

117TH CONGRESS
2D SESSION

S. 3502

To establish an Office of Civil Rights, Equity, and Community Inclusion at the Federal Emergency Management Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 13 (legislative day, JANUARY 10), 2022

Mr. PETERS (for himself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish an Office of Civil Rights, Equity, and Community Inclusion at the Federal Emergency Management Agency, 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 “Achieving Equity in
5 Disaster Response, Recovery, and Resilience Act of 2022”.

1 **SEC. 2. OFFICE OF CIVIL RIGHTS, EQUITY, AND COMMU-**
2 **NITY INCLUSION.**

3 (a) IN GENERAL.—Title V of the Homeland Security
4 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 529. OFFICE OF CIVIL RIGHTS, EQUITY, AND COMMU-**
7 **NITY INCLUSION.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘appropriate committees of Con-
10 gress’ means—

11 “(A) the Committee on Homeland Security
12 and Governmental Affairs of the Senate; and

13 “(B) the Committee on Transportation
14 and Infrastructure, the Committee on Oversight
15 and Reform, and the Committee on Homeland
16 Security of the House of Representatives;

17 “(2) the term ‘Director’ means the Director of
18 the Office of Civil Rights, Equity, and Community
19 Inclusion;

20 “(3) the term ‘disaster assistance’ means assist-
21 ance provided under titles IV and V of the Robert
22 T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170 et seq.);

24 “(4) the term ‘Office’ means the Office of Civil
25 Rights, Equity, and Community Inclusion; and

1 “(5) the term ‘underserved community’
2 means—

3 “(A) the Native American and Alaskan
4 Native community;

5 “(B) the African-American community;

6 “(C) the Asian community;

7 “(D) the Hispanic (including persons of
8 Mexican, Puerto Rican, Cuban, and Central or
9 South American origin) community;

10 “(E) the Pacific Islander community;

11 “(F) the Middle Eastern and North Afri-
12 can community;

13 “(G) a rural community;

14 “(H) a low-income community;

15 “(I) the disability community; and

16 “(J) any other historically disadvantaged
17 community, as determined by the Director.

18 “(b) OFFICE OF CIVIL RIGHTS, EQUITY, AND COM-
19 MUNITY INCLUSION.—

20 “(1) IN GENERAL.—The Office of Equal Rights
21 of the Agency shall, on and after the date of enact-
22 ment of the Achieving Equity in Disaster Response,
23 Recovery, and Resilience Act of 2022, be known as
24 the Office of Civil Rights, Equity, and Community
25 Inclusion.

1 “(2) REFERENCES.—Any reference to the Of-
2 fice of Equal Rights of the Agency in any law, regu-
3 lation, map, document, record, or other paper of the
4 United States shall be deemed to be a reference to
5 the Office of Civil Rights, Equity, and Community
6 Inclusion.

7 “(c) DIRECTOR.—

8 “(1) IN GENERAL.—The Office shall be headed
9 by a Director, who shall report to the Administrator.

10 “(2) REQUIREMENT.—The Director shall have
11 documented experience and expertise in civil rights,
12 underserved community inclusion research, disaster
13 preparedness, or resilience disparities elimination.

14 “(d) PURPOSE.—The purpose of the Office is to—

15 “(1) improve underserved community access to
16 disaster assistance;

17 “(2) improve the quality of disaster assistance
18 received by underserved communities;

19 “(3) eliminate racial, ethnic, and other under-
20 served community disparities in the delivery of dis-
21 aster assistance; and

22 “(4) carry out such other responsibilities of the
23 Office of Equal Rights as in effect on the day before
24 the date of enactment of the Achieving Equity in
25 Disaster Response, Recovery, and Resilience Act of

1 2022, as determined appropriate by the Adminis-
2 trator.

3 “(e) AUTHORITIES AND DUTIES.—

4 “(1) IN GENERAL.—The Director shall be re-
5 sponsible for—

6 “(A) improving—

7 “(i) underserved community access to
8 disaster assistance before and after a dis-
9 aster; and

10 “(ii) the quality of Agency assistance
11 underserved communities receive;

12 “(B) reviewing preparedness, response,
13 and recovery programs and activities of the
14 Agency to ensure the elimination of underserved
15 community disparities in the delivery of such
16 programs and activities; and

17 “(C) carrying out such other responsibil-
18 ities of the Office of Equal Rights as in effect
19 on the day before the date of enactment of the
20 Achieving Equity in Disaster Response, Recov-
21 ery, and Resilience Act of 2022, as determined
22 appropriate by the Administrator.

23 “(2) REDUCING DISPARITIES IN PREPARED-
24 NESS, RESPONSE, AND RECOVERY.—

1 “(A) IN GENERAL.—The Director shall de-
2 velop measures to evaluate the effectiveness of
3 the activities of program offices in the Agency
4 and the activities of recipients aimed at reduc-
5 ing disparities in the services provided to under-
6 served communities.

7 “(B) REQUIREMENT.—The measures de-
8 veloped under subparagraph (A) shall—

9 “(i) evaluate community outreach ac-
10 tivities, language services, workforce cul-
11 tural competence, historical assistance for
12 grants and loans provided to individuals,
13 State, local, tribal, and territorial govern-
14 ments, the effects of disaster declaration
15 thresholds on underserved communities,
16 the percentage of contracts awarded to un-
17 derserved and minority-owned businesses,
18 historical barriers to equitable assistance
19 across race and class during and after dis-
20 asters, and other areas, as determined by
21 the Director; and

22 “(ii) identify the communities impli-
23 cated in the evaluations conducted under
24 clause (i).

1 “(C) COORDINATION WITH OTHER OF-
2 FICES.—In carrying out this section, the Direc-
3 tor shall—

4 “(i) participate in scenario-based dis-
5 aster response exercises at the Agency;

6 “(ii) coordinate with the Office of Mi-
7 nority Health of the Department of Health
8 and Human Services;

9 “(iii) coordinate with the Office of
10 Civil Rights of the Department of Agri-
11 culture;

12 “(iv) as appropriate, coordinate with
13 other relevant offices across the Federal
14 Government, including by leading a vol-
15 untary task force to address disaster re-
16 sponse needs of underserved communities;

17 “(v) coordinate with the Office for
18 Civil Rights and Civil Liberties of the De-
19 partment; and

20 “(vi) investigate allegations of unequal
21 disaster assistance based on race or ethnic
22 origin or refer those allegations to the ap-
23 propriate office.

24 “(f) GRANTS AND CONTRACTS.—In carrying out this
25 section, to further inclusion and engagement of under-

1 served communities throughout preparedness, response,
2 recovery, and mitigation and to eliminate racial, ethnic,
3 and other underserved community disparities in the deliv-
4 ery of disaster assistance, as described in subsection (d),
5 the Administrator shall—

6 “(1) administer and evaluate Agency programs
7 and activities, including the programs and activities
8 of recipients of preparedness, response, recovery,
9 and mitigation grants and contracts, to—

10 “(A) further inclusion and engagement of
11 underserved communities and underserved and
12 minority-owned businesses; and

13 “(B) improve outcomes for underserved
14 communities tied to Agency programs and ac-
15 tivities; and

16 “(2) establish an underserved community initia-
17 tive to award grants to, and enter into cooperative
18 agreements and contracts with, nonprofit entities.

19 “(g) DISABILITY COORDINATOR.—

20 “(1) IN GENERAL.—There shall be within the
21 Office a Disability Coordinator to ensure that the
22 needs of individuals with disabilities are being prop-
23 erly addressed by proactively engaging with dis-
24 ability and underserved communities and State,

1 local, and tribal governments in emergency pre-
2 paredness and disaster relief.

3 “(2) RESPONSIBILITIES.—The Disability Coor-
4 dinator shall be responsible for—

5 “(A) providing guidance and coordination
6 on matters relating to individuals with disabili-
7 ties in emergency planning requirements and
8 relief efforts in the event of a natural disaster,
9 act of terrorism, or other man-made disaster;

10 “(B) interacting with the staff of the
11 Agency, the National Council on Disability, the
12 Interagency Coordinating Council on Prepared-
13 ness and Individuals with Disabilities estab-
14 lished under Executive Order 13347 (6 U.S.C.
15 314 note; relating to individuals with disabili-
16 ties in emergency preparedness), other agencies
17 of the Federal Government, and State, local,
18 and tribal government authorities relating to
19 the needs of individuals with disabilities in
20 emergency planning requirements and relief ef-
21 forts in the event of a natural disaster, act of
22 terrorism, or other man-made disaster;

23 “(C) consulting with stakeholders that rep-
24 resent the interests and rights of individuals
25 with disabilities about the needs of individuals

1 with disabilities in emergency planning require-
2 ments and relief efforts in the event of a nat-
3 ural disaster, act of terrorism, or other man-
4 made disaster;

5 “(D) ensuring the coordination and dis-
6 semination of best practices and model evacu-
7 ation plans and sheltering for individuals with
8 disabilities;

9 “(E) ensuring the development of training
10 materials and a curriculum for training emer-
11 gency response providers, State, local, and trib-
12 al government officials, and others on the needs
13 of individuals with disabilities;

14 “(F) promoting the accessibility of tele-
15 phone hotlines and websites relating to emer-
16 gency preparedness, evacuations, and disaster
17 relief;

18 “(G) working to ensure that video pro-
19 gramming distributors, including broadcasters,
20 cable operators, and satellite television services,
21 make emergency information accessible to indi-
22 viduals with hearing and vision disabilities;

23 “(H) providing guidance to State, local,
24 and tribal government officials and other indi-
25 viduals, and implementing policies, relating to

1 the availability of accessible transportation op-
2 tions for individuals with disabilities in the
3 event of an evacuation;

4 “(I) providing guidance and implementing
5 policies to external stakeholders to ensure that
6 the rights and wishes of individuals with dis-
7 abilities regarding post-evacuation residency
8 and relocation are respected;

9 “(J) ensuring that meeting the needs of in-
10 dividuals with disabilities is a component of the
11 national preparedness system established under
12 section 644 of the Post-Katrina Emergency
13 Management Reform Act of 2006 (6 U.S.C.
14 744);

15 “(K) coordinate technical assistance for
16 Agency programs based on input from under-
17 served communities through a designee of the
18 Director; and

19 “(L) any other duties assigned by the Di-
20 rector.

21 “(h) REPORTS.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of the Achieving Equity in
24 Disaster Response, Recovery, and Resilience Act of
25 2022, and biennially thereafter, the Administrator

1 shall submit to the appropriate committees of Con-
2 gress a report describing the activities carried out
3 under this section during the period for which the
4 report is being prepared.

5 “(2) CONTENTS.—Each report submitted under
6 paragraph (1) shall include—

7 “(A) a narrative on activities conducted by
8 the Office, including a description of outreach
9 and consultation efforts with advocacy organiza-
10 tions and human resource providers;

11 “(B) the results of the measures developed
12 to evaluate the effectiveness of activities aimed
13 at reducing preparedness, response, and recov-
14 ery disparities; and

15 “(C) the number and types of allegations
16 of unequal disaster assistance investigated by
17 the Director or referred to other appropriate of-
18 fices.

19 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out this section.”.

22 (b) OFFICE OF DISABILITY COORDINATOR.—Title V
23 of the Homeland Security Act of 2002 (6 U.S.C. 311 et
24 seq.) is amended by striking section 513 (6 U.S.C. 321b).

1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The table of contents in section 1(b) of the Homeland Se-
3 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
4 is amended—

5 (1) by striking the item relating to section 513
6 (6 U.S.C. 321b); and

7 (2) by inserting after the item relating to sec-
8 tion 528 the following:

“Sec. 529. Office of Civil Rights, Equity, and Community Inclusion.”.

9 (d) COVID–19 RESPONSE.—

10 (1) IN GENERAL.—During the period of time
11 for which there is a major disaster or emergency de-
12 clared by the President under section 401 or 501,
13 respectively, of the Robert T. Stafford Disaster Re-
14 lief and Emergency Assistance Act (42 U.S.C. 5170,
15 5191) declared with respect to COVID–19, the Di-
16 rector of the Office of Civil Rights, Equity, and
17 Community Inclusion shall regularly consult with
18 State, local, territorial, and Tribal government offi-
19 cials and community-based organizations from un-
20 derserved communities the Office of Civil Rights,
21 Equity, and Community Inclusion identifies as dis-
22 proportionately impacted by COVID–19.

1 (2) FACA APPLICABILITY.—The Federal Advi-
2 sory Committee Act (5 U.S.C. App.) shall not apply
3 to any consultation conducted under paragraph (1).

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