

117TH CONGRESS
1ST SESSION

H. R. 4938

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Mr. LANGEVIN (for himself, Mr. SMITH of New Jersey, Mr. PANETTA, Mr. SIRES, Ms. NORTON, Mr. KILMER, Mr. FITZPATRICK, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Education and Labor, and Energy and Commerce, 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, or violation of civil rights than the general
18 population during times of disasters, response, and
19 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 in programs and activities, are included during all
22 phases of disaster preparation, response, recovery,
23 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 individuals
5 with disabilities and older adults, government agen-
6 cies, centers for independent living, VOADs, and
7 other nongovernmental organizations, including or-
8 ganizations that represent and are comprised of cov-
9 ered individuals; in preparing (including planning)
10 for, responding to, recovery from, and mitigation of
11 disasters; and

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

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

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

22 (A) an individual with a disability;

23 (B) an older adult;

24 (C) an individual with limited English pro-
25 ficiency;

1 (D) an individual with limited access to
2 transportation that would enable the individual
3 to prepare for, respond to, recover from, and
4 mitigate a disaster; or

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

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

13 (A) protect life, property, the environment,
14 or the public health or safety; and

15 (B) minimize disruptions of school activi-
16 ties.

17 (3) CIVIL RIGHTS.—The term “civil rights” or
18 “rights”, used with respect to an individual, means
19 the existing legal rights of an individual to be free
20 from discrimination on the basis of disability or age
21 in programs and activities.

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

1 (5) DISABILITY INCLUSIVE EMERGENCY MAN-
2 AGEMENT EXPERIENCE.—The term “disability inclu-
3 sive emergency management experience”, used with
4 respect to an individual or entity—

5 (A) means an individual or entity that
6 has—

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

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

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

23 (6) DISASTER.—The term “disaster” means an
24 emergency or major disaster (as such terms are de-
25 fined under section 102 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (42
2 U.S.C. 5122)) that results in severe property dam-
3 age, deaths, or multiple injuries.

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

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

14 (9) INDIVIDUAL WITH A DISABILITY.—

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

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

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

1 (11) RESIDENT.—The term “resident” means a
2 resident of a State or area governed by an Indian
3 Tribal Government (as such term is defined in sec-
4 tion 102 of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5122)).

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

8 (13) STATE.—The term “State” means any of
9 the 50 States, Indian Tribal Government, the Dis-
10 trict of Columbia, the Commonwealth of Puerto
11 Rico, the United States Virgin Islands, Guam,
12 American Samoa, and the Commonwealth of the
13 Northern Mariana Islands.

14 (14) VISITABILITY STANDARDS.—The term
15 “visitability standards” means standards for Type C
16 (Visitable) Units under the Standards for Accessible
17 and Usable Buildings and Facilities (ICC A117.1–
18 2009), or any successor standards, of the American
19 National Standards Institute.

20 (15) VOLUNTARY AGENCY ACTIVE IN DIS-
21 ASTER.—The term “Voluntary Agency Active in Dis-
22 aster” or “VOAD” means a nongovernmental orga-
23 nization assisting in disaster preparation, recovery,
24 response, or mitigation.

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

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

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

7 “(a) DEFINITIONS.—In this section—

8 “(1) ACCESS AND FUNCTIONAL NEEDS.—The
9 term ‘access and functional needs’, used with respect
10 to an individual, means an individual with needs
11 such as—

12 “(A) an individual with a disability;

13 “(B) an older adult;

14 “(C) an individual with limited English
15 proficiency;

16 “(D) an individual with limited access to
17 transportation that would enable the individual
18 to prepare for, respond to, or recover from, and
19 mitigate a disaster; or

20 “(E) an individual with limited access to
21 the financial resources that would enable the in-
22 dividual to prepare for, respond to, recover
23 from, and mitigate a disaster.

24 “(2) COVERED RECIPIENT.—

25 “(A) IN GENERAL.—The term ‘covered re-
26 cipient’ means a direct or indirect recipient of

1 funds made available under this title for a cov-
2 ered use of funds; and

3 “(B) EXCLUSION.—The term ‘covered re-
4 cipient’ does not include individuals or house-
5 holds.

6 “(3) COVERED USE OF FUNDS.—The term ‘cov-
7 ered use of funds’ means the use of funds for the
8 preparation for, response to, recovery from, or miti-
9 gation of hazards.

10 “(4) INDIVIDUAL WITH A DISABILITY.—

11 “(A) SINGLE.—The term ‘individual with a
12 disability’ means an individual with a disability,
13 as defined in section 3 of the Americans with
14 Disabilities Act of 1990 (42 U.S.C. 12102).

15 “(B) PLURAL.—The term ‘individuals with
16 disabilities’ means more than one individual
17 with a disability, as defined in subparagraph
18 (A).

19 “(5) OLDER ADULT.—The term ‘older adult’
20 means a resident who is age 50 or older.

21 “(6) VISITABILITY STANDARDS.—The term
22 ‘visitability standards’ means standards for Type C
23 (Visitable) Units under the Standards for Accessible
24 and Usable Buildings and Facilities (ICC A117.1–

1 2009), or any successor standards, of the American
2 National Standards Institutes.

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

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

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

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

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

20 “(1) prepare for hazards;

21 “(2) provide personal assistance services during
22 response and recovery periods;

23 “(3) identify accessible emergency shelters and
24 adapt emergency shelters to be accessible;

1 “(4) develop accessible media, including media
2 using American Sign Language; and

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

6 “(f) CONTRACTORS.—A nongovernmental organiza-
7 tion that enters into a contract with a covered recipient
8 relating to a covered use of funds shall comply with the
9 Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and
10 the Americans with Disabilities Act of 1990 (42 U.S.C.
11 12101 et seq.) in providing property or services under the
12 contract.

13 “(g) COMMUNICATIONS.—Communications relating
14 to a covered use of funds by a covered recipient shall be
15 made available in languages, including American Sign
16 Language and other sign languages, used in the commu-
17 nities receiving the communications.

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

23 “(1) notifications relating to a hazard;

24 “(2) evacuation notifications;

1 “(3) notifications relating to disaster services;

2 and

3 “(4) emergency shelters.

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

8 **SEC. 6. TRAINING, TECHNICAL ASSISTANCE, AND RE-**
9 **SEARCH DISABILITY AND DISASTER CEN-**
10 **TERS.**

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

14 (1) provide training and technical assistance to
15 State, tribal, and local disaster relief, public health,
16 and social service agencies in the implementation
17 and enhancement of systemic and effective engage-
18 ment policies, programs, and activities that ensure—

19 (A) that the needs and rights of covered
20 individuals are addressed and implemented
21 throughout all phases of disaster preparation,
22 response, recovery, and mitigation; and

23 (B) the inclusion of covered individuals in
24 the development of all State, tribal, and local
25 disaster preparation plans;

1 (2) assist Federal, State, local, tribal, and terri-
2 torial disaster relief agencies in the coordination and
3 integration of Federal, State (including territorial),
4 tribal, and local services and programs to serve cov-
5 ered individuals in the least restrictive environment
6 appropriate to their needs during a disaster;

7 (3) conduct research and expand knowledge
8 about covered individuals and their experiences dur-
9 ing the preparation, response, recovery, and mitiga-
10 tion phases of disasters; and

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

13 (A) protecting the civil rights of covered
14 individuals during times of disasters;

15 (B) including covered individuals in all
16 phases of disaster preparation, response, recov-
17 ery, and mitigation;

18 (C) reducing their deaths, injuries and
19 losses from disasters;

20 (D) reducing the displacement and dis-
21 proportionate effects of relocation after a dis-
22 aster, including financial and social effects, on
23 covered individuals; and

24 (E) ensuring covered individuals are par-
25 ticipants in the research, development, and dis-

1 tribution of evidence-based information regard-
2 ing disasters.

3 (b) DEFINITIONS.—In this section:

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

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

8 (B) is or includes an institution, or a non-
9 governmental organization, that focuses on—

10 (i) serving the needs of individuals
11 with disabilities; or

12 (ii) serving the needs of older adults;

13 (C) in the case of an entity or partnership
14 with a disability focus, has a cross-disability
15 service focus;

16 (D) has experience in conducting training,
17 technical assistance, and research pertaining to
18 consumer-directed community support services
19 for covered individuals;

20 (E) includes covered individuals in posi-
21 tions of leadership in the planning, manage-
22 ment, and operation of the programs of train-
23 ing, technical assistance, and research;

24 (F) has knowledge and experience per-
25 taining to the implementation and enhancement

1 of systemic and effective engagement policies,
2 programs, and activities that promote the inclu-
3 sion, needs, and rights of covered individuals in
4 preparation for, response to, recovery from, and
5 mitigation of disasters; and

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

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

13 (3) STAKEHOLDER GROUP.—The term “stake-
14 holder group” means a group of individuals and or-
15 ganizations that—

16 (A) is committed to disability inclusive and
17 older adult inclusive disaster management;

18 (B) includes covered individuals through-
19 out preparedness, response, recovery, and miti-
20 gation activities;

21 (C) has leaders that include covered indi-
22 viduals;

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

1 (E) has a mission to inclusively serve cov-
2 ered individuals.

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

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

9 (2) research related to disasters and covered in-
10 dividuals.

11 (d) AMOUNT AND PERIOD OF GRANTS.—

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

17 (2) DISTRIBUTION.—The Secretary shall award
18 not fewer than two of the grants in each of the 10
19 Federal regions of the Department of Health and
20 Human Services. At least one grant in each region
21 shall be awarded to an eligible entity exclusively to
22 conduct training and technical assistance.

23 (3) PERIODS.—The Secretary shall award the
24 grants for periods of 5 years, through an open com-
25 petition held at the end of each 5-year period. Eligi-

1 ble entities that receive grants under this section
2 may reapply for such grants at the end of the peri-
3 ods.

4 (e) APPLICATIONS.—

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

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

11 (A) A description of the applicant's dem-
12 onstrated experience in providing training, in-
13 formation, and support to individuals with dis-
14 abilities in preparing for, responding to, recov-
15 ering from, and mitigating disasters.

16 (B) A description of the applicant's dem-
17 onstrated experience in providing training, in-
18 formation, and support to older adults in pre-
19 paring for, responding to, recovering from, and
20 mitigating disasters.

21 (C) A description of the applicant's dem-
22 onstrated experience in working with Federal,
23 State, local, tribal, and territorial government
24 agencies in preparing for, responding to, recov-
25 ering from, and mitigating disasters.

1 (D) A description of the steps the appli-
2 cant, acting through the center, will take to tar-
3 get services to low-income individuals and indi-
4 viduals identified as disproportionately affected
5 in disasters, including those individuals at
6 greatest risk of institutionalization.

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

9 (i) work with State, local, tribal, and
10 territorial disaster relief, public health, and
11 social service agencies to determine the
12 best means for delivery of services to ad-
13 dress the needs of covered individuals;

14 (ii) assist in establishing State, local,
15 tribal, and territorial disaster plans to ad-
16 dress the needs of both rural and urban
17 populations;

18 (iii) in carrying out activities under
19 the grant, conduct sufficient outreach to
20 centers for independent living, VOADs and
21 other nongovernmental organizations, in-
22 cluding organizations that represent and
23 are comprised of covered individuals;

24 (iv) include covered individuals in a
25 meaningful way in the development and

1 execution of activities carried out under
2 the grant; and

3 (v) communicate information on the
4 programs and systems developed under the
5 grant, in accessible formats and the lan-
6 guages, including American Sign Lan-
7 guage, of the communities being served.

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

11 (1) demonstrate a minimum of 3 years of expe-
12 rience in actively conducting disability inclusive and
13 older adult inclusive disaster management;

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

17 (3) propose activities to address leadership de-
18 velopment in State, local, tribal, and territorial agen-
19 cies and covered individual advocacy organizations;

20 (4) demonstrate ability to provide training that
21 uses experiential approaches and does not rely on
22 simulations;

23 (5) demonstrate expertise preventing discrimi-
24 nation against covered individuals in programs and
25 provide activities and specific plans for achieving

1 and maintaining physical access, program access,
2 and effective communication for covered individuals
3 throughout all grant activities;

4 (6) demonstrate that the eligible entity involved
5 will use measurable collaboration and partnership
6 strategies with State, local, tribal, and territorial
7 agencies, centers for independent living, VOADs,
8 and other nongovernmental organizations, including
9 organizations that represent and are comprised of
10 covered individuals;

11 (7) demonstrate that the eligible entity will use
12 measurable disaster outcomes strategies in carrying
13 out grant activities;

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

17 (9) employ constituents of the entity in deci-
18 sionmaking positions;

19 (10) provide disability inclusive and older adult
20 inclusive disaster management leadership skills de-
21 velopment;

22 (11) demonstrate awareness of available re-
23 sources in the community for meeting the prepared-
24 ness, response, recovery, and mitigation needs of
25 covered individuals; and

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

(g) USE OF FUNDS.—

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

(A) a strategy designed to ensure the inclusion of covered individuals in the preparation (including planning) for, response to, recovery from, and mitigation of disasters; and

(B) research to enhance the activities described in subparagraph (A), using not more than 25 percent of the grant funds to carry out that research.

(2) ACTIVITIES.—Such activities may include initiatives that provide comprehensive training, technical assistance, development of funding sources,

1 and support to State, local, tribal, and territorial
2 disaster relief, public health, and social service agen-
3 cies and stakeholder groups, in order to ensure that,
4 in carrying out disaster management planning and
5 programs, the agencies and groups address the in-
6 clusion, rights, and needs of covered individuals
7 by—

8 (A) hiring personnel with direct knowledge
9 of and experience with meeting the rights of
10 covered individuals to be free from discrimina-
11 tion in programs and activities;

12 (B) training staff of State, local, tribal,
13 and territorial disaster, public health, and social
14 service agencies on the needs and rights of cov-
15 ered individuals, preferably through training by
16 experts who are individuals with disabilities and
17 experts who are older adults;

18 (C) creating partnerships between eligible
19 entities, State, local, tribal, and territorial dis-
20 aster relief, public health, and social service
21 agencies, centers for independent living,
22 VOADs, and other nongovernmental organiza-
23 tions, including organizations that represent
24 and are comprised of covered individuals;

1 (D) assisting in the development and im-
2 plementation, in partnership with State, local,
3 tribal, and territorial disaster relief, public
4 health, and social service agencies, of plans that
5 will provide for a continuum of services to re-
6 move barriers to full engagement for covered in-
7 dividuals during a disaster and in preparedness
8 (including planning) for, response to, recovery
9 from, and mitigation of a disaster;

10 (E) assisting in the creation of standards
11 and identification of funding sources for re-
12 building disaster-damaged housing and new
13 housing that is accessible, affordable, and dis-
14 aster-resilient;

15 (F) assisting in the creation of standards
16 for homeowner and flood insurance coverage for
17 rebuilding disaster-damaged housing and new
18 housing that is accessible, affordable, and dis-
19 aster-resilient;

20 (G) establishing universal design and ac-
21 cessibility standards, and establishing specifica-
22 tions for visitability (based on the visitability
23 standards), for achieving and maintaining equal
24 access for covered individuals throughout all

1 hazard mitigation and disaster resilience activi-
2 ties;

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

8 (I) conducting research, in partnership
9 with covered individuals, that will contribute to
10 knowledge and strategies to—

11 (i) decrease injuries, deaths, and harm
12 to covered individuals;

13 (ii) create inclusive disaster prepared-
14 ness, recovery, response, and mitigation
15 strategies for State, local, tribal, and terri-
16 torial, centers for independent living,
17 VOADs, and other nongovernmental orga-
18 nizations, including organizations that rep-
19 resent and are comprised of covered indi-
20 viduals;

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 State, local, tribal,
4 and territorial policies designed to reduce
5 the negative impact of disasters on covered
6 individuals and protect the rights of cov-
7 ered individuals to be free from discrimina-
8 tion in programs and activities.

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

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

1 (i) REPORTS.—Not later than January 31 of fiscal
 2 years 2024 and 2026, the Secretary shall submit to Con-
 3 gress a report describing the activities carried out under
 4 this section during the preceding 2 fiscal years.

5 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
 6 authorized to be appropriated to carry out this section
 7 \$50,000,000 for each of fiscal years 2022 through 2026.

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

9 (a) DEFINITIONS.—In this section:

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

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

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 6(b).

22 (b) GRANTS, CONTRACTS, AND COOPERATIVE
23 AGREEMENTS.—

24 (1) IN GENERAL.—The Secretary shall award
25 grants to, or enter into contracts or cooperative

1 agreements with, eligible entities on a competitive
2 basis to carry out projects of national significance
3 that—

4 (A) create opportunities for individuals
5 with disabilities and older adults to directly con-
6 tribute to improving preparation for, recovery
7 from, response to, and mitigation of disasters;

8 (B) support the development of State,
9 local, tribal, and territorial policies that rein-
10 force and promote the inclusion of individuals
11 with disabilities and older adults in Federal,
12 State, local, tribal, and territorial community
13 preparation for disasters; and

14 (C) support research that—

15 (i) tracks, in the short-term and long-
16 term, the effects of disasters on individuals
17 with disabilities and older adults;

18 (ii) identifies evidence-based practices
19 that enhance inclusion of individuals with
20 disabilities and older adults to participate
21 in and lead preparation for disasters at
22 Federal, State, local, tribal, and territorial
23 levels;

24 (iii) leads to the creation of strategies
25 and procedures to implement community

1 level practices that decrease deaths, inju-
2 ries, and harm resulting from disasters to
3 individuals with disabilities and older
4 adults;

5 (iv) contributes to the protection of
6 the rights of covered individuals to be free
7 from discrimination in programs and ac-
8 tivities, and self-determination of those in-
9 dividuals and adults, while also promoting
10 their safety and well-being during and fol-
11 lowing disasters;

12 (v) contributes to the development of
13 Federal, State, local, tribal, and territorial
14 policies that enhance collaboration among
15 governmental entities, centers for inde-
16 pendent living, VOADs, and other non-
17 governmental organizations, including or-
18 ganizations that represent and are com-
19 prised of covered individuals, to improve
20 the inclusion of covered individuals in
21 preparation for, response to, recovery from,
22 and mitigation of disasters; and

23 (vi) contributes to other efforts, as de-
24 termined by the Secretary, to advance the
25 purposes of this section.

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

5 (A) to the extent practicable, ensure that
 6 each such grant, contract, or cooperative agree-
 7 ment is for an amount that is not less than
 8 \$1,000,000 and not more than \$3,000,000;

9 (B) award or enter into not less than 4
 10 grants, contracts, or cooperative agreements;
 11 and

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

15 **SEC. 8. NATIONAL COMMISSION ON DISABILITY RIGHTS**
 16 **AND DISASTERS.**

17 (a) IN GENERAL.—Section 2811C(c) of the Public
 18 Health Service Act (42 U.S.C. 300hh–10d) is amended—

19 (1) in paragraph (1) by striking “17 members”
 20 and inserting “44 members”; and

21 (2) in paragraph (2) by adding at the end the
 22 following:

23 “(N) 11 members, representing the dis-
 24 ability community and reflecting the diverse
 25 characteristics of its members, who shall—

1 “(i) represent individuals with disabil-
2 ities with a wide variety of disabilities and
3 disaster experiences, including cross-dis-
4 ability representation;

5 “(ii) be geographically diverse;

6 “(iii) be ethnically and racially di-
7 verse;

8 “(iv) be of diverse ages, and include
9 older adults;

10 “(v) represent both genders, and in-
11 clude members that represent a variety of
12 sexual orientations and gender identities;

13 “(vi) include veterans; and

14 “(vii) be linguistically diverse.

15 “(O) Representative from each of—

16 “(i) a coastal State emergency man-
17 agement agency with an employee in a po-
18 sition with established duties relating to in-
19 tegration of individuals with disabilities or
20 to addressing access and functional needs;

21 “(ii) a noncoastal State emergency
22 management agency with an employee in a
23 position described in clause (i);

1 “(iii) a tribal emergency management
2 agency with an employee in a position de-
3 scribed in clause (i);

4 “(iv) a territorial emergency manage-
5 ment agency with an employee in a posi-
6 tion described in clause (i);

7 “(v) a nongovernmental organization
8 providing disaster preparedness and re-
9 sponse services;.

10 “(vi) a local urban disaster manage-
11 ment entity, which representative has dis-
12 ability inclusive emergency management
13 experience;

14 “(vii) a local rural disaster manage-
15 ment entity, which representative has dis-
16 ability inclusive emergency management
17 experience;

18 “(viii) a local disability organization
19 with a cross-disability focus;

20 “(ix) a State disability organization
21 with a cross-disability focus;

22 “(x) a national disability organization
23 with a cross-disability focus;

24 “(xi) a national older adults organiza-
25 tion;

1 “(xii) the Council of the Inspectors
2 General on Integrity and Efficiency;

3 “(xiii) a low-income housing organiza-
4 tion, who has expertise in the civil rights
5 of disaster-affected covered individuals;
6 and

7 “(xiv) a representative of a legal serv-
8 ices agency with expertise in the civil
9 rights of disaster-affected covered individ-
10 uals.

11 “(P) The Secretary of the Department of
12 Transportation.

13 “(Q) The Director of Disability Policy at
14 the Domestic Policy Council.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$500,000 for each of fiscal years 2022 through 2025.

18 **SEC. 9. REVIEW OF SETTLEMENT AGREEMENTS RELATED**
19 **TO DISASTERS AND INDIVIDUALS WITH DIS-**
20 **ABILITIES AND OLDER ADULTS.**

21 (a) DEFINITIONS.—In this section:

22 (1) CHIEF OF THE DISABILITY RIGHTS SEC-
23 TION.—The term “Chief of the Disability Rights
24 Section” means the Chief of the Disability Rights

1 Section of the Civil Rights Division of the Depart-
2 ment of Justice.

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

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

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

12 (B) the Committee on Education and
13 Labor, the Committee on Transportation and
14 Infrastructure, and the Committee on Energy
15 and Commerce of the House of Representatives.

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

19 (A) entered into by the United States dur-
20 ing the period beginning on January 1, 2005,
21 and ending December 31 of the year of enact-
22 ment; and

23 (B) that relates to a potential violation of
24 the Rehabilitation Act of 1973 (29 U.S.C. 701
25 et seq.) or the Americans with Disabilities Act

1 of 1990 (42 U.S.C. 12101 et seq.) in connec-
2 tion with the preparation for, response to, re-
3 covery from, or mitigation of a disaster.

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

7 (c) MEMBERSHIP.—

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

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

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

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

18 (ii) are individuals with disabilities;

19 and

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

22 (2) PERIOD OF APPOINTMENT; VACANCIES.—

23 (A) IN GENERAL.—A member of the Com-
24 mittee shall be appointed for the life of the
25 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 one of whom shall be a
11 member 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;

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

(A) each covered committee of Congress;

(B) any other entity of Congress with jurisdiction over matters relating to addressing the needs of covered individuals in the preparation for, response to, recovery from, or mitigation of a disaster;

(C) the Attorney General;

(D) the Secretary of Education;

(E) the Secretary of Homeland Security;

(F) the Secretary of Health and Human Services;

(G) the Secretary of the Department of Transportation; and

(H) the President, through the Director of Disability Policy at the Domestic Policy Council; and

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

(e) POWERS OF COMMITTEE.—

(1) HEARINGS.—The Committee may hold such hearings, sit and act at such times and places, take

1 such testimony, and receive such evidence as the
2 Committee considers advisable to carry out this sec-
3 tion.

4 (2) INFORMATION FROM FEDERAL AGENCIES.—

5 (A) IN GENERAL.—The Committee may
6 secure directly from any Federal department or
7 agency such information as the Committee con-
8 siders necessary to carry out this section.

9 (B) FURNISHING INFORMATION.—On re-
10 quest of the Chairperson of the Committee, the
11 head of the department or agency shall furnish
12 the information to the Committee.

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

22 (3) POSTAL SERVICES.—The Committee may
23 use the United States mails in the same manner and
24 under the same conditions as other departments and
25 agencies of the Federal Government.

1 (f) COMMITTEE PERSONNEL MATTERS.—

2 (1) COMPENSATION OF MEMBERS.—

3 (A) IN GENERAL.—A member of the Com-
4 mittee who is not an officer or employee of the
5 Federal Government shall be compensated at a
6 rate equal to the daily equivalent of the annual
7 rate of basic pay prescribed for level IV of the
8 Executive Schedule under section 5315 of title
9 5, United States Code, for each day (including
10 travel time) during which the member is en-
11 gaged in the performance of the duties of the
12 Committee.

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

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

25 (3) STAFF.—

1 (A) IN GENERAL.—The Chairperson of the
2 Committee may, without regard to the civil
3 service laws (including regulations), appoint
4 and terminate an executive director and such
5 other additional personnel as may be necessary
6 to enable the Committee to perform the duties
7 of the Committee, except that the employment
8 of an executive director shall be subject to con-
9 firmation by the Committee.

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

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

1 (5) PROCUREMENT OF TEMPORARY AND INTER-
2 MITTENT SERVICES.—The Chairperson of the Com-
3 mittee may procure temporary and intermittent serv-
4 ices under section 3109(b) of title 5, United States
5 Code, at rates for individuals which do not exceed
6 the daily equivalent of the annual rate of basic pay
7 prescribed for level V of the Executive Schedule
8 under section 5316 of that title.

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

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

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

21 (a) INVESTIGATION.—Not later than 60 days after
22 the date of enactment of this Act, the Comptroller General
23 of the United States shall begin to conduct an investiga-
24 tion of whether, on or after January 1, 2005, Federal
25 agencies have complied with the Americans with Disabil-

ities Act of 1990 (42 U.S.C. 12101 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), in expending Federal funds to prepare for, respond to, recover from, or mitigate disasters, including whether and, if so, how such funds were used to ensure accessibility to services and supports for individuals with disabilities and older adults.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall, in accordance with paragraph (2), issue a report on the investigation conducted under subsection (a), along with recommendations for remediation of any misused funds identified.

(2) REVIEW.—

(A) IN GENERAL.—Prior to issuing the report under paragraph (1), the Comptroller General shall obtain comments and recommendations on a draft version of the report, including the recommendations described in subparagraph (B), from the National Advisory Committee on Individuals with Disabilities and Disasters and any other agency determined appropriate by the Secretary.

1 (B) COMMISSION RECOMMENDATIONS ON
2 ADDITIONAL SOURCES.—The recommendations
3 obtained under subparagraph (A) shall include
4 recommendations from the Commission regard-
5 ing additional sources the Comptroller General
6 may interview for purposes of the investigation
7 under subsection (a).

○