

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish a community disaster assistance fund for housing and community development and to authorize the Secretary of Housing and Urban Development to provide, from the fund, assistance through a community development block grant disaster recovery program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself, Ms. COLLINS, Mr. YOUNG, Mr. LEAHY, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a community disaster assistance fund for housing and community development and to authorize the Secretary of Housing and Urban Development to provide, from the fund, assistance through a community development block grant disaster recovery program, 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 “Reforming Disaster  
5 Recovery Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) following a major disaster declared by the  
4 President under section 401 of the Robert T. Staf-  
5 ford Disaster Relief and Emergency Assistance Act  
6 (42 U.S.C. 5170), the subset of communities that  
7 are most impacted and distressed as a result of the  
8 disaster face critical social, economic, and environ-  
9 mental obstacles to recovery, including insufficient  
10 public and private resources to address disaster-re-  
11 lated housing and community development needs for  
12 lower income households and distressed commu-  
13 nities;

14 (2) unmet disaster recovery needs, including  
15 housing assistance needs, can be especially wide-  
16 spread among persons with extremely low, low, and  
17 moderate incomes;

18 (3) economic, social, and housing hardships  
19 that affect communities before disasters are exacer-  
20 bated during crises and can delay and complicate  
21 long-term recovery, especially after catastrophic  
22 major disasters;

23 (4) States, units of local government, and In-  
24 dian Tribes within the most impacted and distressed  
25 areas resulting from major disasters benefit from  
26 flexibility to design programs that meet local needs,

1 but face inadequate financial, technical, and staffing  
2 capacity to plan and carry out sustained recovery,  
3 restoration, and mitigation activities;

4 (5) the speed and effectiveness considerations of  
5 long-term recovery from catastrophic major disasters  
6 is improved by predictable investments that support  
7 disaster relief, long-term recovery, restoration of  
8 housing and infrastructure, and economic revitaliza-  
9 tion, primarily for the benefit of low- and moderate-  
10 income persons;

11 (6) undertaking activities that mitigate the ef-  
12 fects of future natural disasters and extreme weath-  
13 er and increase the stock of affordable housing, in-  
14 cluding affordable rental housing, as part of long-  
15 term recovery can significantly reduce future fiscal  
16 and social costs, especially within high-risk areas,  
17 and can help to address outstanding housing and  
18 community development needs by creating jobs and  
19 providing other economic and social benefits within  
20 communities that further promote recovery and resil-  
21 ience; and

22 (7) the general welfare and security of the na-  
23 tion and the health and living standards of its people  
24 require targeted resources to support State and local  
25 governments in carrying out their responsibilities in

1 disaster recovery and mitigation through interim and  
2 long-term housing and community development ac-  
3 tivities that primarily benefit persons of low and  
4 moderate income.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) DEPARTMENT.—The term “Department”  
8 means the Department of Housing and Urban De-  
9 velopment.

10 (2) FUND.—The term “Fund” means the  
11 Long-Term Disaster Recovery Fund established  
12 under section 5.

13 (3) SECRETARY.—The term “Secretary” means  
14 the Secretary of Housing and Urban Development.

15 **SEC. 4. DUTIES OF THE DEPARTMENT OF HOUSING AND**  
16 **URBAN DEVELOPMENT.**

17 (a) IN GENERAL.—The offices and officers of the De-  
18 partment shall be responsible for—

19 (1) leading and coordinating the disaster-re-  
20 lated responsibilities of the Department under the  
21 National Response Framework, the National Dis-  
22 aster Recovery Framework, and the National Mitiga-  
23 tion Framework;

24 (2) coordinating and administering programs,  
25 policies, and activities of the Department related to

1 disaster relief, long-term recovery, resiliency, and  
2 mitigation, including disaster recovery assistance  
3 under title I of the Housing and Community Devel-  
4 opment Act of 1974 (42 U.S.C. 5301 et seq.);

5 (3) supporting disaster-impacted communities  
6 as those communities plan specifically assess, plan  
7 for, and address housing needs in the transition  
8 from emergency shelters and interim housing to per-  
9 manent housing of those displaced and the housing  
10 stock, especially among vulnerable populations and  
11 extremely low-, low-, and moderate-income house-  
12 holds;

13 (4) collaborating with the Federal Emergency  
14 Management Agency, the Small Business Adminis-  
15 tration, and across the Department to align disaster-  
16 related regulations and policies, including incorpora-  
17 tion of consensus-based codes and standards and in-  
18 surance purchase requirements, and ensuring coordi-  
19 nation and reducing duplication among other Fed-  
20 eral disaster recovery programs;

21 (5) promoting best practices in mitigation and  
22 land use planning, including consideration of tradi-  
23 tional, natural, and nature-based infrastructure al-  
24 ternatives;

1           (6) coordinating technical assistance, including  
2 mitigation, resiliency, and recovery training and in-  
3 formation on all relevant legal and regulatory re-  
4 quirements, to entities that receive disaster recovery  
5 assistance under title I of the Housing and Commu-  
6 nity Development Act of 1974 (42 U.S.C. 5301 et  
7 seq.) that demonstrate capacity constraints; and

8           (7) supporting State, Tribal, and local govern-  
9 ments in developing, coordinating, and maintaining  
10 their capacity for disaster resilience and recovery,  
11 and developing pre-disaster recovery and hazard  
12 mitigation plans, in coordination with the Federal  
13 Emergency Management Agency and other Federal  
14 agencies.

15       (b) ESTABLISHMENT OF THE OFFICE OF DISASTER  
16 MANAGEMENT AND RESILIENCY.—Section 4 of the De-  
17 partment of Housing and Urban Development Act (42  
18 U.S.C. 3533) is amended by adding at the end the fol-  
19 lowing:

20       “(i) OFFICE OF DISASTER MANAGEMENT AND RE-  
21 SILIENCY.—

22           “(1) ESTABLISHMENT.—There is established,  
23 in the Office of the Secretary, the Office of Disaster  
24 Management and Resiliency.



1           5306(c)(4)) as a result of actions taken under  
2           section 104(e), 111, or 123(j) of such Act.

3           (B) Any unobligated balances available  
4           until expended remaining or subsequently re-  
5           captured from amounts appropriated for any  
6           disaster and related purposes under the heading  
7           “Community Development Fund” in any Act  
8           prior to the establishment of the Fund.

9           (3) USE OF TRANSFERRED AMOUNTS.—  
10          Amounts transferred to the Fund shall be used for  
11          the eligible uses described in subsection (e).

12          (c) ELIGIBLE USES OF FUND.—

13           (1) IN GENERAL.—Amounts in the Fund shall  
14          be available—

15           (A) to provide assistance in the form of  
16           grants under section 123 of the Housing and  
17           Community Development Act of 1974, as added  
18           by section 6; and

19           (B) for activities of the Department that  
20           support the provision of such assistance, includ-  
21           ing necessary salaries and expenses, informa-  
22           tion technology, capacity building and technical  
23           assistance (including assistance related to pre-  
24           disaster planning), and readiness and other pre-



1 disaster planning activities that are not readily  
2 attributable to a single major disaster.

3 (2) SET ASIDE.—Of each amount appropriated  
4 for or transferred to the Fund, 2 percent shall be  
5 made available for activities described in paragraph  
6 (1)(B), which shall be in addition to other amounts  
7 made available for those activities.

8 (3) TRANSFER OF FUNDS.—Amounts made  
9 available for use in accordance with paragraph (2)—

10 (A) may be transferred to the account  
11 under the heading for “Program Offices—Com-  
12 munity Planning and Development”, or any  
13 successor account, for the Department to carry  
14 out activities described in paragraph (1)(B);  
15 and

16 (B) may be used for the activities de-  
17 scribed in paragraph (1)(B) and for the admin-  
18 istrative costs of administering any funds ap-  
19 propriated to the Department under the head-  
20 ing “Community Planning and Development—  
21 Community Development Fund” for any major  
22 disaster declared under section 401 of the Rob-  
23 ert T. Stafford Disaster Relief and Emergency  
24 Assistance Act (42 U.S.C. 5170) in any Act be-  
25 fore the establishment of the Fund.

1 (d) INTERCHANGEABILITY OF PRIOR ADMINISTRA-  
2 TIVE AMOUNTS.—Any amounts appropriated in any Act  
3 prior to the establishment of the Fund and transferred  
4 to the account under the heading “Program Offices Sala-  
5 ries and Expenses—Community Planning and Develop-  
6 ment”, or any predecessor account, for the Department  
7 for the costs of administering funds appropriated to the  
8 Department under the heading “Community Planning and  
9 Development—Community Development Fund” for any  
10 major disaster declared under section 401 of the Robert  
11 T. Stafford Disaster Relief and Emergency Assistance Act  
12 (42 U.S.C. 5170) shall be available for the costs of admin-  
13 istering any such funds provided by any prior or future  
14 Act, notwithstanding the purposes for which those  
15 amounts were appropriated and in addition to any amount  
16 provided for the same purposes in other appropriations  
17 Acts.

18 (e) AVAILABILITY OF AMOUNTS.—Amounts appro-  
19 priated, transferred and credited to the Fund shall remain  
20 available until expended.

21 (f) FORMULA ALLOCATION.—Use of amounts in the  
22 Fund for grants shall be made by formula allocation in  
23 accordance with the requirements of section 123(a) of the  
24 Housing and Community Development Act of 1974, as  
25 added by section 6.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Fund such sums  
3 as may be necessary to respond to current or future major  
4 disasters declared under section 401 of the Robert T.  
5 Stafford Disaster Relief and Emergency Assistance Act  
6 (42 U.S.C. 5179) for grants under section 123 of the  
7 Housing and Community Development Act of 1974, as  
8 added by section 6.

9 **SEC. 6. ESTABLISHMENT OF CDBG DISASTER RECOVERY**  
10 **PROGRAM.**

11 Title I of the Housing and Community Development  
12 Act of 1974 (42 U.S.C. 5301 et seq.) is amended—

13 (1) in section 102(a) (42 U.S.C. 5302(a))—

14 (A) in paragraph (20)—

15 (i) by redesignating subparagraph (B)  
16 as subparagraph (C);

17 (ii) in subparagraph (C), as so reded-  
18 igned, by inserting “or (B)” after “sub-  
19 paragraph (A)”; and

20 (iii) by inserting after subparagraph  
21 (A) the following:

22 “(B) The term ‘persons of extremely low  
23 income’ means families and individuals whose  
24 income levels do not exceed household income  
25 levels determined by the Secretary under sec-

1           tion 3(b)(2) of the United States Housing Act  
2           of 1937 (42 U.S.C. 1437a(b)(2)(C)), except  
3           that the Secretary may provide alternative defi-  
4           nitions for the Commonwealth of Puerto Rico,  
5           Guam, the Commonwealth of the Northern  
6           Mariana Islands, the United States Virgin Is-  
7           lands, and American Samoa.”; and

8                       (B) by adding at the end the following:

9                       “(25) The term ‘major disaster’ has the mean-  
10           ing given the term in section 102 of the Robert T.  
11           Stafford Disaster Relief and Emergency Assistance  
12           Act (42 U.S.C. 5122).”;

13                   (2) in section 106(c)(4) (42 U.S.C.  
14           5306(c)(4))—

15                       (A) in subparagraph (A)—

16                           (i) by striking “declared by the Presi-  
17                       dent under the Robert T. Stafford Disaster  
18                       Relief and Emergency Assistance Act”;

19                           (ii) inserting “States for use in non-  
20                       entitlement areas and to” before “metro-  
21                       politan cities”; and

22                           (iii) inserting “major” after “affected  
23                       by the”;

24                       (B) in subparagraph (C)—

1 (i) by striking “metropolitan city or”  
2 and inserting “State, metropolitan city,  
3 or”;

4 (ii) by striking “city or county” and  
5 inserting “State, city, or county”; and

6 (iii) by inserting “major” before “dis-  
7 aster”;

8 (C) in subparagraph (D), by striking “met-  
9 ropolitan cities and” and inserting “States,  
10 metropolitan cities, and”;

11 (D) in subparagraph (F)—

12 (i) by striking “metropolitan city or”  
13 and inserting “State, metropolitan city,  
14 or”; and

15 (ii) by inserting “major” before “dis-  
16 aster”; and

17 (E) in subparagraph (G), by striking “met-  
18 ropolitan city or” and inserting “State, metro-  
19 politan city, or”; and

20 (3) in section 122 (42 U.S.C. 5321), by striking  
21 “disaster under title IV of the Robert T. Stafford  
22 Disaster Relief and Emergency Assistance Act” and  
23 inserting “major disaster”; and

24 (4) by adding at the end the following:

1 **“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**  
2 **ASTER RECOVERY PROGRAM.**

3 “(a) AUTHORIZATION, FORMULA, AND ALLOCA-  
4 TION.—

5 “(1) AUTHORIZATION.—The Secretary is au-  
6 thORIZED to make community development block  
7 grant disaster recovery grants from the Long-Term  
8 Disaster Recovery Fund established under section 5  
9 of the Reforming Disaster Recovery Act (hereinafter  
10 referred to as the ‘Fund’) for necessary expenses for  
11 activities authorized under subsection (f)(1) related  
12 to disaster relief, long-term recovery, restoration of  
13 housing and infrastructure, economic revitalization,  
14 and mitigation in the most impacted and distressed  
15 areas resulting from a catastrophic major disaster.

16 “(2) GRANT AWARDS.—Grants shall be awarded  
17 under this section to States, units of general local  
18 government, and Indian tribes based on capacity and  
19 the concentration of damage, as determined by the  
20 Secretary, to support the efficient and effective ad-  
21 ministration of funds.

22 “(3) SECTION 106 ALLOCATIONS.—Grants  
23 under this section shall not be considered relevant to  
24 the formula allocations made pursuant to section  
25 106.

26 “(4) FEDERAL REGISTER NOTICE.—

1           “(A) IN GENERAL.—Not later than 30  
2 days after the date of enactment of this section,  
3 the Secretary shall issue a notice in the Federal  
4 Register containing the latest formula allocation  
5 methodologies used to determine the total esti-  
6 mate of unmet needs related to housing, eco-  
7 nomic revitalization, and infrastructure in the  
8 most impacted and distressed areas resulting  
9 from a catastrophic major disaster.

10           “(B) PUBLIC COMMENT.—In the notice  
11 issued under subparagraph (A), the Secretary  
12 shall solicit public comments on—

13           “(i) the methodologies described in  
14 subparagraph (A) and seek alternative  
15 methods for formula allocation within a  
16 similar total amount of funding;

17           “(ii) the impact of formula methodolo-  
18 gies on rural areas and Tribal areas;

19           “(iii) adjustments to improve tar-  
20 geting to the most serious needs;

21           “(iv) objective criteria for grantee ca-  
22 pacity and concentration of damage to in-  
23 form grantee determinations and minimum  
24 allocation thresholds; and

1           “(v) research and data to inform an  
2           additional amount to be provided for miti-  
3           gation depending on type of disaster, which  
4           shall be no more than 30 percent of the  
5           total estimate of unmet needs.

6           “(5) REGULATIONS.—

7           “(A) IN GENERAL.—The Secretary shall,  
8           by regulation, establish a formula to allocate as-  
9           sistance from the Fund to the most impacted  
10          and distressed areas resulting from a cata-  
11          strophic major disaster.

12          “(B) FORMULA REQUIREMENTS.—The for-  
13          mula established under subparagraph (A)  
14          shall—

15                 “(i) set forth criteria to determine  
16                 that a major disaster is catastrophic, which  
17                 criteria shall consider the presence of a  
18                 high concentration of damaged housing or  
19                 businesses that individual, State, Tribal,  
20                 and local resources could not reasonably be  
21                 expected to address without additional  
22                 Federal assistance, or other nationally en-  
23                 compassing data that the Secretary deter-  
24                 mines are adequate to assess relative im-  
25                 pact and distress across geographic areas.



1           “(ii) include a methodology for identi-  
2           fying most impacted and distressed areas,  
3           which shall consider unmet serious needs  
4           related to housing, economic revitalization,  
5           and infrastructure;

6           “(iii) include an allocation calculation  
7           that considers the unmet serious needs re-  
8           sulting from the catastrophic major dis-  
9           aster and an additional amount up to 30  
10          percent for activities to reduce risks of loss  
11          resulting from other natural disasters in  
12          the most impacted and distressed area, pri-  
13          marily for the benefit of low- and mod-  
14          erate-income persons, with particular focus  
15          on activities that reduce repetitive loss of  
16          property and critical infrastructure; and

17          “(iv) establish objective criteria for  
18          periodic review and updates to the formula  
19          to reflect changes in available science and  
20          data.

21          “(C) MINIMUM ALLOCATION THRESH-  
22          OLD.—The Secretary shall, by regulation, es-  
23          tablish a minimum allocation threshold.

1           “(D) INTERIM ALLOCATION.—Until such  
2 time that the Secretary issues final regulations  
3 under this paragraph, the Secretary shall—

4           “(i) allocate assistance from the Fund  
5 using the formula allocation methodology  
6 published in accordance with paragraph  
7 (4); and

8           “(ii) include an additional amount for  
9 mitigation equal to 15 percent of the total  
10 estimate of unmet need.

11           “(6) ALLOCATION OF FUNDS.—

12           “(A) IN GENERAL.—The Secretary shall—

13           “(i) except as provided in clause (ii),  
14 not later than 90 days after the President  
15 declares a major disaster, use best avail-  
16 able data to determine whether the major  
17 disaster is catastrophic and qualifies for  
18 assistance under the formula in paragraph  
19 (4) or (5), unless data is insufficient to  
20 make this determination; and

21           “(ii) if the best available data is insuf-  
22 ficient to make the determination required  
23 under clause (i) within the 90-day period  
24 described in that clause, the Secretary  
25 shall determine whether the major disaster

1           qualifies when sufficient data becomes  
2           available, but in no case shall the Sec-  
3           retary make the determination later than  
4           120 days after the declaration of the major  
5           disaster.

6           “(B) ANNOUNCEMENT OF ALLOCATION.—  
7           If amounts are available in the Fund at the  
8           time the Secretary determines that the major  
9           disaster is catastrophic and qualifies for assist-  
10          ance under the formula in paragraph (4) or (5),  
11          the Secretary shall immediately announce an al-  
12          location for a grant under this section.

13          “(C) ADDITIONAL AMOUNTS.—If addi-  
14          tional amounts are appropriated to the Fund  
15          after amounts are allocated under subpara-  
16          graph (B), the Secretary shall announce an al-  
17          location or additional allocation (if a prior allo-  
18          cation under subparagraph (B) was less than  
19          the formula calculation) within 15 days of any  
20          such appropriation.

21          “(7) PRELIMINARY FUNDING.—

22          “(A) IN GENERAL.—To speed recovery, the  
23          Secretary is authorized to allocate and award  
24          preliminary grants from the Fund before mak-  
25          ing a determination under paragraph (6) if the

1 Secretary projects, based on a preliminary as-  
2 sessment of impact and distress, that a major  
3 disaster is catastrophic and would likely qualify  
4 for funding under the formula in paragraph (4)  
5 or (5).

6 “(B) AMOUNT.—

7 “(i) MAXIMUM.—The Secretary may  
8 award preliminary funding under subpara-  
9 graph (A) in an amount that is not more  
10 than \$5,000,000.

11 “(ii) SLIDING SCALE.—The Secretary  
12 shall, by regulation, establish a sliding  
13 scale for preliminary funding awarded  
14 under subparagraph (A) based on the size  
15 of the preliminary assessment of impact  
16 and distress.

17 “(C) USE OF FUNDS.—The uses of pre-  
18 liminary funding awarded under subparagraph  
19 (A) shall be limited to eligible activities that—

20 “(i) in the determination of the Sec-  
21 retary, will support faster recovery, im-  
22 prove the ability of the grantee to assess  
23 unmet recovery needs, plan for the preven-  
24 tion of improper payments, and reduce  
25 fraud, waste, and abuse; and

1                   “(ii) may include evaluating the in-  
2                   terim housing, permanent housing, and  
3                   supportive service needs of the disaster im-  
4                   pacted community, with special attention  
5                   to vulnerable populations, such as homeless  
6                   and low- to moderate-income households,  
7                   to inform the grantee action plan required  
8                   under subsection (c).

9                   “(D) CONSIDERATION OF FUNDING.—Pre-  
10                  liminary funding awarded under subparagraph  
11                  (A)—

12                   “(i) is not subject to the certification  
13                   requirements of paragraph (h)(1); and

14                   “(ii) shall not be considered when cal-  
15                   culating the amount of the grant used for  
16                   administrative costs, technical assistance,  
17                   and planning activities that are subject to  
18                   the requirements under subsection (f)(2).

19                   “(E) WAIVER.—To expedite the use of  
20                  preliminary funding for activities described in  
21                  this paragraph, the Secretary may waive re-  
22                  quirements of this section in accordance with  
23                  subsection (i).

24                   “(F) AMENDED AWARD.—

1                   “(i) IN GENERAL.—An award for pre-  
2                   liminary funding under subparagraph (A)  
3                   may be amended to add any subsequent  
4                   amount awarded because of a determina-  
5                   tion by the Secretary that a major disaster  
6                   is catastrophic and qualifies for assistance  
7                   under the formula.

8                   “(ii)           APPLICABILITY.—Notwith-  
9                   standing subparagraph (D), amounts pro-  
10                  vided by an amendment under clause (i)  
11                  are subject to the requirements under sub-  
12                  sections (h)(1) and (f)(1) and other re-  
13                  quirements on grant funds under this sec-  
14                  tion.

15                  “(G) TECHNICAL ASSISTANCE.—Concur-  
16                  rent with the allocation of any preliminary  
17                  funding awarded under this paragraph, the Sec-  
18                  retary shall assign or provide technical assist-  
19                  ance to the recipient of the grant.

20                  “(b) INTERCHANGEABILITY.—The Secretary—

21                       “(1) is authorized to approve the use of grants  
22                       under this section to be used interchangeably and  
23                       without limitation for the same activities in the most  
24                       impacted and distressed areas resulting from a dec-  
25                       laration of another catastrophic major disaster that

1       qualifies for assistance under the formula estab-  
2       lished under paragraph (4) or (5) of subsection (a);  
3       and

4               “(2) shall establish requirements to expedite the  
5       use of grants under this section for the purpose de-  
6       scribed in paragraph (1).

7       “(c) GRANTEE PLANS.—

8               “(1) REQUIREMENT.—Not later than 90 days  
9       after the date on which the Secretary announces a  
10      grant allocation under this section, unless an exten-  
11      sion is granted by the Secretary, the grantee shall  
12      submit to the Secretary a plan for approval describ-  
13      ing—

14               “(A) the activities the grantee will carry  
15      out with the grant under this section;

16               “(B) the criteria of the grantee for award-  
17      ing assistance and selecting activities;

18               “(C) how the use of the grant under this  
19      section will address disaster relief, long-term re-  
20      covery, restoration of housing and infrastruc-  
21      ture, economic revitalization, and mitigation in  
22      the most impacted and distressed areas

23               “(D) how the use of the grant funds for  
24      mitigation is consistent with hazard mitigation  
25      plans submitted to the Federal Emergency

1 Management Agency under section 322 of the  
2 Robert T. Stafford Disaster Relief and Emer-  
3 gency Assistance Act (42 U.S.C. 5165);

4 “(E) the estimated amount proposed to be  
5 used for activities that will benefit persons of  
6 low- and moderate-income;

7 “(F) how the use of grant funds will repair  
8 and replace existing housing stock for vulner-  
9 able populations, including low- to moderate-in-  
10 come households;

11 “(G) how the grantee will address the pri-  
12 orities described in paragraph (5);

13 “(H) how uses of funds are proportional to  
14 unmet needs, as required under paragraph (5);

15 “(I) for State grantees that plan to dis-  
16 tribute grant amounts to units of general local  
17 government, a description of the method of dis-  
18 tribution; and

19 “(J) such other information as may be de-  
20 termined by the Secretary in regulation.

21 “(2) PUBLIC CONSULTATION.—To permit pub-  
22 lic examination and appraisal of the plan described  
23 in paragraph (1), to enhance the public account-  
24 ability of grantees, and to facilitate coordination of  
25 activities with different levels of government, when



1 developing the plan or substantial amendments pro-  
2 posed to the plan required under paragraph (1), a  
3 grantee shall—

4 “(A) publish the plan before adoption;

5 “(B) provide citizens, affected units of  
6 general local government, and other interested  
7 parties with reasonable notice of, and oppor-  
8 tunity to comment on, the plan, with a public  
9 comment period of not less than 14 days;

10 “(C) consider comments received before  
11 submission to the Secretary;

12 “(D) follow a citizen participation plan for  
13 disaster assistance adopted by the grantee that,  
14 at a minimum, provides for participation of  
15 residents of the most impacted and distressed  
16 area affected by the major disaster that re-  
17 sulted in the grant under this section and other  
18 considerations established by the Secretary; and

19 “(E) undertake any consultation with in-  
20 terested parties as may be determined by the  
21 Secretary in regulation.

22 “(3) APPROVAL.—The Secretary shall—

23 “(A) by regulation, specify criteria for the  
24 approval, partial approval, or disapproval of a  
25 plan submitted under paragraph (1), including

1 approval of substantial amendments to the  
2 plan;

3 “(B) review a plan submitted under para-  
4 graph (1) upon receipt of the plan;

5 “(C) allow a grantee to revise and resub-  
6 mit a plan or substantial amendment to a plan  
7 under paragraph (1) that the Secretary dis-  
8 approves;

9 “(D) by regulation, specify criteria for  
10 when the grantee shall be required to provide  
11 the required revisions to a disapproved plan or  
12 substantial amendment under paragraph (1) for  
13 public comment prior to resubmission of the  
14 plan or substantial amendment to the Sec-  
15 retary; and

16 “(E) approve, partially approve, or dis-  
17 approve a plan or substantial amendment under  
18 paragraph (1) not later than 60 days after the  
19 date on which the plan or substantial amend-  
20 ment is received by the Secretary.

21 “(4) LOW- AND MODERATE-INCOME OVERALL  
22 BENEFIT.—

23 “(A) USE OF FUNDS.—Not less than 70  
24 percent of a grant made under this section shall

1 be used for activities that benefit persons of low  
2 and moderate income unless the Secretary—

3 “(i) specifically finds that—

4 “(I) there is compelling need to  
5 reduce the percentage for the grant;  
6 and

7 “(II) the housing needs of low-  
8 and moderate-income residents have  
9 been addressed; and

10 “(ii) issues a waiver and alternative  
11 requirements pursuant to subsection (i) to  
12 lower the percentage.

13 “(B) REGULATIONS.—The Secretary shall,  
14 by regulation, establish protocols consistent  
15 with the findings of section 2 of the Reforming  
16 Disaster Recovery Act to prioritize the use of  
17 funds by a grantee under this section to meet  
18 the needs of low- and moderate-income persons  
19 and businesses serving primarily persons of low  
20 and moderate income.

21 “(5) PRIORITIZATION.—The grantee shall  
22 prioritize activities that—

23 “(A) assist persons with extremely low,  
24 low, and moderate incomes and other vulnerable  
25 populations to better recover from and with-

1 stand future disasters, emphasizing those with  
2 the most severe needs;

3 “(B) address affordable housing, including  
4 affordable rental housing, needs arising from a  
5 disaster or those needs present prior to a dis-  
6 aster;

7 “(C) prolong the life of housing and infra-  
8 structure;

9 “(D) use cost-effective means of preventing  
10 harm to people and property and incorporate  
11 protective features, redundancies, energy sav-  
12 ings; and

13 “(E) other measures that will assure the  
14 continuation of critical services during future  
15 disasters.

16 “(6) PROPORTIONAL ALLOCATION.—

17 “(A) IN GENERAL.—A grantee under this  
18 section shall allocate grant funds proportional  
19 to unmet needs between housing activities, eco-  
20 nomic revitalization, and infrastructure, unless  
21 the Secretary—

22 “(i) specifically finds that—

23 “(I) there is a compelling need  
24 for a disproportional allocation among  
25 those unmet needs; and

1                   “(II) the disproportional alloca-  
2                   tion described in subclause (I) is not  
3                   inconsistent with the requirements  
4                   under paragraph (4); and

5                   “(ii) issues a waiver and alternative  
6                   requirement pursuant to subsection (i) to  
7                   allow for the disproportional allocation de-  
8                   scribed in clause (i)(I).

9                   “(B) HOUSING ACTIVITIES.—With respect  
10                  to housing activities described in subparagraph  
11                  (A)(i), grantees should address proportional  
12                  needs between homeowners and renters, includ-  
13                  ing low-income households in public housing  
14                  and federally subsidized housing.

15                  “(7) DISASTER RISK MITIGATION.—

16                  “(A) DEFINITIONS.—In this paragraph,  
17                  the term ‘hazard-prone areas’—

18                  “(i) means areas identified by the  
19                  Secretary, in consultation with the Admin-  
20                  istrator of the Federal Emergency Man-  
21                  agement Agency, at risk from natural haz-  
22                  ards that threaten property damage or  
23                  health, safety, and welfare, such as floods,  
24                  wildfires (including Wildland-Urban Inter-

1 face areas), earthquakes, lava inundation,  
2 tornados, and high winds; and

3 “(ii) includes areas having special  
4 flood hazards as identified under the Flood  
5 Disaster Protection Act of 1973 (42  
6 U.S.C. 4002 et seq.) or the National Flood  
7 Insurance Act of 1968 (42 U.S.C. 4001 et  
8 seq.).

9 “(B) HAZARD-PRONE AREAS.—The Sec-  
10 retary, in consultation with the Administrator  
11 of the Federal Emergency Management Agency,  
12 shall establish minimum construction standards,  
13 insurance purchase requirements, and other re-  
14 quirements for the use of grant funds in haz-  
15 ard-prone areas.

16 “(C) SPECIAL FLOOD HAZARDS.—For the  
17 areas described in subparagraph (A)(ii), the in-  
18 surance purchase requirements established  
19 under subparagraph (B) shall meet or exceed  
20 the requirements under section 102(a) of the  
21 Flood Disaster Protection Act of 1973(42  
22 U.S.C. 4012a(a)).

23 “(D) CONSIDERATION OF FUTURE  
24 RISKS.—The Secretary may consider future  
25 risks to protecting property and health, safety,

1 and general welfare, and the likelihood of those  
2 risks, when making the determination of or  
3 modification to hazard-prone areas under this  
4 paragraph.

5 “(8) RELOCATION.—

6 “(A) IN GENERAL.—The Uniform Reloca-  
7 tion Assistance and Real Property Acquisition  
8 Policies Act of 1970 (42 U.S.C. 4601 et seq.)  
9 shall apply to activities assisted under this sec-  
10 tion to the extent determined by the Secretary  
11 in regulation, or as provided in waivers and al-  
12 ternative requirements authorized in accordance  
13 with subsection (i).

14 “(B) POLICY.—Each grantee under this  
15 section shall establish a relocation assistance  
16 policy that—

17 “(i) minimizes displacement and de-  
18 scribes the benefits available to persons  
19 displaced as a direct result of acquisition,  
20 rehabilitation, or demolition in connection  
21 with an activity that is assisted by a grant  
22 under this section; and

23 “(ii) includes any appeal rights or  
24 other requirements that the Secretary es-  
25 tablishes by regulation.

1           “(d) CERTIFICATIONS.—Any grant under this section  
2 shall be made only if the grantee certifies to the satisfac-  
3 tion of the Secretary that—

4           “(1) the grantee is in full compliance with the  
5 requirements under subsection (c)(2);

6           “(2) for grants other than grants to Indian  
7 tribes, the grant will be conducted and administered  
8 in conformity with the Civil Rights Act of 1964 (42  
9 U.S.C. 2000a et seq.) and the Fair Housing Act (42  
10 U.S.C. 3601 et seq.);

11           “(3) the projected use of funds has been devel-  
12 oped so as to give maximum feasible priority to ac-  
13 tivities that will benefit extremely low-, low-, and  
14 moderate-income families and activities described in  
15 subsection (c)(5), and may also include activities  
16 that are designed to aid in the prevention or elimi-  
17 nation of slum and blight to support disaster recov-  
18 ery, meet other community development needs hav-  
19 ing a particular urgency because existing conditions  
20 pose a serious and immediate threat to the health or  
21 welfare of the community where other financial re-  
22 sources are not available to meet such needs, and al-  
23 leviate future threats to human populations, critical  
24 natural resources, and property that an analysis of



1 hazards shows are likely to result from natural dis-  
2 asters in the future;

3 “(4) the grant funds shall principally benefit  
4 persons of low and moderate income as described in  
5 subsection (c)(4);

6 “(5) for grants other than grants to Indian  
7 tribes, within 24 months of receiving a grant or at  
8 the time of its 3 or 5-year update, whichever is soon-  
9 er, the grantee will review and make modifications to  
10 its non-disaster housing and community development  
11 plans and strategies required by subsections (c) and  
12 (m) of section 104 to reflect the disaster recovery  
13 needs identified by the grantee and consistency with  
14 the plan under subsection (c)(1);

15 “(6) the grantee will not attempt to recover any  
16 capital costs of public improvements assisted in  
17 whole or part under this section by assessing any  
18 amount against properties owned and occupied by  
19 persons of low and moderate income, including any  
20 fee charged or assessment made as a condition of  
21 obtaining access to such public improvements, un-  
22 less—

23 “(A) funds received under this section are  
24 used to pay the proportion of such fee or as-  
25 sessment that relates to the capital costs of

1 such public improvements that are financed  
2 from revenue sources other than under this  
3 chapter; or

4 “(B) for purposes of assessing any amount  
5 against properties owned and occupied by per-  
6 sons of moderate income, the grantee certifies  
7 to the Secretary that the grantee lacks suffi-  
8 cient funds received under this section to com-  
9 ply with the requirements of subparagraph (A);

10 “(7) the grantee will comply with the other pro-  
11 visions of this title that apply to assistance under  
12 this section and with other applicable laws;

13 “(8) the grantee will follow a relocation assist-  
14 ance policy that includes any minimum requirements  
15 identified by the Secretary; and

16 “(9) the grantee will adhere to construction  
17 standards, insurance purchase requirements, and  
18 other requirements for development in hazard-prone  
19 areas described in subsection (c)(7).

20 “(e) PERFORMANCE REVIEWS AND REPORTING.—

21 “(1) IN GENERAL.—The Secretary shall, on not  
22 less frequently than an annual basis, make such re-  
23 views and audits as may be necessary or appropriate  
24 to determine whether a grantee under this section  
25 has—

1           “(A) carried out activities using grant  
2 funds in a timely manner;

3           “(B) met the performance targets estab-  
4 lished by paragraph (2);

5           “(C) carried out activities using grant  
6 funds in accordance with the requirements of  
7 this section, the other provisions of this title  
8 that apply to assistance under this section, and  
9 other applicable laws; and

10           “(D) a continuing capacity to carry out ac-  
11 tivities in a timely manner.

12           “(2) PERFORMANCE TARGETS.—The Secretary  
13 shall develop and make publicly available critical  
14 performance targets for review, which shall include  
15 spending thresholds for each year from the date on  
16 which funds are obligated by the Secretary to the  
17 grantee until such time all funds have been ex-  
18 pended.

19           “(3) FAILURE TO MEET TARGETS.—

20           “(A) SUSPENSION.—If a grantee under  
21 this section fails to meet 1 or more critical per-  
22 formance targets under paragraph (2), the Sec-  
23 retary may temporarily suspend the grant.

24           “(B) PERFORMANCE IMPROVEMENT  
25 PLAN.—If the Secretary suspends a grant

1 under subparagraph (A), the Secretary shall  
2 provide to the grantee a performance improve-  
3 ment plan with the specific requirements needed  
4 to lift the suspension within a defined time pe-  
5 riod.

6 “(C) REPORT.—If a grantee fails to meet  
7 the spending thresholds established under para-  
8 graph (2), the grantee shall submit to the Sec-  
9 retary, the appropriate committees of Congress,  
10 and each member of Congress who represents a  
11 district or State of the grantee a written report  
12 identifying technical capacity, funding, or other  
13 Federal or State impediments affecting the abil-  
14 ity of the grantee to meet the spending thresh-  
15 olds.

16 “(4) COLLECTION OF INFORMATION AND RE-  
17 PORTING.—

18 “(A) REQUIREMENT TO REPORT.—A  
19 grantee under this section shall provide to the  
20 Secretary such information as the Secretary  
21 may determine necessary for adequate oversight  
22 of the grant program under this section.

23 “(B) PUBLIC AVAILABILITY.—Subject to  
24 subparagraph (D), the Secretary shall make in-  
25 formation submitted under subparagraph (A)

1 available to the public and to the Inspector  
2 General for the Department of Housing and  
3 Urban Development, disaggregated by income,  
4 geography, and all classes of individuals pro-  
5 tected under section 109.

6 “(C) SUMMARY STATUS REPORTS.—To in-  
7 crease transparency and accountability of the  
8 grant program under this section the Secretary  
9 shall, on not less frequently than an annual  
10 basis, post on a public facing dashboard sum-  
11 mary status reports for all active grants under  
12 this section that includes—

13 “(i) the status of funds by activity;

14 “(ii) the percentages of funds allo-  
15 cated and expended to benefit low- and  
16 moderate-income communities;

17 “(iii) performance targets, spending  
18 thresholds, and accomplishments; and

19 “(iv) other information the Secretary  
20 determines to be relevant for transparency.

21 “(D) CONSIDERATIONS.—In carrying out  
22 this paragraph, the Secretary—

23 “(i) shall take such actions as may be  
24 necessary to ensure that personally identi-  
25 fiable information regarding applicants for

1 assistance provided from funds made avail-  
2 able under this section is not made publicly  
3 available; and

4 “(ii) may make full and unredacted  
5 information available to academic institu-  
6 tions for the purpose of researching into  
7 the equitable distribution of recovery funds  
8 and adherence to civil rights protections.

9 “(f) ELIGIBLE ACTIVITIES.—

10 “(1) IN GENERAL.—Activities assisted under  
11 this section—

12 “(A) may include activities permitted  
13 under section 105 or other activities permitted  
14 by the Secretary by waiver or alternative re-  
15 quirement pursuant to subsection (i); and

16 “(B) shall be related to disaster relief,  
17 long-term recovery, restoration of housing and  
18 infrastructure, economic revitalization, and  
19 mitigation in the most impacted and distressed  
20 areas resulting from the major disaster for  
21 which the grant was awarded.

22 “(2) PROHIBITION.—Grant funds under this  
23 section may not be used for costs reimbursable by,  
24 or for which funds have been made available by, the

1 Federal Emergency Management Agency or the  
2 United States Army Corps of Engineers.

3 “(3) ADMINISTRATIVE COSTS, TECHNICAL AS-  
4 SISTANCE AND PLANNING.—

5 “(A) IN GENERAL.—The Secretary shall  
6 establish in regulation the maximum grant  
7 amounts a grantee may use for administrative  
8 costs, technical assistance and planning activi-  
9 ties, taking into consideration size of grant,  
10 complexity of recovery, and other factors as de-  
11 termined by the Secretary, but not to exceed 10  
12 percent for administration and 20 percent in  
13 total.

14 “(B) AVAILABILITY.—Amounts available  
15 for administrative costs for a grant under this  
16 section shall be available for eligible administra-  
17 tive costs of the grantee for any grant made  
18 under this section, without regard to a par-  
19 ticular disaster.

20 “(4) PROGRAM INCOME.—Notwithstanding any  
21 other provision of law, any grantee under this sec-  
22 tion may retain program income that is realized  
23 from grants made by the Secretary under this sec-  
24 tion if the grantee agrees that the grantee will uti-  
25 lize the program income in accordance with the re-

1 requirements for grants under this section, except that  
2 the Secretary may—

3 “(A) by regulation, exclude from consider-  
4 ation as program income any amounts deter-  
5 mined to be so small that compliance with this  
6 paragraph creates an unreasonable administra-  
7 tive burden on the grantee; or

8 “(B) permit the grantee to transfer re-  
9 maining program income to the other grants of  
10 the grantee under this title upon closeout of the  
11 grant.

12 “(5) PROHIBITION ON USE OF ASSISTANCE FOR  
13 EMPLOYMENT RELOCATION ACTIVITIES.—

14 “(A) IN GENERAL.—Grants under this sec-  
15 tion may not be used to assist directly in the  
16 relocation of any industrial or commercial plant,  
17 facility, or operation, from one area to another  
18 area, if the relocation is likely to result in a sig-  
19 nificant loss of employment in the labor market  
20 area from which the relocation occurs.

21 “(B) APPLICABILITY.—The prohibition  
22 under subparagraph (A) shall not apply to a  
23 business that was operating in the disaster-de-  
24 clared labor market area before the incident  
25 date of the applicable disaster and has since



1 moved, in whole or in part, from the affected  
2 area to another State or to a labor market area  
3 within the same State to continue business.

4 “(6) REQUIREMENTS.—Grants under this sec-  
5 tion are subject to the requirements of this section,  
6 the other provisions of this title that apply to assist-  
7 ance under this section, and other applicable laws,  
8 unless modified by waivers and alternative require-  
9 ments in accordance with subsection (i).

10 “(g) ENVIRONMENTAL REVIEW.—

11 “(1) ADOPTION.—A recipient of funds provided  
12 under this section that uses the funds to supplement  
13 Federal assistance provided under section 402, 403,  
14 404, 406, 407, 408(c)(4), 428, or 502 of the Robert  
15 T. Stafford Disaster Relief and Emergency Assist-  
16 ance Act (42 U.S.C. 5170a, 5170b, 5170c, 5172,  
17 5173, 5174(c)(4), 5189f, 5192) may adopt, without  
18 review or public comment, any environmental review,  
19 approval, or permit performed by a Federal agency,  
20 and that adoption shall satisfy the responsibilities of  
21 the recipient with respect to the environmental re-  
22 view, approval, or permit under section 104(g)(1).

23 “(2) APPROVAL OF RELEASE OF FUNDS.—Not-  
24 withstanding section 104(g)(2), the Secretary may,  
25 upon receipt of a request for release of funds and

1 certification, immediately approve the release of  
2 funds for an activity or project to be assisted under  
3 this section if the recipient has adopted an environ-  
4 mental review, approval, or permit under paragraph  
5 (1) or the activity or project is categorically excluded  
6 from review under the National Environmental Pol-  
7 icy Act of 1969 (42 U.S.C. 4321 et seq.).

8 “(3) UNITS OF GENERAL LOCAL GOVERN-  
9 MENT.—The provisions of section 104(g)(4) shall  
10 apply to assistance under this section that a State  
11 distributes to a unit of general local government.

12 “(h) FINANCIAL CONTROLS AND PROCEDURES.—

13 “(1) IN GENERAL.—The Secretary shall develop  
14 requirements and procedures to demonstrate that a  
15 grantee under this section—

16 “(A) has adequate financial controls and  
17 procurement processes;

18 “(B) has adequate procedures to detect  
19 and prevent fraud, waste, abuse and duplication  
20 of benefit; and

21 “(C) maintains a comprehensive and pub-  
22 licly accessible website.

23 “(2) CERTIFICATION.—Before making a grant  
24 under this section, the Secretary shall certify that  
25 the grantee has in place proficient processes and

1 procedures to comply with the requirements devel-  
2 oped under paragraph (1), as determined by the  
3 Secretary.

4 “(3) COMPLIANCE BEFORE ALLOCATION.—The  
5 Secretary may permit a State, unit of general local  
6 government, or Indian tribe to demonstrate compli-  
7 ance with the requirements for adequate financial  
8 controls developed under paragraph (1) before a dis-  
9 aster occurs and before receiving an allocation for a  
10 grant under this section.

11 “(4) DUPLICATION OF BENEFITS.—

12 “(A) IN GENERAL.—Funds made available  
13 under this subsection shall be used in accord-  
14 ance with section 312 of the Robert T. Stafford  
15 Disaster Relief and Emergency Assistance Act  
16 (42 U.S.C. 5155) and such rules may be pre-  
17 scribed under such section.

18 “(B) PENALTIES.—In any case in which  
19 the use of grant funds under this section results  
20 in a prohibited duplication of benefits, the  
21 grantee shall—

22 “(i) apply an amount equal to the  
23 identified duplication to any allowable costs  
24 of the award consistent with actual, imme-  
25 diate cash requirement;

1           “(ii) remit any excess amounts to the  
2           Secretary to be credited to the obligated,  
3           undisbursed balance of the grant con-  
4           sistent with requirements on Federal pay-  
5           ments applicable to such grantee; and

6           “(iii) if excess amounts under clause  
7           (ii) are identified after the period of per-  
8           formance or after the closeout of the  
9           award, remit such amounts to the Sec-  
10          retary to be credited to the Fund.

11          “(C) FAILURE TO COMPLY.—A grantee  
12          that fails to comply with subparagraph (A)  
13          shall be subject to remedies for noncompliance  
14          under section 111, unless the Secretary pub-  
15          lishes a determination in the Federal Register  
16          that it is not in the best interest of the Federal  
17          Government to pursue remedial actions.

18          “(i) WAIVERS.—

19          “(1) IN GENERAL.—In administering grants  
20          under this section, the Secretary may waive, or  
21          specify alternative requirements for, any provision of  
22          any statute or regulation that the Secretary admin-  
23          isters in connection with the obligation by the Sec-  
24          retary or the use by the grantee of those funds (ex-  
25          cept for requirements related to fair housing, non-

1 discrimination, labor standards, the environment,  
2 and the requirements of this section that do not ex-  
3 pressly authorize modifications by waiver or alter-  
4 native requirement), if the Secretary makes a public  
5 finding that good cause exists for the waiver or al-  
6 ternative requirement and the waiver or alternative  
7 requirement would not be inconsistent with the find-  
8 ings in section 2 of the Reforming Disaster Recovery  
9 Act.

10 “(2) EFFECTIVE DATE.—A waiver or alter-  
11 native requirement described in paragraph (1) shall  
12 not take effect before the date that is 5 days after  
13 the date of publication of the waiver or alternative  
14 requirement in a Federal Register notice or the ef-  
15 fective date for any regulation published in the Fed-  
16 eral Register.

17 “(j) UNUSED AMOUNTS.—

18 “(1) DEADLINE TO USE AMOUNTS.—A grantee  
19 under this section shall use an amount equal to the  
20 grant within 6 years beginning on the date on which  
21 the Secretary obligates the amounts to the grantee,  
22 as such period may be extended under paragraph  
23 (4).

24 “(2) RECAPTURE.—The Secretary shall recap-  
25 ture and credit to the Fund any amount that is un-

1 used by a grantee under this section upon the earlier  
2 of—

3 “(A) the date on which the grantee notifies  
4 the Secretary that the grantee has completed all  
5 activities identified in the disaster grantee’s  
6 plan under subsection (c); or

7 “(B) the expiration of the 6-year period  
8 described in paragraph (1), as such period may  
9 be extended under paragraph (4).

10 “(3) RETENTION OF FUNDS.—Notwithstanding  
11 paragraph (1), the Secretary may allow a grantee  
12 under this section to retain—

13 “(A) amounts needed to close out grants;  
14 and

15 “(B) up to 10 percent of the remaining  
16 funds to support maintenance of the minimal  
17 capacity to launch a new program in the event  
18 of a future disaster and to support pre-disaster  
19 long-term recovery and mitigation planning.

20 “(4) EXTENSION OF PERIOD FOR USE OF  
21 FUNDS.—The Secretary may extend the 6-year pe-  
22 riod described in paragraph (1) by not more than 4  
23 years, or not more than 6 years for mitigation activi-  
24 ties, if—

1           “(A) the grantee submits to the Sec-  
2           retary—

3                   “(i) written documentation of the exi-  
4                   gent circumstances impacting the ability of  
5                   the grantee to expend funds that could not  
6                   be anticipated; or

7                   “(ii) a justification that such request  
8                   is necessary due to the nature and com-  
9                   plexity of the program and projects; and

10           “(B) the Secretary submits a written jus-  
11           tification for the extension to the Committees  
12           on Appropriations of Senate and the House of  
13           Representatives that specifies the period of that  
14           extension.”.

15 **SEC. 7. REGULATIONS.**

16           (a) PROPOSED RULES.— Following consultation with  
17           the Federal Emergency Management Agency, the Small  
18           Business Administration, and other Federal agencies, not  
19           later than 6 months after the date of enactment of this  
20           Act, the Secretary shall issue proposed rules to carry out  
21           this Act and the amendments made by this Act and shall  
22           provide a 90-day period for submission of public comments  
23           on those proposed rules.

24           (b) FINAL RULES.—Not later than 1 year after the  
25           date of enactment of this Act, the Secretary shall issue

1 final regulations to carry out section 123 of the Housing  
2 and Community Development Act of 1974, as added by  
3 section 6.

4 **SEC. 8. COORDINATION OF DISASTER BENEFITS AND DATA**  
5 **WITH OTHER FEDERAL AGENCIES.**

6 (a) DATA SHARING AGREEMENTS.—To support the  
7 coordination of data to prevent duplication of benefits with  
8 other Federal disaster recovery programs while also expe-  
9 diting recovery and reducing burden on disaster survivors,  
10 the Department shall establish data sharing agreements  
11 that safeguard privacy with relevant Federal agencies to  
12 ensure disaster benefits effectively and efficiently reach in-  
13 tended beneficiaries, while using effective means of pre-  
14 venting harm to people and property.

15 (b) DATA TRANSFER FROM FEMA AND SBA TO  
16 HUD.—As permitted and deemed necessary for efficient  
17 program execution, and consistent with a computer match-  
18 ing agreement entered into under subsection (e)(1), the  
19 Administrator of the Federal Emergency Management  
20 Agency and the Administrator of the Small Business Ad-  
21 ministration shall provide data on disaster applicants to  
22 the Department, including, when necessary, personally  
23 identifiable information, disaster recovery needs, and re-  
24 sources determined eligible for, and amounts expended, to  
25 the Secretary for all major disasters declared by the Presi-



1 dent pursuant to section 401 of Robert T. Stafford Dis-  
2 aster Relief and Emergency Assistance Act (42 U.S.C.  
3 5170) for the purpose of providing additional assistance  
4 to disaster survivors and prevent duplication of benefits.

5 (c) DATA TRANSFERS FROM HUD TO HUD GRANT-  
6 EES.—The Secretary is authorized to provide to grantees  
7 under section 123 of the Housing and Community Devel-  
8 opment Act of 1974, as added by section 6, offices of the  
9 Department, technical assistance providers, and lenders  
10 information that in the determination of the Secretary is  
11 reasonably available and appropriate to inform the provi-  
12 sion of assistance after a major disaster, including infor-  
13 mation provided to the Secretary by the Administrator of  
14 the Federal Emergency Management Agency, the Admin-  
15 istrator of the Small Business Administration, or other  
16 Federal agencies.

17 (d) DATA TRANSFERS FROM HUD GRANTEES TO  
18 HUD, FEMA, AND SBA.—

19 (1) REPORTING.—Grantees under section 123  
20 of the Housing and Community Development Act of  
21 1974, as added by section 6, shall report informa-  
22 tion requested by the Secretary on households, busi-  
23 nesses, and other entities assisted and the type of  
24 assistance provided.

1           (2) SHARING INFORMATION.—The Secretary  
2 shall share information collected under paragraph  
3 (1) with the Federal Emergency Management Agen-  
4 cy, the Small Business Administration, and other  
5 Federal agencies to support the planning and deliv-  
6 ery of disaster recovery and mitigation assistance.

7           (e) PRIVACY PROTECTION.—The Secretary may  
8 make and receive data transfers authorized under this sec-  
9 tion, including the use and retention of that data for com-  
10 puter matching programs, to inform the provision of as-  
11 sistance, assess disaster recovery needs, and prevent the  
12 duplication of benefits and other waste, fraud, and abuse,  
13 provided that—

14           (1) the Secretary enters a computer matching  
15 agreement with the Administrator of the Federal  
16 Emergency Management Agency, the Administrator  
17 of the Small Business Administration, or other Fed-  
18 eral agencies covering the transfer of data;

19           (2) the Secretary publishes intent to disclose  
20 data in the Federal Register;

21           (3) notwithstanding paragraphs (1) and (2),  
22 section 552a of title 5, United States Code (com-  
23 monly known as the “Privacy Act of 1974”), or any  
24 other law, the Secretary is authorized to share data  
25 with an entity identified in subsection (b), and the

1       entity is authorized to use the data as described in  
2       this section, if the Secretary enters a data sharing  
3       agreement with the entity before sharing or receiving  
4       any information under transfers authorized by this  
5       section, which data sharing agreement shall—

6               (A) in the determination of the Secretary,  
7               include measures adequate to safeguard the pri-  
8               vacy and personally identifiable information of  
9               individuals; and

10              (B) include provisions that describe how  
11              the personally identifiable information of an in-  
12              dividual will be adequately safeguarded and  
13              protected, which requires consultation with the  
14              Secretary and the head of each Federal agency  
15              the data of which is being shared subject to the  
16              agreement.