

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 3658**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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”.

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

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

1 **“SEC. 529. OFFICE OF EQUAL RIGHTS AND COMMUNITY IN-**  
2 **CLUSION.**

3 “(a) DEFINITIONS.—In this section—

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

6 “(A) the Committee on Homeland Security  
7 and Governmental Affairs of the Senate; and

8 “(B) the Committee on Transportation  
9 and Infrastructure, the Committee on Oversight  
10 and Reform, and the Committee on Homeland  
11 Security of the House of Representatives;

12 “(2) the term ‘Director’ means the Director of  
13 the Office of Equal Rights and Community Inclu-  
14 sion;

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

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

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

23 “(A) the Native American community;

24 “(B) the African-American community;

25 “(C) the Asian community;

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

4           “(E) the Pacific Islander community;

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

7           “(G) a rural community;

8           “(H) the low-income community;

9           “(I) the disability community; and

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

12       “(b) OFFICE OF EQUAL RIGHTS AND COMMUNITY  
13 INCLUSION.—

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

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

1 “(c) DIRECTOR.—

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

4 “(2) REQUIREMENT.—The Director shall have  
5 documented experience and expertise in underserved  
6 community inclusion research, disaster preparedness,  
7 or resilience disparities elimination.

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

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

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

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

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

22 “(e) AUTHORITIES AND DUTIES.—

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

25 “(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 further inclusion and engagement  
18                  of underserved communities throughout prepared-  
19                  ness, response, recovery, and mitigation and to  
20                  eliminate racial, ethnic, and other underserved com-  
21                  munity disparities in the delivery of disaster assist-  
22                  ance as described in subsection (d), the Adminis-  
23                  trator shall—

24                         “(A) administer and evaluate Agency pro-  
25                         grams and activities, including the programs

1 and activities of recipients of preparedness, re-  
2 sponse, recovery, and mitigation grants, in a  
3 manner affirmatively to further inclusion and  
4 engagement of underserved communities and  
5 improved outcomes for underserved commu-  
6 nities tied to Agency programs and activities;  
7 and

8 “(B) establish an underserved community  
9 initiative to award grants and enter into cooper-  
10 ative agreements and contracts with—

11 “(i) local nonprofit entities;

12 “(ii) national nonprofit organizations  
13 with experience administering programs in  
14 not fewer than 10 States; and

15 “(iii) nonprofit organizations that are  
16 indigenous human services providers in un-  
17 derserved communities.

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

20 “(A) IN GENERAL.—The Director shall de-  
21 velop measures to evaluate the effectiveness of  
22 the activities of program offices in the Agency  
23 and the activities of recipients aimed at reduc-  
24 ing disparities in the services provided to under-  
25 served communities.

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

3                   “(i) evaluate community outreach ac-  
4                   tivities, language services, workforce cul-  
5                   tural competence, historical assistance for  
6                   grants and loans provided to individuals,  
7                   State, local, Tribal, and territorial govern-  
8                   ments, the effects of disaster declaration  
9                   thresholds on underserved communities,  
10                  historical barriers to equitable assistance  
11                  across race and class during and after dis-  
12                  asters, and other areas as determined by  
13                  the Director; and

14                   “(ii) identify the communities impli-  
15                   cated in the evaluations conducted under  
16                   clause (i).

17           “(C) COORDINATION WITH OTHER OF-  
18           FICES.—In carrying out this section, the Direc-  
19           tor shall—

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

22                   “(ii) coordinate with the Office of Mi-  
23                   nority Health of the Department of Health  
24                   and Human Services;

1           “(iii) coordinate with the Office of  
2           Disability Integration and Coordination of  
3           the Agency;

4           “(iv) coordinate with the Office of  
5           Civil Rights of the Department of Agri-  
6           culture;

7           “(v) as appropriate, coordinate with  
8           other relevant offices across the Federal  
9           Government, including by leading a vol-  
10          untary task force to address disaster re-  
11          sponse needs of underserved communities;

12          “(vi) coordinate with the Office for  
13          Civil Rights and Civil Liberties of the De-  
14          partment of Homeland Security; and

15          “(vii) investigate allegations of un-  
16          equal disaster assistance based on race or  
17          ethnic origin or refer such allegations to  
18          the Office for Civil Rights and Civil Lib-  
19          erties of the Department and assist the Of-  
20          fice for Civil Rights and Civil Liberties  
21          with investigations of such allegations.

22          “(f) REPORTS.—

23                 “(1) IN GENERAL.—Not later than 1 year after  
24                 the date of enactment of the Achieving Racial and  
25                 Ethnic Equity in Disaster Response, Recovery, and



1 Resilience Act of 2020, and biennially thereafter, the  
2 Administrator shall prepare and submit to the ap-  
3 propriate committees of Congress a report describing  
4 the activities carried out under this section during  
5 the period for which the report is being prepared.

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

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

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

16 “(C) the number and types of allegations  
17 investigated or referred to the Office for Civil  
18 Rights and Civil Liberties under subsection  
19 (e)(3)(D)(v).

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

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
24 The table of contents in section 1(b) of the Homeland Se-  
25 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)

1 is amended by inserting after the item relating to section  
2 528 the following:

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

3 (c) COVID–19 RESPONSE.—

4 (1) IN GENERAL.—During the period of time  
5 for which there is a major disaster or emergency de-  
6 clared by the President under section 401 or 501,  
7 respectively, of the Robert T. Stafford Disaster Re-  
8 lief and Emergency Assistance Act (42 U.S.C. 5170,  
9 5191) declared with respect to COVID–19, the Di-  
10 rector of the Office of Equal Rights and Community  
11 Inclusion shall regularly consult with State, local,  
12 territorial, and Tribal government officials and com-  
13 munity-based organizations from underserved com-  
14 munities the Office of Equal Rights and Community  
15 Inclusion identifies as disproportionately impacted  
16 by COVID–19.

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