

116TH CONGRESS
2D SESSION

S. 3658

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 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 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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 EQUAL RIGHTS AND COMMUNITY IN-**
7 **CLUSION.**

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 Equal Rights and Community Inclu-
19 sion;

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

22 “(4) the term ‘underserved community’
23 means—

24 “(A) the Native American community;

25 “(B) the African-American community;

1 “(C) the Hispanic (including persons of
2 Mexican, Puerto Rican, Cuban, and Central or
3 South American origin) community;

4 “(D) the Pacific Islander community;

5 “(E) the Middle Eastern and North Afri-
6 can community;

7 “(F) a rural community; and

8 “(G) any other historically disadvantaged
9 community.

10 “(b) OFFICE OF EQUAL RIGHTS AND COMMUNITY
11 INCLUSION.—

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

18 “(2) REFERENCES.—Any reference to the Of-
19 fice of Equal Rights of the Agency in any law, regu-
20 lation, map, document, record, or other paper of the
21 United States shall be deemed to be a reference to
22 the Office of Equal Rights and Community Inclu-
23 sion.

24 “(c) DIRECTOR.—

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

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

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

8 “(1) improve underserved community access to
9 disaster assistance;

10 “(2) improve the quality of disaster assistance
11 received by underserved communities;

12 “(3) eliminate racial, ethnic, and other under-
13 served community disparities in the delivery of dis-
14 aster assistance; and

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

21 “(e) AUTHORITIES AND DUTIES.—

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

24 “(A) improving—

1 “(i) underserved community access to
2 disaster assistance; and

3 “(ii) the quality of assistance under-
4 served communities receive;

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

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

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

20 “(A) award grants and enter into coopera-
21 tive agreements and contracts with local non-
22 profit entities, national nonprofit organizations
23 with experience administering multi-State pro-
24 grams in not less than 10 States, and nonprofit
25 organizations that are indigenous human re-

1 source providers in underserved communities;
2 and

3 “(B) enter into memoranda of under-
4 standing with State, local, Tribal, and terri-
5 torial government agencies.

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

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

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

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

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

21 “(v) investigate allegations of unequal
22 disaster assistance based on race or ethnic
23 origin or refer such allegations to the Of-
24 fice for Civil Rights and Civil Liberties of
25 the Department and assist the Office for

1 Civil Rights and Civil Liberties with inves-
2 tigations of such allegations.

3 “(f) REPORTS.—

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

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

14 “(A) a narrative on activities conducted by
15 the Office, including a description of outreach
16 and consultation efforts with advocacy organiza-
17 tions and human resource providers;

18 “(B) the results of the measures developed
19 to evaluate the effectiveness of activities aimed
20 at reducing preparedness, response, and recov-
21 ery disparities; and

22 “(C) the number and types of allegations
23 investigated or referred to the Office for Civil
24 Rights and Civil Liberties under subsection
25 (e)(3)(D)(v).

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

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

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

9 (c) 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 Equal Rights and Community
17 Inclusion shall regularly consult with State, local,
18 territorial, and Tribal government officials and com-
19 munity-based organizations from underserved com-
20 munities the Office of Equal Rights and Community
21 Inclusion identifies as disproportionately impacted
22 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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