

117TH CONGRESS
2D SESSION

H. R. 7668

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, requiring equity criteria to be applied to policies and programs, and permitting counties to seek emergency and major disaster declarations in certain circumstances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2022

Mr. THOMPSON of Mississippi (for himself and Mrs. DEMINGS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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, requiring equity criteria to be applied to policies and programs, and permitting counties to seek emergency and major disaster declarations in certain circumstances, 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 “Federal Emergency
 5 Management Advancement of Equity Act” or the “FEMA
 6 Equity Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 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. GAO review of equity reforms.

TITLE III—SAFEGUARDS TO ENSURE EQUITY IN FEDERAL
EMERGENCY MANAGEMENT AGENCY DISASTER PROGRAMS

- Sec. 301. Expanding access to declaration process.
- Sec. 302. Rulemaking and guidance.
- Sec. 303. GAO review of factors to determine assistance.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

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

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

1 (3) EMERGENCY.—The term “emergency”
2 means an emergency declared by the President
3 under section 501 of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42 U.S.C.
5 5191).

6 (4) EQUITY.—The term “equity” means the
7 guarantee of fair treatment, advancement, equal op-
8 portunity, and access for underserved communities
9 and others, the elimination of barriers that have pre-
10 vented full participation for underserved commu-
11 nities, and the reduction of disparate outcomes.

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

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, including assistance provided pursu-
18 ant to sections 203, 205, 404, and 420 of the
19 Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act; and

21 (B) 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 and Alaskan-Na-
6 tive 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 shall, in
7 consultation with the Secretary of Housing and Urban De-
8 velopment and the Administrator of the Small Business
9 Administration, 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 needed to identify
16 programs and policies of the Agency that may not support
17 the provision of equitable Federal assistance, including—

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

22 (c) MODIFICATION OF DATA COLLECTION SYS-
23 TEMS.—The Administrator shall modify the data collec-
24 tion systems of the Agency based on the process developed
25 under subsection (a) to ensure the quality, consistency, ac-

1 cessibility, and availability of information needed to iden-
 2 tify any programs and policies of the Agency that may
 3 not support the provision of equitable Federal assistance.

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

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

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

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

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

19 (3) the Small Business Administration.

20 (c) INTEGRATION OF CRITERIA.—

21 (1) IN GENERAL.—The Administrator shall, to
 22 the maximum extent possible, integrate the criteria
 23 developed under subsection (a) into existing and fu-
 24 ture processes related to the provision of Federal as-
 25 sistance.

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

4 (A) assistance under sections 402, 403,
5 406, 407, 428, and 502 of the Robert T. Staf-
6 ford Disaster Relief and Emergency Assistance
7 Act (42 U.S.C. 5170a et seq.);

8 (B) Federal assistance to individuals and
9 households under section 408 of such Act (42
10 U.S.C. 5174);

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

13 (D) predisaster hazard mitigation assist-
14 ance under section 203 of such Act (42 U.S.C.
15 5133).

16 **SEC. 103. METRICS; REPORT.**

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

19 (1) establish metrics to measure the efficacy of
20 the process developed under section 101 and the cri-
21 teria developed under section 102; and

22 (2) seek input from relevant representatives of
23 State, regional, local, and Tribal governments, rep-
24 resentatives of community-based organizations, sub-

1 ject matter experts, and individuals from under-
2 served communities impacted by disasters.

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

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

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

17 (3) any impacts of such criteria and processes
18 on the provision of Federal assistance, with specific
19 attention to impacts related to efforts within the
20 Agency to address barriers to access and reducing
21 disparate 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.—The Administrator shall designate
7 a senior official within the Agency as an equity advisor
8 to the Administrator to be responsible for advising the Ad-
9 ministrator on Agency efforts to ensure equity in the pro-
10 vision of Federal assistance and throughout all programs
11 and policies of the Agency.

12 (b) QUALIFICATIONS.—In designating an equity advi-
13 sor under subsection (a), the Administrator shall select an
14 individual who is a qualified expert with significant experi-
15 ence with respect to equity policy or programmatic re-
16 forms.

17 (c) DUTIES.—In addition to advising the Adminis-
18 trator, the equity advisor designated under subsection (a)
19 shall—

20 (1) participate in the implementation of sec-
21 tions 101 and 102;

22 (2) monitor equity the implementation of equity
23 efforts within the Agency and within Federal Emer-
24 gency Management Agency Regions to ensure con-
25 sistency in the implementation of policy or pro-

1 grammatic changes intended to ensure equity in the
2 provision of Federal assistance and throughout all
3 programs and policies of the Agency;

4 (3) identify ways to improve the policies and
5 programs of the Agency to ensure that such policies
6 and programs are equitable, including—

7 (A) recommending opportunities to en-
8 hance language access;

9 (B) recruiting, hiring, retaining, and pro-
10 moting diverse candidates at all levels of Agen-
11 cy operations; and

12 (C) enhancing opportunities to support un-
13 derserved populations in preparedness, mitiga-
14 tion, protection, response, and recovery; and

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

17 (d) CONSULTATION.—In carrying out the duties
18 under this section, the equity advisor shall, on an ongoing
19 basis, consult with representatives of underserved commu-
20 nities, including communities directly impacted by disas-
21 ters, to evaluate opportunities and develop approaches to
22 advancing equity within the Agency, including by increas-
23 ing coordination, communication, and engagement with—

24 (1) community-based organizations;

25 (2) civil rights organizations;

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

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

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

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

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

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

19 (3) monitor the integration and establishment
20 of metrics developed under section 103.

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

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

1 (A) The Office of Equal Rights.

2 (B) The Office of Response and Recovery.

3 (C) FEMA Resilience.

4 (D) The Office of Disability Integration
5 and Coordination.

6 (E) The United States Fire Administra-
7 tion.

8 (F) The mission support office of the
9 Agency.

10 (G) The Office of Chief Counsel.

11 (H) The Office of the Chief Financial Offi-
12 cer.

13 (I) The Office of Policy and Program
14 Analysis.

15 (2) The administrator of each Regional Office,
16 or his or her designee.

17 (3) A representative from the National Advisory
18 Council.

19 (4) The equity advisor, as designated by the
20 Administrator under section 201.

21 (5) A representative from the Office for Civil
22 Rights and Civil Liberties of the Department of
23 Homeland Security.

24 (6) The Superintendent of the Emergency Man-
25 agement Institute.

1 (7) The National Tribal Affairs Advisor of the
2 Federal Emergency Management Agency.

3 (8) Any other official of the Agency the Admin-
4 istrator determines appropriate.

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

9 **SEC. 203. GAO REVIEW OF EQUITY REFORMS.**

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

14 **TITLE III—SAFEGUARDS TO EN-**
15 **SURE EQUITY IN FEDERAL**
16 **EMERGENCY MANAGEMENT**
17 **AGENCY DISASTER PRO-**
18 **GRAMS**

19 **SEC. 301. EXPANDING ACCESS TO DECLARATION PROCESS.**

20 (a) MAJOR DISASTER.—Section 401 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act
22 (42 U.S.C. 5170) is amended by adding at the end the
23 following:

24 “(d) COUNTY REQUESTS.—

1 “(1) IN GENERAL.—The chief executive officer
2 of an affected county may submit a request for a
3 declaration by the President that a major disaster
4 exists consistent with the requirements of subsection
5 (a) under the following circumstances:

6 “(A) The Governor of the State or terri-
7 tory in which the affected county is located does
8 not request such a declaration.

9 “(B) The affected county is not included in
10 a request for assistance made by the Governor
11 of the State or territory in which such county
12 is located.

13 “(C) The affected county communicates
14 with the Governor of the State or territory in
15 which the affected county is located about the
16 disaster or potential request for a major dis-
17 aster declaration before the period described in
18 paragraph (2)(A) has lapsed.

19 “(2) LIMITATION.—The chief executive officer
20 of an affected county may not submit a request for
21 a declaration by the President that a major disaster
22 exists until—

23 “(A) the period during which the Governor
24 of the State or territory in which such county

1 is located may request such a declaration has
2 lapsed; or

3 “(B) the Governor of the State or territory
4 in which such county is located has commu-
5 nicated to the chief executive officer of the
6 county that the Governor will not seek such a
7 declaration from the President.

8 “(3) REFERENCES.—In implementing assist-
9 ance authorized by the President under this Act in
10 response to a request from the chief executive officer
11 of an affected county for a major disaster declara-
12 tion, any reference in this title or title III to a State
13 or the Governor of a State is deemed to refer to an
14 affected county or the chief executive officer of an
15 affected county, as appropriate.

16 “(4) RULE OF CONSTRUCTION.—Nothing in
17 this subsection shall prohibit a county from receiving
18 assistance under this title through a declaration
19 made by the President at the request of a State
20 under subsection (a) if the President does not make
21 a declaration under this subsection for the same in-
22 cident.

23 “(5) DEFINITION OF COUNTY.—

24 “(A) IN GENERAL.—In this subsection, the
25 term ‘county’ means a county, parrish, or

1 equivalent subdivision of a State or Territory of
2 the United States that is a unit of general local
3 government.

4 “(B) EXCEPTION.—In the event a county
5 is located in a State where 1 or more counties
6 are not units of general local government, the
7 term ‘county’ includes the largest city, town, or
8 unit of general local government by population
9 in an area affected by a major disaster on be-
10 half of all affected cities, towns, and other local
11 units of general local government.”.

12 (b) EMERGENCY.—Section 501 of the Robert T. Staf-
13 ford Disaster Relief and Emergency Assistance Act (42
14 U.S.C. 5191) is amended by adding at the end the fol-
15 lowing:

16 “(d) COUNTY REQUESTS.—

17 “(1) IN GENERAL.—The chief executive officer
18 of an affected county may submit a request for a
19 declaration by the President that an emergency ex-
20 ists consistent with the requirements of subsection
21 (a) under the following circumstances:

22 “(A) The Governor of the State or terri-
23 tory in which the affected county is located does
24 not request such a declaration.

1 “(B) The affected county is not included in
2 a request for assistance made by the Governor
3 of the State or territory in which such county
4 is located.

5 “(C) The affected county communicates
6 with the Governor of the State or territory in
7 which the affected county is located about the
8 emergency or potential request for an emer-
9 gency declaration before the period described in
10 paragraph (2)(A) has lapsed.

11 “(2) LIMITATION.—The chief executive officer
12 of an affected county may not submit a request for
13 a declaration by the President that an emergency ex-
14 ists until—

15 “(A) the period during which the Governor
16 of the State or territory in which such county
17 is located may request such a declaration has
18 lapsed; or

19 “(B) the Governor of the State or territory
20 in which such county is located has commu-
21 nicated to the chief executive officer of the
22 county that the Governor will not seek such a
23 declaration from the President.

24 “(3) REFERENCES.—In implementing assist-
25 ance authorized by the President under this Act in

1 response to a request of the chief executive officer
2 of an affected county for an emergency declaration,
3 any reference in this title or title III to a State or
4 the Governor of a State is deemed to refer to an af-
5 fected county or the chief executive officer of an af-
6 fected county, as appropriate.

7 “(4) RULE OF CONSTRUCTION.—Nothing in
8 this subsection shall prohibit a county from receiving
9 assistance under this title through a declaration
10 made by the President at the request of a State
11 under subsection (a) if the President does not make
12 a declaration under this subsection for the same in-
13 cident.

14 “(5) DEFINITION OF COUNTY.—

15 “(A) IN GENERAL.—In this subsection, the
16 term ‘county’ means a county, parrish, or
17 equivalent subdivision of a State or Territory of
18 the United States that is a unit of general local
19 government.

20 “(B) EXCEPTION.—In the event a county
21 is located in a State where 1 or more counties
22 are not units of general local government, the
23 term ‘county’ includes the largest city, town, or
24 unit of general local government by population
25 in an area affected by an emergency on behalf

1 of all affected cities, towns, and other units of
2 general local government.”.

3 **SEC. 302. RULEMAKING AND GUIDANCE.**

4 (a) RULEMAKING.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Administrator
7 shall issue such regulations, after providing public
8 notice and opportunity for comment, as are nec-
9 essary to establish a process to implement the
10 amendments made by section 302.

11 (2) CONTENTS.—The regulations required
12 under paragraph (1) shall include—

13 (A) a process by which the chief executive
14 officer of a county may—

15 (i) submit a request for the Adminis-
16 trator to recommend that the President
17 make a major disaster or emergency dec-
18 laration for such county; and

19 (ii) upon approval of such request, di-
20 rectly receive any assistance provided pur-
21 suant to such request;

22 (B) in addition to the eligibility factors de-
23 scribed under section 206.48 of title 44, Code
24 of Federal Regulations, eligibility criteria for
25 the approval of a request from a county for a

1 major disaster or emergency declaration that
2 gives consideration to—

3 (i) poverty rates within such county;

4 (ii) the economy within such county,
5 including the economy of the area within
6 such county that is impacted by the dis-
7 aster or emergency;

8 (iii) relevant social vulnerability in-
9 dexes for residents of such county;

10 (iv) the rate of unemployment before
11 the disaster or emergency within such
12 county;

13 (v) underserved communities within
14 such county;

15 (vi) the fiscal condition of the unit of
16 government with jurisdiction over such
17 county;

18 (vii) the degree to which a significant
19 proportion of residents of such county re-
20 ceived Federal benefits during the year
21 preceding the disaster or emergency, in-
22 cluding—

23 (I) benefits provided under the
24 Medicaid program under title XIX of

1 the Social Security Act (42 U.S.C.
2 1396 et seq.);

3 (II) benefits provided under the
4 supplemental nutrition assistance pro-
5 gram established under the Food and
6 Nutrition Act of 2008 (7 U.S.C. 2011
7 et seq.);

8 (III) benefits provided under the
9 program of block grants to States for
10 temporary assistance for needy fami-
11 lies established under part A of title
12 IV of the Social Security Act (42
13 U.S.C. 601 et seq.); and

14 (IV) any other Federal benefits
15 the Administrator determines is ap-
16 propriate; and

17 (viii) the impact of other recent disas-
18 ters and emergencies on residents within
19 such county;

20 (C) eligibility criteria for contiguous coun-
21 ties located within the same State or territory
22 to seek Federal disaster assistance together;
23 and

1 (D) timelines for a chief executive officer
2 of a county to submit such request and oppor-
3 tunities to seek extensions, where appropriate.

4 (b) GUIDANCE.—Upon issuing a final regulation pur-
5 suant to subsection (a), the Administrator shall issue
6 guidance regarding such regulation, including publicizing
7 and providing guidance directly to counties about the proc-
8 ess by which the chief executive officer of a county may
9 submit a request for the declaration of a major disaster
10 or emergency.

11 **SEC. 303. GAO REVIEW OF FACTORS TO DETERMINE AS-**
12 **SISTANCE.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall issue a report describing the
16 factors the Agency considers when evaluating a request
17 from a Governor to declare that a major disaster or emer-
18 gency exists and to authorize assistance under sections
19 402, 403, 406, 407, 408, 428, and 502 of the Robert T.
20 Stafford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5170a et seq.).

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

24 (1) an assessment of—

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

4 (i) affect equity for underserved com-
5 munities, particularly with respect to
6 major disaster and emergency declaration
7 requests, approvals of such requests, and
8 the authorization of assistance described in
9 subsection (a); and

10 (ii) are designed to deliver equitable
11 outcomes;

12 (B) how the Agency utilizes such factors or
13 monitors whether such factors result in equi-
14 table outcomes;

15 (C) the extent to which major disaster and
16 emergency declaration requests, approvals of
17 such requests, and the authorization of assist-
18 ance described in subsection (a), are more high-
19 ly correlated with high-income counties com-
20 pared to lower-income counties;

21 (D) whether the process and administra-
22 tive steps for conducting preliminary damage
23 assessments are equitable; and

24 (E) to the extent practicable, whether such
25 factors may deter a Governor from seeking a

1 major disaster or emergency declaration for po-
2 tentially eligible counties; and

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

5 (A) of varying size;

6 (B) with varying population density and
7 demographic characteristics;

8 (C) with limited emergency management
9 staff and resources; and

10 (D) located in urban or rural areas.

11 (c) RECOMMENDATIONS.—The Comptroller General
12 shall include in the report issued under subsection (a) any
13 recommendations for changes to the factors the Agency
14 considers when evaluating a request for a major disaster
15 or emergency declaration to account for underserved com-
16 munities.

○