



FEMA Directive: Civil Rights: Enforcement, Compliance, Integration, and Coordination

FEMA Directive 256-22-0001

BACKGROUND

This Directive applies to all FEMA components, program offices, and personnel; all of which are responsible for ensuring that programs and activities conducted by FEMA and funded by FEMA, are delivered in an equitable and impartial manner consistent with applicable federal civil rights laws and policies.

This Directive communicates the Agency's general obligations and requirements relating to compliance with federal civil rights laws, as well as specific obligations with respect to certain protected classes including, but not limited to, integrating and addressing the needs of individuals with disabilities into FEMA's emergency and disaster operations. It also identifies relevant FEMA offices with responsibility for assisting Agency components and program offices, state, local, tribal, and territorial (SLTT) recipients, and the public to understand and comply with federal civil rights laws.

In order to ensure consistent, comprehensive, and accessible guidance regarding the Agency's civil rights obligations to the public, and in order to provide clarity on the roles and responsibilities of relevant FEMA offices (including the Office of Equal Rights (OER), the Office of External Affairs (OEA), and the Office of Disability Integration & Coordination (ODIC)), this Directive merges and supersedes FEMA Directive 112-11, *Title VI Civil Rights Program* and FEMA Directive 123-29, *Disability Integration and Coordination – Inclusive Emergency Management*.¹

FEMA OER's responsibilities include ensuring compliance with and enforcement of FEMA's external civil rights obligations under applicable federal civil rights laws, regulations, standards, and Executive Orders. Created after the passage of the Post-Katrina Emergency Management Reform Act (PKEMRA), FEMA ODIC's responsibilities include ensuring FEMA's emergency preparedness and disaster relief operations are inclusive of individuals with disabilities by providing guidance, tools, methods and strategies to FEMA leadership and SLTTs. The Disability Coordinator reports directly to the Administrator as required by PKEMRA and also serves as the Director of ODIC.

¹ Additional information on the respective roles and responsibilities of the Office of Equal Rights (OER) and the Office of Disability Integration & Coordination (ODIC) can be found in Attachment A.



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This directive does not address FEMA's government-to-government relationship with federally-recognized Tribal Nations. [FEMA Policy 305-111-1](#), *FEMA Tribal Policy*, and [FEMA Policy 101-002-02](#), *FEMA Tribal Consultation Policy*, outline the Agency's responsibilities. The Office of External Affairs' Tribal program is responsible for these policies.

This Directive does not pertain to the Agency's internal civil rights obligations, including those relating to equal employment opportunity (see FEMA Directive 112-14, *Equal Opportunity and Affirmative Employment*) and reasonable accommodations for employees (see FEMA Manual 123-6-1, *Reasonable Accommodation Program*).

PURPOSE

This Directive ensures that programs and activities conducted directly by FEMA, carried out by contractors on behalf of FEMA, or funded by FEMA are administered in accordance with civil rights and equity laws, regulations, Executive Orders and the provisions of this Directive, and in alignment with FEMA's core values of compassion, fairness, integrity, and respect. This Directive also ensures FEMA integrates the needs of individuals with disabilities in all facets of emergency management—including preparedness, response, recovery, and mitigation.

PRINCIPLES

- A. FEMA is committed to whole community emergency management before, during, and after disasters that is inclusive and addresses the needs of all protected classes of individuals under applicable federal civil rights laws and underserved and marginalized communities, consistent with FEMA's core values of compassion, fairness, integrity, and respect.
- B. FEMA is committed to equitable delivery of its programs and activities, including those programs and activities delivered and/or funded by FEMA.
- C. Complying with Federal civil rights laws is an Agency-wide responsibility, and all FEMA components and program offices are responsible for designing and implementing programs and activities that comply with applicable Federal laws, including privacy laws, decreasing the need for specific remediation or modifications to ensure compliance. This includes providing and coordinating resources and aid to SLTT partners to develop and implement equal access and equitable outcomes.
- D. FEMA recognizes its affirmative responsibility to ensure the delivery of FEMA programs and activities to individuals of all protected classes including, but not limited to, the provision of equal and meaningful programmatic access, physical access, and effective communications access, and the identification of and response to disproportionately high and adverse human health or environmental effects of FEMA programs and activities on minority and low-income populations.

REQUIREMENTS

A. NONDISCRIMINATION

Outcome: Members of the public are not denied the benefits of, deprived of participation in, or discriminated against in any program or activity, including their intended outcomes, conducted



by or receiving financial assistance from FEMA on the basis of race, color, national origin, sex, religion, age, disability, English proficiency, or economic status.

1. Sections 308 and 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), Title VI of the Civil Rights Act of 1964, FEMA regulations in Title 44 C.F.R. Parts 7, 16, 19 and § 206.11, other federal civil rights statutes, and Executive Orders, as applicable, prohibit discrimination on the basis of race, color, national origin, sex, religion, age, disability, English proficiency, or economic status in connection with programs and activities conducted directly by FEMA and any program or activity receiving federal financial assistance from FEMA.
2. FEMA components and program offices will ensure that programs and activities conducted directly by FEMA, carried out by contractors on behalf of FEMA, or conducted by recipients of federal financial assistance from FEMA under their own authority are administered in accordance with civil rights laws, regulations, Executive Orders, and policies and the provisions of this Directive.
3. FEMA's emergency management operations will be inclusive of, promote, and integrate the needs of people with disabilities. ODIC will provide guidance, technical assistance, education, and training to FEMA program offices, regions, and SLTTs to ensure their emergency management programs, trainings, and services are accessible to and inclusive of individuals with disabilities.
4. The OER, in collaboration with ODIC, Office of Environmental Planning and Historic Preservation (OEHP) and OEA, will provide guidance, technical assistance, and training to Agency leaders, proactively and upon request, to support an Agency-wide understanding of civil rights-related obligations in any program or activity carried out by FEMA or funded by FEMA. OER also will exercise oversight and enforcement of such obligations.

B. EQUAL ACCESS

Outcome: FEMA complies with its affirmative obligations to provide equal access for all individuals to any program or activity conducted by FEMA.

1. Individuals with Disabilities

- a. FEMA components and program offices will ensure equal opportunities for qualified individuals with disabilities served or encountered in FEMA-conducted programs and activities by providing equal:
 - i. *Program access*, including equal opportunity to access programs, services, and activities and delivering these in the most integrated setting appropriate to the individual's needs;



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- ii. *Physical access*, including providing accessible new construction and alterations in accordance with the Architectural Barriers Act of 1968, as amended, the Rehabilitation Act of 1973, and 44 C.F.R. Part 16; and,
 - iii. *Effective communication access*, including by the provision of auxiliary aids and services for individuals who are Deaf, Hard of Hearing, Blind and/or have low vision, and by modifying practices and materials to ensure effective communication with persons with intellectual or developmental disabilities.
- b. *Program Access*: FEMA components and program offices will modify policies, practices, and procedures to afford individuals with disabilities equal access to programs, services, and activities, unless such modifications would fundamentally alter the nature of the program, service, or activity, or result in undue financial and administrative burdens to FEMA.
 - i. The ODIC will provide guidance and technical assistance as needed to FEMA components and program offices on the integration of needs of people with disabilities in FEMA programs and services, and on how to design programs and services to be accessible to individuals with disabilities.
 - ii. The OER will work with FEMA components and program offices as needed to facilitate program modifications for individuals with disabilities.
 - iii. The OEA will work with FEMA components and program offices as needed to provide guidance on facilitating program modifications for individuals with communication access needs.
- c. *Physical Access*: FEMA will ensure its existing and future facilities are physically accessible. FEMA components and program offices will maintain and implement processes and procedures to identify reasonable accommodations or modifications for individuals with disabilities.
 - i. For external FEMA programs and services, OER will engage with FEMA components and program offices in an interactive and individualized process to identify reasonable accommodations or modifications needed for stakeholders, members of the public, and survivors. OER will also provide guidance and technical assistance to FEMA components and program offices regarding physical accessibility to facilities providing FEMA programs and services. OER, in consultation with Office of Chief Counsel (OCC), will retain the authority to make determinations about undue burdens.
 - ii. The ODIC, in collaboration with OER, will facilitate reasonable accommodations and modifications, including providing technical assistance on physical access related to external FEMA programs and services.
- d. *Effective Communication Access*: FEMA will provide effective communication to the public.



- i. The OEA will ensure effective communication for individuals with disabilities and provide guidance and technical assistance to FEMA components regarding effective communications to disaster survivors and the public, as well as guidance on accessible public messaging.
- ii. Regional Offices and FEMA program offices will ensure effective communication for individuals with disabilities during non-disaster related in person and virtual public meetings.
- iii. The OER provides guidance and technical assistance to FEMA components and program offices regarding effective communication obligations to ensure compliance with civil rights laws.
- iv. FEMA's Section 508 Program will provide guidance, training, and technical assistance to FEMA components to ensure comparable access to electronic information and content related to agency official communication or business.

2. Individuals with Limited English Proficiency (LEP)

- a. FEMA components and program offices must ensure meaningful access to individuals with limited English proficiency in FEMA-conducted programs and activities by providing public information and information related to FEMA's programs and activities, as needed, using qualified language interpretation and translation services.
- b. The OER will publish FEMA's Language Access Plan, which sets forth the standards, principles, and guidelines that FEMA will use to provide and improve meaningful access for LEP persons in the Agency's operations, services, activities, and programs. OER will provide technical assistance and guidance, including on qualified language interpretation and translation services, to FEMA components and program offices regarding language access to individuals with limited English proficiency.
- c. The OEA will provide interpretation and translation services to ensure meaningful access to FEMA programs and services.

3. Individuals in Underserved and Marginalized Communities²

- a. FEMA components and program offices will ensure their programs and activities, and those funded by FEMA, are delivered in an equitable manner to all communities.
- b. The OER will provide technical assistance and guidance to FEMA components and program offices, conduct community assessments to identify to ensure access to

² This subsection describes additional groups not previously mentioned in Section B. This does not rule out that an individual/community could be a part of multiple groups, i.e. having limited English proficiency and being a person/community of color.



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underserved and marginalized communities, and coordinate FEMA-wide efforts to enhance equity in program delivery.

- c. The OEHP will, in coordination with OER, provide technical assistance and guidance to FEMA components and program offices regarding environmental justice to ensure the identification and addressing, as appropriate, of disproportionately high and adverse human health or environmental effects of FEMA programs, policies, and activities on disadvantaged, minority and low-income populations.

C. PUBLIC EDUCATION

Outcome: The public understands their civil rights with respect to FEMA programs and activities. Recipients of federal financial assistance from FEMA understand their civil rights-related obligations in their programs and activities, including the rights and needs of people with disabilities.

1. FEMA components and program offices will provide notice to members of the public about their civil rights, how to request an accommodation or modification for individuals with disabilities, and how to file a civil rights complaint alleging discrimination based on race, color, national origin, sex (including sexual orientation and gender identity), religion, age, disability, English proficiency, or economic status against FEMA or against a recipient of federal financial assistance provided by FEMA. See Appendix A (Civil Rights Notice).
 - a. The OER will provide guidance and technical assistance to FEMA components and program offices regarding civil rights notice requirements, including for those public meetings and events, training open to the public, and delivery of disaster assistance.
 - b. FEMA program offices will coordinate with OEA to produce and translate civil rights notices into appropriate languages to address the needs of individuals with limited English proficiency.
2. The OER, will provide guidance, technical assistance, education, outreach, and training regarding the public's civil rights in connection with FEMA and FEMA-supported programs and activities.
3. The OER will coordinate with grant making program offices and divisions to provide guidance, regulations, and technical assistance; education, outreach, and training to recipients of federal financial assistance from FEMA to help them understand their civil rights-related obligations, including the requirement to provide equal access to individuals with disabilities proactively by providing modifications to programs, policies, and procedures to ensure access.



4. The ODIC will provide guidance and technical assistance, education, outreach, and training to SLTT, NGO, and non-profit partners about emergency management programs and services that are accessible for and inclusive of individuals with disabilities.
5. Both OER and ODIC ensure that civil rights including the rights and needs of individuals with disabilities, are conveyed to the public with respect to FEMA programs and activities in collaboration with personnel throughout the agency including Regional and field personnel.

D. ENGAGEMENT AND FEEDBACK

Outcome: FEMA engages civil rights stakeholder organizations to receive feedback and enhance inclusive emergency management.

1. FEMA, including OEA, consults with members of underserved communities who have been underrepresented in the Federal Government and underserved by, or subject to discrimination in, federal policies and programs.
2. The OER, in coordination with appropriate Agency components, will engage civil rights stakeholders and members of underserved and marginalized communities and receive feedback from individuals on civil rights-related issues regarding FEMA program delivery, e.g., registration for disaster assistance, emergency notifications, information dissemination, and housing assistance.
3. The ODIC will maintain a database of local, regional, and national disability services, advocacy and partner organizations and coordinate with FEMA components and program offices to engage these organizations. ODIC will also provide guidance to FEMA components and program offices as they consult these organizations regarding their program delivery. ODIC and OEA will facilitate the involvement of disability services, advocacy, and partner organizations at the national, regional, state, local, tribal, and territorial level.
4. The OEA will coordinate with ODIC and OER to ensure effective communication access services through engaging with advocacy and partner organizations.
5. FEMA components and program offices listed above ensure engagement with civil rights stakeholder organizations is conducted in collaboration and communication with personnel throughout the agency including Regional and field personnel.

E. FIELD OPERATIONS

Outcome: FEMA ensures that emergency management operations and activities in the field comply with civil rights laws and regulations.

1. FEMA field leadership and staff will ensure that programs and activities conducted directly by FEMA, carried out by contractors on behalf of FEMA, or conducted by recipients of



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federal financial assistance from FEMA under their own authority are administered in accordance with civil rights laws, regulations, and the provisions of this Directive.

2. The OER will ensure that FEMA as well as SLTT partners, and non-governmental relief and disaster assistance organizations engaged in disaster activities supported by FEMA assistance accomplish these activities in an equitable and impartial manner without discrimination based on protected bases.
3. The ODIC will ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness, response, recovery, and disaster relief operations.
4. The OEA, through each disaster's designated External Affairs Officer and ESF-15 operational components, will coordinate and implement Communication Access plans to address the accessibility needs of disaster survivors and the public as a component of overall external affairs functions.
5. Recovery assistance delivered in the field, in particular the Voluntary Agency Liaison and Community Planning and Capacity Building services, collaborates with OER to share community assessment information and coordinate strategies for integrating equity and technical assistance into their community support efforts.
6. FEMA components and program offices listed above ensure that operations and activities in the field comply with civil rights laws and regulations in collaboration with Regional and field personnel, such as Regional Disability Integration Specialists (RDISs) and Civil Rights Advisors (CRADs).

F. COMPLIANCE AND ENFORCEMENT FOR FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES

Outcome: FEMA adheres to relevant civil rights compliance and enforcement procedures regarding alleged discrimination in federally-assisted programs and activities.

1. The OER will administer the Agency's civil rights compliance and enforcement procedures outlined in Title VI of the Civil Rights Act of 1964 and Title 44 C.F.R. Part 7 regarding alleged discrimination based on race, color, or national origin in federally-assisted programs and activities. Section 308 of the Stafford Act, Section 504 of the Rehabilitation Act, and other applicable civil rights laws prohibit discrimination based on race, color, national origin, religion, age, sex (including sexual orientation and gender identity), disability, English proficiency, or economic status in federally-assisted programs and activities and OER also ensures compliance and enforcement of these laws through the procedures in 44 C.F.R. § 206.11.
2. In conjunction with new applications for federal assistance and in any applications for approval of specific projects or significant changes in applications for continuation or renewal of assistance, and at other times as appropriate, the OER may require applicants



and recipients to provide relevant and current information about compliance with federal civil rights laws. Applicants may be the subject of a pre-award compliance review conducted by the OER.

3. Each recipient of federal financial assistance submits a completed Civil Rights Evaluation Tool as required to the DHS Office for Civil Rights and Civil Liberties and the OER post-award based on the DHS Standard Terms and Conditions.
4. The OER will seek the voluntary cooperation of recipients in obtaining compliance and provide technical assistance and training to recipients to help them comply with FEMA's Title VI regulations, Title 44 C.F.R. Part 7, and additional legal authorities such as Section 504 of the Rehabilitation Act of 1973 and Section 308 of the Stafford Act with respect to civil rights obligations in federally-assisted programs and activities.

G. COMPLIANCE AND ENFORCEMENT FOR FEDERALLY-CONDUCTED PROGRAMS AND ACTIVITIES

Outcome: FEMA adheres to relevant civil rights compliance and enforcement procedures regarding alleged discrimination in federally-conducted programs and activities.


1. The OER will administer the Agency's civil rights compliance and enforcement procedures outlined in 44 C.F.R. § 206.11 for alleged discrimination based on race, color, national origin, religion, age, sex, disability, English proficiency, or economic status in federally-conducted programs and activities. These procedures also apply to complaints brought under Section 508 of the Rehabilitation Act of 1973, regarding information and communications technology (ICT) related to "agency official communication or business". Please see Appendix A, Civil Rights Notice.
 - a. The Section 508 Program Office will also assist OER with review and resolution of 508 compliance issues identified by disaster survivors or members of the public relating to effective communication access.
 - b. For additional information on Section 508 compliance and how it applies to electronic content, see FEMA Directive 256-22-0002, Section 508 Program, and the [508 Accessibility Resource Center Intranet site](#).
2. The OER coordinates with FEMA program offices in obtaining voluntary compliance and provides technical assistance and guidance to FEMA program offices to ensure they comply with FEMA's Section 504 regulation, Title 44 C.F.R. Part 16, and related legal authorities with respect to civil rights obligations in federally-conducted programs and activities.
3. The ODIC may receive and refer complaints from individuals with disabilities to the OER. ODIC may also collaborate with OER to develop an effective resolution to accessibility concerns relating to individuals with disabilities.



H. DATA COLLECTION, ANALYSIS, AND REPORTING

Outcome: FEMA collects and analyzes data essential for effective civil rights enforcement and evaluation by the Agency.

1. The OER will maintain a system for tracking all civil rights complaints in connection with federally-assisted and federally-conducted programs and activities. Relevant data may include, but is not limited to, race, ethnicity, color, national origin, religion, age, sex, disability, English proficiency, or economic status, and outcomes of each complaint. Race and ethnicity data will be separated/disaggregated according to OMB Statistical Policy Directive #15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.
2. The OER will coordinate, and FEMA components and program offices will support, the analysis of relevant data to identify civil rights and equity issues in FEMA and FEMA-funded programs and activities. In compliance with privacy and other applicable laws, all FEMA components and program offices supports such efforts through the collection of relevant civil rights and equity data.
3. The OER will publish and report on civil rights data and enforcement as necessary to inform Congress, other federal agencies, state, local, territorial, and tribal governments, and other stakeholders regarding the civil rights impacts of FEMA and FEMA-funded activities.
4. The ODIC will promote collection, monitoring, and assessing of data, and improving the experiences and effective utilization of FEMA and FEMA-funded programs and activities by individuals with disabilities.
5. The ODIC will produce regular data analysis and metrics reporting in a form suitable for sharing with both internal and external stakeholders.
6. The OEA will collect data and produce metrics regarding the use of language services, including non-English languages, sign language, CART, captioning services, and Braille by external audiences.



Jo Linda Johnson
Director, Office of Equal Rights

Date

11/16/2021



ADDITIONAL INFORMATION

REVIEW CYCLE

FEMA Directive 256-22-0001, *Civil Rights: Enforcement, Compliance, Integration, and Coordination*, will be reviewed, reissued, revised, or rescinded within four years of the issue date.

AUTHORITIES

- A. Title VI of the Civil Rights Act of 1964
- B. Title IX of the Education Amendments Act of 1972
- C. The Rehabilitation Act of 1973, as amended, Sections 504 and 508
- D. Age Discrimination Act of 1975
- E. Civil Rights Restoration Act of 1987
- F. Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (the Stafford Act), Sections 308-309 (42 U.S.C. §§ 5151-52)
- G. Post-Katrina Emergency Management Reform Act (PKEMRA), Section 513 (6 U.S.C. § 321b) and Section 616 (42 U.S.C. § 5196f).
- H. Architectural Barriers Act of 1968
- I. Americans with Disabilities Act of 1990
- J. Title 44 C.F.R. Part 7, Subpart A, Nondiscrimination in FEMA-assisted Programs – General
- K. Title 44 C.F.R. Part 7, Subpart E, Nondiscrimination on the Basis of Age in Programs or Activities receiving Federal Financial Assistance from FEMA
- L. Title 44 C.F.R. Part 16, Enforcement of Nondiscrimination on the Basis of [Disability] in Programs or Activities Conducted by the Federal Emergency Management Agency
- M. Title 44 C.F.R. Part 19, Nondiscrimination on the Basis of Sex in Education Programs Receiving Federal Financial Assistance
- N. Title 44 C.F.R. § 206.11, Nondiscrimination in Disaster Assistance
- O. [FEMA Policy 305-111-1](#), FEMA Tribal Policy (Rev. 2)
- P. [FEMA Policy 101-002-02](#), FEMA Tribal Consultation Policy (Rev. 1)

REFERENCES

- A. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000.
- B. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994).



- C. Executive Order 13895, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021).
- D. Executive Order 14008: Tackling the Climate Crisis at Home and Abroad (January 27, 2021).
- E. DHS Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment), September 25, 2013.
- F. DHS Directive 023-04, Environmental Justice, September 9, 2016
- G. FEMA Directive 256-22-0002, Section 508 Program (forthcoming).
- H. FEMA Delegation 112-002a-1, Delegations to Senior Leadership Officials and Related Authority
- I. FEMA Section 504 Implementation Plan, August 12, 2019
- J. FEMA Language Access Plan: Update 2020
- K. Department of Justice, Title VI Legal Manual, February 3, 2021.
- L. www.LEP.gov, Department of Justice, Federal Coordination and Compliance Section, Civil Rights Division

DEFINITIONS

- A. **Access and Functional Needs**. Individuals having access and functional needs may include, but are not limited to, people with disabilities, older adults, and individuals with limited English proficiency, limited access to transportation, and/or limited access to financial resources to prepare for, respond to, and recover from the emergency. Federal civil rights law and policy require nondiscrimination, including on the bases of race, color, national origin, religion, sex, age, disability, English proficiency, and economic status. Many individuals with access and functional needs are protected by these provisions. This term is not interchangeable with individual with a disability. The population of people with access and functional needs includes individuals with a disability, but the definition of access and functional needs also includes other categories.
- B. **Auxiliary Aids and Services**. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.
- C. **Compliance Review**. An analysis of a recipient's delivery of services or employment practices (only when the primary objective of the federal financial assistance to a recipient is to provide employment) for adherence to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments



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Act of 1972, Age Discrimination Act of 1975, Section 308 of the Stafford Act, Title 44 C.F.R. Part 7, Subpart A, Nondiscrimination in FEMA-assisted Programs – General, Title 44 C.F.R. Part 7, Subpart E, Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance from FEMA, Title 44 C.F.R. Part 19, Subpart F – Procedures (sex discrimination in education), and Title 44 C.F.R. Section 206.11, Nondiscrimination in disaster assistance.

- D. **Civil Rights Advisor (CRAD)**. Civil Rights Advisors (CRADs) are members of the OER Cadre who are responsible for compliance with and enforcement of civil rights obligations in connection with programs, services and benefits provided by FEMA and by recipients of FEMA financial assistance. CRADs ensure FEMA, SLTT recipients as well as non-governmental relief and disaster assistance organizations engaged in emergency and disaster relief activities, accomplish these activities in a nondiscriminatory and equitable manner.
- E. **Disability Integration Advisors (DIAD)**. A member of the Disability Integration cadre (DI) who works with program areas and field leadership to provide advice, tools and resources, and strategies on integrating the needs of individuals with disabilities in the delivery of FEMA's programs and services to ensure survivors with disabilities have access to and can participate in those programs and services.
- F. **Environmental Justice**. The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- G. **Effective Communication**. The furnishing of appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency. In determining what type of auxiliary aid is necessary, the agency will give primary consideration to the requests of the individual with a disability. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
- H. **Equity**. The consistent and systematic fair, just, and impartial treatment of all individuals.
- I. **Federally-Conducted Programs and Activities**. Those programs and activities involving general public contact as part of ongoing Agency operations and those directly administered by the Agency for program beneficiaries and participants. Activities in the first category include communication with the public (press releases, web content, publications, telephone contacts, office walk-ins, or interviews) and the public's use of the Agency's facilities (Disaster Recovery Centers, headquarters regional offices, training facilities). Activities in the second category include programs that provide federal services or benefits. Examples



include federal disaster assistance and federal building security screening. FEMA's activities carried out through contracts are considered FEMA-conducted activities and are subject to the same obligations. Members of the public encountered or served by FEMA programs and activities, include state, local, tribal, and territorial government personnel.

- J. **Federal Financial Assistance.** As defined in 44 C.F.R. § 7.2(c), Federal financial assistance includes: 1) grants and loans of federal funds; (2) the grant or donation of federal property and interests in property; (3) the detail of Federal personnel; (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and (5) any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. To further clarify, as stated in the [U.S. Department of Justice, Title VI Legal Manual](#) (February 2021), programs "owned and operated" by the federal government do not constitute federal financial assistance; guaranty and insurance contracts, procurement contracts, and assistance to ultimate beneficiaries are also not considered federal financial assistance.
- K. **Individual with a Disability.** Individual who has a physical or mental impairment that substantially limits one or more major life activities (an "actual disability"), or a record of a physical or mental impairment that substantially limits a major life activity ("record of"), or an actual or perceived impairment, whether or not the impairment limits or is perceived to limit a major life activity, that is not both transitory and minor ("regarded as"). Individuals with disabilities have civil rights protections that may not be waived under any circumstances, including throughout emergencies and disasters. This term is not interchangeable with an individual with access and functional needs.
- L. **Information and Communications Technology (ICT).** Refers to information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content (e.g., computers and peripheral equipment, information kiosks and transaction machines, telecommunications equipment, customer premises equipment, multifunction office machines, software, applications, websites, videos, and electronic documents).
- M. **Limited English Proficient (LEP) Individual.** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.
- N. **Reasonable Accommodation or Modification.** Modifications in policies,



practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Agency demonstrates that making the modifications would result in fundamental alteration in the nature of the service, program, or activity or in undue burden.

- O. **Recipient.** Any State, Territory, or Tribe, or its political subdivision, any instrumentality of a State, Territory or Tribe, or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.
- P. **Sex.** Various civil rights laws, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, and Section 308 of the Stafford Act, prohibit discrimination on the basis or grounds of sex. FEMA interprets discrimination on the basis of sex to include discrimination on the basis of sexual orientation or gender identity to necessarily include. See *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020) (ruling Title VII’s prohibition on discrimination “because of . . . sex” covers discrimination on the basis of sexual orientation and gender identity).
- Q. **Underserved and Historically Marginalized Communities.** As defined in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. Examples include Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
- R. **Undue Burdens.** Those financial and/or administrative burdens that entail significant difficulty or expense or add significant new administrative responsibilities, when assessed in comparison to all FEMA resources available for use in the funding and operation of the conducted program or activity, as determined by the Secretary of Homeland Security (or the Secretary’s designee).
- S. **Whole Community.** The National Preparedness Goal defines whole community as a “focus on enabling the participation in national preparedness activities of a wider range of players from the private and nonprofit sectors, including nongovernmental organizations and the general public, in conjunction with the participation of all levels of government in order to foster better coordination and working relationships.” In addition, the National Preparedness Goal states: “Whole community contributors include children; older adults; individuals with disabilities and others with access and functional needs; those from religious, racial, and ethnically diverse backgrounds; people with limited English proficiency; and



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owners of animals including household pets and service animals.”

MONITORING AND EVALUATION

The OER, in collaboration with the ODIC, OEHP, OEA that includes the Tribal program, and Office of Policy and Program Analysis (OPPA), will monitor and evaluate implementation of this directive to inform future revisions.

QUESTIONS

Direct questions to FEMA-ActionOffice-OER@fema.dhs.gov, FEMA-ActionOffice-ODIC@fema.dhs.gov, FEMA-ActionOffice-OEA@fema.dhs.gov, or FEMA-ActionOffice-OEPH@fema.dhs.gov.



APPENDIX A

FEMA CIVIL RIGHTS NOTICE FOR MEMBERS OF THE PUBLIC

FEMA may provide or fund programs to support the public before, during, and after a disaster. These programs must comply with Federal civil rights laws and nondiscrimination requirements in the Stafford Act.

FEMA does not treat people differently because of race, color, national origin, sex, sexual orientation, religion, age, disability, English proficiency, or economic status.

FEMA provides free aids and services to people to help them communicate with us and understand FEMA programs:

- Information available in Braille, large print, or audio
- Information available in accessible electronic formats on FEMA's website
- Qualified sign language interpreters
- Qualified multilingual interpreters
- Information written in other languages

If you need assistance to access a FEMA program or service or a program or service funded by FEMA, please contact FEMA at 800-621-3362 (TTY: 800-462-7585), , (833) 285-7448 [Press 1 for English, 2 for Spanish, 3 for the Language Line], or FEMA-CivilRightsOffice@fema.dhs.gov.

If you have a complaint, you must report it within 180 days of the alleged discriminatory act. To report a concern or complaint of discrimination, please

- call (833) 285-7448 [Press 1 for English, 2 for Spanish, 3 for the Language Line]
- send an email to FEMA-CivilRightsOffice@fema.dhs.gov; or
- send a letter explaining the issue to:

FEMA OFFICE OF EQUAL RIGHTS
Civil Rights Section
500 C Street, SW
Room 4SW-0915
Washington, DC 20472-3505

For questions about disaster assistance, please call FEMA's Helpline at 800-621-3362 (TTY: 800-462-7585). FEMA's Helpline is available to all disaster survivors, including those whose primary language is not English. Press 2 for Spanish or stay on the line for more language options.