

FEMA CASEWORKER ACCOUNTABILITY ACT

MARCH 29, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5343]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5343) to direct the Administrator of the Federal Emergency Management Agency to submit a report to Congress on case management personnel turnover, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Caseworker Accountability Act”.

SEC. 2. REPORT ON STAFF TURNOVER.

Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing—

- (1) the turnover rate for case management personnel of the Federal Emergency Management Agency;
- (2) the average and median length of employment for the personnel described in paragraph (1);
- (3) the steps that the Agency is taking, or plans to take, to lower the rate of turnover for the personnel described in paragraph (1);
- (4) the number of personnel of the Agency that is detailed to work disaster recovery and then return to such personnel’s full time assignment after a disaster, disaggregated by full-time, part-time, temporary, and contract personnel; and
- (5) the average time and median length of the rotations of personnel described in paragraph (4) and how often rotations and reassignment of personnel occur for each disaster recovery position and function, disaggregated by full-time, part-time, temporary, and contract personnel.

Amend the title so as to read:

A bill to direct the Comptroller General of the United States to submit a report to Congress on case management personnel turnover of the Federal Emergency Management Agency, and for other purposes.

PURPOSE OF LEGISLATION

The purpose of H.R. 5343, as amended, is to direct the Federal Emergency Management Agency (FEMA) Administrator to submit a report to Congress on case management personnel turnover.

BACKGROUND AND NEED FOR LEGISLATION

On a bipartisan basis and over several congresses, the Committee has received testimony from federal, state, local, tribal, and territorial officials engaged in the full cycle of emergency management: preparation, response, recovery, and mitigation.¹ A common challenge local and state emergency managers face during recovery from hazard events eligible for assistance authorized by the *Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)*, P.L. 93–288, as amended) is that communities deal with rotating federal recovery officials as they develop project worksheets to justify federal reimbursement for eligible costs.² Sometimes, these officials provide inconsistent interpretations of statute, regulation, and policy, resulting in delays throughout the recovery process.³ H.R. 5343, as amended, addresses this concern by requiring the FEMA to provide a report to Congress with data on case management personnel turnover, the average tenure of case management employees, and any agency plans to reduce turnover.

¹See Subcommittee on Economic Development, Public Buildings, and Emergency Management Hearing titled, “Building Smarter: The Benefits of Investing in Resilience and Mitigation,” March 18, 2021 (117th Congress); Subcommittee on Economic Development, Public Buildings, and Emergency Management Hearing titled, “An Assessment of Federal Efforts from Recent Disasters,” October 22, 2019 (116th Congress); and Subcommittee on Economic Development, Public Buildings, and Emergency Management Hearing titled, “Disaster Preparedness: DRRR Implementation and FEMA Readiness,” May 22, 2019 (116th Congress).

²See GAO, “FEMA Workforce: Long-Standing and new Challenges Could Affect Mission Success,” January 2022; GAO–22–105631; Available at GAO–22–105631, FEMA Workforce: Long-Standing and New Challenges Could Affect Mission Success.

³Id.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearing was used to develop or consider H.R. 5343:

On June 23, 2021, the Subcommittee held a hearing titled “FEMA’s Priorities for FY22 and Beyond: Coordinating Mission, Vision, and Budget.” The Subcommittee received testimony from Hon. Deanne Criswell, Administrator, FEMA, Department of Homeland Security. This hearing provided Members an opportunity to examine the President’s fiscal year (FY) 2022 budget requests for programs within FEMA.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5343 was introduced in the House on September 22, 2021, by Mr. Rice of South Carolina and Ms. Mace and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 5343 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 5343 on October 27, 2021.

The Committee considered H.R. 5343 on October 27, 2021, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote.

The following amendment was offered:

An amendment offered by Mr. Perry (#1); was AGREED TO by voice vote.

Page 1, beginning on line 8, strike “the Administrator of the Federal Emergency Management Agency” and insert “the Comptroller General of the United States”.

Page 2, line 4, insert “Federal Emergency Management” before “Agency”.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No record votes were requested during consideration of H.R. 5343.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5343 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 7, 2022.

Hon. PETER A. DEFAZIO,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5343, the FEMA Caseworker Accountability Act.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5343, FEMA Caseworker Accountability Act			
As reported by the House Committee on Transportation and Infrastructure on October 27, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5343 would require the Government Accountability Office (GAO) to report to the Congress, within three months of enactment, on the turnover rate for case management personnel at the Federal Emergency Management Agency (FEMA). The report also would examine steps FEMA has taken and plans to take in the future to lower the turnover rate.

Based on the cost of similar GAO reports, CBO estimates that implementing H.R. 5343 would cost less than \$500,000 over the 2022–2026 period; any such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide Congress information on case management personnel turnover at FEMA.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 5343, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 5343, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this measure may be cited as the “FEMA Caseworker Accountability Act”.

Sec. 2. Report on staff turnover

This section directs FEMA to report to Congress on case management personnel turnover. Specifically, the report shall detail the turnover rate for FEMA case management personnel, the average and median length of employment for such personnel, and the steps FEMA is taking or plans to take to reduce the turnover rate.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 5343, as amended, makes no changes in existing law.

