



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

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May 13, 2021

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C Street, SW
Washington, DC 20472-3210

Dear Administrator Criswell:

Congratulations on your recent confirmation. As the nation approaches another hurricane and wildfire season, we write to request information and details on the Federal Emergency Management Agency's (FEMA's) individual assistance and denial rates given recent reports of a disturbingly low approval rate for assistance under the Individuals and Households Program (IHP).¹

Pursuant to House Rule X, the Committee on Transportation and Infrastructure has jurisdiction over federal management of emergencies and natural disasters.² As such, the Committee has clear authority to exercise congressional oversight over FEMA.

As you know all too well, hurricanes, floods, wildfires, tornadoes, and other disasters can devastate communities and regions of all sizes. Each disaster impacts individuals, their homes, and their families. Previously-rare extreme weather phenomena are happening with greater frequency and across a wider range of geographical areas, making FEMA IHP assistance—for temporary housing, repair of homes, and funds for other uninsured or under-insured disaster-caused expenses—all the more vital for disaster survivors.³

Unfortunately, during this time of need and an increasing number of disaster declarations, FEMA's approval of IHP applications has reached an all-time low, falling from 63 percent in 2010 to only 13 percent so far in 2021.⁴ The *Disaster Recovery Reform Act* of 2018 (DRRA, Div. D of Pub. L.

¹ See Hannah Dreier, *Assistance Not Approved*, WASHINGTON POST (April 25, 2021), available at <https://www.washingtonpost.com/nation/2021/04/25/fema-disaster-assistance-denied/>.

² Rules of the U.S. House of Representatives, One Hundred Seventeenth Congress, February 2, 2021, available at <https://rules.house.gov/sites/democrats.rules.house.gov/files/117-House-Rules-Clerk.pdf>

³ See, e.g., *FEMA's Flood Risk Products*, illustrating the changes in flood risks over time, available at <https://www.fema.gov/assistance/individual/program> (last accessed April 28, 2021).

⁴ See Hannah Dreier, *Assistance Not Approved*, Washington Post (April 25, 2021), available at <https://www.washingtonpost.com/nation/2021/04/25/fema-disaster-assistance-denied/>.

115-254) called on FEMA to bolster the national capacity to respond to disasters, including by expanding individuals and households assistance.⁵ FEMA’s rate of IHP application approvals is troubling and seemingly runs counter to the Agency’s mission of “helping people before, during and after disasters.”⁶

It is critical that when FEMA provides such assistance, it makes it clear to recipients what they have received assistance for and any restrictions or limitations that may apply to reduce the likelihood that at some point recipients could be told to repay what they have received.⁷ Federal disaster programs should not ultimately revictimize individuals and families. The process should be clear, account for the fact that people may have limited access to their personal records and online tools, and help communities recover from disasters as quickly as possible.⁸

In 2020, the Government Accountability Office (GAO) highlighted several issues with FEMA’s IHP processes that make it difficult to understand, likely resulting in lower IHP approval rates.⁹ The GAO recommended that FEMA make several changes to its processes, forms, and staff training to make IHP assistance more accessible to eligible disaster survivors, including:

- Improving the completeness and consistency of communication of the requirement to apply for a Small Business Administration (SBA) loan prior to being considered for SBA-dependent other needs assistance;
- Improving the IHP award determination letters by using federal guidance and best practices for communicating eligibility and explaining that “ineligible” does not mean applicants cannot continue to pursue assistance;
- Providing additional information to applicants about how FEMA determined eligibility and assistance amounts; and
- Improving accessibility and usability of the National Processing Service Center (NPSC).¹⁰

In all, GAO made fourteen recommendations—with which the Department of Homeland Security (DHS), which includes FEMA, concurred—yet it appears that FEMA has not made significant progress implementing reforms based on any of these recommendations.¹¹ In another 2020 report, GAO found that FEMA’s field staff were not effectively deployed to disaster areas and that staff did not understand application requirements.¹² GAO made three recommendations to help improve staffing in order to better serve survivors—again, all of which DHS concurred with—but all of these recommendations remain open and seemingly unaddressed a year later.¹³

⁵ Sec. 1212.

⁶ FEMA, *Mission & Strategic Plan*, available at <https://www.fema.gov/about/mission>.

⁷ H.R. 539, the *Preventing Disaster Revictimization Act*, was introduced to address the problem of FEMA clawbacks of assistance due to FEMA error.

⁸ H.R. 3037, the *Housing Survivors of Major Disasters Act*, was introduced to address the issue of burdensome documentation requirements imposed by FEMA for survivors of catastrophic events.

⁹ GAO, *Additional Actions Needed to Strengthen FEMA’s Individuals and Households Program*, GAO-20-503 (Sept. 30, 2020), available at <https://www.gao.gov/products/gao-20-503>.

¹⁰ *Id.*

¹¹ *Id.*

¹² GAO, *Actions Needed to Address Deployment and Staff Development Challenges*, GAO-20-360 (May 4, 2020), available at <https://www.gao.gov/products/gao-20-360>.

¹³ *Id.*

Interacting with FEMA and its officials is one of the only personal interactions that many Americans have with the federal government, a lifeline that—depending on the frequency of disasters—hundreds of thousands depend upon each year during their moments of greatest need. Given FEMA’s role as the lead federal agency for coordinating disaster response and recovery, the Agency’s communications and processes must be clearer and more accessible for survivors.

The Agency must facilitate access to and coordination of other relevant programs across the federal government in order to successfully fulfill its own mission. In light of this dramatic decrease in individual assistance for survivors, we request written answers to the following questions to better understand possible statutory remedies to these problems and ultimately ensure FEMA is better aiding individuals following disasters:

- 1) Please provide status updates regarding FEMA’s corrective actions regarding each individual GAO recommendation from GAO reports GAO-20-360 and GAO-20-503 issued in May 2020 and September 2020, respectively. Additionally, please explain any factors limiting full implementation of the reforms called for in both reports, with which DHS concurred.
- 2) What information is provided to disaster survivors following a disaster declaration regarding the application process for FEMA assistance? What details are provided regarding what is or is not eligible, and what supporting documentation is required? How is this information distributed and communicated to disaster impacted communities?
- 3) What is FEMA’s current process for reviewing the applications for IHP and what tools does FEMA use to evaluate eligibility and damages claimed? Please include details regarding specific technology platforms and systems, including third-party vendors and services.
- 4) Eligible registrants for individual assistance are referred to the SBA to apply for a disaster loan. Does FEMA make clear in its notices to applicants that this is a typical part of the IHP despite the survivor not being a small business? What details are provided to applicants on other federal programs that may provide assistance, including, where applicable, the Department of Housing and Urban Development’s (HUD) Community Development Block Grant- Disaster Recovery (CDBG-DR) assistance? Are there thresholds or indicators that lead to survivors being denied IHP and referred solely to SBA, and if so, what are they?
- 5) Following many disaster events, it can be difficult for survivors to access paperwork, computers, and sometimes even electricity, phone service, or internet access. Has FEMA considered ways to make registration and submission of required documentation easier for survivors? What steps is FEMA taking to be more accessible, such as allowing mobile uploads or accepting paper documents at community centers? What considerations are in place for people with limited proficiency with technology?
- 6) Data that FEMA recently provided the Committee indicates that the Agency believes it has received more than 130,000 fraudulent registrations for disaster assistance during the last eighteen months, from a total of more than 1.1 million registrations. What tools does

FEMA use to deter and detect fraud and abuse from applicants? Does FEMA rely upon initial denials or ineligibility determinations as a mechanism to deter fraud and abuse?

- 7) Is the Agency working to more clearly communicate the appeal process in its determination letters? What specific details are provided in denial determination letters for the reasons for such denials and the process for appeals?
- 8) Please provide the Committee with all form letters used to communicate with registrants for assistance – including approvals, denials, and requests for additional information and or documentation – and any scripts, maps, or templates used by operators handling registrant intake.

We request your response to these questions by May 27, 2021. If you have questions, please contact Aaron Davis (aaron.davis@mail.house.gov) and Johanna Hardy (johanna.hardy@mail.house.gov), Democratic and Republican Staff Directors respectively, Subcommittee on Economic Development, Public Buildings, and Emergency Management.

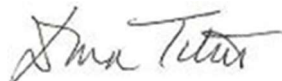
Sincerely,



PETER DeFAZIO
Chair



SAM GRAVES
Ranking Member



DINA TITUS
Chair
Subcommittee on Economic Development,
Public Buildings, and Emergency
Management



DANIEL WEBSTER
Ranking Member
Subcommittee on Economic Development,
Public Buildings, and Emergency
Management

Cc: The Honorable Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security