

FEMA CASEWORKER ACCOUNTABILITY ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 5343

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



NOVEMBER 16, 2022.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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FEMA CASEWORKER ACCOUNTABILITY ACT

NOVEMBER 16, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, 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 Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 5343) 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, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

H.R. 5343, the FEMA Caseworker Accountability Act, directs the Government Accountability Office (GAO) to report to Congress on case management personnel turnover at Federal Emergency Management Agency (FEMA).

II. BACKGROUND AND NEED FOR THE LEGISLATION

After a disaster, communities are assigned FEMA staff to help them prepare and submit documentation of eligible disaster re-

sponse and recovery projects to FEMA for reimbursement through the Public Assistance program. During that reimbursement process, state and local emergency management specialists encounter frequent challenges due to the turnover of federal recovery officials and staffing shortages at FEMA.¹ The shortages at FEMA are particularly acute among specialized staff, which take additional time to train.² This staffing instability has led to confusion and inconsistent interpretation of laws and policies, and consequently, delays for individuals and communities throughout the disaster recovery process.³ This legislation, as amended, will help Congress better understand these personnel issues by requiring GAO to report to Congress with data on case management personnel turnover at FEMA, the average tenure of case management employees, and any agency plans to reduce turnover. With clearer information on turnover, Congress will be better equipped to help the agency assess the causes of such high turnover rates and create solutions so that staffing challenges do not continue to impede disaster recovery projects.

III. LEGISLATIVE HISTORY

Representative Tom Rice (R–SC) introduced H.R. 5343, the FEMA Caseworker Accountability Act, on September 22, 2021 with Representative Nancy Mace (R–SC). Resident Commissioner Jennifer González-Colón (R–PR) joined as a cosponsor on October 26, 2021. The bill was considered in the House of Representatives under suspension of the rules and passed the House by a vote of 409 to 17 on March 30, 2022. The bill was received in the Senate on March 31, 2022 and was referred to the Homeland Security and Governmental Affairs Committee.

The Committee considered H.R. 5343 at a business meeting on May 25, 2022. During the business meeting, Senator Peters offered a substitute amendment that extended the timeline for the GAO report from three to six months. The substitute amendment was adopted *en bloc* by voice vote with Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Lankford, Romney, Scott, and Hawley present for the vote.

The Committee ordered the bill, as amended, be favorably reported by voice vote *en bloc* as amended by the Peters Substitute Amendment. Senators present for the vote on the bill were: Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Lankford, Romney, Scott, and Hawley.

¹ GAO, *FEMA Workforce: Long-Standing and New Challenges Could Affect Mission Success* (GAO–22–105631) (Jan. 20, 2022); 42 U.S.C. § 5170b, 5170c, 5172, 5173.

² *FEMA, Racing to Provide Virus Relief, is Running Short on Front-Line Staff*, New York Times (Apr. 2, 2020); Congressional Research Service, *2020 Hurricane Season FAQ: Federal Disaster Assistance for Hurricanes During the COVID–19 Pandemic* at 30 (R–46385) (July 24, 2020), *COVID–19 Pandemic Operational Guidance for the 2020 Hurricane Season* (HQ–20–146) (May 20, 2020).

³ GAO, *FEMA Workforce: Long-Standing and New Challenges Could Affect Mission Success* (GAO–22–105631) (Jan. 20, 2022); Senators Peters and Portman: *Senate Passes Peters and Portman Bipartisan Bill to Strengthen Federal Disaster Response by Repealing Outdated DHS Contracting Requirements* (June 9, 2022).

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

Section 1. Short title

This section designates the name of the bill as the “FEMA Case-worker Accountability Act.”

Section 2. Report on staff turnover

This section, as amended, requires the Comptroller General of the United States, to submit its report to Congress within 180 days of the enactment of the bill.

This section also prescribes the information the report must contain, including the turnover rate of FEMA case management personnel, the average and median length of employment for such personnel, the steps the agency will take to reduce the turnover rate, the number of personnel to be dispatched to disaster areas disaggregated by employment type, and the average time and median length of rotations of personnel.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 30, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

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

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5343, FEMA Caseworker Accountability Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on May 25, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	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 2033?	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 six 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 2022–2027 period; any spending would be subject to the availability of appropriated funds.

On February 7, 2022, CBO transmitted a cost estimate for H.R. 5343, the FEMA Caseworker Accountability Act, as reported by the House Committee on Transportation and Infrastructure on October 27, 2021. The two bills are similar, and CBO's estimates of their budgetary effects are the same.

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

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

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.