MEMORANDUM TO: Katie McGinty
Kathi Way
TJ Glauthier
Bruce Long
Brian Burke

FR: Will Stelle (456-6224) Will Stelle

RE: Proposal for Floodplain Management Review

DATE: October 15, 1993

Attached is a substantially simplified version of the Floodplain Management Review proposal that incorporates your comments on the earlier version.

I believe this is suitable for sending out to the larger working group for their review in preparation for next Wednesday's meeting, but I will not do so until hearing back from you.

Several points deserve mention about this version.

1. The economy model. This is substantially streamlined from the earlier drafts, in particular by reducing the number of "teams" or "subcommittees" from four to two. I believe that the two subcommittees proposed here are more properly focused on the issues that we want them to wrestle with; the earlier version was getting too far afield.

2. Duck the Tough Ones. I have omitted several items that need more discussion within our small group. They include:

- what agencies should chair the groups;
- how many staff should each agency contribute to this effort;
- how to structure the field hearings/workshops -- an item that I think is very important for the optics of this exercise.

3. Staffing. I propose the following for staffing and funding this effort.

a. The "Committee" should have four full time staff detailed to it, one from EPA, one from COE, one from USDA/SCS and one from DOI. One or two support staff will also be necessary. Of the four, one should be designated the Executive Director for purposes of managing the group.

b. The staff should serve the full Committee and also the subcommittees -- to ensure that we retain an overall unified effort.

c. They should be located in one place -- I recommend Jackson Place across the street because there is the space.

d. The question of a separate budget needs discussion. The primary costs will be the conduct of the workshops, travel to the region, office expenses and document preparation. I don't know the degree to which many of these costs can be borne by the individual agencies -- or whether we need a formal transfer of funds into a separate pot. I defer to the experts on these issues, but they will require our attention soon.

e. Press and communications relating to this effort should be handled internally from the WH.

# A Review of Floodplain Management in the Upper Mississippi River Basin

(October 14, 1993)

## I. Introduction

The Floods of 1993 have vividly demonstrated the significant need for major improvements in our approach to floodplain management and response. We are spending enormous sums annually on floodplain management, risk reduction, disaster response and payments for flood losses, and yet people, property, businesses and the environment continue to suffer repeated losses.

The subject of floodplain management is enormously complex, involving a broad array of Federal, state and local programs and responsibilities. Any effort to fashion an improved long-term approach must account for and reflect this complexity: a Federal perspective alone is not adequate.

We therefore propose to undertake a review of existing programs and policies affecting activities in the floodplain for the purposes of developing a set of recommendations for improvements. The review should provide significant and sustained opportunities for state, local and nongovernmental interests to provide information and perspectives on the issues under review. Agriculture, the transportation industry, the environmental community and many other groups have significant interests that must be heard if the review is to succeed. The review should also build upon existing studies and report. Much work, many studies and great expertise already exist on the subject of floodplain management, and this past work should serve as the starting point for our current effort.

## II. Purposes and Goals

The purpose of the review is to develop a set of recommendations on changes to Federal programs and practices with the following objectives:

- Reduce risks to life, property and the environment from flooding;
- Reduce the likelihood of flooding through improved flood controls and watershed management;
- Restore the natural and beneficial functions and values of the greater Mississippi River ecosystem;
- Eliminate or modify existing programs or incentives that work at cross-purposes to or do not adequately support these objectives;
- Enhance intergovernmental coordination; and
- Save money and other resources, both public and private.

## III. Geographic Scope

The geographic scope of the study would be those areas affected by or contributing to flooding along the Upper Mississippi River basin including the lower Missouri River and tributaries.

## IV. Procedure

The White House and the Office of Management and Budget (OMB) will establish and oversee an Interagency Floodplain Management Committee that will undertake the review. The Committee will be comprised of several "core" Federal agencies with major program responsibilities in floodplain management and the environment (COE, USDA, FEMA, DOI, EPA) with other agencies participating on an as-needed basis (DOT, HUD, SBA, etc.).

The Committee will establish two subcommittees to develop the necessary information and draft findings and recommendations in the following two areas. The Committee will review the work of the two subcommittees and compile its final findings and recommendations in a report to the President. It may also prescribe whatever longer term studies or activities that may be required.

1. FLOOD DAMAGE SUSCEPTIBILITY SUBCOMMITTEE. The Flood Damage Susceptibility Subcommittee would focus on strategies and incentives affecting land use within the floodplain and susceptibility to flood damage and disruption. It would address such issues as:

- Federal programs directly affecting development activities within the floodplain (building codes, infrastructure financing or construction, etc);
- enhanced internalization of flood control and response costs;
- Federal incentives affecting development in the floodplain (flood insurance; crop insurance; other); and
- Federal programs that would minimize risk of damage from flooding (facilities siting, flood proofing, flood insurance, etc.).

2. RIVER MANAGEMENT SUBCOMMITTEE. The River Management Subcommittee will focus on strategies to improve the management of the hydrology of the river basin to improve overall floodplain management. It would address such issues as:

- the improved use of a mix of flood control and flood management options (levees, flood storage, improved watershed management, etc.)
- the restoration of watersheds and important ecosystems; and
- the identification of high value areas for inclusion into existing conservation programs (wetlands reserve, greenways, etc.)

The Subcommittees should review all existing reports and information on the subject, and identify the significant technical information needs. The Scientific Assessment Team and the Economic Team should provide support to each Subcommittee on an as-needed basis. The Subcommittees should then prepare draft findings and recommendations, together with the necessary supporting information, and submit them to the full Committee for its consideration and review.

## V. State and Local Roles

The states, local governmental representatives and various interest groups would be invited to provide information and recommendations to the Committee. The Upper Mississippi River Basin Association would serve as an important conduit for coordinating state input. Nongovernmental organizations such as the National Association of Conservation Districts, the Association of State Floodplain Managers and representatives of the environmental community would also be invited to offer their observations.

## VI. Timing

The Committee and Subcommittees should be formally constituted and staffed promptly. After an initial issues identification period, workshops could proceed in the region through the end of the year and into early 1994. Draft reports from each Subcommittee would be due to the Committee by March 1st, with a final report to the President by April 1st.

# Fax Transmission

**Date:** 10/18/93

**To: Dr. Schaeffer**
Office of Science and Technology

Fax Number: (202) 395 - 3157

**From: Fred Bradford**

Our Phone: (805) 349-0146
Our Fax: (805) 349-0146

**No. of pages including cover page: 2**

**Message: Dear Dr. Schaeffer,**
**Your support would be vital to the success of this proposal providing Emergency Erosion and Sediment Control material to the nine State flood effected areas.**
**The window of opportunity is now or we wait until next year.**
**Material could be used by all agencies such as EPA,DOD,DOE, and AGRI., to mention a few,but not limited to them.**
**Would also address present items that the administration is advocating with refference to Re-inventing the Government.**
**It can be done,it is creative,it is very COST EFFECTIVE,and specific and measureable outcomes can be referenced.**
**Thank you**

***Please call if you experience any transmission problems.***

10/18/93

# PROPOSAL

To: Office of Science and Technology
Attention: Dr. Schaeffer

WHEREAS ; it has been clearly understood by the agencies in touch with our office we are acting as a broker.

WHEREAS ; we are in a position to furnish all materials under discussion, i.e. ; Calif. Rice Straw now being harvested as of the above date.

UPON ; written contract and further instructions, we are in a position to deliver such material FOB. Sacramento, Calif. to any designated area in the Flood Zone.

We have over one million (1,000,000) bales of rice straw available to ship directly to specified locations at an estimated cost - not to exceed - Five million dollars ($5,000,000.00) .

The amount of material and approximate cost is an estimate and subject to change according to your needs. Any cost over runs will be by further agreement and understanding through your office via written assignment such as a purchase order.

Time is of the essence, which we are aware that you are fully cognizant of, therefore communication and any and all written assignments should be forth coming post - haste.

This proposal respectfully submitted, Fred Bradford
phone: ( 805 ) - 349 - 0146

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# Organizational Structure

The Office of Administration was created by Reorganization Plan No. 1 of 1977 and formally established by Executive Order 12028, on December 12, 1977. The Office of Administration provides a full array of customer based administrative services to approximately 1,800 clients in all agencies of the Executive Office of the President (EOP) including direct support services to the President. Specifically, the Office of Administration provides financial and personnel management services; information management, library and records management services; and general services support.

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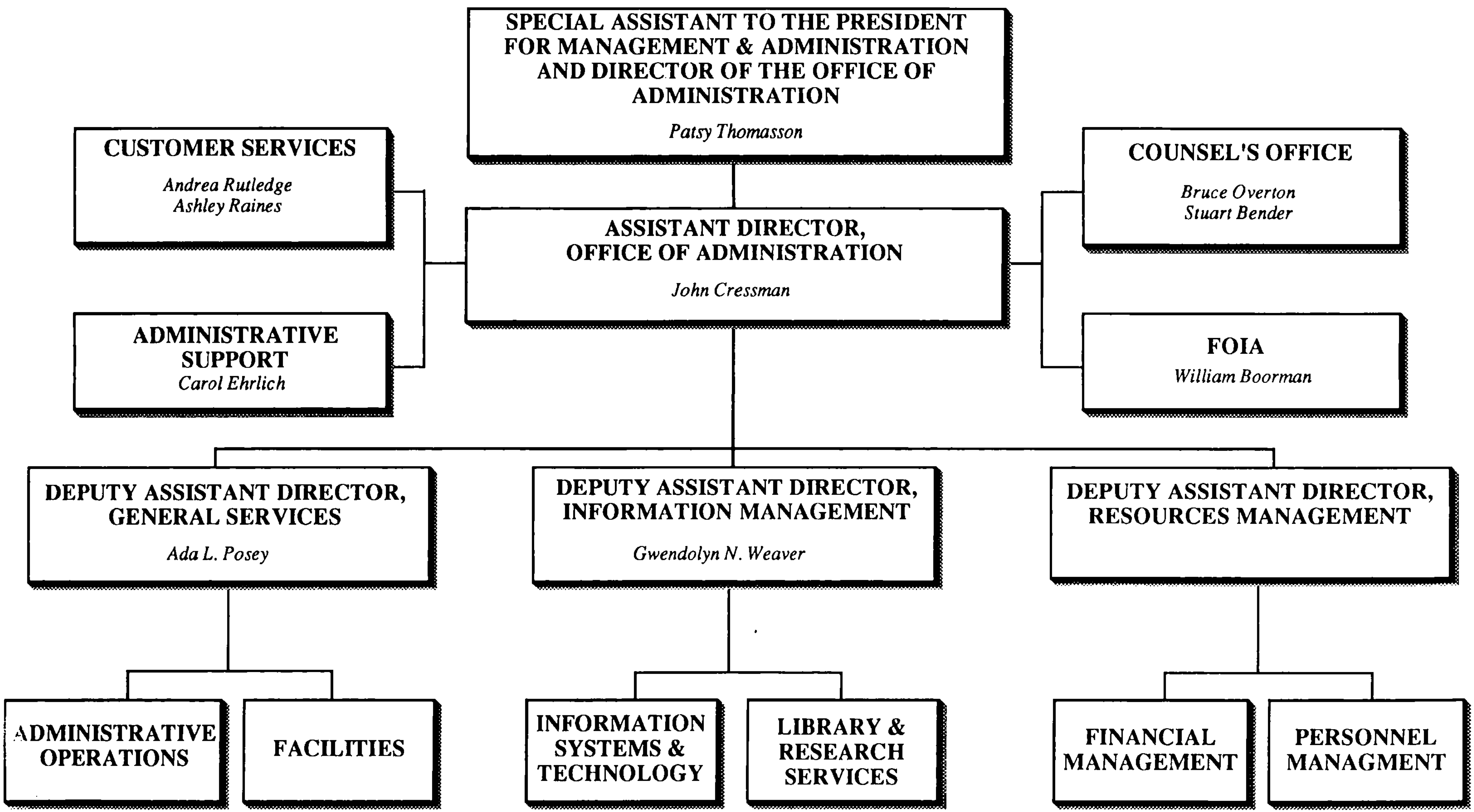
OFFICE OF ADMINISTRATION
**OFFICE OF THE DIRECTOR**
*AS OF OCTOBER 1993*



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* Works with GSA's Architect of the OEOB and Preservation Officer, and its Facilities Management Staff

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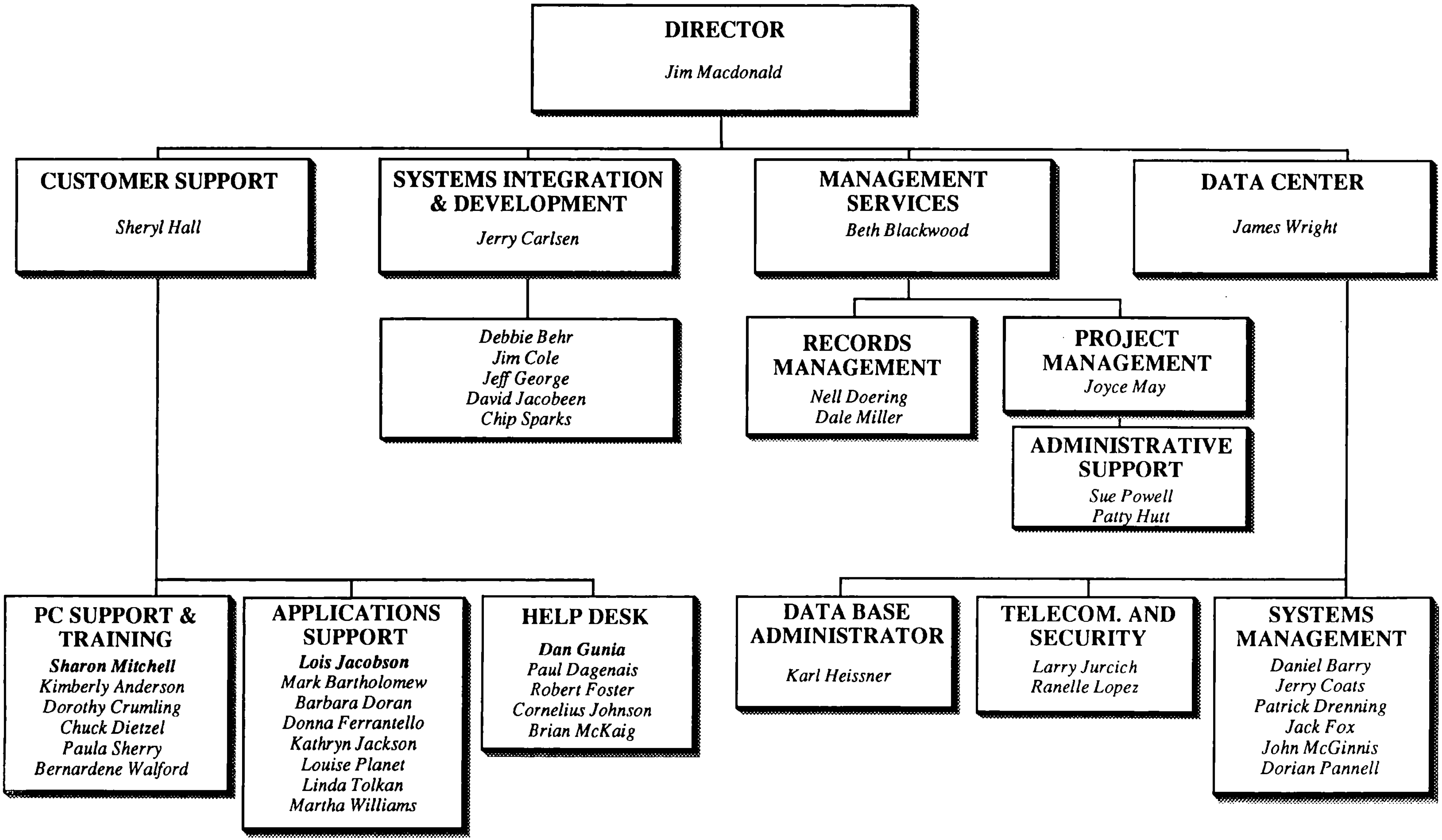

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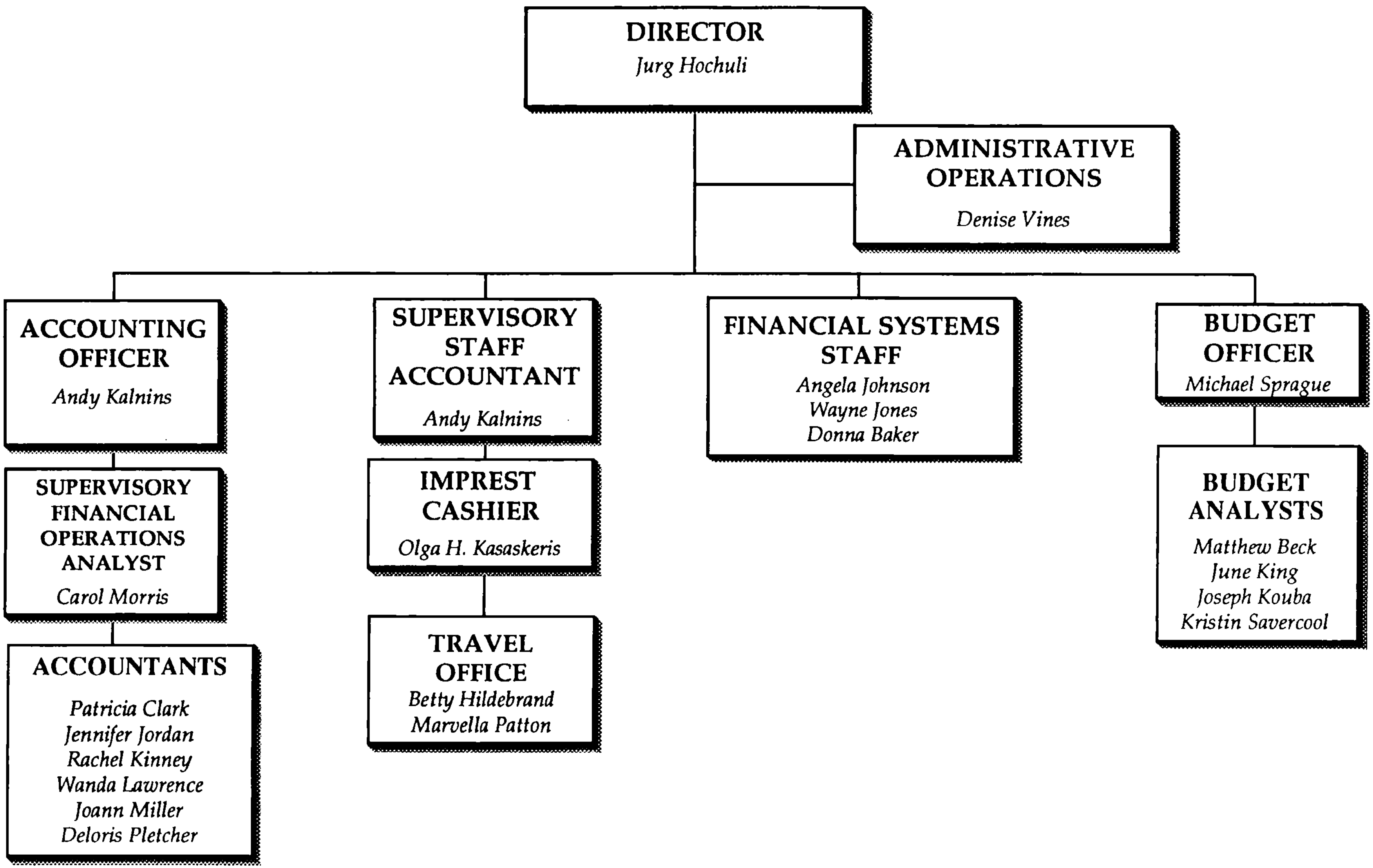

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# SBA DISASTER LOAN PROGRAM

## 1. Types of Disaster Loans

- Home Disaster Loans. Loans to homeowners or renters to repair or replace damage to real estate or personal property. Renters are eligible for personal property loans only.

- Business Physical Disaster Loans. Loans to businesses to repair or replace disaster damage to property owned by the business, including real estate, machinery and equipment, inventory and supplies. Businesses of any size are eligible, as are non-profit organizations.

- Economic Injury Disaster Loans. Loans for working capital to small businesses and small agricultural cooperatives. Available only to applicants with no credit available elsewhere.

## 2. Eligibility Requirements

- Uninsured Losses. Only uninsured or otherwise uncompensated disaster losses are eligible.

- Creditworthiness. Applicants must demonstrate the financial capability to repay all loans.

- Collateral. Collateral is required for all physical loss loans over $10,000 and all EIDL loans over $5,000. This usually includes a lien on the applicant's real estate. Applicants do not need to have full collateral; SBA will take what is available to secure each loan.

- Ineligible Property. Damage to second homes, pleasure boats, airplanes, recreational vehicles, etc. is not eligible.

- Limited Value. Damage to luxury items, antiques, etc. is eligible only to the extent of its functional value. Amounts for landscaping, swimming pools, etc. are limited.

- Noncompliance. Applicants who have not complied with the terms of previous loans (e.g., maintaining flood insurance) are not eligible.

## 3. Loan Features

- Interest Rates. Interest rates are determined by formulas set by law, and may vary over time with market conditions. Currently the applicable interest rates are 4% or 8% for home loans, and 4% or 6.5% for business loans, with the higher rate applying if the applicant has credit available elsewhere.

- Term. The law limits the loan term to a maximum of 30 years, except for businesses with credit available elsewhere (3 years). Based on the financial circumstances of each borrower, SBA determines an appropriate installment payment amount, which in turn determines the actual term.

- Amount. Home loans are limited to $100,000 for real estate and $20,000 for personal property. Business loans are limited to $500,000 for real estate, machinery and equipment, inventory and all other physical losses. Economic injury loans are limited to $500,000. The $500,000 statutory limit for business loans applies to the combination of physical and economic injury, and also applies to all disaster loans to a business and its affiliates. Within these limits, the loan amount may be increased by up to 20% to finance mitigating measures that will prevent future damage to the property.

- Refinancing. Under certain conditions, SBA may be required to refinance all or part of prior mortgages.

**4. Disaster Declarations**

Presidential

- A Presidential disaster declaration triggers the SBA loan program unless FEMA limits the assistance to "public assistance" only. Examples of disasters declared by the President include the Loma Prieta earthquake, Hurricane Hugo, and the Oakland fire. This type of declaration accounts for the great majority of SBA disaster loan volume.

- There is usually a joint FEMA-State Preliminary Damage Assessment (PDA) prepared as a basis for the Governor's request to the President. SBA participates in the survey of disaster damage conducted for the PDA, and makes a rough estimate of the total dollar amount of SBA loans that would result from the disaster. This information may be used by SBA even if the disaster does not result in a Presidential declaration.

SBA Administrator

- When damage is insufficient to warrant a Presidential declaration, a Governor may seek a disaster declaration from the SBA Administrator (e.g., January 1992 Ocean City, MD coastal storm). Upon receiving a Governor's request, SBA surveys the affected area to determine whether the criteria for a declaration are met.

Governor's Certification of Economic Injury

- When a disaster has caused substantial economic injury to at least 5 small business concerns and small agricultural cooperatives, a Governor may certify that such businesses are in need of financial assistance not otherwise available (e.g., the Exxon Valdez oil spill). Upon receipt of such certification, the SBA Administrator may declare an area eligible for Economic Injury Disaster Loans (EIDLs) only.

Secretary of Agriculture

- When the Secretary of Agriculture designates an agricultural disaster, EIDLs are available to small businesses and agricultural cooperatives which have suffered substantial economic injury as the direct result of the agricultural production losses recognized by the Secretary (e.g., 1988 drought).

**5. Disaster Loan Process**

Outreach and Application

- The disaster declaration is announced through the local media. Telephone numbers to contact (both FEMA and SBA use 800 numbers) and places to apply for assistance are provided.

- SBA commences field operations by establishing a temporary office(s) in the declared area(s). In a Presidential declaration, FEMA usually establishes Disaster Application Centers (DACs), and SBA is present in each one. SBA encourages all victims to visit SBA in person. When FEMA does not open DACs, SBA establishes its own outreach offices within the disaster area, and encourages all potential loan applicants to come in for a personal interview.

- In a Presidential disaster, the victim comes to a DAC established by FEMA or telephones a FEMA registrar. The FEMA registration form contains an income test based on the minimum incomes for each household size provided by SBA. FEMA refers victims with incomes below these minimums established by SBA directly and immediately to the Individual and Family Grant (IFG) program. FEMA refers those victims with incomes above the minimum threshholds to SBA for possible loan assistance. All business victims and self-employed homeowners or renters are referred to SBA.

- If the victim registers with FEMA by telephone, the information is forwarded to SBA on a daily basis. SBA calls the victim to encourage an interview at the nearest DAC or outreach office. Victims who call SBA directly are also encouraged to come in person for an interview.

- SBA conducts an individual (preferably) or group interview to explain the disaster loan program and the application process and forms. SBA makes an initial, quick assessment of each victim's financial circumstances, based on income and fixed debts. For those with obvious inability to assume additional debt, SBA issues a Summary Decline. These are typically victims just above the minimum income threshholds with excessive debt levels. Summary Declines result in immediate referrals to the IFG program, thus avoiding delay in assistance and unnecessary processing actions. An applicant who receives a Summary Decline may request reconsideration of the decision within six months by completing an SBA loan application. SBA issues a loan application to all remaining victims.

- SBA provides local workshops where disaster victims can get help in completing the loan application forms and obtaining the necessary supporting documentation (such as copies of tax returns). Photocopying machines are available. Local CPAs and bankers often volunteer to man the workshops, and rent-free locations are often provided by local banks (e.g., Bank of America office in Oakland used for loan closings).

- Loan applications can be submitted by mail or in person. The filing period is usually 60 days from the DAC opening date for physical loss applications, and 9 months for economic injury applications. The speed at which applications are returned varies with the type of disaster. For example, in the case of the 1991 Oakland fire many homeowners filed applications very late in the application period because they were waiting to determine insurance coverage, while renters generally came in immediately because they had little or no insurance.

Screening and Docketing

- SBA reviews submitted applications for completeness. If any information is missing, or if clarification is needed, SBA informs the applicant of the necessary documentation or information.

- SBA prepares a loan case file for each application. If necessary, SBA forwards statements of personal history to the Inspector General's Office for FBI checks.

- Review and processing of applications is done at one of four disaster area offices, in Niagara Falls, Atlanta, Fort Worth, and Sacramento, except in certain circumstances like an unusually large disaster (e.g., Hurricane Hugo) where it is done locally. Normally, screening and docketing is completed in one to five days.

Loss Verification

- SBA calls the applicant to schedule an appointment for on-site verification of the loss cited in the application.

- An SBA loss verifier visits the property with the applicant, inspects the disaster damage, estimates the total cost of repair or replacement (as well as the fair market value for collateral purposes), and prepares a detailed report of the loss verification.

- Under normal circumstances, verification is completed two to three weeks after an application is submitted.

- Loss verification activity sometimes is required at later stages, after a loan is approved. As reconstruction progresses, SBA often checks on progress to assure that SBA funds are being used as authorized. If the borrower also has an insurance settlement, SBA may confirm that the insurance proceeds have been used to start the rebuilding before releasing SBA funds to complete a project. Adhering to these safeguards results in continued loss verification activity for a protracted period after a disaster.

Credit Analysis and Decision

- An SBA loan officer conducts a financial review of the application, loss verification report, credit reports, and other materials. These are used to determine eligibility, the loan amount, repayment ability and credit risk. Insurance coverage is considered at this stage, and used to offset the total verified loss in determining the loan amount (the same is true of other disaster assistance received, such as FEMA aid). A detailed report is prepared documenting the loan officer's analysis and conclusions.

- If a loan can be approved, the loan officer establishes terms and conditions reflecting appropriate repayment, collateral and other restrictions.

- Loan officers' recommendations must be approved by a supervisor, and proposed terms and conditions must satisfy a legal review.

- Under normal circumstances, the credit analysis and approval/ disapproval process takes 18 to 24 days.

Loan Funding and Document Preparation

- After all internal concurrences in a recommendation to approve a loan, the funds for the loan are obligated. Obligation of loan funds is performed through a computer system, which must have alloted funds available. The time lapse between the disaster event itself and the obligation of funds can easily exceed 100 days.

- SBA prepares approval documents (approval letter, note, authorization and agreement, etc.) and mails them together with closing documents (security instruments such as mortgages or deeds of trust, other legal documents, etc.) and detailed closing instructions. This is SBA's official notice to the applicant of the approval of the loan. If the loan application was declined, SBA mails a letter describing the reasons for the negative decision and advising the applicant of reconsideration rights.

- Under normal circumstances, the document preparation process takes one to seven days. SBA's goal is to send an approval letter with loan documents or a declination letter to the borrower within 60 days after receipt of the application.

Loan Closing

- o SBA provides assistance to the borrower in closing the loan (executing the loan documents and satisfying loan conditions in order to qualify for disbursement). This is done in person, by mail and by telephone.

- o Loan documents returned are reviewed by legal staff for sufficiency. Typically, borrowers delay returning the loan documents to SBA because of concerns about incurring the indebtedness, indefinite rebuilding plans, questions about building permits and similar concerns. It is not unusual for local governments to change building codes in the wake of a disaster, causing further delay.

- o The loan closing typically occurs between one and sixty days after the documents are prepared. In some cases of causes beyond the control of the borrower, loan closing may be delayed further.

Loan Disbursement

- o When the necessary documentation is in order, an initial disbursement is ordered. Disaster loan funds are disbursed in increments as they are needed and used, rather than in a lump sum at closing. There can be a sizeable lag between loan approval and disbursement of funds (e.g., requirement for the borrower to inject insurance settlement first, delay in obtaining a building permit).

- o As each borrower's rebuilding project progresses, additional disbursements are ordered. This is to ensure that loan funds are used only for repairing or replacing property damaged by the disaster.

- o Loan payments are the same regardless of whether all or a portion of the loan has been disbursed. The term of the loan is reduced to account for this.

- o When the full loan amount has been disbursed, responsibility for servicing the loan is transferred from the disaster loan program to a regional SBA loan servicing office.

**6. Automated Systems**

- o Tracking. SBA has a computer system in place at all four of its disaster area offices that it uses to track each loan case through every stage of the disaster loan process (including the use of a bar code system for transferring files). The area offices can generate disaster-by-disaster summaries of data in the system on registrations, interviews, summary declinations, issued applications, accepted applications, verified losses, processed applications, approved loan amounts, disbursements, etc. at any time.

- Document Preparation. SBA has a computer program that automatically generates and underlines special loan terms and conditions, based on a checklist filled out by the loan officer.

**7. P( rsonnel**

- SBA relies heavily on temporary employees to staff the disaster loan program. There is only one permanent SBA employee for each area office -- the office manager. There may be several hundred other employees in a geographical area, who are either "cadre" employees (people with many years' tenure in the program who are guaranteed at least six months' employment a year) or temporary employees (typically hired for four months, but authorized to retain long term).

**Loan Programs:**

State Share Loans

FEMA may lend or advance to an eligible applicant or State the portion of assistance for which the State is responsible under cost sharing provisions of the Stafford Act. In order to be determined eligible for a loan, the Governor must demonstrate, where the damage is overwhelming and severe, that the State is unable to assume its financial responsibility to meet the cost share.

Community Disaster Loans

Loans are available to local governments which have suffered a substantial loss of tax and other revenues as a result of a major disaster, and which have demonstrated a need for financial assistance in order to provide essential governmental services.

## 4. SMALL BUSINESS (16)

- Small business relief due to flood/rain.
- Need to develop business in rural area - non-ag.
- Foresee layoffs do not need number of ag workers to transfer and process crops.
- What is being done to help farm related businesses during the crisis - they are laying off people because the work is not there.
- What about retailers that will be impacted by the loss of income families have to spend?

- There is a concern for the future of the small business farmers. What is being done to protect them?
- What can be done for small business in the area?
- Ag related small business income will be 30-50% down -- will a 0/92 program be available for them?
- Main street business in our communities.
- Possible feed grain shortage in local areas.
- Businesses feel 0/92 is a handout to farmers. They (businesses) do not understand the 0/92 program.
- Custom harvesters/grain shellers and haulers being lost in the shuffle. Need to apply to FmHA before losses known. Do not qualify with SBA by definition.

MEMORANDUM FOR ROY NEEL

FROM: KATHI WAY
KEITH MASON

RE: UPDATE ON THE FLOOD RESPONSE

DATE: AUGUST 25, 1993

Following is a summary of information learned regarding the status of state waiver applications and planned events in the Midwest related to the flood.

ADJUSTMENT IN STATE MATCH REQUIREMENTS

SHORT TERM/EMERGENCY RELIEF: State match requirements for emergency relief were immediately waived in response to the magnitude of the flood.

PUBLIC ASSISTANCE PROGRAMS: Attached is a copy of a letter from Governor Carnahan of Missouri again requesting a timely answer to the states' request for waiver of the requirements for state and local match for FEMA's public assistance program. We have spoken, at length, with FEMA about the procedures and past practices used to determine recommendations for waiving state and local match requirements. For ALL disasters, (Andrew, Hugo, California earthquakes, etc.), FEMA has required the damaged incurred by a particular state be equal to or greater than $64 per capita for the total population within that state before consideration is given to waiving the matching requirements for states. States with large populations, like Illinois, will have a difficult time meetings this requirement however, FEMA believes two states in the Midwest may ultimately qualify for consideration, Missouri and Iowa. As of 4:30 PM this afternoon, FEMA calculated Missouri is $2 million short and Iowa is $60 million short of reaching the $64 per capita limit. Because this disaster is unlike others, the estimates are less certain and more flexible. Once the $64 per capita mark is met, FEMA has broad discretion in determining changes in state and local match requirements. After Andrew and Hugo FEMA required the states to contribute an amount equal to $10 per capita and waived any remaining match requirements for public assistance programs. Florida's contribution was $33 million. Dick Krimm has indicated FEMA will likely recommend a flat 10% match requirement for states eligible in the flooded region(Monetarily there is not much difference in money and the explanation is simpler). We have asked FEMA to submit a memorandum to the President explaining the criteria used to waive state match requirements, detailing options open to FEMA and recommending a course of action. If FEMA believes both Iowa and Missouri will reach the $64 requirement it would be advantageous to announce eligibility for both states simultaneously.

ARMY CORP: The only match requirements for the Army Corp of Engineers is a 20% requirement for non-federal levees that are sponsored by public entities(granges for instance). In these instances the states are most likely to provide "in-kind" matches. The snag for Levee reconstruction is no privately held levees are eligible for Corp assistance in reconstruction.

SOIL CONSERVATION SERVICE (SCS): The soil conservation service normally requires a 75/25 match from locals. Unlike most programs, they have complete administrative authority to waive or adjust match rates. This program, however, is not an entitlement and to make best use of resources available projects are prioritized based on level of importance. Projects qualifying under this program can cross State borders for funding purposes. During Andrew and Hugo SCS waived the state match requirement. Currently their funding available is about 50% of need. A readjustment of the match rate would simply mean fewer projects completed.

INDIVIDUAL ASSISTANCE: There is a statutory requirement for a 75/25 match rate that can not be waived without Congressional approval.

## EVENTS PLANNED IN THE MIDWEST

HUD: In Des Moines Thursday and Friday, August 26/27 to discuss access to housing assistance for flood victims and disperse checks.

EDUCATION: Secretary Riley will be in St. Louis on August 27 to meet with school officials in the flooded region.

PUBLIC HEALTH: In New Orleans on Friday, August 27 to discuss the application process for public health funding related to the disaster in the midwest.

ASSOCIATION OF FLOOD PLAIN MANAGERS: In St. Louis and Monday and Tuesday, August 30/31 a meeting to discuss future policies related to flood plain management.

DEPARTMENT OF TRANSPORTATION: Secretary Pena will be in the Kansas City and Des Moines next Thursday, September 2 to disburse money for short line rail repair and reconstruction.

The most urgent issue is state requests for waiver requirements. We will continue to talk with FEMA and urge a timely determination of this issue. In addition, we are planning to meet with the Washington Office State Directors from the flood area next week to address their remaining concerns. Oleta Fitzgerald and Dick Krimm will be included in that meeting.

CC: Carol Rasco
Marcia Hale
Steve Silverman

MEMORANDUM FOR ROY NEEL

FROM: KATHI WAY
KEITH MASON

RE: UPDATE ON THE FLOOD RESPONSE

DATE: AUGUST 25, 1993

Following is a summary of information learned regarding the status of state waiver applications and planned events in the Midwest related to the flood.

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CC: Carol Rasco
Marcia Hale
Steve Silverman

September 13, 1993

# DRAFT LIST OF UNRESOLVED QUESTIONS REGARDING FLOOD

Following is a draft list of unresolved questions the states are grappling with as they attempt to clean-up and deal with long-term recovery efforts.

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1. We have submitted a comprehensive list of waiver requests and to date have not received formal answers to the items on this list. Individual governors have received some guidance from individual agencies regarding specific requests. Does this specific guidance apply to all states? When can we expect response to this overall list? And in what form?

2. If states use money from current year appropriations for flood recovery efforts, can they receive reimbursement from the emergency supplemental? Do the waiver provisions of the emergency supplemental apply if current year funds are used?

3. We have a number of specific housing issues that are not resolved. What is the most efficient way to get answers? These questions include proper use of CDBG and HOME funds, as well as use of funds for buyouts and relocation purposes.

4. There are serious discrepancies between state damage estimates and FEMA estimates. At what point and in what manner can we resolve these?

5. We also are unclear about the proper procedure for answers to specific agency questions. Is it first to FEMA, to USDA, where do we turn for answers? We have not been able to resolve issues between field office knowledge and central office.

6. What is the process for resolving differences between agencies? Missouri is in the middle of a conflict between FEMA and EPA and cannot get resolution of the difference. To whom do they turn?

7. We are confused and concerned by the letter that Secretary Espy just sent to Governors in the past few days. Are there specific issues and specific data that USDA has not been able to obtain? How can we expedite the process of ensuring that the data that have already been submitted get to the proper authority?

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## WITHDRAWAL OF THE FEMA SUNSET ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, on February 4 I introduced the Federal Emergency Management Agency Sunset Act of 1993, H.R. 867. This bill would transfer FEMA's responsibilities to the Department of Defense in order to improve our national disaster response.

Although I still believe that the military should have a more coordinated role in Federal disaster response, I no longer think that we need to abolish FEMA in order to achieve this goal.

I introduced H.R. 867 because of FEMA's repeated Keystone Kops performances during the Loma Prieta Earthquake, Hurricane Hugo, and other previous natural disasters. During the past 12 years, FEMA has been a managerial morass, a political turkey farm for flunkies and political supporters of the Reagan and Bush administrations.

After watching FEMA respond to the floods in the Midwest and prepare for Hurricane Emily, I have concluded that President Clinton has successfully "reinvented" this agency. By appointing dedicated disaster response professionals, especially the new Director, James L. Witt, the President has enabled FEMA to correct the management problems caused by the neglect and incompetence of the two previous administrations.

I still hope to see changes to increase the military's role in Federal disaster response, and to permanently relieve FEMA from the responsibility for preparing for nuclear war. Under the management of President Clinton's appointees and with the commitment of the agency's dedicated civil servants, I now believe that these reforms can and will happen.

Today I ask the committees of jurisdiction to drop consideration of H.R. 867, and I support the management changes instituted by Director Witt.

# REIMBURSEMENT POLICY FOR STATES AFFECTED BY MIDWEST FLOODS

Experience with the Midwest Floods and other recent disasters makes clear the need to rethink the Federal policies concerning when to declare a major disaster and when to adjust various requirements for State matching funds. The President has directed White House and agency staff to work with members of Congress and with Governors to review these issues and propose administrative and legislative reforms within the next few weeks. Meanwhile, however, we must respond as best we can to the serious problems of the Upper Mississippi Valley.

Policy Statement: For the time being, the Administration will use two alternative standards in evaluating whether FEMA Public Assistance cost share adjustments should be approved for States declared major disaster areas:

(1) States declared separately as a result of a disaster having little or no relation to other declarations would continue to be evaluated using the $64 per capita qualifying threshold upon which FEMA has historically relied. These cases would indicate situations where individual States are severely impacted, but where the national economy would not seem to be significantly affected; or,

(2) States receiving declarations at the same approximate time as a result of the same or similar events (tornadoes, excessive rain, or hurricanes), if unable to meet the $64 per capita qualifying threshold, may still receive cost share adjustments if the broader range of costs associated with the disaster are of significant consequence to the national economy. This threshold is being established at .05 percent of the country's gross domestic product (GDP). This alternative measure of cost is described on the attached page.

Reimbursement of eligible public assistance disaster costs for the nine States affected by the flooding in the Midwest will be on a 90 percent Federal/10 percent State cost share ratio starting with the initiation of the incident period for each specific State.

Rationale: The President has determined that because of the unusual scope, duration, and breadth of the Midwest flooding, a review of the cost share formula was necessary and appropriate. The result of this review was a recommendation for a straight cost share policy of 90 percent Federal/10 percent State for all eligible public assistance costs. While no one State -- with the exception of Missouri -- approaches or meets Condition (1) stated above, Condition (2) is met. Total FEMA-eligible damages for the entire affected region (all nine States) are estimated at $976 million, or .016 percent of the country's GDP. Total Federal and non-Federal damages are estimated to be $7.6 billion, or .12 percent of GDP.

The cost share waiver recommendation is based on the following:

- o The flooding severely affected the entire Midwest; nine States with 500 counties having been designated for Individual Assistance, Public Assistance, or both;
- o The duration of flooding has caused unprecedented, protracted disruption of commerce and agriculture which has resulted in significant economic losses to States and communities in addition to the loss of tax base and revenues;
- o Over 100,000 people have registered for assistance. Approximately 45,000 have been determined to be eligible for temporary housing assistance, indicating the extent to which many individuals and families have been displaced from their homes, places of work, and communities; and,
- o It is in the best interests of the Nation's economy to expedite a return to economic vitality in these States and communities.

Definition of Alternative National Economic Damage Measure: An alternative, broader measure of damage and economic impact can be constructed, for this and previous disasters, that includes all damages reimbursed by Federal agencies as well as a substantial fraction of private losses that are not reimbursed. Specifically, this includes: FEMA damage estimates; business and housing losses for which SBA loans are made for reconstruction; crop losses (both those covered by Agriculture and those not covered); and damage to Federal levees and other Federal facilities.

While this alternative measure is not all inclusive -- omitting, for instance, costs of charitable and voluntary efforts, most privately insured losses, as well as other privately borne personal suffering and disruption -- it is broad enough to capture the relative magnitude of various disasters.

By this measure, the Andrew/Iniki, Hugo, and Midwest flood disasters are clearly of a magnitude sufficient to make an upward adjustment of FEMA-eligible damage reimbursement a national priority. In all of these cases, the costs identified exceed .05 percent of GDP. Other disasters fall short of this threshold (see attached Table, right-most column).

## Determining Eligibility of FEMA Cost Share Adjustments
## Preliminary Estimate of Economic Loss as Share of GDP
## ($ in millions)

| | | Mt. St. Helens | Loma Prieta Earthquake | Hurricane Hugo | Hurricane Andrew/Iniki/ Typhoon Omar | Midwest Floods |
|---|---|---|---|---|---|---|
| Estimated Losses | | 1,017.2 | 2,683.6 | 2,838.5 | 9,953.0 | 7,573.4 |
| 1993 GDP | 6,260,000 | | | | | |
| Loss as Share of GDP | | 0.00016 | 0.00043 | 0.00045 | 0.00159 | 0.00121 |
| In Percentage Terms | | 0.02% | 0.04% | 0.05% | 0.16% | 0.12% |

September 20, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: Kathi Way

SUBJECT: Midwest Flood Response

ACTION FORCING EVENT: Current analysis of damage in the midwestern states indicates only Missouri will reach the $64 per capita damage level and, thereby, qualify for the 90/10 matching rate for public assistance costs. The unusual nature of this disaster, both the widespread impact and long duration, suggests that perhaps a different standard should be used to consider Federal assistance.

BACKGROUND/ANALYSIS: The impact of the midwest flooding has been felt in nine states. 500 counties have been designated for Individual Assistance, Public Assistance or both. Over 100,000 people have registered for assistance and approximately 45,000 people have been determined eligible for temporary housing assistance. The initial feedback to our response to the disaster was very positive. The Department of Agriculture and FEMA have worked hard to ensure the emergency situation received quick response. We need to carry that strong position through the recovery phase. At your direction FEMA, OMB, and AG have worked to develop options for strengthening our efforts to the states and local communities as they work towards recovery.

RECOMMENDATION: OMB, AG, and FEMA have suggested an alternative criteria be added to current waiver policy that would enable states to participate in the reduced match rate. Under this scenario, states receiving a disaster declaration at approximately the same time as a result of the same or similar events (tornadoes, excessive rain, or hurricanes), if unable to meet the $64 per capita qualifying threshold, may receive cost share adjustments if the broader range of costs associated with the disaster are of significant consequence to the national economy. The threshold would be reached when the costs associated with the disaster reach .10 percent of the country's gross domestic product. Using this measure, the total Federal and non-Federal damages from this flood are estimated to be $7.6 billion or .12 percent of GDP. Each of the nine states involved in the midwest flooding would be eligible to receive a 90/10 match rate for costs associated with public assistance. Attached is a chart prepared by OMB that shows loss as a percent of GDP in percentage terms for other recent disasters.

This change is policy will be well received in the flood region. By making this announcement personally, the people in the midwest will be reminded of your continuing concern for their difficult circumstance.

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Dept of Ag ~~[illegible]~~ has minor role in response

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Agriculture is not involved in the cost share waiver.

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We recommend that you use the talking points in conjunction with the memo since they explain the two alternatives for cost share.

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Suggested Format for Resumes/Biographies
(For submitting nominations for participants on the
Interagency Floodplain Management Committee)

One page maximum.
Single space.

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Current Title
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First Paragraph: Current position and responsibilities. Identification of key/signficiant acitivities/accomplishments.

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Testimony Before House Public Works and Transportation Subcommittee on Water Resources and Environment

# The Midwest Floods of 1993: Flood Control and Flood Plain Policy and Proposals

by
Doug Plasencia, P.E.
Chair, Association of State Floodplain Managers
203 Governor St, Suite 206
Richmond, VA 23219

## BACKGROUND

Mr. Chairman and members of the Committee. Thank you for providing this opportunity to provide this testimony. The Association of State Floodplain Managers is a professional organization representing the views of over 1800 floodplain managers in the nation. Our members are from all levels of government and the private sector but primarily are state and local government officials tasked with the on the ground implementation of flood protection programs. The Association is dedicated to achieving a national reduction in flood damages. The Association is the leading advocate for the use of non-structural flood protection measures in a comprehensive floodplain management policy.

The Great Midwest Flood of 1993 was an event that focused the nation. Certain areas and regions fared well during this flood, but many areas did not. For those areas that were damaged or destroyed many serious questions were raised. Outside of the floodplain people were expressing frustration at having to once more bail out those they considered foolish enough to live in a floodplain. For those in the floodplain they were devastated to think their levee failed, or that the flooding in their home was worse because some other town's levee pushed the water into their community. And while these views are rather narrowly focused they demonstrate in many ways the shortcomings of our national flood protection and disaster recovery policies. Unless short term and long term changes are implemented in our national flood protection policies the nation will continue to experience escalating flood damages.

This testimony will provide recommendations as it relates first to the flood recovery, and second to recommended adjustments in national flood protection policy.

## RECOVERY

The midwest flood recovery has been met with an unprecedented response by the federal government. In the past a normal federal response would have been to restore all damaged buildings to pre-disaster conditions.

The net result being that we simply perpetuated the damage cycle, and assured the need to have to respond at some point again in the future. This recovery has been met by a recognition by many that we need to apply mitigation strategies where feasible, and that we need to carefully evaluate the management of the river basin while utilizing restraint in the repair and restoration of flood control works and infrastructure. We believe that FEMA's leadership in promoting mitigation strategies has been key. We believe that the White House Coordination of multi-agency programs directed towards the recovery has been necessary. We believe the Corps of Engineers and Soil Conservation Service have been highly cooperative in incorporating policies that at times must seem foreign to their traditional flood control programs. In general we see in this recovery the first attempt of the federal government to utilize a comprehensive floodplain management approach.

This flood recovery in certain regards will be a difficult recovery. Agencies are attempting to utilize and blend program resources in ways that may not have been thought of in the past. Communities, hungry to evaluate their options may be inundated either by programs that don't quite meet their needs, or may find several programs in place all with different qualification criteria, cost sharing formulas and other requirements. The recovery effort may find itself bound by program guidelines that make perfect sense during non-disaster efforts, but make little sense during a disaster recovery. The Association of State Floodplain Managers, and the Association of State Wetland Managers jointly developed a list of recommended actions following two meetings co-hosted in the St. Louis area. These recommendations are attached to this testimony.
Over the next several months key adjustment to policy will be necessary to assure recovery success. A few of these changes include:

> **Passage of HR3012 "Comprehensive Cost Effective Relocation Act of 1993"** HR3012 would provide many positive adjustments to the Hazard Mitigation Grant Program of FEMA. The cost share adjustments will bring the cost share requirements in line with FEMA Public Assistance Cost Share guidelines and other flood loss reduction programs. These adjustments will make relocation out of high risk flood zones more feasible for local and state governments to implement.
>
> **Data Acquisition** Policy decisions are being made in a data vacuum. Yet we are now in an era when the ability to collect and use field data has been greatly augmented by satellite and computer based technologies. There is an immediate need to provide a comprehensive inventory of damaged buildings, damaged infrastructure, impacted lands, and natural areas for conservation and restoration. These data bases than could be incorporated in a comprehensive Geographic Information System (GIS) for the region. The need for this data is now critical for the midwest, but points to an overall lack of data nation wide. Simple parameters such as the number of buildings at risk to flooding in the nation is currently unknown.

**Deliver Federal Programs as a Package** Currently state and local governments are frustrated because the federal programs are being delivered as independent and uncoordinated programs. There is a need to establish a clearing house where requests for assistance are funneled, and a multi-agency team working with the state or local government match the program or series of programs that will best meet the local needs. This will promote a comprehensive mitigation strategy on behalf of the community, and will encourage federal programs to cooperate and to establish implementation guidelines that are more uniform.

**Development of a Comprehensive Watershed Approach for the Upper Mississippi Basin.** There is significant speculation and evidence that land use practices and excessive flood control on the river system has exacerbated flooding conditions and other adverse impacts in the basin. To accomplish a comprehensive analysis requires first the development of models evaluating basin hydrology and hydraulics, environmental resources, economic relationships, and other factors.

In tandem with the modeling efforts is a need to develop a policy oversight group. This group should be comprised of local, state, and federal partners. The role of this group would be to examine changes in watershed policy and to commit to the implementation of feasible alternatives. The Chesapeake Bay Compact might serve as a useful example as to how this type of system could be developed.

**Encourage Floodplain Acquisition and Restoration Strategies** Undeveloped floodplains not only translate into low or no public disaster costs but these areas naturally store flood waters reducing down stream flood damages, serve as buffer areas for non-point source pollutants, and promotes the development of scarce riparian habitats. These strategies support numerous national policies, and should be supported when there are willing sponsors or sellers. Structural recovery programs should examine whether it is cheaper to acquire protected lands or restore damaged levee as part of the decision making process.

## ADJUSTMENTS IN NATIONAL FLOOD PROTECTION POLICY

Over sixty years ago the nation embarked on a flood protection program in response to extended and severe flooding on the Mississippi river. The focus of these missions was flood control, and with single minded purpose rivers were channeled, dammed, leveed, and diverted. Little thought was given to the systematic impacts extensive flood control had on a river. Intellectually it was known these systems would be overtopped by floods or that they could fail, but it was hoped to be such a remote possibility that little serious attention was given to this problem.

A few reasoned that we could not rely on a single purpose flood control mission, they also reasoned that we should not encourage floodplain development through flood control, but these voices were little listened to. Until the development of the National Flood Insurance Program in 1968, nation wide alternatives to flood control did not play a significant role in national policy.

In the past twenty five years floodplain management has grown at the state and local level to include fifty states, four territories, and over 18,000 communities. The nation's floodplain managers draw on federal programs that regulate new construction but do very little to reduce flood damages for existing buildings. Because of technical, budgetary, and environmental concerns flood control is not the preferred method of choice by the nation's floodplain managers. We are frustrated with a system that produces studies rather than solutions. We are frustrated with a system that by policy seems incapable of supporting local and state multi-objective needs. We are frustrated with a system where state and local government are too often viewed as incapable rather than as capable partners. The flooding in the midwest is a tragedy, but in of itself is symptomatic of a national flood protection policy that is in serious need of revision.

In 1992 the Federal Interagency Floodplain Management Task Force published Floodplain Management in the United States: An Assessment Report. This comprehensive report provides significant insight into advances in floodplain management technologies and trends. The report generally summarizes how as a nation we are failing to achieve a comprehensive floodplain management policy. The adjustments necessary to achieve this policy would ultimately impact any federal agency involved with public works, community development, disaster response, land management, and natural resource policy. This report should serve as a foundation document when evaluating the status of floodplain management in the nation. Incrementally there needs to be a commitment to pursue these policy changes if in fact this nation is to ever achieve reduced flood damages.

The time is right to consider changes to national policy. It will require the joint efforts of Congress, the White House, and the agencies. Traditional flood protection programs should be examined and updated, other agencies need to be incorporated into our flood protection strategies.

In the past several weeks the Associations of Floodplain and Wetland Mangers jointly sent a letter to the White House that outlined specific adjustments we see as necessary for national flood protection policy. This letter is attached to this testimony and should be viewed as a start rather than as an end. Specific key points included in this letter or developing since we have sent this letter include the following:

**Formation of a Floodplain Management Task Force** There is an immediate need to put together a task force to evaluate the flood recovery, the national assessment for floodplain management, and necessary changes in federal policy. The White House has discussed the formation of this type of task force. This task force would be best formulated with key agency staff, representative of state and local government as full partners, and other key floodplain management experts.

**Re-thinking the traditional federal-state-local partnership.** Traditional federal programs were entirely or nearly entirely planned and funded by the federal government. This led to a culture of state and local government being subservient to federal direction. This fostered the belief that flooding was a federal problem, and not a joint problem with state and local government. However today with increased cost-share and increased expertise at the state and local level, no longer should the federal government cast itself in the traditional top-down role.

Communities are faced with an incredible array of problems. They are balancing flooding, water supply, community development, natural resource protection, recreation, and other programs simultaneously. Communities need more flexibility in developing a comprehensive package that usually requires multi-agency participation. Program authorities should be examined to encourage multi-objective planning and implementation standards. In summary there needs to be a fundamental change in the federal flood protection role. This new role must be that to facilitate and to assist state and local government in the implementation of these multi-objective programs.

**Develop an enhanced Floodplain Management Policy for all Agencies** Many agencies make decisions that encourage or discourage actions in the floodplain. There is a need for those agencies with specific flood protection missions to evaluate whether floodplain management is adequately supported. Too often in these agencies floodplain management is buried in the hierarchy with relatively minuscule budgets resulting in little impact on agency missions and culture. These programs have been highly effective in developing technology advances in floodplain management used nationally, but often times are overlooked by their own agency. The Corps of Engineers Floodplain Management Services Program is an example of a program that has had significant impacts on non-federal flood protection programs. The direct assistance offered by the FPMS program and cost shared studies through the Section 22, Planning Assistance to States Program have been highly useful for state and local government. In the future it will be imperative that the Corps examine an enhanced role for these programs, and that future budgets shift resource towards, rather than away from these programs.

Agencies lacking direct flood protection missions also make decisions impacting our overall inability to reduce flood damages. Grants or projects that encourage floodplain development or encourage agricultural production in the floodplain often time neglect a careful analysis of impacts on disaster recovery needs, and floodplain impacts.

**Development Within Lands Protected by Flood Control** Following the construction of a flood control project there is often times a rush to develop lands within the protected zone. This greatly increases federal disaster costs during times of catastrophic flooding. There is a need to change this policy and to form a federal policy that discourages development within these protected areas, or requires the purchase of a flood insurance policy based on the residual risk, even if the area is considered "protected" for a given event.

CONCLUSION

The Great Midwest Flood of 1993 was a severe flood. Similar flooding has occurred regionally or within specific river segments on several occasions this century. The damages that were experienced were a shock to many because the nation was convinced that we could control floods. What we learned from this flood however was that a single purpose federal program of flood control could not and will not achieve a sustainable level of protection. That as a nation we need to make major adjustments to our flood protection policies. Lacking these adjustments to national policy we can look forward to increased disaster recovery costs and further degradation of the river environment. Our Associations urge you to begin this assessment now. We pledge our assistance as the Committee deliberates these important issues.

ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.
P.O. Box 2051 Madison, Wisconsin 53701-2051 (608) 266-1926



October 8, 1993

The Vice President
The White House
Washington, D.C. 20500

Mr. Vice President:

Thank you for your letter of August 19, related to the Midwest Flood Recovery. We have found the task force efforts led by T.J. Glauthier and Katie McGinty to be particularly effective. The active role of White House staff has been beneficial for this recovery. The flood recovery has heightened an awareness and brought forward ideas that were long overdue for implementation. Over the next several months, there will continue to be issues that arise out of the midwest needing task force attention, and we will continue to support these efforts.

At this juncture, however, it is critical to begin the long term appraisal you called for in the task force formation. The success of this recovery is in part rooted in strategies that historically have received little policy support from the federal government. Our flood protection policies in the United States are virtually unchanged from fifty years ago when the conventional wisdom was "human mastery of the environment through technology". These flood control dominated policies have not allowed us to master anything; we have merely changed the rules. As with any rule change, there are winners and losers. From the national policy perspective, we have exchanged short term flood protection and increased development in flood prone areas for long term catastrophic flood damages and degradation of the river environment.

The Vice President
The White House
October 8, 1993
page two

As a nation we need to make a choice. Are we going to continue to promote a single purpose flood control policy, or are we going to broaden our flood protection policies to encompass all floodplain management strategies? This is not an issue of new technologies, nor need it be an issue of finding new money. The issue is how do we best encourage our federal programs to move beyond a single purpose flood control policy.

I again urge you to form a federal flood damage reduction policy review group to examine these critical issues. Their charge would be to identify for the administration, potential executive branch and congressional adjustments to flood protection policies and laws. With sufficient support, it is feasible this could be accomplished in a ninety-day period. With this letter are two attachments. The first is an initial list of issues to be examined. The second list is an initial list of professionals that have considerable experience and vision and should be considered as part of this group.

Thank you for supporting these very important issues. I look forward to a continuing and productive working relationship.

Sincerely,

Doug Plasencia

Doug Plasencia
Chair

Larry Larson
Executive Director

Jon Kusler
Executive Director
Association of Wetland Managers

cc: Carol Rasco - Domestic Policy
Kathy Way - Domestic Policy
T.J. Glauthier - OMB
Katie McGinty - Natural Resources

**NATIONAL FLOODPLAIN MANAGEMENT POLICY ISSUES**

1. Do the economic justification criteria (Principals and Guidelines), provide equal treatment between structural and non-structural project alternatives?

2. Communities are often torn by single purpose, non integrated river management programs. How can multi-objective river management programs be promoted?

3. What are the program authorities that directly or indirectly support flood protection initiatives. Do these authorities sufficiently promote a comprehensive floodplain management approach?

4. Federal agencies in many cases pioneered the technologies and strategies for non-structural floodplain management. Yet these same technologies are little utilized by these same federal agencies. In these agencies, are the floodplain management or non-structural watershed programs buried such that they have limited access or input on shaping agency culture or missions?

5. What is the cost of the extensive project justification scheme in use today? Can these procedures be simplified so as to reduce the dollars spent on producing studies rather than results?

6. Non-structural projects have the ability to be split and staged over time thus allowing states and communities to enter into staged agreements that on an annual basis may be more affordable to the federal and non-federal sponsors. Does the federal system adequately consider this in project formulation?

7. Flood Control will continue to be an important strategy in a comprehensive flood protection strategy. New development in protected areas is greatly increasing potentials for catastrophic losses. Should federal flood control projects be utilized only in fully developed areas, or in an area where the community controls new development within the protected area, such as behind levees?

8. Flood control projects often result in passing waters more quickly onto downstream or cross river communities. Some agencies mitigate for any induced flooding, others for any induced damages. The rational for the latter is that from an economic point of view what is the difference between five feet or six feet of water in a town. How should federal flood control projects deal with induced flooding?

9. Federal engineering manuals are used extensively for flood protection design. These same manuals however contain limited material on flood proofing, elevation and relocation of homes, river restoration, bio-engineering, and other state of the art techniques. Does the lack of information in these design manuals inhibit innovative design within and external to the federal agencies?

10. Federal floodplain regulations have been little adjusted in twenty-five years. The basic standards allow floodplain encroachments that can result in an additional one foot of flood depths in the floodplain. Is this standard still sufficient or has this policy induced additional flood damages on existing structures and allowed new structures to be built that are not being protected to the 100-year flood?

11. Are there adequate safeguards in the post disaster environment to assure that we are not simply going to restore at risk, damaged structures?

12. Do our national infrastructure and agriculture policies inadvertently promote the utilization of floodplain lands, that subsequently creates the need for disaster relief or flood protection solutions?

13. What should a holistic federal watershed program consider? Is it appropriate to continue federal policies that passively promote the management of stormwater runoff, best management practices in riparian zones, and floodplain management as separate policy issues?

14. Many communities are developing well funded districts or utilities to deal locally with flooding and stormwater problems. Are there federal incentives that could be used to encourage these local initiatives?

15. The policies and programs of states often shape the need and the size of a federal response, long before the disaster occurs. States with strong floodplain management standards seem to need less federal relief during times of flood than those with weak standards. Is there appropriate recognition, incorporation and support for strong state programs from the federal government? Are there incentives to be utilized to encourage improved state programs?

Preliminary (October 1, 1993)

# Post Mississippi Basin Flood Response, the Mitigation of Future Flood Losses, and the Restoration of Floodplain, Wetland, and Riparian Zones

## RECOMMENDED IMMEDIATE ACTIONS BY THE WHITE HOUSE, FEDERAL AGENCIES, AND CONGRESS

Association of State Wetland Managers
Association of State Floodplain Managers

*Prepared by*

Jon Kusler, Executive Director, ASWM
Larry Larson, Executive Director, ASFM

The following recommendations for immediate actions are derived from two workshops concerning post flood response from the upper Mississippi basin 1993 summer flooding and mitigation of future flood losses. The workshops were jointly conducted by the Association of State Floodplain Managers and Association of State Wetland Managers with a broad range of cooperating organizations in St. Louis, Missouri, August 30-31, 1993 and September 27-29, 1993. These workshops involved over 300 participants from the states, local governments, universities, federal agencies, and interest groups. The first workshop focused generically upon post flood response and mitigation of future losses. The second focused more specifically upon postflood response and the restoration of floodplain, wetland, and riparian areas.

The goals of the workshops were to assess post flood responses now taking place at all levels of government, to determine barriers to effective response, and to make recommendations for future actions for overcoming those barriers to the White House, federal agencies, Congress, the states and local governments, interest groups, and other interested parties.

The following are preliminary recommendations. They are based upon the workshop discussions, the summaries from the breakout sessions, questionnaires submitted to workshop attendees, and suggested recommendations sent to us. The preliminary recommendations will be sent to all attendees from the workshops for their review and comment before a final set of recommendations are prepared and distributed approximately October 20, 1993. We would, therefore, expect some changes.

### Summary of Recommendations

We recommend that the White House, federal agencies, and Congress:

**1. Provide real alternatives to floodplain occupants and local governments in their choice of options in responding to flood damage and reducing future damages by providing more flexibility in the use of disaster assistance funds and allocating additional funds, if necessary, to broaden the range of alternatives to include relocation "buy outs", structural floodproofing, creation of greenways, wetland restoration and other alternatives.**

The alternatives offered in the recovery must be real. For these alternatives to be real the following conditions need to be satisfied.

- They must be timely so that those displaced have a clear vision of their future. Mid-recovery rule changes must be avoided especially when they increase the anxiety of the recovery victims.
- Priority items such as relocation of communities, and restoration of open space will be expensive and will exceed the resources currently funded to pursue these opportunities. Agencies should be given the flexibility to reprogram existing emergency funds towards these efforts.

More specifically we recommend:

- Amend P.L. 103-75 (107 Stat. 739) to provide the Federal Emergency Management Agency, the U.S. Corps of Engineers, the Department of Housing and Urban Development and the Soil Conservation

Service with more flexibility in the use of funds to provide landowners and local communities with real choices for post flood response for "buy outs", relocation, floodproofing and other nonstructural floodplain management where such alternatives would equal or reduce the long- term federal costs associated with structural flood loss reduction measures.

- Provide additional funds in any disaster supplemental bill (should one be adopted) for "buy outs", relocation, floodproofing, nonstructural alternatives, and technical assistance. A portion of this money might involve a reallocation of funds not presently being spent pursuant to 103-75. Particularly high priority programs would include the Corps's Section 99 (if more flexibility were available in use of funds) and 1135 programs, H.U.D.'s Community Block Grant Program, FEMA's Section 404 Mitigation Grant Program, SCS's Watershed and Wetland Reserve Program, the U.S. Fish and Wildlife Service's Partners for Wildlife Program, and the National Park Services' Rivers and Trails Program.
- Direct the USDA to examine and provide recommendations for a policy that evaluates swapping agricultural set aside lands from upland to floodplains. This policy while complex, warrants consideration since it provides a federal no cost alternative to farmers that economically need to produce a crop on flood prone land, but in the long-term may be able to shift or abandon that practice eliminating the need for flood control or agricultural disaster relief. Many farmers believe that upland farmers would be willing to exchange these credits since it may be economically attractive for them to farm the land than to accept the set aside payment.
- Direct the federal agencies to provide additional technical assistance with regard to the full "menu" of options for reducing future flood losses while, simultaneously, achieving a broad range of pollution control, recreation, economic alternatives for the Mississippi basin. We believe that SCS and the U.S. Fish and Wildlife Service should have the lead for rural, agricultural areas and FEMA, H.U.D., the Corps of Engineers, and the National Park Service, Rivers and Trails Program, should have the lead for urbanizing and urban areas.

**2. Create a flood clearing-house and improve and tailor the delivery mechanisms for technical assistance, grant-in-aid, and other forms of assistance to the needs of various groups affected by flooding and more actively involve these groups in formulating and implementing long-term solutions.**

More specifically, we suggest that:

- The federal agencies develop a package of information on all major federal grant-in-aid and technical assistance programs and distribute them widely to landowners and local governments,
- The federal agencies in cooperation with the states develop specific packages of information and technical assistance for the two major "communities" affected by flooding: (1) agricultural community, and (2) urban residents and local governments.
- The federal agencies in cooperation with the states provide community planning assistance to help communities develop and implement post disaster multi-objective river corridor plans. Strong citizen and interest group involvement is needed in the development of these plans.

**3. Rapidly develop certain types of "priority" information and data critical to short and intermediate flood responses including more information concerning levees and wetland restoration sites.**

More specifically, we suggest that:

- Federal agencies be directed to develop within 60 days preliminary information concerning all levees affected by this flood disaster including types, lengths, design standards, damage from flooding, types of structures and activities protected by the flooding, costs of repair, and possible impact on potential restoration sites. The Corps of Engineers should have the lead on this.
- Federal agencies be directed to develop within 60 days a preliminary inventory of "restoration" sites in the areas affected by the flood disaster including but not limited to potential sites for greenways and urban parks in urban areas, and wetland and riparian zone restoration sites. The U.S. Fish and Wildlife Service should have the lead on this.

**4. Establish demonstration projects to show how processes can work and determine the effectiveness of various approaches.**

More specifically, we recommend that demonstration projects be established including:

- At least five community planning sites involving "buy outs", relocation, urban renewal, or greenways in urban and urbanizing areas,
- At least five sites involving wetland restoration, riparian zone restoration, buy outs and other forms of restoration in rural areas.

- At least five sites involving integrated floodplain, wetland and watershed management.

**5. Provide planning and technical assistance to states and communities.**

The recovery options being discussed with this recovery are state and community intensive. To succeed, they will require strong, on the ground, planning and implementation. Small and medium communities specifically lack the planning resources to facilitate these efforts. This lack of resource is compounded by the fact that entire communities have fallen victim to the flood, so the community planners are having to deal from the difficult role of victim and visionary. Communities need planning and technical assistance support in helping shape their recovery plans. See recommendations 1-4, 6, and 7 which will all assist states and communities.

**6. Treat flooding in the upper Mississippi basin as a prototype or "case study" to suggest possible future directions for multi-objective floodplain and watershed management and the restoration of aquatic ecosystems in other areas of the nation.**

- Initiate a National Academy of Sciences Committee concerning flooding on the Mississippi, its causes, and long-term multi-objective management strategies.
- Request the Interagency Floodplain Management Task to make recommendations with regard to multi-objective floodplain and watershed management planning and restoration of the upper Mississippi.

**7. Establish a "blue ribbon" commission as a first step in designating the upper Mississippi and its sub-basins as a special, multipurpose watershed planning, management, and restoration area with the goal of rebuilding communities (both human and natural).**

More specifically, this commission and the resulting designation should serve as a national model for a new concept of infrastructure development with the goals of revitalizing towns and agricultural communities, creating jobs, and restoring natural ecosystems. Public works projects should be formulated with a geomorphic and hydrologic/ecosystem basis. The commission should include representatives appointed by the Governors, from cities and towns, from federal agencies, and from the scientific and design communities. The commission should report back to the White House and Congress within one year.

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October 5, 1993

**Issues Requiring Cross-Task Force Resolution**

| Issue (date referred) | **Lead Task Force** and Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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[1] For example, number of states involved, number of cases, estimated costs, extent of damage, etc.

[2] Funds obligated or to be obligated this FY, other resources, or other service measures.

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October 5, 1993

LEVEE RECONSTRUCTION, WETLANDS, AND FLOOD PLAIN MANAGEMENT TASK FORCE

Katie McGinty, OEP, Co-Chair (202)456-6224
T.J. Glauthier, OMB, Co-Chair (202)395-4561
Bruce Long, OMB, Staff Contact (202)395-4590
Will Stelle, OEP, Staff Contact (202)456-6224

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**PRODUCTION AGRICULTURE, ANIMAL HEALTH & SAFETY AND WILDLIFE**

Randy Weber, ASCS, Chairperson (202)720-3467

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem [1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**HOUSING TASK FORCE**

Terry Duvernay, HUD, Chairperson (202)708-0123
Gene Morrison, HUD, Co-Chair (202)708-1547
Valerie Piper, HUD, Staff Contact (202)708-1547

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**COMMUNITY FACILITIES TASK FORCE**

Terry Duvernay, HUD, Chairperson (202)708-0123
Valerie Piper, HUD, Staff Contact (202)708-1547

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**WATER SUPPLY, TREATMENT, AND WASTE TASK FORCE**

Bob Nash, USDA, Chairperson (202)720-4581
Peter Niceles, USDA, Staff Contact (202)720-5277

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**TRANSPORTATION/BRIDGES AND ROADS TASK FORCE**

Rodney L. Slater, DOT, Chairperson (202)366-0650
Richard Torbick, DOT, Staff Contact (202)366-0233

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**ENVIRONMENTAL TASK FORCE**

Sylvia Lowrance, EPA, Chairperson (202)260-4724
Kathy Jones, EPA, Staff Contact (202)260-8353

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**COMMERCE, BUSINESS DEVELOPMENT OR REDEVELOPMENT, EMPLOYMENT TASK FORCE**

Wilbur Hawkins, DOC, Chairperson (202)482-4067,
John Edgell, DOC, Staff Contact (202)482-5353
Steve Watkins, DOC, Coordinator (202)482-6355

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Key Agency Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**HEALTH AND MEDICAL TASK FORCE**

Dr. Audrey Manley, HHS, Chairperson (202)690-7694
Dr. Frank Young, , Co-Chair (301)443-1167
Bill Clark, , Staff Contact (301)443-1167

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Task Force Key Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**EDUCATION TASK FORCE**

Leslie Thornton, DOEd, Chairperson (202)401-3001
Sherran Osborne, DOEd, Staff Contact (202)401-1110

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Task Force Key Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**PUBLIC WORKS TASK FORCE**

N/A, Chairperson
N/A, Staff Contact

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Task Force Key Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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October 5, 1993

**PUBLIC AFFAIRS - COMMUNITY EDUCATION TASK FORCE**

N/A, Chairperson
N/A, Staff Contact

| Issue (Date Referred) | Other Task Forces Involved | Agencies/ Programs Involved | Task Force Key Contact(s) | Status, nature, scale of problem[1] | Response to date [2] | Critical dates & milestones | Next Steps (Date Closed) |
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LEGISLATION