment in our nation's infrastructure for some time. FEMA's data that more than two-thirds of hazard-prone communities are on older building codes, means that, absent minimum standards, the safety and resilience requirements for federally supported infrastructure investments would vary considerably. Bipartisan former FEMA Administrators James Lee Witt and David Paulison recently penned an op-ed (<http://bit.ly/2WKf2iV>) urging that infrastructure investment require adherence to the latest building codes and standards, which I'd like to submit for the record.

Would NEMA support a requirement that legislation to modernize our nation's infrastructure—our schools, hospitals, airports, public housing, and other public amenities—be built to the latest consensus-based building codes?

*ANSWER.* The issue of building codes and their implementation becomes complicated at the federal level for fear of trampling states' rights to set their own requirements for building standards. NEMA does not oppose efforts to adopt the latest consensus-based building codes but supports flexibility like that built into the DRRR which walked a careful line in specifically citing consensus-based codes. By utilizing this "consensus-based" language, states maintain the flexibility to select from a menu of options based on regional needs, thereby ensuring stronger construction. Concurrent to any requirement in adopting consensus-based codes, however, must be support for building capacity at the state and local level. Without enhanced capacity, state and local governments cannot maintain the staffing levels to sort through varying building code requirements. Given the diversity of requirements across the country, NEMA would need to more thoroughly consider how the agency could best conduct the utilization of consensus-based codes.

*Question 3.a.* FEMA's 2018–2022 Strategic Plan states that "[d]isaster resilience starts with building codes, because they enhance public safety and property protection." The Plan also calls for straightforward processes and policies for staff and improvements in FEMA's stewardship of Federal taxpayer dollars. FEMA's Public Assistance Program to rebuild public facilities post disaster generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA's programs (Individual Assistance, Public Assistance, and Hazard Mitigation) could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

Is that something FEMA should consider?

*ANSWER.* Not only should FEMA harmonize requirements between their programs, but all federal agencies should seek opportunities to harmonize requirements between disaster response and recovery programs across the inter-agency. Cohesion between federal programs will allow the streamlining of program requirements as

redundancy creates a drain on available resources at the state and local levels and drives up disaster costs.

*Question 3.b.* For example, should the Agency consider applying its Public Assistance codes and standards minimum where the Agency is funding permanent housing construction through its Individual Assistance program?

*ANSWER.* FEMA should seek every opportunity to streamline requirements and synchronize them between programs. Given the nuances of specific programs, however, such coordination between programs should be done strategically with significant input from stakeholders. Also, as stated previously, the streamlining of program requirements reduces the strain on state and local resources and can reduce overall disaster costs.

*Question 3.c.* Should FEMA consider requiring work performed using funding made available pursuant to a Stafford Act declaration, including Public Assistance, Individual Assistance, and Hazard Mitigation Assistance, to be built at a minimum to the most current codes set by the International Code Council, referred to as the “I-Codes”?

*ANSWER.* Similar to a previous response, the issue of building codes and their implementation becomes complicated at the federal level for fear of trampling states’ rights to set their own requirements for building standards. This is where the DRRRA walked a careful line in specifically citing consensus-based codes. By utilizing this “consensus-based” language, states maintain the flexibility to select from a menu of options based on regional needs, thereby ensuring stronger construction. Concurrent to any requirement in adopting consensus-based codes, however, must be support for building capacity at the state and local level. Without enhanced capacity, state and local governments cannot maintain the staffing levels to sort through varying building code requirements. Given the diversity of requirements across the country, NEMA would need to more thoroughly consider how the agency could best conduct the utilization of consensus-based codes.

*Question 4.a.* What is NEMA’s view regarding the implementation timeline for Section 1215 of DRRRA, dealing with management costs?

Given how directly this section impacts the work you and your associations’ members perform, has FEMA already engaged with NEMA and IAEM to discuss its implementation timeline?

*ANSWER.* FEMA rolled-out the implementation guidance for Section 1215 of the DRRRA almost immediately after passage, and NEMA greatly appreciated the speed with which the agency completed this work. With management costs now being split between state and local governments for the first time, we will continue working with FEMA on clarity as to how or if responsibilities will shift between federal, state, and local emergency management, oversight of reporting requirements, and procedural changes in response processes.

*Question 4.b.* If so, are you satisfied with that timeline?

*ANSWER.* Despite some issues remaining to work through with the agency, NEMA remains pleased with the speed at which FEMA rolled-out guidance on Section 1215 of the DRRRA and looks forward to continued dialogue with the agency as they refine the guidance.

*Question 5.* Is NEMA concerned with state and local readiness at this point in the year? Are there any NEMA concerns regarding FEMA’s workforce readiness?

*ANSWER.* As we enter hurricane season, the readiness of state and federal agencies and workforces remains in the forefront in our minds. Any concerns with state and local readiness typically center on the ability to build and maintain capacity. Unfortunately, the current system relies primarily on programs such as Emergency Management Performance Grants (EMPG) and the management costs from existing disasters to build such capacity. This obviously under-serves those states who may not be actively managing open disaster declarations. Support for EMPG and allowing for the roll-over of management costs help significantly in building this state and local capacity.

Regarding FEMA readiness, as outlined in my oral statement, despite Ohio being spared the horrors suffered by others in the 2017 and 18 disaster seasons, the state still felt the challenges of FEMA readiness. For example, Ohio received a disaster declaration on April 8, 2019, for 21 southern Ohio Appalachian counties. It is notable that most of these counties were also part of a 2018 FEMA declaration. During that disaster, FEMA Public Assistance staff flew into Ohio, received just-in-time training, and then deployed to the declared counties. The lack of previous disaster experience led to a great deal of inconsistency with the decisions made by FEMA personnel, thereby increasing the aggravation of applicants. Also, at 14 months into

the declaration, 89 percent of projects received approval. In the past, this approval rate would have already been achieved within the first six months.

Unfortunately, history may be repeating itself with the 2019 disaster. FEMA Public Assistance staff will not be in Ohio to begin grant development until mid to late June. There is significant road damage in these declared counties and this delay in engagement with applicants will result in worsening road conditions and continued road closures. If there is a lack of trained personnel once again from FEMA, it will only compound the issues of last year.

Furthermore, the utilization of Federal Coordinating Officers (FCO) remain puzzling. By examining the Daily Operations Brief by FEMA, the FCO cadre is clearly spread thin across myriad recoveries across the nation. In April of this year, North Carolina received notice their FCO would reposition to Puerto Rico. This reassignment was puzzling especially as the state battled ongoing challenges with the duplicative and bureaucratic requirements of the Community Development Block Grant-Disaster Recovery grant program. This draws into question the true mission of the FCO cadre. If their true intent is assisting in the coordination of all federal programs, there is little justification for the reassignment of the North Carolina FCO during this critical time for the state.

*Question 6.a.* In your testimony, you discussed a lack of coordination between federal disaster programs. There is an ongoing discussion on the Hill now about how FEMA's recovery programs work with the Small Business Administration's disaster loans, as well as will longer term CDBG-DR and EDA disaster recovery dollars. Unfortunately, these discussions happen in the wake of disasters, as impacted communities become increasingly frustrated with the pace of federal agencies' ability to release the funds.

Does NEMA have any views on how to better coordinate or integrate federal recovery programs?

*ANSWER.* NEMA sees three potential options for better-coordinating or integrating federal recovery programs. While rife with potential hazards, the most dramatic step is coalescing all disaster programs into one single federal agency. A second option could be creating programs more specific to selected constituencies, but this path serves only to increase the size and complexity of the federal leviathan. The simplest option is likely in ensuring the federal inter-agency maintains open lines of communications and works across agency barriers to coordinate program requirements. One tangible example of where this could work easily is if the Department of Housing and Urban Development starts accepting FEMA mitigation planning for purposes of the CDBG-DR program. CDBG-DR currently requires grantees undergo duplicative and cumbersome mitigation planning process, much of which already falls under requirements for the FEMA Enhanced Mitigation Plan process.

*Question 6.b.* Has there been a failure on the part of FEMA to coordinate these resources, or have the federal programs grown less coordinated as Congress has grappled with providing assistance for disasters that have grown in strength and volume?

*ANSWER.* The failure of coordination lies with the federal inter-agency more than FEMA specifically. As a single agency within DHS, FEMA has limits to the influence it can exert over other federal agencies. Existing organizations such the National Security Council or Office of Management and Budget must either directly influence this coordination or empower FEMA accordingly.

*Question 7.a.* Can you compare NEMA's experience regarding engagement from FEMA as it implements DRRRA with FEMA's engagement during implementation of the Sandy Recovery Improvement Act and the Post-Katrina Emergency Management Reform Act?

Where do you see the greatest opportunities for improvement?

*ANSWER.* Overall, FEMA continues refining outreach strategies with each reform such as the DRRRA, and NEMA members recognize the improvements. FEMA clearly realizes it must have a plan to successfully move reforms forward, but NEMA continues encouraging the agency to not let the perfect become the enemy of the good. FEMA should continue looking for creative ways to even partially implement reforms while still gathering stakeholder input. By harnessing existing authorities with those provided in the DRRRA, FEMA can manage these programs by standing them up quickly and managing any necessary changes through small corrections over time based on feedback from actual implementation.

*Question 7.b.* Why do you think things are so different with DRRRA?

*ANSWER.* Any differences between SRIA and DRRRA implementation most likely the result of the size and scope of reforms. For example, SRIA made targeted re-

forms through eleven provisions. The DRRRA encompassed reforms to multiple programs and included 46 different provisions.

*Question 8.a.* There was discussion in your testimony regarding formal state-level disaster assistance programs, but those programs being limited to less than half of the nation. The previous administration began a conversation about a disaster deductible concept that would have provided additional federal cost-share for states that undertook certain pre-disaster planning and actions like establishing state-level public and individual assistance programs.

Now that DRRRA has been enacted, are NEMA's members already examining any additional enhancements to federal disaster response and recovery programs?

*ANSWER.* NEMA consistently encourages states to create or support state-level public and individual assistance programs. Currently twenty-six states have created their own state-funded assistance programs to help citizens and/or businesses recover from disasters that do not meet the criteria for a federal declaration (NEMA Biennial Report, 2018). Those programs may comprise public assistance, individual assistance, unmet needs, housing assistance, and economic/business recovery aspects imperative to recovery initiatives that build back communities impacted by a disaster. For some states, such programs prove impractical either due to fiscal constraints or a lack of consistent disaster activity. The NEMA Legislative Committee is currently developing outreach to those states with such programs, collecting underlying legislative language, and intends to disseminate to all states as part of a legislative "best practices" effort. The intended outcome of this project is increased awareness and a baseline from which other states can create such programs.

*Question 9.a.* We've heard for years from emergency managers about the importance of having a plan and a kit in order to build individual resilience. Given the magnitude of the higher-profile wildfires, hurricanes, floods, and tornadoes that we've seen, as well as the current demands on FEMA's personnel, do you believe that Americans—now more than ever—need to be more individually resilient?

Are emergency managers at all levels of government stretched too thin?

*ANSWER.* By the very nature of the profession, emergency managers will handle the consequences of an incident regardless of the ongoing workload. In FY18, the President approved 66 disasters nationwide for a major or emergency declaration. Beyond that, however, 15,486 events required state assets without reaching the level of a declaration. Programs such as EMPG assist in managing the workload by building valuable capacity at the state and local levels, but unfortunately even that program does not receive enough funding to reach its full potential. States estimate it would require an additional \$116 million to bring all eligible jurisdictions to the 50-percent reimbursement level. This amount, from the 2018 NEMA Biennial Survey, represents a \$26 million increase in need over the 2016 survey.

Furthermore, as mentioned in the statement for the record, the Emergency Management Assistance Compact (EMAC) is the system to which states can turn in times of need. Since 2016, nearly 26,000 personnel deployed through EMAC for hurricanes, wildfires, severe weather, gas explosions, a measles outbreak, an active shooter event, a volcano, and an earthquake. The ability to utilize resources from across the nation who arrive trained and experienced is invaluable. It also leverages federal grant dollars invested in building capabilities and provides experiences that can be taken back home to improve plans and procedures.

*Question 9.b.* Are existing recoveries taking too long?

*ANSWER.* Whether existing recoveries are taking too long is rather subjective, but solutions do exist for shortening the recovery time and speeding the close-out of disasters. Here again, the ability to rollover management costs from one disaster to another would greatly speed the disaster close-out process. During close-out of declarations with large damages, remaining funds create the unintended consequence of encouraging declarations remain open for extended periods of time to ensure the expenditure of all eligible costs. This runs contrary to the preferences of all involves at the federal, state, and local levels to close-out disasters expeditiously. FEMA should immediately begin, or Congress should direct, the process of amending 44 C.F.R Part 207 to a) Provide each state an unfunded grant for both the Public Assistance Program and Hazard Mitigation Grant Program. As disasters are declared, management costs will continue to be obligated under current regulations but deposited into the generic program accounts; and b) Allow remaining funds after the close-out of a disaster to be available to build recovery and mitigation capacity at the state and local levels, close-out remaining disasters which may be more complicated, and build resilience for the next disaster.

*Question 9.c.* Or are there adequate resources at non-federal levels to manage responses and recoveries?

*ANSWER.* According to the NEMA Biennial Survey, state emergency management agency operating budgets range from \$257,000 to \$146 million with the national average being \$6.3 million. Over 69 percent of these funds come from funds appropriated by state legislatures.

*Question 10.a.* The scope of several recent disasters has made clear the challenges with housing for disaster survivors.

Given the experiences you've had with managing disasters, as well as the perspectives of NEMA's members, is there more that Congress can be doing when it comes to providing greater clarity or authorities to FEMA to ensure that disaster housing missions are less complicated for FEMA and state partners to execute?

*ANSWER.* Given the recent reforms included in the DRRRA, NEMA would prefer to see some of those tested for the time being before moving forward with additional changes. The state emergency management directors remain committed to working with Congress and the administration in ensuring the effective execution of housing programs. To that end, in August 2018, NEMA developed a catalog of disaster housing assistance, including some programs' challenges for state directors to utilize when considering use of programs. A copy of this document will be submitted with these questions for the record for submission into the Congressional Record. ["Disaster Housing: A Resource for Disaster Housing Assistance" is retained in committee files and is available online at <https://www.nemaweb.org/index.php/docman/nema-forums-meetings/2018-nema-forums/2018-nema-mid-year-forum-2/1086-disaster-housing-aug28-2018>]

*Question 10.b.* Do you feel that FEMA's housing assistance fails to take into consideration the most vulnerable communities impacted by disaster, such as homeless and low-income individuals and families?

*ANSWER.* At this time, NEMA is not prepared to say FEMA's housing assistance fails to take into consideration the most vulnerability communities impacted by a disaster. State emergency management directors remain committed to assisting all disaster survivors regardless of their economic standing or allowances made through federal programs.

*Question 10.c.* If so, do you believe that FEMA should have more direction or clearer authorities to provide more help than it does now to these often overlooked survivors?

*ANSWER.* If empirical data demonstrates FEMA's housing assistance fails to take into consideration the most vulnerable communities impacted by a disaster, then Congress should provide additional direction or clearer authorities to the agency.

QUESTIONS FROM HON. DINA TITUS TO NICK CROSSLEY, C.E.M., C.P.M., DIRECTOR, EMERGENCY MANAGEMENT AND HOMELAND SECURITY AGENCY, HAMILTON COUNTY, OHIO, ON BEHALF OF THE U.S. COUNCIL OF THE INTERNATIONAL ASSOCIATION OF EMERGENCY MANAGERS

*Question 1.a.* Section 1215 of the Disaster Recovery Reform Act amends Stafford Act Section 324—Management Costs—to place a cap on any direct administrative cost, and any other administrative associated expense, of not more than 12 percent of the total award amount provided under Sections 403, 406, 407, and 502 of the Stafford Act. The 12 percent cap is to be divided between the primary grantee and sub-grantees with the primary grantee receiving not more than seven percent, and sub-grantees receiving not more than five percent of the total award amount.

How has placing a cap on the management costs for Stafford Act programs affected the states' ability to manage Stafford Act program funding?

*ANSWER.* The increase in allowable administrative costs has been an exceptionally helpful concept that lacks a single step to make it truly as beneficial as intended. Increasing the state cap (the "grantee share") to 7% and adding eligibility for a local ("sub-grantee") amount of 5% is an extremely important addition.

However, the rules still require massive amounts of post-disaster accounting and auditing, and allow for far too many possibilities of error because neither the grantee nor the sub-grantee may retain excess funds. Under the new rules, the allowable administrative cost amount cap is calculated based on the total of the Project Worksheets submitted to and approved by FEMA. Under the implementation rules promulgated by FEMA, neither sub-grantees nor grantees may retain any excess amounts after closeout.

Thus, when a project is closed, the states and locals need to carefully account for every unexpended monies allocated for administrative costs and return that money to FEMA. This results in multiple burdens—the additional administrative accounting costs to track the funds after closure by both states and locals, and the adminis-

trative burden of returning funding to FEMA two or more fiscal years after it was allocated.

Recent pilot projects designed to calculate Direct Administrative Costs (DAC) and then allow the recipients to “keep the change” and retain any excess as long as this excess is spent directly on emergency management activities designed to mitigate hazards and/or enhance resilience show that concept can work. The DAC Pilot even includes a penalty of 1% that can be de-obligated if the applicants do not meet close-out requirements.

Such a “keep the change” policy would increase capability at the state and local level post disaster, reduce post-disaster administrative costs for local, state and federal Emergency Managers, and apply towards the FEMA strategic goal of reducing the complexity of FEMA. The other adjustments proposed under the DAC pilot are somewhat complex and may defeat this purpose, however.

*Question 2.a.* Members of both parties have urged a significant investment in our nation’s infrastructure for some time. FEMA’s data that more than two-thirds of hazard-prone communities are on older building codes, means that, absent minimum standards, the safety and resilience requirements for federally supported infrastructure investments would vary considerably. Bipartisan former FEMA Administrators James Lee Witt and David Paulison recently penned an op-ed (<http://bit.ly/2WKf2iV>) urging that infrastructure investment require adherence to the latest building codes and standards, which I’d like to submit for the record.

Would IAEM support a requirement that legislation to modernize our nation’s infrastructure—our schools, hospitals, airports, public housing, and other public amenities—be built to the latest consensus-based building codes?

*ANSWER.* Yes. We must build back more resilient. IAEM would recommend the latest building code and perhaps incentivize building to the hazard level and up funding for hazard resilient based building.

*Question 3.a.* FEMA’s 2018–2022 Strategic Plan states that “[d]isaster resilience starts with building codes, because they enhance public safety and property protection.” The Plan also calls for straightforward processes and policies for staff and improvements in FEMA’s stewardship of Federal taxpayer dollars. FEMA’s Public Assistance Program to rebuild public facilities post disaster generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA’s programs (Individual Assistance, Public Assistance, and Hazard Mitigation) could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

Is that something FEMA should consider?

*Question 3.b.* For example, should the Agency consider applying its Public Assistance codes and standards minimum where the Agency is funding permanent housing construction through its Individual Assistance program?

*Question 3.c.* Should FEMA consider requiring work performed using funding made available pursuant to a Stafford Act declaration, including Public Assistance, Individual Assistance, and Hazard Mitigation Assistance, to be built at a minimum to the most current codes set by the International Code Council, referred to as the “I-Codes”?

*ANSWER (3.a–3.c.)* Yes to all. The receipt of federal money needs to have standards. This lessens not only federal money being used again, but also should help state and local as well as individuals with long term disaster resilience. FEMA should reach out to appropriate stakeholders to vet, however building more resilient is smart and the only way we can stop paying and paying in the same areas.

*Question 4.a.* What is IAEM’s view regarding the implementation timeline for Section 1215 of DRRRA, dealing with management costs?

Given how directly this section impacts the work you and your associations’ members perform, has FEMA already engaged with IAEM to discuss its implementation timeline?

*ANSWER.* See below.

*Question 4.b.* If so, are you satisfied with that timeline?

*ANSWER.* The final version of the rules has, as is too often the case, dragged out over a long time. The Public Assistance Management Costs Interim Policy Standard Operating Procedures (SOP) were published in February of this year. The interim policy document was promulgated in November of 2018. The interim policy continues in effect. IAEM has spoken with FEMA about the timeline, but to date I am unaware of any actual dates certain or even the status of a final policy.

IAEM involvement in the discussions of this sort is far-too-routinely a briefing after the decisions have been made. IAEM has asked repeatedly to be involved on the front end of these decisions. We know that other organizations have asked for

similar involvement. These requests have not been granted. Most often, “involvement” consists of a 30 minute briefing via conference call on a Friday afternoon just prior to promulgation. Involvement on other issues within FEMA often include regular contact and meetings with stakeholders to influence procedures—so we know that real participation is possible and effective. However, on policy the lack of true engagement is noticeable.

FEMA does send more frequent communications, and does allow time for ongoing contact. Involvement, however should include input by subject matter experts at the state and local level. FEMA seems more focused on defining federal emergency management activities than on creating national emergency management capability. IAEM appreciates FEMA’s attempts to increase communications with us over the past several years, but we remain unsatisfied with the level of true involvement with FEMA on these critical issues.

*Question 5.* Is IAEM concerned with state and local readiness at this point in the year? Are there any IAEM concerns regarding FEMA’s workforce readiness?

*ANSWER.* State and local readiness continues to be reliant on adequately staffed and trained personnel, primarily achieved through EMPG and training through EMI and NDPTC. IAEM is concerned with the increasing number of retirees and would like to thank EMI for development of their emergency management academy programs. IAEM hopes that appropriations will be continued or expanded to support increased distance and local training provided by state and federal agencies. It is important to note that the SHSGP has made major investments into increasing the capabilities of homeland preparedness since 2002. IAEM is concerned about the reduction in funding that continues to be proposed in Administration budgets. This investment is unlikely to be maintained if sufficient federal support is not provided. As we have seen with smaller scale terrorist and active attacker incidents in rural or suburban areas, it is more than evident that risks abound in all areas of the country. Therefore, while a risk based approach is prima facie logical, we cannot overlook the needs outside of the major cities.

Continued readiness at the federal level was majorly tested during the 2017 calendar year. Major hurricanes, wildfires and severe weather severely drained FEMA’s workforce to the point it was stretched to the breaking point. In the Southeast, Hurricanes Florence and Michael created major problems that FEMA could help rectify through maintaining and supporting hazard mitigation. IAEM believes that the Hazard Mitigation plans required by the Disaster Mitigation Act of 2000 require more than a band-aid approach to adequately address gaps identified in that planning process. The low to non-existent PDM funding in previous years, and difficulties in maintaining skilled FEMA staff to advise on better Hazard Mitigation efforts are hampering state and local officials in their duties to reduce the impact of disasters WHEN they happen—a central tenet of mitigation. For example, the city of Wilmington, North Carolina was effectively an island after Hurricane Florence due to inland flooding affecting most all roadways into the city. However, this was not a surprise to state and local planners. During Hurricane Floyd in 1999 and Hurricane Matthew in 2016, Interstate 40 and other routes were impassable. The State of North Carolina is currently developing long term plans to elevate these major roadways, but had funding been available, these roadways could have been elevated sooner rather than later.

*Question 6.a.* In Ms. Merick’s testimony, she discussed a lack of coordination between federal disaster programs. There is an ongoing discussion on the Hill now about how FEMA’s recovery programs work with the Small Business Administration’s disaster loans, as well as will longer term CDBG-DR and EDA disaster recovery dollars. Unfortunately, these discussions happen in the wake of disasters, as impacted communities become increasingly frustrated with the pace of federal agencies’ ability to release the funds.

Does IAEM have any views on how to better coordinate or integrate federal recovery programs?

*Question 6.b.* Has there been a failure on the part of FEMA to coordinate these resources, or have the federal programs grown less coordinated as Congress has grappled with providing assistance for disasters that have grown in strength and volume?

*ANSWERS (6.a.–6.b.).* The issues of integration are significant and complicated. First and foremost, there is no single federal agency that truly coordinates these programs. FEMA is only able to coordinate the post disaster efforts that are processed through their area of responsibility. Federal Highway programs, HHS programs, and others apply separately. The need to understand all of these programs and to ensure that the local persons, businesses and jurisdictions are guided toward the appropriate applicable program fall squarely on the local Emergency Manage-

ment Agency (EMA) in coordination with their respective state EMA. Given that there is a significant lack of funding for a truly national emergency management enterprise, the capabilities of local EMA vary widely.

We know that pre-disaster mitigation is a primary lever for post-disaster recovery. Yet, mitigation efforts typically focus only on the larger-scale structural efforts—levies, dikes, etc. Non-structural mitigation includes insurance, building codes, and EMA planning capabilities among other concepts.

IAEM has not adopted a great deal of formal policy on these individual issues. Among possible concepts would be better coordination of grants at the federal government to reduce competitive duplication (for example ASPER and HSGP programs); doctrinal and financial support to local units of government (counties, major cities) to ensure that every county and large city has a capable professional EMA capacity and similar support to states. The EMPG program, for instance, has not been adjusted for inflation in its history and yet is of proven benefit.

The issues involved lay equally on the doorsteps of both FEMA and Congress. FEMA has taken strides to identify a new strategy and doctrine. However, FEMA neither truly consulted with state and local stakeholders on the scale needed, nor have they fully implemented these strategies and doctrines.

Congress has long pushed of fiscal efficiency within FEMA, in effect forcing new procedures designed to do more with less. Critically, the emphasis on fiscal efficiency has come at the expense of public safety effectiveness. The loss of what effectiveness there was in the past (and it was limited at times) is coupled with a failure to develop new processes to achieve effectiveness. FEMA, then, has more and more tended to stress efficiency and fail to achieve effectiveness.

A telling example can be seen in the management of reimbursements to states and locals post disaster under the Public Assistance program. Following various disasters in the early 2000's and the new laws which followed, FEMA made major changes in finance resource management in order to become more fiscally efficient.

Prior to this, FEMA would establish a Finance operation within the Joint Field Offices established following a disaster. This Finance branch would review and process Project Worksheets near the area of the disaster—working only on that specific set of incidents, gaining local understanding and situational awareness. They would then obligate funds.

Admittedly many aspects of the old JFO set-up were inefficient and ineffective—bloated to some extent and in need of reform. In the name of fiscal efficiency FEMA has now established a few (three, to the best of my understanding) Consolidated Resource Centers (CRCs) which handle all of the Project Worksheet financial issues and fund obligation for all disasters nationwide. These CRCs are unable to handle the sheer volume of work. They cannot scale up or down based on the need of an individual disaster. They have limited or no understanding of the situation on the ground in the area they are administering. PA fund obligations are now trending to 12 months delay.

While arguably fiscally efficient, they are totally ineffective. They fly in the face of FEMA's own doctrine in that they lack situational awareness. The delays result in local hardship and exacerbate the impact of disasters.

*Question 7.a.* Can you compare IAEM's experience regarding engagement from FEMA as it implements DRRRA with FEMA's engagement during implementation of the Sandy Recovery Improvement Act and the Post-Katrina Emergency Management Reform Act?

Where do you see the greatest opportunities for improvement?

*ANSWER.* There is always room for improvement in regards to coordination during the drafting stages of new policies. Providing more opportunity for substantive and ongoing feedback would improve the final product and make for better public policy.

*Question 7.b.* Why do you think things are so different with DRRRA?

*ANSWER.* DRRRA has a lot of fundamental reforms that they are trying to implement quickly. This may be the difference. However, I would imagine that if FEMA publicized a policy review cycle that showed it taking time BECAUSE they were engaging with stakeholders, Congress would be ok with this.

*Question 8.a.* There was discussion in Ms. Merick's testimony regarding formal state-level disaster assistance programs, but those programs being limited to less than half of the nation. The previous administration began a conversation about a disaster deductible concept that would have provided additional federal cost-share for states that undertook certain pre-disaster planning and actions like establishing state-level public and individual assistance programs.

Now that DRRRA has been enacted, are IAEM's members already examining any additional enhancements to federal disaster response and recovery programs?

*ANSWER.* IAEM has not yet initiated a process to gather and vet additional enhancements to federal disaster response and recovery programs. In the short-term, we will be focused on effective implementation of DRRRA.

*Question 9.* We've heard for years from emergency managers about the importance of having a plan and a kit in order to build individual resilience. Given the magnitude of the higher-profile wildfires, hurricanes, floods, and tornadoes that we've seen, as well as the current demands on FEMA's personnel, do you believe that Americans—now more than ever—need to be more individually resilient?

*ANSWER.* Yes—We continue to see an increase of disasters on all levels. Often impacting many municipalities and jurisdictions at the same time. As such this requires Americans to be able to help themselves as well their neighbors in the short term until local, state, and federal assistance can arrive. Resources are continually stretched thin, meaning for Americans they must be more resilient when disaster strikes.

*Question 9.a.* Are emergency managers at all levels of government stretched too thin?

*ANSWER.* Yes—many smaller counties and municipalities emergency management programs continue to function as a part time or one-person agency. Thus, at best they are able to meet only the minimal standards for planning and preparedness and unable to provide the extra planning, training and exercises needed to make a community truly prepared for a disaster. Emergency Managers across all levels to include traditional and non-traditional emergency management (such as health, hospitals and others) programs are unable to build to the level needed. State and federal emergency management programs continue to come short in their efforts to provide the assistance and resources needed for local programs due to staffing and funding shortfalls.

*Question 9.b.* Are existing recoveries taking too long?

*ANSWER.* Recovery time lines are extremely challenging to gauge and establish appropriate recovery time for disaster. Each disaster brings a unique set of circumstances and issues. However, recovery never moves as fast as communities wish it to and often will happen quicker when a community and its residents are better prepared, have a stronger local program, and access to the tools and means needed to recover.

*Question 9.c.* Or are there adequate resources at non-federal levels to manage responses and recoveries?

*ANSWER.* No—there are not adequate resources (to include personnel, equipment, programs). Resources at the non-federal level vary greatly from community to community. Larger communities often have more resources available (but not necessary enough) than a smaller remote community. Overall across the United States more resources would be of a great benefit as well as the growth of local emergency management programs to identify those resources, manage them and communicate them to its respective citizens.

*Question 10.a.* The scope of several recent disasters has made clear the challenges with housing for disaster survivors.

Given the experiences you've had with managing disasters, as well as the perspectives of your organizations' members, is there more that Congress can be doing when it comes to providing greater clarity or authorities to FEMA to ensure that disaster housing missions are less complicated for FEMA and state partners to execute?

*ANSWER.* (This question was answered by Mistie Gardner, CEM, City of Richardson, Texas. She worked on a housing-related deployment during Hurricane Harvey.)

Based on my experiences and feedback from those who have been impacted, the following are improvements that could be made to the disaster housing missions:

1. Make Emergency Management partners part of the "right to know" when it comes to the FEMA database for housing information. If we know to whom FEMA is providing assistance, we can partner families with other services and nonprofits available so that their assistance can be multifaceted. This could easily be done if a checkbox was added to FEMA registration paperwork giving the registrant the opportunity to allow the information to be shared with local emergency management agencies.
2. Simplify and expedite the process for both short- and long-term housing options. This would include application processing, inspections, use and prioritization of funding. Current processes are too long and cumbersome. The ability of a resident to successfully navigate through available programs is difficult at best. Also, investigators do not cover areas that need to be covered

- such as multi-family rental units. This is often overlooked but represents an underserved population which have a great impact to a community's recovery.
3. Congress could work with FEMA to better align the multiple federal agencies from the GLO, HUD, USDA, FEMA and others who offer disaster assistance. Reorganize the Temporary Shelter Program and long-term housing options to keep residents closer to impacted areas. Numerous stories exist of displaced residents who were moved great distances from their residence and end up becoming homeless due to being so far removed from their support system.
  4. Work with current limitations on grants that allow for funds to be used for rebuilding multi-family homes with a changed requirement for the number of units made available to families and reduce the current AMI requirement (Area Median Income) from 80% to 30% as studies have indicated this would have a significant impact.
  5. If FEMA places residents in a short-term housing environment, that assistance needs to come with a debit card or cash provisions for food, transportation and minor medical care that would traditionally be provided in the shelters. Without that, it puts the survivors at a disadvantage, as well as the community that they choose to rent the hotel in. Many times the communities with the hotels were unimpacted by the disaster but find themselves caught off guard when they suddenly need to provide these support services to TSA participants in their communities.
  6. Assign a case manager immediately that the survivors participating in the program can call for regular updates about their home communities and when they might return or how to walk through the next bureaucratic steps. The survivors that qualify for this type of assistance have lower socioeconomic status and usually have fewer resources and limited knowledge to access this information. The TSA program is extremely attractive to survivors that have exhausted their resources and want to provide greater safety and comfort for their family than a congregate

*Question 10.b.* Do you feel that FEMA's housing assistance fails to take into consideration the most vulnerable communities impacted by disaster, such as homeless and low-income individuals and families?

If so, do you believe that FEMA should have more direction or clearer authorities to provide more help than it does now to these often overlooked survivors?

*ANSWER.* Yes.

The most problematic issue is with the process itself and the prioritization of funding. Most families affected by disaster who will seek aid are those with limited means or income as they cannot afford insurance. Their properties are either deemed to not qualify for assistance or they are made to go through a lengthy process to seek aid which is considered quite difficult. The step of having low income families go through a loan process, albeit a low interest loan, only compounds a difficult situation. They have lost most of their belongings and are now meant to get a loan to replace what little they had with an income that is already stretched. The damage assessment that is often done does not accurately reflect their loss putting them at even a greater disadvantage. There is limited recourse for renters or people in multi-housing units. Although renters can qualify for SBA loans, thus compounding the problem, there are limited options in most cases.

Another large issue is the funding and management and/or prioritization of the funds themselves. Other federal agencies could allocate and prioritize funding for housing solutions regarding low-income, homeless and ADA families. Right now, Community Develop Block Grants are one of the few sources of funding for long-term housing. Without permanent housing assistance being made available, the recovery effort slows down dramatically. Multi-housing units are often overlooked, as mentioned above, which does not allow for low-income, ADA or homeless families who were renting to find a safe, suitable or affordable housing option. Without multi-family housing units, the entire community suffers. Additionally, inadequate housing to include multi-family units means a smaller workforce or having to outsource thus slowing down the recovery process even further.

QUESTIONS FROM HON. DINA TITUS TO HON. JAMES GORE, SUPERVISOR, SONOMA COUNTY, CALIFORNIA, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

*Question 1.a.* Section 1215 of the Disaster Recovery Reform Act amends Stafford Act Section 324—Management Costs—to place a cap on any direct administrative cost, and any other administrative associated expense, of not more than 12 percent of the total award amount provided under Sections 403, 406, 407, and 502 of the Stafford Act. The 12 percent cap is to be divided between the primary grantee and

sub-grantees with the primary grantee receiving not more than seven percent, and sub-grantees receiving not more than five percent of the total award amount.

How has placing a cap on the management costs for Stafford Act programs affected the states' ability to manage Stafford Act program funding?

*ANSWER.*

*Sonoma County Response:*

The expansion of the cap for locals from 3 to 5% has been welcome. However, the complexity of the FEMA PA process has also risen significantly. The complexity is increasingly used as a de facto "brake" to discourage local government participation and reduce PA reimbursement.

*Question 2.a.* Members of both parties have urged a significant investment in our nation's infrastructure for some time. FEMA's data that more than two-thirds of hazard-prone communities are on older building codes, means that, absent minimum standards, the safety and resilience requirements for federally supported infrastructure investments would vary considerably. Bipartisan former FEMA Administrators James Lee Witt and David Paulison recently penned an op-ed (<http://bit.ly/2WKf2iV>) urging that infrastructure investment require adherence to the latest building codes and standards, which I'd like to submit for the record.

Would NACo support a requirement that legislation to modernize our nation's infrastructure—our schools, hospitals, airports, public housing, and other public amenities—be built to the latest consensus-based building codes?

*ANSWER.*

*Sonoma County Response:*

Sonoma County concurs FEMA 2018–2022 Strategic Plan states that "[d]isaster resilience starts with building codes, because they enhance public safety and property protection." The Plan also calls for straightforward processes and policies for staff and improvements in FEMA's stewardship of Federal taxpayer dollars. FEMA's Public Assistance Program, to rebuild public facilities post disaster, generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA's programs (Individual Assistance, Public Assistance, and Hazard Mitigation) could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

*NACo Response:*

DHS, Congress, and other relevant federal agencies must strengthen efforts to provide funding to state and local governments to protect and make more resilient our national critical infrastructure and subsequently our national economy. The federal government must also accelerate steps to fully integrate the full range of federal efforts with the local, state, and private sectors and assure that the actual protection of critical infrastructure systems remains a primary responsibility of local and state governments with the private sector. The federal government must support these requirements with adequate federal resources and policy.

*Question 3.a.* FEMA's 2018–2022 Strategic Plan states that "[d]isaster resilience starts with building codes, because they enhance public safety and property protection." The Plan also calls for straightforward processes and policies for staff and improvements in FEMA's stewardship of Federal taxpayer dollars. FEMA's Public Assistance Program to rebuild public facilities post disaster generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA's programs (Individual Assistance, Public Assistance, and Hazard Mitigation) could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

Is that something FEMA should consider?

*Question 3.b.* For example, should the Agency consider applying its Public Assistance codes and standards minimum where the Agency is funding permanent housing construction through its Individual Assistance program?

*ANSWERS (3.a.–3.b.).*

*Sonoma County Response:*

Sonoma County is supportive of FEMA considering this requirement.

*Question 3.c.* Should FEMA consider requiring work performed using funding made available pursuant to a Stafford Act declaration, including Public Assistance, Individual Assistance, and Hazard Mitigation Assistance, to be built at a minimum to the most current codes set by the International Code Council, referred to as the "I-Codes"?

*ANSWER.*

*Sonoma County Response:*

Sonoma County local building codes comply with State codes which originate from the I-Codes or ICC requirements.

It may be difficult to enforce more stringent codes during rebuilding—either public infrastructure or private repair/reconstruction. Some local officials may not be familiar with the new code standards and could delay rebuilding.

*NACo Response:*

NACo would like to emphasize that not all counties have the same powers when it comes to building and land use regulatory authority for adoption and enforcement. NACo supports the automatic incorporation of resilient building codes and other mitigation measures into the scopes of work for Public Assistance, Individual Assistance and mitigation projects, even if the county is unable to adopt or enforce such codes and regulations countywide. According to a 2019 Survey conducted by NACo, 22 percent of county respondents indicate that they do not regulate land use and 24 percent indicate that they do not regulate buildings codes. Correspondingly, six percent of counties report that they are not legally allowed to regulate local land use per state law and eight percent report that they are not legally allowed to regulate local building codes per state law.

*Question 4.a.* Can you compare NACo's experience regarding engagement from FEMA as it implements DRRA with FEMA's engagement during implementation of the Sandy Recovery Improvement Act and the Post-Katrina Emergency Management Reform Act?

Where do you see the greatest opportunities for improvement?

*ANSWER.*

*NACo Response:*

NACo supports quick implementation of DRRA reforms. While we recognize that FEMA is working through one of the largest cumulative disaster recovery efforts this nation has experienced, it is also working through one of the largest agency reform efforts. All without additional staff and operational resources. However, this is a familiar situation, as major disaster management reform legislation has been passed as a result of catastrophic disaster. This requires FEMA to essentially "rebuild the plane, while flying it through a hurricane". NACo urges FEMA to leverage existing programs and pilot program efforts to expedite implementation of DRRA reforms. FEMA can manage the implementation this way, while also continuing to engage with stakeholders identify focused corrections to address programmatic problems, instead of reinventing entire programs, such as the Pre-Disaster Mitigation Program.

*Question 4.b.* Why do you think things are so different with DRRA?

*ANSWER.*

*NACo Response:*

DRRA was significantly larger in scope and impact than the Sandy Recovery Improvement Act.

*Question 5.a.* There was discussion in Ms. Merick's testimony regarding formal state-level disaster assistance programs, but those programs being limited to less than half of the nation. The previous administration began a conversation about a disaster deductible concept that would have provided additional federal cost-share for states that undertook certain pre-disaster planning and actions like establishing state-level public and individual assistance programs.

Now that DRRA has been enacted, are NACo's members already examining any additional enhancements to federal disaster response and recovery programs?

*ANSWER.*

*NACo Response:*

Yes, NACo members are considering the following positions regarding additional disaster management reforms:

- Reduce Unnecessary Burdens on Public Assistance to Counties Following Presidential Declarations
- Improve coordination with local governments as part of FEMA's After-Action Report development process.
- Clarify FEMA Debris Removal Guidelines for Private Roadways and Gated Communities
- Conduct an assessment and develop an improvement plan for FEMA's Individual Assistance Program

- Expand engagement with counties regarding the implementation of emergency management strategic goals
- Improve FEMA transparency and establish deadlines for FEMA's decision-making regarding approval of recovery projects and awards association with mitigation grants.

*Question 6.* We've heard for years from emergency managers about the importance of having a plan and a kit in order to build individual resilience. Given the magnitude of the higher-profile wildfires, hurricanes, floods, and tornadoes that we've seen, as well as the current demands on FEMA's personnel, do you believe that Americans—now more than ever—need to be more individually resilient?

*ANSWER.*

*Sonoma County Response:*

Absolutely—the frequency, scope and impacts of natural (ex. flood) and man-made hazards (ex. cyber) continue to increase.

*Question 6.a.* Are emergency managers at all levels of government stretched too thin?

*ANSWER.*

*Sonoma County Response:*

Yes—originally intended to serve as an extension of public safety, emergency management is increasingly being asked to address more significant public policy and financial issues as well as addressing the expanding scope of disaster preparedness and response services. The public expectations of government services—especially post-disaster—has ballooned in recent years. For example, emergency managers are wrestling with the public's expectations for emergency alert and warning systems and products. These demands exceed local government funding capabilities and even the federal Emergency Management Performance Grant is not keeping up.

*NACo Response:*

Over the past 20 years, natural and man-made disasters have increased in frequency, severity and cost. On average, 24 percent of counties have experienced at least one disaster in each of the last three years. The past three hurricane and wildfire seasons have included six hurricanes that cost a combined \$330 billion in damages and eight wildfires causing over \$40 billion in damages. Over the last decade, most counties have received a major disaster declaration, with many receiving more than one over that time frame. In fact, just last year, 570 counties (19 percent of counties) received at least one major disaster declaration. The previous year, 815 (27 percent of counties) counties received a major disaster declaration.

However, state and local emergency managers are dealing with much more than the federally declared disasters. On top of the major events, states and locals managed 23,331 incidents last year without requiring Federal assistance. The federal program that serves as the foundation for building and maintaining emergency management capabilities at the local level is the National Preparedness System, and specifically the Emergency Management Performance Grant program, or EPMG, which, over the last decade, has become pivotal pillars of support for efficient and effective emergency management at the local level. However, for nearly a decade, the EMPG program has remained steady at \$350,000,000 per year while inflationary costs have risen, eroding the fund.

*Question 6.b.* Are existing recoveries taking too long?

*ANSWER.*

*Sonoma County Response:*

Yes, due to increased complexity of rebuilding and finance programs. This is resulting in disaster recovery fatigue and overlapping disasters in many communities.

*Question 6.c.* Or are there adequate resources at non-federal levels to manage responses and recoveries?

*ANSWER.*

*NACo Response:*

No, not for major events that rise to the status of federal declarations.

*Question 7.a.* The scope of several recent disasters has made clear the challenges with housing for disaster survivors.

Given the experiences you've had with managing disasters, as well as the perspectives of your organizations' members, is there more that Congress can be doing when it comes to providing greater clarity or authorities to FEMA to ensure that

disaster housing missions are less complicated for FEMA and state partners to execute?

*ANSWER.*

*Sonoma County Response:*

Yes, block grants with local control over solutions would enable faster and more response housing services.

FEMA needs a greater on-going support mission during events. Sonoma County was consistently asking for information and guidance and it would often take months to get a meaningful response (and this was typically “too late” at that point). I believe that the main reason is that FEMA had many more events to address over the last two years that is typical. This is likely to remain going forward.

*Question 7.b.* Do you feel that FEMA’s housing assistance fails to take into consideration the most vulnerable communities impacted by disaster, such as homeless and low-income individuals and families?

*ANSWER.*

*Sonoma County Response:*

FEMA’s housing assistance doesn’t seem to take into account housing shortages or high construction cost for renters which are typically the low-income households (though not always). Rebuilding affordable rental housing takes multiple years, not months. One solution could be longer term FEMA Direct Housing. 18 months is simply not long enough and it with the most vulnerable populations, their only move out solution is commonly becoming precariously housed on someone’s sofa.

If so, do you believe that FEMA should have more direction or clearer authorities to provide more help than it does now to these often overlooked survivors?

*ANSWER.*

*NACo Response:*

Yes, but also FEMA HQ needs to improve the level of experience of field personnel that are working directly with survivors. FEMA HQ should empower FEMA Regions and disaster recovery staff to accurately interpret policy and make the programs work for the people that are in need. The focus should be finding ways to help people, rather than creating obstacles that impede access to assistance.

QUESTIONS FROM HON. DINA TITUS TO ALPHONSE DAVIS, DEPUTY DIRECTOR, TEXAS A&M ENGINEERING EXTENSION SERVICE, ON BEHALF OF THE NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM

*Question 1.a.* We heard a fair amount at the hearing from FEMA and the representatives from NEMA and IAEM about the many changes that have or will be taking place with FEMA’s recovery programs as a result of DRRRA.

Can you discuss some of the ever-evolving needs that are being presented to the Domestic Preparedness Consortium as laws like the DRRRA and the Sandy Recovery Improvement Act are implemented?

*ANSWER.* As new laws such as the DRRRA and the Sandy Recovery Improvement Act are enacted, members of the NDPC have been presented with needs from multiple sources, including the NDPC SAA Advisory Council, our federal partners at DHS and FEMA, state and local community members including training participants, as well as professional associations such as IAFC, IACP, NEMA, and IAEM. We meet regularly with our SAA Advisory Council and with FEMA to discuss identified and potential needs and work together to identify the best training solution to fill the need. We also reach out to our subject matter professionals, instructors, and the first responders we’ve trained in these impacted communities to gather information about training needs. Through these ongoing collaborative efforts and our deliberate methods of collecting and analyzing feedback, some of the national level needs that have been identified and/or presented to the NDPC in relation to recovery include gaps identified in knowledge and skills on the following topical areas:

- new/changed regulations and impacts associated on communities;
- federal resources and eligibility for assistance and the processes and systems necessary to access these resources;
- roles and responsibilities of senior and elected officials in planning for and leading recovery effort;
- strengthening resilience by building recovery in to emergency operations plans and developing partnerships to share resources regionally;
- conducting effective damage assessments;
- managing debris that results from catastrophic event (debris management);

- housing and economic recovery challenges and associated federal, state, local and private resources;
- information risk management and recovery from cybersecurity incidents;
- federal counter UAS resources available, request for assistance process including limitations, and education on legal UAS enforcement options for SLTT first responders; and
- delivery of additional targeted training based on needs and requirements.

In response to the identification of these and other evolving needs, members of the NDPC, including the University of Hawaii's National Disaster Preparedness Training Center, have developed and implemented FEMA certified training courses on damage assessment, debris management, disaster recovery and small business resilience, and have delivered these courses to affected communities. In addition, where new or changed regulations apply to a broad range of topics that impact existing courses, members of the NDPC will revise previously certified courses to ensure the course content is up to date with regulatory changes as applicable.

*Question 1.b.* Is there more that Congress should be doing on the training side as it considers future Stafford Act-related statutory changes?

*ANSWER.* The most significant challenge in implementing new statutory regulation is increasing the capabilities of state and local governments to effectively plan and implement disaster response and recovery programs. The members of the NDPC recommend the reauthorization of funding for the Homeland Security National Training Program that supports training for state, local, tribal and territorial (SLTT) communities on emergency management and disaster preparedness, response and recovery. In addition, we recommend that Congress recognize that the release of statutory changes results in a national surge in training needs specifically to educate those SLTT communities on the changes and that Congress consider adequately funding the efforts necessary to conduct that training.

*Question 1.c.* Do you feel confident that NDPC training will keep non-federal emergency managers up-to-date in their ability to navigate FEMA's evolving programs?

*ANSWER.* While the NDPC's training role in the National Preparedness System is much broader than training emergency managers, we are confident that the NDPC, as a part of the FEMA National Training and Education System (NTES), including FEMA training partners the Rural Domestic Preparedness Consortium (RDPC), National Cybersecurity Preparedness Consortium (NCPC), Emergency Management Institute (EMI) and Center for Domestic Preparedness (CDP), has the capability, expertise and infrastructure to develop and deliver training that will keep non-federal emergency managers up-to-date on FEMA's evolving programs. The NDPC is congressionally mandated to identify, develop, test and deliver training to the whole community in support of achieving the National Preparedness Goal, however, we are limited in our financial operational capacity to fully meet the current training demands for all SLTT communities, which includes training for non-federal emergency managers on FEMA programs. With additional funding that leverages the existing NDPC capabilities the number of training deliveries could be increased to more effectively reach all non-emergency managers in a timely manner while continuing to meet the current congressional mandate.

*Question 2.a.* We understand that the NDPC was able to leverage a disaster recovery grant from the Economic Development Administration (EDA)—another agency that falls under this subcommittee's purview—to establish a pilot program to better train recovery officials.

Can you please share any additional insights from that pilot?

*ANSWER.* In April 2019 NDPC member the Texas A&M Engineering Extension Service (TEEX) National Emergency Response and Recovery Training Center (NERRTC) was awarded a grant from the Economic Development Administration (EDA) for \$280,000 with TEEX providing a match of 25%, making the total project \$350,000 for disaster recovery training. The sponsored training is directed at EDA Region VI—Texas, Louisiana, Arkansas, Oklahoma, and New Mexico in areas that have had Federal Disaster Declarations in 2017 or later. Through this grant TEEX will conduct training to 41 communities affected by FEMA-declared disasters of 2017 in the five-state area of the EDA Austin Regional Office. Trained facilitators will deliver two face-to-face courses (*Disaster Recovery for Senior Officials* and *Disaster Recovery Public Assistance Programs*), which, when possible, will be delivered concurrently on-site in the disaster-affected community. TEEX also has an online *Disaster Recovery Awareness* course that is available for any student to take.

An overview of the courses follows:

- *Disaster Recovery for Senior Officials*: This course will provide senior leaders with the information to help them lead and make key decision that will assist communities and businesses to prepare for and recover from disasters.
- *Disaster Recovery Public Assistance Programs*: This course will provide front line jurisdiction staff with information on how to apply for funding assistance and successfully administrate recovery assistance programs that provide the funds to help communities prepare for and recover from disasters.
- *On-line Disaster Recovery Awareness*: This web-based course will provide information for all community members to improve their understanding of available recovery resources to improve resilience and participate in pre-disaster recovery planning.

QUESTIONS FROM HON. DINA TITUS TO PAMELA S. WILLIAMS, EXECUTIVE DIRECTOR, BUILDSTRONG COALITION

*Question 1.a.* Members of both parties have urged a significant investment in our nation's infrastructure for some time. FEMA's data that more than two-thirds of hazard-prone communities are on older building codes, means that, absent minimum standards, the safety and resilience requirements for federally supported infrastructure investments would vary considerably. Bipartisan former FEMA Administrators James Lee Witt and David Paulison recently penned an op-ed (<http://bit.ly/2WKf2iV>) urging that infrastructure investment require adherence to the latest building codes and standards, which I'd like to submit for the record.

Would the Build Strong Coalition support a requirement that legislation to modernize our nation's infrastructure—our schools, hospitals, airports, public housing, and other public amenities—be built to the latest consensus-based building codes?

*ANSWER.* Response was not received at the time of publication.

*Question 2.a.* FEMA's 2018–2022 Strategic Plan states that “[d]isaster resilience starts with building codes, because they enhance public safety and property protection.” The Plan also calls for straightforward processes and policies for staff and improvements in FEMA's stewardship of Federal taxpayer dollars. FEMA's Public Assistance Program to rebuild public facilities post disaster generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA's programs (Individual Assistance, Public Assistance, and Hazard Mitigation) could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

Is that something FEMA should consider?

*ANSWER.* Response was not received at the time of publication.

*Question 2.b.* For example, should the Agency consider applying its Public Assistance codes and standards minimum where the Agency is funding permanent housing construction through its Individual Assistance program?

*ANSWER.* Response was not received at the time of publication.

*Question 2.c.* Should FEMA consider requiring work performed using funding made available pursuant to a Stafford Act declaration, including Public Assistance, Individual Assistance, and Hazard Mitigation Assistance, to be built at a minimum to the most current codes set by the International Code Council, referred to as the “I-Codes”?

*ANSWER.* Response was not received at the time of publication.

*Question 3.* Does the Build Strong Coalition have any response to the testimony provided by Mr. Noel on behalf of the National Association of Home Builders?

*ANSWER.* Response was not received at the time of publication.

*Question 4.* We've heard for years from emergency managers about the importance of having a plan and a kit in order to build individual resilience. Given the magnitude of the higher-profile wildfires, hurricanes, floods, and tornadoes that we've seen, as well as the current demands on FEMA's personnel, do you believe that Americans—now more than ever—need to be more individually resilient?

*ANSWER.* Response was not received at the time of publication.

*Question 4.a.* Are emergency managers at all levels of government stretched too thin?

*ANSWER.* Response was not received at the time of publication.

*Question 4.b.* Are existing recoveries taking too long?

*ANSWER.* Response was not received at the time of publication.

*Question 4.c.* Or are there adequate resources at non-federal levels to manage responses and recoveries?

*ANSWER.* Response was not received at the time of publication.

QUESTIONS FROM HON. DINA TITUS TO RANDY NOEL, M.I.R.M., C.G.B., C.M.P.,  
PRESIDENT, REVE INC., ON BEHALF OF THE NATIONAL ASSOCIATION OF HOME  
BUILDERS

*Question 1.a.* Members of both parties have urged a significant investment in our nation's infrastructure for some time. FEMA's data that more than two-thirds of hazard-prone communities are on older building codes, means that, absent minimum standards, the safety and resilience requirements for federally supported infrastructure investments would vary considerably. Bipartisan former FEMA Administrators James Lee Witt and David Paulison recently penned an op-ed (<http://bit.ly/2WKf2iV>) urging that infrastructure investment require adherence to the latest building codes and standards, which I'd like to submit for the record.

Would the National Association of Home Builders support a requirement that legislation to modernize our nation's infrastructure—our schools, hospitals, airports, public housing, and other public amenities—be built to the latest consensus-based building codes?

*ANSWER.* The National Association of Home Builders represents more than 140,000 members who are involved in land development and building single-family and multifamily housing, remodeling, and other aspects of residential and light commercial construction. Our members typically are not involved in building schools, hospitals, airports, or other public buildings and infrastructure. However, NAHB recognizes the important role building codes play in ensuring our buildings are safe, resilient, affordable, and marketable. We have long been a supporter of the development and implementation of reasonable, practical, and cost-effective building codes and standards. While we understand that it is the federal government's prerogative to establish codes and standards for the public infrastructure and federal buildings it constructs, Congress must provide flexibility.

Consensus-based building codes are developed at a national level and cannot always accommodate the differing risks, building practices, geographic conditions, and other needs of communities across the country. Also, in the implementation of specific provisions in the model building codes, conflicts between code provisions or issues of non-uniform interpretation and enforcement are discovered. Therefore, the model building codes have always been intended to be amended at the time of state and local adoption. Because of these differences and discrepancies, it makes little sense to blindly apply one version of the model building codes. To do so would result in overbuilding, bureaucratic tangles, and excess costs at taxpayer expense.

Instead, in determining which building code must be followed for these public facilities and federal buildings, FEMA should first look to the building code adopted by the state or locality in which the structure is to be constructed. State and local governments are in the best position to determine the risks and challenges their citizens and communities face and follow code adoption, implementation, and enforcement processes that reflect their available resources and needs. If, after examining current codes and standards, FEMA identifies specific additional practices that should be followed, it may require such compliance as part of program guidance. An example would be requiring all FEMA-funded storm shelters (safe rooms) to be designed for a 250 mile per hour tornado wind speed, even in areas at lower risk of an EF4 or EF5 tornado.

Congress and FEMA must also make sure efforts to modernize public buildings and infrastructure do not impose disproportionate impacts on the private sector, including the housing sector. Initiatives and incentives to get states and local governments to update their codes for public buildings and infrastructure should not be used a stick to force those states and local governments to undertake activities that increase the cost of housing, limit design flexibility and reduce housing affordability for their residents.

*Question 2.a.* FEMA's 2018–2022 Strategic Plan states that “[d]isaster resilience starts with building codes, because they enhance public safety and property protection.” The Plan also calls for straightforward processes and policies for staff and improvements in FEMA's stewardship of Federal taxpayer dollars. FEMA's Public Assistance Program to rebuild public facilities post disaster generally requires applicants incorporate the latest hazard resistant measures in up to date building codes. Coordinating codes and standards policy across FEMA's programs (Individual Assistance, Public Assistance, and Hazard Mitigation) could protect Federal taxpayer investments in disaster recovery and hazard mitigation programs.

Is that something FEMA should consider?

*Question 2.b.* For example, should the Agency consider applying its Public Assistance codes and standards minimum where the Agency is funding permanent housing construction through its Individual Assistance program?

*Question 2.c.* Should FEMA consider requiring work performed using funding made available pursuant to a Stafford Act declaration, including Public Assistance, Individual Assistance, and Hazard Mitigation Assistance, to be built at a minimum to the most current codes set by the International Code Council, referred to as the "I-Codes"?

*ANSWERS (2.a.–2.c.)* While coordinating codes and standards policy across FEMA's program would appear to provide benefits by creating standardized expectations and reducing confusion, because the different programs address different types of structures located in different areas of the country, doing so would not be as simple or meaningful as suggested. Coordinating codes and standards policy across FEMA's programs is strongly discouraged.

NAHB understands the interest in ensuring that federal dollars are spent wisely, and we share that goal. However, because modern building codes have repeatedly proven to be resilient, it is not clear that substantial resiliency protections or benefits are gained by following the latest hazard resistant measures. First, "the latest hazard resistant measures" is not defined. Second, absent a definition, the interpretation and application of this term could be limitless and compel projects to incorporate design requirements that are not appropriate or cost-effective. Building codes cover an array of building systems, components, and techniques. Many of these elements are for basic structural soundness and occupant safety, while others are aimed at specific conditions or hazards, such as high wind areas or earthquake zones. Still others are politically- and product-driven, such as energy codes that mandate specific insulation methods, HVAC systems or other products that are not cost effective for most consumers or resource-based such as aggressive standards that restrict water use even in areas with abundant water resources. Although many of the model codes include these types of provisions, they are often amended out at the state or local level because they are unnecessary, too burdensome or too costly. That same opportunity must be provided throughout the implementation of the Individual Assistance, Public Assistance, and Hazard Mitigation programs. If a code provision is unnecessary, too burdensome or too costly, it should not somehow become workable simply because the federal government is footing the bill.

Finally, many assume that structures built following a newer version of a code are more resilient than those built to older versions, but that is not necessarily the case. The number of structural code changes incorporated into new editions of the I-Codes that dramatically impact structural reliability and occupant life safety have greatly diminished in the past several editions. In fact, many studies have shown that structures built following any edition of the I-Codes have performed well in hurricanes and earthquakes. Recognizing these results, Congress should refocus its efforts away from new construction and toward improving the older homes, structures, and infrastructure that have been shown to be less resilient to natural disasters. To do so, it is urged to provide tax credits, grants, and other incentives to offset the costs associated with the mitigation activities needed to make the existing housing stock, public facilities, and infrastructure safer and more resilient.

QUESTIONS FROM HON. MARK MEADOWS TO RANDY NOEL, M.I.R.M., C.G.B., C.M.P.,  
PRESIDENT, REVE INC., ON BEHALF OF THE NATIONAL ASSOCIATION OF HOME  
BUILDERS

*Question 1.* Mitigation and updated building codes have been shown to reduce risk and costs post-disaster. Yet risk varies depending on where a person lives. Coastal communities and upland communities have different needs, as do urban, suburban, and rural areas. How do we ensure building codes reflect those variations to strike a proper balance?

*ANSWER.* The best way to ensure that building codes reflect variations is to rely on the expertise and experience of the state and local jurisdictions. State and local governments play a key role in the code adoption process and determining the value of and need for certain code requirements. For decades, state and local governments have been responsible for evaluating each new edition of the consensus-based model building codes and determining which provisions are applicable within their borders. This is done after a thorough consideration of risks, costs, technology, and resources, among other factors. Some states make few changes to the model codes, others handpick the provisions and/or amend certain requirements, and others use the model code as a baseline to create their own state-specific code. Under this rubric, Nevada is free to identify the risks it faces and adopt the codes that are best suited to its locale, geography and economic conditions, while North Carolina can

do the same for itself. In fact, the model codes are intended to be tailored and amendments have been made to nearly every code that has been adopted at the state or local level, whether those amendments apply to only the administrative requirements or constitute a major rewrite of the entire document.

