

117TH CONGRESS  
1ST SESSION

# S. 2362

To require rulemaking by the Administrator of the Federal Emergency Management Agency to address considerations in evaluating the need for public and individual disaster assistance, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JULY 15, 2021

Mr. DURBIN (for himself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## A BILL

To require rulemaking by the Administrator of the Federal Emergency Management Agency to address considerations in evaluating the need for public and individual 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 “Fairness in Federal  
5       Disaster Declarations Act of 2021”.

6       **SEC. 2. REGULATORY ACTION REQUIRED.**

7       (a) IN GENERAL.—Not later than 120 days after the  
8       date of enactment of this Act, the Administrator of the

1 Federal Emergency Management Agency (in this Act re-  
2 ferred to as the “Administrator” and “FEMA”, respec-  
3 tively) shall amend the rules of the Administrator under  
4 section 206.48 of title 44, Code of Federal Regulations,  
5 as in effect on the date of enactment of this Act, in accord-  
6 ance with the provisions of this Act.

7 (b) NEW CRITERIA REQUIRED.—The amended rules  
8 issued under subsection (a) shall provide for the following:

9 (1) PUBLIC ASSISTANCE PROGRAM.—Such rules  
10 shall provide that, with respect to the evaluation of  
11 the need for public assistance—

12 (A) specific weighted valuations shall be  
13 assigned to each criterion, as follows—

14 (i) estimated cost of the assistance, 10  
15 percent;

16 (ii) localized impacts, 40 percent;

17 (iii) insurance coverage in force, 10  
18 percent;

19 (iv) hazard mitigation, 10 percent;

20 (v) recent multiple disasters, 10 per-  
21 cent;

22 (vi) programs of other Federal assist-  
23 ance, 10 percent; and

24 (vii) economic circumstances described  
25 in subparagraph (B), 10 percent; and

1 (B) FEMA shall consider the economic cir-  
2 cumstances of—

3 (i) the local economy of the affected  
4 area, including factors such as the local as-  
5 sessable tax base and local sales tax, the  
6 median income as it compares to that of  
7 the State, and the poverty rate as it com-  
8 pares to that of the State; and

9 (ii) the economy of the State, includ-  
10 ing factors such as the unemployment rate  
11 of the State, as compared to the national  
12 unemployment rate.

13 (2) INDIVIDUAL ASSISTANCE PROGRAM.—Such  
14 rules shall provide that, with respect to the evalua-  
15 tion of the severity, magnitude, and impact of the  
16 disaster and the evaluation of the need for assist-  
17 ance to individuals—

18 (A) specific weighted valuations shall be  
19 assigned to each criterion, as follows—

20 (i) concentration of damages, 20 per-  
21 cent;

22 (ii) trauma, 20 percent;

23 (iii) special populations, 20 percent;

24 (iv) voluntary agency assistance, 10  
25 percent;

1 (v) insurance, 20 percent;

2 (vi) average amount of individual as-  
3 sistance by State, 5 percent; and

4 (vii) economic considerations de-  
5 scribed in subparagraph (B), 5 percent;  
6 and

7 (B) FEMA shall consider the economic cir-  
8 cumstances of the affected area, including fac-  
9 tors such as the local assessable tax base and  
10 local sales tax, the median income as it com-  
11 pares to that of the State, and the poverty rate  
12 as it compares to that of the State.

13 (c) EFFECTIVE DATE.—The amended rules issued  
14 under subsection (a) shall apply to any disaster for which  
15 a Governor requested a major disaster declaration under  
16 the Robert T. Stafford Disaster Relief and Emergency As-  
17 sistance Act (42 U.S.C. 5121 et seq.) and was denied on  
18 or after January 1, 2012.

○