

116TH CONGRESS
1ST SESSION

S. 23

To establish a national commission on the Federal response to the 2017 natural disasters in Puerto Rico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 3, 2019

Mrs. GILLIBRAND (for herself, Ms. WARREN, Mr. MARKEY, Mr. SCHUMER, Ms. HARRIS, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a national commission on the Federal response to the 2017 natural disasters in Puerto Rico, 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 “National Commission
5 on the Federal Response to Natural Disasters in Puerto
6 Rico Act of 2019”.

7 **SEC. 2. ESTABLISHMENT AND PURPOSE.**

8 (a) ESTABLISHMENT.—There is established a Na-
9 tional Commission on the Federal Response to Natural

1 Disasters in Puerto Rico (in this Act referred to as the
2 “Commission”).

3 (b) PURPOSE.—The purpose of the Commission is to
4 examine the Federal preparedness, response, and recovery
5 to the 2017 natural disasters in Puerto Rico, including
6 the Federal Government’s consideration of the following
7 aspects:

8 (1) Federal preparedness activities prior to
9 Hurricanes Irma and Maria, including Federal plans
10 for the 2017 hurricane season and decision making
11 regarding prepositioning contracts and supplies.

12 (2) Federal response activities during Hurri-
13 canes Irma and Maria, including Federal coordina-
14 tion, distribution of assistance, and contracting.

15 (3) Federal recovery activities after Hurricanes
16 Irma and Maria, including Federal efforts to obtain
17 accurate accounting of the death toll, damage im-
18 pacts, and long-term rebuilding assistance for sur-
19 vivors.

20 **SEC. 3. CONSIDERATIONS.**

21 To carry out its examination, the Commission shall
22 take into consideration the Federal preparedness, re-
23 sponse, and recovery efforts in Puerto Rico as compared
24 to other jurisdictions that were impacted by the 2017 hur-
25 ricane season, as well as the following issues:

1 (1) The impact and destruction of Hurricane
2 Irma, Hurricane Maria, the resulting landslides, and
3 flooding.

4 (2) The adequacy of the death toll methodology
5 and processes, and whether previous death counts
6 and mortality estimates slowed or otherwise affected
7 Federal response efforts.

8 (3) The Federal emergency and contingency
9 plans in place before the 2017 hurricane season.

10 (4) The Federal preparedness guidelines issued
11 ahead of the 2017 hurricane season.

12 (5) The vulnerability of Puerto Rico's economic
13 situation on Federal preparedness.

14 (6) The implications of Puerto Rico's reliance
15 on imported oil for power generation.

16 (7) The adequacy of the telecommunications
17 network in Puerto Rico.

18 (8) The capacity of the local government and
19 Federal Government to quickly mobilize and respond
20 to disasters and emergencies in Puerto Rico.

21 (9) The impact of the uncertainty in long-term
22 Federal health care funding on medical and emer-
23 gency readiness.

1 (10) The implication of Puerto Rico’s treatment
2 under the Internal Revenue Code of 1986 and its
3 impact on readiness.

4 (11) The adequacy of available data and its ef-
5 fects on the Federal response.

6 (12) The geographic, ecological, and infrastruc-
7 ture issues that could have affected response efforts.

8 (13) A comparison of response efforts in other
9 United States jurisdictions vis-a-vis efforts in Puerto
10 Rico for the 2017 hurricane season.

11 **SEC. 4. COMPOSITION AND COMPENSATION OF COMMIS-**
12 **SION.**

13 (a) MEMBERS.—The Commission shall be composed
14 of 8 members, of whom two shall be appointed by the
15 Speaker of the House of Representatives, two shall be ap-
16 pointed by the Majority Leader of the Senate, two shall
17 be appointed by the Minority Leader of the House of Rep-
18 resentatives, and two shall be appointed by the Minority
19 Leader of the Senate.

20 (b) CHAIR AND VICE CHAIR.—The Commission, by
21 majority vote, shall choose a Chair and Vice Chair.

22 (c) QUALIFICATIONS AND RESTRICTIONS.—

23 (1) IN GENERAL.—Individuals shall be selected
24 for appointment on the Commission solely on the
25 basis of their professional qualifications, experience,

1 and expertise in relevant fields, including disaster re-
2 sponse and emergency preparedness.

3 (2) RESTRICTIONS.—Individuals may not be an
4 officer or employee of the Federal Government or
5 any State, or a current elected official of the local
6 government.

7 (d) APPOINTMENT.—

8 (1) IN GENERAL.—All members of the Commis-
9 sion shall be appointed not later than 30 days after
10 the date of the enactment of this Act.

11 (2) PRESIDENTIAL AUTHORITY.—The President
12 shall have no authority to terminate the appointment
13 of any member of the commission.

14 (e) VACANCIES.—Any vacancy in the Commission
15 shall not affect its powers, but shall be filled in the same
16 manner in which the original appointment was made not
17 later than 60 days after the date on which the vacancy
18 occurs.

19 (f) COMPENSATION.—

20 (1) IN GENERAL.—Members of the Commission
21 may be compensated for travel expenses necessary to
22 conduct the work and services for the Commission.

23 (2) TRAVEL EXPENDITURES.—Members shall
24 be allowed travel expenditures, including per diem in
25 lieu of subsistence, in the same manner as persons

1 employed intermittently in the Government service
2 are allowed expenses under section 5703 of title 5,
3 United States Code.

4 (g) STAFF.—

5 (1) IN GENERAL.—With a majority vote of the
6 Commission, members may recruit personnel to as-
7 sist with the Commission’s work, including the cre-
8 ation of the report.

9 (2) PERSONNEL.—Any such personnel may in-
10 clude private citizens, employees or detailees of the
11 Federal Government, or employees of the territorial
12 government.

13 **SEC. 5. FUNCTIONS AND POWERS OF THE COMMISSION.**

14 (a) QUORUM.—

15 (1) IN GENERAL.—Not later than 60 days after
16 the date on which all members of the Commission
17 have been appointed, the Commission shall meet and
18 begin the operations of the Commission.

19 (2) SUBSEQUENT MEETINGS.—Each subsequent
20 meeting shall occur upon the call of the Chair or a
21 majority of its members.

22 (3) QUORUM.—A majority of the members of
23 the Commission shall constitute a quorum, but a
24 lesser number may hold meetings.

1 (b) PUBLIC MEETINGS.—The Commission shall host
2 not less than 10 public meetings in locations that are ac-
3 cessible to individuals of every municipality with elected
4 officials, local community leaders, academic institutions,
5 for-profit and non-for-profit organizations, and individuals
6 in Puerto Rico to the extent appropriate.

7 (c) WRITTEN INPUT.—The Commission shall allow
8 participants both in Puerto Rico and the mainland to pro-
9 vide written input to be included in an appendix of the
10 final report.

11 (d) HEARINGS.—

12 (1) IN GENERAL.—The Commission may hold
13 hearings, take testimony, and receive evidence for its
14 investigation.

15 (2) PROTECTION OF INFORMATION.—Any pub-
16 lic hearings of the Commission shall be conducted in
17 a manner consistent with the protection of informa-
18 tion provided to or developed for or by the Commis-
19 sion as required by any applicable statute, regula-
20 tion, or Executive order.

21 (e) SUBPOENAS.—The Commission may issue sub-
22 poenas requiring the attendance and testimony of wit-
23 nesses, and requiring the submission of data, books,
24 records, correspondence, memoranda, papers, documents,

1 electronic files, metadata, tapes, and materials of any na-
2 ture relating to any matter under investigation.

3 (f) INFORMATION FROM AGENCIES.—The Commis-
4 sion may secure directly from any executive department,
5 bureau, agency, board, commission, office, independent es-
6 tablishment, or instrumentality of the Government, infor-
7 mation, suggestions, estimates, and statistics.

8 (g) GSA SERVICES.—The Administrator of General
9 Services shall provide to the Commission on a reimburs-
10 able basis administrative support and other services for
11 the performance of the Commission's functions.

12 (h) FEDERAL ASSISTANCE FROM OTHER AGEN-
13 CIES.—Departments and agencies of the United States
14 may provide to the Commission such services, funds, facili-
15 ties, staff, and other support services as they may deter-
16 mine advisable and as may be authorized by law.

17 (i) POSTAL SERVICES.—The Commission may use
18 the United States mails in the same manner and under
19 the same conditions as other departments and agencies of
20 the United States.

21 **SEC. 6. REPORTS OF COMMISSION.**

22 (a) REPORT.—Not later than 12 months after the
23 date of the enactment of this Act, the Commission shall
24 submit to the President and Congress a final report on
25 the causes and circumstances surrounding the natural dis-

1 asters in Puerto Rico, including preparedness and imme-
2 diate response, and providing recommendations to guard
3 against future natural disasters outside of the continental
4 United States, which shall contain findings, conclusions,
5 and recommendations as have been agreed to by a major-
6 ity of Commission members and shall—

7 (1) be made available to the public in the
8 English and Spanish languages;

9 (2) include findings for the issues described in
10 section 2; and

11 (3) include—

12 (A) the number and nature of complaints
13 filed to the Inspectors General for Federal
14 agencies responsible in the aftermath of the
15 2017 natural disasters;

16 (B) details on Federal procurement and
17 acquisition practices in the aftermath of the
18 2017 natural disasters;

19 (C) details on disaster mitigation protocols
20 given cultural and language differences; and

21 (D) disaster response processes taking into
22 account demographics (age, race, gender, in-
23 come) and the impact on segments of the popu-
24 lation with disabilities.

1 (b) APPENDIX.—An appendix to the final report shall
2 include written input of participants in Puerto Rico and
3 the mainland.

4 (c) INTERIM REPORT.—Not later than 6 months
5 after the date of enactment of this Act, the Commission
6 shall provide to Congress an interim report.

7 **SEC. 7. SUNSET.**

8 The Commission shall terminate on the day that is
9 90 days after the date on which the final report is sub-
10 mitted.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated \$3,000,000 to
13 carry out this Act, to remain available until expended.

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