

  
(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To improve Federal disaster management and response for disadvantaged communities, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

Ms. BROWNLEY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

## **A BILL**

To improve Federal disaster management and response for disadvantaged communities, 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 “Federal Disaster As-  
5 sistance Improvement Act”.

6 **SEC. 2. EXPANDING ACCESS TO DECLARATION PROCESS.**

7 (a) MAJOR DISASTER.—Section 401 of the Robert T.  
8 Stafford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5170) is amended by adding at the end the  
2 following:

3 “(d) COUNTY REQUESTS.—

4 “(1) IN GENERAL.—The chief executive officer  
5 of an affected county may submit a request for a  
6 declaration by the President that a major disaster  
7 exists consistent with the requirements of subsection  
8 (a) under the following circumstances:

9 “(A) The Governor of the State or terri-  
10 tory in which the affected county is located does  
11 not request such a declaration.

12 “(B) The affected county is not included in  
13 a request for assistance made by the Governor  
14 of the State or territory in which such county  
15 is located.

16 “(C) The affected county communicates  
17 with the Governor of the State or territory in  
18 which the affected county is located about the  
19 disaster or potential request for a major dis-  
20 aster declaration before the period described in  
21 paragraph (2)(A) has lapsed.

22 “(2) LIMITATION.—The chief executive officer  
23 of an affected county may not submit a request for  
24 a declaration by the President that a major disaster  
25 exists until—

1           “(A) the period during which the Governor  
2           of the State or territory in which such county  
3           is located may request such a declaration has  
4           lapsed; or

5           “(B) the Governor of the State or territory  
6           in which such county is located has commu-  
7           nicated to the chief executive officer of the  
8           county that the Governor will not seek such a  
9           declaration from the President.

10          “(3) REFERENCES.—In implementing assist-  
11          ance authorized by the President under this Act in  
12          response to a request from the chief executive officer  
13          of an affected county for a major disaster declara-  
14          tion, any reference in this title or title III to a State  
15          or the Governor of a State is deemed to refer to an  
16          affected county or the chief executive officer of an  
17          affected county, as appropriate.

18          “(4) RULE OF CONSTRUCTION.—Nothing in  
19          this subsection shall prohibit a county from receiving  
20          assistance under this title through a declaration  
21          made by the President at the request of a State  
22          under subsection (a) if the President does not make  
23          a declaration under this subsection for the same in-  
24          cident.

25          “(5) DEFINITION OF COUNTY.—

1           “(A) IN GENERAL.—In this subsection, the  
2           term ‘county’ means a county, parrish, or  
3           equivalent subdivision of a State or Territory of  
4           the United States that is a unit of general local  
5           government.

6           “(B) EXCEPTION.—In the event a county  
7           is located in a State where 1 or more counties  
8           are not units of general local government, the  
9           term ‘county’ includes the largest city, town, or  
10          unit of general local government by population  
11          in an area affected by a major disaster on be-  
12          half of all affected cities, towns, and other local  
13          units of general local government.”.

14          (b) EMERGENCY.—Section 501 of the Robert T. Staf-  
15          ford Disaster Relief and Emergency Assistance Act (42  
16          U.S.C. 5191) is amended by adding at the end the fol-  
17          lowing:

18          “(d) COUNTY REQUESTS.—

19                 “(1) IN GENERAL.—The chief executive officer  
20                 of an affected county may submit a request for a  
21                 declaration by the President that an emergency ex-  
22                 ists consistent with the requirements of subsection  
23                 (a) under the following circumstances:

1           “(A) The Governor of the State or terri-  
2           tory in which the affected county is located does  
3           not request such a declaration.

4           “(B) The affected county is not included in  
5           a request for assistance made by the Governor  
6           of the State or territory in which such county  
7           is located.

8           “(C) The affected county communicates  
9           with the Governor of the State or territory in  
10          which the affected county is located about the  
11          emergency or potential request for an emer-  
12          gency declaration before the period described in  
13          paragraph (2)(A) has lapsed.

14          “(2) LIMITATION.—The chief executive officer  
15          of an affected county may not submit a request for  
16          a declaration by the President that an emergency ex-  
17          ists until—

18                 “(A) the period during which the Governor  
19                 of the State or territory in which such county  
20                 is located may request such a declaration has  
21                 lapsed; or

22                 “(B) the Governor of the State or territory  
23                 in which such county is located has commu-  
24                 nicated to the chief executive officer of the

1 county that the Governor will not seek such a  
2 declaration from the President.

3 “(3) REFERENCES.—In implementing assist-  
4 ance authorized by the President under this Act in  
5 response to a request of the chief executive officer  
6 of an affected county for an emergency declaration,  
7 any reference in this title or title III to a State or  
8 the Governor of a State is deemed to refer to an af-  
9 fected county or the chief executive officer of an af-  
10 fected county, as appropriate.

11 “(4) RULE OF CONSTRUCTION.—Nothing in  
12 this subsection shall prohibit a county from receiving  
13 assistance under this title through a declaration  
14 made by the President at the request of a State  
15 under subsection (a) if the President does not make  
16 a declaration under this subsection for the same in-  
17 cident.

18 “(5) DEFINITION OF COUNTY.—

19 “(A) IN GENERAL.—In this subsection, the  
20 term ‘county’ means a county, parrish, or  
21 equivalent subdivision of a State or Territory of  
22 the United States that is a unit of general local  
23 government.

24 “(B) EXCEPTION.—In the event a county  
25 is located in a State where 1 or more counties

1           are not units of general local government, the  
2           term ‘county’ includes the largest city, town, or  
3           unit of general local government by population  
4           in an area affected by an emergency on behalf  
5           of all affected cities, towns, and other units of  
6           general local government.”.

7           (c) RULEMAKING AND GUIDANCE.—

8           (1) RULEMAKING.—

9                   (A) IN GENERAL.—Not later than 1 year  
10           after the date of enactment of this Act, the Ad-  
11           ministrators shall issue such regulations, after  
12           providing public notice and opportunity for  
13           comment, as are necessary to establish a proc-  
14           ess to implement the amendments made by this  
15           section.

16                   (B) CONTENTS.—The regulations required  
17           under subparagraph (A) shall include—

18                           (i) a process by which the chief execu-  
19           tive officer of a county may—

20                                   (I) submit a request for the Ad-  
21           ministrators to recommend that the  
22           President make a major disaster or  
23           emergency declaration for such coun-  
24           ty; and

1 (II) upon approval of such re-  
2 quest, directly receive any assistance  
3 provided pursuant to such request;

4 (ii) in addition to the eligibility factors  
5 described under section 206.48 of title 44,  
6 Code of Federal Regulations, eligibility cri-  
7 teria for the approval of a request from a  
8 county for a major disaster or emergency  
9 declaration that gives consideration to—

10 (I) poverty rates within such  
11 county;

12 (II) the economy within such  
13 county, including the economy of the  
14 area within such county that is im-  
15 pacted by the disaster or emergency;

16 (III) relevant social vulnerability  
17 indexes for residents of such county;

18 (IV) the rate of unemployment  
19 before the disaster or emergency with-  
20 in such county;

21 (V) underserved communities  
22 within such county;

23 (VI) the fiscal condition of the  
24 unit of government with jurisdiction  
25 over such county;



1 (VII) the degree to which a sig-  
2 nificant proportion of residents of  
3 such county received Federal benefits  
4 during the year preceding the disaster  
5 or emergency, including—

6 (aa) benefits provided under  
7 the Medicaid program under title  
8 XIX of the Social Security Act  
9 (42 U.S.C. 1396 et seq.);

10 (bb) benefits provided under  
11 the supplemental nutrition assist-  
12 ance program established under  
13 the Food and Nutrition Act of  
14 2008 (7 U.S.C. 2011 et seq.);

15 (cc) benefits provided under  
16 the program of block grants to  
17 States for temporary assistance  
18 for needy families established  
19 under part A of title IV of the  
20 Social Security Act (42 U.S.C.  
21 601 et seq.); and

22 (dd) any other Federal bene-  
23 fits the Administrator determines  
24 is appropriate; and

1 (VIII) the impact of other recent  
2 disasters and emergencies on resi-  
3 dents within such county;

4 (iii) eligibility criteria for contiguous  
5 counties located within the same State or  
6 territory to seek Federal disaster assist-  
7 ance together; and

8 (iv) timelines for a chief executive of-  
9 ficer of a county to submit such request  
10 and opportunities to seek extensions, where  
11 appropriate.

12 (2) GUIDANCE.—Upon issuing a final regula-  
13 tion pursuant to paragraph (1), the Administrator  
14 shall issue guidance regarding such regulation, in-  
15 cluding publicizing and providing guidance directly  
16 to counties about the process by which the chief ex-  
17 ecutive officer of a county may submit a request for  
18 the declaration of a major disaster or emergency.

19 **SEC. 3. MONITORING AND ANALYSIS OF CERTAIN EVENTS**  
20 **NOT DECLARED AS MAJOR DISASTER OR**  
21 **EMERGENCY.**

22 Title III of the Robert T. Stafford Disaster Relief  
23 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
24 is amended by adding at the end the following:

1 **“SEC. 328. MONITORING AND ANALYSIS OF CERTAIN**  
2 **EVENTS NOT DECLARED AS MAJOR DISASTER**  
3 **OR EMERGENCY.**

4 “(a) IN GENERAL.—The Administrator of the Fed-  
5 eral Emergency Management Administration shall mon-  
6 itor and analyze events that—

7 “(1) significantly impact underserved commu-  
8 nities; and

9 “(2) would be eligible to be declared by the  
10 President as a major disaster or emergency under  
11 this Act except that the Governor or head of an In-  
12 dian tribe with jurisdiction over the area in which  
13 the event occurred did not request the declaration of  
14 a major disaster or emergency pursuant to this Act.

15 “(b) DEFINITION OF UNDERSERVED COMMUNITY.—  
16 In this section, the term ‘underserved community’ means  
17 a geographically distinct area with a population that—

18 “(1) has limited or no access to resources or  
19 are otherwise disenfranchised; and

20 “(2) may include individuals who are—

21 “(A) socioeconomically disadvantaged;

22 “(B) have limited English language pro-  
23 ficiency;

24 “(C) geographically isolated or education-  
25 ally disenfranchised;

26 “(D) people of color;

1           “(E) of ethnic and national origin minori-  
2           ties;  
3           “(F) women and children;  
4           “(G) individuals with disabilities and oth-  
5           ers with access and functional needs; and  
6           “(H) seniors.”.

7 **SEC. 4. QUANTITATIVE MEASURES IN EVALUATIONS FOR**  
8 **FEDERAL ASSISTANCE.**

9           The Administrator of the Federal Emergency Man-  
10          agement Administration shall issue such regulations as  
11          are necessary to require additional quantitative measures  
12          (including taking into account vulnerable populations, low-  
13          income communities, unemployment, lack of insurance,  
14          and other factors determined appropriate by the Adminis-  
15          trator) in the evaluation of requests for Federal assistance  
16          by States and local communities following a declaration  
17          of a major disaster or emergency under the Robert T.  
18          Stafford Disaster Relief and Emergency Assistance Act  
19          (42 U.S.C. 5121 et seq.), including—

20                 (1) in evaluating the need for assistance to vul-  
21                 nerable populations and low-income communities;  
22                 and

23                 (2) the effects of unemployment, lack of insur-  
24                 ance, and other factors that necessary to assess the  
25                 ability of vulnerable and disadvantaged communities’

1 ability to recover from a major disaster or emer-  
2 gency.

3 **SEC. 5. CONSIDERATION OF IMPACTS TO VULNERABLE AND**  
4 **DISADVANTAGED COMMUNITIES.**

5 Title III of the Robert T. Stafford Disaster Relief  
6 and Emergency Assistance Act (42 U.S.C. 5141 et seq.)  
7 is further amended by adding at the end the following:

8 **“SEC. 329. CONSIDERATION OF IMPACTS TO VULNERABLE**  
9 **AND DISADVANTAGED COMMUNITIES.**

10 “In providing assistance under this Act in response  
11 to a major disaster or emergency, the Administrator of  
12 the Federal Emergency Management Administration shall  
13 consider highly localized impacts of the major disaster or  
14 emergency on underserved communities (as defined in sec-  
15 tion 328) that impact the ability of such vulnerable and  
16 disadvantaged communities to recover from the major dis-  
17 aster or emergency.”.

18 **SEC. 6. REVIEW OF EQUITY-RELATED CONSIDERATIONS**  
19 **FOR PROVISION OF FEMA PUBLIC ASSIST-**  
20 **ANCE OR INDIVIDUAL ASSISTANCE.**

21 Not later than 6 months after the date of enactment  
22 of this Act, the Administrator of the Federal Emergency  
23 Management Administration shall—

24 (1) review an regulations covering public assist-  
25 ance or individual assistance provided under the

1 Robert T. Stafford Disaster Relief and Emergency  
2 Assistance Act (42 U.S.C. 5121 et seq.) to ensure  
3 that the evaluation for providing such public assist-  
4 ance or individual assistance evaluation includes suf-  
5 ficient equity-related considerations, including con-  
6 siderations related to income, unemployment, and  
7 the poverty level; and

8 (2) evaluate the potential effect of applying  
9 greater weight to equity-related considerations in  
10 providing such public assistance or individual assist-  
11 ance.

12 **SEC. 7. ADMINISTRATOR RECOMMENDATION OF DECLARA-**  
13 **TION OF MAJOR DISASTER.**

14 (a) MAJOR DISASTER.—Section 401(a) of the Robert  
15 T. Stafford Disaster Relief and Emergency Assistance Act  
16 (42 U.S.C. 5170(a)) is amended by striking “Based on  
17 the request of a Governor under this section,” and insert-  
18 ing “With respect to a request for a declaration by the  
19 President under this section, the Administrator of the  
20 Federal Emergency Management Administration shall  
21 identify the minimum data and information required to  
22 evaluate a declaration request, request and receive such  
23 information from the State, and provide a recommenda-  
24 tion as to whether to declare a major disaster to the Presi-

1 dent. Based on the request of a Governor under this sec-  
2 tion and the recommendation of the Administrator,”.

3 (a) EMERGENCY DECLARATION.—Section 501(a) of  
4 the Robert T. Stafford Disaster Relief and Emergency As-  
5 sistance Act (42 U.S.C. 5191(a)) is amended by striking  
6 “Based upon such Governor’s request,” and inserting  
7 “With respect to a request for a declaration by the Presi-  
8 dent under this section, the Administrator of the Federal  
9 Emergency Management Administration shall identify the  
10 minimum data and information required to evaluate a dec-  
11 laration request, request and receive such information  
12 from the State, and provide a recommendation as to  
13 whether to declare an emergency to the President. Based  
14 upon such Governor’s request and the recommendation of  
15 the Administrator,”.

16 **SEC. 8. CONDITIONS NECESSARY FOR UNDERSERVED COM-**  
17 **MUNITIES TO SUBMIT SIMPLIFIED DECLARA-**  
18 **TION REQUEST.**

19 (a) REVISION OF REGULATIONS.—Not later than 6  
20 months after the date of enactment of this Act, the Ad-  
21 ministrator of the Federal Emergency Management Ad-  
22 ministration shall—

23 (1) establish a simplified method for requesting  
24 a major disaster declaration under the Robert T.

1       Stafford Disaster Relief and Emergency Assistance  
2       Act declaration submission; and

3             (2) revise such regulations as are necessary to  
4       identify conditions underserved communities, as de-  
5       fined in section 328 of the Robert T. Stafford Dis-  
6       aster Relief and Emergency Assistance Act, need to  
7       meet to be appropriate for the simplified method  
8       under paragraph (1).

9       (b) CONSIDERATION.—Potential considerations could  
10      relate to community population size, population demo-  
11      graphics, whether the community is an underserved com-  
12      munity, or the financial and/or staff capacity of the af-  
13      fected community.