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The Hurricane Sandy Rebuilding Strategy: In Brief

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Background

On the evening of October 29, 2012, Hurricane Sandy, the second-largest Atlantic storm on record, made landfall in southern New Jersey. At a minimum, the consequences of the storm included the deaths of 159 people, over 23,000 people who required temporary shelters, 8.5 million customers who were left without power, approximately \$65 billion in damages, and 650,000 homes that were damaged or destroyed.¹

As with some other major natural disaster incidents, Members of Congress responded to Hurricane Sandy by holding a series of hearings² to gather information and visiting the affected region to assess the damage and to confer with state and local officials. Subsequently, on January 29, 2013, Congress passed the Disaster Relief Appropriations Act, 2013 (P.L. 113-2), a \$50.5 billion package of disaster assistance largely focused on responding to Hurricane Sandy.³ The Disaster Relief Appropriations Act, 2013, provided supplemental funding to over 66 different accounts and programs, including:

- \$16.0 billion for the Community Development Block Grant (CDBG) program,
- \$11.5 billion for the Disaster Relief Fund,
- \$10.9 billion for the Public Transportation Emergency Relief Program, and
- \$5.4 billion total for disaster-related activities of the U.S. Army Corps of Engineers (pre-sequester).⁴

In addition, the Sandy Recovery Improvement Act of 2013 (SRIA), passed as Division B of P.L. 113-2, reformed key provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act, P.L. 93-288 as amended).⁵ The supplemental appropriation also was preceded by Congress providing an additional \$9.7 billion in borrowing authority for the National Flood Insurance Program (NFIP) in P.L. 113-1 on January 6, 2013.

This report briefly analyzes the Hurricane Sandy Rebuilding Strategy (HSRS), which is the key strategic document released by the Hurricane Sandy Rebuilding Task Force established by

¹ Extensive descriptions of Hurricane Sandy and its impacts can be found in Hurricane Sandy Rebuilding Task Force, *Hurricane Sandy Rebuilding Strategy: Stronger Communities, a Resilient Region*, Washington, DC, August 2013, pp. 18-22, at <http://portal.hud.gov/hudportal/documents/huddoc?id=HSRebuildingStrategy.pdf>; and at Federal Emergency Management Agency, *Hurricane Sandy FEMA After-Action Report*, Washington, DC, July 1, 2013, p. 7, at <http://www.fema.gov/media-library/assets/documents/33772>.

² As examples among many, see U.S. Congress, Senate Committee on Appropriations, Subcommittee on Department of Homeland Security, *Hurricane Sandy: Response and Recovery*, 112th Cong., 2nd sess., December 5, 2012 (pre-published) and U.S. Congress, House Committee on Transportation and Infrastructure, *A Review of the Preparedness, Response to and Recovery from Hurricane Sandy*, 112th Cong., 2nd sess., December 4, 2012 (pre-published).

³ Though a majority of the funding was specifically made available for Hurricane Sandy, some of the funding was authorized to be used for disasters besides Hurricane Sandy. For example, funding provided to HUD for the Community Development Block Grant (CDBG) program was authorized to be used for Hurricane Sandy and other eligible disaster events occurring during calendar years 2011, 2012, and 2013.

⁴ For a full analysis of the supplemental funding enacted by Congress, and how it compares to the Administration's request submitted on December 7, 2012, please see CRS Report R42869, *FY2013 Supplemental Funding for Disaster Relief*, coordinated by William L. Painter and Jared T. Brown.

⁵ For a detailed review of SRIA, Division B of P.L. 113-2, please see CRS Report R42991, *Analysis of the Sandy Recovery Improvement Act of 2013*, by Jared T. Brown, Francis X. McCarthy, and Edward C. Liu.

executive order. This report also discusses overarching issues for Congress that may arise during oversight of the Hurricane Sandy recovery process and how lessons learned from Hurricane Sandy can be applied to future disasters. This report will be updated as warranted by significant events in the implementation of recommendations from the HSRS.

E.O. 13632 and the Hurricane Sandy Rebuilding Strategy (HSRS)

In response to the devastation resulting from Hurricane Sandy, President Barack Obama issued Executive Order (E.O.) 13632, *Establishing the Hurricane Sandy Rebuilding Task Force*, on December 7, 2012.⁶ The Task Force was charged with coordinating federal interagency efforts to guide a successful Hurricane Sandy rebuilding process. Chaired by the Secretary of Housing and Urban Development (Shaun L. S. Donovan at the time), the Task Force included members from 27 different federal executive branch agencies and White House offices.⁷ As Chairperson of the Task Force, then-Secretary Donovan was tasked with, among other things, working with states, tribes, local governments, Members of Congress, other stakeholders and interested parties, and the public on matters pertaining to rebuilding in the affected region.⁸ The Task Force was supported by an advisory group composed of state, tribal, and local elected leaders from the most severely impacted cities and towns in the region, with the majority of its members from New York and New Jersey.⁹ The Department of Housing and Urban Development (HUD) also created a Project Management Office (PMO) to help manage the activities of the Task Force.

The primary objective of the Hurricane Sandy Rebuilding Task Force, as mandated by Section 5 of E.O. 13632, was the development and issuance of the Hurricane Sandy Rebuilding Strategy (HSRS). Released in August 2013, the HSRS is a wide-ranging, lengthy policy document that includes 69 different recommendations for a long-term recovery plan across eight major policy areas. The HSRS's recommendations vary from being relatively broad (e.g., "Ensure that Sandy recovery energy investments are resilient") to relatively specific (e.g., "Increase SBA's [the Small Business Administration's] unsecured disaster loan limits and expedite the disbursement of small dollar loans").¹⁰ There is considerable breadth to the types of issues covered by the recommendations: some recommendations are orientated to improving internal federal government procedures for a better disaster recovery process;¹¹ others relate to how federal assistance should be expended;¹² while some others address perceived vulnerabilities in the

⁶ Executive Order 13632, "Establishing the Hurricane Sandy Rebuilding Task Force," 77 *Federal Register* 74341, December 14, 2012.

⁷ For membership details, see Hurricane Sandy Rebuilding Task Force, *Hurricane Sandy Rebuilding Strategy: Stronger Communities, a Resilient Region*, Washington, DC, August 2013, pp. 196-198, at <http://portal.hud.gov/hudportal/documents/huddoc?id=HSRebuildingStrategy.pdf>. Henceforth referred to as the HSRS in footnotes.

⁸ Section 2(b)(i) of E.O. 13632.

⁹ HSRS, pp. 8-9.

¹⁰ Respectively, these are recommendations 12 (p. 62) and 42 (p. 103) of the HSRS.

¹¹ For examples, see especially those relating to federal government data sharing, recommendations 62 to 67, pp. 140 - 147 of HSRS, but also the recommendation for the Small Business Administration to build a "Disaster Preparedness and Operations Team" to help SBA district offices apply consistent support and access to assistance for disaster survivors (recommendation 35, p. 96 of HSRS).

¹² For examples, see the recommendation to use an allotment of federal public transportation emergency relief funds for (continued...)

region's infrastructure;¹³ and other topics. In their totality, the set of 69 recommendations of the HSRS represented the Administration's strategic vision in support of the Hurricane Sandy rebuilding process, including how federal funds should be expended, how federal agencies should synchronize their efforts, and how the region could leverage the recovery process from Hurricane Sandy to prepare for and mitigate future disaster risks.

Implementing the Hurricane Sandy Rebuilding Strategy

The Hurricane Sandy Task Force terminated 60 days after the date of publication of the HSRS as required by E.O. 13632 (termination was on October 18, 2013).¹⁴ Though the Task Force itself was formally disbanded in the fall of 2013, considerable interagency coordination continued to be provided through the PMO, which was officially managed by HUD but jointly staffed with the Federal Emergency Management Agency (FEMA). This coordination included the issuance of a concise Spring 2014 Progress Update on the implementation of recommendations¹⁵ and a more comprehensive Fall 2014 Progress Report on implementation of each of the 69 recommendations. In addition, the PMO has supported the Recovery and Transparency Board (RATB) in their mission to track the obligation and expenditure of federal funds from P.L. 113-2. The RATB, which was originally established to track funding through the American Recovery and Reinvestment Act of 2009, has developed a website containing quarterly reports, a map of where contracts have been awarded, and other useful summaries of spending under P.L. 113-2.¹⁶ As of November 2014, the responsibilities of the PMO were transferred to FEMA's Office of Federal Disaster Coordination. Further, the recovery from Hurricane Sandy continues to be supported by HUD and other lead agencies for the six Recovery Support Functions (RSFs) established by National Disaster Recovery Framework (NDRF).¹⁷

As shown in **Table 1**, 50 of the 69 recommendations are reported as completed in the Fall 2014 Progress Report of the HSRS.¹⁸ However, in the original HSRS released in August of 2013, 52 of

(...continued)

“supporting larger, stand-alone resilience projects in the region” (recommendation 18, p. 69 of HSRS) or the recommendation to require grantees of the Community Development Block Grant program to support affordable public housing units (recommendation 28, p. 85 of HSRS).

¹³ For examples, see the recommendation to create and manage an infrastructure resilient design competition to “help provide solutions to problems that are too large or too complex for individual towns to solve themselves” (recommendation 3, p. 44 of HSRS) or the recommendation to encourage increased hazard mitigation activities to reduce future insurance and infrastructure losses (recommendation 54, p. 121 of HSRS).

¹⁴ Section 6(e) of E.O. 13632.

¹⁵ See Hurricane Sandy Program Management Office, *Hurricane Sandy Rebuilding Strategy: Progress Update, Spring 2014*, Washington, DC, Spring 2014, at <http://portal.hud.gov/hudportal/documents/huddoc?id=sandy-rebuilding-0614.pdf>.

¹⁶ For more, see the RATB's “Hurricane Sandy Funding” website at <http://www.recovery.gov/Sandy/Pages/home.aspx>.

¹⁷ Under the NDRF, there are six RSFs, each of which is coordinated by an interagency body called the Recovery Support Function Leadership Group (RSFLG). The six RSFs are: *Community Planning and Capacity Building*, coordinated by FEMA; *Economic*, coordinated by the Department of Commerce; *Health and Social Services*, coordinated by the Department of Health and Human Services; *Housing*, coordinated by HUD; *Infrastructure Systems*, coordinated by U.S. Army Corps of Engineers; and *Cultural and Natural Resources*, coordinated by Department of the Interior. See Department of Homeland Security, *National Disaster Recovery Framework*, Washington, DC, September 2011, at <http://www.fema.gov/pdf/recoveryFramework/ndrf.pdf>.

¹⁸ Hurricane Sandy Program Management Office, *Hurricane Sandy Rebuilding Strategy: Progress Report, Fall 2014*, Washington, DC, Fall 2014, at <http://portal.hud.gov/hudportal/documents/huddoc?id=HurrSandRebStratPRF2014.pdf>. Henceforth referred to as the HSRS Fall 2014 Progress Report in footnotes.

the 69 recommendations were reported as “adopted” by the time the HSRS was released—generally meaning that they were in effect for the Hurricane Sandy recovery process or would soon be applied for Hurricane Sandy and other future disasters. Thus, some recommendations originally reported as “adopted” are not yet being reported as “completed” in fall of 2014, and vice versa.¹⁹ Of the 19 recommendations reported as being in progress in fall of 2014, seven are anticipated to be completed by the end of 2014, while twelve have anticipated completion dates in 2015 and beyond.²⁰

A recommendation that has been reported as “completed” in the Fall 2014 Progress Report does not necessarily mean that all activities and funds related to the recommendation topic have been completed and spent, or that the recommendation has been fully implemented for future disasters. For example, one of the completed recommendations of the HSRS states that HUD should “Require grantees to use CDBG-DR [Community Development Block Grant-Disaster Recovery] funding to support public and HUD-assisted multi-family housing as well as subsidized and tax credit assisted affordable housing with recovery and risk mitigation efforts.”²¹ As explained in the Fall 2014 Progress Report, “completed” means that HUD has included in its notices for funding “a model provision that required grantees to identify how they would address the rehabilitation, mitigation, and new construction needs of each impacted Public Housing Authority” but that actual expenditure of funds for this purpose continues to occur, or is planned to occur, in the State of New Jersey, the City of New York, and the State of Connecticut.²²

¹⁹ In sum, ten recommendations that were reported as “adopted” in the original HSRS are reported as being “in progress” in the Fall 2014 Progress Report, including five of six recommendations in the topic area of “Addressing Insurance Challenges, Understanding, and Affordability” (recommendation 51 is the only one “completed,” while all others were previously reported as being “adopted”). In contrast, eight recommendations that were reported as *not* yet “adopted” in the original HSRS are now being reported as “complete.”

²⁰ See Appendices A and B of the HSRS Fall 2014 Progress Report for a full accounting of the status of all 69 HSRS recommendations.

²¹ See recommendation 28 of the HSRS (pp. 85-86).

²² For more information, see recommendation 28 (p. 70) of the HSRS Fall 2014 Progress Report.

Table I. Categorization of Hurricane Sandy Rebuilding Strategy Recommendations as of Fall 2014

Topic Area as Defined by Task Force	Total Number of Recommendations	Number Completed	Number In Progress	Example Recommendation from Topic Area
Promoting Resilient Rebuilding Through Innovative Ideas and a Thorough Understanding of Current and Future Risk	3	3	0	(2) Develop a minimum flood risk reduction standard for major Federal investment that takes into account data on current and future flood risk.
Ensuring a Regionally Coordinated, Resilient Approach to Infrastructure Investment	22	17	5	(16) Develop a resilient power strategy for wireless and data communications infrastructure and consumer equipment.
Restoring and Strengthening Homes and Providing Families with Safe, Affordable Housing Options	9	4	5	(31) Encourage and promote the Insurance Institute for Business and Home Safety (“IBHS”) FORTIFIED home programs/Resilience STAR development standards.
Supporting Small Businesses and Revitalizing Local Economies	16	14	2	(45) Raise awareness that Treasury’s State Small Business Credit Initiative (“SSBCI”) Program can be used for disaster recovery, including Hurricane Sandy recovery.
Addressing Insurance Challenges, Understanding, and Affordability	6	1	5	(55) Continue to assess actuarial soundness of decreasing premiums based on mitigation activities other than elevation.
Building State and Local Capacity to Plan for and Implement Long-Term Recovery and Rebuilding	5	5	0	(60) Package the variety of existing federal resources and tools related to disaster recovery and create new ones specific to community planning and capacity building in order to establish a coordinated suite of assistance that enhances and streamlines access to the recovery expertise needed by impacted communities.

Topic Area as Defined by Task Force	Total Number of Recommendations	Number Completed	Number In Progress	Example Recommendation from Topic Area
Improving Data Sharing Between Federal, State, and Local Officials	6	4	2	(65) FEMA, HUD, and SBA should adopt a common data sharing agreement template so that data requestors do not have to familiarize themselves with three separate forms. Attorneys and privacy officials from these agencies should meet to compare their current data sharing agreement formats and identify common boilerplate language that can serve as the basis for an interagency template. Once drafted, this template should then be distributed by each agency's data sharing steward to the states.
Data Sharing and Accountability: The Program Management Office (PMO)	2	2	0	(69) Document the functions and processes used by the Task Force recovery in a "Program Management Office toolkit," which could be quickly deployed in the event of future supplemental funding.
Total	69	50	19	

Source: Hurricane Sandy Program Management Office, *Hurricane Sandy Rebuilding Strategy: Progress Report, Fall 2014*, Washington, DC, Fall 2014, at <http://portal.hud.gov/hudportal/documents/huddoc?id=HurrSandRebStratPRF2014.pdf>.

Overarching Issues for Congress

Each of the 69 recommendations included in the HSRS may pose a set of unique issues for Congress. It is beyond the scope of this report to discuss the particulars of each recommendation and its implementation, but several overarching issues for Congress relating to the HSRS and the Task Force are discussed below.²³

Monitoring the Progress of the Hurricane Sandy Recovery

Though it has been two years since Hurricane Sandy made landfall, in many respects, the recovery process for Hurricane Sandy is still in its early stages. The allocation and obligation of federal assistance dollars are gradually increasing, but the expenditure of these dollars for actual construction of new infrastructure projects, and for the repair and replacement of existing infrastructure, is, as is to be expected, a multi-year, potentially even decade-long, process.²⁴ Many of the HSRS's recommendations relating to the use of funding for infrastructure that are reported as being "complete" now require implementation in the actual development and construction of the infrastructure projects.

As such, congressional oversight of these major infrastructure projects, and the appropriate use of federal dollars in support of them, may be required for many more years. Congress may wish to specifically evaluate if the expenditure of federal assistance funds have been coordinated across the region in a manner that promotes regional and national priorities. In order to facilitate congressional oversight, Congress may consider requesting regular briefings or reports from Administration officials, or hold oversight hearings, on the expenditure of infrastructure-related dollars to ensure that the planned use of these dollars in completed recommendations of the HSRS come to fruition in the final product. For example, in completion of a recommendation from the HSRS, a total of \$930 million has been awarded through HUD CDBG-DR funding to state and local governments for six winning proposals in the "Rebuild by Design" competition, including \$355 million to New York City for the "Big U" infrastructure proposal to better protect Manhattan from future disasters.²⁵ However, actual completion of the "Big U" project will likely take billions more in financing, and many more years to complete, with as of yet uncertain results for reducing the physical vulnerability of the Manhattan area to storm surge and other flooding incidents.²⁶

²³ CRS is available to assist Members and Congressional staff as needed to discuss, analyze, or otherwise address particular recommendations.

²⁴ For the most recent estimates on the status of federal obligations from the Disaster Relief Appropriations Act, 2013 (P.L. 113-2), see the RATB's "Hurricane Sandy Funding" website at <http://www.recovery.gov/Sandy/Pages/home.aspx>.

²⁵ For more on the Rebuild by Design competition, and the Big U project proposal, see the competition's website at <http://www.rebuildbydesign.org/>.

²⁶ For more, see Alan Feuer, "Building for the Next Big Storm," *The New York Times*, October 25, 2014, at <http://www.nytimes.com/2014/10/26/nyregion/after-hurricane-sandy-new-york-rebuilds-for-the-future.html>.

Applicability of Policy Recommendations to Future Disasters

The Administration reports that a majority of recommendations made by the Task Force in the HSRS have been completed and implemented for Hurricane Sandy. However, many recommendations still require further action either by the executive branch, Congress, or state and local governments for the recommendations to apply to future disasters. For example, the Task Force recommended and completed implementation of a single minimum flood risk reduction standard (i.e., a flood elevation standard) for major federal investments for Hurricane Sandy.²⁷ To be applicable for future disasters, the Fall 2014 Progress Report notes that the President “directed agencies to expand the application of this flood standard nationwide to develop a consistent set of standards using regional climate data.”²⁸ This policy effort may involve significant revisions of existing rulemakings and internal policy guidance across several federal agencies and their relevant programs, including the Department of Transportation (DOT), the Environmental Protection Agency (EPA), FEMA, the Department of Health and Human Services (HHS), and HUD, before an effective minimum flood risk reduction standard is available for future disasters. For instance, HUD published a final rule with regard to this initiative on November 15, 2013.²⁹ This recommendation relating to flood risk reduction is one of many lessons learned by the Task Force that could eventually be applied by the executive branch to future disasters.³⁰

Other HSRS recommendations require congressional action to be applied to future disasters, especially recommendations relating to small business recovery. Congress may wish to evaluate the “comprehensive legislative proposal” that has been submitted to relevant congressional committees, as reported in the Fall 2014 Progress Report, by the Small Business Administration (SBA) to implement many of these recommendations related to SBA authorities.³¹ Congress may also wish to develop new legislative proposals, or request them from the Administration, to address other challenges raised by recommendations of the HSRS more expansively across the nation. For instance, the HSRS recommends that federal agencies work to “Mitigate future impacts to the liquid fuels supply chain like those experienced during the Sandy recovery.”³² This recommendation is considered “completed” by the Administration as the Department of Energy and other federal agencies have worked with state and local governments in the affected region, namely New York and New Jersey, to improve the resilience of the fuel supply chain in that area of the county. Both states have begun requiring certain fueling stations “to be prepared to connect backup generators within 24 hours in times of a fuels emergency,” and New York is also establishing a reserve supply of gasoline for emergency use.³³ As an example, should Congress

²⁷ See recommendation 2 (p. 41) of the HSRS, and Hurricane Sandy Rebuilding Task Force, “Federal Government Sets Uniform Flood Risk Reduction Standard for Sandy Rebuilding Projects,” press release, April 4, 2013, <http://portal.hud.gov/hudportal/HUD?src=/sandyrebuilding/FRRS>.

²⁸ See recommendation 2 (p. 10) of the HSRS Fall 2014 Progress Report.

²⁹ Department of Housing and Urban Development, “Floodplain Management and Protection of Wetlands,” 78 *Federal Register* 68719, November 15, 2013.

³⁰ Other examples that require further action by the executive branch to be applied to future disasters include, but are not limited to: recommendation 22, on financing and valuing of green infrastructure (p. 54 of the HSRS Fall 2014 Progress Report); recommendation 52, on reducing consumer confusion over their risk and insurance coverage (p. 115 of the HSRS Fall 2014 Progress Report), and recommendation 62, on the creation of a central data repository for disaster-related information (p. 138 of the HSRS Fall 2014 Progress Report).

³¹ Recommendations 38, 39, 42, and 47 have all been reported as “completed” pending statutory changes that have been submitted and proposed by SBA. See pp. 91-103 of the HSRS Fall 2014 Progress Report.

³² Recommendation 13 of the HSRS, p. 64.

³³ See recommendation 13 of the HSRS Fall 2014 Progress Report, p. 38.

review this recommendation, it may determine that new statutory authorities are required to encourage investments by the private sector to protect the liquid fuel supply nationally (not just in New York and New Jersey), or that new grant funding is required to invest in mitigation measures for the national supply chain, or that there are existing statutory impediments to the development of mitigation measures, or other legislative requirements.

Many other recommendations made in the HSRS require the cooperation of the tribal, state, and local governments throughout the nation to be effectively implemented before and after future disasters. As examples, the HSRS highlighted the importance of public utilities improving their electrical grid policies and for communities to adopt current versions of model building codes.³⁴ While Congress may not be able to mandate that non-federal entities comply with these and other recommendations, Congress may consider incentivizing compliance, possibly using political leverage within their own states and jurisdictions, or by revising federal law to include compliance as a condition of receipt of future federal assistance.

Implementation of many of the recommendations for future disasters may require maintaining the impetus and political will engendered by Hurricane Sandy. Though each recommendation is subject to unique challenges, in general, effective implementation will require a coordinated regulatory and policy-review process among numerous federal agencies. Given many known and unknown future challenges that may arise in the next few years, Congress may wish to continue its oversight of the Sandy recovery process with an appreciation for the recovery process's impact on the nation's future disaster recovery capacity.

Replicability of Atypical Federal Funding and Assistance for Hurricane Sandy Recovery

The passage of the Disaster Relief Appropriations Act, 2013 (P.L. 113-2) considerably increased the capabilities of existing government programs, thereby allowing federal agencies to provide unique and atypical forms of federal assistance to the affected region. As a few examples among many, to address the catastrophic consequences of Hurricane Sandy, federal agencies have been able to:

- implement the Rebuild by Design competition and the help establish a New Jersey Energy Resilience Bank through supplemental funding provided to HUD,
- help create a microgrid for New Jersey Transit through supplemental funding provided to the Federal Transit Administration, and
- improve the resiliency of drinking and wastewater systems through supplemental funding provided to the EPA.³⁵

For more “normal,” less-catastrophic, disasters affecting communities across the nation, such as those that are declared as major disasters under the Stafford Act, these types of assistance programs generally cannot be replicated without additional federal funds being provided through regular or supplemental appropriations. Thus, these programs are not readily available for the

³⁴ Respectively, see and recommendations 14 and 25 of the HSRS (p. 65 and p. 80), and updates on implementation of these recommendations at p. 39 and p. 60 in the HSRS Fall 2014 Progress Report.

³⁵ For more on these examples of federal assistance, see recommendations 3 (p. 12), 12 (p. 36), and 23 (p. 56) of the HSRS Fall 2014 Progress Report.

majority of communities recovering from disasters, which may lead Congress to consider whether such programs can or should be funded more frequently. As fiscal constraints on the federal budget may inhibit greater spending on these programs without reductions elsewhere, Congress may evaluate whether the current distribution of assistance, primarily through the authorities of the Stafford Act and financed in the Disaster Relief Fund, may be reduced in favor of increasing funding through disaster assistance authorities such as HUD's CDBG-DR program. Additionally, Congress may evaluate in retrospect whether the catastrophic nature of Hurricane Sandy justified the level of assistance provided in P.L. 113-2, and whether more or less assistance should be provided in future catastrophic incidents.

Future Management of Long-Term Disaster Recovery Efforts for Other Catastrophes

Though the consequences and damages wrought by Hurricane Sandy were relatively unprecedented in the recent history of the impacted Northeast region, they were not without precedent. One of many lessons learned in responding to the Gulf Coast Hurricanes of 2005 (Katrina, Rita, and Wilma), was that the long-term community recovery process from a catastrophic disaster could be just as difficult and daunting, if not more so, than the immediate response process. In recognition of these challenges, Congress mandated, and the executive branch ultimately produced, the National Disaster Recovery Framework to serve as a guide to recovery efforts after major disasters and emergencies.³⁶ In the recovery for Hurricane Sandy, the Administration saw the need to complement the NDRF with the creation of the Hurricane Sandy Rebuilding Task Force. As stated in the E.O. establishing the Task Force, the Administration felt that a “disaster of Hurricane Sandy’s magnitude merits a comprehensive and collaborative approach to the long-term rebuilding plans for this critical region and its infrastructure.”³⁷ Therefore, the Administration directed the Task Force to collaborate with the leadership of the NDRF to “identify opportunities for achieving rebuilding success, consistent with the NDRF’s commitment to support economic vitality, enhance public health and safety, protect and enhance natural and manmade infrastructure, and ensure appropriate accountability.”³⁸

With the objective of improving the nation’s preparedness for and recovery from future disasters, Congress may wish to evaluate whether an entity in the mode of the Hurricane Sandy Task Force is necessary to “achieve rebuilding success” from disasters of the magnitude of Hurricane Sandy. This evaluation could begin with a review of the successes and failures of the Hurricane Sandy Task Force, and the subsequent implementation of its recommendations in the HSRS. It may also involve an assessment of the sufficiency of the organizational structures and policies of the NDRF to manage the rebuilding process without the ad hoc creation of Task Force entity for each catastrophic event. Notably, it was the NDRF’s strategic intention to be “a guide to promote effective recovery, particularly for those incidents that are large-scale or catastrophic.”³⁹ There is no mention within the NDRF’s guidance of a projected need for such a Task Force. If Congress finds that the Task Force was both necessary and successful, it may encourage future

³⁶ 6 U.S.C. §771.

³⁷ Executive Order 13632, “Establishing the Hurricane Sandy Rebuilding Task Force,” 77 *Federal Register* 74341, December 14, 2012, p. 1.

³⁸ *Ibid.*

³⁹ Department of Homeland Security, *National Disaster Recovery Framework*, Washington, DC, September 2011, p. 1, at <http://www.fema.gov/pdf/recoveryFramework/ndrf.pdf>.

Administrations to establish similar entities for future disasters (or increase the robustness of the NDRF to provide the benefits of a Task Force). However, if the evaluation is less favorable to the Task Force and the HSRS, future Administrations may be less inclined to use the model concept.

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