

116TH CONGRESS
1ST SESSION

H. R. 3208

To ensure that older adults and individuals with disabilities are prepared for disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2019

Mr. LANGEVIN (for himself, Mr. SMITH of New Jersey, and Ms. SHALALA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and Labor, 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 that older adults and individuals with disabilities are prepared for disasters, 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 “Real Emergency Ac-
5 cess for Aging and Disability Inclusion for Disasters Act”
6 or the “REAADI for Disasters Act”.

1 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) In the United States, according to the Cen-
5 ters for Disease Control and Prevention, there are
6 more than 61,000,000 adults who are individuals
7 with disabilities and, according to the Bureau of the
8 Census, there are more than 47,800,000 adults age
9 65 or older.

10 (2) There have been more than 80 hurricanes,
11 resulting in thousands of deaths, in the United
12 States since 2005.

13 (3) The National Oceanic and Atmospheric Ad-
14 ministration estimates that—

15 (A) the cumulative damage from weather-
16 and climate-related disasters in 2017 cost the
17 United States over \$300,000,000,000; and

18 (B) 17 of the disasters in 2017 cost over
19 \$1,000,000,000 each.

20 (4) Individuals with disabilities and older adults
21 have been found to die at higher rates, compared to
22 the general population, during disasters.

23 (5) According to the Federal Emergency Man-
24 agement Administration—

1 (A) more than 48,000,000 people were af-
2 fected by hurricanes and wildfires between Au-
3 gust and December of 2017; and

4 (B) more than 12,000,000, or one quarter,
5 of those peoples were adults who were individ-
6 uals with disabilities.

7 (6) An estimated 70 percent of the deaths at-
8 tributed to Hurricane Maria in 2017 were to people
9 age 70 or older.

10 (7) Failure to provide accessibility for, or plan
11 for accommodating, individuals with physical or sen-
12 sory disabilities, chronic illness, or mental disabilities
13 decreases the ability of those individuals to evacuate
14 prior to or during a disaster.

15 (8) Households of individuals with disabilities
16 are more likely to need assistance and are less likely
17 to be able to evacuate in advance of disasters.

18 (9) Less than a third of individuals with intel-
19 lectual disabilities and individuals needing personal
20 care attendants have planned with their personal
21 care providers what to do in a disaster.

22 (10) Evacuation information, including orders,
23 is not uniformly communicated in ways and via
24 media that are accessible to individuals with disabil-
25 ities, including being communicated in ways that

1 lack use of American Sign Language, captions, and
2 plain language on websites, instructional materials,
3 and television and radio announcements.

4 (11) Displaced individuals with disabilities
5 served in general population shelters have better ac-
6 cess to information and material resources than indi-
7 viduals with disabilities in specially designed shel-
8 ters.

9 (12) Despite better access to information and
10 resources, personnel in general population shelters
11 often do not have the resources or training to ad-
12 dress the needs of individuals with disabilities and
13 older adults.

14 (13) Public shelters often do not have dis-
15 ability-related accommodations, often forcing individ-
16 uals with disabilities and older adults to be seg-
17 regated, sometimes apart from their families and
18 natural supports during disasters.

19 (14) Households with individuals with disabil-
20 ities sustain more costly property damage from dis-
21 asters than households without individuals with dis-
22 abilities.

23 (15) Historically, disaster-related recommenda-
24 tions for individuals with disabilities and older
25 adults have been typically aimed at caregivers and

1 service providers, not individuals with disabilities
2 and older adults.

3 (16) Thousands of individuals with disabilities
4 have been denied their civil rights because they do
5 not receive accessible notice during disasters—

6 (A) of spoken instructions via phone or
7 video; or

8 (B) of instructions regarding evacuations,
9 sheltering, and other procedures during disas-
10 ters.

11 (17) Disaster shelters and services do not rou-
12 tinely have American Sign Language interpreters
13 nor procedures written or presented in plain lan-
14 guage.

15 (18) Individuals with disabilities and older
16 adults are more at risk for loss of life, loss of inde-
17 pendence, and violation of civil rights than the gen-
18 eral population during times of disasters, response,
19 and recovery.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) individuals with disabilities and older adults
23 should be supported during times of disasters, and
24 during disaster preparedness, response, recovery,
25 and mitigation in order to—

1 (A) ensure maintenance of and access to
2 services and supports; and

3 (B) enable those individuals and adults to
4 return to their communities in a timely manner
5 as compared with the general population;

6 (2) during the recovery and mitigation phases
7 of disaster response, all buildings and services
8 should be designed, and constructed or recon-
9 structed, according to principles of universal design
10 and to the standards established by the Architec-
11 tural and Transportation Barriers Compliance
12 Board in order to ensure access for individuals with
13 disabilities, older adults, and all individuals;

14 (3) individuals with disabilities and older adults
15 should have access to shelters and other services
16 during disasters in the same locations and settings
17 as the general population;

18 (4) individuals with disabilities and older adults
19 should receive information about preparation for, re-
20 sponse to, recovery from, and mitigation of disasters
21 in formats accessible to them, including in American
22 Sign Language, Braille, and plain language, as well
23 as captioned video messages;

24 (5) individuals with disabilities and older adults
25 must be included as key speakers, essential stake-

1 holders, and decisionmakers in the preparation (in-
2 cluding planning), response, recovery, and mitigation
3 phases of disasters;

4 (6) local, State (including territorial), tribal,
5 and Federal disaster planning must include robust
6 representation of individuals with disabilities and
7 older adults; and

8 (7) individuals with disabilities and older adults
9 must be included in the evaluation of governmental,
10 VOAD, and other nongovernmental preparation (in-
11 cluding planning), response, recovery, and mitigation
12 of disasters.

13 **SEC. 3. PURPOSES.**

14 The purposes of this Act are to—

15 (1) improve the inclusion of individuals with
16 disabilities and older adults in the preparation for,
17 response to, recovery from, and mitigation of disas-
18 ters;

19 (2) ensure the rights of individuals with disabil-
20 ities and older adults, to be free from discrimination
21 on the basis of disability or age in programs and ac-
22 tivities, are protected during all phases of disaster
23 preparation, response, recovery, and mitigation;

24 (3) ensure compliance with the Americans with
25 Disabilities Act of 1990, the Rehabilitation Act of

1 1973, and other disability laws during preparation
2 for, response to, recovery from, and mitigation of
3 disasters;

4 (4) improve coordination, among the commu-
5 nities of individuals with disabilities and older
6 adults, government agencies, VOADs, and other
7 nongovernmental entities, in preparing (including
8 planning) for, responding to, recovery from, and
9 mitigation of disasters; and

10 (5) improve outcomes for all individuals, includ-
11 ing individuals with disabilities and older adults, who
12 are affected by disasters, and increase community
13 resilience in responding to disasters.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) ACCESS AND FUNCTIONAL NEEDS.—The
17 term “access and functional needs”, used with re-
18 spect to an individual, means an individual with
19 needs such as—

20 (A) an individual with a disability;

21 (B) an older adult;

22 (C) an individual with limited English pro-
23 ficiency;

24 (D) an individual with limited access to
25 transportation that would enable the individual

1 to prepare for, respond to, recover from, and
2 mitigate a disaster; or

3 (E) an individual with limited access to the
4 financial resources that would enable the indi-
5 vidual to prepare for, respond to, recover from,
6 and mitigate a disaster.

7 (2) ALL HAZARDS APPROACH.—The term “all
8 hazards approach” means planning for natural,
9 technological, or human-caused incidents that war-
10 rant action to—

11 (A) protect life, property, the environment,
12 or the public health or safety; and

13 (B) minimize disruptions of school activi-
14 ties.

15 (3) CIVIL RIGHTS.—The term “civil rights”,
16 used with respect to an individual, means the rights
17 of the individual to be free from discrimination on
18 the basis of disability or age in programs and activi-
19 ties.

20 (4) COVERED INDIVIDUAL.—The term “covered
21 individual” means an individual with a disability, an
22 older adult, and an individual with access and func-
23 tional needs.

24 (5) DISABILITY INCLUSIVE EMERGENCY MAN-
25 AGEMENT EXPERIENCE.—The term “disability inclu-

1 sive emergency management experience”, used with
2 respect to an individual or entity—

3 (A) means an individual or entity that
4 has—

5 (i) demonstrated disability leadership
6 experience, including working with non-
7 governmental entities; and

8 (ii) subject matter expertise in leading
9 disability inclusive preparedness, response,
10 recovery, and mitigation initiatives that
11 focus on meeting the rights of covered in-
12 dividuals who are affected by disasters, to
13 be free from discrimination on the basis of
14 disability or age in programs and activities;
15 and

16 (B) includes an individual or entity that
17 has demonstrated favorable outcomes that
18 measure the effective communication access,
19 physical access, program access, health, safety,
20 and independence of individuals affected by dis-
21 asters and their communities.

22 (6) DISASTER.—The term “disaster” means
23 any natural catastrophe (including a hurricane, tor-
24 nado, or storm, high water, winddriven water, and a
25 tidal wave, tsunami, earthquake, volcanic eruption,

1 landslide, mudslide, snowstorm, wildfire, or
2 drought), technological accident, or human-caused
3 event, that results in severe property damage,
4 deaths, or multiple injuries.

5 (7) DISASTER SERVICES.—The term “disaster
6 services” means the process of responding to a dis-
7 aster and providing humanitarian aid to individuals
8 and communities who are affected by a disaster.

9 (8) DISPROPORTIONATELY AFFECTED.—The
10 term “disproportionately affected”, used with re-
11 spect to a group, means a group of individuals with
12 protected status, such as individuals with disabilities
13 or older adults, who are excessively adversely af-
14 fected by disaster-related harms.

15 (9) INDIVIDUAL WITH A DISABILITY.—

16 (A) SINGLE.—The term “individual with a
17 disability” means an individual with a dis-
18 ability, as defined in section 3 of the Americans
19 with Disabilities Act of 1990 (42 U.S.C.
20 12102).

21 (B) PLURAL.—The term “individuals with
22 disabilities” means more than one individual
23 with a disability, as defined in subparagraph
24 (A).

1 (10) OLDER ADULT.—The term “older adult”
2 means a resident who is age 50 or older.

3 (11) RESIDENT.—The term “resident” means a
4 resident of a State.

5 (12) SECRETARY.—The term “Secretary”
6 means the Secretary of Health and Human Services.

7 (13) STATE.—The term “State” means any of
8 the 50 States, the District of Columbia, the Com-
9 monwealth of Puerto Rico, the United States Virgin
10 Islands, Guam, American Samoa, and the Common-
11 wealth of the Northern Mariana Islands.

12 (14) VISITABILITY STANDARDS.—The term
13 “visitability standards” means standards for Type C
14 (Visitable) Units under the Standards for Accessible
15 and Usable Buildings and Facilities (ICC A117.1–
16 2009), or any successor standards, of the American
17 National Standards Institute.

18 (15) VOAD.—The term “VOAD” means a non-
19 governmental organization assisting in disaster prep-
20 aration, recovery, response, or mitigation.

21 **SEC. 5. USE OF DISASTER RESPONSE FUNDS.**

22 Section 615 of the Robert T. Stafford Disaster Relief
23 and Emergency Assistance Act (42 U.S.C. 5196d) is
24 amended—

1 (1) by striking “Funds made available” and in-
2 serting the following:

3 “(a) DEFINITIONS.—In this section—

4 “(1) the terms ‘access and functional needs’,
5 ‘individuals with disabilities’, ‘older adult’, and
6 ‘visitability standards’ have the meanings given the
7 terms under section 4 of the REAADI for Disasters
8 Act;

9 “(2) the term ‘covered recipient’ means a direct
10 or indirect recipient of funds made available under
11 this title for a covered use of funds; and

12 “(3) the term ‘covered use of funds’ means the
13 use of funds for the preparation for, response to, re-
14 covery from, or mitigation of hazards.

15 “(b) USE OF FUNDS GENERALLY.—Funds made
16 available”; and

17 (2) by adding at the end the following:

18 “(c) ADVISORY COMMITTEES.—A covered recipient
19 shall ensure that an advisory committee that includes indi-
20 viduals with disabilities, older adults, and other individuals
21 with access and functional needs oversees the use of funds
22 made available under this title by the covered recipient.

23 “(d) COMPLIANCE WITH DISABILITY LAWS.—A cov-
24 ered recipient shall use funds made available under this
25 title in accordance with the Rehabilitation Act of 1973 (29

1 U.S.C. 701 et seq.) and the Americans with Disabilities
2 Act of 1990 (42 U.S.C. 12101 et seq.).

3 “(e) CENTERS FOR INDEPENDENT LIVING.—A cov-
4 ered recipient may contract with 1 or more centers for
5 independent living (as defined in section 702 of the Reha-
6 bilitation Act of 1973 (42 U.S.C. 796a)) to—

7 “(1) prepare for hazards;

8 “(2) provide personal assistance services during
9 response and recovery periods;

10 “(3) identify accessible emergency shelters and
11 adapt emergency shelters to be accessible;

12 “(4) develop accessible media, including media
13 using American Sign Language; and

14 “(5) meet other needs for individuals with dis-
15 abilities, older adults, and individuals with access
16 and functional needs.

17 “(f) CONTRACTORS.—A nongovernmental organiza-
18 tion that enters into a contract with a covered recipient
19 relating to a covered use of funds shall comply with the
20 Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and
21 the Americans with Disabilities Act of 1990 (42 U.S.C.
22 12101 et seq.) in providing property or services under the
23 contract.

24 “(g) COMMUNICATIONS.—Communications relating
25 to a covered use of funds by a covered recipient shall be

1 made available in languages, including American Sign
2 Language and other sign languages, used in the commu-
3 nities receiving the communications.

4 “(h) ACCESSABILITY.—A covered recipient shall en-
5 sure each facility or service made available in connection
6 with a covered use of funds is accessible to individuals with
7 disabilities, older adults, and other individuals with access
8 and functional needs, including—

9 “(1) notifications relating to a hazard;

10 “(2) evacuation notifications;

11 “(3) notifications relating to disaster services;

12 and

13 “(4) emergency shelters.

14 “(i) VISITABILITY.—A covered recipient that, as part
15 of a covered use of funds, constructs or prepares dwelling
16 units (including sleeping units) shall ensure that the dwell-
17 ing units meet visitability standards.”.

18 **SEC. 6. TRAINING, TECHNICAL ASSISTANCE, AND RE-**
19 **SEARCH DISABILITY AND DISASTER CEN-**
20 **TERS.**

21 (a) PURPOSE.—The purpose of this section is to pro-
22 vide financial support to eligible entities to create centers
23 through which the eligible entities will—

24 (1) provide training and technical assistance to
25 State, tribal, and local disaster relief, public health,

1 and social service agencies in the implementation
2 and enhancement of systemic and effective engage-
3 ment policies, programs, and activities that ensure—

4 (A) that the needs and rights of covered
5 individuals are addressed and implemented
6 throughout all phases of disaster preparation,
7 response, recovery, and mitigation; and

8 (B) the inclusion of covered individuals in
9 the development of all State, tribal, and local
10 disaster preparation plans;

11 (2) assist Federal, State, tribal, and local dis-
12 aster relief agencies in the coordination and integra-
13 tion of Federal, State (including territorial), tribal,
14 and local services and programs to serve covered in-
15 dividuals in the least restrictive environment appro-
16 priate to their needs during a disaster;

17 (3) conduct research and expand knowledge
18 about covered individuals and their experiences dur-
19 ing the preparation, response, recovery, and mitiga-
20 tion phases of disasters; and

21 (4) discover, through research, and disseminate
22 knowledge about, the most effective methods for—

23 (A) protecting the civil rights of covered
24 individuals during times of disasters;

1 (B) including covered individuals in all
2 phases of disaster preparation, response, recov-
3 ery, and mitigation;

4 (C) reducing their deaths, injuries and
5 losses from disasters;

6 (D) reducing the displacement and dis-
7 proportionate effects of relocation after a dis-
8 aster, including financial and social effects, on
9 covered individuals; and

10 (E) ensuring covered individuals are par-
11 ticipants in the research, development, and dis-
12 tribution of evidence-based information regard-
13 ing disasters.

14 (b) DEFINITIONS.—In this section:

15 (1) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means an entity or partnership of entities that—

17 (A) submits an application to the Sec-
18 retary in accordance with subsection (e);

19 (B) is or includes an institution (which
20 may be an institution of higher education), or
21 a nongovernmental organization, that focuses
22 on—

23 (i) serving the needs of individuals
24 with disabilities; or

25 (ii) serving the needs of older adults;

1 (C) in the case of an entity or partnership
2 with a disability focus, has a cross-disability
3 service focus;

4 (D) has experience in conducting training,
5 technical assistance, and research pertaining to
6 consumer-directed community support services
7 for covered individuals;

8 (E) includes covered individuals in posi-
9 tions of leadership in the planning, manage-
10 ment, and operation of the programs of train-
11 ing, technical assistance, and research;

12 (F) has knowledge and experience per-
13 taining to the implementation and enhancement
14 of systemic and effective engagement policies,
15 programs, and activities that promote the inclu-
16 sion, needs, and rights of covered individuals in
17 preparation for, response to, recovery from, and
18 mitigation of disasters; and

19 (G) has, or will establish, an advisory
20 council or similar entity, of which at least 51
21 percent of the members are covered individuals.

22 (2) INSTITUTION OF HIGHER EDUCATION.—The
23 term “institution of higher education” has the
24 meaning given the term in section 101(a) of the
25 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

1 (3) STAKEHOLDER GROUP.—The term “stakeholder group” means a group of individuals and organizations that—

2 (A) is committed to disability inclusive and
3 older adult inclusive disaster management;

4 (B) includes covered individuals throughout preparedness, response, recovery, and mitigation activities;

5 (C) has leaders that include covered individuals;

6 (D) has a governing or advisory board, of which at least half of the members are covered individuals; and

7 (E) has a mission to inclusively serve covered individuals.

8 (c) AUTHORITY FOR GRANTS.—The Secretary may award grants, on a competitive basis, to eligible entities, to provide for—

9 (1) activities that include covered individuals in the preparation (including planning) for, response to, recovery from, and mitigation of disasters; and

10 (2) research related to disasters and covered individuals.

11 (d) AMOUNT AND PERIOD OF GRANTS.—

1 (1) AMOUNT.—In awarding grants under this
2 section, the Secretary shall, to the extent prac-
3 ticable, award a grant to an eligible entity in an
4 amount that is not less than \$500,000 and not more
5 than \$2,000,000.

6 (2) DISTRIBUTION.—The Secretary shall award
7 not fewer than 2 of the grants in each of the 10
8 Federal regions of the Department of Health and
9 Human Services.

10 (3) PERIODS.—The Secretary shall award the
11 grants for periods of 5 years, through an open com-
12 petition held at the end of each 5-year period. Eligi-
13 ble entities that receive grants under this section
14 may reapply for such grants at the end of the peri-
15 ods.

16 (e) APPLICATIONS.—

17 (1) SUBMISSIONS.—To be eligible to receive a
18 grant under this section, an entity shall submit an
19 application to the Secretary at such time and in
20 such manner as the Secretary may require.

21 (2) CONTENTS.—Each such application shall
22 include, at a minimum, the following:

23 (A) A description of the applicant's dem-
24 onstrated experience in providing training, in-
25 formation, and support to individuals with dis-

1 abilities in preparing for, responding to, recover-
2 ing from, and mitigating disasters.

3 (B) A description of the applicant's dem-
4 onstrated experience in providing training, in-
5 formation, and support to older adults in pre-
6 paring for, responding to, recovering from, and
7 mitigating disasters.

8 (C) A description of the applicant's dem-
9 onstrated experience in working with Federal,
10 State, tribal, and local government agencies in
11 preparing for, responding to, recovering from,
12 and mitigating disasters.

13 (D) A description of the steps the appli-
14 cant, acting through the center, will take to tar-
15 get services to low-income individuals and indi-
16 viduals identified as disproportionately affected
17 in disasters, including those individuals at
18 greatest risk of institutionalization.

19 (E) An assurance that the applicant, act-
20 ing through the center, will—

21 (i) work with State, tribal, and local
22 disaster relief, public health, and social
23 service agencies to determine the best
24 means for delivery of services to address
25 the needs of covered individuals;

1 (ii) assist in establishing State, tribal,
2 and local disaster plans to address the
3 needs of both rural and urban populations;

4 (iii) in carrying out activities under
5 the grant, conduct sufficient outreach to
6 VOADs and other nongovernmental orga-
7 nizations, including organizations that rep-
8 resent and are comprised of covered indi-
9 viduals;

10 (iv) include covered individuals in a
11 meaningful way in the development and
12 execution of activities carried out under
13 the grant; and

14 (v) communicate information on the
15 programs and systems developed under the
16 grant, in the languages, including Amer-
17 ican Sign Language, of the communities
18 being served.

19 (f) PRIORITY.—In awarding grants for activities de-
20 scribed in this section, the Secretary shall give priority to
21 eligible entities that—

22 (1) demonstrate a minimum of 3 years of expe-
23 rience in actively conducting disability inclusive and
24 older adult inclusive disaster management;

1 (2) propose activities to address the prepared-
2 ness, response, recovery, and mitigation needs of
3 covered individuals;

4 (3) propose activities to address leadership de-
5 velopment in State, tribal, and local agencies and
6 covered individual advocacy organizations;

7 (4) demonstrate ability to provide training that
8 is about bias because of disability or age and that
9 uses experiential approaches and not simulation;

10 (5) demonstrate expertise concerning the obliga-
11 tion to keep individuals free from discrimination on
12 the basis of disability and age in programs and ac-
13 tivities and specific plans for achieving and main-
14 taining physical access, program access, and effec-
15 tive communication for covered individuals through-
16 out all grant activities;

17 (6) demonstrate that the eligible entity involved
18 will use measurable collaboration and partnership
19 strategies with State, tribal, and local agencies,
20 VOADs, and other nongovernmental entities in car-
21 rying out grant activities;

22 (7) demonstrate that the eligible entity will use
23 measurable disaster outcomes strategies in carrying
24 out grant activities;

1 (8) demonstrate the ability to quickly create
2 products, such as videos, fact sheets, guidelines, and
3 checklists, to be used in disaster management;

4 (9) employ constituents of the entity in deci-
5 sionmaking positions;

6 (10) provide disability inclusive and older adult
7 inclusive disaster management leadership skills de-
8 velopment;

9 (11) demonstrate awareness of available re-
10 sources in the community for meeting the prepared-
11 ness, response, recovery, and mitigation needs of
12 covered individuals; and

13 (12) demonstrate expertise in promoting the
14 use of universal design (as defined in section 3 of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1003)), the philosophy of independent living (within
17 the meaning of that philosophy in title VII of the
18 Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.)),
19 intersectionality imperatives, and the social model of
20 disability.

21 (g) USE OF FUNDS.—

22 (1) IN GENERAL.—Grant funds made available
23 under this section shall be used only for activities
24 described in and approved by the Secretary as a part

1 of an application submitted under subsection (e), to
2 carry out—

3 (A) a strategy designed to ensure the in-
4 clusion of covered individuals in the preparation
5 (including planning) for, response to, recovery
6 from, and mitigation of disasters; and

7 (B) research to enhance the activities de-
8 scribed in subparagraph (A), using not more
9 than 25 percent of the grant funds to carry out
10 that research.

11 (2) ACTIVITIES.—Such activities may include
12 initiatives that provide comprehensive training, tech-
13 nical assistance, development of funding sources,
14 and support to State, tribal, and local disaster relief,
15 public health, and social service agencies and stake-
16 holder groups, in order to ensure that, in carrying
17 out disaster management planning and programs,
18 the agencies and groups address the inclusion,
19 rights, and needs of covered individuals by—

20 (A) hiring personnel with direct knowledge
21 of and experience with meeting the rights of
22 covered individuals to be free from discrimina-
23 tion on the basis of disability or age in pro-
24 grams and activities;

1 (B) training staff of State, tribal, and local
2 disaster relief, public health, and social service
3 agencies on the needs and rights of covered in-
4 dividuals, preferably through training by ex-
5 perts who are individuals with disabilities and
6 experts who are older adults;

7 (C) creating partnerships between eligible
8 entities, State, tribal, and local disaster relief,
9 public health, and social service agencies,
10 VOADs, other nongovernmental organizations,
11 and organizations representing covered individ-
12 uals;

13 (D) assisting in the development and im-
14 plementation, in partnership with State, tribal,
15 and local disaster relief, public health, and so-
16 cial service agencies, of plans that will provide
17 for a continuum of services to remove barriers
18 to full engagement for covered individuals dur-
19 ing a disaster and in preparedness (including
20 planning) for, response to, recovery from, and
21 mitigation of a disaster;

22 (E) assisting in the creation of standards
23 and identification of funding sources for re-
24 building disaster-damaged housing and new

1 housing that is accessible, affordable, and dis-
2 aster-resilient;

3 (F) assisting in the creation of standards
4 for homeowner and flood insurance coverage for
5 rebuilding disaster-damaged housing and new
6 housing that is accessible, affordable, and dis-
7 aster-resilient;

8 (G) establishing universal design and ac-
9 cessibility standards, and establishing specifica-
10 tions for visitability (based on the visitability
11 standards), for achieving and maintaining equal
12 access for covered individuals throughout all
13 hazard mitigation and disaster resilience activi-
14 ties;

15 (H) establishing initiatives to increase new
16 and transferred technology and innovations to
17 solve notification, evacuation, health mainte-
18 nance, and other barriers for covered individ-
19 uals before, during, and after disasters; and

20 (I) conducting research, in partnership
21 with covered individuals, that will contribute to
22 knowledge and strategies to—

23 (i) decrease injuries, deaths, and harm
24 to covered individuals;

1 (ii) create inclusive disaster prepared-
2 ness, recovery, response, and mitigation
3 strategies for States, Indian tribes, local-
4 ities, VOADs, and other nongovernmental
5 organizations;

6 (iii) preserve community living options
7 and access to needed services and supports
8 for covered individuals during post-disaster
9 periods; and

10 (iv) conduct longitudinal studies that
11 create and maintain datasets to assist in
12 the understanding of Federal, State, tribal,
13 and local policies designed to reduce the
14 negative impact of disasters on covered in-
15 dividuals and protect the rights of covered
16 individuals to be free from discrimination
17 on the basis of disability or age in pro-
18 grams and activities.

19 (3) STANDARDS AND GUIDELINES.—The Sec-
20 retary shall establish standards and guidelines for
21 activities supported by a grant under this section.
22 Such standards and guidelines shall be developed
23 with the input of stakeholder groups. In a situation
24 in which a refinement or adaptation of the standards
25 or guidelines is made necessary by a local cir-

1 cumstance, the Secretary shall enter into negotia-
2 tions with an eligible entity applying for such a
3 grant for a project in the affected area, to refine or
4 adapt the standards and guidelines for the project.

5 (h) INDIVIDUAL RIGHTS.—Notwithstanding any
6 other provision of this section, no entity, agency, or group
7 assisted under this section shall take any action that in-
8 fringes in any manner on the rights of covered individuals
9 to be free from discrimination on the basis of disability
10 or age in programs and activities.

11 (i) REPORTS.—Not later than January 31 of fiscal
12 years 2023 and 2025, the Secretary shall submit to Con-
13 gress a report describing the activities carried out under
14 this section during the preceding 2 fiscal years.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$50,000,000 for each of fiscal years 2021 through 2025.

18 **SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.**

19 (a) DEFINITIONS.—In this section:

20 (1) ELIGIBLE ENTITY.—The term “eligible enti-
21 ty” means an entity or partnership of entities that—

22 (A) submits an application to the Sec-
23 retary at such time, in such manner, and con-
24 taining such information as the Secretary may
25 reasonably require;

1 (B) is or includes an institution (which
2 may be an institution of higher education), or
3 a nongovernmental organization, that focuses
4 on—

5 (i) serving the needs of individuals
6 with disabilities; or

7 (ii) serving the needs of older adults;

8 (C) in the case of an entity or partnership
9 with a disability focus, has a cross-disability
10 service focus;

11 (D) has experience in conducting training,
12 technical assistance, and research pertaining to
13 consumer-directed community support services
14 for covered individuals;

15 (E) includes covered individuals in posi-
16 tions of leadership in the planning, manage-
17 ment, and operation of the programs of train-
18 ing, technical assistance, and research;

19 (F) has knowledge and experience per-
20 taining to the implementation and enhancement
21 of systemic and effective engagement policies,
22 programs, and activities that promote the inclu-
23 sion, needs, and rights of covered individuals in
24 preparation for, response to, recovery from, and
25 mitigation of disasters; and

1 (G) has, or will establish, an advisory
2 council or similar entity, of which at least half
3 of the members are covered individuals.

4 (2) INSTITUTION OF HIGHER EDUCATION.—The
5 term “institution of higher education” has the
6 meaning given the term in section 6(b).

7 (b) GRANTS, CONTRACTS, AND COOPERATIVE
8 AGREEMENTS.—

9 (1) IN GENERAL.—The Secretary shall award
10 grants to, or enter into contracts or cooperative
11 agreements with, eligible entities on a competitive
12 basis to carry out projects of national significance
13 that—

14 (A) create opportunities for individuals
15 with disabilities and older adults to directly con-
16 tribute to improving preparation for, recovery
17 from, response to, and mitigation of disasters;

18 (B) support the development of Federal,
19 State, tribal, and local policies that reinforce
20 and promote the inclusion of individuals with
21 disabilities and older adults in Federal, State,
22 tribal, and local community preparation for dis-
23 asters; and

24 (C) support research that—

1 (i) tracks, in the short-term and long-
2 term, the effects of disasters on individuals
3 with disabilities and older adults;

4 (ii) identifies evidence-based practices
5 that enhance inclusion of individuals with
6 disabilities and older adults to participate
7 in and lead preparation for disasters at
8 Federal, State, tribal, and local levels;

9 (iii) leads to the creation of strategies
10 and procedures to implement community
11 level practices that decrease deaths, inju-
12 ries, and harm resulting from disasters to
13 individuals with disabilities and older
14 adults;

15 (iv) contributes to the protection of
16 the rights of individuals with disabilities
17 and older adults to be free from discrimi-
18 nation on the basis of disability or age in
19 programs and activities, and self-deter-
20 mination of those individuals and adults,
21 while also promoting their safety and well-
22 being during and following disasters;

23 (v) contributes to the development of
24 Federal, State, tribal, and local policies
25 that enhance collaboration among govern-

1 mental entities, VOADs, and other non-
2 governmental entities to improve the inclu-
3 sion of individuals with disabilities and
4 older adults in preparation for, response
5 to, recovery from, and mitigation of disas-
6 ters; and

7 (vi) contributes to other efforts, as de-
8 termined by the Secretary, to advance the
9 purposes of this section.

10 (2) AMOUNT, QUANTITY, AND DURATION.—In
11 awarding grants or entering into contracts or coop-
12 erative agreements under this section, the Secretary
13 shall—

14 (A) to the extent practicable, ensure that
15 each such grant, contract, or cooperative agree-
16 ment is for an amount that is not less than
17 \$500,000 and not more than \$2,000,000;

18 (B) award or enter into not less than 4
19 grants, contracts, or cooperative agreements;
20 and

21 (C) ensure that each such grant, contract,
22 or cooperative agreement is for a period of not
23 less than 3 years and not more than 5 years.

1 **SEC. 8. NATIONAL COMMISSION ON DISABILITY RIGHTS**
2 **AND DISASTERS.**

3 (a) **ESTABLISHMENT OF NATIONAL COMMISSION ON**
4 **DISABILITY RIGHTS AND DISASTERS.**—There is estab-
5 lished the National Commission on Disability Rights and
6 Disasters (referred to in this section as the “Commis-
7 sion”).

8 (b) **MEMBERSHIP.**—

9 (1) **TOTAL NUMBER OF MEMBERS.**—The Com-
10 mission shall include not more than 36 members.

11 (2) **APPOINTMENT.**—The members described in
12 subparagraphs (A) and (B) of paragraph (3) shall
13 be appointed by the Secretary, after consultation
14 with the Secretary of Homeland Security.

15 (3) **MEMBERS OF THE COMMISSION.**—The
16 Commission members shall include—

17 (A) 11 members, representing the dis-
18 ability community and reflecting the diverse
19 characteristics of its members, who shall—

20 (i) represent individuals with disabil-
21 ities with a wide variety of disabilities and
22 disaster experiences;

23 (ii) be geographically diverse;

24 (iii) be ethnically and racially diverse;

25 (iv) be of diverse ages, and include
26 older adults;

1 (v) represent both genders, and in-
2 clude members that represent a variety of
3 sexual orientations and gender identities;

4 (vi) include veterans; and

5 (vii) be linguistically diverse;

6 (B) 1 representative from each of—

7 (i) a coastal State emergency manage-
8 ment agency with an employee in a posi-
9 tion with established duties relating to in-
10 tegration of individuals with disabilities or
11 to addressing access and functional needs;

12 (ii) a noncoastal State emergency
13 management agency with an employee in a
14 position described in clause (i);

15 (iii) a tribal emergency management
16 agency with an employee in a position de-
17 scribed in clause (i);

18 (iv) a territorial emergency manage-
19 ment agency with an employee in a posi-
20 tion described in clause (i);

21 (v) a nongovernmental organization
22 providing disaster preparedness and re-
23 sponse services;

24 (vi) a local urban disaster manage-
25 ment entity, which representative has dis-

1 ability inclusive emergency management
2 experience;

3 (vii) a local rural disaster manage-
4 ment entity, which representative has dis-
5 ability inclusive emergency management
6 experience;

7 (viii) a local disability organization
8 with a cross-disability focus;

9 (ix) a State disability organization
10 with a cross-disability focus;

11 (x) a national disability organization
12 with a cross-disability focus;

13 (xi) a national older adults organiza-
14 tion;

15 (xii) the Council of the Inspectors
16 General on Integrity and Efficiency;

17 (xiii) a low-income housing organiza-
18 tion, who has expertise in the civil rights
19 of disaster-affected covered individuals;
20 and

21 (xiv) a representative of a legal serv-
22 ices agency with expertise in the civil
23 rights of disaster-affected covered individ-
24 uals; and

1 (C) executive branch representatives con-
2 sisting of—

3 (i) the Secretary of Homeland Secu-
4 rity;

5 (ii) the Secretary of Health and
6 Human Services;

7 (iii) the Secretary of Housing and
8 Urban Development;

9 (iv) the Administrator of the Federal
10 Emergency Management Agency;

11 (v) the Assistant Attorney General for
12 Civil Rights of the Department of Justice;

13 (vi) the Chief of the Disability Rights
14 Section of the Civil Rights Division of the
15 Department of Justice;

16 (vii) the Officer for Civil Rights and
17 Civil Liberties of the Department of
18 Homeland Security;

19 (viii) the Assistant Secretary for Pre-
20 paredness and Response of the Depart-
21 ment of Health and Human Services;

22 (ix) the Chairperson of the National
23 Council on Disability;

1 (x) the Chairperson of the Architec-
2 tural and Transportation Barriers Compli-
3 ance Board; and

4 (xi) the Director of the Office of
5 Emergency Management of the Veterans
6 Health Administration of the Department
7 of Veterans Affairs.

8 (4) TIMING.—The Secretary shall appoint the
9 members of the Commission described in subpara-
10 graphs (A) and (B) of paragraph (3) not later than
11 60 days after the date of enactment of this Act.

12 (5) PERIOD OF APPOINTMENT.—A member of
13 the Commission shall be appointed for the life of the
14 Commission. Any vacancy in the Commission shall
15 not affect the powers of the Commission, and shall
16 be filled in the same manner as the original appoint-
17 ment.

18 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
19 members of the Commission shall select a Chairperson and
20 Vice Chairperson from among the members of the Com-
21 mission. Both the Chairperson and the Vice Chairperson
22 shall have extensive disability inclusive disaster manage-
23 ment experience and at least one shall be an individual
24 with a disability.

25 (d) MEETINGS.—

1 (1) IN GENERAL.—The Commission shall meet
2 at the call of the Chairperson, but not fewer than 12
3 times before submitting the final report described in
4 subsection (e)(2).

5 (2) FIRST MEETING.—Not later than 60 days
6 after the date on which all members of the Commis-
7 sion described in subparagraphs (A) and (B) of sub-
8 section (b)(3) have been appointed, the Commission
9 shall hold the Commission’s first meeting.

10 (e) DUTIES.—

11 (1) STUDIES.—The Commission shall—

12 (A) study—

13 (i) by conducting a review of, funding
14 used by Federal agencies for inclusion of
15 covered individuals in preparation for, re-
16 sponse to, recovery from, and mitigation
17 of, disasters;

18 (ii) by conducting a review of, per-
19 formance of VOADs and other nongovern-
20 mental organizations funded to lead pre-
21 paredness for, response to, recovery from,
22 and mitigation of, disasters;

23 (iii) by conducting an analysis of, the
24 displacement, injuries, and deaths of indi-
25 viduals with chronic health conditions and

1 covered individuals throughout the period
2 of disaster response and recovery for disas-
3 ters—

4 (I) for which 1 or more Federal
5 agencies used or made available Fed-
6 eral funds to assist in preparing for,
7 responding to, recovering from, or
8 mitigating a disaster; and

9 (II) that occurred not earlier
10 than January 2012 and not later than
11 the date of enactment of this Act;

12 (iv) by conducting an analysis of, pro-
13 tections and violations of civil rights of
14 covered individuals in national, State, trib-
15 al, territorial, and local disaster prepara-
16 tion, response, recovery, and mitigation for
17 the disasters described in clause (iii);

18 (v) the supports and resources avail-
19 able to localities from Federal, State, tribal
20 and territorial disaster response agencies
21 to ensure inclusion of covered individuals
22 throughout disaster preparation, response,
23 recovery, and mitigation;

24 (vi) the supports and resources avail-
25 able to localities from Federal and State

1 disaster response agencies to ensure that
2 the civil rights of covered individuals are
3 protected throughout disaster preparation,
4 response, recovery, and mitigation; and

5 (vii) the effectiveness of coordination
6 among Federal, State, tribal, territorial,
7 local, and nongovernmental organizations
8 regarding disaster preparation, response,
9 recovery, and mitigation for covered indi-
10 viduals, utilizing an all-hazards approach;
11 and

12 (B) study—

13 (i) the protection of the civil rights of
14 covered individuals during the preparation
15 for, recovery from, response to, and mitiga-
16 tion of disasters;

17 (ii) the inclusion of covered individ-
18 uals during Federal, State, tribal, terri-
19 torial, and local disaster preparedness, re-
20 sponse, recovery, and mitigation, using an
21 all-hazards approach;

22 (iii) whether disaster preparedness,
23 response, recovery, and mitigation initia-
24 tives and investments are carried out and
25 made in compliance with the Americans

1 with Disabilities Act of 1990 (42 U.S.C.
2 12101 et seq.) and the Rehabilitation Act
3 of 1973 (29 U.S.C. 701 et seq.);

4 (iv) all community resilience and other
5 initiatives for which Federal funds were
6 used or made available by 1 or more Fed-
7 eral agencies to assist in preparing for, re-
8 sponding to, recovering from, or mitigating
9 a disaster, and investments in such initia-
10 tives, are carried out and made in compli-
11 ance with the the Americans with Disabil-
12 ities Act of 1990 and the Rehabilitation
13 Act of 1973;

14 (v) development of standards for re-
15 building disaster-damaged housing, and
16 new housing, that is accessible, affordable,
17 and disaster-resilient;

18 (vi) development of standards for
19 homeowners and flood insurance coverage
20 for rebuilding disaster-damaged housing,
21 and new housing, that is accessible, afford-
22 able, and disaster resilient;

23 (vii) development of standards for uni-
24 versal design and accessibility standards
25 for achieving and maintaining equal access

1 throughout all disaster mitigation and dis-
2 aster resilience initiatives; and

3 (viii) development of initiatives to in-
4 crease new and transferred technology and
5 innovations to overcome notification, evac-
6 uation, health maintenance, and other bar-
7 riers to health, safety, and independence
8 for covered individuals before, during, and
9 after disasters.

10 (2) REPORTS.—

11 (A) INTERIM AND FINAL REPORTS.—The
12 Commission shall prepare and submit to the
13 Secretary and the committees referred to in
14 subparagraph (C)—

15 (i) 2 interim reports that summarize
16 the progress of the Commission, along with
17 any interim findings, conclusions, and rec-
18 ommendations for the Secretary resulting
19 from the studies described in paragraph
20 (1); and

21 (ii) a final report that states final
22 findings, conclusions, and recommenda-
23 tions for the Secretary resulting from the
24 studies described in paragraph (1).

1 (B) PREPARATION AND SUBMISSION.—The
2 reports shall be prepared and submitted—

3 (i) in the case of the interim reports,
4 not later than 1 and 2 years after the date
5 on which the Secretary makes the appoint-
6 ments required in subsection (b)(4); and

7 (ii) in the case of the final report, not
8 later than 3 years after the date on which
9 the Secretary makes the appointments re-
10 quired in subsection (b)(4).

11 (C) COMMITTEES.—The committees re-
12 ferred to in this subparagraph are the Commit-
13 tees on Homeland Security and Governmental
14 Affairs and on Health, Education, Labor, and
15 Pensions of the Senate and the Committees on
16 Energy and Commerce, on Transportation and
17 Infrastructure, and on Education and Labor of
18 the House of Representatives, and any other
19 relevant committees of the House of Represent-
20 atives and Senate with jurisdiction over matters
21 affecting disaster-affected covered individuals.

22 (3) PLANS.—

23 (A) PLAN FOR PREPARATION, RESPONSE,
24 RECOVERY, AND MITIGATION EFFORTS.—Using
25 the findings, conclusions, and recommendations

1 contained in the Commission reports described
2 in paragraph (2), the Commission shall create
3 a plan, with recommended goals, objectives,
4 timelines, and criteria for each of the Federal
5 agencies represented by representatives speci-
6 fied in subsection (b)(3)(C) to ensure individ-
7 uals with disabilities, older adults, and individ-
8 uals with access and functional needs are in-
9 cluded in preparation, response, recovery, and
10 mitigation efforts by the agencies.

11 (B) PLAN FOR ADVISORY ENTITY.—Using
12 the information, findings, and conclusions con-
13 tained in the Commission reports, the Commis-
14 sion will create a plan with recommendations to
15 either continue the Commission or to create an
16 ongoing new entity—

17 (i) to advise the Federal agencies rep-
18 resented by representatives specified in
19 subsection (b)(3)(C) regarding regulations
20 and activities to ensure the inclusion of in-
21 dividuals with disabilities, older adults, and
22 individuals with access and functional
23 needs in disaster preparedness, response,
24 recovery, and mitigation; and

1 (ii) to recommend to Congress legisla-
2 tion to address the needs of individuals
3 with disabilities, older adults, and individ-
4 uals with access and functional needs dur-
5 ing disaster preparedness, response, recov-
6 ery, and mitigation.

7 (C) SUBMISSION.—The Commission shall
8 submit the plans created under subparagraphs
9 (A) and (B) to the Secretary not later than 3
10 years after the date on which the Secretary
11 makes the appointments referred to in sub-
12 section (b)(4).

13 (f) POWERS OF COMMISSION.—

14 (1) HEARINGS.—The Commission may hold
15 such hearings, sit and act at such times and places,
16 take such testimony, and receive such evidence as
17 the Commission considers advisable to carry out this
18 section.

19 (2) INFORMATION FROM FEDERAL AGENCIES.—

20 (A) IN GENERAL.—The Commission may
21 secure directly from any Federal department or
22 agency such information as the Commission
23 considers necessary to carry out this section.

24 (B) FURNISHING INFORMATION.—On re-
25 quest of the Chairperson of the Commission,

1 the head of the department or agency shall fur-
2 nish the information to the Commission.

3 (3) POSTAL SERVICES.—The Commission may
4 use the United States mails in the same manner and
5 under the same conditions as other departments and
6 agencies of the Federal Government.

7 (g) COMMISSION PERSONNEL MATTERS.—

8 (1) COMPENSATION.—

9 (A) NONGOVERNMENTAL MEMBERS.—

10 Each member of the Commission who is not de-
11 scribed in subparagraph (B) shall receive a sti-
12 pend of \$10,000 for the duration of the period
13 in which the member is engaged in the perform-
14 ance of the duties of the Commission.

15 (B) GOVERNMENTAL MEMBERS.—A mem-
16 ber of the Commission who is an officer or em-
17 ployee of the United States shall serve without
18 compensation in addition to that received for
19 service as an officer or employee of the United
20 States.

21 (2) TRAVEL EXPENSES.—A member of the
22 Commission shall be allowed travel expenses, includ-
23 ing per diem in lieu of subsistence, at rates author-
24 ized for employees of agencies under subchapter I of
25 chapter 57 of title 5, United States Code, while

1 away from their home or regular places of business
2 in the performance of services for the Commission.

3 (3) STAFF.—

4 (A) IN GENERAL.—The Secretary shall
5 designate such personnel as may be necessary
6 to enable the Commission to perform and con-
7 clude its duties as described in subsection (e),
8 including the preparation and submission of re-
9 ports as described in subsection (e)(2).

10 (B) DETAIL OF GOVERNMENT EMPLOY-
11 EES.—Any Federal Government employee may
12 be detailed to the Commission without reim-
13 bursement, and such detail shall be without
14 interruption of loss of civil service status or
15 privilege.

16 (4) FACILITIES, EQUIPMENT, SUPPLIES, AND
17 SERVICES.—The Secretary shall make available to
18 the Commission, under such arrangements as may
19 be appropriate, necessary facilities, equipment, sup-
20 plies, and services.

21 (h) TERMINATION.—

22 (1) IN GENERAL.—The Commission shall termi-
23 nate on the day after the date on which the Commis-
24 sion submits the final report.

1 (2) RECOMMENDATION.—Not later than 120
2 days prior to the expected termination of the Com-
3 mission under paragraph (1), the Secretary shall
4 submit to Congress a recommendation, using the in-
5 formation in the report created by the Commission
6 under subsection (e)(3)(B), on whether the period in
7 which Commission exists and carries out its duties
8 should be extended.

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$100,000 for fiscal year 2021, and \$100,000 for each of
12 fiscal years 2022 through 2025.

13 **SEC. 9. REVIEW OF SETTLEMENT AGREEMENTS RELATED**
14 **TO DISASTERS AND INDIVIDUALS WITH DIS-**
15 **ABILITIES AND OLDER ADULTS.**

16 (a) DEFINITIONS.—In this section:

17 (1) CHIEF OF THE DISABILITY RIGHTS SEC-
18 TION.—The term “Chief of the Disability Rights
19 Section” means the Chief of the Disability Rights
20 Section of the Civil Rights Division of the Depart-
21 ment of Justice.

22 (2) COMMITTEE.—The term “Committee”
23 means the advisory committee established under
24 subsection (b).

1 (3) COVERED COMMITTEE OF CONGRESS.—The
2 term “covered committee of Congress” means—

3 (A) the Committee on Health, Education,
4 Labor, and Pensions and the Committee on
5 Homeland Security and Governmental Affairs
6 of the Senate; and

7 (B) the Committee on Education and
8 Labor, the Committee on Transportation and
9 Infrastructure, and the Committee on Energy
10 and Commerce of the House of Representatives.

11 (4) COVERED SETTLEMENT AGREEMENT.—The
12 term “covered settlement agreement” means a set-
13 tlement agreement—

14 (A) entered into by the United States dur-
15 ing the period beginning on January 1, 2005,
16 and ending on December 31, 2019; and

17 (B) that relates to a potential violation of
18 the Rehabilitation Act of 1973 (29 U.S.C. 701
19 et seq.) or the Americans with Disabilities Act
20 of 1990 (42 U.S.C. 12101 et seq.) in connec-
21 tion with the preparation for, response to, re-
22 covery from, or mitigation of a disaster.

23 (b) ESTABLISHMENT OF COMMITTEE.—There is es-
24 tablished an advisory committee to review covered settle-
25 ment agreements.

1 (c) MEMBERSHIP.—

2 (1) IN GENERAL.—Not later than 60 days after
3 the date of enactment of this Act, the Attorney Gen-
4 eral shall appoint the members of the Committee,
5 which shall include—

6 (A) employees of the Department of Jus-
7 tice; and

8 (B) not less than 3 disability rights advo-
9 cates who—

10 (i) are not employees of the Federal
11 Government;

12 (ii) are individuals with disabilities;
13 and

14 (iii) have disability inclusive emer-
15 gency management experience.

16 (2) PERIOD OF APPOINTMENT; VACANCIES.—

17 (A) IN GENERAL.—A member of the Com-
18 mittee shall be appointed for the life of the
19 Commission.

20 (B) VACANCIES.—Any vacancy in the
21 Committee—

22 (i) shall not affect the powers of the
23 Committee; and

24 (ii) shall be filled in the same manner
25 as the original appointment.

1 (3) CHAIRPERSON AND VICE CHAIRPERSON.—

2 The members of the Committee shall elect a Chair-
3 person and a Vice Chairperson from among the
4 members, not less than 1 of whom shall be a mem-
5 ber appointed under paragraph (1)(B).

6 (4) MEETINGS.—

7 (A) IN GENERAL.—The Committee shall
8 meet at the call of the Chairperson.

9 (B) QUORUM.—A majority of the members
10 of the Committee shall constitute a quorum, but
11 a lesser number of members may hold hearings.

12 (d) DUTIES.—The Committee shall—

13 (1) conduct a review of each covered settlement
14 agreement;

15 (2) review annual reports and recommendations
16 provided to each covered committee of Congress re-
17 lating to addressing the needs of covered individuals
18 in the preparation for, response to, recovery from, or
19 mitigation of a disaster;

20 (3) not later than 1 year after the date of en-
21 actment of this Act, submit a report containing the
22 findings and recommendations of the Committee
23 to—

24 (A) each covered committee of Congress;

1 (B) any other of Congress with jurisdiction
2 over matters relating to addressing the needs of
3 covered individuals in the preparation for, re-
4 sponse to, recovery from, or mitigation of a dis-
5 aster;

6 (C) the Attorney General;

7 (D) the Secretary of Education;

8 (E) the Secretary of Homeland Security;

9 (F) the Secretary of Health and Human
10 Services; and

11 (G) the President; and

12 (4) provide the comments and recommendations
13 described in section 10(b)(2).

14 (e) POWERS OF COMMITTEE.—

15 (1) HEARINGS.—The Committee may hold such
16 hearings, sit and act at such times and places, take
17 such testimony, and receive such evidence as the
18 Committee considers advisable to carry out this sec-
19 tion.

20 (2) INFORMATION FROM FEDERAL AGENCIES.—

21 (A) IN GENERAL.—The Committee may
22 secure directly from any Federal department or
23 agency such information as the Committee con-
24 siders necessary to carry out this section.

1 (B) FURNISHING INFORMATION.—On re-
2 quest of the Chairperson of the Committee, the
3 head of the department or agency shall furnish
4 the information to the Committee.

5 (C) DISABILITY RIGHTS SECTION.—The
6 Chief of the Disability Rights Section shall sub-
7 mit to the Committee a report on the oversight
8 of covered settlement agreements a sufficient
9 period of time before the date specified in sub-
10 section (d)(3) to allow the Committee to review
11 the report and include the report of the Chief
12 of the Disability Rights Section in the report of
13 the Committee under subsection (d)(3).

14 (3) POSTAL SERVICES.—The Committee may
15 use the United States mails in the same manner and
16 under the same conditions as other departments and
17 agencies of the Federal Government.

18 (f) COMMITTEE PERSONNEL MATTERS.—

19 (1) COMPENSATION OF MEMBERS.—

20 (A) IN GENERAL.—A member of the Com-
21 mittee who is not an officer or employee of the
22 Federal Government shall be compensated at a
23 rate equal to the daily equivalent of the annual
24 rate of basic pay prescribed for level IV of the
25 Executive Schedule under section 5315 of title

1 5, United States Code, for each day (including
2 travel time) during which the member is en-
3 gaged in the performance of the duties of the
4 Committee.

5 (B) FEDERAL MEMBERS.—A member of
6 the Committee who is an officer or employee of
7 the United States shall serve without compensa-
8 tion in addition to that received for service as
9 an officer or employee of the United States.

10 (2) TRAVEL EXPENSES.—A member of the
11 Committee shall be allowed travel expenses, includ-
12 ing per diem in lieu of subsistence, at rates author-
13 ized for employees of agencies under subchapter I of
14 chapter 57 of title 5, United States Code, while
15 away from their home or regular places of business
16 in the performance of services for the Committee.

17 (3) STAFF.—

18 (A) IN GENERAL.—The Chairperson of the
19 Committee may, without regard to the civil
20 service laws (including regulations), appoint
21 and terminate an executive director and such
22 other additional personnel as may be necessary
23 to enable the Committee to perform the duties
24 of the Committee, except that the employment

1 of an executive director shall be subject to con-
2 firmation by the Committee.

3 (B) COMPENSATION.—The Chairperson of
4 the Committee may fix the compensation of the
5 executive director and other personnel without
6 regard to chapter 51 and subchapter III of
7 chapter 53 of title 5, United States Code, relat-
8 ing to classification of positions and General
9 Schedule pay rates, except that the rate of pay
10 for the executive director and other personnel
11 may not exceed the rate payable for level V of
12 the Executive Schedule under section 5316 of
13 that title.

14 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
15 Any Federal Government employee may be detailed
16 to the Committee without reimbursement, and such
17 detail shall be without interruption or loss of civil
18 service status or privilege.

19 (5) PROCUREMENT OF TEMPORARY AND INTER-
20 MITTENT SERVICES.—The Chairperson of the Com-
21 mittee may procure temporary and intermittent serv-
22 ices under section 3109(b) of title 5, United States
23 Code, at rates for individuals which do not exceed
24 the daily equivalent of the annual rate of basic pay

1 prescribed for level V of the Executive Schedule
2 under section 5316 of that title.

3 (g) TERMINATION OF COMMITTEE.—The Committee
4 shall terminate 90 days after the date on which the Com-
5 mittee submits the report required under subsection
6 (d)(3).

7 (h) REPORTS BY DISABILITY RIGHTS SECTION.—On
8 and after the date on which the Committee submits the
9 report required under subsection (d)(3), the Chief of the
10 Disability Rights Section shall publish an annual report
11 on the oversight of settlement agreements relating to dis-
12 aster preparation, response, recovery, and mitigation ac-
13 tivities.

14 **SEC. 10. GAO REPORT ON PAST USE OF DISASTER FUNDS.**

15 (a) INVESTIGATION.—Not later than 60 days after
16 the date of enactment of this Act, the Comptroller General
17 of the United States shall begin to conduct an investiga-
18 tion of whether, on or after January 1, 2005, Federal
19 agencies have complied with the Americans with Disabil-
20 ities Act of 1990 (42 U.S.C. 12101 et seq.), and the Reha-
21 bilitation Act of 1973 (29 U.S.C. 701 et seq.), in expend-
22 ing Federal funds to prepare for, respond to, recover from,
23 or mitigate disasters, including whether and, if so, how
24 such funds were used to ensure accessibility to services

1 and supports for individuals with disabilities and older
2 adults.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Comptroller
6 General shall, in accordance with paragraph (2),
7 issue a report on the investigation conducted under
8 subsection (a).

9 (2) REVIEW.—

10 (A) IN GENERAL.—Prior to issuing the re-
11 port under paragraph (1), the Comptroller Gen-
12 eral shall obtain comments and recommenda-
13 tions on a draft version of the report, including
14 the recommendations described in subparagraph
15 (B), from the National Commission on Dis-
16 ability Rights and Disasters established under
17 section 8 (referred to in this paragraph as the
18 “Commission”), and any other agency deter-
19 mined appropriate by the Secretary.

20 (B) COMMISSION RECOMMENDATIONS ON
21 ADDITIONAL SOURCES.—The recommendations
22 obtained under subparagraph (A) shall include
23 recommendations from the Commission regard-
24 ing additional sources the Comptroller General

- 1 may interview for purposes of the investigation
- 2 under subsection (a).

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