

THINK DIFFERENTLY ABOUT EMERGENCIES ACT

FEBRUARY 20, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 6249]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 6249) to provide for a review and report on the assistance and resources that the Administrator of the Federal Emergency Management Agency provides to individuals with disabilities and the families of such individuals that are impacted by major disasters, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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## PURPOSE OF LEGISLATION

The purpose of H.R. 6249 is to provide for a review and report on the assistance and resources that the Administrator of the Federal Emergency Management Agency provides to individuals with disabilities and the families of such individuals that are impacted by major disasters, and for other purposes.

## BACKGROUND AND NEED FOR LEGISLATION

According to the Centers for Disease Control and Prevention, approximately 6.5 million people in the United States have an intellectual disability, which is the most common developmental disability.<sup>1</sup>

Previously, Congress has passed legislation to improve the delivery of Federal Emergency Administration (FEMA) assistance to individuals with disabilities and conducted oversight on the topic.<sup>2</sup> Additionally, the Government Accountability Office (GAO) has reported on challenges that individuals with disabilities have faced in accessing assistance from FEMA following a disaster.<sup>3</sup> However, these efforts have centered primarily around individuals with physical disabilities, not developmental or intellectual.

In May of 2019, GAO issued a report entitled, “FEMA Action Needed to Better Support Individuals Who Are Older or Have Disabilities.”<sup>4</sup> In the report, GAO detailed a review it conducted following the 2017 hurricane season. GAO found disability-related questions in the FEMA registration material were confusing and easily misinterpreted.<sup>5</sup> For example, FEMA’s registration process did not include an initial question that directly asked individuals if they had a disability or if they would like to request accommodation for completing the application process.<sup>6</sup> GAO concluded that this may have resulted in individuals with disabilities not requesting accommodations or reporting having disabilities, hindering FEMA’s ability to identify and assist them.<sup>7</sup>

Furthermore, GAO found that FEMA had taken limited steps to communicate the agency’s new disability integration staffing approach to staff in the FEMA regional offices, including Regional Administrators and Regional Disability Integration Specialists, who are critical to implementing these changes.<sup>8</sup>

While GAO findings raise concerns about outreach and efforts to accommodate and assist individuals with disabilities register for FEMA assistance following a disaster, GAO did not specifically review the resources and assistance that FEMA provides individuals with intellectual and developmental disabilities before, during, and after a disaster.<sup>9</sup> Furthermore, while Ready.gov provides limited

<sup>1</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Addressing Gaps in Health Care for Individuals with Intellectual Disabilities*, (Oct 15, 2019) available at <https://www.cdc.gov/grandrounds/pp/2019/20191015-intellectual-disabilities.html>.

<sup>2</sup> *An Assessment of Federal Recovery Efforts from Recent Disasters: Hearing Before the Subcomm. on Economic Development, Public Buildings and Emergency Management of the H. Comm. on Transp. and Infrastructure*, 116th Cong. (Oct. 18, 2019).

<sup>3</sup> U.S. GOV’T ACCOUNTABILITY OFF., GAO-19-318, *FEMA ACTION NEEDED TO BETTER SUPPORT INDIVIDUALS WHO ARE OLDER OR HAVE DISABILITIES* (2019).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

recommendations to help individuals with intellectual and developmental disabilities prepare for disasters, FEMA does not provide specific information on its website.<sup>10</sup>

Congress has also taken steps to improve assistance to individuals with disabilities, under FEMA’s Housing and Individual Assistance program. For example, Section 1212 of the *Federal Aviation Administration Reauthorization Act of 2018* (P.L. 115–254) amended the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* by increasing authorized amounts of financial assistance for disaster survivors for rental and other needs assistance to address accessibility-related repairs for individuals with disabilities.<sup>11</sup> Additionally, Section 513 of the *Post-Katrina Emergency Management Reform Act of 2006* directed the FEMA Administrator to appoint a Disability Coordinator at FEMA.<sup>12</sup> The Disability Coordinator was instructed to ensure that the needs of individuals with disabilities were properly addressed in emergency preparedness and disaster relief.<sup>13</sup>

#### HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress the following hearing was used to develop or consider H.R. 6249:

On May 17, 2023, the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure held a hearing entitled, “*The Impacts of FEMA’s Strategic Plan on Disaster Preparedness and Response*.” The Subcommittee received testimony from Mr. Erik Hooks, Deputy Administrator, FEMA, and Mr. Chris Currie, Director, Homeland Security and Justice, GAO.

#### LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 6249 was introduced in the United States House of Representatives on November 6, 2023, by Mr. Molinaro of New York, with Ms. Titus of Nevada of Nevada, Mr. Carbajal of California, and Ms. Holmes-Norton of the District of Columbia, as original cosponsors, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 6249 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management. The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 6249 on November 15, 2023.

The Committee considered H.R. 6249 on November 15, 2023, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by voice vote.

<sup>10</sup>See U.S. DEP’T OF HOMELAND SECURITY, *Ready Campaign, People with Disabilities*, (Jan. 17, 2024), available at <https://www.ready.gov/disability>; see also FEMA, *Office of Disability Integration and Coordination*, (Jan. 17, 2024), available at <https://www.fema.gov/about/offices/disability>.

<sup>11</sup>FAA Reauthorization Act of 2018, Pub. L. No. 115–254, 132 Stat. 3448.

<sup>12</sup>Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, Pub. L. No. 109–295, 120 Stat. 1408.

<sup>13</sup>*Id.*

## COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 6249.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 6249 from the Director of the Congressional Budget Office:

| H.R. 6249, Think Differently About Emergencies Act                                                     |      |                                           |               |
|--------------------------------------------------------------------------------------------------------|------|-------------------------------------------|---------------|
| As ordered reported by the House Committee on Transportation and Infrastructure on November 15, 2023   |      |                                           |               |
| By Fiscal Year, Millions of Dollars                                                                    | 2024 | 2024-2028                                 | 2024-2033     |
| Direct Spending (Outlays)                                                                              | 0    | 0                                         | 0             |
| Revenues                                                                                               | 0    | 0                                         | 0             |
| Increase or Decrease (-) in the Deficit                                                                | 0    | 0                                         | 0             |
| Spending Subject to Appropriation (Outlays)                                                            | *    | 1                                         | not estimated |
| Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034? | No   | Statutory pay-as-you-go procedures apply? | No            |
|                                                                                                        |      | Mandate Effects                           |               |
| Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?  | No   | Contains intergovernmental mandate?       | No            |
|                                                                                                        |      | Contains private-sector mandate?          | No            |
| * = between zero and \$500,000.                                                                        |      |                                           |               |

H.R. 6249 would require the Federal Emergency Management Agency (FEMA) and the Government Accountability Office (GAO) to review disaster assistance and resources provided by FEMA for people with disabilities and their families. The bill would require FEMA, within 120 days of enactment, to report to the Congress on details of that assistance and the process of administering it. In addition, the bill would require both agencies, within one year of en-

actment, to make recommendations to the Congress on how to improve the quality and administration of that assistance.

Using information from FEMA and GAO about the costs of similar activities, CBO estimates that implementing the bill would cost \$1 million over the 2024–2028 period; such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to have FEMA and GAO conduct a review and submit a report to Congress on the assistance and resources that FEMA provides to individuals with intellectual and developmental disabilities and their families before, during, and after a disaster.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 6249 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 6249 does not preempt any state, local, or tribal law.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Short title*

This section provides that the Act may be cited as the “Think Differently About Emergencies Act”.

*Section 2. Report to Congress*

This section directs FEMA to submit a report to Congress detailing the assistance and resources that FEMA provides to individuals with intellectual and developmental disabilities and their families before, during, and after disasters. Additionally, FEMA is directed to report on the process the agency undertakes to train and deploy FEMA personnel into areas impacted by disasters, to coordinate with and support states, localities, and nonprofit organizations to meet the needs of such individuals and their families. Finally, FEMA is directed to include recommendations on areas to improve the application process and delivery of assistance to such individuals and their families.

*Section 3. Review of assistance and resources*

This section directs GAO and FEMA to review and report to Congress on assistance and resources FEMA provides to states, localities, nonprofit organizations, and individuals to assist individuals with intellectual, developmental, and physical disabilities and their families before, during and after disasters. Additionally, GAO and FEMA are also directed to include in their reports any legal impediments that exist to providing resources and assistance and put forward potential legislative reforms to address and remove identified legal impediments.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 6249 makes no changes in existing law.