

STATEMENT

OF

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BEFORE
THE

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND
EMERGENCY MANAGEMENT

“Disaster Preparedness: DRRRA Implementation & FEMA Readiness”

Submitted

By

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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 intergovernmental 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 webpage¹ 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.
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.

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

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 DRRA:

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 DRRA.

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 DRRA 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 DRRA implementation process. I am happy to answer any questions you may have at this time.