

115TH CONGRESS
2D SESSION

S. 3679

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2018

Mr. CASEY (for himself, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mrs. MURRAY, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 “Readying Elders and
5 Americans with Disabilities Inclusively for Disasters Act”
6 or the “READI for Disaster Act”.

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

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

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

7 (2) There have been more than 80 hurricanes,
8 resulting in thousands of deaths, in the United
9 States since 2005.

10 (3) The National Oceanic and Atmospheric Ad-
11 ministration estimates that—

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

15 (B) 17 of the disasters in 2017 cost over
16 \$1,000,000,000 each.

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

20 (5) According to the Federal Emergency Man-
21 agement Administration—

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

1 (B) more than 12,000,000, or one-quarter,
2 of those peoples were adults who were individ-
3 uals with disabilities.

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

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

12 (8) Households of individuals with disabilities
13 are more likely to need assistance and are less likely
14 to be able to evacuate in advance of disasters.

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

19 (10) Evacuation information, including orders,
20 is not uniformly communicated in ways and via
21 media that are accessible to individuals with disabil-
22 ities, including being communicated in ways that
23 lack use of American Sign Language, captions, and
24 plain language on websites, instructional materials,
25 and television and radio announcements.

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

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

11 (13) Public shelters often do not have disability
12 related accommodations, often forcing individuals
13 with disabilities and older adults to be segregated,
14 sometimes apart from their families and natural
15 supports during disasters.

16 (14) Households with individuals with disabili-
17 ties sustain more costly property damage from dis-
18 asters than households without individuals with dis-
19 abilities.

20 (15) Historically, disaster-related recommenda-
21 tions for individuals with disabilities and older
22 adults have been typically aimed at caregivers and
23 service providers, not individuals with disabilities
24 and older adults.

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

4 (A) of spoken instructions via phone or
5 video; or

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

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

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

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

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

24 (A) ensure maintenance of and access to
25 services and supports; and

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

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

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

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

22 (5) individuals with disabilities and older adults
23 must be included as key speakers, essential stake-
24 holders, and decisionmakers in the preparation (in-

1 cluding planning), response, recovery, and mitigation
2 phases of disasters;

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

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

12 **SEC. 3. PURPOSES.**

13 The purposes of this Act are to—

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

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

23 (3) ensure compliance with the Americans with
24 Disabilities Act of 1990, the Rehabilitation Act of
25 1973, and other disability laws during preparation

1 for, response to, recovery from, and mitigation of
2 disasters;

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

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

13 **SEC. 4. DEFINITIONS.**

14 In this Act:

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

19 (A) an individual with a disability;

20 (B) an older adult;

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

23 (D) an individual with limited access to
24 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 a
23 natural catastrophe, technological accident, or
24 human-caused event that results in severe property
25 damage, deaths, or multiple injuries.

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

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

11 (9) INDIVIDUAL WITH A DISABILITY.—

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

17 (B) PLURAL.—The term “individuals with
18 disabilities” means more than one individual
19 with a disability, as defined in subparagraph
20 (A).

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

23 (11) RESIDENT.—The term “resident” means a
24 resident of a State.

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

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

8 (14) VOAD.—The term “VOAD” means a non-
9 governmental organization assisting in disaster prep-
10 aration, recovery, response, or mitigation.

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

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

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

17 “(a) DEFINITIONS.—In this section—

18 “(1) the term ‘covered recipient’ means a direct
19 or indirect recipient of funds made available under
20 this title for a covered use of funds;

21 “(2) the term ‘covered use of funds’ means the
22 use of funds for the preparation for, response to, re-
23 covery from, or mitigation of hazards; and

1 “(3) the term ‘older adult’ has the meaning
2 given that term under section 4 of the READI for
3 Disaster Act.

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

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

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

12 “(d) COMPLIANCE WITH DISABILITY LAWS.—A cov-
13 ered recipient shall use funds made available under this
14 title in accordance with the Rehabilitation Act of 1973 (29
15 U.S.C. 701 et seq.) and the Americans with Disabilities
16 Act of 1990 (42 U.S.C. 12101 et seq.).

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

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

1 available in languages, including American Sign Language
 2 and other sign languages, used in the communities receiv-
 3 ing the communications.

4 “(g) ACCESSIBILITY.—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 **SEC. 6. TRAINING, TECHNICAL ASSISTANCE, AND RE-**
 15 **SEARCH DISABILITY AND DISASTER CEN-**
 16 **TERS.**

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

20 (1) provide training and technical assistance to
 21 State, tribal, and local disaster relief, public health,
 22 and social service agencies in the implementation
 23 and enhancement of systemic and effective engage-
 24 ment policies, programs, and activities that ensure—

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

5 (B) the inclusion of covered individuals in
6 the development of all State, tribal, and local
7 disaster preparation plans;

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

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

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

20 (A) protecting the civil rights of covered
21 individuals during times of disasters;

22 (B) including covered individuals in all
23 phases of disaster preparation, response, recov-
24 ery, and mitigation;

1 (C) reducing their deaths, injuries and
2 losses from disasters;

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

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

11 (b) DEFINITIONS.—In this section:

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

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

16 (B) is or includes an institution (which
17 may be an institution of higher education), or
18 a nongovernmental organization, that focuses
19 on—

20 (i) serving the needs of individuals
21 with disabilities; or

22 (ii) serving the needs of older adults;

23 (C) in the case of an entity or partnership
24 with a disability focus, has a cross-disability
25 service focus;

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

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

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

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

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

23 (3) STAKEHOLDER GROUP.—The term “stake-
24 holder group” means a group of individuals and or-
25 ganizations that—

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

3 (B) includes covered individuals through-
4 out preparedness, response, recovery, and miti-
5 gation activities;

6 (C) has leaders that include covered indi-
7 viduals;

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

11 (E) has a mission to inclusively serve cov-
12 ered individuals.

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

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

19 (2) research related to disasters and covered in-
20 dividuals.

21 (d) AMOUNT AND PERIOD OF GRANTS.—

22 (1) AMOUNT.—In awarding grants under this
23 section, the Secretary shall, to the extent prac-
24 ticable, award a grant to an eligible entity in an

1 amount that is not less than \$500,000 and not more
2 than \$2,000,000.

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

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

13 (e) APPLICATIONS.—

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

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

20 (A) A description of the applicant's dem-
21 onstrated experience in providing training, in-
22 formation, and support to individuals with dis-
23 abilities in preparing for, responding to, recov-
24 ering from, and mitigating disasters.

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

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

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

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

19 (i) work with State, tribal, and local
20 disaster relief, public health, and social
21 service agencies to determine the best
22 means for delivery of services to address
23 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 part, 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 provision of training, on bias
8 because of disability or age, that used experiential
9 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) employ constituents of the entity in deci-
2 sionmaking positions;

3 (9) provide disability inclusive and older adult
4 inclusive disaster management leadership skills de-
5 velopment;

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

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

18 (g) USE OF FUNDS.—

19 (1) IN GENERAL.—Grant funds made available
20 under this section shall be used only for activities
21 described in and approved by the Secretary as a part
22 of an application submitted under subsection (e), to
23 carry out—

24 (A) a strategy designed to ensure the in-
25 clusion of covered individuals in the preparation

1 (including planning) for, response to, recovery
2 from, and mitigation of disasters; and

3 (B) research to enhance the activities de-
4 scribed in subparagraph (A).

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

14 (A) hiring personnel with direct knowledge
15 of and experience with meeting the rights of
16 covered individuals to be free from discrimina-
17 tion on the basis of disability or age in pro-
18 grams and activities;

19 (B) training staff of State, tribal, and local
20 disaster relief, public health, and social service
21 agencies on the needs and rights of covered in-
22 dividuals, preferably through training by ex-
23 perts who are individuals with disabilities and
24 experts who are older adults;

1 (C) creating partnerships between eligible
2 entities, State, tribal, and local disaster relief,
3 public health, and social service agencies,
4 VOADs, other nongovernmental organizations,
5 and organizations representing covered individ-
6 uals;

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

16 (E) assisting in the creation of standards
17 and identification of funding sources for re-
18 building disaster-damaged housing and new
19 housing that is accessible, affordable, and dis-
20 aster-resilient;

21 (F) assisting in the creation of standards
22 for homeowner and flood insurance coverage for
23 rebuilding disaster-damaged housing and new
24 housing that is accessible, affordable, and dis-
25 aster-resilient;

1 (G) establishing universal design and ac-
2 cessibility standards for achieving and main-
3 taining equal access for covered individuals
4 throughout all hazard mitigation and disaster
5 resilience activities;

6 (H) establishing initiatives to increase new
7 and transferred technology and innovations to
8 solve notification, evacuation, health mainte-
9 nance, and other barriers for covered individ-
10 uals before, during, and after disasters; and

11 (I) conducting research, in partnership
12 with covered individuals, that will contribute to
13 knowledge and strategies to—

14 (i) decrease injuries, deaths, and harm
15 to covered individuals;

16 (ii) create inclusive disaster prepared-
17 ness, recovery, response, and mitigation
18 strategies for States, Indian tribes, local-
19 ities, VOADs, and other nongovernmental
20 organizations;

21 (iii) preserve community living options
22 and access to needed services and supports
23 for covered individuals during post-disaster
24 periods; and

1 (iv) conduct longitudinal studies that
2 create and maintain datasets to assist in
3 the understanding of Federal, State, tribal,
4 and local policies designed to reduce the
5 negative impact of disasters on covered in-
6 dividuals and protect the rights of covered
7 individuals to be free from discrimination
8 on the basis of disability or age in pro-
9 grams and activities.

10 (3) STANDARDS AND GUIDELINES.—The Sec-
11 retary shall establish standards and guidelines for
12 activities supported by a grant under this section.
13 Such standards and guidelines shall be developed
14 with the input of stakeholder groups. In a situation
15 in which a refinement or adaptation of the standards
16 or guidelines is made necessary by a local cir-
17 cumstance, the Secretary shall enter into negotia-
18 tions with an eligible entity applying for such a
19 grant for a project in the affected area, to refine or
20 adapt the standards and guidelines for the project.

21 (h) INDIVIDUAL RIGHTS.—Notwithstanding any
22 other provision of this section, no entity, agency, or group
23 assisted under this section shall take any action that in-
24 fringes in any manner on the rights of covered individuals

1 to be free from discrimination on the basis of disability
2 or age in programs and activities.

3 (i) REPORTS.—Not later than January 31 of fiscal
4 years 2022 and 2024, the Secretary shall submit to Con-
5 gress a report describing the activities carried out under
6 this section during the preceding 2 fiscal years.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$50,000,000 for each of fiscal years 2020 through 2024.

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

11 (a) DEFINITIONS.—In this section:

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

14 (A) submits an application to the Sec-
15 retary at such time, in such manner, and con-
16 taining such information as the Secretary may
17 reasonably require;

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

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

24 (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 half
21 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 6(b).

1 (b) GRANTS, CONTRACTS, AND COOPERATIVE
2 AGREEMENTS.—

3 (1) IN GENERAL.—The Secretary shall award
4 grants to, or enter into contracts or cooperative
5 agreements with, eligible entities on a competitive
6 basis to carry out projects of national significance
7 that—

8 (A) create opportunities for individuals
9 with disabilities and older adults to directly con-
10 tribute to improving preparation for, recovery
11 from, response to, and mitigation of disasters;

12 (B) support the development of Federal,
13 State, tribal, and local policies that reinforce
14 and promote the inclusion of individuals with
15 disabilities and older adults in Federal, State,
16 tribal, and local community preparation for dis-
17 asters; and

18 (C) support research that—

19 (i) tracks, in the short-term and long-
20 term, the effects of disasters on individuals
21 with disabilities and older adults;

22 (ii) identifies evidence-based practices
23 that enhance inclusion of individuals with
24 disabilities and older adults to participate

1 in and lead preparation for disasters at
2 Federal, State, tribal, and local levels;

3 (iii) leads to the creation of strategies
4 and procedures to implement community
5 level practices that decrease deaths, inju-
6 ries, and harm resulting from disasters to
7 individuals with disabilities and older
8 adults;

9 (iv) contributes to the protection of
10 the rights of individuals with disabilities
11 and older adults to be free from discrimi-
12 nation on the basis of disability or age in
13 programs and activities, and self-deter-
14 mination of those individuals and adults,
15 while also promoting their safety and well-
16 being during and following disasters;

17 (v) contributes to the development of
18 Federal, State, tribal, and local policies
19 that enhance collaboration among govern-
20 mental entities, VOADs, and other non-
21 governmental entities to improve the inclu-
22 sion of individuals with disabilities and
23 older adults in preparation for, response
24 to, recovery from, and mitigation of disas-
25 ters; and

1 (vi) contributes to other efforts, as de-
2 termined by the Secretary, to advance the
3 purposes of this section.

4 (2) AMOUNT, QUANTITY, AND DURATION.—In
5 awarding grants or entering into contracts or coop-
6 erative agreements under this section, the Secretary
7 shall—

8 (A) to the extent practicable, ensure that
9 each such grant, contract, or cooperative agree-
10 ment is for an amount that is not less than
11 \$500,000 and not more than \$2,000,000;

12 (B) award or enter into not less than 4
13 grants, contracts, or cooperative agreements;
14 and

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

18 **SEC. 8. NATIONAL COMMISSION ON DISABILITY RIGHTS**

19 **AND DISASTERS.**

20 (a) ESTABLISHMENT OF NATIONAL COMMISSION ON
21 DISABILITY RIGHTS AND DISASTERS.—There is estab-
22 lished the National Commission on Disability Rights and
23 Disasters (referred to in this section as the “Commis-
24 sion”).

25 (b) MEMBERSHIP.—

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

3 (2) APPOINTMENT.—The members described in
4 subparagraphs (A) and (B) of paragraph (3) shall
5 be appointed by the Secretary, after consultation
6 with the Secretary of Homeland Security.

7 (3) MEMBERS OF THE COMMISSION.—The
8 Commission members shall include—

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

12 (i) represent individuals with disabil-
13 ities with a wide variety of disabilities and
14 disaster experiences;

15 (ii) be geographically diverse;

16 (iii) be ethnically and racially diverse;

17 (iv) be of diverse ages, and include
18 older adults;

19 (v) represent both genders, and in-
20 clude members that represent a variety of
21 sexual orientations and gender identities;

22 (vi) include veterans; and

23 (vii) be linguistically diverse;

24 (B) 1 representative from each of—

- 1 (i) a coastal State emergency manage-
2 ment agency with an employee in a posi-
3 tion with established duties relating to in-
4 tegration of individuals with disabilities or
5 to addressing access and functional needs;
- 6 (ii) a noncoastal State emergency
7 management agency with an employee in a
8 position described in clause (i);
- 9 (iii) a tribal emergency management
10 agency with an employee in a position de-
11 scribed in clause (i);
- 12 (iv) a territorial emergency manage-
13 ment agency with an employee in a posi-
14 tion described in clause (i);
- 15 (v) a nongovernmental organization
16 providing disaster preparedness and re-
17 sponse services;
- 18 (vi) a local urban disaster manage-
19 ment entity, which representative has dis-
20 ability inclusive emergency management
21 experience;
- 22 (vii) a local rural disaster manage-
23 ment entity, which representative has dis-
24 ability inclusive emergency management
25 experience;

- 1 (viii) a local disability organization
2 with a cross-disability focus;
- 3 (ix) a State disability organization
4 with a cross-disability focus;
- 5 (x) a national disability organization
6 with a cross-disability focus;
- 7 (xi) a national older adults organiza-
8 tion;
- 9 (xii) the Council of the Inspectors
10 General on Integrity and Efficiency;
- 11 (xiii) a low-income housing organiza-
12 tion, who has expertise in the civil rights
13 of disaster-affected covered individuals;
14 and
- 15 (xiv) a representative of a legal serv-
16 ices agency with expertise in the civil
17 rights of disaster-affected covered individ-
18 uals; and
- 19 (C) executive branch representatives con-
20 sisting of—
- 21 (i) the Secretary of Homeland Secu-
22 rity;
- 23 (ii) the Secretary of Health and
24 Human Services;

- 1 (iii) the Secretary of Housing and
2 Urban Development;
- 3 (iv) the Administrator of the Federal
4 Emergency Management Agency;
- 5 (v) the Assistant Attorney General for
6 Civil Rights of the Department of Justice;
- 7 (vi) the Chief of the Disability Rights
8 Section of the Civil Rights Division of the
9 Department of Justice;
- 10 (vii) the Officer for Civil Rights and
11 Civil Liberties of the Department of
12 Homeland Security;
- 13 (viii) the Assistant Secretary for Pre-
14 paredness and Response of the Depart-
15 ment of Health and Human Services;
- 16 (ix) the Chairperson of the National
17 Council on Disability;
- 18 (x) the Chairperson of the Architec-
19 tural and Transportation Barriers Compli-
20 ance Board; and
- 21 (xi) the Director of the Office of
22 Emergency Management of the Veterans
23 Health Administration of the Department
24 of Veterans Affairs.

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

5 (5) PERIOD OF APPOINTMENT.—A member of
6 the Commission shall be appointed for the life of the
7 Commission. Any vacancy in the Commission shall
8 not affect the powers of the Commission, and shall
9 be filled in the same manner as the original appoint-
10 ment.

11 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
12 members of the Commission shall select a Chairperson and
13 Vice Chairperson from among the members of the Com-
14 mission. Both the Chairperson and the Vice Chairperson
15 shall have extensive disability inclusive disaster manage-
16 ment experience and at least one shall be an individual
17 with a disability.

18 (d) MEETINGS.—

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

23 (2) FIRST MEETING.—Not later than 60 days
24 after the date on which all members of the Commis-
25 sion described in subparagraphs (A) and (B) of sub-

1 section (b)(3) have been appointed, the Commission
2 shall hold the Commission's first meeting.

3 (e) DUTIES.—

4 (1) STUDIES.—The Commission shall—

5 (A) study—

6 (i) by conducting a review of, funding
7 used by Federal agencies for inclusion of
8 covered individuals in preparation for, re-
9 sponse to, recovery from, and mitigation
10 of, disasters;

11 (ii) by conducting a review of, per-
12 formance of VOADs and other nongovern-
13 mental organizations funded to lead pre-
14 paredness for, response to, recovery from,
15 and mitigation of, disasters;

16 (iii) by conducting an analysis of, the
17 displacement, injuries, and deaths of indi-
18 viduals with chronic health conditions and
19 covered individuals throughout the period
20 of disaster response and recovery for disas-
21 ters—

22 (I) for which 1 or more Federal
23 agencies used or made available Fed-
24 eral funds to assist in preparing for,

1 responding to, recovering from, or
2 mitigating a disaster; and

3 (II) that occurred not earlier
4 than January 2012 and not later than
5 the date of enactment of this Act;

6 (iv) by conducting an analysis of, pro-
7 tections and violations of civil rights of
8 covered individuals in national, State, trib-
9 al, territorial, and local disaster prepara-
10 tion, response, recovery, and mitigation for
11 the disasters described in clause (iii);

12 (v) the supports and resources avail-
13 able to localities from Federal, State, tribal
14 and territorial disaster response agencies
15 to ensure inclusion of covered individuals
16 throughout disaster preparation, response,
17 recovery, and mitigation;

18 (vi) the supports and resources avail-
19 able to localities from Federal and State
20 disaster response agencies to ensure that
21 the civil rights of covered individuals are
22 protected throughout disaster preparation,
23 response, recovery, and mitigation; and

24 (vii) the effectiveness of coordination
25 among Federal, State, tribal, territorial,

1 local, and nongovernmental organizations
2 regarding disaster preparation, response,
3 recovery, and mitigation for covered indi-
4 viduals, utilizing an all-hazards approach;
5 and

6 (B) study—

7 (i) the protection of the civil rights of
8 covered individuals during the preparation
9 for, recovery from, response to, and mitiga-
10 tion of disasters;

11 (ii) the inclusion of covered individ-
12 uals during Federal, State, tribal, terri-
13 torial, and local disaster preparedness, re-
14 sponse, recovery, and mitigation, using an
15 all-hazards approach;

16 (iii) whether disaster preparedness,
17 response, recovery, and mitigation initia-
18 tives and investments are carried out and
19 made in compliance with the Americans
20 with Disabilities Act of 1990 (42 U.S.C.
21 12101 et seq.) and the Rehabilitation Act
22 of 1973 (29 U.S.C. 701 et seq.);

23 (iv) all community resilience and other
24 initiatives for which Federal funds were
25 used or made available by 1 or more Fed-

1 eral agencies to assist in preparing for, re-
2 sponding to, recovering from, or mitigating
3 a disaster, and investments in such initia-
4 tives, are carried out and made in compli-
5 ance with the the Americans with Disabil-
6 ities Act of 1990 and the Rehabilitation
7 Act of 1973;

8 (v) development of standards for re-
9 building disaster-damaged housing, and
10 new housing, that is accessible, affordable,
11 and disaster-resilient;

12 (vi) development of standards for
13 homeowners and flood insurance coverage
14 for rebuilding disaster-damaged housing,
15 and new housing, that is accessible, afford-
16 able, and disaster-resilient;

17 (vii) development of standards for uni-
18 versal design and accessibility standards
19 for achieving and maintaining equal access
20 throughout all disaster mitigation and dis-
21 aster resilience initiatives; and

22 (viii) development of initiatives to in-
23 crease new and transferred technology and
24 innovations to overcome notification, evac-
25 uation, health maintenance, and other bar-

1 riers to health, safety, and independence
2 for covered individuals before, during, and
3 after disasters.

4 (2) REPORTS.—

5 (A) INTERIM AND FINAL REPORTS.—The
6 Commission shall prepare and submit to the
7 Secretary and the committees referred to in
8 subparagraph (C)—

9 (i) 2 interim reports that summarize
10 the progress of the Commission, along with
11 any interim findings, conclusions, and rec-
12 ommendations for the Secretary resulting
13 from the studies described in paragraph
14 (1); and

15 (ii) a final report that states final
16 findings, conclusions, and recommenda-
17 tions for the Secretary resulting from the
18 studies described in paragraph (1).

19 (B) PREPARATION AND SUBMISSION.—The
20 reports shall be prepared and submitted—

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

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

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

17 (f) POWERS OF COMMISSION.—

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

23 (2) INFORMATION FROM FEDERAL AGENCIES.—

24 (A) IN GENERAL.—The Commission may
25 secure directly from any Federal department or

1 agency such information as the Commission
2 considers necessary to carry out this section.

3 (B) FURNISHING INFORMATION.—On re-
4 quest of the Chairperson of the Commission,
5 the head of the department or agency shall fur-
6 nish the information to the Commission.

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

11 (g) COMMISSION PERSONNEL MATTERS.—

12 (1) COMPENSATION.—

13 (A) NONGOVERNMENTAL MEMBERS.—
14 Each member of the Commission who is not de-
15 scribed in subparagraph (B) shall receive a sti-
16 pend of \$10,000 for the duration of the period
17 in which the member is engaged in the perform-
18 ance of the duties of the Commission.

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

1 (2) TRAVEL EXPENSES.—A member of the
2 Commission shall be allowed travel expenses, includ-
3 ing per diem in lieu of subsistence, at rates author-
4 ized for employees of agencies under subchapter I of
5 chapter 57 of title 5, United States Code, while
6 away from their home or regular places of business
7 in the performance of services for the Commission.

8 (3) STAFF.—

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

15 (B) DETAIL OF GOVERNMENT EMPLOY-
16 EES.—Any Federal Government employee may
17 be detailed to the Commission without reim-
18 bursement, and such detail shall be without
19 interruption of loss of civil service status or
20 privilege.

21 (4) FACILITIES, EQUIPMENT, SUPPLIES, AND
22 SERVICES.—The Secretary shall make available to
23 the Commission, under such arrangements as may
24 be appropriate, necessary facilities, equipment, sup-
25 plies, and services.

1 (h) TERMINATION.—

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

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

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$100,000 for fiscal year 2020, and \$100,000 for each of
14 the fiscal years through 2024.

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

18 (a) DEFINITIONS.—In this section:

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

1 (2) COMMITTEE.—The term “Committee”
2 means the advisory committee established under
3 subsection (b).

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

6 (A) the Committee on Health, Education,
7 Labor, and Pensions and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate; and

10 (B) the Committee on Education and the
11 Workforce, the Committee on Transportation
12 and Infrastructure, and the Committee on En-
13 ergy and Commerce of the House of Represent-
14 atives.

15 (4) COVERED SETTLEMENT AGREEMENT.—The
16 term “covered settlement agreement” means a set-
17 tlement agreement—

18 (A) entered into by the United States dur-
19 ing the period beginning on January 1, 2005
20 and ending on December 31, 2017; and

21 (B) that relates to a potential violation of
22 the Rehabilitation Act of 1973 (29 U.S.C. 701
23 et seq.) or the Americans with Disabilities Act
24 of 1990 (42 U.S.C. 12101 et seq.) in connec-

1 tion with the preparation for, response to, re-
2 covery from, or mitigation of a disaster.

3 (b) ESTABLISHMENT OF COMMITTEE.—There is es-
4 tablished an advisory committee to review covered settle-
5 ment agreements.

6 (c) MEMBERSHIP.—

7 (1) IN GENERAL.—Not later than 60 days after
8 the date of enactment of this Act, the Attorney Gen-
9 eral shall appoint the members of the Committee,
10 which shall include—

11 (A) employees of the Department of Jus-
12 tice; and

13 (B) not less than 3 disability rights advo-
14 cates who—

15 (i) are not employees of the Federal
16 Government;

17 (ii) are individuals with disabilities;
18 and

19 (iii) have disability inclusive emer-
20 gency management experience.

21 (2) PERIOD OF APPOINTMENT; VACANCIES.—

22 (A) IN GENERAL.—A member of the Com-
23 mittee shall be appointed for the life of the
24 Commission.

1 (B) VACANCIES.—Any vacancy in the
2 Committee—

3 (i) shall not affect the powers of the
4 Committee; and

5 (ii) shall be filled in the same manner
6 as the original appointment.

7 (3) CHAIRPERSON AND VICE CHAIRPERSON.—

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

12 (4) MEETINGS.—

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

15 (B) QUORUM.—A majority of the members
16 of the Committee shall constitute a quorum, but
17 a lesser number of members may hold hearings.

18 (d) DUTIES.—The Committee shall—

19 (1) conduct a review of each covered settlement
20 agreement;

21 (2) review annual reports and recommendations
22 provided to each covered committee of Congress re-
23 lating to addressing the needs of covered individuals
24 in the preparation for, response to, recovery from, or
25 mitigation of a disaster;

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

5 (A) each covered committee of Congress;

6 (B) any other committees of Congress with
7 jurisdiction over matters relating to addressing
8 the needs of covered individuals in the prepara-
9 tion for, response to, recovery from, or mitiga-
10 tion of a disaster;

11 (C) the Attorney General;

12 (D) the Secretary of Education;

13 (E) the Secretary of Homeland Security;

14 (F) the Secretary of Health and Human
15 Services; and

16 (G) the President; and

17 (4) provide the comments and recommendations
18 described in section 10(b)(2).

19 (e) POWERS OF COMMITTEE.—

20 (1) HEARINGS.—The Committee may hold such
21 hearings, sit and act at such times and places, take
22 such testimony, and receive such evidence as the
23 Committee considers advisable to carry out this sec-
24 tion.

25 (2) INFORMATION FROM FEDERAL AGENCIES.—

1 (A) IN GENERAL.—The Committee may
2 secure directly from any Federal department or
3 agency such information as the Committee con-
4 siders necessary to carry out this section.

5 (B) FURNISHING INFORMATION.—On re-
6 quest of the Chairperson of the Committee, the
7 head of the department or agency shall furnish
8 the information to the Committee.

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

18 (3) POSTAL SERVICES.—The Committee may
19 use the United States mails in the same manner and
20 under the same conditions as other departments and
21 agencies of the Federal Government.

22 (f) COMMITTEE PERSONNEL MATTERS.—

23 (1) COMPENSATION OF MEMBERS.—

24 (A) IN GENERAL.—A member of the Com-
25 mittee who is not an officer or employee of the

1 Federal Government shall be compensated at a
2 rate equal to the daily equivalent of the annual
3 rate of basic pay prescribed for level IV of the
4 Executive Schedule under section 5315 of title
5 5, United States Code, for each day (including
6 travel time) during which the member is en-
7 gaged in the performance of the duties of the
8 Committee.

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

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

21 (3) STAFF.—

22 (A) IN GENERAL.—The Chairperson of the
23 Committee may, without regard to the civil
24 service laws (including regulations), appoint
25 and terminate an executive director and such

1 other additional personnel as may be necessary
2 to enable the Committee to perform the duties
3 of the Committee, except that the employment
4 of an executive director shall be subject to con-
5 firmation by the Committee.

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

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

22 (5) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The Chairperson of the Com-
24 mittee may procure temporary and intermittent serv-
25 ices under section 3109(b) of title 5, United States

1 Code, at rates for individuals which do not exceed
2 the daily equivalent of the annual rate of basic pay
3 prescribed for level V of the Executive Schedule
4 under section 5316 of that title.

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

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

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

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

1 such funds were used to ensure accessibility to services
2 and supports for individuals with disabilities and older
3 adults.

4 (b) REPORT.—

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

10 (2) REVIEW.—

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

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

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

○