



Mark Millican
Federal Emergency Management Individual Assistance Division
500 C Street, SW
Washington, D.C. 20472-3100

Docket ID: FEMA—2014—0005

Dear Sir:

On behalf of the Pew Charitable Trusts, which has begun a new area of program work focused on promoting flood-prepared communities, I thank you for the opportunity to offer comments on FEMA's proposed rulemaking, "Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster."

The Disaster Relief Fund (DRF) created under the authority of the Stafford Act has long served as an important safety net, offering assistance to individuals and communities dealing with the consequences of severe weather events and other types of disasters. Whether used for Individual Assistance or Public Assistance, the Fund was created as a complement to state and local resources in cases which clearly exceed local and state capacities for response. In our view, the proposed criteria, which consider the level of damage as well as the level of effort and state capacity, will allow FEMA to make well-reasoned spending decisions at a time when pressure to reduce federal expenditures is strong.

While the current rulemaking is focused solely on Individual Assistance (IA), as required by Section 1109 of the Sandy Recovery Improvement Act of 2013, we were pleased to see that FEMA also intends to propose changes to the factors used for consideration of Public Assistance (PA) requests. We believe that reasonable updates to both sets of factors will help to address the growth in federal disaster spending and, at the same time, create incentives for states and local communities to prepare for extreme weather events and invest in flood mitigation.

As you know, the language from Congress called on FEMA to revise the current factors related to level of "trauma" and other conditions that FEMA assesses in making recommendations to the President regarding the severity and magnitude of a disaster and the need for Individual Assistance Funding from the DRF. While Congress specifically called on the Agency to make changes that would provide "more objective criteria," clarify thresholds for eligibility, and speed declaration decisions, it did not alter the Stafford Act's prohibition against denial based solely on the use of an arithmetic formula on income or population. Nor did Congress change the Act's overall objective of offering federal financial assistance as a complement, rather than supplement, to state and local resources.

We see the Agency's proposal as a reasonable balance of these multiple objectives, and we strongly support the consideration of state and local response capability via the Total Taxable Resources or State Gross Domestic Product factor, data on the "Cumulative Effect of Recent Disasters," and information on "Planning After Prior Disasters." Taken together, these data points will help the Agency to consider the expense of a given disaster within the broader context of ongoing state efforts to prepare for and mitigate against disaster damage. We understand that the Total Taxable Revenue indicator is not, of itself, a perfect indicator of response capacity but believe that it offers useful information for judging that capacity. We also note that FEMA's proposal to

consider a state's Total Taxable Revenue is in keeping with recommendations made by the Government Accountability Office in 1996,¹ 2001,² and again in 2012.³

Pew also supports FEMA's proposal to remove the outdated table currently in the regulations on "Average Amount of Assistance per Disaster"; allow consideration of the impact on local businesses and on local infrastructure, both of which may lessen a community's ability to recover and to assist affected individuals within the community; and request additional information under the "Disaster Impacted Population Profile."

On its face, the call for additional information might appear to be in conflict with the objective of speeding IA decisions, but—as the Agency notes—much of the information on impacts should be available from the Preliminary Damage Assessment Process. In addition, some useful information on past disasters, state and local preparation efforts, and population profiles should have been evaluated and considered under State and local Hazard Mitigation Plans (HMP) and Threat and Hazard Identification and Risk Assessment (THIRA) exercises. While these latter information sources may not be fully up to date or in precise alignment with the geography of a particular disaster, knowledge gained from those efforts can be used to inform post-disaster data collection. Calling for submittal of such information, in fact, should prompt the states and localities to assure that HMP and THIRA plans remain living documents, incorporated into a range of local and state investment and planning decisions.

We strongly support FEMA's proposal to consider state planning and disaster relief programs established prior to disaster, and we urge the Agency to also consider state effort to guard and mitigate against avoidable disaster damages, for example, with programs to regulate new development in flood hazard areas, adopt and enforce up-to-date state building codes, or incorporate resilience considerations into the location and construction of public infrastructure. Where states have made strong investments in such programs but still experience large disasters, these past efforts should not "count against" the well-prepared states, as some have suggested, but allow FEMA to look at damage costs on top of the costs of those important programs. Conversely, those states that fail to make preparations for disaster and invest in sensible mitigation programs should not expect to receive generous aid allotments for repetitive losses.

Again, we appreciate the opportunity to comment on this proposal and look forward to a similar rulemaking on Public Assistance.

Sincerely,



Velma M. Smith
Officer, Government Relations
Pew Charitable Trusts

¹ U.S. General Accounting Office, "Design Improvements Could Help Federal Resources Go Further," December 1996, <http://www.gao.gov/assets/230/223499.pdf>.

² U.S. General Accounting Office, "Improvement Needed in Disaster Declaration Criteria and Eligibility Assurance Procedures," August 2001, <http://www.gao.gov/assets/240/232622.pdf>.

³ Government Accountability Office, "Improved Criteria Needed to Assess a Jurisdiction's Capability to Respond and Recover on Its Own," September 2012, <http://www.gao.gov/assets/650/648162.pdf>.