

108TH CONGRESS
1ST SESSION

H. R. 1790

To provide for the equitable treatment of rural communities in the distribution of Federal disaster assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the equitable treatment of rural communities in the distribution of Federal 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 “Rural Disaster Assist-
5 ance Fairness Act of 2003”.

6 **SEC. 2. ESTABLISHMENT OF OFFICE OF RURAL ADVOCACY.**

7 Section 320 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5163) is
9 amended to read as follows:

1 **“SEC. 320. EQUITABLE TREATMENT OF GEOGRAPHIC**
2 **AREAS.**

3 “(a) LIMITATION ON USE OF SLIDING SCALES.—No
4 geographic area shall be precluded from receiving assist-
5 ance under this Act solely by virtue of an arithmetic for-
6 mula or sliding scale based on income or population.

7 “(b) OFFICE OF RURAL ADVOCACY.—

8 “(1) ESTABLISHMENT.—The President shall es-
9 tablish in the Federal Emergency Management
10 Agency an Office of Rural Advocacy.

11 “(2) DIRECTOR.—The Office shall be headed by
12 a Director, who shall report to the Director of the
13 Federal Emergency Management Agency.

14 “(3) DUTIES.—The Director of the Office shall
15 be an advocate for the fair treatment of rural com-
16 munities in the provision of assistance under this
17 Act. In carrying out the Director’s responsibilities,
18 the Director shall—

19 “(A) participate in the disaster declaration
20 process under section 401, and the emergency
21 declaration process under section 501, to ensure
22 that the needs of rural communities are being
23 addressed;

24 “(B) assist small population States in the
25 preparation of requests for major disaster or
26 emergency declarations;

1 “(C) review all rules and regulations relat-
2 ing to the provision of assistance under this Act
3 to ensure that rural communities receive fair
4 and equitable treatment; and

5 “(D) conduct such other activities as the
6 Director of the Federal Emergency Manage-
7 ment Agency considers appropriate.”.

8 **SEC. 3. RULEMAKING.**

9 (a) IN GENERAL.—The Director of the Federal
10 Emergency Management Agency shall promulgate a rule
11 to ensure that the factors used to review a Governor’s re-
12 quest for a major disaster declaration under section 401
13 of the Robert T. Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5170), or an emergency dec-
15 laration under section 501 of that Act (42 U.S.C. 5191),
16 adequately address the needs of States with a population
17 of less than 1,000,000 individuals and the rural commu-
18 nities in those States.

19 (b) CONSIDERATIONS.—In promulgating a rule under
20 this section, the Director shall ensure that the following
21 factors are considered in determining whether an event
22 constitutes a major disaster or emergency:

23 (1) Loss of access to critical services in a com-
24 munity and proximity to similar services.

1 (2) Availability of medical and veterinary serv-
2 ices.

3 (3) Percentage of damage to residential and
4 commercial buildings.

5 (c) STATUTORY CONSTRUCTION.—Nothing in this
6 section may be construed to authorize major disaster or
7 emergency assistance that is not authorized as of the date
8 of enactment of this Act.

○