Jurisdiction and Activities
Subcommittee on Economic Development, Public Buildings, and Emergency Management
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JURISDICTION AND ACTIVES
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT
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I. EXECUTIVE SUMMARY

The Subcommittee on Economic Development, Public Buildings, and Emergency Management has jurisdiction over the authorization and oversight of programs promoting economic development in communities suffering economic distress; the authorization and oversight of Federal real estate programs, including construction, repair and alterations, maintenance, protection, and enhancement of such real property; and the authorization and oversight of programs addressing the Federal management of emergencies and disasters, including a variety of measures affecting homeland security.

The economic development activities of the Subcommittee include jurisdiction over the Economic Development Administration ("EDA") of the U.S. Department of Commerce, the Appalachian Regional Commission ("ARC"), the Denali Commission, the Delta Regional Authority ("DRA"), the Northern Great Plains Regional Authority, and the newly authorized Southwest Border Regional Commission, Southeast Crescent Regional Commission, and Northern Border Regional Commission.

The asset management activities of the Subcommittee include measures affecting the Public Buildings Service ("PBS") of the General Services Administration ("GSA"), including the planning, site and design, construction, acquisition, renovation, maintenance, and protection of public buildings, courthouses, and border facilities. The location, use, accessibility, energy conservation, security, health and safety, transfer or exchange of Federal buildings as well as issues related to leasing space for Federal employees also fall under the Subcommittee's jurisdiction. The Subcommittee also has authority over the following public infrastructure: the physical plant and infrastructure of the Capitol Complex, the buildings of the Smithsonian Institution, the facilities of the John F. Kennedy Center for the Performing Arts, the International Center for Foreign Chanceries, Union Station Redevelopment, and Judiciary Centers. The Subcommittee is further responsible for naming Federal buildings and courthouses.

The Subcommittee also has jurisdiction over the Federal management of natural and man-made disasters from all hazards through programs authorized by the Stafford Act, the Homeland Security Act of 2002, and Title VI of the Homeland Security Appropriations Act of 2007, the "Post Katrina Emergency Management Reform Act" ("Post Katrina Act"). Programs such as the Disaster Relief Program, Individuals and Household Program, the Public Assistance Program, and the Hazard Mitigation Program under the Subcommittee's jurisdiction help the nation prepare for, respond to and recover from disasters. The Subcommittee is also responsible for the all-hazards nature of the National Preparedness System ("NPS") and a national preparedness goal that is consistent with the National Incident Management System ("NIMS") and the National Response Framework ("NRF"). These programs, plans, and directives form the basis of the national approach to emergency preparedness and response.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management has jurisdiction over the following agencies and issues:

- Economic Development Administration
- Appalachian Regional Commission
- Denali Commission
- Delta Regional Authority
- Northern Great Plains Regional Authority
- Northern Border Regional Commission
- Southeast Crescent Regional Commission
- Southwest Border Regional Commission
- Public Buildings Service of the General Services Administration
- Architect of the Capitol and Capitol Complex infrastructure
- Smithsonian Institution facilities
- John F. Kennedy Center for the Performing Arts facilities
- Stafford Act programs
- Federal Emergency Management Agency
- Disaster Relief Program
- Emergency declarations
- All-hazards emergency management

II. ECONOMIC DEVELOPMENT

The Subcommittee has jurisdiction over the Economic Development Administration ("EDA"), the Appalachian Regional Commission ("ARC"), the Denali Commission, the Delta Regional Authority ("DRA"), the Northern Great Plains Regional Authority, and the recently authorized Southwest Border Regional Commission, Southeast Crescent Regional Commission, and Northern Border Regional Commission.

These entities provide Federal assistance to economically distressed areas for the creation of long-term employment opportunities and economic growth.

A. Economic Development Administration

1. Overview

The Economic Development Administration was created by the Public Works and Economic Development Act of 1965 and is administered through the Department of Commerce. Historically, EDA's primary role was a public works grant program designed to aid economically distressed communities by developing infrastructure with the intent of attracting new industry and thus creating long-term, private sector jobs. The types of projects funded through the program include the construction of water and sewer facilities, access roads, port improvements, and business incubator buildings. These grants are now subject to a general 50 percent cost-sharing requirement, with funds to be provided from a state, local, or private source.

Additionally, over the past several years, EDA has received, and is authorized to continue to receive, increased levels of resources to aid communities adjusting to economic dislocations, including defense cutbacks and base closures. EDA is the primary Federal program addressing this hardship. EDA also provides grants for planning and administrative expenses for projects, as well as grants for training, research, and technical assistance.

Projects and initiatives for EDA funding are chosen through an application process. Each state has a designated Federal "Economic Development Representative" who works with local economic development districts to identify eligible projects. The applications are then forwarded to one of six EDA regional offices for review. The application must receive approval by both the regional office and EDA headquarters in Washington, D.C. EDA considers grants on a rolling basis over the course of a fiscal year.

EDA was reauthorized for five years in the 105th Congress. The reauthorization bill included a number of reforms to address weaknesses in the program, including tightening the eligibility criteria for assistance. Congress reauthorized EDA in the 108th Congress (P. L. 108-373) for an additional four years through 2008. This legislation revised several definitions; allowed for the inclusion of non-profit entities in eligible economic development activities; and granted the Secretary of Commerce new authority to implement a performance-based incentive plan, to issue new regulations relating to the operation of revolving loan funds, to increase the Federal share of grants, to allow for increased retention of funds, and to issue new performance regulations.

2. Funding

EDA is currently funded through the annual appropriations process through the Commerce, Justice, Science, and Related Agencies Appropriations Act. EDA is authorized at $500 million for FY 2008. Congress appropriated $30.8 million for salaries and expenses, and $249.1 million for program grants for EDA in FY 2008.

3. Activities in the 110th Congress

During the 110th Congress, the Subcommittee extensively reviewed EDA's activities. The first Subcommittee hearing, held on January 23, 2007, focused on the state of economic development nationwide. The Subcommittee also held numerous briefings on the proposed and final regulations required by P.L. 108-373, the Economic Development Administration Reauthorization Act of 2004. In addition, the Subcommittee began work on the EDA reauthorization bill.

B. Appalachian Regional Commission

1. Overview

The Appalachian Regional Development Act of 1965 created the Appalachian Regional Commission. The primary function of ARC is to provide economic development assistance to a 13-state region. The region is populated by more than 20 million people and includes all of West Virginia and parts of Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, and Virginia. The Transportation Equity Act for the 21st Century shifted funding for the ARC highway program from the general fund to the Highway Trust Fund and significantly increased funding for the Appalachian Development Highway System.

ARC is a Federal-State Governmental agency consisting of the Governors of the 13 Appalachian States and a Federal co-chairman. Project proposals must originate in, and be approved by, a state. The Commission allocates the level of funding to each state. The Commission structure provides that both the Federal co-chairman and the state co-chairman must agree on policy and funding issues. ARC is viewed as a model program for Federal-state partnerships as this 50-50 power sharing arrangement forces the Federal Government and the states to come to agreement on issues. Additionally, the regional nature of the program motivates states to plan and adopt regional economic solutions to common problems.

During the 107th Congress, the Committee passed the Appalachian Regional Development Reauthorization Act of 2001 (P.L. 107-149), which built upon past successes of the Appalachian Regional Commission, made several amendments to existing law, and extended the authorization for an additional five years. Specifically, P.L. 107-149 expanded the Commission by adding four new adjacent counties, required the Commission to direct at least half of its grant funding to activities and projects in distressed counties, established a program to provide enhanced access to telecommunications and technology to the region, and lowered the cost-sharing amount for distressed counties.

2. Funding

Federal funding for ARC is subject to an annual appropriation under the Energy and Water Development and Related Agencies Appropriations Act. The FY 2008 authorized level of funding is $87 million for programs, and $12 million for economic and energy development initiative, totaling $99 million. ARC was appropriated $73 million in FY 2008. In addition, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users ("SAFETEA-LU") separately authorized $470 million from the Highway Trust Fund for the Appalachian Development Highway System.

3. Activities in the 110th Congress

During the 110th Congress the Committee considered H.R. 799, which became P.L. 110-371, a bill reauthorizing ARC through FY 2012. The bill added the designation of "at risk" counties and established criteria for the designation for "at risk" counties. The bill also established an economic and energy initiative. The bill authorized the ARC to provide technical assistance, provide grants, enter into contracts for projects to increase the use of renewable energy, and to support the development of regional conventional energy resources. The bill also added new counties to the ARC, including three counties in Kentucky, three counties in Ohio, two counties in Tennessee, and two counties in Virginia.

C. Denali Commission

1. Overview

The Denali Commission Act of 1998 (P.L. 105-277) created the Denali Commission. The Denali Commission provides critical utilities, infrastructure, and economic support throughout Alaska. It is charged with lowering the cost of and raising the standard of living in Alaska by delivering Federal resources in the most cost-effective manner possible.

The Commission is co-chaired by a Federal and a state member (the Governor of Alaska) and includes a panel of five commissioners. In making funding decisions, commissioners must determine that funding would be consistent with the Commission's annual work plan, which includes funding criteria developed with public participation. The Commission also considers other factors in making funding determinations including a review of community based comprehensive plans. Projects that are comprehensive, community based, regionally supported, and sustainable are given priority. The Commission is also tasked with providing assistance on water and sewer wastewater programs, and, in consultation with the Coast Guard, developing a plan to repair or replace bulk fuel storage tanks.

2. Funding

The Omnibus Appropriations Act of 2003 (P.L. 108-7) authorized the Denali Commission for such sums as necessary for its programs in FY 2008. In FY 2006, the Commission received $50 million in funding. Funding has decreased for the Denali Commission in recent years; in FY 2008, Congress appropriated $21.8 million to the Commission.

D. Delta Regional Authority

1. Overview

Created by the Delta Regional Authority Act of 2000 (P.L. 106-554), the primary function of DRA is to provide economic development assistance to an eight-state region of the Mississippi River delta. This region includes counties in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

Similar to the ARC, DRA is a Federal-State entity consisting of the Governor (or his designee) of each region state and a Federal co-chairman. The Authority was created to improve the economic growth and prosperity of the Mississippi River region. DRA's mission is to help create jobs, attract industrial development, and grow local economies by improving infrastructure, training the workforce, and building local leadership. These goals will be accomplished through the improvement of transportation and basic infrastructure in the region, establishing a framework for crafting regional strategies for economic development, and improving job training and education. Funding for all proposed development plans and projects is subject to certification by the state member and subsequent Authority approval.

DRA was reauthorized through FY 2002 in the 106th Congress. The Farm Security and Rural Investment Act of 2002 (P.L. 107-171) reauthorized the DRA for an additional five years through FY 2007. In the 110th Congress, the DRA was reauthorized through FY 2012 by the "Food, Conservation, and Energy Act of 2008" (P.L. 110-234).

2. Funding

The DRA received $12 million in federal funding in FY 2006 and FY 2007. The DRA was authorized from FY 2008 – FY 2012 by P.L. 110-234, at a level of $30 million per year. The DRA was appropriated $11.6 in FY 2008. The FY 2009 President's budget request for DRA was $6 million.

3. Activities in the 110th Congress

The Committee reauthorized the DRA through FY 2012 in the 110th Congress. The reauthorization language was enacted in the "Food, Conservation, and Energy Act of 2008" (P.L. 110-234). P.L. 110-234 also added ten counties in Louisiana and two counties in Mississippi to the Delta Regional Authority.

E. Northern Great Plains Regional Authority

1. Overview

Created in the Farm Security and Rural Investment Act of 2002, this new regional economic development authority is modeled closely on the management and operational structure of the Appalachian Regional Commission. The Authority is governed by a commission consisting of one member appointed by the President, the Governors of the states comprising the Authority, and a representative of an Indian tribe in the region appointed by the President. The Authority is designed to be a Federal grant program that would provide assistance in acquiring or developing land, constructing public infrastructure, carrying out economic development activities, and conducting research related to those activities.

2. Funding

The Northern Great Plains Regional Authority did not receive federal funding in FY 2007 or FY 2008, despite its $30 million authorization. The Administration did not request funding for Northern Great Plains Regional Authority in FY 2008 or FY 2009.

3. Activities in the 110th Congress

The Committee reauthorized the Northern Great Plains Regional Authority through FY 2012 in the 110th Congress. The reauthorization was enacted in the "Food, Conservation, and Energy Act of 2008" (P.L. 110-234). P.L. 110-234 also established a deadline of 180 days from date of enactment for the Senate to confirm a Federal Co-Chair for the Authority.

F. New Regional Economic Development Commissions

1. Overview

During the 110th Congress, the Committee passed H.R. 3246, a bill to provide a comprehensive regional approach to economic development. The bill reauthorized the Delta Regional Authority and the Northern Great Plains Commission and created three new regional economic development commissions: the Southwest Border Regional Commission, the Southeast Crescent Regional Commission, and the Northern Border Regional Commission. Language similar to H.R. 3246 was included in P.L. 110-234, the "Food, Conservation, and Energy Act of 2008".

2. Funding

The Southwest Border Regional Commission, the Southeast Crescent Regional Commission, and the Northern Border Regional Commission are each authorized at $30 million per year through FY 2009.

3. Activities in the 110th Congress

The Committee created and authorized the Southwest Border Regional Commission, the Southeast Crescent Regional Commission, and the Northern Border Regional Commission in the 110th Congress. The "Food, Conservation, and Energy Act of 2008" (P.L. 110-234) authorized these three new Commissions through FY 2012 at $30 million per year from FY 2008 through FY 2012. Using the administrative and management model of the Appalachian Regional Commission (ARC), these three commissions will have a Federal Co-Chair along with a State Co-Chair, who is chosen from among the Governors of the relevant participating states. The Act also included provisions which established conflict of interest standards, hiring practices, and administrative procedures. The Commissions will assess the needs of the participating region, develop economic and infrastructure strategies, and put together economic development plans. The Commissions are required to file an annual report to Congress.

During the 110th Congress, the Subcommittee held a hearing on regional economic development commissions on May 3, 2007. The hearing focused on the economic impact on various districts and states, the role of the federal government, and successful models of economic development with federal support.

III. PUBLIC BUILDINGS

A. General Services Administration, Public Buildings Services

1. Overview

The General Services Administration ("GSA") is the central management agency of the Federal Government. GSA was created in 1949, after the Hoover Commission recommended a central management entity for Federal personal and real property activities, telecommunications, and automatic data processing equipment. GSA owns over 1,500 federal buildings totaling 175.5 million square feet of space, which provide office space for 470,000 federal workers. GSA leases 176 million square feet of space in 7,100 leased properties, which provides office space for 590,000 Federal workers. It also provides space in federal buildings for child-care and telecommuting. The inventory ranges from 2,500 square foot border crossing stations along the northern border, to million square foot courthouses located in major metropolitan areas. There are three Services within GSA: the Federal Supply Service ("FSS") which buys personal property and computers for the government; Federal Technology Service ("FTS") which procures telecommunication services for the government; and the Public Buildings Service ("PBS") which owns, operates, maintains, and develops Federal buildings.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management has jurisdiction over all of GSA's real property activity through the Property Act of 1949, the Public Buildings Act of 1959, and the Cooperative Use Act of 1976. These three Acts are now codified as Title 40 of the United States Code. The Public Buildings Service is responsible for the construction, repair, maintenance, alteration, and operation of United States courthouses and public buildings of the Federal Government. Additionally, PBS leases privately owned space for Federal use. PBS, with a work force of approximately 6,000 employees, owns, operates, maintains, and repairs existing Federal buildings, and plans for the construction of new Federal buildings, including courthouses.

2. Funding

PBS activities are funded primarily through the Federal Building Fund ("FBF"), an intra-governmental fund that agencies pay into through rent to GSA for the space they occupy. Any excess funds generated by the rental system are used for building repairs and new construction. In 1975, the FBF replaced appropriations to GSA as the primary means of financing the operations and capital costs associated with the federal space owned or managed by GSA.

Congress exercises control over the FBF through the annual appropriations process by setting limits on how much of the fund can be expended for various activities. 40 U.S.C. §3307 requires the Committee on Transportation and Infrastructure of the House and the Committee on the Environment and Public Works of the Senate to pass resolutions authorizing the construction, repair, alteration, or leasing of space prior to an appropriation of funds. Title 40 also requires the Administrator of GSA to submit to the Committees a prospectus requesting authority for any project in excess of $2.7 million (an amount that has been adjusted for inflation). The prospectus must be approved by the Office of Management and Budget, and must detail the particular project, along with the cost, benefits, and plan for Federal occupancy.

Committee resolutions authorizing new construction or repair and alteration projects are usually approved and sent to the Appropriations Committee prior to markup of the Transportation, Treasury, Housing, Judiciary, and District of Columbia Appropriations Act. Lease resolutions do not need to be approved prior to the commencement of Appropriations Committee action, since appropriations for leasing are in a lump sum.

The Committee can also initiate building projects by passing a resolution in accordance with 40 U.S.C. §3314(b), which allows Congress to direct the Administrator of GSA to conduct a study of Federal space needs in a community and report back to the Committee. These reports can serve as the basis to pass resolutions authorizing the appropriation of funds for the construction, acquisition, renovation, alteration, or leasing of space for Federal use.

The annual budget for PBS is approximately $7 billion, mostly derived from funds in the FBF. In many budget cycles, the amount requested by GSA is not appropriated, which results in a backlog of repair, alteration and construction needs and delays ongoing projects. The result of this is that GSA often does not need new authorizations for ongoing projects, which results in a disparity between the Administration's authorization request and their budget request.

The FY 2008 enacted level of funding for new construction was $83.9 million. The President's budget request for new construction for GSA for FY 2009 is $525 million, which includes $331.4 million for consolidation of the Department of Homeland Security ("DHS") on the St. Elizabeth's Campus, $74.1 million for border stations and $78 million for FDA consolidation. In FY 2008, the appropriation for repair and alteration was $722.1 million. The FY 2009 budget request for these activities is $692.3 million.

3. PBS Programs

a. GSA Capital Investment Program

The Capital Investment Program ("CIP") plays a key role in providing the necessary resources to maintain current real property assets and acquire new or replacement assets. The Subcommittee scrutinizes each project under the CIP to assure Members that these projects meet critical tests of need and other benchmarks.

b. Department of Homeland Security Headquarters

GSA is charged with providing a consolidated headquarters for the Department of Homeland Security. Currently, the department is housed in 12 major leased locations in the metropolitan region, as well as occupying space at the Nebraska Avenue Complex in northwest Washington, D.C.

c. Border Crossing Program

GSA's border station portfolio consists of 163 federally owned and leased facilities geographically dispersed across the northern and southern borders. These include 96 facilities owned and operated by GSA, 22 facilities leased and operated by GSA, 43 facilities owned and operated by Customs and Border Patrol ("CBP"), one facility that is jointly owned and operated by CBP and GSA, and one facility owned and operated by the National Park Service.

d. Energy in Federal Buildings

GSA is required by both executive order and statute to reduce energy consumption in buildings under its custody and control, such as office buildings, warehouses, laboratories, and courthouses. GSA invests in energy retrofit projects as well as incorporating energy management into its business plans for construction and modernization projects for federally owned buildings.

e. Security in Federal Buildings

Pursuant of the Homeland Security Act of 2002, the Federal Protective Service ("FPS") was transferred to DHS from GSA. Within DHS the FPS is organizationally a part of Immigration and Customs Enforcement ("ICE"). FPS is funded entirely from fees collected for its services, some of which are mandatory and other of which are optional. FPS provides optional security services at the request of agencies through direct reimbursable agreements. FPS is responsible for providing protection for over one million federal employees and the public who use the 8,100 government owned and leased facilities.

4. Activities in the 110th Congress

The "Energy Independence and Security Act of 2008" (P.L. 110-140), enacted in the 110th Congress, contains several provisions addressing energy consumption in federal facilities. Title IV, Subtitle C of this Act establishes annual consumption reduction goals for federal facilities through 2015. In addition, the law sets up guidelines for management of energy programs in federal facilities and identified the position of energy manager. Further, the law requires a phase out of use of fossil fuels in federal buildings controlled by GSA by 2030. The law also set up standards for leasing for federal agencies in energy efficient buildings and establishes an Office of High Performance Green Federal Buildings within GSA. This office is charged with coordinating information with the Department of Energy, the Environmental Protection Agency, and other federal agencies. In particular, the GSA office will coordinate with the Office of High Performance Commercial Green Buildings, which is established in the Department of Energy, to ensure both the private sector and the public sector are aware of best practices, programs, rules, regulations, and procurement practices as they relate to energy issues.

In the 110th Congress, the Subcommittee considered GSA's FY 2007, FY 2008 and FY 2009 Capital Investment Program requests.

The Subcommittee held a hearing on May 10, 2007 on the GSA's FY 2008 Capital Investment and Leasing Program. The hearing covered all aspects of the program including alteration, modernization, and construction activities. The Subcommittee also held a hearing on July 11, 2008 on the GSA Capital Investment and Leasing Program for 2009.

The Subcommittee held additional hearings on the effects of the credit crunch on Federal leasing and construction, GSA's leasing and construction program with focus on the "request for proposal" process, small business programs within GSA and other federal agencies, GSA's nationwide energy program, business opportunities associated with the development of the west campus of St. Elizabeths hospital for the Department of Home land Security, and the future development of the Old Post Office Building in Washington D.C. The Subcommittee also held a field hearing to examine GSA's location policy and to determine methods to ensure efficient location of federal agencies, and a hearing on the private management of Union Station.

The Subcommittee held three hearings on the Federal Protective Service ("FPS"). These hearing focused on overall capability of the FPS to protect federal buildings, and the employees and public who use the buildings. On April 18, 2007, the Subcommittee received testimony regarding the downsizing of the FPS workforce. On February 8, 2008, the Subcommittee received preliminary testimony from the Government Accountability Office ("GAO") regarding whether FPS budget and personnel were adequate to support the FPS mission, and on June 18, 2008, the GAO presented its final findings and recommendations.

As part of its responsibilities, the Committee also approves bills to name Federal buildings in honor of former or retiring Members of Congress, Judges, or other civic leaders and distinguished individuals. The Committee follows a set of guidelines when considering a bill to name a Federal building. First, the person may not currently serve as a Member of Congress, currently sit on the Federal bench or currently be active within the Administration. The building to be named must be either located within the Congressional District of the bill's sponsor or have the support of that Member. Finally, the person for whom the building is to be named should be of notable stature or accomplishment befitting such an honor. During the 110th Congress the Committee reported 27 naming bills, of which 19 were signed into law.

B. John F. Kennedy Center for the Performing Arts

1. Overview

The John F. Kennedy Center for the Performing Arts is a national presidential monument that presents more than 2,000 performances each year to audiences of nearly two million people. An additional one million tourists visit the Center each year. The construction of the John F. Kennedy Center for the Performing Arts was authorized by the National Cultural Center Act of 1958. Created as an independently administered bureau of the Smithsonian Institution, the Center was named as a living memorial to the late President John F. Kennedy in 1964. The building was constructed between 1966 and 1971 and was funded by a combination of private contributions, matching federal grants, and federal loans.

The facility includes 1.5 million square feet of usable space, including four major theaters: Eisenhower Theater, Opera House, Concert Hall, and Terrace Theater. Several smaller theaters, educational facilities, rehearsal spaces, and meeting rooms are also part of the facilities.

2. Funding

The Center receives federal funding for operations and maintenance, as well as construction, through the annual appropriations process and is funded through the Department of the Interior, Environment, and Related Agencies Appropriations Act. The FY 2008 enacted funding levels for the Center were $20.2 million for operations, maintenance and security, and $23.1 million for the capital program, for a total of $43.3 million. The Administration's budget requested $33.3 million for the Center for FY 2009, $21.3 million for operations, and $12 million for capital construction.

3. Activities in the 110th Congress

During the 110th Congress, the Committee passed H.R. 3986, the "John F. Kennedy Center Reauthorization Act of 2008", which became P.L. 110-338. The bill authorized the Kennedy Center through 2012. In FY 2009 the Center is authorized $21.8 million for maintenance, repair, and security. An additional $16 million is authorized for capital projects. The Subcommittee also monitored the practices and processes put in place by Center management to address the recommendations offered by the General Accountability Office to address deficiencies regarding construction project schedules and budgets.

The Subcommittee held a hearing on the reauthorization of the Kennedy Center on September 27, 2007. The Subcommittee held a hearing on June 15, 2007 to examine the process by which the John F. Kennedy Center plans for funding for capital asset acquisition, and maintenance utilizing public and private funds. The Smithsonian Institution testified also at this hearing

C. The Smithsonian Institution

1. Overview

Founded in 1846, the Smithsonian Institution is composed of 19 museums, nine research centers, the National Zoo, and an additional 144 affiliated museums. The Smithsonian has collected over 135 million objects to reflect America's cultural and scientific heritage. The Smithsonian receives over 20 million visitors each year, with an additional 4.6 million visitors to traveling exhibits and 109 million "virtual" visitors.

The Subcommittee has jurisdiction over activities related to construction, repair and alterations, maintenance, protection, and enhancement of Smithsonian facilities.

2. Funding

Approximately two-thirds of the Smithsonian's total funding comes through the Federal appropriations process. In FY 2008, the Smithsonian received an appropriation of $107.1 million for repair, alteration, and construction. The FY 2009 request is $128 million.

The FY 2005 Consolidated Appropriations Act merged the repair, revitalization, alteration, and construction accounts into one capital account, which funds the activities within the Committee's jurisdiction. The Smithsonian's repair and alteration program is permanently authorized, whereas construction projects require further authorization.

3. Activities in the 110th Congress

On February 26, 2008, the Subcommittee introduced H.R. 5492 to authorize the Board of Regents of the Smithsonian to construct a greenhouse facility in Suitland, Maryland. On September

15, 2008, the Subcommittee reported H.R. 6627, the "Smithsonian Institution Facilities Act of 2008". The bill passed the House on September 17, 2008. Subcommittee staff also toured select Smithsonian facilities to review the backlog of maintenance, repair, and restoration needed at museums.

On June 15, 2007 the Subcommittee held a hearing on the Smithsonian's plans for funding for capital asset acquisitions, and maintenance utilizing public and private funds. The Kennedy Center testified along with the Smithsonian Institution.

D. Capitol Complex

1. Overview

The Architect of the Capitol ("AOC") is responsible to the United States Congress for the maintenance, operation, development, and preservation of the United States Capitol Complex, which includes the Capitol, the Congressional office buildings, the Library of Congress buildings, the Supreme Court building, the U.S. Botanic Garden, the Capitol Power Plant, and other facilities. The Subcommittee has jurisdiction over construction and repair and alteration projects of the AOC.

2. Funding

The AOC receives funding through the annual appropriations process and has permanent authorization for its repair, restoration, and alteration program. The AOC receives appropriated funds for the Capitol Building, House and Senate Office Buildings, the Library of Congress, Capitol Grounds, and the Capitol Power Plant.

In FY 2008, the AOC received $24 million for the Capitol Building, $10 million for Capitol Grounds, $65.6 million for House Office Buildings, $27.5 million for the Library of Congress and $85.3 million for the Capitol Power Plant.

3. Activities in the 110th Congress

The Subcommittee approved requests for use of the Capitol Grounds for a variety of activities. These actions, in the form of concurrent resolutions, authorized the use of the grounds for such uses as the Peace Officers Memorial Service, the Washington Soap Box Derby, and the running of the Olympic torch for the Washington D.C. Special Olympics. Due to heightened security concerns, the Capitol Police have limited access for users to portions of the Capitol Grounds, including the West Terrace.

On June 9, 2007 the Subcommittee held a hearing on operational and management plans for the Capitol Visitor Center. On September 25, 2007 the Subcommittee held a hearing on the naming of the great hall at the Capitol Visitor Center as Emancipation Hall. On April 1, 2008 the Subcommittee held a hearing to examine the Capitol Complex Master Plan, with a focus on transportation, energy, and maintenance.

IV. FEDERAL MANAGEMENT OF EMERGENCIES AND NATURAL DISASTERS

A. Overview

The Subcommittee has jurisdiction over the Federal Emergency Management Agency ("FEMA") and its role in the federal management of emergencies and natural and man-made disasters from all hazards, including preparing for, responding to, recovering from, and mitigating those emergencies and disasters.

FEMA is the lead Federal entity for response and recovery in the wake of natural and man-made disasters. In addition to being the lead agency for the National Response Framework (formerly the National Response Plan), FEMA is responsible for coordinating the response of 27 Federal agencies and departments, and the American Red Cross.

FEMA is the primary source of federal financial and technical assistance to state, local, and tribal governments for emergency management. States and local governments, in turn, have training and other activities and standards that must be met to improve their preparedness capabilities. FEMA's Grants Program Division administers grant and training programs to assist states in preparing for all hazards, including the Assistance to Firefighter Grants and Emergency Management Performance Grants. Since the adoption of the Post Katrina Emergency Management Reform Act of 2006 ("Post Katrina Act")(Title VI of P.L. 109-295), FEMA also administers state homeland security grants, including State Homeland Security Grant Program and Urban Area Security Initiative grants.

FEMA has historically been responsible for general preparedness for disasters. This includes the preparedness of first responders, particularly firefighters through its management of the United States Fire Administration and the National Urban Search and Rescue Program which is authorized by the Stafford Act. FEMA's role in the preparedness and response to terrorist attacks dates back to FEMA's founding in 1979 and includes response to the 1995 bombing of the Federal building in Oklahoma City, and the 1993 and the 2001 World Trade Center Attacks.

FEMA also administers the Emergency Management Institute ("EMI") that provides courses aimed at enhancing emergency management practices and the National Fire Academy ("NFA"), which trains fire and emergency response personnel to enhance their ability to respond to fires and related emergencies. Additionally, the Post Katrina Act transferred the Noble Training Center to the Center for Domestic Preparedness, which trains emergency managers and public health professional to respond to mass casualty events.

The Subcommittee has jurisdiction over the specific federal programs to help citizens and communities preparedness for, respond to, and recover from disasters resulting from a variety of hazards. These programs, authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), include the Pre-Disaster Mitigation Program and FEMA's Disaster Relief Programs (Individuals and Household Program, the Public Assistance Program, and Hazard Mitigation Grant Program).

B. Post Katrina Act

After the events of September 11, 2001, all authorities of FEMA, including those not contained within the Stafford Act, were transferred to the newly created Department of Homeland Security ("DHS"). Under the new DHS, FEMA was referred to as the Emergency Preparedness and Response Directorate. The destruction of hurricanes Katrina, Rita, and Wilma, and the Federal Government's inadequate response, highlighted the vulnerabilities of the nation's emergency preparedness system. As a result, Congress passed the Post Katrina Act in an attempt to restore the preparedness, response, recovery and mitigation functions of the Federal Government within FEMA.

The Post Katrina Act took effect on April 1, 2007 and re-united the parts of FEMA that were scattered throughout DHS. However, the Act did not return FEMA to an independent cabinet-level agency as it was prior to the formation of DHS. Instead, the Act legislated changes intended to elevate FEMA to an organizationally autonomous agency within the Department of Homeland Security. Despite these changes, FEMA remains mired in the DHS bureaucracy and hampered in carrying out its mission.

C. Specific FEMA Programs

1. Disaster Relief Program

The Subcommittee has jurisdiction over the Disaster Relief Program of the Federal Government, which is administered by FEMA. The current Disaster Relief Program was established by the Disaster Relief Act of 1974, amended in 1988 by the Stafford Act (P.L. 100-707), amended by the Disaster Mitigation Act of 2000 (P.L. 106-390), and amended by the Post Katrina Act in 2006.

The Disaster Relief Program is activated by a request of the Governor of an affected state to the President. The request is based upon a finding of the Governor that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments and that Federal assistance is necessary. The Governor must take appropriate response actions under state law, and certify that state and local government obligations and expenditures will comply with all applicable cost-sharing requirements. The President may then declare a major disaster or emergency, name a Federal coordinating officer, and specify the type of assistance that will be available. Federal disaster assistance is designed to supplement disaster assistance available through state and local governments; it is not intended to supplant it.

Disaster relief is a significant portion of the Federal budget. Since 1999, Congress has appropriated $92.28 billion for the Disaster Relief Fund in response to disasters and emergencies declared by the President. These amounts do not include funds spent in connection with the September 11, 2001 terrorist attacks.

Basic disaster assistance from the Federal Government falls into two main categories: public and individual assistance. The public assistance program, the Hazard Mitigation Grant Program ("HMGP") and Other Needs Assistance portion of the Individual Assistance Program are largely state administered programs. FEMA generally provides 75 percent of the cost of these programs. The disaster housing portion of the Individual Assistance Program is administered by the FEMA, and is 100 percent federally-funded.

a. Individual Assistance

The Subcommittee has jurisdiction over FEMA's Individual and Households and Other Needs Assistance programs. In October 2002, FEMA implemented changes to most of the individual assistance available under the Stafford Act. The program is now referred to as the Individual and Households Program. The program includes elements of both the Disaster Housing Program and the Other Needs Assistance. These changes do not affect Disaster Unemployment Assistance Program, Crisis Counseling Program, or the Disaster Legal Services Program which are also part of the Individual Assistance Program.

Under the program, the maximum amount of assistance is $30,300 per household in 2009 (this is adjusted annually for inflation), and is available for 18 months after the declaration. This amount includes assistance provided for both Housing Assistance and Other Needs Assistance. To be eligible for this assistance, the request must be for a necessary expense and be a serious need; the individual must be uninsured or underinsured, and the expense must be disaster related.

During the aftermath of Hurricane Katrina, there was a lot of focus on numerous problems with FEMA's housing program. The Post Katrina Act made several changes to the Individuals and Household Program (IHP), including lifting the sub caps thus enabling a household to use up to the $30,300 allocated to them for total assistance for housing, and expanded the definition of eligible housing assistance costs. Additionally, FEMA is required to develop a National Housing Strategy in coordination with federal agencies, governments and other organizations. Although FEMA has released a draft, this strategy is still under development.

The Other Needs Assistance Program replaced the Individual and Family Grant Program in 2002. There are several types of assistance available under this program, including medical, dental, funeral expenses, which are not needs tested. Personal property, transportation, and other expenses (including moving and storage and group flood insurance) are needs tested. In addition, the President, during a major disaster or emergency, is authorized to provide transportation assistance to those displaced from their residences and need to move to alternative temporary shelters, or to return to their original residences.

Additionally, with the passage of the Post Katrina Act, the FEMA Administrator is required to take specific actions to reunite separated families and help agencies locate missing family members through the establishment of the National Emergency Family Registry and Locator System and the Child Locator Center. In addition, FEMA now has the authority to provide case management services after a disaster.

b. Public Assistance

The Subcommittee has jurisdiction over FEMA's public assistance program. Under this program, assistance is available to state and local governments, and certain private non-profit organizations which provide essential services of a governmental nature to the general public, on a cost-share basis. Such assistance includes:

- Utilizing, lending, or donating Federal resources ;
- Funding and technical assistance for repair or replacement of public properties damaged or destroyed;
- Emergency or protective measures to save lives or protect property;
- Debris removal and clearance of roads;
- Emergency communications;
- Repair, reconstruction, or replacement of non-Federal-aid for streets, roads or highways; airports; and transit facilities ; and
- Emergency public transportation such as alternate access routes, temporary bridges, and emergency mass transit.

2. Hazard Mitigation

The Subcommittee also has jurisdiction over FEMA's two all-hazards mitigation programs, which are authorized by the Stafford Act: the post-disaster Hazard Mitigation Grant Program and the Pre-Disaster Mitigation Program.

HMGP, authorized under Section 404 of the Stafford Act, provides grants for governments and qualifying nonprofit organizations in States where major disasters have been declared to implement long-term hazard mitigation measures. The purpose of HMGP is to reduce loss of life and property due to natural disasters, and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The Federal share for the HMGP program is up to 75 percent. The Post Katrina Act adjusted the percentage amounts from the HMGP program by establishing a sliding scale:

- 15 percent of the total Stafford Act assistance in a state for a major disaster when assistance of no more than $2 million is provided
- 10 percent for assistance that ranges from more than $2 million to $10 million
- 7.5 percent for major disasters that involve Stafford Act assistance from more than $10 million to $35.3 million.

The Pre-Disaster Mitigation Program was first authorized by Congress in the Disaster Mitigation Act of 2000. The PDM program allows FEMA to provide disaster mitigation grants before disaster strikes. The PDM program provides cost-effective technical and financial assistance to state and local governments to reduce injuries, loss of life, and damage to property caused by natural hazards. Examples of mitigation activities include the seismic strengthening of buildings and infrastructure, acquiring repetitively flooded homes, installing shutters and shatter resistant windows in hurricane-prone areas, and the building of "safe rooms" in houses and other buildings to protect from high winds.

The PDM program provides grants to States, Territories, Tribal governments, and local communities on a competitive basis, with each State receiving a statutory minimum of $500,000, or one percent, of the funds appropriated, whichever is less. The Federal share for the PDM program is up to 75 percent, except for small and impoverished communities who may receive up to 90 percent.

3. Emergency Declarations

An emergency declaration is available in any occasion or instance for which the President determines Federal assistance is necessary to supplement state and local efforts and capabilities, to save lives, and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States, whether or not a major disaster is declared. Emergency declarations are not limited in scope like major disaster declarations (i.e. natural disasters, fires, floods or explosions). However, assistance is limited to expenditure of $5 million for a single emergency. This limit can be exceeded by the President if the immediate situation requires it, but the President must report to Congress.

The types of assistance available include: utilizing, lending or donating Federal resources; coordinating all assistance; providing technical and advisory assistance; debris removal; reimbursement of emergency response costs; other needs assistance and temporary housing up to 18 months; and assisting in distributing medicine, food, and other consumables. A State can also receive FEMA assistance or use FEMA funds for efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe, if a State does not have adequate resources of its own to do so.

D. Funding

Because of the continuing costs of the catastrophic hurricanes in 2005 as well as additional disasters in 2007 and 2008, Congress provided additional funds through regular order appropriations to FEMA's Disaster Relief Fund ("DRF") in FY 2007, FY 2008 and FY 2009. In addition, Congress appropriated funds in several Supplemental Appropriations bills:

- In FY 2007, Congress provided $1.48 billion in the regular DHS appropriation and $4.26 billion in P.L. 110-28, for total funding in FY 2007 of $5.74 billion
- In FY 2008, Congress provided $1.32 billion in the regular DHS appropriation, $2.9 billion was appropriated P.L. 110-116, and $847 million was appropriated in P.L. 110-252, for a total of $5.07 billion.
- For FY 2009, to date, Congress has provided $1.4 billion in regular FY 2009 funds and $7.96 billion in a supplemental appropriation, both of which were in P.L. 110-329.

E. Activities in the 110th

In the 110th Congress, several important emergency management programs were reauthorized and improved in the "Implementing the 9/11 Commission Recommendations Act of 2007" (Public Law 110-53), including:

- *Increased Funding for Emergency Management Performance Grants*: States and local governments rely on the Emergency Management Performance Grant program ("EMPG") to build their capability to prepare for, respond to, recover from, and mitigate all hazards. Title II of P.L. 110-53 significantly boosts funding for the EMPG program, authorizing a total of nearly $3.4 billion for fiscal years 2008 through 2012, while directing the Federal Emergency Management Agency ("FEMA") to continue distributing funds to States based on population. This provision also affirms that the EMPG program is authorized by the

- *Strengthening the Incident Command System*: The 9/11 Commission Report recommended that emergency response agencies nationwide adopt the Incident Command System ("ICS"), a standard, on-scene, all-hazards incident management system. Title IV further strengthens the use of ICS, including provisions specifically related to credentialing and typing, or using a common naming system to classify the capabilities or attributes of personnel and equipment is critical to ensure that the proper resources are deployed in response to an incident. The Act and accompanying report clarify that access to disaster areas is the responsibility of state and local governments.

- *Enhancing Private Sector Preparedness:* Title IX of the Act permits FEMA and the Assistant Secretary for Infrastructure Protection to develop recommendations and identify best practices to be taken by the private sector to foster preparedness, and requires the establishment of a voluntary private sector preparedness accreditation and certification program. The Secretary of Homeland Security has designated the Administrator of FEMA to administer this program.

- *Prioritizing the Vulnerabilities of Critical Infrastructure:* The presence of critical infrastructure within a State and its probable vulnerability to attack was recognized by the 9/11 Commission as an important element in determining the State's overall risk and subsequent security funding needs. Although the Secretary of Homeland Security has the responsibility to conduct vulnerability assessments pursuant to the Homeland Security Act of 2002, the Commission criticized DHS for not setting national priorities with respect to critical infrastructure. Title X addresses this concern by requiring the Secretary to maintain a prioritized critical infrastructure list and to provide a report on the comprehensive risk assessments of critical infrastructure conducted by DHS.

In 110th Congress, the Committee on Transportation and Infrastructure acted on the following bills related to FEMA and the Stafford Act:

- *H.R. 6658, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2008"*: amends the Stafford Act to improve the assistance the Federal Government provides to States, local governments, and communities before, during, and after major disasters and emergencies. On July 31, 2008, the bill was ordered reported favorably to the House. No further action was taken on the bill.

- *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. A one year extension of this program was included in P.L. 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

- *H.R. 3247, the "Hurricanes Katrina and Rita Recovery Facilitation Act of 2007"*: This legislation provides additional Federal relief targeted to Hurricanes Katrina and Rita in Louisiana and Mississippi and was crafted from testimony by Members of the Louisiana and Mississippi

- *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. 2775, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize funding for emergency management performance grants, and for other purposes:* This legislation authorizes the Emergency Management Performance Grant ("EMPG") program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"). The law also amends the Stafford Act to allow the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing state or local Emergency Operations Centers ("EOCs").

- *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. This legislation adjusts the Federal cost share for critical disaster relief programs to 100 percent. Further, the bill modifies the Community Disaster Loan program enacted after Hurricanes Katrina and Rita that prohibited loans from those disasters from being cancelled, unlike all previous Community Disaster Loans. H.R. 1144 authorizes the cancellation of these loans under certain conditions, like previous loans provided under the program. 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 110th 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 addition to these legislative activities, the Subcommittee held hearings on a variety of topics related to FEMA. The Subcommittee continued to hold hearings on the response to Katrina and other disasters. These hearings include:

- "Post Katrina Temporary Housing: Dilemmas and Solutions" (March 20, 2007)
- "Legislative Fixes for Lingering Problems that Hinder Katrina Recovery" (May 10, 2007)
- "Moving Mississippi forward: Ongoing Progress and Remaining Problems" (June 19, 2008) and
- "FEMA's Response to the 2008 Hurricane Season and the National Housing Strategy" (September 23, 2008)

The Subcommittee also held a number of oversight hearing on FEMA's programs including the disaster relief program. These hearings included:

- "FEMA's Emergency Food Supply System" (April 20, 2007)

- “FEMA’s Preparedness and Response to All Hazards” (April 26, 2007)
- “Assuring the National Guard is as Ready at Home as it is Abroad” (May 18, 2007)
- “Readiness in the Post Katrina and Post 9.11 World: An Evaluation of the New National Response Framework” (September 11, 2007)
- “National Flood Plain Remapping: The practical Impact” (April 2, 2008)
- “The Role of Small Business in Disaster Recovery” (September 12, 2008)

In addition the Subcommittee held hearings on the authorization or reauthorization of FEMA programs including:

- “National Levee Safety and Dam Safety Programs” (May 8, 2007)
- “Saving Lives and Money through the Pre-Disaster Mitigation Program” (April 30, 2008)