

Calendar No. 650

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-259

SMALL STATE AND RURAL RESCUE ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 7211

TO AMEND THE ROBERT T. STAFFORD DISASTER
RELIEF AND EMERGENCY ASSISTANCE ACT, REVIEW A
FINAL RULE OF THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, AND FOR OTHER PURPOSES



DECEMBER 14, 2022.—Ordered to be printed

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DECEMBER 14, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 7211]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 7211) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, review a final rule of the Federal Emergency Management Agency, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

H.R. 7211, the *Small State and Rural Rescue Act*, expands the duties of the Federal Emergency Management Agency’s (FEMA) Small State and Rural Advocate to include assistance for states in the collection and presentation of material in the disaster or emergency declaration request relevant to demonstrate severe localized impacts within the state for a specific incident. Additionally, the Government Accountability Office (GAO) must review FEMA’s implementation of its final rule regarding factors considered when evaluating a governor’s request for individual assistance in a disaster declaration.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Federal disaster aid programs are crucial to facilitating recovery efforts in urban and rural communities alike, particularly in response to historic flooding and other catastrophic natural disasters. FEMA is charged with the oversight and execution of essential post-disaster recovery assistance by providing affected individuals with access to life-saving and life-sustaining resources, providing aid to individuals to repair housing or rental assistance, and providing grants to repair municipal infrastructure. However, rural communities are often faced with a shortage of emergency management staff and have struggled to collect and present information that is vital to receiving a disaster declaration.¹ As a result, smaller rural communities may not receive a federal disaster declaration to help their recovery process if the information that is filed with FEMA is deficient. The Department of Homeland Security Appropriations Act of 2007 established the Small State and Rural Advocate position within FEMA to help small states participate in the disaster declaration process and ensure that community needs are addressed.² In addition, the legislation provided authority for the Small State and Rural Advocate to prepare disaster declarations and to conduct other activities, as the Administrator of FEMA considers appropriate.³

This legislation will help government officials in small states and rural communities navigate the complex bureaucratic processes to help demonstrate the toll of a natural disaster's localized impact by expanding the responsibilities of FEMA's Small State and Rural Advocate. Furthermore, this bill also directs GAO to conduct a review of how FEMA mobilizes individualized assistance to disaster zones, a critical step that will assess whether Federal disaster aid programs are matching the demands of disaster-stricken areas.

III. LEGISLATIVE HISTORY

Representatives Katko (R-NY-24), Titus (D-NV-01), Pappas (D-NH-01), Delgado (D-NY-19), Gimenez (R-FL-26), and Guest (R-MS-03) introduced H.R. 7211 on March 24, 2022. The bill was referred to the House Committee on Transportation and Infrastructure. The Committee on Transportation and Infrastructure considered H.R. 7211 on April 28, 2022 and favorably reported the bill. On June 14, 2022 the House of Representatives passed the bill under a suspension of the rules by a vote of 396 to 14. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Senate Committee on Homeland Security and Governmental Affairs considered H.R. 7211 at a business meeting on September 28, 2022. The Committee ordered the bill to be favorably reported without amendment by voice vote *en bloc*. Senators present for the vote were: Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Paul, Lankford, Romney, Scott, and Hawley.

¹ Department of Homeland Security, Federal Emergency Management Agency, *National Advisory Council Report to the FEMA Administration* (November 30, 2020).

² Pub. L. No. 109-295 (2006).

³ 42 U.S.C. § 5189d.

Consistent with Committee Rule 3(G), the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section designates the name of the bill as the “Small State and Rural Rescue Act.”

Section 2. Designation of small state and rural advocate

This section amends Section 326(c) of the Stafford Act to expand the duties of the Small State and Rural Advocate to help small states demonstrate severe localized impact in requests to receive federal disaster assistance.

Section 3. GAO review of a final rule

This section orders GAO to conduct a review of the factors that FEMA considers when evaluating a governor’s request for individual assistance in the aftermath of a disaster.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

* * * * *

TITLE III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

* * * * *

SEC. 326. DESIGNATION OF SMALL STATE AND RURAL ADVOCATE.

(a) IN GENERAL.—The President shall designate in the Federal Emergency Management Agency a Small State and Rural Advocate.

(b) RESPONSIBILITIES.—The Small State and Rural Advocate shall be an advocate for the fair treatment of small States and rural communities in the provision of assistance under this Act.

(c) DUTIES.—The Small State and Rural Advocate shall—

(1) participate in the disaster declaration process under section 401 and the emergency declaration process under section 501, to ensure that the needs of rural communities are being addressed;

(2) assist small population States in the preparation of requests for major disaster or emergency declarations; and

(3) *assist States in the collection and presentation of material in the disaster or emergency declaration request relevant to demonstrate severe localized impacts within the State for a specific incident, including—*

(A) *the per capita personal income by local area, as calculated by the Bureau of Economic Analysis;*

(B) *the disaster impacted population profile, as reported by the Bureau of the Census, including—*

(i) *the percentage of the population for whom poverty status is determined;*

(ii) *the percentage of the population already receiving Government assistance such as Supplemental Security Income and Supplemental Nutrition Assistance Program benefits;*

(iii) *the pre-disaster unemployment rate;*

(iv) *the percentage of the population that is 65 years old and older;*

(v) *the percentage of the population 18 years old and younger;*

(vi) *the percentage of the population with a disability;*

(vii) *the percentage of the population who speak a language other than English and speak English less than “very well”; and*

(viii) *any unique considerations regarding American Indian and Alaskan Native Tribal populations raised in the State’s request for a major disaster declaration that may not be reflected in the data points referenced in this subparagraph;*

(C) *the impact to community infrastructure, including—*

(i) *disruptions to community life-saving and life-sustaining services;*

(ii) *disruptions or increased demand for essential community services; and*

(iii) *disruptions to transportation, infrastructure, and utilities; and*

(D) *any other information relevant to demonstrate severe local impacts; and*

[[3]] (4) *conduct such other activities as the Administrator of the Federal Emergency Management Agency considers appropriate.*

* * * * *