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1ST SESSION

S. 2961

To ensure greater equity in Federal disaster assistance policies and programs by authorizing an equity steering group and equity advisor within the Federal Emergency Management Agency, improving data collection to measure disparate outcomes and participation barriers, and requiring equity criteria to be applied to policies and programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2023

Ms. WARREN (for herself, Mr. BOOKER, Ms. DUCKWORTH, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure greater equity in Federal disaster assistance policies and programs by authorizing an equity steering group and equity advisor within the Federal Emergency Management Agency, improving data collection to measure disparate outcomes and participation barriers, and requiring equity criteria to be applied to policies and programs, 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 “Federal Emergency
3 Management Advancement of Equity Act” or the “FEMA
4 Equity Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—ENSURING EQUITY IN FEDERAL DISASTER
MANAGEMENT

Sec. 101. Data collection, analysis, and criteria.
Sec. 102. Criteria for ensuring equity in policies and programs.
Sec. 103. Metrics; report.

TITLE II—OPERATIONAL ENHANCEMENT TO IMPROVE EQUITY IN
FEDERAL DISASTER MANAGEMENT

Sec. 201. Equity advisor.
Sec. 202. Equity enterprise steering group.
Sec. 203. Government Accountability Office review of equity reforms.

TITLE III—GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF
FACTORS TO DETERMINE ASSISTANCE

Sec. 301. Government Accountability Office review of factors to determine as-
sistance.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **ADMINISTRATOR.**—The term “Adminis-
10 trator” means the Administrator of the Federal
11 Emergency Management Agency.

12 (2) **AGENCY.**—The term “Agency” means the
13 Federal Emergency Management Agency.

14 (3) **EMERGENCY.**—The term “emergency”
15 means an emergency declared by the President

1 under section 501 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C.
3 5191).

4 (4) **EQUITABLE**.—The term “equitable” means
5 having or exhibiting equity.

6 (5) **EQUITY**.—The term “equity” means—

7 (A) the guarantee of fair treatment, ad-
8 vancement, equal opportunity, access for under-
9 served communities and other individuals;

10 (B) the elimination of barriers that have
11 prevented full participation for underserved
12 communities; and

13 (C) the reduction of disparate outcomes.

14 (6) **FEDERAL ASSISTANCE**.—The term “Federal
15 assistance” means assistance provided pursuant to—

16 (A) a declaration of a major disaster or
17 emergency;

18 (B) sections 203 and 205 of the Robert T.
19 Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5133, 5135); and

21 (C) section 1366 of the National Flood In-
22 surance Act of 1968 (42 U.S.C. 4104c).

23 (7) **MAJOR DISASTER**.—The term “major dis-
24 aster” means a major disaster declared by the Presi-
25 dent under section 401 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (42
2 U.S.C. 5170).

3 (8) UNDERSERVED COMMUNITY.—The term
4 “underserved community” means—

5 (A) the Native-American, Native Hawai-
6 ian, and Alaskan-Native community;

7 (B) the African-American community;

8 (C) the Asian community;

9 (D) the Hispanic community (including in-
10 dividuals of Mexican, Puerto Rican, Cuban, and
11 Central or South American origin);

12 (E) the Pacific Islander community;

13 (F) the Middle Eastern and North African
14 community;

15 (G) a rural community;

16 (H) a low-income community;

17 (I) individuals with disabilities;

18 (J) a limited English proficiency commu-
19 nity;

20 (K) other individuals or communities oth-
21 erwise adversely affected by persistent poverty
22 or inequality; and

23 (L) any other disadvantaged community,
24 as determined by the Administrator.

1 **TITLE I—ENSURING EQUITY IN**
2 **FEDERAL DISASTER MANAGE-**
3 **MENT**

4 **SEC. 101. DATA COLLECTION, ANALYSIS, AND CRITERIA.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Administrator, in con-
7 sultation with the Secretary of Housing and Urban Devel-
8 opment and the Administrator of the Small Business Ad-
9 ministration, shall develop and implement a process to en-
10 sure equity in the provision of Federal assistance and
11 throughout all programs and policies of the Agency.

12 (b) SPECIFIC AREAS FOR CONSULTATION.—In car-
13 rying out subsection (a), the Administrator shall identify
14 requirements for ensuring the quality, consistency, acces-
15 sibility, and availability of information necessary to iden-
16 tify programs and policies of the Agency that may not sup-
17 port the provision of equitable Federal assistance, includ-
18 ing—

- 19 (1) information requirements;
20 (2) data sources and collection methods; and
21 (3) strategies for overcoming data or other in-
22 formation challenges.

23 (c) MODIFICATION OF DATA COLLECTION SYS-
24 TEMS.—The Administrator shall modify the data collec-
25 tion systems of the Agency based on the process developed

1 under subsection (a) to ensure the quality, consistency, ac-
 2 cessibility, and availability of information necessary to
 3 identify any programs and policies of the Agency that may
 4 not support the provision of equitable Federal assistance.

5 **SEC. 102. CRITERIA FOR ENSURING EQUITY IN POLICIES**
 6 **AND PROGRAMS.**

7 (a) IN GENERAL.—Not later than 1 year after the
 8 date of enactment of this Act, the Administrator shall de-
 9 velop, disseminate, and update, as appropriate, criteria to
 10 apply to policies and programs of the Agency to ensure
 11 equity in the provision of Federal assistance and through-
 12 out all programs and policies of the Agency.

13 (b) CONSULTATION.—In developing and dissemi-
 14 nating the criteria required under subsection (a), the Ad-
 15 ministrator shall consult with—

16 (1) the Officer for Civil Rights and Civil Lib-
 17 erties of the Department of Homeland Security;

18 (2) the Secretary of Housing and Urban Devel-
 19 opment; and

20 (3) the Administrator of the Small Business
 21 Administration.

22 (c) INTEGRATION OF CRITERIA.—

23 (1) IN GENERAL.—To the maximum extent pos-
 24 sible, the Administrator shall integrate the criteria
 25 developed under subsection (a) into existing and fu-

1 ture processes relating to the provision of Federal
2 assistance.

3 (2) PRIORITY.—The Administrator shall
4 prioritize integrating the criteria under paragraph
5 (1) into processes relating to the provision of—

6 (A) assistance under sections 402, 403,
7 406, 407, 428, and 502 of the Robert T. Staf-
8 ford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5170a, 5170b, 5172, 5173,
10 5189f, 5193);

11 (B) Federal assistance to individuals and
12 households under section 408 of such Act (42
13 U.S.C. 5174);

14 (C) hazard mitigation assistance under
15 section 404 of such Act (42 U.S.C. 5170c); and

16 (D) predisaster hazard mitigation assist-
17 ance under section 203 of such Act (42 U.S.C.
18 5133).

19 **SEC. 103. METRICS; REPORT.**

20 (a) METRICS.—In carrying out this title, the Admin-
21 istrator shall—

22 (1) establish metrics to measure the efficacy of
23 the process developed under section 101(a) and the
24 criteria developed under section 102(a); and

1 (2) seek input from relevant representatives of
2 State, regional, local, and Tribal governments, rep-
3 resentatives of community-based organizations, sub-
4 ject matter experts, and individuals from under-
5 served communities impacted by disasters.

6 (b) REPORT.—Not later than 1 year after the dis-
7 semination of the criteria under section 102(a), and annu-
8 ally thereafter, the Administrator shall submit to Congress
9 a report describing how the criteria and processes devel-
10 oped under this title have impacted efforts to ensure eq-
11 uity in the provision of Federal assistance and throughout
12 all programs and policies of the Agency, including—

13 (1) any obstacles identified or areas for im-
14 provement, with respect to implementation of such
15 criteria and processes, including any recommended
16 legislative changes;

17 (2) the effectiveness of such criteria and proc-
18 esses, as measured by the metrics established under
19 subsection (a)(1); and

20 (3) any impacts of such criteria and processes
21 on the provision of Federal assistance, with specific
22 attention to impacts relating to efforts within the
23 Agency to address barriers to access and reduce dis-
24 parate outcomes.

1 **TITLE II—OPERATIONAL EN-**
2 **HANCEMENT TO IMPROVE**
3 **EQUITY IN FEDERAL DIS-**
4 **ASTER MANAGEMENT**

5 **SEC. 201. EQUITY ADVISOR.**

6 (a) IN GENERAL.—

7 (1) DESIGNATION.—The Administrator shall
8 designate a senior official within the Agency as an
9 equity advisor to the Administrator.

10 (2) RESPONSIBILITIES.—The equity advisory
11 designated under paragraph (1) shall be responsible
12 for advising the Administrator on efforts of the
13 Agency to ensure equity in the provision of Federal
14 assistance and throughout all programs and policies
15 of the Agency.

16 (b) QUALIFICATIONS.—In designating an equity advi-
17 sor under subsection (a)(1), the Administrator shall select
18 an individual who is a qualified expert with significant ex-
19 perience with respect to equity policy, civil rights policy,
20 or programmatic reforms.

21 (c) DUTIES.—In addition to advising the Adminis-
22 trator, the equity advisor designated under subsection
23 (a)(1) shall—

24 (1) participate in the implementation of sec-
25 tions 101 and 102;

1 (2) monitor equity in the implementation of eq-
2 uity efforts within the Agency and within regions of
3 the Agency to ensure consistency in the implementa-
4 tion of policy or programmatic changes intended to
5 ensure equity in the provision of Federal assistance
6 and throughout all programs and policies of the
7 Agency;

8 (3) identify ways to improve the policies and
9 programs of the Agency to ensure that such policies
10 and programs are equitable, including enhancing op-
11 portunities to support underserved populations in
12 preparedness, mitigation, protection, response, and
13 recovery; and

14 (4) any other activities the Administrator con-
15 siders appropriate.

16 (d) CONSULTATION.—In carrying out the duties
17 under this section, the equity advisor designate under sub-
18 section (a)(1) shall, on an ongoing basis, consult with rep-
19 resentatives of underserved communities, including com-
20 munities directly impacted by disasters, to evaluate oppor-
21 tunities and develop approaches to advancing equity with-
22 in the Agency, including by increasing coordination, com-
23 munication, and engagement with—

24 (1) community-based organizations;

25 (2) civil rights organizations;

- 1 (3) institutions of higher education;
- 2 (4) research institutions;
- 3 (5) academic organizations specializing in diver-
- 4 sity, equity, and inclusion issues; and
- 5 (6) religious and faith-based organizations.

6 **SEC. 202. EQUITY ENTERPRISE STEERING GROUP.**

7 (a) ESTABLISHMENT.—There is established within
8 the Agency a steering group to advise the Administrator
9 on how to ensure equity in the provision of Federal assist-
10 ance and throughout all programs and policies of the
11 Agency.

12 (b) RESPONSIBILITIES.—In carrying out subsection
13 (a), the steering group established under this section
14 shall—

15 (1) review and, as appropriate, recommend
16 changes to Agency-wide policies, procedures, plans,
17 and guidance;

18 (2) support the development and implementa-
19 tion of the processes and criteria developed under
20 title I; and

21 (3) monitor the integration and establishment
22 of metrics developed under section 103.

23 (c) COMPOSITION.—The Administrator shall appoint
24 the following individuals as members of the steering group
25 established under subsection (a):

1 (1) Representatives from each of the following
2 offices of the Agency:

3 (A) The Office of Equal Rights.

4 (B) The Office of Response and Recovery.

5 (C) Federal Emergency Management
6 Agency Resilience.

7 (D) The Office of Disability Integration
8 and Coordination.

9 (E) The United States Fire Administra-
10 tion.

11 (F) The mission support office of the
12 Agency.

13 (G) The Office of Chief Counsel.

14 (H) The Office of the Chief Financial Offi-
15 cer.

16 (I) The Office of Policy and Program
17 Analysis.

18 (J) The Office of External Affairs.

19 (2) The administrator of each regional office of
20 the Agency or a designee.

21 (3) The equity advisor designated by the Ad-
22 ministrator under section 201(a)(1).

23 (4) A representative from the Office for Civil
24 Rights and Civil Liberties of the Department of
25 Homeland Security.

1 (5) The Superintendent of the Emergency Man-
2 agement Institute.

3 (6) The National Tribal Affairs Advisor of the
4 Agency.

5 (7) Any other official of the Agency the Admin-
6 istrator determines appropriate.

7 (d) LEADERSHIP.—The Administrator shall des-
8 ignate 1 or more members of the steering group estab-
9 lished under subsection (a) to serve as chair of the steering
10 group.

11 **SEC. 203. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
12 **OF EQUITY REFORMS.**

13 Not later than 3 years after the date of enactment
14 of this Act, the Comptroller General of the United States
15 shall issue a report to evaluate the implementation of this
16 title and title I.

17 **TITLE III—GOVERNMENT AC-**
18 **COUNTABILITY OFFICE RE-**
19 **VIEW OF FACTORS TO DETER-**
20 **MINE ASSISTANCE**

21 **SEC. 301. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
22 **OF FACTORS TO DETERMINE ASSISTANCE.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Comptroller General

1 of the United States shall issue a report that describes
2 the factors the Agency considers—

3 (1) when evaluating a request from a Governor
4 to declare that a major disaster or emergency exists;
5 and

6 (2) to authorize assistance under sections 402,
7 403, 406, 407, 408, 428, and 502 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5173,
10 5189f, 5193).

11 (b) CONTENTS.—The report issued under subsection
12 (a) shall include—

13 (1) an assessment of—

14 (A) the degree to which the factors the
15 Agency considers when evaluating a request for
16 a major disaster or emergency declaration—

17 (i) affect equity for underserved com-
18 munities, particularly with respect to
19 major disaster and emergency declaration
20 requests, approvals of such requests, and
21 the authorization of assistance described in
22 subsection (a)(2); and

23 (ii) are designed to deliver equitable
24 outcomes;

1 (B) how the Agency uses such factors or
2 monitors whether such factors result in equi-
3 table outcomes;

4 (C) the extent to which major disaster and
5 emergency declaration requests, approvals of
6 such requests, and the authorization of assist-
7 ance described in subsection (a)(2), are more
8 highly correlated with high-income counties
9 compared to lower-income counties;

10 (D) whether the process and administra-
11 tive steps for conducting preliminary damage
12 assessments are equitable; and

13 (E) to the extent practicable, whether such
14 factors may deter a Governor from seeking a
15 major disaster or emergency declaration for po-
16 tentially eligible counties; and

17 (2) a consideration of the extent to which such
18 factors affect underserved communities—

19 (A) of varying size;

20 (B) with varying population density and
21 demographic characteristics;

22 (C) with limited emergency management
23 staff and resources; and

24 (D) located in urban or rural areas.

1 (c) RECOMMENDATIONS.—The Comptroller General
2 of the United States shall include in the report issued
3 under subsection (a) any recommendations for changes to
4 the factors the Agency considers when evaluating a re-
5 quest for a major disaster or emergency declaration to ac-
6 count for underserved communities.

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