To revise the process by which the Federal Emergency Management Agency evaluates a request for major disaster assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2013

Mr. SCHIFF (for himself and Ms. CHU) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To revise the process by which the Federal Emergency Management Agency evaluates a request for major disaster assistance, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Disaster Declaration
5 Improvement Act of 2013”.

6 SEC. 2. FINDINGS.

7 Congress finds the following:

8 (1) The process that the Federal Emergency
9 Management Agency (FEMA) uses to determine
whether major disaster assistance should be recom-

mended to the President is badly flawed.

(2) The Government Accountability Office’s 2012 report on the FEMA disaster assistance proc-

ess stated that according “to FEMA and state emer-

gency management officials, FEMA has primarily relied on a single indicator, the statewide per capita damage indicator, to determine whether to rec-

ommend that a jurisdiction receive [Public Assistance] funding”.

(3) The Government Accountability Office’s 2012 report on the FEMA disaster assistance proc-

ess also stated that 244 of 246 approved disaster declarations during fiscal years 2008 through 2011 had damage estimates that met or exceeded the Public Assistance per capita indicator.

(4) Federal regulations do not prioritize the factors to be considered in recommending a major disaster declaration, but FEMA clearly does, as 99 percent of disasters in fiscal years 2008 through 2011 that satisfied FEMA’s statewide per capita damage threshold received a disaster declaration.

(5) FEMA should give, in its future evaluation of Governor-submitted requests for major disaster assistance, equal consideration to all of the factors
described in section 206.48(a) of title 44, Code of Federal Regulations, so that the process for recommending major disaster assistance will work as originally intended.

(6) Another flaw in FEMA’s process, that communities within large States and counties are unfairly disadvantaged, must also be addressed.

(7) Evaluation of Governor-submitted requests for major disaster assistance on the basis of a statewide per capita damage threshold, and occasionally a countywide per capita damage threshold, establishes a higher threshold for States and counties with large populations to receive major disaster assistance, even though there is no indication that they have a greater fiscal capacity to respond to disasters.

(8) The inequity described in paragraphs (6) and (7) means that communities can suffer high levels of disaster-related damage but not receive the assistance they need to quickly recover from the disaster.

(9) FEMA should consider more than just the statewide and countywide per capita damage thresholds in evaluating a request for major disaster assistance, so that communities in large population
counties in large population States do not face an
unreasonably high barrier to receiving assistance fol-
lowing a disaster.

SEC. 3. CONSIDERATION OF MAJOR DISASTER ASSISTANCE
REQUESTS.

Not later than 180 days after the date of enactment
of this Act, the Administrator of the Federal Emergency
Management Agency shall issue regulations to ensure
that—

(1) in any review of a request for major dis-
aster assistance conducted by the Federal Emer-
gency Management Agency, the factor described in
section 206.48(a)(1) of title 44, Code of Federal
Regulations (relating to the estimated cost of assist-
ance), is provided consideration that is equal to the
consideration provided to each of the other factors
described in section 206.48(a) of such title; and

(2) a request for major disaster assistance by a
State is considered by the Federal Emergency Man-
agement Agency for recommendation to the Presi-
dent, without regard to any per capita damage
threshold (other than a threshold described in this
paragraph), in any case in which a disaster occurs
with respect to a city or unincorporated jurisdicti-

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(A) with a population of less than 250,000;

(B) located in a county with a population

of more than 1,000,000 and a State with a pop-

ulation of more than 5,000,000; and

(C) with respect to which the financial
damage relating to the disaster exceeds—

(i) in the case of a city, 10 percent of

the city’s general fund; or

(ii) in the case of an unincorporated

jurisdiction, $100 per capita.