

118TH CONGRESS  
1ST SESSION

# S. 3468

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.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2023

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

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## 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 2023”.

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”) shall amend the rules  
3 of the Administrator under section 206.48 of title 44,  
4 Code of Federal Regulations, as in effect on the date of  
5 enactment of this Act, in accordance with the provisions  
6 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, including—

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) the Administrator shall consider the  
2 economic circumstances of—

3 (i) the local economy of the area af-  
4 fected by the disaster, including factors  
5 such as the local assessable tax base and  
6 local sales tax, the median income as it  
7 compares to that of the State, and the pov-  
8 erty rate as it compares to that of the  
9 State; and

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

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

19 (A) specific weighted valuations shall be  
20 assigned to each criterion, including—

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

23 (ii) trauma, 20 percent;

24 (iii) special populations, 20 percent;

1 (iv) voluntary agency assistance, 10  
2 percent;

3 (v) insurance, 20 percent;

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

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

9 (B) the Administrator shall consider the  
10 economic circumstances of the area affected by  
11 the disaster, including factors such as the local  
12 assessable tax base and local sales tax, the me-  
13 dian income as it compares to that of the State,  
14 and the poverty rate as it compares to that of  
15 the State.

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

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