



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

**James L. Oberstar**  
Chairman

Washington, DC 20515

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

September 22, 2008

James W. Coon II, Republican Chief of Staff

**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Subcommittee on Economic Development, Public Buildings, and Emergency Management

**FROM:** Subcommittee on Economic Development, Public Buildings, and Emergency Management Staff

**SUBJECT:** Hearing on "FEMA's Response to the 2008 Hurricane Season and the National Housing Strategy"

**PURPOSE OF THE HEARING**

On Tuesday, September 23, 2008, at 2:00 p.m., in room 2167 of the Rayburn House Office Building, the Subcommittee on Economic Development, Public Buildings, and Emergency Management will hold a hearing on the Federal Emergency Management Agency's ("FEMA") response to the 2008 hurricane season, the proposed National Disaster Housing Strategy, and the role of the American Red Cross in catastrophic events.

**BACKGROUND**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act<sup>1</sup> ("Stafford Act") provides the statutory authority for most Federal activities in the wake of a natural disaster or other emergency. The authority to implement assistance under the Stafford Act has been delegated to FEMA.

**2008 HURRICANE RESPONSE**

To date, the 2008 Hurricane season has had a serious impact on citizens and communities throughout the Gulf Coast and the eastern half of the country. The President has declared 13 Major Disasters or Emergencies under the Stafford Act for Hurricanes or Tropical Storms. While significant, the impact of these storms has not been as catastrophic as other hurricane seasons, such

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<sup>1</sup> 42 U.S.C. 5121-5207.

as 2005, when Hurricanes Katrina, Rita, and Wilma struck the United States. However, this is the first hurricane season since FEMA was reformed under the Post Katrina Emergency Management Reform Act.<sup>2</sup>

Hurricane Gustav made landfall seventy two miles southwest of New Orleans on September 1, 2008. Although it did not strike New Orleans as originally feared, it did prompt the first full evacuation of that city since Hurricane Katrina. In anticipation of the storm, Mayor Ray Nagin ordered a mandatory evacuation of New Orleans on August 30, 2008.

Hurricane Ike made landfall at Galveston, TX on September 13, 2008 and caused massive damage to Galveston Island, which was ordered evacuated by Harris County Judge Ed Emmett. The City of Houston was also in the path of this storm. In Houston, a mandatory evacuation for the entire city was not ordered. Rather, those outside the flood plain were ordered to “shelter in place”. Hurricane Ike caused widespread damage and power outages in east Texas and the Houston area.

Media reports have highlighted the delay in the distribution of supplies in response to Hurricane Ike. Under plans in place before and after Hurricane Ike, the State of Texas and local governments are responsible for the points of distributions (“PODs”). Because of logistical difficulties in distributing supplies in Houston, FEMA, at the request of the Governor of Texas on September 13, 2008, took over the PODs in the City of Houston and Harris County. Currently, FEMA is continuing this task. Further media reports highlight the difficulties the most vulnerable citizens faced when they were evacuated to shelters.

### NATIONAL DISASTER HOUSING STRATEGY

The Post Katrina Emergency Management Reform Act of 2006 directed FEMA to submit a report to Congress describing the National Disaster Housing Strategy. The report was due within 270 days of enactment (October 30, 2006)<sup>3</sup>. In response to that requirement, FEMA placed a draft National Disaster Housing Strategy out for public comment on July 24, 2008. The comment period closes on September 22, 2008. In anticipation of this hearing, which was previously postponed at FEMA’s request, Committee staff requested that the comment period be extended by at least seven days. FEMA has agreed to this request this request and extended the comment period until September 29, 2008.

The draft strategy provided by FEMA provides an overview of current practices. Its historical and descriptive narrative explains current policies and how they evolved to the present day. Within that narrative the strategy references Stafford Act authority and how that authority has been carried out by the Agency. The draft document breaks out disaster housing in a continuum from sheltering to interim housing to permanent housing.

The strategy gives great emphasis to the responsibilities of local and state authorities. In fact, its most concrete examples of creative approaches tend to be those initiated at the state and

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<sup>2</sup> Title VI of Public Law 106-295

<sup>3</sup> Section 683 of Public Law 106-295

local levels such as the Louisiana Family Recovery Corps<sup>4</sup> and the Clara Barton Hospital Shelter in Hoisington, Kansas.<sup>5</sup>

While the state and local roles are underlined, the federal role is not as clearly defined. That definition is expected to come from the seven Annexes to the Strategy. It is in these annexes that the problems and questions derived from the Katrina experience are specifically addressed. For example, Annex Two will cover “Methods to House Disaster Victims Where Employment and the Resources They Need For Living Are Available”. In a similar way, Annex Five addresses an area that several Congressional Committees have focused on: “Programs to Promote the Repair or Rehabilitation of Existing Rental Housing.” From the perspective of necessary adjustments to legislation, Annex Six of the Strategy is “Additional Authorities Necessary to Carry Out the Strategy.” All of the annexes are listed as being “under development.”<sup>6</sup> In an appearance before a Senate committee during the summer 2008, FEMA Deputy Administrator Harvey E. Johnson, Jr. indicated that the final version of the strategy, with the completed annexes, would be ready in the fall.<sup>7</sup>

In June 2008 FEMA issued the 2008 Disaster Housing Plan. This plan was issued for the 2008 hurricane to describe FEMA’s approach to working with state and local governments for this season including how to maximize existing resources, use traditional innovative forms of interim housing and use authority for permanent construction. While related to the National Disaster Housing Strategy, this plan is separate and unlike the Strategy is currently in effect.

At the hearing, FEMA will receive testimony from Harvey Johnson, Deputy Administrator of FEMA on the National Disaster Housing Strategy.

**GOVERNMENT ACCOUNTABILITY OFFICE (“GAO”) REPORT ON VOLUNTARY AGENCIES ABILITY TO PROVIDE MASS CARE IN CATASTROPHIC EVENTS**

In 1900, the American Red Cross received a federal charter that outlined its primary role in disaster relief and mitigation. Currently, this organization serves as one of the primary mass suppliers of relief in federal disasters but under the National Response Framework, which came into effect this year, FEMA has assumed the primary responsibility for “Emergency Support Function Six – Mass Care, Emergency Assistance, Housing and Human Services” The American Red Cross is a support agency for this function. The GAO report appears to support this arrangement.

On September 18, 2008, the Government Accountability Office released a report: “*Voluntary Organizations: FEMA Should More Fully Assess Organizations’ Mass Care Capabilities and Update the Red Cross Role in Catastrophic Events*”. The report concluded that a major crisis such as a nuclear attack in Washington, D.C. or an earthquake in Los Angeles would overwhelm FEMA’s capabilities and resources. In addition, it faults FEMA with not assessing the capabilities of

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<sup>4</sup> U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy*, p.11

<sup>5</sup> Ibid. p. 33.

<sup>6</sup> Ibid. p. 1

<sup>7</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, “Planning For Post-Catastrophe Housing Needs: Has FEMA Developed an Effective Strategy for Housing Large Numbers of Citizens Displaced by Disasters?”, July 30, 2008.

volunteer disaster organizations such as the American Red Cross, not training enough volunteers, and not delineating clear objectives for these organizations in case of a disaster of a large magnitude.

On September 10, 2008, the American Red Cross requested \$150 million for Fiscal Year 2009 for its disaster relief fund to address increased demands on funds to support current disasters that have not been met by current fundraising.

#### PRIOR LEGISLATIVE AND OVERSIGHT ACTIVITY

In 110<sup>th</sup> Congress, the Committee on Transportation and Infrastructure acted on the following bills related to FEMA, the Stafford Act, and disaster assistance:

- **H.R. 6658, the “Disaster Response, Recovery, and Mitigation Enhancement Act of 2008”:** This legislation amends the Stafford Act to improve the assistance the Federal Government provides to states, local governments, and communities after major disasters and emergencies. On July 31, 2008, the Committee ordered H.R. 6658 reported to the House.
- **H.R. 6109, the “Pre-Disaster Mitigation Act of 2008”:** This legislation reauthorizes FEMA’s Pre-Disaster Mitigation Program and makes improvements, including codification of the competitive aspects of the program. On June 23, 2008, the House passed H.R. 6109 by voice vote.
- **H.R. 3247, the “Hurricane Katrina and Rita Recovery Facilitation Act of 2007”:** This legislation provides additional Federal relief targeted to the recovery from Hurricanes Katrina and Rita in Louisiana and Mississippi. On October 29, 2007, the House passed H.R. 3247 by voice vote.
- **H.R. 3224, the “Dam Rehabilitation and Repair Act of 2007”:** This legislation establishes a program to provide grant assistance to states for use in rehabilitating publicly-owned dams that fail to meet minimum safety standards and pose an unacceptable risk to the public. On October 29, 2007, the House passed H.R. 3224 by a recorded vote of 263-102.
- **H.R. 1144, the “Hurricanes Katrina and Rita Federal Match Relief Act of 2007”:** This legislation provides significant relief for communities devastated by Hurricanes Katrina, Rita, and Wilma, by raising the Federal cost share for critical disaster relief programs to 100 percent and by authorizing the cancellation of Community Disaster Loans under certain conditions like all previous Community Disaster Loans. H.R. 1144 was enacted as part of P.L. 110-28, the “U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007”.

In the 110<sup>th</sup> Congress, the Committee also collaborated with the Committee on Financial Services on H.R. 1227, the “Gulf Coast Hurricane Housing Recovery Act of 2007”, to ensure that Louisiana is allowed to use Hazard Mitigation Program funds for its Road Home program. H.R. 1227 passed the House March, 21, 2007.

In the 109th Congress, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (Title VI of P.L. 109-295).

In the 106<sup>th</sup> Congress, Congress enacted P.L. 106-390, the Disaster Mitigation Act of 2000.

In the 110<sup>th</sup> Congress, the Committee has held numerous hearings related to FEMA and the Stafford Act, including:

- “Role of the Federal Government in Small Business Disaster Recovery” (September 12, 2007)
- “Moving Mississippi Forward: Ongoing Progress and Remaining Problems” (June 19, 2008);
- “Saving Lives and Money through the Predisaster Mitigation Program” (April 30, 2008);
- “National Flood Plain Remapping: The Practical Impact” (April 2, 2008);
- “Readiness in the Post Katrina and Post 9.11 World: An Evaluation of the New National Response Framework” (September 11, 2007);
- “Assuring the National Guard is as Ready at Home as It is Abroad” (May 18, 2007);
- “Legislative Fixes for Lingering Problems that Hinder Katrina Recovery” (May 10, 2007);
- “National Levee Safety and Dam Safety Programs” (May 8, 2007);
- “FEMA’s Preparedness and Response to All Hazards” (April 26, 2007);
- “FEMA’s Emergency Food Supply System” (April 20, 2007); and
- “Post-Katrina Temporary Housing: Dilemmas and Solutions” (March 20, 2007).

**WITNESSES**

**The Honorable C. Ray Nagin**

Mayor

City of New Orleans, Louisiana

**Admiral Harvey Johnson**

Deputy Administrator and Chief Operating Officer  
Federal Emergency Management Agency

**Mr. Joseph Becker**

Senior Vice President of Preparedness and Response  
American Red Cross

**Ms. Cynthia Fagnoni**

Managing Director of Education, Workforce, and Income Security Issues  
Government Accountability Office