

Calendar No. 619

116TH CONGRESS
2^D SESSION**S. 3658****[Report No. 116–316]**

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

IN THE SENATE OF THE UNITED STATES

MAY 7, 2020

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

DECEMBER 14, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To establish an Office of Equal Rights 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Achieving Racial and
3 Ethnic Equity in Disaster Response, Recovery, and Resil-
4 ience Act of 2020”.

5 **SEC. 2. OFFICE OF EQUAL RIGHTS AND COMMUNITY INCLU-**
6 **SION.**

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

10 **“SEC. 529. OFFICE OF EQUAL RIGHTS AND COMMUNITY IN-**
11 **CLUSION.**

12 “(a) DEFINITIONS.—In this section—

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

15 “(A) the Committee on Homeland Security
16 and Governmental Affairs of the Senate; and

17 “(B) the Committee on Transportation
18 and Infrastructure, the Committee on Oversight
19 and Reform, and the Committee on Homeland
20 Security of the House of Representatives;

21 “(2) the term ‘Director’ means the Director of
22 the Office of Equal Rights and Community Inclu-
23 sion;

24 “(3) the term ‘Office’ means the Office of
25 Equal Rights and Community Inclusion; and

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

3 “(A) the Native American community;

4 “(B) the African-American community;

5 “(C) the Hispanic (including persons of
6 Mexican, Puerto Rican, Cuban, and Central or
7 South American origin) community;

8 “(D) the Pacific Islander community;

9 “(E) the Middle Eastern and North Afri-
10 can community;

11 “(F) a rural community; and

12 “(G) any other historically disadvantaged
13 community.

14 “(b) OFFICE OF EQUAL RIGHTS AND COMMUNITY
15 INCLUSION.—

16 “(1) IN GENERAL.—The Office of Equal Rights
17 of the Agency shall, on and after the date of enact-
18 ment of the Achieving Racial and Ethnic Equity in
19 Disaster Response, Recovery, and Resilience Act of
20 2020, be known as the Office of Equal Rights and
21 Community Inclusion.

22 “(2) REFERENCES.—Any reference to the Of-
23 fice of Equal Rights of the Agency in any law, regu-
24 lation, map, document, record, or other paper of the
25 United States shall be deemed to be a reference to

1 the Office of Equal Rights and Community Inclu-
 2 sion.

3 ~~“(c) DIRECTOR.—~~

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

6 ~~“(2) REQUIREMENT.—The Director shall have~~
 7 ~~documented experience and expertise in underserved~~
 8 ~~community inclusion research and disaster prepared-~~
 9 ~~ness and resilience disparities elimination.~~

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

11 ~~“(1) improve underserved community access to~~
 12 ~~disaster assistance;~~

13 ~~“(2) improve the quality of disaster assistance~~
 14 ~~received by underserved communities;~~

15 ~~“(3) eliminate racial, ethnic, and other under-~~
 16 ~~served community disparities in the delivery of dis-~~
 17 ~~aster assistance; and~~

18 ~~“(4) carry out such other responsibilities of the~~
 19 ~~Office of Equal Rights as in effect on the day before~~
 20 ~~the date of enactment of the Achieving Racial and~~
 21 ~~Ethnic Equity in Disaster Response, Recovery, and~~
 22 ~~Resilience Act of 2020 as determined appropriate by~~
 23 ~~the Administrator.~~

24 ~~“(e) AUTHORITIES AND DUTIES.—~~

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

3 “(A) improving—

4 “(i) underserved community access to
5 disaster assistance; and

6 “(ii) the quality of assistance under-
7 served communities receive;

8 “(B) eliminating racial, ethnic, and other
9 underserved community disparities in the deliv-
10 ery of various preparedness, response, and re-
11 covery assistance; and

12 “(C) carrying out such other responsibil-
13 ities of the Office of Equal Rights as in effect
14 on the day before the date of enactment of the
15 Achieving Racial and Ethnic Equity in Disaster
16 Response, Recovery, and Resilience Act of 2020
17 as determined appropriate by the Adminis-
18 trator.

19 “(2) GRANTS AND CONTRACTS.—In carrying
20 out this section, to assure improved disaster resil-
21 ience of underserved communities, the Director
22 may—

23 “(A) award grants and enter into coopera-
24 tive agreements and contracts with local non-
25 profit entities, national nonprofit organizations

1 with experience administering multi-State pro-
 2 grams in not less than 10 States; and nonprofit
 3 organizations that are indigenous human re-
 4 source providers in underserved communities;
 5 and

6 “(B) enter into memoranda of under-
 7 standing with State, local, Tribal, and terri-
 8 torial government agencies.

9 “(3) REDUCING DISPARITIES IN PREPARED-
 10 NESS, RESPONSE, AND RECOVERY.—

11 “(A) IN GENERAL.—The Director shall de-
 12 velop measures to evaluate the effectiveness of
 13 the activities of the Office aimed at reducing
 14 disparities in preparedness, response, and recov-
 15 ery.

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

18 “(i) evaluate community outreach ac-
 19 tivities; language services; workforce cul-
 20 tural competence; historical assistance for
 21 grants and loans provided to individuals;
 22 State, local, Tribal, and territorial govern-
 23 ments; the effects of disaster declaration
 24 thresholds on underserved communities;
 25 historical barriers to equitable assistance

1 across race and class during and after dis-
2 asters, and other areas as determined by
3 the Director; and

4 “(ii) identify the communities impli-
5 cated in the evaluations conducted under
6 clause (i).

7 “(C) COORDINATION WITH OTHER OF-
8 FICES.—In carrying out this section, the Direc-
9 tor shall—

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

12 “(ii) coordinate with the Office of Mi-
13 nority Health of the Department of Health
14 and Human Services;

15 “(iii) coordinate with the Office of
16 Disability Integration and Coordination of
17 the Agency;

18 “(iv) as appropriate, coordinate with
19 other relevant offices across the Federal
20 Government, including by leading a vol-
21 untary task force to address disaster re-
22 sponse needs of underserved communities;
23 and

24 “(v) investigate allegations of unequal
25 disaster assistance based on race or ethnic

origin or refer such allegations to the Office for Civil Rights and Civil Liberties of the Department and assist the Office for Civil Rights and Civil Liberties with investigations of such allegations.

~~“(f) REPORTS.—~~

~~“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Achieving Racial and Ethnic Equity in Disaster Response, Recovery, and Resilience Act of 2020, and biennially thereafter, the Administrator shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.~~

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

~~“(A) a narrative on activities conducted by the Office, including a description of outreach and consultation efforts with advocacy organizations and human resource providers;~~

~~“(B) the results of the measures developed to evaluate the effectiveness of activities aimed at reducing preparedness, response, and recovery disparities; and~~

1 “(C) the number and types of allegations
 2 investigated or referred to the Office for Civil
 3 Rights and Civil Liberties under subsection
 4 (c)(3)(D)(v).

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated such sums as are nec-
 7 essary to carry out this section.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 9 The table of contents in section 1(b) of the Homeland Se-
 10 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)
 11 is amended by inserting after the item relating to section
 12 528 the following:

“Sec. 529. Office of Equal Rights and Community Inclusion.”.

13 (c) COVID–19 RESPONSE.—

14 (1) IN GENERAL.—During the period of time
 15 for which there is a major disaster or emergency de-
 16 clared by the President under section 401 or 501,
 17 respectively, of the Robert T. Stafford Disaster Re-
 18 lief and Emergency Assistance Act (42 U.S.C. 5170,
 19 5191) declared with respect to COVID–19, the Di-
 20 rector of the Office of Equal Rights and Community
 21 Inclusion shall regularly consult with State, local,
 22 territorial, and Tribal government officials and com-
 23 munity-based organizations from underserved com-
 24 munities the Office of Equal Rights and Community

1 Inclusion identifies as disproportionately impacted
2 by COVID-19.

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

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Achieving Racial and*
8 *Ethnic Equity in Disaster Response, Recovery, and Resil-*
9 *ience Act of 2020”.*

10 **SEC. 2. OFFICE OF EQUAL RIGHTS AND COMMUNITY INCLU-**
11 **SION.**

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

15 **“SEC. 529. OFFICE OF EQUAL RIGHTS AND COMMUNITY IN-**
16 **CLUSION.**

17 *“(a) DEFINITIONS.—In this section—*

18 *“(1) the term ‘appropriate committees of Con-*
19 *gress’ means—*

20 *“(A) the Committee on Homeland Security*
21 *and Governmental Affairs of the Senate; and*

22 *“(B) the Committee on Transportation and*
23 *Infrastructure, the Committee on Oversight and*
24 *Reform, and the Committee on Homeland Secu-*
25 *rity of the House of Representatives;*

1 “(2) the term ‘Director’ means the Director of the
2 Office of Equal Rights and Community Inclusion;

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

7 “(4) the term ‘Office’ means the Office of Equal
8 Rights and Community Inclusion; and

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

10 “(A) the Native American community;

11 “(B) the African-American community;

12 “(C) the Asian community;

13 “(D) the Hispanic (including persons of
14 Mexican, Puerto Rican, Cuban, and Central or
15 South American origin) community;

16 “(E) the Pacific Islander community;

17 “(F) the Middle Eastern and North African
18 community;

19 “(G) a rural community;

20 “(H) the low-income community;

21 “(I) the disability community; and

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

24 “(b) OFFICE OF EQUAL RIGHTS AND COMMUNITY IN-
25 CLUSION.—

1 “(1) *IN GENERAL.*—*The Office of Equal Rights*
 2 *of the Agency shall, on and after the date of enact-*
 3 *ment of the Achieving Racial and Ethnic Equity in*
 4 *Disaster Response, Recovery, and Resilience Act of*
 5 *2020, be known as the Office of Equal Rights and*
 6 *Community Inclusion.*

7 “(2) *REFERENCES.*—*Any reference to the Office*
 8 *of Equal Rights of the Agency in any law, regulation,*
 9 *map, document, record, or other paper of the United*
 10 *States shall be deemed to be a reference to the Office*
 11 *of Equal Rights and Community Inclusion.*

12 “(c) *DIRECTOR.*—

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

15 “(2) *REQUIREMENT.*—*The Director shall have*
 16 *documented experience and expertise in underserved*
 17 *community inclusion research, disaster preparedness,*
 18 *or resilience disparities elimination.*

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

20 “(1) *improve underserved community access to*
 21 *disaster assistance;*

22 “(2) *improve the quality of disaster assistance*
 23 *received by underserved communities;*

1 “(3) *eliminate racial, ethnic, and other under-*
 2 *served community disparities in the delivery of dis-*
 3 *aster assistance; and*

4 “(4) *carry out such other responsibilities of the*
 5 *Office of Equal Rights as in effect on the day before*
 6 *the date of enactment of the Achieving Racial and*
 7 *Ethnic Equity in Disaster Response, Recovery, and*
 8 *Resilience Act of 2020 as determined appropriate by*
 9 *the Administrator.*

10 “(e) *AUTHORITIES AND DUTIES.—*

11 “(1) *IN GENERAL.—The Director shall be respon-*
 12 *sible for—*

13 “(A) *improving—*

14 “(i) *underserved community access to*
 15 *disaster assistance; and*

16 “(ii) *the quality of assistance under-*
 17 *served communities receive;*

18 “(B) *eliminating racial, ethnic, and other*
 19 *underserved community disparities in the deliv-*
 20 *ery of various preparedness, response, and recov-*
 21 *ery assistance; and*

22 “(C) *carrying out such other responsibilities*
 23 *of the Office of Equal Rights as in effect on the*
 24 *day before the date of enactment of the Achieving*
 25 *Racial and Ethnic Equity in Disaster Response,*

1 *Recovery, and Resilience Act of 2020 as deter-*
 2 *mined appropriate by the Administrator.*

3 “(2) GRANTS AND CONTRACTS.—*In carrying out*
 4 *this section, to further inclusion and engagement of*
 5 *underserved communities throughout preparedness, re-*
 6 *sponse, recovery, and mitigation and to eliminate ra-*
 7 *cial, ethnic, and other underserved community dis-*
 8 *parities in the delivery of disaster assistance as de-*
 9 *scribed in subsection (d), the Administrator shall—*

10 “(A) *administer and evaluate Agency pro-*
 11 *grams and activities, including the programs*
 12 *and activities of recipients of preparedness, re-*
 13 *sponse, recovery, and mitigation grants, in a*
 14 *manner to affirmatively further inclusion and*
 15 *engagement of underserved communities and im-*
 16 *proved outcomes for underserved communities*
 17 *tied to Agency programs and activities; and*

18 “(B) *establish an underserved community*
 19 *initiative to award grants and enter into cooper-*
 20 *ative agreements and contracts with—*

21 “(i) *local nonprofit entities;*

22 “(ii) *national nonprofit organizations*
 23 *with experience administering programs in*
 24 *not fewer than 10 States; and*

1 “(iii) *nonprofit organizations that are*
 2 *indigenous human services providers in un-*
 3 *derserved communities.*

4 “(3) *REDUCING DISPARITIES IN PREPAREDNESS,*
 5 *RESPONSE, AND RECOVERY.—*

6 “(A) *IN GENERAL.—The Director shall de-*
 7 *velop measures to evaluate the effectiveness of the*
 8 *activities of program offices in the Agency and*
 9 *the activities of recipients aimed at reducing dis-*
 10 *parities in the services provided to underserved*
 11 *communities.*

12 “(B) *REQUIREMENT.—The measures devel-*
 13 *oped under subparagraph (A) shall—*

14 “(i) *evaluate community outreach ac-*
 15 *tivities, language services, workforce cul-*
 16 *tural competence, historical assistance for*
 17 *grants and loans provided to individuals,*
 18 *State, local, Tribal, and territorial govern-*
 19 *ments, the effects of disaster declaration*
 20 *thresholds on underserved communities, his-*
 21 *torical barriers to equitable assistance*
 22 *across race and class during and after dis-*
 23 *asters, and other areas as determined by the*
 24 *Director; and*

1 “(ii) identify the communities impli-
 2 cated in the evaluations conducted under
 3 clause (i).

4 “(C) COORDINATION WITH OTHER OF-
 5 FICES.—In carrying out this section, the Direc-
 6 tor shall—

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

9 “(ii) coordinate with the Office of Mi-
 10 nority Health of the Department of Health
 11 and Human Services;

12 “(iii) coordinate with the Office of Dis-
 13 ability Integration and Coordination of the
 14 Agency;

15 “(iv) coordinate with the Office of
 16 Civil Rights of the Department of Agri-
 17 culture;

18 “(v) as appropriate, coordinate with
 19 other relevant offices across the Federal Gov-
 20 ernment, including by leading a voluntary
 21 task force to address disaster response needs
 22 of underserved communities;

23 “(vi) coordinate with the Office for
 24 Civil Rights and Civil Liberties of the De-
 25 partment; and

1 “(vii) investigate allegations of un-
 2 equal disaster assistance based on race or
 3 ethnic origin or refer such allegations to the
 4 Office for Civil Rights and Civil Liberties of
 5 the Department and assist the Office for
 6 Civil Rights and Civil Liberties with inves-
 7 tigations of such allegations.

8 “(f) *REPORTS.*—

9 “(1) *IN GENERAL.*—Not later than 1 year after
 10 the date of enactment of the Achieving Racial and
 11 Ethnic Equity in Disaster Response, Recovery, and
 12 Resilience Act of 2020, and biennially thereafter, the
 13 Administrator shall prepare and submit to the appro-
 14 priate committees of Congress a report describing the
 15 activities carried out under this section during the pe-
 16 riod for which the report is being prepared.

17 “(2) *CONTENTS.*—Each report submitted under
 18 paragraph (1) shall include—

19 “(A) a narrative on activities conducted by
 20 the Office, including a description of outreach
 21 and consultation efforts with advocacy organiza-
 22 tions and human resource providers;

23 “(B) the results of the measures developed to
 24 evaluate the effectiveness of activities aimed at

1 *reducing preparedness, response, and recovery*
 2 *disparities; and*

3 “(C) *the number and types of allegations*
 4 *investigated or referred to the Office for Civil*
 5 *Rights and Civil Liberties under subsection*
 6 *(e)(3)(D)(vii).*

7 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There*
 8 *are authorized to be appropriated such sums as are nec-*
 9 *essary to carry out this section.”.*

10 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 11 *table of contents in section 1(b) of the Homeland Security*
 12 *Act of 2002 (Public Law 107–296; 116 Stat. 2135) is*
 13 *amended by inserting after the item relating to section 528*
 14 *the following:*

 “Sec. 529. *Office of Equal Rights and Community Inclusion.*”.

15 (c) *COVID–19 RESPONSE.—*

16 (1) *IN GENERAL.—During the period of time for*
 17 *which there is a major disaster or emergency declared*
 18 *by the President under section 401 or 501, respec-*
 19 *tively, of the Robert T. Stafford Disaster Relief and*
 20 *Emergency Assistance Act (42 U.S.C. 5170, 5191) de-*
 21 *clared with respect to COVID–19, the Director of the*
 22 *Office of Equal Rights and Community Inclusion*
 23 *shall regularly consult with State, local, territorial,*
 24 *and Tribal government officials and community-based*
 25 *organizations from underserved communities the Of-*

1 *ficie of Equal Rights and Community Inclusion iden-*
2 *tifies as disproportionately impacted by COVID–19.*

3 *(2) FACA APPLICABILITY.—The Federal Advi-*
4 *sory Committee Act (5 U.S.C. App.) shall not apply*
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