

Coburn Amendment 3371

Summary: This amendment would require the FEMA Administrator to review the per-capita damage indicator and initiate a rulemaking process to update it. It would require this rulemaking process to be completed by January 1, 2016 and require that the indicator be adjusted for inflation for all years since it was created in 1986. It also requires the FEMA administrator to report to Congress on this review and present suggestions for how FEMA could further modernize and improve its system for assessing state and local preparedness and capabilities.

Hurricane Sandy is the Kind of Storm that Congress had in Mind When We Established the Federal Disaster Declaration Process

Under the Stafford Act of 1988, the purpose was for the federal government to step in and provide assistance when state and local capabilities were overwhelmed.

It is clear that in New York and New Jersey—and in the communities that were affected—state and local capabilities have been overwhelmed.

This is clearly an appropriate time for the federal government—through the Federal Emergency Management Agency—to step in and provide assistance.

Unfortunately, FEMA has been declaring an increasing number of disasters over the past two decades—including for many storms or events where state and local capabilities weren't overwhelmed.

During the Reagan administration, the federal government averaged only 28 disaster declarations each year.

But under the current administration, we are averaging approximately 140 disaster declarations per year.

According to GAO, my state of Oklahoma has seen the most FEMA disaster declarations—25 in total—between FY2004 and 2011.¹

Many disasters are being declared for lesser weather events and incidents where states and local capabilities have not been overwhelmed.

For example, in August 2011, a disaster declaration was declared for Virginia after the earthquake that was felt here in the Capitol.

But we all would agree that that incident was not a disaster and it did not overwhelm the capabilities of Virginia or the National Capital Region.

FEMA's Process for Analyzing and Declaring Disasters is Contributing to the Problem

In September, GAO released a report that looked at the problem of the rising number of disaster declarations.

GAO found that FEMA mostly relied on a single factor—the Per-Capita Damage Indicator—to assess the damage and determine whether a disaster should be declared.

But the Per-Capita Damage Indicator is problematic for several reasons.

First, the per-capita damage indicator was established in 1986. But FEMA has failed to update it for inflation for many of the years since that time.

Second, simply using a per-capita damage indicator is an unfair way to assess whether or not a disaster has occurred.

¹ "Improved Criteria Needed to Assess a Jurisdiction's Capability to Respond and Recover on Its Own," GAO-12-838, Sep 12, 2012.

For example, using this formula (dividing the amount of damage over the number of people who live in a state) creates an advantage for smaller states with fewer people.

What this means is that a storm or event with the same amount of damage could be considered a disaster in a less populated state like Oklahoma, but NOT be considered a disaster in a more populated state like California.

This is unfair and bad policy.

This Amendment Would Require FEMA to Fix this Problem

First, this amendment would require FEMA to review the per-capita damage indicator, and initiate rulemaking to modernize it.

This rulemaking process would require the FEMA administrator to update the per-capita damage indicator for all of the years since 1996 by no later than January 1, 2016.

Second, the amendment requires the FEMA Administrator to report to Congress on better and fairer ways to assess states' preparedness and capabilities to respond to a disaster.

This is a reasonable amendment—based on GAO's analysis and recommendations—to encourage FEMA to update its process for declaring disasters so that we can reserve and focus more aid on severe disasters like Hurricane Sandy.