

118TH CONGRESS  
2D SESSION

# H. R. 8582

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2024

Ms. BROWNLEY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## 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  
9 (42 U.S.C. 5170) is amended by adding at the end the  
10 following:

1 “(d) COUNTY REQUESTS.—

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

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

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

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

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

24 “(A) the period during which the Governor  
25 of the State or territory in which such county

1 is located may request such a declaration has  
2 lapsed; or

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

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

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

23 “(5) DEFINITION OF COUNTY.—

24 “(A) IN GENERAL.—In this subsection, the  
25 term ‘county’ means a county, parrish, or

1 equivalent subdivision of a State or Territory of  
2 the United States that is a unit of general local  
3 government.

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

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

16 “(d) COUNTY REQUESTS.—

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

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

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

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

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

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

19           “(B) the Governor of the State or territory  
20 in which such county is located has commu-  
21 nicated to the chief executive officer of the  
22 county that the Governor will not seek such a  
23 declaration from the President.

24           “(3) REFERENCES.—In implementing assist-  
25 ance authorized by the President under this Act in

1 response to a request of the chief executive officer  
2 of an affected county for an emergency declaration,  
3 any reference in this title or title III to a State or  
4 the Governor of a State is deemed to refer to an af-  
5 fected county or the chief executive officer of an af-  
6 fected county, as appropriate.

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

14 “(5) DEFINITION OF COUNTY.—

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

20 “(B) EXCEPTION.—In the event a county  
21 is located in a State where 1 or more counties  
22 are not units of general local government, the  
23 term ‘county’ includes the largest city, town, or  
24 unit of general local government by population  
25 in an area affected by an emergency on behalf

1 of all affected cities, towns, and other units of  
2 general local government.”.

3 (c) RULEMAKING AND GUIDANCE.—

4 (1) RULEMAKING.—

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

12 (B) CONTENTS.—The regulations required  
13 under subparagraph (A) shall include—

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

16 (I) submit a request for the Ad-  
17 ministrator to recommend that the  
18 President make a major disaster or  
19 emergency declaration for such coun-  
20 ty; and

21 (II) upon approval of such re-  
22 quest, directly receive any assistance  
23 provided pursuant to such request;

24 (ii) in addition to the eligibility factors  
25 described under section 206.48 of title 44,

1 Code of Federal Regulations, eligibility cri-  
2 teria for the approval of a request from a  
3 county for a major disaster or emergency  
4 declaration that gives consideration to—

5 (I) poverty rates within such  
6 county;

7 (II) the economy within such  
8 county, including the economy of the  
9 area within such county that is im-  
10 pacted by the disaster or emergency;

11 (III) relevant social vulnerability  
12 indexes for residents of such county;

13 (IV) the rate of unemployment  
14 before the disaster or emergency with-  
15 in such county;

16 (V) underserved communities  
17 within such county;

18 (VI) the fiscal condition of the  
19 unit of government with jurisdiction  
20 over such county;

21 (VII) the degree to which a sig-  
22 nificant proportion of residents of  
23 such county received Federal benefits  
24 during the year preceding the disaster  
25 or emergency, including—

1 (aa) benefits provided under  
2 the Medicaid program under title  
3 XIX of the Social Security Act  
4 (42 U.S.C. 1396 et seq.);

5 (bb) benefits provided under  
6 the supplemental nutrition assist-  
7 ance program established under  
8 the Food and Nutrition Act of  
9 2008 (7 U.S.C. 2011 et seq.);

10 (cc) benefits provided under  
11 the program of block grants to  
12 States for temporary assistance  
13 for needy families established  
14 under part A of title IV of the  
15 Social Security Act (42 U.S.C.  
16 601 et seq.); and

17 (dd) any other Federal bene-  
18 fits the Administrator determines  
19 is appropriate; and

20 (VIII) the impact of other recent  
21 disasters and emergencies on resi-  
22 dents within such county;

23 (iii) eligibility criteria for contiguous  
24 counties located within the same State or

1 territory to seek Federal disaster assist-  
2 ance together; and

3 (iv) timelines for a chief executive of-  
4 ficer of a county to submit such request  
5 and opportunities to seek extensions, where  
6 appropriate.

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

14 **SEC. 3. MONITORING AND ANALYSIS OF CERTAIN EVENTS**

15 **NOT DECLARED AS MAJOR DISASTER OR**  
16 **EMERGENCY.**

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

20 **“SEC. 328. MONITORING AND ANALYSIS OF CERTAIN**  
21 **EVENTS NOT DECLARED AS MAJOR DISASTER**  
22 **OR EMERGENCY.**

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

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

3           “(2) would be eligible to be declared by the  
4           President as a major disaster or emergency under  
5           this Act except that the Governor or head of an In-  
6           dian tribe with jurisdiction over the area in which  
7           the event occurred did not request the declaration of  
8           a major disaster or emergency pursuant to this Act.

9           “(b) DEFINITION OF UNDERSERVED COMMUNITY.—

10          In this section, the term ‘underserved community’ means  
11          a geographically distinct area with a population that—

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

14                 “(2) may include individuals who are—

15                         “(A) socioeconomically disadvantaged;

16                         “(B) have limited English language pro-  
17                         ficiency;

18                         “(C) geographically isolated or education-  
19                         ally disenfranchised;

20                         “(D) people of color;

21                         “(E) of ethnic and national origin minori-  
22                         ties;

23                         “(F) women and children;

24                         “(G) individuals with disabilities and oth-  
25                         ers with access and functional needs; and

1 “(H) seniors.”.

2 **SEC. 4. QUANTITATIVE MEASURES IN EVALUATIONS FOR**  
3 **FEDERAL ASSISTANCE.**

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

15 (1) in evaluating the need for assistance to vul-  
16 nerable populations and low-income communities;  
17 and

18 (2) the effects of unemployment, lack of insur-  
19 ance, and other factors that necessary to assess the  
20 ability of vulnerable and disadvantaged communities’  
21 ability to recover from a major disaster or emer-  
22 gency.

1 **SEC. 5. CONSIDERATION OF IMPACTS TO VULNERABLE AND**  
2 **DISADVANTAGED COMMUNITIES.**

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

6 **“SEC. 329. CONSIDERATION OF IMPACTS TO VULNERABLE**  
7 **AND DISADVANTAGED COMMUNITIES.**

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

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

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

22 (1) review an regulations covering public assist-  
23 ance or individual assistance provided under the  
24 Robert T. Stafford Disaster Relief and Emergency  
25 Assistance Act (42 U.S.C. 5121 et seq.) to ensure  
26 that the evaluation for providing such public assist-

1       ance or individual assistance evaluation includes suf-  
2       ficient equity-related considerations, including con-  
3       siderations related to income, unemployment, and  
4       the poverty level; and

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

9       **SEC. 7. ADMINISTRATOR RECOMMENDATION OF DECLARA-**  
10                                   **TION OF MAJOR DISASTER.**

11       (a) MAJOR DISASTER.—Section 401(a) of the Robert  
12 T. Stafford Disaster Relief and Emergency Assistance Act  
13 (42 U.S.C. 5170(a)) is amended by striking “Based on  
14 the request of a Governor under this section,” and insert-  
15 ing “With respect to a request for a declaration by the  
16 President under this section, the Administrator of the  
17 Federal Emergency Management Administration shall  
18 identify the minimum data and information required to  
19 evaluate a declaration request, request and receive such  
20 information from the State, and provide a recommenda-  
21 tion as to whether to declare a major disaster to the Presi-  
22 dent. Based on the request of a Governor under this sec-  
23 tion and the recommendation of the Administrator,”.

24       (b) EMERGENCY DECLARATION.—Section 501(a) of  
25 the Robert T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5191(a)) is amended by striking  
2 “Based upon such Governor’s request,” and inserting  
3 “With respect to a request for a declaration by the Presi-  
4 dent under this section, the Administrator of the Federal  
5 Emergency Management Administration shall identify the  
6 minimum data and information required to evaluate a dec-  
7 laration request, request and receive such information  
8 from the State, and provide a recommendation as to  
9 whether to declare an emergency to the President. Based  
10 upon such Governor’s request and the recommendation of  
11 the Administrator,”.

12 **SEC. 8. CONDITIONS NECESSARY FOR UNDERSERVED COM-**  
13 **MUNITIES TO SUBMIT SIMPLIFIED DECLARA-**  
14 **TION REQUEST.**

15 (a) REVISION OF REGULATIONS.—Not later than 6  
16 months after the date of enactment of this Act, the Ad-  
17 ministrator of the Federal Emergency Management Ad-  
18 ministration shall—

19 (1) establish a simplified method for requesting  
20 a major disaster declaration under the Robert T.  
21 Stafford Disaster Relief and Emergency Assistance  
22 Act declaration submission; and

23 (2) revise such regulations as are necessary to  
24 identify conditions underserved communities, as de-  
25 fined in section 328 of the Robert T. Stafford Dis-

1        aster Relief and Emergency Assistance Act, need to  
2        meet to be appropriate for the simplified method  
3        under paragraph (1).

4        (b) CONSIDERATION.—Potential considerations could  
5        relate to community population size, population demo-  
6        graphics, whether the community is an underserved com-  
7        munity, or the financial and/or staff capacity of the af-  
8        fected community.

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