

109TH CONGRESS  
2D SESSION

# H. R. 4704

To address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2006

Mr. LANGEVIN (for himself, Mr. WELDON of Pennsylvania, and Mr. RAMSTAD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, 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

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## A BILL

To address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Emergency Prepared-  
3 ness and Response for Individuals With Disabilities Act  
4 of 2006”.

5 **TITLE I—EMERGENCY PLAN-**  
6 **NING AND RESPONSE FOR IN-**  
7 **DIVIDUALS WITH DISABIL-**  
8 **ITIES**

9 **SEC. 101. DEFINITIONS.**

10       (a) IN GENERAL.—Section 506 of the Homeland Se-  
11 curity Act of 2002 (6 U.S.C. 316) is amended—

12           (1) in the section heading by striking “**DEFINI-**  
13 **TION**” and inserting “**DEFINITIONS**”;

14           (2) by redesignating paragraphs (1) and (2) as  
15 subparagraphs (A) and (B), respectively, and re-  
16 aligning the margin as appropriate; and

17           (3) by striking “, the term” and inserting the  
18 following: “—

19           “(1) the term ‘individual with a disability’ has  
20 the meaning given the term in section 3 of the  
21 Americans with Disabilities Act of 1990 (42 U.S.C.  
22 12102); and

23           “(2) the term”.

24       (b) CONFORMING AMENDMENT.—The table of con-  
25 tents contained in section 1(b) of such Act (116 Stat.

1 2135) is amended by striking the item relating to section  
2 506 and inserting the following:

“Sec. 506. Definitions.”.

3 **SEC. 102. DISABILITY COORDINATOR.**

4 (a) IN GENERAL.—Title V of the Homeland Security  
5 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding  
6 at the end the following:

7 **“SEC. 512. DISABILITY COORDINATOR.**

8 “(a) IN GENERAL.—After consultation with organi-  
9 zations representing individuals with disabilities and the  
10 Interagency Coordinating Council on Emergency Pre-  
11 paredness and Individuals with Disabilities established  
12 under Executive Order 13347 (6 U.S.C. 312 note), the  
13 Secretary shall appoint a Disability Coordinator. The Dis-  
14 ability Coordinator shall report directly to the Secretary,  
15 in order to ensure that the needs of individuals with dis-  
16 abilities are being properly addressed in emergency pre-  
17 paredness and disaster relief.

18 “(b) RESPONSIBILITIES.—The Disability Coordinator  
19 shall be responsible for—

20 “(1) providing guidance and coordination on  
21 matters related to individuals with disabilities in  
22 emergency planning requirements and relief efforts  
23 in the event of a major disaster;

24 “(2) interacting directly with Department staff,  
25 the Interagency Coordinating Council on Emergency

1 Preparedness and Individuals with Disabilities estab-  
2 lished under Executive Order No. 13347 (6 U.S.C.  
3 312 note), other agencies of the Federal Govern-  
4 ment, and State and local government authorities re-  
5 garding the needs of individuals with disabilities in  
6 emergency planning requirements and relief efforts  
7 in the event of a major disaster;

8 “(3) consulting with organizations that rep-  
9 resent the interests and rights of individuals with  
10 disabilities about the needs of individuals with dis-  
11 abilities in emergency planning requirements and re-  
12 lief efforts in the event of a major disaster;

13 “(4) coordinating and disseminating best prac-  
14 tices and model evacuation plans for individuals with  
15 disabilities;

16 “(5) developing a curriculum for first responder  
17 training on the needs of individuals with disabilities,  
18 including the needs of individuals with physical dis-  
19 abilities and the needs of individuals with psychiatric  
20 disabilities;

21 “(6) developing training materials for State and  
22 local governmental officials, first responders, and  
23 others about the importance of allowing individuals  
24 with disabilities to retain their durable medical  
25 equipment, wheelchairs, service animals, and other

1        assistive devices, to the maximum extent possible, in  
2        the aftermath of a major disaster;

3            “(7) working with the Director of the Centers  
4        for Medicare and Medicaid Services, durable medical  
5        equipment regional carriers, manufacturers and sup-  
6        pliers of durable medical equipment, and medical  
7        professionals to draft an emergency response plan  
8        for the temporary loan or replacement of durable  
9        medical equipment in the event of a major disaster;

10          “(8) ensuring the accessibility of telephone hot-  
11        lines and websites regarding emergency prepared-  
12        ness, evacuations, and disaster relief;

13          “(9) working with the Chairman of the Federal  
14        Communications Commission to ensure that video  
15        programming distributors, including broadcasters,  
16        cable operators, and satellite television services,  
17        make emergency information accessible to individ-  
18        uals with hearing and vision disabilities;

19          “(10) coordinating the availability of accessible  
20        transportation options for individuals with disabili-  
21        ties in the event of an evacuation;

22          “(11) providing guidance and implementing  
23        policies to ensure that the rights and wishes of indi-  
24        viduals with disabilities regarding post-evacuation  
25        residency and relocation are respected;

1 “(12) ensuring that meeting the needs of indi-  
 2 viduals with disabilities are included in any Federal  
 3 emergency response plans; and

4 “(13) any other duties relevant to emergency  
 5 preparedness and response for individuals with dis-  
 6 abilities.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
 8 The Homeland Security Act of 2002 (6 U.S.C. 101 et  
 9 seq.) is amended—

10 (1) by redesignating the second section des-  
 11 ignated as section 510 as section 511; and

12 (2) in the table of contents by inserting after  
 13 the item relating to section 509 the following:

“Sec. 510. Procurement of security countermeasures for Strategic Na-  
 tional Stockpile.

“Sec. 511. Urban and other high risk area communications capabilities.

“Sec. 512. Disability Coordinator.”.

14 **SEC. 103. TEMPORARY HOUSING.**

15 Section 408(c)(1)(B) of the Robert T. Stafford Dis-  
 16 aster Relief and Emergency Assistance Act (42 U.S.C.  
 17 5174(c)(1)(B)) is amended—

18 (1) by redesignating clauses (ii) and (iii) as  
 19 clauses (iii) and (iv), respectively; and

20 (2) by inserting after clause (i) the following:

21 “(ii) ACCESSIBLE TEMPORARY HOUS-  
 22 ING.—In the event temporary housing  
 23 units, including trailers, are provided

1 under clause (i), not less than 30 percent  
2 of such temporary housing shall be phys-  
3 ically accessible to and usable by individ-  
4 uals with disabilities, and the accessible  
5 units shall be integrated with other avail-  
6 able housing units.”.

7 **SEC. 104. RIGHT OF INDIVIDUALS WITH DISABILITIES TO**  
8 **LIVE INDEPENDENTLY.**

9 Section 308 of the Robert T. Stafford Disaster Relief  
10 and Emergency Assistance Act (42 U.S.C. 5151) is  
11 amended by adding at the end the following:

12 “(c) INDIVIDUALS WITH DISABILITIES.—Personnel  
13 carrying out Federal assistance functions under sub-  
14 section (a) and governmental bodies and other organiza-  
15 tions providing assistance under subsection (b) shall exert  
16 maximum effort to ensure that individuals with disabilities  
17 (as defined in section 3 of the Americans with Disabilities  
18 Act of 1990 (42 U.S.C. 12102)) who were living independ-  
19 ently before evacuating their homes due to a major dis-  
20 aster or emergency are offered housing alternatives with  
21 comparable independence.”.

22 **SEC. 105. GAO STUDY ON ACCESSIBILITY OF EMERGENCY**  
23 **SHELTERS.**

24 (a) IN GENERAL.—The Comptroller General of the  
25 United States shall conduct a national study regarding

1 whether, and, if so, to what extent, emergency shelters for  
 2 use in response to a major disaster, as that term is defined  
 3 in section 102(2) of the Robert T. Stafford Disaster Relief  
 4 and Emergency Assistance Act (42 U.S.C. 5122(2)), are  
 5 accessible to, and usable by, individuals with disabilities.

6 (b) REPORT.—Not later than 12 months after the  
 7 date of enactment of this Act, the Comptroller General  
 8 shall submit a report summarizing the results of this study  
 9 to the Committee on Homeland Security and Govern-  
 10 mental Affairs and the Committee on Health, Education,  
 11 Labor, and Pensions of the Senate and the Committee on  
 12 Homeland Security and the Committee on Education and  
 13 the Workforce of the House of Representatives.

14 **TITLE II—INCREASING ACCESSI-**  
 15 **BILITY OF REPLACEMENT**  
 16 **HOUSING**

17 **SEC. 201. AMOUNT OF ASSISTANCE AVAILABLE.**

18 (a) IN GENERAL.—Section 408(c)(3) of the Robert  
 19 T. Stafford Disaster Relief and Emergency Assistance Act  
 20 (42 U.S.C. 5174(c)(3)) is amended by adding at the end  
 21 the following:

22 “(D) ADDITIONAL ASSISTANCE FOR EN-  
 23 HANCED ACCESSIBILITY.—The maximum  
 24 amount of assistance provided to a household  
 25 under this paragraph may be increased by



1           \$5,000 if the owner of the residence involved  
2           agrees to comply with the increased accessibility  
3           standards described in paragraph (5).”.

4           (b) MAXIMUM AMOUNTS.—Section 408(h)(1) of the  
5 Robert T. Stafford Disaster Relief and Emergency Assist-  
6 ance Act (42 U.S.C. 5174(h)(1)) is amended by striking  
7 “\$25,000” and inserting “\$30,000”.

8           (c) SMALL BUSINESSES.—Section 7(b) of the Small  
9 Business Act (15 U.S.C. 636(b)) is amended by inserting  
10 immediately after paragraph (3) the following:

11           “(4) ACCESSIBILITY OF REPLACEMENT HOUS-  
12           ING.—Notwithstanding any other provision of law,  
13           the Administrator may increase the maximum  
14           amount of a loan under this subsection by not more  
15           than 10 percent if—

16           “(A) the loan is for replacement of a pri-  
17           vate residence; and

18           “(B) the owner agrees to comply with the  
19           increased accessibility standards described in  
20           paragraph (5) of section 408(c) of the Robert  
21           T. Stafford Disaster Relief and Emergency As-  
22           sistance Act (42 U.S.C. 5174(c)).”.

23           (d) CLERICAL AMENDMENTS.—Section 7(b) of the  
24 Small Business Act (15 U.S.C. 636(b)) is amended in the  
25 undesignated matter at the end—

1           (1) in the sentence beginning “In the Adminis-  
 2           tration of the disaster loan program” by striking “,  
 3           (2), and (4)” and inserting “and (2)”; and

4           (2) in the sentence beginning “A State grant  
 5           made on or prior to July 1, 1979” by striking “, (2),  
 6           or (4)” and inserting “or (2)”.

7   **SEC. 202. ACCESSIBILITY STANDARDS.**

8           Section 408(c) of the Robert T. Stafford Disaster Re-  
 9           lief and Emergency Assistance Act (42 U.S.C. 5174(c))  
 10          is amended by adding at the end the following:

11           “(5) INCREASED ACCESSIBILITY STANDARDS  
 12          FOR REPLACEMENT HOUSING.—

13           “(A) IN GENERAL.—The increased accessi-  
 14           bility standards described in this paragraph in-  
 15           clude features that allow a residence to be ac-  
 16           cessible to, and usable by, an individual with a  
 17           disability (including a person who uses a wheel-  
 18           chair).

19           “(B) MINIMUM REQUIREMENTS.—The ac-  
 20           cessible features described in this paragraph in-  
 21           clude, at a minimum—

22           “(i) an accessible pathway from out-  
 23           side of the residence to an accessible en-  
 24           trance;

25           “(ii) an accessible entrance;

1 “(iii) an accessible pathway that con-  
2 nects the accessible entrance to the acces-  
3 sible features within the residence;

4 “(iv) accessible interior doors;

5 “(v) accessible environmental controls;

6 “(vi) an accessible sleeping area;

7 “(vii) an accessible bathing area;

8 “(viii) an accessible bathroom that in-  
9 cludes an accessible toileting area;

10 “(ix) an accessible kitchen; and

11 “(x) accessible living space.

12 “(C) LOCATION.—The interior accessible  
13 features described in subparagraph (B) shall ei-  
14 ther be located on 1 level of the residence or  
15 connected to each other in a manner that allows  
16 their independent use by an individual with a  
17 disability (including a person who uses a wheel-  
18 chair).

19 “(D) STANDARDS.—

20 “(i) IN GENERAL.—Not later than 12  
21 months after the date of enactment of this  
22 paragraph, the Architectural and Trans-  
23 portation Barriers Compliance Board shall  
24 issue and publish standards setting forth  
25 the minimum technical criteria necessary

1 to implement the requirements set forth in  
2 this paragraph. The Architectural and  
3 Transportation Barriers Compliance Board  
4 shall periodically review and, as appro-  
5 priate, amend the standards.

6 “(ii) INTERIM STANDARDS.—If a  
7 State or locality has an ordinance, statute,  
8 or regulation that provides for increased  
9 housing accessibility standards comparable  
10 to those in subparagraph (B), residents of  
11 that State or locality who agree to meet  
12 the standards shall be eligible for the in-  
13 creased funds available under paragraph  
14 (3)(D) of this subsection and paragraph  
15 (4) of section 7(b) of the Small Business  
16 Act (15 U.S.C. 636(b)), until such time as  
17 the Architectural and Transportation Bar-  
18 riers Compliance Board issues and pub-  
19 lishes its standards under clause (i).

20 “(6) ENFORCEMENT OF ACCESSIBILITY STAND-  
21 ARDS.—

22 “(A) REQUIREMENT FOR ADDITIONAL AS-  
23 SISTANCE FOR ENHANCED ACCESSIBILITY.—

24 Each applicant for additional assistance for en-  
25 hanced accessibility under paragraph (3)(D) of

1 this subsection or section 7(b)(4) of the Small  
2 Business Act shall submit an assurance to the  
3 Federal Emergency Management Agency that  
4 the residence described in paragraph (3)(D) of  
5 this subsection or section 7(b)(4) of the Small  
6 Business Act, as the case may be (referred to  
7 in this paragraph as ‘replacement housing’),  
8 shall be constructed in compliance with the in-  
9 creased accessibility standards described in  
10 paragraph (5).

11 “(B) APPROVAL OF ARCHITECTURAL AND  
12 CONSTRUCTION PLANS.—

13 “(i) SUBMISSION.—Each applicant for  
14 additional assistance for enhanced accessi-  
15 bility under paragraph (3)(D) of this sub-  
16 section or section 7(b)(4) of the Small  
17 Business Act shall submit architectural  
18 and construction plans for the proposed re-  
19 placement housing to the appropriate State  
20 or local agency.

21 “(ii) FEDERAL HOUSING ASSIST-  
22 ANCE.—The Secretary of Homeland Secu-  
23 rity and the Director of the Federal Emer-  
24 gency Management Agency shall not pro-  
25 vide any financial assistance under this Act

1 to a State or unit of general local govern-  
2 ment (or any agency thereof) unless the  
3 appropriate State or local agency is, in the  
4 determination of such Secretary or Direc-  
5 tor, taking the enforcement actions de-  
6 scribed in clause (iii).

7 “(iii) ENFORCEMENT ACTIONS.—The  
8 enforcement actions described in this  
9 clause are—

10 “(I) reviewing any plans for pro-  
11 posed replacement housing submitted  
12 under clause (i) and approving or dis-  
13 approving such plans based upon com-  
14 pliance of the replacement housing  
15 with the requirements of paragraph  
16 (5); and

17 “(II) consistent with applicable  
18 State or local laws and procedures,  
19 withholding final approval for con-  
20 struction or occupancy of the replace-  
21 ment housing unless and until such  
22 compliance is achieved.

23 “(iv) ENFORCEMENT BY ATTORNEY  
24 GENERAL.—Whenever the Attorney Gen-  
25 eral has reasonable cause to believe that

1 any person or group of persons has vio-  
2 lated this paragraph or paragraph (5), the  
3 Attorney General may commence a civil ac-  
4 tion in any appropriate United States dis-  
5 trict court.

6 “(v) RELIEF.—In any civil action  
7 brought under clause (iv), if the court  
8 finds that a violation of this paragraph or  
9 paragraph (5) has occurred or is about to  
10 occur, the court may grant any equitable  
11 relief that the court considers to be appro-  
12 priate, including temporary, preliminary,  
13 or permanent relief.

14 “(7) DEFINITIONS.—In this subsection, the fol-  
15 lowing definitions apply:

16 “(A) APPROPRIATE STATE OR LOCAL  
17 AGENCY.—The term ‘appropriate State or local  
18 agency’ means the State or local department or  
19 agency that is responsible, under applicable  
20 State or local law, for the review and approval  
21 of construction plans for compliance with gen-  
22 erally applicable building codes or requirements.

23 “(B) INDIVIDUAL WITH A DISABILITY.—  
24 The term ‘individual with a disability’ has the  
25 meaning given the term in section 3 of the

1 Americans with Disabilities Act of 1990 (42  
2 U.S.C. 12102).”.

○