



**Recommendations on  
Realignment of Federal Mitigation Programs  
August 2019**

Section 1234 of the Disaster Recovery Reform Act (DRRA) of 2018 (P.L. 115—254) authorizes the **National Public Infrastructure Pre-Disaster Hazard Mitigation** Program be funded as a six-percent set-aside from disaster expenses. The program provides opportunities for increased whole community collaboration to pursue transformative mitigation projects. Rules and regulations designed for flexibility, simplicity, and increased capacity will allow applicants to encourage and support sub-applicants in pursuing and implementing projects with the most significant impacts through federal grant dollars.

As stated in the 2018-2022 Strategic Plan of the Federal Emergency Management Agency (FEMA), the most effective strategies for emergency management are federally supported, state managed, and locally executed. The below recommendations advocate for mitigation programs which allow for increased flexibility, introduce simplicity, and build capacity at the state and local levels.

The National Emergency Management Association, representing the state emergency management directors of all 50 states, Territories, and District of Columbia recommend the following for structuring and executing the new “Building Resilient Infrastructure and Communities” (BRIC) program:

1. **BEGIN SETTING THE STAGE NOW.** Combine existing authorities with those afforded in the DRRA to expand the existing pre-disaster mitigation programs immediately and align naming conventions with existing statute.
2. **PROMOTE BROADER GRANTEE COLLABORATION AND CONSISTENCY.** Promote broader grantee collaboration to encourage creative applications crossing state, jurisdictional, or artificial FEMA regional boundaries.
3. **EXPAND THE TRADITIONAL DEFINITION OF “MITIGATION” AND ENCOURAGE LARGE INFRASTRUCTURE PROJECTS.** Encourage large infrastructure projects and those that address man-made or technological hazards. This would not only promote health and safety but expand economic opportunities and the impact of mitigation.
4. **EMPOWER GRANTEES TO CONTROL MITIGATION PRIORITIES.** By allowing grantees greater oversight of funding activities, the new program can be uniquely streamlined and ensure better alignment of mitigation priorities across all levels of government.
5. **ALLOW FOR COORDINATION ACROSS EXISTING PROGRAMS.** Existing federal programs remain disjointed which does not harness the full power of available programs and funding. If not already in place, FEMA must seek the appropriate authorities to leverage various mitigation programs across the federal interagency to reduce administrative burdens and ensure responsible use of taxpayer funds.

6. **MAINTAIN A MINIMUM SET-ASIDE FOR ALL APPLICANTS.** A minimum set-aside allows those small or rural states a fair chance to compete for mitigation projects while also rewarding disaster-prone states which already support large mitigation initiatives.
7. **SUPPORT AND ENHANCE PLANNING AND TRADITIONAL PROJECTS.** While large infrastructure projects remain the hallmark of the new mitigation program, the underlying need for building capacity and supporting traditional projects is paramount to achieving nationwide resilience.
8. **RETHINK THE NOTICE OF PRIORITIES, APPLICATION PROCESS, AND AWARD CYCLES.** The establishment of priorities, the overall application process, and even common assumptions on traditional award cycles should be challenged, streamlined, and improved if barriers exist.
9. **BUILD IMPLEMENTATION CAPACITY THROUGH TECHNICAL ASSISTANCE.** Large infrastructure projects require expertise from across federal, state, and local agencies. Grantees and FEMA must reach across other partners and stakeholders in all aspects of this new program from setting priorities, aligning projects, and implementing strategies.
10. **OFFER FLEXIBILITY IN BENEFIT-COST ANALYSIS APPROACHES.** The current Benefit-Cost Analysis is cumbersome and unfair to small and rural states. While making changes to the overarching programs, the Benefit-Cost Analysis must be simplified with a more level playing field.

The following pages provide additional detail on each of these recommendations. Incorporating these priorities into the National Public Infrastructure Pre-Disaster Hazard Mitigation Program (or “BRIC”) will bring about profound and lasting positive changes to our communities by providing needed flexibility, reducing complexity, and building capacity throughout the whole emergency management community.

This will also expand opportunities to support economic development at the state and local levels, build all-hazards resilience, and categorically shift the disaster paradigm to harness the true return on investment proven through effective mitigation. These recommendations will prove responsible uses of taxpayer funds, make communities safer, protect lives and property, reduce the time for rebuilding post-disaster, sustain and maintain the positive actions taken, and allow communities to work more collaboratively and effectively.

### **RECOMMENDATION 1: BEGIN SETTING THE STAGE NOW**

FEMA should immediately combine existing authorities with those provided in the DRRA to expand eligibilities of the existing Pre-Disaster Mitigation Program. This will allow the agency to more expeditiously operationalize the new Pre-Disaster Mitigation program, utilize available funding through carry-over balances, the DRRA six-percent calculation, and funds provided by Congress in the FY19 Omnibus Appropriation. Waiting until “BRIC” is fully operational will only create long delays, allow large balances to accrue, and force the program into a slow start.

Additionally, FEMA can use these new authorities and funding to provide technical assistance to grantees in preparing for this new construct of mitigation grants. Key considerations in preparation for the launch of this program will include demonstrating cross-jurisdictional coordination; selecting projects based on sound consideration of current and future risks; conducting appropriate staffing plans and organization changes necessary to accept these funds; and strategies to bolster the efficacy of competitive grant awards. Through robust technical assistance from FEMA, states and locals will more effectively adapt and incorporate the next and expanded eligibilities and requirements.

Furthermore, FEMA should submit a legislative proposal to statutorily change the name of the program to the selected “BRIC.” In the absence of a legislative change, the current naming convention prevents the swifter merging of existing and new authorities, creates confusion in advocating funding streams, and misaligns current statute with programs.

### **RECOMMENDATION 2: PROMOTE BROADER GRANTEE COLLABORATION AND CONSISTENCY**

In promoting broader grantee collaboration and consistency, the three focus areas include the state-local relationship, coordination between FEMA headquarters and the regions, and integration with the private sector.

- State hazard mitigation plans already reflect input from local plans, and that linkage may be strong in some jurisdictions. In other areas, additional work may be necessary to align state and local priorities and to foster joint efforts across different agencies and departments. Grant guidance should encourage and reward broader collaborations to the extent feasible. This coordination will also allow for grantees to collaborate on projects and work across state or regional boundaries.
- Direction and innovation at FEMA headquarters do not always translate to consistency in regional implementation. The disconnect is acutely apparent when considering how regional interpretation and guidance differs between the various regions and sometimes even within a region itself. Headquarters must ensure consistency across the country.
- Grantees should be given the flexibility to partner with private-sector infrastructure owners and operators to pursue joint projects funded both with private funds as well as with grant.

### **RECOMMENDATION 3: EXPAND THE TRADITIONAL DEFINITION OF “MITIGATION” AND ENCOURAGE LARGE INFRASTRUCTURE PROJECTS**

This new mitigation construct will make more pre-disaster mitigation funds available than ever before. Given this opportunity, the nation must challenge the traditional definition of “mitigation” and ensure this new program addresses large infrastructure projects. “Mitigation” means more than flood preparedness, so guidance should allow for projects that also mitigate man-made and technological hazards. With this

expansion comes the need to emphasize increased flexibility and allowing grantees the license to appropriately scope projects to accomplish a tangible end. Large-scale infrastructure projects are complex and multi-faceted which require skills, capacity, and flexibility beyond projects currently funded through the existing suite of mitigation programs.

#### **RECOMMENDATION 4: EMPOWER GRANTEES TO CONTROL MITIGATION PRIORITIES**

Grantees should be empowered to implement transformative mitigation actions with the greatest potential community benefits by allowing states and locals the discretion to choose projects which meet FEMA allowable project types and align them with the goals established in approved mitigation plans. This will better-align mitigation priorities across all levels of government. Additionally, trusting the applicants' judgement in making policy and project determinations will better meet the varied needs of diverse communities. This can be accomplished by FEMA establishing its priorities clearly in the Notice of Funding Opportunity (NOFO).

Applicants should also be allowed greater oversight of funding activities. The current oversight regime is overly restrictive due to the numerous stipulations requiring applicants to serve as the "middle man" to convey information and arrange reviews between sub-applicants and FEMA. This prevents the achievement of FEMA's goal of proper, full-cycle grant management and implementation. If an application is eligible under FEMA's allowances and meets the guidelines established through the FEMA approved hazard mitigation plans, then applicants should be provided the ability to exercise discretion in funding allocations to include decisions such as conducting sub-award reviews, approving sub-awards, and monitoring projects and finances.

#### **RECOMMENDATION 5: ALLOW FOR COORDINATION ACROSS EXISTING PROGRAMS**

States and communities may have access to a variety of possible mitigation programs across the federal government, all with the overarching goal of helping grantees become more resilient and better prepared for future disasters. The specific authorities and purposes of such programs usually vary, however, and FEMA may not have authority to allow grantees to co-mingle funds or shift the priorities of specific grant dollars. Nonetheless, FEMA should:

- Work across the federal interagency and with Congress to obtain the necessary authorities to allow grantees to blend BRIC-supported projects with support from other mitigation programs available within FEMA and across the federal government.
- Allow for collaboration, convergence, and promotion of projects that enhance the level of protection of people and property across various programs regardless of the funding sources and legal requirements.
- Anticipate future conditions by broadening allowable project types which meet hazard impacts.

#### **RECOMMENDATION 6: ENSURE A MINIMUM SET-ASIDE FOR ALL APPLICANTS**

To achieve the planning and traditional mitigation projects outlined in Recommendation 6, the new mitigation program should ensure a minimum set-aside for all applicants. This minimum ensures applicants and/or sub-applicants with fewer resources are provided a fair opportunity to pursue complex projects. To harness the collective power of all mitigation programs and fully leverage existing federal, state, and local funds, adequate funding must be available to maintain plans and proactively implement mitigation projects. This could also be an opportunity to reward those states which execute more robust

programs, such as supporting Enhanced Mitigation Plans. The set-aside or base amount should be scalable based on different scales of proficiency.

#### **RECOMMENDATION 7: SUPPORT AND ENHANCE PLANNING AND TRADITIONAL PROJECTS**

To ensure the best use of taxpayer funds, and that projects align to those priorities of greatest need, state and local governments must develop thoughtful risk assessments and constructive hazard mitigation plans. FEMA's new program can support this by allowing a modest percentage of grant funds to go toward improving and updating local and state (both standard and enhanced) hazard mitigation and pre/post recovery plans. This will ensure the goals and strategies in those plans align with other types of community planning that drive local decision-making, including comprehensive land use plans, zoning and subdivision ordinances, and capital improvements plans and budgets. Priority-setting should reward those communities committed to integrating hazard mitigation and resiliency planning into key government functions in this fashion. Community planning that also anticipates needed actions for a post-disaster environment will allow for efficient and effective use of future Hazard Mitigation Grant Program (HMGP) funding.

In addition to innovative planning, those projects traditionally eligible through existing mitigation programs require continued support. While encouraging the pursuit of large-scale, complex projects will lead to systemic and community benefits, this should not come at the cost of traditional mitigation projects such as seismic retrofits, safe-rooms, buy-outs, mitigation/reconstruction, and elevations. Additionally, another allowable use of funds should be in application development. State and local funding, resources, and overall capacity to develop complex mitigation project applications and the ability to meet the non-federal match requirement value for complex projects is not readily available, if at all, in rural and low-income states and communities.

#### **RECOMMENDATION 8: RETHINK NOTICE OF PRIORITIES, APPLICATION, AND AWARD PROCESSES**

Depending upon the magnitude of damage from future disasters, funding for this program could approach \$1 billion in a single year. Alternatively, in some years, funding may fall significantly. Erratic and unpredictable mitigation funding streams can work at cross-purposes in establishing and sustaining institutional knowledge and capacity at a state and local level. FEMA can avoid these surges and shortfalls by doing the following:

- Initiate multiple award cycles each year for the competitive funding regardless of the size of the yearly contributions to the fund. By offering multiple award opportunities each year, FEMA can avoid the “feast and famine” problem faced by at-risk communities, accommodate the construction schedules of diverse climates, and afford grantees the flexibility of applying when ready without having to wait a full year.
- Utilize a portion of available funds to allow for outside assistance in setting project criteria and incorporating peer-review for certain types of projects. For example, if FEMA dedicated a specific funding cycle to applications that addressed lifeline needs associated with health care facilities, FEMA might seek guidance for project criteria from a panel of health care providers and architects and engineers with expertise in the design and operation of medical facilities.

Additionally, the current application process presents numerous barriers to both high- and low-capacity sub-applicants. These barriers exist as technical and knowledge issues. Therefore, FEMA should:

- Enhance the grant application user interface and developing activity-specific guidance for applicants and sub-applicants including information and documentation requirements and clear process roadmaps; and provide training on the new system.
- Establish consistency in the release of the NOFO and application period. This will allow sub-applicants appropriate time to develop project plans.
- Speed the review process to encourage sub-applicant submissions with efforts such as providing a checklist of required documents or allowing plans and non-Environmental and Historic Preservation (EHP) projects to be reviewed on a fast track separately from complex projects.
- Reduce the complexity of grant submission, award, and tracking processes to reduce barriers to entry for smaller applicants thereby ensuring the grant process is approachable to all potentially interested parties.
- Standardize the collection of information. A central database can provide commonly-used information during the grant application process and avoid the need to resubmit through the Request for Information process.
- Regularly update grant guidance to provide applicants and sub-applicants with enough understanding of mitigation program requirements and administration to successfully pursue projects.
- Provide advance notice regarding upcoming priorities and align that notice to additional technical assistance for small or under-resourced communities to potentially improve the quality of applicant submissions.

**RECOMMENDATION 9: BUILD IMPLEMENTATION CAPACITY THROUGH TECHNICAL ASSISTANCE**

Expansion of the allowable and desirable projects under existing programs requires additional capacity to navigate projects within the federal grant process to completion successfully. Large-scale infrastructure projects are complex, multi-faceted projects requiring skills, capacity, and flexibility beyond projects currently funded. Such projects are beyond the technical expertise and capacity of many applicants and sub-applicants; additional assistance before project submission will be a prerequisite for many, if not all, large-scale infrastructure project proposals. To further champion robust applications, an expansion of Advance Assistance opportunities will allow applicants to develop mitigation strategies and obtain data to prioritize, select, and develop complete applications in a timely manner.

Furthermore, technical expertise across the federal interagency can provide valuable insight in establishing guidance and NOFOs. FEMA should coordinate technical assistance and bring in other federal experts across the interagency as necessary to provide targeted assistance to small or rural states and those with limited disaster experience. Assistance could include, but not be limited to, consideration of projects; pre-identifying and cataloging match opportunities; coordinating federal requirements; and learning how best to demonstrate return on investment for future program justification.

**RECOMMENDATION 10: OFFER FLEXIBILITY IN BENEFIT-COST ANALYSIS APPROACHES**

FEMA should use its limited funding on projects that have the best potential to save lives and demonstrate efficacy of taxpayer dollars. In the past, FEMA developed specific benefit-cost analysis (BCA) protocols and provided tools that help communities use these methods including the functionality of the tool. For some applicants, the availability of these standard methods simplifies the task. In other instances, however, FEMA’s BCA approach ignores, or underestimates added benefits that a community

may see from a given mitigation project. To accomplish the goal of right-sizing BCA requirements with the practicality of mitigation planning, the new mitigation program should:

- Allow flexibility within the BCA process;
- Expand the eligible pre-calculated benefits;
- Lower the discount rate;
- Consider the function of a project in addition to the value of the construction costs;
- Reclassify the current definition of “small or impoverished” communities to properly account for under-served citizens; and,
- Give added weight to those projects which expand beyond traditional mitigation projects.