

118TH CONGRESS  
1ST SESSION

# H. R. 5775

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 for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2023

Mr. THOMPSON of Mississippi (for himself, Mrs. RAMIREZ, Ms. NORTON, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Mr. GREEN of Texas, Mr. HIGGINS of New York, Ms. CLARKE of New York, Mr. PAYNE, Mr. CÁRDENAS, Mr. SWALWELL, Ms. TITUS, Mrs. WATSON COLEMAN, Mr. CARTER of Louisiana, Mr. ROBERT GARCIA of California, Mr. MOSKOWITZ, and Mr. THANEDAR) 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

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## 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 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—GAO REVIEW OF FACTORS TO DETERMINE  
 ASSISTANCE

- Sec. 301. 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 under the Robert T. Stafford Dis-  
18 aster Relief and Emergency Assistance Act;

19           (B) sections 203 and 205 of the Robert T.  
20 Stafford Disaster Relief and Emergency Assist-  
21 ance Act; and

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

24           (7) MAJOR DISASTER.—The term “major dis-  
25 aster” means a major disaster declared by the Presi-

1       dent under section 401 of the Robert T. Stafford  
2       Disaster Relief and Emergency Assistance Act (42  
3       U.S.C. 5170).

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

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

8               (B) the African-American community;

9               (C) the Asian community;

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

13              (E) the Pacific Islander community;

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

16              (G) a rural community;

17              (H) a low-income community;

18              (I) individuals with disabilities;

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

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

24              (L) any other disadvantaged community,  
25       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 one 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 one 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, territorial, and Tribal govern-  
24 ments, representatives of community-based organiza-

1 tions, subject matter experts, and individuals from  
2 underserved communities impacted by disasters.

3 (b) REPORT.—Not later than one 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, civil rights policy, or  
16 programmatic reforms.

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 enhancing op-  
7 portunities to support underserved populations in  
8 preparedness, mitigation, protection, response, and  
9 recovery; and

10 (4) any other activities the Administrator con-  
11 siders appropriate.

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

19 (1) community-based organizations;

20 (2) civil rights organizations;

21 (3) institutions of higher education;

22 (4) research institutions;

23 (5) academic organizations specializing in diver-  
24 sity, equity, and inclusion issues; and

25 (6) religious and faith-based organizations.

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

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

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

9 (1) review and, as appropriate, recommend  
10 changes to Agency-wide policies, procedures, plans,  
11 and guidance;

12 (2) support the development and implementa-  
13 tion of the processes and criteria developed under  
14 title I; and

15 (3) monitor the integration and establishment  
16 of metrics developed under section 103.

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

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

22 (A) The Office of Equal Rights.

23 (B) The Office of Response and Recovery.

24 (C) FEMA Resilience.

25 (D) The Office of Disability Integration  
26 and Coordination.

1 (E) The United States Fire Administra-  
2 tion.

3 (F) The mission support office of the  
4 Agency.

5 (G) The Office of Chief Counsel.

6 (H) The Office of the Chief Financial Offi-  
7 cer.

8 (I) The Office of Policy and Program  
9 Analysis.

10 (J) The Office of External Affairs.

11 (2) The administrator of each Regional Office,  
12 or his or her designee.

13 (3) The equity advisor, as designated by the  
14 Administrator under section 201.

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

18 (5) The Superintendent of the Emergency Man-  
19 agement Institute.

20 (6) The National Tribal Affairs Advisor of the  
21 Federal Emergency Management Agency.

22 (7) Any other official of the Agency the Admin-  
23 istrator determines appropriate.

24 (d) LEADERSHIP.—The Administrator shall des-  
25 ignate one or more members of the steering group estab-

1 lished under subsection (a) to serve as chair of the steering  
2 group.

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

4 Not later than three years after the date of enact-  
5 ment of this Act, the Comptroller General of the United  
6 States shall issue a report to evaluate the implementation  
7 of this title and title I.

8 **TITLE III—GAO REVIEW OF FAC-**  
9 **TORS TO DETERMINE ASSIST-**  
10 **ANCE**

11 **SEC. 301. GAO REVIEW OF FACTORS TO DETERMINE AS-**  
12 **SISTANCE.**

13 (a) **IN GENERAL.**—Not later than one 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.

○