

117TH CONGRESS
1ST SESSION

S. 3093

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2021

Mr. PADILLA (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, 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 “Disaster Equity and
5 Fairness Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Administrator” means the Ad-
9 ministrator of the Agency;

1 (2) the term “Agency” means the Federal
2 Emergency Management Agency;

3 (3) the term “emergency” means an emergency
4 declared or determined to exist by the President
5 under section 501 of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act (42 U.S.C.
7 5191);

8 (4) the terms “Indian tribal government” and
9 “local government” have the meanings given such
10 terms in section 102 of the Robert T. Stafford Dis-
11 aster Relief and Emergency Assistance Act (42
12 U.S.C. 5122); and

13 (5) the term “major disaster” means a major
14 disaster declared by the President under section 401
15 of the Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5170).

17 **SEC. 3. INCREASE COST-SHARE FOR CONSECUTIVE IM-**
18 **PACTS.**

19 (a) IN GENERAL.—Notwithstanding the provisions of
20 law described in subsection (b), for assistance provided
21 under sections 403, 404, 406, 408, 420, and 428 of the
22 Robert T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 5170b, 5170c, 5172, 5174, 5187,
24 5189f) to a local government or Indian tribal government
25 in connection with the second, or subsequent, major dis-

1 aster during any 3-year period, the Federal share shall
 2 be not less than 90 percent of the eligible cost of such
 3 assistance.

4 (b) PROVISIONS.—The provisions of law described in
 5 this subsection are sections 403(b), 403(c)(4), 404(a),
 6 406(b), 408(d), 408(g)(2), 420(a), and 428(e)(2)(B) of
 7 the Robert T. Stafford Disaster Relief and Emergency As-
 8 sistance Act (42 U.S.C. 5170b(b), 5170b(c)(4), 5170c(a),
 9 5172(b), 5174(d), 5174(g)(2), 5187(a), 5189f(e)(2)).

10 **SEC. 4. STATE AND LOCAL PLANS FOR MEAL DELIVERY.**

11 (a) IN GENERAL.—Title IV of the Robert T. Stafford
 12 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 13 5170 et seq.) is amended by adding at the end the fol-
 14 lowing:

15 **“SEC. 431. STATE AND LOCAL PLANS FOR MEAL DELIVERY.**

16 “(a) IN GENERAL.—The Administrator may provide
 17 assistance to a State, local government, or Indian tribal
 18 government to reimburse the cost of coordinating food de-
 19 livery, production, and distribution in the event of a major
 20 disaster, including—

21 “(1) establishing a network to coordinate food
 22 delivery, production, and distribution with businesses
 23 and private nonprofit organizations;

24 “(2) establishing contracts with small and mid-
 25 sized restaurants, food vendors, and private non-

1 profit organizations, including faith-based organiza-
2 tions, food banks, and soup kitchens, to prepare
3 healthy meals for people in need; and

4 “(3) partnering with private nonprofit organiza-
5 tions, including faith-based organizations, food
6 banks, and soup kitchens to purchase directly from
7 food producers and farmers.

8 “(b) FEDERAL SHARE.—The Federal share of the
9 cost of an activity carried out using assistance under this
10 section shall be—

11 “(1) 100 percent of the eligible cost of food de-
12 livery, production, and distribution during the 30-
13 day period beginning on the date of the declaration
14 of the major disaster; and

15 “(2) not less than 90 percent of such eligible
16 cost after the end of the 30-day period described in
17 paragraph (1).”.

18 (b) EMERGENCIES.—Section 502(a) of the Robert T.
19 Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5192(a)) is amended—

21 (1) in paragraph (7), by striking “and” at the
22 end;

23 (2) by redesignating paragraph (8) as para-
24 graph (9); and

1 (3) by inserting after paragraph (7) the fol-
2 lowing:

3 “(8) provide assistance for food delivery, pro-
4 duction, and distribution in accordance with section
5 431; and”.

6 (c) GUIDANCE.—Not later than 1 year after the date
7 of enactment of this Act, the Administrator shall issue
8 comprehensive guidance to States, local governments, and
9 Indian tribal governments regarding receiving reimburse-
10 ment for the cost of food delivery, production, and dis-
11 tribution in the event of an emergency or major disaster
12 under section 431 of the Robert T. Stafford Disaster Re-
13 lief and Emergency Assistance Act, as added by subsection
14 (a), including—

15 (1) establishing a coordination network;

16 (2) enabling streamlined arrangements for food
17 production and distribution; and

18 (3) streamlined contracting and partnering with
19 private nonprofit organizations such that private
20 nonprofit organizations may apply directly for reim-
21 bursement under such section as an agent of a
22 State, local government, or Indian tribal govern-
23 ment.

1 **SEC. 5. UNDERSERVED COMMUNITIES.**

2 (a) IN GENERAL.—Section 203 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5133) is amended—

5 (1) by striking “small impoverished” each place
6 it appears except in subsection (a) and inserting
7 “underserved”;

8 (2) by striking subsection (a) and inserting the
9 following:

10 “(a) DEFINITION OF UNDERSERVED COMMUNITY.—
11 In this section, the term ‘underserved community’ means
12 populations sharing a particular characteristic, and geo-
13 graphic communities, that have been systematically denied
14 a full opportunity to participate in aspects of economic,
15 social, and civic life, such as—

16 “(1) Black, Latino, and Indigenous and Native
17 American persons, Asian Americans and Pacific Is-
18 landers, and other persons of color;

19 “(2) members of religious minorities;

20 “(3) lesbian, gay, bisexual, transgender, queer,
21 and nonbinary persons;

22 “(4) persons with access and functional needs;

23 “(5) persons who live in rural or geographically
24 isolated areas; and

25 “(6) persons otherwise adversely affected by
26 persistent poverty or inequality.”; and

1 (3) in subsection (h)—

2 (A) in paragraph (2)—

3 (i) in the paragraph heading, by strik-
 4 ing “SMALL IMPOVERISHED” and inserting
 5 “UNDERSERVED”; and

6 (ii) by striking “carried out in a” and
 7 inserting “carried out in, or that will ben-
 8 efit persons who are members of, an”; and

9 (B) by adding at the end the following:

10 “(3) TECHNICAL ASSISTANCE.—The Adminis-
 11 trator shall provide direct technical assistance to eli-
 12 gible entities under this section for applications
 13 under this section, prioritizing communities that—

14 “(A) have not received hazard mitigation
 15 assistance under this Act during the 5-year pe-
 16 riod ending on the date of enactment of this
 17 paragraph;

18 “(B) are Indian tribal governments;

19 “(C) are underserved communities;

20 “(D) have demonstrated a compelling need,
 21 such as significant social vulnerability;

22 “(E) have experienced multiple major dis-
 23 aster declarations during the 5-year period end-
 24 ing on the date of enactment of this paragraph;

25 or

1 “(F) are exposed to increased hazards or
2 vulnerabilities.”.

3 (b) INCREASE COST-SHARE.—

4 (1) DEFINITION.—In this subsection, the term
5 “underserved community” has the meaning given
6 that term in subsection (a) of section 203 of the
7 Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5133), as amended by
9 this section.

10 (2) FEDERAL SHARE.—Notwithstanding the
11 provisions of law described in paragraph (3), for any
12 emergency or major disaster, the Federal share of
13 assistance provided under sections 403, 404, 406,
14 408, 420, 428, and 503 of the Robert T. Stafford
15 Disaster Relief and Emergency Assistance Act (42
16 U.S.C. 5170b, 5170c, 5172, 5174, 5187, 5189f,
17 5193)) or section 1366 of the National Flood Insur-
18 ance Act of 1968 (42 U.S.C. 4104c), shall be not
19 less than 90 percent of the eligible cost of such as-
20 sistance for a recipient—

21 (A) that will use the assistance in, or for
22 the benefit of persons who are members of, an
23 underserved community; or

24 (B) who is in, or who is a member of, an
25 underserved community.

1 (3) PROVISIONS.—The provisions of law de-
 2 scribed in this paragraph are sections 403(b),
 3 403(c)(4), 404(a), 406(b), 408(d), 408(g)(2),
 4 420(a), 428(e)(2)(B), and 503(a) of the Robert T.
 5 Stafford Disaster Relief and Emergency Assistance
 6 Act (42 U.S.C. 5170b(b), 5170b(c)(4), 5170c(a),
 7 5172(b), 5174(d), 5174(g)(2), 5187(a), 5189f(e)(2),
 8 5193(a)).

9 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 10 The Earthquake Hazards Reduction Act of 1977 (42
 11 U.S.C. 7701 et seq.) is amended—

12 (1) in section 4 (42 U.S.C. 7703), by adding at
 13 the end the following:

14 “(11) The term ‘small impoverished community’
 15 means a community of 3,000 or fewer individuals
 16 that is economically disadvantaged, as determined by
 17 the State in which the community is located and
 18 based on criteria established by the President.”; and

19 (2) in section 5(b)(2)(B)(ii) (42 U.S.C.
 20 7704(b)(2)(B)(ii)), by striking “, as defined in sec-
 21 tion 203 of the Disaster Relief Act of 1974 (42
 22 U.S.C. 5133(a))”.

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