

# HSA@20 Episode Companion: Emergency Management Post-PKEMRA

November 3, 2023

This Insight accompanies the “Emergency Management Post-PKEMRA” episode of *The Homeland Security Act at 20* podcast series and includes background information on the issues discussed during the podcast.

For additional introductory background, see:

- CRS Report WMR10001, *CRS Guide to Federal Emergency Management*, by Lauren R. Stienstra et al.
- CRS Video WVB00571, *Introduction to Federal Emergency Management*, by Diane P. Horn et al.
- CRS In Focus IF11298, *A Brief Overview of FEMA’s Individual Assistance Program*, by Elizabeth M. Webster.
- CRS In Focus IF11529, *A Brief Overview of FEMA’s Public Assistance Program*, by Erica A. Lee.
- CRS Report R47646, *Stafford Act Cost Shares: History, Trends, Analysis*, by Erica A. Lee.
- CRS Insight IN12233, *HSA@20 Episode Companion: Evolution of Emergency Management*.

## Key Legislation

### *Post-Katrina Emergency Management Reform Act*

P.L. 109-295, Title VI

Podcast-referenced changes to Stafford Act authorities:

- Defined FEMA’s primary mission and specific activities to be accomplished in support of its primary mission (Sec. 611; 6 U.S.C. §313(b));
- Established FEMA as a distinct element within DHS (6 U.S.C. §316);

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IN12277

- Designated the FEMA Administrator as the principal presidential advisor on domestic emergency management (6 U.S.C. §313(c)(4));
- Established a [Disability Coordinator](#) within FEMA to “ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief” (Sec. 611; 6 U.S.C. §321b);
- Required the development of a [national preparedness goal and national preparedness system](#) (Sec. 642; 6 U.S.C. §742); and
- Prohibited discrimination in the provision of disaster assistance based on disability or English proficiency (Sec. 689a; 42 U.S.C. §5151).

### ***Sandy Recovery Improvement Act of 2013 (SRIA)***

P.L. 113-2, Division B.

Podcast-referenced changes to Stafford Act authorities:

- Authorized federally recognized tribes [to request and receive their own declarations of emergency or major disaster under the Stafford Act](#)—separate from a state’s declaration (Sec. 1110; 42 U.S.C. §5170(b));
- Created a new set of “Alternative Procedures” to conduct project work under FEMA’s Public Assistance (PA) program (Sec. 1102; 42 U.S.C. §5189f);
- Added new forms of assistance to the Individuals and Households Program (IHP)—a form of Individual Assistance (IA), including:
  - allowing FEMA to lease and repair rental units for use as temporary housing for disaster survivors (Sec. 1103; 42 U.S.C. §5174(c)); and
  - allowing FEMA to provide financial assistance for child care to disaster survivors (Sec. 1108; 42 U.S.C. §5174(e)(1)).

### ***Disaster Recovery Reform Act of 2018 (DRRA)***

P.L. 115-254, Division D.

Podcast-referenced changes to Stafford Act authorities:

- Increased support for mitigation efforts, including by
  - authorizing a new source of funding for pre-disaster mitigation (Sec. 1234; 42 U.S.C. §5133) – FEMA would establish a new program to award the funding, known as Building Resilient Infrastructure and Communities ([BRIC](#));
  - providing funding for [building code](#) adoption and enforcement (Sec. 1206(b); 42 U.S.C. §5172(a)(2));
  - authorizing Hazard Mitigation Grant Program (HMGP) funding for [Fire Management Assistance Grant \(FMAG\)](#) declarations (Sec. 1204; 42 U.S.C. §5187(d)); and
  - authorizing the use of Pre-Disaster Hazard Mitigation and HMGP assistance for activities that reduce earthquake risk and build early warning capability (Sec. 1233; 42 U.S.C. §5170c(g)).
- Amended FEMA’s PA program, allowing FEMA to provide PA to repair, reconstruct, or replace eligible facilities in accordance with “the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs” (Sec. 1235(b); 42 U.S.C. §5172(b)(3)(A)); and

- Created separate caps for the maximum amount of financial assistance eligible individuals and households may receive for housing assistance and for other needs (Sec. 1212; 42 U.S.C. §5174(h)).
- The maximum amount of financial assistance an individual may receive for a single disaster is capped at \$42,500 for housing assistance and \$42,500 for other needs assistance for disasters declared in FY2023 (DHS/FEMA, “[Notice of Maximum Amount of Assistance Under the Individuals and Households Program](#),” 88 *Federal Register* 72520, October 20, 2023).
- The average IA payout since DRRA’s implementation is approximately \$3,200.
- Awards vary for a variety of reasons, including type and severity of damage, local costs, and availability of other assistance, including insurance.

**Note:** The purpose of FEMA disaster assistance is not to make victims “whole” after a disaster, but just to meet some of the unmet needs in the wake of an incident. Per [FEMA’s website](#):

FEMA’s Individual Assistance program is designed to help disaster survivors with basic, critical needs such as a safe, sanitary, and functional place to live during recovery from a disaster. It is not designed to make survivors whole and is not a substitute for insurance coverage. FEMA Individual Assistance cannot duplicate other sources of assistance.

## *Changes to FEMA’s Overall Role*

### **How agencies go from authority to policy:**

- Laws provide the statutory authorization for action by the executive branch.
- [Regulations](#) are formal rules developed by the executive branch to clarify their interpretation and implementation of a law.
- [Guidance](#), either public or internal to an agency, sets forth agency policy on how to interpret statutes and regulations.

### **Increasing frequency and severity of events:**

- [FEMA data](#) on the frequency of disaster declarations.
- [NOAA data](#) on the frequency of severe events.

### **Novel applications of the Stafford Act:**

- CRS Report R47048, *FEMA’s Role in the COVID-19 Federal Pandemic Response*, coordinated by Erica A. Lee.
- CRS Insight IN12163, *Potential Stafford Act Assistance for Migration Activity*, by Erica A. Lee and Elizabeth M. Webster.
- CRS Report R46665, *Stafford Act and Selected Federal Recovery Programs for Civil Unrest: Historical Perspectives and Policy Observations*, coordinated by Bruce R. Lindsay.

## **For Further Information**

### *Katrina*

- U.S. Congress, Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, “[A Failure of Initiative](#).”
- The White House, *[The Federal Responses to Hurricane Katrina: Lessons Learned](#)*.

- Lex Frieden, National Council on Disability, *The Impact of Hurricanes Katrina and Rita on People with Disabilities: A Look Back and Remaining Challenges*, August 3, 2006.

### **PKEMRA**

- U.S. Government Accountability Office (GAO), *Actions Taken to Implement the Post-Katrina Emergency Management Reform Act of 2006*, [GAO-09-59R](#), Dec. 8, 2008.
- GAO, *National Preparedness: Actions Taken by FEMA to Implement Select Provisions of the Post-Katrina Emergency Management Reform Act of 2006*, [GAO-14-99R](#), Nov. 26, 2013.

### **SRIA**

- CRS Report R42991, *Analysis of the Sandy Recovery Improvement Act of 2013*, by Jared T. Brown, Francis X. McCarthy, and Edward C. Liu.

### **DRRA**

- CRS Report R45819, *The Disaster Recovery Reform Act of 2018 (DRRA): A Summary of Selected Statutory Provisions*.
- CRS Report R46776, *The Disaster Recovery Reform Act of 2018 (DRRA): Implementation Updates for Select Provisions*.

### **Next Episode**

Domestic Violent Extremism.

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