

SMALL STATE AND RURAL RESCUE ACT

JUNE 13, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 7211]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 7211) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, review a final rule of the Federal Emergency Management Agency, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE OF LEGISLATION

The purpose of H.R. 7211 is to amend the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* and review a final rule of the Federal Emergency Management Agency (FEMA).

## BACKGROUND AND NEED FOR LEGISLATION

*The Rural Disaster Assistance Fairness Act of 2005* (42 U.S.C. 5165d) created the Small State and Rural Advocate position to work on behalf of states with small populations. H.R. 7211 amends the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (*Stafford Act*, P.L. 93–288, as amended) to expand and codify the responsibilities of FEMA’s Small State and Rural Advocate (SSRA) when helping state and local officials demonstrate localized impact and apply for federal disaster aid. The new responsibilities direct the SSRA to assist states with the collection and presentation of material in their disaster or emergency declaration requests. The bill also directs the Government Accountability Office (GAO) to conduct a review of the factors FEMA considers when evaluating a governor’s request for individual assistance in the aftermath of a disaster.

## HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearings were used to develop or consider H.R. 7211:

On February 16, 2022, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “FEMA Priorities for 2022: Stakeholder Perspectives.” The Subcommittee received testimony from Mr. Chris Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office; Ms. Erica Bornemann, Director, Vermont Emergency Management, *on behalf of the National Emergency Management Association*; and Ms. Carolyn Harshman, President, International Association of Emergency Managers. This hearing allowed Members to receive testimony from witnesses who are emergency management experts and represent key external Federal Emergency Management Agency (FEMA) stakeholders to gauge their perspective regarding what efforts the agency should prioritize in this year.

On October 26, 2021, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “Are FEMA’s Assistance Programs Adequately Designed to Assist Communities Before, During, and After Wildfire?” The Subcommittee received testimony from Mr. Andrew Phelps, Director, Office of Emergency Management, State of Oregon, *on behalf of the National Emergency Management Association*; Mr. Rich Elliott, Deputy Chief, Kittitas Valley Fire and Rescue, State of Washington, *on behalf of the International Association of Fire Chiefs*; Ms. Kacey KC, State Forester and Firewarden, Division of Forestry, State of Nevada; and Mr. Casey Hatcher, Deputy Chief Administrative Officer, Butte County, California. Members heard from witnesses with expertise and experience in emergency management, wildfire suppression, and federal disaster response and recovery programs.

## LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 7211, the “*Small State and Rural Rescue Act*” was introduced in the House on March 24, 2022, by Mr. Katko, Ms. Titus, Mr. Pappas, Mr. Delgado, Mr. Gimenez, and Mr. Guest, and referred to the Committee on Transportation and Infrastructure.

Within the Committee on Transportation and Infrastructure, H.R. 7211 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 7211 on April 28, 2022.

The Committee considered H.R. 7211 on April 28, 2022 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 7211.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to amend the Robert T. Stafford

Disaster Relief and Emergency Assistance Act and review a final rule of the Federal Emergency Management Agency.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 7211 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 7211 does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section provides that this bill may be cited as the “Small State and Rural Rescue Act”.

*Sec. 2. Designation of Small State and Rural Advocate*

This section amends Section 326(c) of the *Stafford Act* to broaden the responsibilities of the Small State and Rural Advocate. The new responsibilities expand the assistance the Small State and Rural Advocate can provide when helping small states demonstrate localized impact in requests for federal disaster assistance.

*Sec. 3. GAO review of a final rule*

This section directs the Government Accountability Office (GAO) to conduct a review of the factors FEMA considers when evaluating a governor's request for individual assistance in the aftermath of a disaster.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**ROBERT T. STAFFORD DISASTER RELIEF AND  
EMERGENCY ASSISTANCE ACT**

\* \* \* \* \*

**TITLE III—MAJOR DISASTER AND  
EMERGENCY ASSISTANCE ADMINIS-  
TRATION**

\* \* \* \* \*

**SEC. 326. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.**

(a) **IN GENERAL.**—The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.

(b) **RESPONSIBILITIES.**—The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this Act.

(c) **DUTIES.**—The Small State and Rural Advocate shall—

(1) participate in the disaster declaration process under section 401 and the emergency declaration process under section 501, to ensure that the needs of rural communities are being addressed;

(2) assist small population States in the preparation of requests for major disaster or emergency declarations; **[and]**

(3) assist States in the collection and presentation of material in the disaster or emergency declaration request relevant to demonstrate severe localized impacts within the State for a specific incident, including—

(A) the per capita personal income by local area, as calculated by the Bureau of Economic Analysis;

(B) the disaster impacted population profile, as reported by the Bureau of the Census, including—

(i) the percentage of the population for whom poverty status is determined;

(ii) the percentage of the population already receiving Government assistance such as Supplemental Security Income and Supplemental Nutrition Assistance Program benefits;

(iii) the pre-disaster unemployment rate;

(iv) the percentage of the population that is 65 years old and older;

(v) the percentage of the population 18 years old and younger;

(vi) the percentage of the population with a disability;

(vii) the percentage of the population who speak a language other than English and speak English less than “very well”; and

(viii) any unique considerations regarding American Indian and Alaskan Native Tribal populations raised in the State’s request for a major disaster declaration that may not be reflected in the data points referenced in this subparagraph;

(C) the impact to community infrastructure, including—

(i) disruptions to community life-saving and life-sustaining services;

(ii) disruptions or increased demand for essential community services; and

(iii) disruptions to transportation, infrastructure, and utilities; and

(D) any other information relevant to demonstrate severe local impacts.

[(3)] (4) conduct such other activities as the Administrator of the Federal Emergency Management Agency considers appropriate.

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