



CRS Issue Statement on Disaster Assistance and Recovery

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The 111th Congress may elect to reconsider existing policies related to disaster assistance and recovery programs that have been adjusted several times and debated in investigatory hearings during the first session of this Congress, and previously in the 110th Congress. Congress may wish to work in concert with the Administration to establish comprehensive legislative priorities consistent with a new direction that clarifies the federal role in housing and long-term community recovery while also working to complete the Hurricane Katrina recovery work in an expedited manner.

Although the fifth anniversary of Hurricane Katrina approaches later this year, it remains fresh in memory as a natural disaster of historic proportions. It is an extraordinary outlier that has come to serve as the template for all ineffective disaster assistance and recovery. In part this is due to not only the extraordinary challenges that ensued, but also the fundamental policy areas, such as disaster housing and infrastructure repair, raised during the response and recovery phases. However, subsequent disaster events, notably the Midwest floods and the hurricanes of 2008, have served to highlight both the effective reach and continued limitations of federal disaster assistance programs. Programs administered by the Federal Emergency Management Agency (FEMA) and other federal entities (some administered with FEMA and others independently) are carried out on a regular basis for presidentially declared major disasters pursuant to the Constitution's general welfare provision.

For more than three decades, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, P.L. 93-288, as amended) has been the principal authorizing vehicle for supplemental help to families and individuals and state and local governments. While the Stafford Act has been revised and adjusted throughout its history, the 2007 Homeland Security Appropriations Act (P.L. 109-295, also known as the Post-Katrina Emergency and Reform Act - PKEMRA) made the most significant changes to the legislation in six years (since the Disaster Mitigation Act of 2000, P.L. 106-390). The 111th Congress may pursue new legislative initiatives (such as H.R. 3377, the Disaster Response, Recovery, and Mitigation Enhancement Act of 2009) but also may closely monitor FEMA's implementation of the additional authorities provided to it under the PKEMRA Act, including pilot programs authorized by the Act to improve the speed and efficacy of disaster response and recovery programs.

FEMA's ability to leverage the programs of other federal agencies, and to coordinate the federal structure in times of emergency under the new National Response Framework (NRF), may also be a focal point of expected congressional concern. An example of such coordination and consultation is the collaboration between FEMA and the Department of Housing and Urban Development (HUD) to transition long-term post-Katrina housing responsibilities to HUD. This effort may be addressed in the National Disaster Recovery Framework that FEMA expects to issue in 2010. Congress may also wish to consider if these frameworks, taken together, amount to an appropriate vehicle to administer the organized response to and recovery from a catastrophic event.

Specific topics that might be explored both by the 111th Congress and the Administration include, but are not limited to the following:

- **FEMA's Temporary Housing:** The traditional methods used by FEMA to provide interim housing to disaster victims have been subject to both legislation and litigation. Does FEMA have a plan to implement the housing changes in P.L. 109-295? Have safety and health concerns (highlighted by oversight hearings during the 110th Congress) regarding trailers and mobile homes used by FEMA as

temporary housing been addressed? Will the results of testing of alternative forms of manufactured units spur interest in these units as options for future temporary housing? How has the transition of the Katrina long-term disaster housing assistance programs to HUD worked, both for renters already in the program and for households being moved out of trailers and into apartments? Will FEMA and HUD formalize their relationship in the development of long-term disaster housing policy?

- **Catastrophic disasters:** Some believe that the Stafford Act is appropriate for natural disasters of limited scope, but suggest that Congress should consider creating a “catastrophic tier” to address events of great magnitude. Such a tier, some have postulated, could include automatic cost-share adjustments and regulatory waivers. Should Congress establish the boundaries of aid in a catastrophic declaration or should this be left to the President’s discretion? Will the National Disaster Recovery Framework address these issues?
- **Community Recovery Policy:** While some point to what they consider FEMA’s limited role in the post-disaster environment, others note the huge investment FEMA’s programs make. In the second session, the 111th Congress may wish to examine whether long-term recovery planning, in partnership with state and local governments, is an appropriate role for FEMA. FEMA’s National Disaster Recovery Framework is expected to be completed in mid-2010.
- **FEMA staffing:** Given the episodic nature of disasters, FEMA has long depended on a temporary work force to augment the staffing at disaster field offices and to assist in the administration of the recovery programs. However, temporary staffing, some contend, has led to inconsistent policy interpretations, disrupted federal/state/local relationships, and resulted in an overall lack of accountability. Congress may wish to explore permanent staffing levels and incentives that would contribute to a greater rate of retention of temporary staff.

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