

115TH CONGRESS
2D SESSION

S. 3261

To establish the Office of Disability Policy in the legislative branch.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2018

Mr. CASEY (for himself 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 establish the Office of Disability Policy in the legislative branch.

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 “Office of Disability
5 Policy Act of 2018”.

6 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF DISABILITY**
7 **POLICY.**

8 (a) IN GENERAL.—Chapter 7 of title 31, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“Subchapter VIII—Office of Disability Policy**

2 **“§ 799A-1. Definitions**

3 “In this subchapter—

4 “(1) the term ‘Director’ means the Director of
5 the Office;

6 “(2) the term ‘entitlement’ means an entitle-
7 ment authority, within the meaning given that term
8 under section 250 of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 (2 U.S.C.
10 900);

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

15 “(4) the term ‘Office’ means the Office of Dis-
16 ability Policy established under section 799A-2(a).

17 **“§ 799A-2. Establishment of the Office of Disability**
18 **Policy**

19 “(a) IN GENERAL.—There is established in the Gov-
20 ernment Accountability Office the Office of Disability Pol-
21 icy.

22 “(b) DIRECTOR.—

23 “(1) IN GENERAL.—The Office shall be headed
24 by a Director, who shall be appointed—

“(A) by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Executive Director of the National Council on Disability, after considering recommendations received from the Committee on Education and the Workforce and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate;

“(B) without regard to political affiliation; and

“(C) solely on the basis of fitness to perform the duties of the office of the Director.

“(2) TERM.—The term of the first individual appointed to the position of Director shall end on January 3, 2021, and the term of each individual appointed for a full term to the position of Director thereafter shall end on January 3 of each fourth year thereafter.

“(3) VACANCIES.—If an individual appointed to the position of Director resigns, dies, or is removed from office, or there is otherwise a vacancy in the

1 position of Director before the end of the term of the
 2 Director under paragraph (2), the individual ap-
 3 pointed to the position of Director shall be appointed
 4 to serve for the remainder of the unexpired term of
 5 the Director that the individual succeeds.

6 “(4) CONTINUATION IN OFFICE.—An individual
 7 serving in the position of Director at the end of the
 8 term of the individual as Director may continue to
 9 serve until a successor is appointed.

10 “(5) REMOVAL.—The Director may be removed
 11 by a joint resolution of Congress.

12 “(c) DEPUTY DIRECTOR.—

13 “(1) IN GENERAL.—There shall be a Deputy
 14 Director of the Office who shall—

15 “(A) be appointed by the Director;

16 “(B) perform such duties as may be as-
 17 signed by the Director; and

18 “(C) during the absence or incapacity of
 19 the Director or during a vacancy in that office,
 20 act as the Director.

21 “(2) TERM.—The term of an individual ap-
 22 pointed to the position of Deputy Director shall end
 23 on the date on which the term of the Director ap-
 24 pointing the Deputy Director ends.

1 “(3) CONTINUATION IN OFFICE.—An individual
2 serving in the position of Deputy Director at the end
3 of the term of the individual as Deputy Director
4 may continue to serve until a successor is appointed.

5 **“§ 799A–3. Purposes**

6 “The purpose of the Office is to provide to Congress,
7 the executive branch, the States, and the public—

8 “(1) data and analysis in a timely manner re-
9 garding the effect that proposed Federal legislation,
10 proposed regulations, and proposed guidance would
11 have on individuals with disabilities, their families,
12 and those who support individuals with disabilities
13 by providing services;

14 “(2) data and analysis on a regular basis re-
15 garding the effect of legislation, regulations, and
16 guidance that are in effect on individuals with dis-
17 abilities, their families, and those who support indi-
18 viduals with disabilities by providing services; and

19 “(3) analysis of how proposed Federal legisla-
20 tion, proposed regulations, and proposed guidance
21 will align with disability policy in effect.

22 **“§ 799A–4. Duties and functions**

23 “(a) IN GENERAL.—Upon request by a member of
24 the Committee on the Budget, the Committee on Finance,
25 the Committee on Health, Education, Labor and Pen-

1 sions, or the Committee on the Judiciary of the Senate
 2 or the Committee on the Budget, the Committee on Ways
 3 and Means, the Committee on Education and the Work-
 4 force, the Committee on Energy and Commerce, or the
 5 Committee on the Judiciary of the House of Representa-
 6 tives, the Office will provide information to assist the com-
 7 mittee related to the effect on individuals with disabilities,
 8 their families, and those who support individuals with dis-
 9 abilities by providing services of—

10 “(1) bills amending or affecting the supple-
 11 mental security income program under title XVI of
 12 the Social Security Act (42 U.S.C. 1381 et seq.), the
 13 Medicaid program under title XIX of the Social Se-
 14 curity Act (42 U.S.C. 1396 et seq.), the Medicare
 15 program under title XVIII of the Social Security Act
 16 (42 U.S.C. 1395 et seq.), the Individuals with Dis-
 17 abilities Education Act (20 U.S.C. 1400 et seq.), the
 18 Federal old-age, survivors, and disability insurance
 19 benefits program under title II of the Social Security
 20 Act (42 U.S.C. 401 et seq.), the Americans with
 21 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.),
 22 the Rehabilitation Act of 1973 (29 U.S.C. 701 et
 23 seq.), or any other law affecting individuals with dis-
 24 abilities or disability policy;

25 “(2) bills related to entitlements and taxes;

1 “(3) regulations proposed by the executive
2 branch; and

3 “(4) legislation, regulations, or guidance from
4 Congress, the executive branch, or decisions made by
5 the Federal courts, including the Supreme Court of
6 the United States.

7 “(b) OTHER REQUESTS.—Upon request by any Sen-
8 ator or Member of the House of Representatives, the Of-
9 fice shall provide information related to the effect on indi-
10 viduals with disabilities, their families, and those who sup-
11 port individuals with disabilities by providing services of—

12 “(1) bills amending or affecting the Medicaid
13 program under title XIX of the Social Security Act
14 (42 U.S.C. 1396 et seq.), the Medicare program
15 under title XVIII of the Social Security Act (42
16 U.S.C. 1395 et seq.), the Individuals with Disabil-
17 ities Education Act (20 U.S.C. 1400 et seq.), the
18 Federal old-age, survivors, and disability insurance
19 benefits program under title II of the Social Security
20 Act (42 U.S.C. 401 et seq.), or any other law affect-
21 ing individuals with disabilities or disability policy;

22 “(2) bills related to entitlements and taxes;

23 “(3) regulations proposed by the executive
24 branch; and

1 “(4) legislation, regulations, or guidance from
 2 Congress, the executive branch, or decisions made by
 3 the Federal courts, including the Supreme Court of
 4 the United States.

5 “(c) SCOPE.—The Director may analyze and report
 6 on any legislation, regulation, or guidance the Director de-
 7 termines appropriate to meet the purposes described in
 8 section 799A–3.

9 “(d) COLLABORATION.—When appropriate, the Of-
 10 fice will collaborate with the National Council on Disabil-
 11 ities in conducting analyses and preparing reports under
 12 this section.

13 “(e) PRIORITIZING AND RESPONDING TO RE-
 14 QUESTS.—

15 “(1) IN GENERAL.—For any legislation or regu-
 16 lation described in subsection (a), (b), or (c), an
 17 analysis and report relating to the legislation or regu-
 18 lation by the Office should be made available before
 19 a vote on the legislation or the closing of public com-
 20 ment on regulations, respectively.

21 “(2) PRIORITY.—The Office shall—

22 “(A) give priority to responding to a re-
 23 quest from the Chairman or Ranking Minority
 24 Member of a committee described in subsection
 25 (a);

1 “(B) give priority in analysing legislation
2 based on the likelihood that a committee de-
3 scribed in subsection (a) will consider the legis-
4 lation;

5 “(C) provide an initial report and analysis
6 not later than 3 business days after the date of
7 a request;

8 “(D) provide the full report and analysis of
9 the Office not later than 10 business days after
10 the date of a request;

11 “(E) to the extent practicable, provide a
12 full report and analysis of legislation before a
13 committee of the Senate or the House of Rep-
14 resentatives votes on the legislation; and

15 “(F) otherwise prioritize analyses and re-
16 porting on all other legislation, regulations, and
17 guidance in accordance with such criteria as the
18 Director shall establish.

19 “(f) ANNUAL REPORT.—The Office shall submit to
20 the Committee on the Budget, the Committee on Finance,
21 the Committee on Health, Education, Labor, and Pen-
22 sions, and the Committee on the Judiciary of the Senate
23 and the Committee on the Budget, the Committee on
24 Ways and Means, the Committee on Education and the
25 Workforce, the Committee on Energy and Commerce, and

1 the Committee on the Judiciary of the House of Rep-
 2 resentatives an annual report on the bills enacted into law,
 3 bills introduced, and regulation and guidance promulgated
 4 or proposed by the executive branch that will affect indi-
 5 viduals with disabilities, their families, and those who sup-
 6 port individuals with disabilities by providing services.

7 “(g) ACCESS TO INFORMATION.—

8 “(1) IN GENERAL.—For purposes of conducting
 9 any analysis or preparing any report under this sec-
 10 tion, upon request by the Office, the head of a Fed-
 11 eral agency shall provide the Office with information
 12 and data.

13 “(2) PERSONALLY IDENTIFIABLE INFORMA-
 14 TION.—The Office shall not include personally iden-
 15 tifiable information in any report under this section.

16 “(h) REPORT CONTENTS AND DISTRIBUTION.—Each
 17 analysis or report under this section shall—

18 “(1) when possible and appropriate, use
 19 geospatial standards, as defined by the Federal Geo-
 20 graphic Data Committee;

21 “(2) be prepared using plain language;

22 “(3) address issues at the national level and, to
 23 the extent possible, at the State level; and

1 “(4) be made publicly available, along with the
 2 information and data used to prepare the analysis or
 3 report, except to the extent—

4 “(A) the information or data is specifically
 5 exempted from public disclosure by law; or

6 “(B) the Director determines that disclo-
 7 sure of the information or data would reveal
 8 personnel or medical data, or data of which
 9 would constitute an unwarranted invasion of
 10 personal privacy.

11 **“§ 799A-5. Appropriations**

12 “(a) AUTHORIZATION.—There are authorized to be
 13 appropriated to the Office for each fiscal year such sums
 14 as may be necessary to enable it to carry out this sub-
 15 chapter.

16 “(b) INTERIM FUNDING.—

17 “(1) IN GENERAL.—During the period de-
 18 scribed in paragraph (2), amounts in the contingent
 19 fund of the Senate and the allowances and expenses
 20 account of the House of Representatives shall be
 21 available for the expenses of the Office.

22 “(2) PERIOD.—The period described in this
 23 paragraph is the period—

24 “(A) beginning on the date of enactment of
 25 this subchapter; and

1 “(B) ending on the earlier of—
2 “(i) the date on which amounts are
3 first made available under an appropria-
4 tion Act to carry out this subchapter; or
5 “(ii) the date that is 1 year after the
6 date of enactment of this subchapter.”.

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