



## FEMA Issues for the First 200 Days

### Recommendations for Action by the President-Elect Biden Administration

*Note: this document is not intended to be all-inclusive of the issues that NEMA would like to see addressed but rather those that require action at the beginning of the new Administration.*

[The National Emergency Management Association \(NEMA\)](#) represents the voice and consensus policy positions of the directors of the emergency management agencies of the 50 states, the U.S. territories, and the District of Columbia who are responsible to their governors for all hazards emergency and disaster preparedness, mitigation, response, and recovery.

#### **Ongoing COVID-19 Response**

1. Upon assuming office in January, the President should announce his strategic vision for how the United States will address the ever-growing number and increasingly complex disasters occurring throughout the Nation, including the ongoing response to the COVID-19 pandemic.
2. Upon assuming office in January, the President should issue a Presidential Policy Directive (PPD) or similar that clarifies FEMA's role during incidents and disasters that require multiagency coordination. FEMA should be the lead coordinating agency for all multi agency incidents across all phases of the incident, to include recovery. This includes Stafford Act and non-Stafford Act events. The Administration should work with Congress to ensure FEMA is provided appropriate funding and personnel to effectively fill this role.
3. Eliminate parallel response structures within the White House or elsewhere at the federal level which duplicate and confuse disaster response at all levels of government, to include Personal Protective Equipment (PPE) and COVID-19 vaccination distribution.
4. Clearly define the roles of public health agencies and FEMA during public health emergencies. Clarify roles of FEMA and the myriad public health "EM" offices, which include HHS Assistant Secretary of Preparedness and Response; HHS CDC Office of Public Health Preparedness and Response; HHS FDA Office of Emergency Operations; and the National Security Council's CBRNE unit.

*Note: recommendations #1 - #4 are important to address beyond COVID.*

5. Address COVID-19 funding for State, Local, Tribal and Territorial Governments:
  - a. Approve 100% Public Assistance funding for all SLTTs for costs related to the COVID-19 emergency and major declarations for the duration of the incident.
  - b. Approve state Hazard Mitigation Grant Program (HMGP) requests as part of major disaster declarations for COVID-19.
  - c. Extend the Stafford Act COVID-19 incident period for the duration of the event.
  - d. Extend the Public Health Emergency COVID-19 incident period each 90 days for the duration of the event and ensure no gaps.
  - e. Extend Title 32 for the National Guard through the duration of the COVID-19 incident period and fund at 100% federal. Note: this action should be taken even if 100% funding is provided to states as Title 32 provides enhanced benefits and protections for our National Guardsmen and women of which they are most deserving during this lengthy and ongoing activation in response to the national pandemic.

- f. Extend CARES Act funding through the duration of the event and encourage Congress to provide additional funding through a second stimulus package. This will allow for better management of the funds through vaccine distribution.
- g. Extend Emergency Management Performance Grant (EMPG) Supplemental funding for emergency management through the duration of the COVID-19 event.

*Note: The end of the COVID-19 incident period, as an example and for consideration may be at the time the majority of the population has had an opportunity to receive a COVID vaccination.*

- 6. Rescind the FEMA Public Assistance Program (PA) COVID-19 Guidance dated September 15, 2020 which narrowly defines Category B Emergency Protective Measures and what entity can execute such measures and redefines some COVID-19 activities as routine operating costs. The revised guidance hampers implementation of one of the most important pillars of the COVID-19 response and prevention. FEMA should restore, among other actions, eligibility for PPE, and disinfecting for schools and courthouses under the PA COVID-19 Guidance. What was eligible as an emergency protective measure before September 15, 2020 should remain so throughout the response.
- 7. Increase the time period for which extensions are granted for the Emergency Food Program and the Non-Congregate Sheltering Program from 30 days to 90 days, and change the information sharing requirements. Increasing extension to 90-day increments would provide greater stability for recipients of these Public Assistance Programs.
- 8. Eliminate FEMA's requirement for entities to maintain pre-approval to conduct non-congregate sheltering operations for COVID-19. Non-congregate sheltering is an obvious necessary emergency protective measure for COVID-19. FEMA has instituted a policy to no longer require pre-approval for non-congregate sheltering for non-COVID-19 disaster *because* of COVID-19. Requiring states and local governments to maintain pre-approval every 30 days for the COVID-19 disaster burdensome and unnecessary
- 9. Create a task force to quickly conduct a review of the FEMA Consolidated Resource Centers (CRCs) to determine extent and reasons for significant Project Worksheet backlogs for COVID-19 reimbursements.
- 10. Reevaluate and define the mission and purpose of the Strategic National Stockpile. Provide greater visibility to states on what's available through the SNS at any given time, as well as distribution operations. Provide greater visibility on the overall supply chain and develop standardized metrics on PPE burn rates to aid in state decision-making on procurement and stockpiling of supplies. Allow states to retain some level of PPE stockpile after COVID-19 ends, at no cost, in anticipation of future pandemic response.
- 11. Reevaluate, define, and provide clear guidance on the triggers for, use of, and administration of the Defense Production Act.

### **NEMA-FEMA-States Communications**

- 1. The FEMA Administrator shall meet quarterly, either virtually or in person, with the NEMA President in order to share information, maintain open lines of communication, troubleshoot issues, and build working relationships with the states collectively through NEMA. More frequent communication is needed until COVID-19 response and recovery activities are complete.
- 2. The FEMA Administrator shall direct the Regional Administrators to meet quarterly, either virtually or in person, with the state emergency management directors in their respective regions.

3. The monthly NEMA-FEMA Leadership Calls shall be re-instated as a mechanism for senior officials beyond the FEMA Administrator and NEMA President to share timely information and build relationships.
4. The FEMA Administrator will work to create a culture Agency-wide that prioritizes FEMA being a willing partner in support of innovative solutions by states.
5. FEMA shall confer with the states, through NEMA, in the early phases of the development of new policies or guidance, as well as revisions to existing documents. This allows early buy-in by key stakeholders and avoids unintended consequences.

## **FEMA Programs**

### **General**

1. In partnership with the states, the Administration and FEMA should pursue a comprehensive review, re-envisioning, and reform of U.S. emergency management policy, including the Stafford Act, to prepare emergency managers for the landscape of challenges they face in a rapidly changing environment (e.g. pandemic, cyber, climate change, increased human-caused disasters, infrastructure failure).
2. Conduct a review of FEMA Headquarters verses FEMA Regional decision-making roles and authorities to aid in streamlining and consistency. There must be common application of policy, guidance, and regulations across all 10 FEMA Regions and FEMA Headquarters. The problems created for states by the disconnects between Headquarters and Regions has been clearly demonstrated during the COVID-19 response.

### **FY21 FEMA Appropriations Bill:**

1. Support House mark of \$385M for EMPG.
2. Support EMAC funding at minimum of \$2M up to House mark of \$4M.
3. Protect Disaster Relief Fund from being repurposed outside of disaster response, recovery and mitigation.

### **Building Resilient Infrastructure and Communities Program:**

1. Set aside the full eligible amount of 6% of disaster costs in the previous year for the Building Resilient Infrastructure and Communities (BRIC) program. For FY20, despite nearly \$3.7 billion being available, the Trump administration intends to only set-aside \$500 million.
2. Provide enhanced technical assistance and analysis tools to SLTTs to support informed decision-making on resilience projects.

## Recovery:

1. Confer with key stakeholders to identify priorities and solutions to reduce the complexity of FEMA and federal disaster assistance programs across the federal government. Prohibit federal guidance from being revised to be more restrictive during an ongoing national emergency/disaster response.
2. As the National Response Framework (NRF) notes, FEMA is the coordinating agency on behalf of the federal government. Require FEMA to coordinate across the federal government on disaster funding sources and work with states to more easily understand and access them in a timely manner. It's imperative that sub-applicants receive funding as soon as possible to support community recovery.
3. Clarify, improve, and add capacity to support FEMA's role in long term recovery.
4. Establish a single, common disaster survivor application that can be utilized across all federal disaster assistance programs. This seamless interagency data sharing would enable significantly better communication and coordination, as well as faster disbursement of funds and improved oversight and accountability.
5. Sharing of Personally Identifiable Information (PII) for disaster survivors is imperative as it relates to FEMA Individual Assistance (IA), National Flood Insurance Program (NFIP), and others. States have experienced major issues with sharing these data sets, with other state and local partners who may have resources to aid those survivors. The issue causes a delay in the recovery process for both state and local programs and hampers planning and project efforts to address the most vulnerable areas of the state. There should be a standardized information sharing form a disaster survivor can sign allowing anyone with identified resources or program support to receive their information. These should include state, federal and local partners along with LTRCs, voluntary agency partners and PNPs.
6. Raise the PA Program small project threshold; \$131,100 to at least \$500K or even \$1M in order to reduce the complexity of recovery and expedite recovery dollars to states.
7. Review authority of CRCs to hold up funding on eligibility determinations. It's a processing center so eligibility for projects should have already been determined before it reaches the CRC. CRCs should not circumvent decisions by Federal Coordinating Officers (FCOs).
8. Work with Congress to permanently authorize the Community Development Block Grant Disaster Recovery Program (CDBG-DR). The lack of a regular authorization leaves states waiting months, if not years for the U.S. Department of Housing and Urban Development (HUD) to publish Federal Register notices for funding.
9. Housing challenges for disaster survivors must be addressed to include affordable rental housing, temporary housing, and the stability of housing across the Nation. FEMA shall work with the state emergency management agencies, through NEMA, to identify innovative solutions as well as a strategy for implementation.
10. Allow states to leverage all federal disaster assistance programs to maximize dollars for disaster resilience and recovery projects that enhance the level of protection of people and property.
11. Affect legislation allowing grantees to utilize management costs across all open disasters. When managing disaster declarations, states and locals coordinate billions of dollars in federal grants through FEMA. To help offset administrative requirements of these grants, regulations allow recipients to utilize a percentage for management costs. These management costs, however, are limited to each specific disaster and regulations do

not allow grantees to economize by managing workloads across all open disasters. This action will help build emergency management capability across the country, speed the disaster close-out process, and drive-down the costs of disasters.

12. Perform an evaluation of the IA Program to include eligibility indicators, funding amount, processes, and speed to survivor. FEMA IA needs to focus at the beginning of a disaster on the whole community approach with meeting the objectives of the needs of individuals.
13. FEMA should create a formalized process by which to evaluate whether existing or new grant programs (disaster or non-disaster) increase or decrease equity for disaster survivors, and do not aggravate any financial and social disparities that may exist prior to the event.

### **Climate Change Consequence Management**

1. Strategically identify, prioritize, and invest in climate resilience projects that help reduce future losses. Coordinate interagency investments for consistency, efficiency, and maximum return.
2. Ensure coordination of climate change related mitigation, preparedness, response, and recovery programs with FEMA and other federal agencies – including risk, vulnerability, and consequence assessments.

For more information on these and other issues, contact Trina Sheets, NEMA Executive Director, 859-229-9179, [tsheets@csg.org](mailto:tsheets@csg.org).