AMENDMENT TO RULES COMM. PRINT 117–54
OFFERED BY MR. THOMPSON OF MISSISSIPPI

Add at the end of division E the following:

TITLE LIX—FEDERAL EMERGENCY MANAGEMENT ADVANCEMENT OF EQUITY

SEC. 5901. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

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

(3) EMERGENCY.—The term “emergency” means an emergency declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191).

(4) EQUITY.—The term “equity” means the guarantee of fair treatment, advancement, equal opportunity, and access for underserved communities and others, the elimination of barriers that have pre-
vented full participation for underserved communities, and the reduction of disparate outcomes.

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

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

(A) a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(B) sections 203 and 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

(C) section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

(7) **MAJOR DISASTER.**—The term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

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

(A) the Native-American and Alaskan-Native community;

(B) the African-American community;

(C) the Asian community;
(D) the Hispanic community (including individuals of Mexican, Puerto Rican, Cuban, and Central or South American origin);

(E) the Pacific Islander community;

(F) the Middle Eastern and North African community;

(G) a rural community;

(H) a low-income community;

(I) individuals with disabilities;

(J) a limited English proficiency community;

(K) other individuals or communities otherwise adversely affected by persistent poverty or inequality; and

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

Subtitle A—Ensuring Equity in Federal Disaster Management

SEC. 5911. DATA COLLECTION, ANALYSIS, AND CRITERIA.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Small Business Administration, develop and implement a process to en-
sure equity in the provision of Federal assistance and
throughout all programs and policies of the Agency.

(b) Specific Areas for Consultation.—In carry-
ing out subsection (a), the Administrator shall identify
requirements for ensuring the quality, consistency, acces-
sibility, and availability of information needed to identify
programs and policies of the Agency that may not support
the provision of equitable Federal assistance, including—

(1) information requirements;

(2) data sources and collection methods; and

(3) strategies for overcoming data or other in-
formation challenges.

(c) Modification of Data Collection Sys-
tems.—The Administrator shall modify the data collec-
tion systems of the Agency based on the process developed
under subsection (a) to ensure the quality, consistency, ac-
cessibility, and availability of information needed to iden-
tify any programs and policies of the Agency that may
not support the provision of equitable Federal assistance.

SEC. 5912. CRITERIA FOR ENSURING EQUITY IN POLICIES
AND PROGRAMS.

(a) In General.—Not later than one year after the
date of enactment of this Act, the Administrator shall de-
velop, disseminate, and update, as appropriate, criteria to
apply to policies and programs of the Agency to ensure
equity in the provision of Federal assistance and throughout all programs and policies of the Agency.

(b) CONSULTATION. — In developing and disseminating the criteria required under subsection (a), the Administrator shall consult with—

(1) the Office for Civil Rights and Civil Liberties of the Department of Homeland Security;

(2) the United States Department of Housing and Urban Development; and

(3) the Small Business Administration.

(c) INTEGRATION OF CRITERIA.—

(1) IN GENERAL. — The Administrator shall, to the maximum extent possible, integrate the criteria developed under subsection (a) into existing and future processes related to the provision of Federal assistance.

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

(A) assistance under sections 402, 403, 406, 407, 428, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a et seq.);
(B) Federal assistance to individuals and households under section 408 of such Act (42 U.S.C. 5174);

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

(D) predisaster hazard mitigation assistance under section 203 of such Act (42 U.S.C. 5133).

SEC. 5913. METRICS; REPORT.

(a) METRICS.—In carrying out this subtitle, the Administrator shall—

(1) establish metrics to measure the efficacy of the process developed under section 5911 and the criteria developed under section 5912; and

(2) seek input from relevant representatives of State, regional, local, territorial, and Tribal governments, representatives of community-based organizations, subject matter experts, and individuals from underserved communities impacted by disasters.

(b) REPORT.—Not later than one year after the dissemination of the criteria under section 5912(a), and annually thereafter, the Administrator shall submit to Congress a report describing how the criteria and processes developed under this subtitle have impacted efforts to ensure equity in the provision of Federal assistance and
throughout all programs and policies of the Agency, in-
cluding—

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

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

(3) any impacts of such criteria and processes
on the provision of Federal assistance, with specific
attention to impacts related to efforts within the
Agency to address barriers to access and reducing
disparate outcomes.

Subtitle B—Operational Enhance-
ment to Improve Equity in Fed-
eral Disaster Management

SEC. 5921. EQUITY ADVISOR.

(a) IN GENERAL.—The Administrator shall designate
a senior official within the Agency as an equity advisor
to the Administrator to be responsible for advising the Ad-
ministrator on Agency efforts to ensure equity in the pro-
vision of Federal assistance and throughout all programs
and policies of the Agency.
(b) QUALIFICATIONS.—In designating an equity advisor under subsection (a), the Administrator shall select an individual who is a qualified expert with significant experience with respect to equity policy, civil rights policy, or programmatic reforms.

(c) DUTIES.—In addition to advising the Administrator, the equity advisor designated under subsection (a) shall—

(1) participate in the implementation of sections 5911 and 5912;

(2) monitor equity efforts within the Agency and within Federal Emergency Management Agency Regions to ensure consistency in the implementation of policy or programmatic changes intended to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency;

(3) identify ways to improve the policies and programs of the Agency to ensure that such policies and programs are equitable, including enhancing opportunities to support underserved populations in preparedness, mitigation, protection, response, and recovery; and

(4) any other activities the Administrator considers appropriate.
(d) CONSULTATION.—In carrying out the duties under this section, the equity advisor shall, on an ongoing basis, consult with representatives of underserved communities, including communities directly impacted by disasters, to evaluate opportunities and develop approaches to advancing equity within the Agency, including by increasing coordination, communication, and engagement with—

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

SEC. 5922. EQUITY ENTERPRISE STEERING GROUP.

(a) ESTABLISHMENT.—There is established in the Agency a steering group to advise the Administrator on how to ensure equity in the provision of Federal assistance and throughout all programs and policies of the Agency.

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

(1) review and, as appropriate, recommend changes to Agency-wide policies, procedures, plans, and guidance;
(2) support the development and implementation of the processes and criteria developed under subtitle A; and

(3) monitor the integration and establishment of metrics developed under section 5913.

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

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

(A) The Office of Equal Rights.

(B) The Office of Response and Recovery.

(C) FEMA Resilience.

(D) The Office of Disability Integration and Coordination.

(E) The United States Fire Administration.

(F) The mission support office of the Agency.

(G) The Office of Chief Counsel.

(H) The Office of the Chief Financial Officer.

(I) The Office of Policy and Program Analysis.

(J) The Office of External Affairs.
(2) The administrator of each Regional Office, or his or her designee.

(3) The equity advisor, as designated by the Administrator under section 5921.

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


(7) Any other official of the Agency the Administrator determines appropriate.

(d) LEADERSHIP.—The Administrator shall designate one or more members of the steering group established under subsection (a) to serve as chair of the steering group.

SEC. 5923. GAO REVIEW OF EQUITY REFORMS.

Not later than three years after the date of enactment of this Act, the Comptroller General of the United States shall issue a report to evaluate the implementation of this subtitle and subtitle A.
Subtitle C—GAO Review of Factors to Determine Assistance

SEC. 5931. GAO REVIEW OF FACTORS TO DETERMINE ASSISTANCE.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report describing the factors the Agency considers when evaluating a request from a Governor to declare that a major disaster or emergency exists and to authorize assistance under sections 402, 403, 406, 407, 408, 428, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170a et seq.).

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

(1) an assessment of—

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

(i) affect equity for underserved communities, particularly with respect to major disaster and emergency declaration requests, approvals of such requests, and the authorization of assistance described in subsection (a); and
(ii) are designed to deliver equitable outcomes;

(B) how the Agency utilizes such factors or monitors whether such factors result in equitable outcomes;

(C) the extent to which major disaster and emergency declaration requests, approvals of such requests, and the authorization of assistance described in subsection (a), are more highly correlated with high-income counties compared to lower-income counties;

(D) whether the process and administrative steps for conducting preliminary damage assessments are equitable; and

(E) to the extent practicable, whether such factors may deter a Governor from seeking a major disaster or emergency declaration for potentially eligible counties; and

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

(A) of varying size;

(B) with varying population density and demographic characteristics;

(C) with limited emergency management staff and resources; and
(D) located in urban or rural areas.

(e) RECOMMENDATIONS.—The Comptroller General shall include in the report issued under subsection (a) any recommendations for changes to the factors the Agency considers when evaluating a request for a major disaster or emergency declaration to account for underserved communities.