

113TH CONGRESS
1ST SESSION

H. R. 1859

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

1 whether major disaster assistance should be rec-
2 ommended to the President is badly flawed.

3 (2) The Government Accountability Office's
4 2012 report on the FEMA disaster assistance proc-
5 ess stated that according "to FEMA and state emer-
6 gency management officials, FEMA has primarily
7 relied on a single indicator, the statewide per capita
8 damage indicator, to determine whether to rec-
9 ommend that a jurisdiction receive [Public Assist-
10 ance] funding".

11 (3) The Government Accountability Office's
12 2012 report on the FEMA disaster assistance proc-
13 ess also stated that 244 of 246 approved disaster
14 declarations during fiscal years 2008 through 2011
15 had damage estimates that met or exceeded the
16 Public Assistance per capita indicator.

17 (4) Federal regulations do not prioritize the
18 factors to be considered in recommending a major
19 disaster declaration, but FEMA clearly does, as 99
20 percent of disasters in fiscal years 2008 through
21 2011 that satisfied FEMA's statewide per capita
22 damage threshold received a disaster declaration.

23 (5) FEMA should give, in its future evaluation
24 of Governor-submitted requests for major disaster
25 assistance, equal consideration to all of the factors

1 described in section 206.48(a) of title 44, Code of
2 Federal Regulations, so that the process for recom-
3 mending major disaster assistance will work as origi-
4 nally intended.

5 (6) Another flaw in FEMA's process, that com-
6 munities within large States and counties are un-
7 fairly disadvantaged, must also be addressed.

8 (7) Evaluation of Governor-submitted requests
9 for major disaster assistance on the basis of a state-
10 wide per capita damage threshold, and occasionally
11 a countywide per capita damage threshold, estab-
12 lishes a higher threshold for States and counties
13 with large populations to receive major disaster as-
14 sistance, even though there is no indication that they
15 have a greater fiscal capacity to respond to disas-
16 ters.

17 (8) The inequity described in paragraphs (6)
18 and (7) means that communities can suffer high lev-
19 els of disaster-related damage but not receive the as-
20 sistance they need to quickly recover from the dis-
21 aster.

22 (9) FEMA should consider more than just the
23 statewide and countywide per capita damage thresh-
24 olds in evaluating a request for major disaster as-
25 sistance, so that communities in large population

1 counties in large population States do not face an
2 unreasonably high barrier to receiving assistance fol-
3 lowing a disaster.

4 **SEC. 3. CONSIDERATION OF MAJOR DISASTER ASSISTANCE**
5 **REQUESTS.**

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

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

18 (2) a request for major disaster assistance by a
19 State is considered by the Federal Emergency Man-
20 agement Agency for recommendation to the Presi-
21 dent, without regard to any per capita damage
22 threshold (other than a threshold described in this
23 paragraph), in any case in which a disaster occurs
24 with respect to a city or unincorporated jurisdic-
25 tion—

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

2 (B) located in a county with a population
3 of more than 1,000,000 and a State with a pop-
4 ulation of more than 5,000,000; and

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

7 (i) in the case of a city, 10 percent of
8 the city's general fund; or

9 (ii) in the case of an unincorporated
10 jurisdiction, \$100 per capita.

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