

116TH CONGRESS
1ST SESSION

S. 2301

To authorize the Secretary of Housing and Urban Development to provide disaster assistance to States, insular areas, units of general local government, and Indian tribes under a community development block grant disaster recovery program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2019

Mr. SCHATZ (for himself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize the Secretary of Housing and Urban Development to provide disaster assistance to States, insular areas, units of general local government, and Indian tribes under 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. OFFICE OF DISASTER RECOVERY AND RESILIENT**
2 **COMMUNITIES.**

3 (a) ESTABLISHMENT.—The Secretary of Housing
4 and Urban Development shall establish, within the Office
5 of Community Planning and Development of the Depart-
6 ment of Housing and Urban Development, the Office of
7 Disaster Recovery and Resilient Communities (in this sec-
8 tion referred to as the “Office”).

9 (b) DUTIES.—The Office shall be responsible for—

10 (1) coordinating with the Office of Policy Devel-
11 opment and Research of the Department of Housing
12 and Urban Development on needed research to de-
13 velop necessary curriculum and policy to build com-
14 munity resiliency, restore housing and infrastruc-
15 ture, and stimulate economic revitalization to sup-
16 port the recovery of low- to moderate-income individ-
17 uals;

18 (2) coordinating with relevant Department of
19 Housing and Urban Development program offices to
20 support the incorporation of community resiliency
21 planning and implementation across all department-
22 supported program activities;

23 (3) leading and coordinating Department of
24 Housing and Urban Development activities under
25 the Housing Recovery Support Function of the Na-
26 tional Disaster Recovery Framework;

1 (4) coordinating Department of Housing and
2 Urban Development interagency disaster recovery
3 support activities, including those related to housing,
4 economic development, infrastructure, and commu-
5 nity planning and capacity building;

6 (5) providing annual and periodic disaster miti-
7 gation and recovery training, incorporating Federal
8 best practices, to regional and field offices of the De-
9 partment of Housing and Urban Development; and

10 (6) providing technical assistance to entities
11 that are eligible to receive disaster recovery assist-
12 ance under title I of the Housing and Community
13 Development Act of 1974 (42 U.S.C. 5301 et seq.)
14 and that demonstrate capacity constraints.

15 (c) DIVISIONS.—The Office shall contain—

16 (1) the Resiliency Division, which shall—

17 (A) develop, coordinate, and maintain the
18 capacity for disaster resilience and recovery of
19 recipients of grants from the Department of
20 Housing and Urban Development;

21 (B) coordinate and operationalize research
22 and policies of the Department of Housing and
23 Urban Development to assist areas in commu-
24 nity resiliency planning, including—

1 (i) hazard mitigation and adaptive
2 land use planning;

3 (ii) establishing and carrying out en-
4 forcement activities and implementing the
5 latest published editions of relevant con-
6 sensus-based codes, specifications, and
7 standards that incorporate the latest resil-
8 ient designs and establish minimum ac-
9 ceptable criteria for the design, construc-
10 tion, and maintenance of residential struc-
11 tures and facilities that may be eligible for
12 assistance under this Act for the purpose
13 of protecting the health, safety, and gen-
14 eral welfare of the buildings' users against
15 disasters; and

16 (iii) sustainable infrastructure invest-
17 ments; and

18 (C) assist areas in the development of ac-
19 tion plans under section 123 of the Housing
20 and Community Development Act of 1974, as
21 added by section 3 of this Act; and

22 (2) the Recovery Division, which shall oversee
23 the disaster recovery policy and response of the De-
24 partment of Housing and Urban Development.

1 **SEC. 3. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 2 **ASTER RECOVERY PROGRAM.**

3 (a) IN GENERAL.—Title I of the Housing and Com-
 4 munity Development Act of 1974 (42 U.S.C. 5301 et seq.)
 5 is amended—

6 (1) in section 104(b) (42 U.S.C. 5304(b)), by
 7 inserting “or 123” after “106” each place that term
 8 appears; and

9 (2) by adding at the end the following:

10 **“SEC. 123. CDBG-DISASTER RECOVERY ASSISTANCE.**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘eligible entity’ means—

13 “(A) a State;

14 “(B) an insular area;

15 “(C) a unit of general local government;

16 and

17 “(D) an Indian tribe;

18 “(2) the terms ‘homeless’ and ‘at risk of home-
 19 lessness’ have the meanings given those terms in
 20 sections 103 and 401, respectively, of the McKinney-
 21 Vento Homeless Assistance Act (42 U.S.C. 11302,
 22 11360; and

23 “(3) the term ‘public housing agency’ has the
 24 meaning given the term in section 3(b) of the United
 25 States Housing Act of 1937.

26 “(b) AUTHORITY; USE.—

1 “(1) IN GENERAL.—The Secretary shall provide
2 assistance under this section to eligible entities for
3 necessary expenses for activities authorized under
4 this title related to disaster relief, resiliency, long-
5 term recovery, restoration of infrastructure and
6 housing, mitigation, and economic revitalization in
7 the most impacted and distressed areas resulting
8 from a major disaster declared pursuant to the Rob-
9 ert T. Stafford Disaster Relief and Emergency As-
10 sistance Act (42 U.S.C. 5121 et seq.).

11 “(2) ALLOCATION FOR MITIGATION.—In deter-
12 mining the amount allocated under this section for
13 any grantee, the Secretary shall include an addi-
14 tional amount for mitigation that is not less than 45
15 percent of the amount allocated for such grantee for
16 unmet needs.

17 “(3) OTHER ASSISTANCE.—The Secretary may
18 provide an appropriate amount of assistance to eligi-
19 ble entities outside an area described in paragraph
20 (1) that receives displaced residents due to a major
21 disaster declared pursuant to the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5121 et seq.) for the purpose of carrying out
24 eligible activities to provide housing to and meet

1 other disaster recovery needs of those displaced resi-
2 dents.

3 “(4) CONSIDERATION.—In carrying out eligible
4 activities with assistance provided under this section,
5 a grantee shall prioritize activities that address
6 housing recovery needs and how to better recover
7 from and withstand future disasters, prolong the life
8 of housing and infrastructure, use cost-effective
9 means of preventing harm to people and property,
10 incorporate protective features, redundancies, energy
11 savings, and other measures that will assure the
12 continuation of critical services during future disas-
13 ters.

14 “(c) TIMING.—

15 “(1) DEADLINES FOR ALLOCATION OF
16 AMOUNTS.—Except as provided in paragraph (2),
17 after the enactment of an appropriations Act making
18 funds available for assistance under this section, the
19 Secretary shall allocate for grantees, based on the
20 best available data—

21 “(A) not less than one-third of funds pro-
22 vided for assistance under this section, within
23 60 days of the date of enactment of that Act;
24 and

1 “(B) all remaining unallocated funds to be
2 awarded to grantees, within 180 days of such
3 date of enactment.

4 “(2) INAPPLICABILITY OF DEADLINES BASED
5 ON INSUFFICIENT INFORMATION.—The deadlines
6 under paragraph (1) for allocation of funds shall not
7 apply in the case of funds made available for assist-
8 ance under this section until sufficient information
9 has been made available to the Secretary to deter-
10 mine unmet recovery needs and make allocations in
11 accordance with those deadlines.

12 “(3) OBLIGATION OF AMOUNTS BY THE SEC-
13 RETARY.—Subject to subsection (d)(1), the Sec-
14 retary shall—

15 “(A) obligate the amounts allocated for a
16 grantee over time in accordance with the ap-
17 proved plan of the grantee;

18 “(B) require the grantee to be in substan-
19 tial compliance with the requirements of this
20 section before the Secretary obligated additional
21 amounts; and

22 “(C) not later than 90 days after the date
23 on which the plan of the grantee is approved
24 under subsection (d), unless the Secretary
25 makes a public finding that good cause exists

for a waiver of the requirement, require the grantee to establish a direct assistance program and begin processing applications for—

“(i) a program for homeless assistance for persons experiencing homelessness prior to or as a result of the major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

“(ii) a program for renter assistance; and

“(iii) a program for homeowners assistance.

“(4) COORDINATION OF DISASTER BENEFITS AND DATA WITH OTHER FEDERAL AGENCIES.—

“(A) COORDINATION WITH FEMA.—

“(i) IN GENERAL.—The Secretary and the Administrator of the Federal Emergency Management Agency shall share with each other, and make publicly available, any data collected or analyzed during the course of a disaster recovery for which assistance is provided under this section, including, with respect to each census tract, block group, or block—

1 “(I) all data on damage caused
2 by the disaster;

3 “(II) information on how any
4 Federal assistance provided in connec-
5 tion with the disaster is expended;
6 and

7 “(III) information regarding the
8 effect of the disaster on education,
9 transportation capabilities and de-
10 pendence, housing needs, displace-
11 ment, health care, utilities, and other
12 critical facilities.

13 “(ii) BREAKDOWN.—The data shared
14 and made publicly available under clause
15 (i) shall be broken down by the smallest
16 census tract, block group, or block possible
17 for the data set.

18 “(B) DEVELOPMENT OF COMMON APPLICA-
19 TION.—The Secretary, the Administrator of the
20 Federal Emergency Management Agency, the
21 Administrator of the Small Business Adminis-
22 tration, and the heads of other appropriate
23 agencies shall develop a common form—

24 “(i) for the purpose of applying for in-
25 dividual disaster assistance from the De-

1 partment of Housing and Urban Develop-
2 ment, the Federal Emergency Management
3 Agency, or the Small Business Administra-
4 tion; and

5 “(ii) that can be used and shared by
6 all agencies providing individual disaster
7 assistance and by the grantees and sub-
8 grantees as necessary.

9 “(d) PLAN FOR USE OF ASSISTANCE.—

10 “(1) REQUIREMENT.—Not later than 120 days
11 after the allocation pursuant to subsection (c)(1)(B)
12 of the funds made available by an appropriations
13 Act for assistance under this section, and before the
14 Secretary obligates any of such funds for a grantee,
15 the grantee shall submit a plan to the Secretary for
16 approval detailing the proposed use of all funds,
17 which shall include, at a minimum—

18 “(A) criteria for eligibility for each pro-
19 posed use of funds, including eligibility limits
20 on income and geography, and a description of
21 how the use of such funds will—

22 “(i) address unmet needs relating to
23 disaster relief, resiliency, long-term recov-
24 ery and restoration of infrastructure and
25 housing, and mitigation and economic revi-

1 talization in the most impacted and dis-
2 tressed areas; and

3 “(ii) provide assistance to impacted
4 households experiencing homelessness or at
5 risk of homelessness;

6 “(B) identification of officials and offices
7 responsible for administering such funds and
8 identifying and recovering duplicative benefits;

9 “(C) an agreement to share data with Fed-
10 eral agencies and other providers of disaster re-
11 lief, which shall include information the grantee
12 has regarding the matters described in subpara-
13 graph (B); and

14 “(D) a plan to provide case management
15 services to disaster-impacted residents in identi-
16 fying, understanding, and accessing available
17 Federal assistance.

18 “(2) PUBLIC CONSULTATION.—In developing
19 the plan required under paragraph (1), a grantee
20 shall, at a minimum—

21 “(A) consult with affected residents, stake-
22 holders, local governments, and public housing
23 authorities to assess needs;

24 “(B) publish the plan in accordance with
25 the requirements set forth by the Secretary, in-

1 including a requirement to prominently post the
2 plan on the website of the grantee for not less
3 than 14 days;

4 “(C) ensure equal access for individuals
5 with disabilities and individuals with limited
6 English proficiency; and

7 “(D) publish the plan in a manner that af-
8 fords residents, affected local governments, and
9 other interested parties a reasonable oppor-
10 tunity to examine the contents of the plan and
11 provide feedback.

12 “(3) APPROVAL.—The Secretary shall, by regu-
13 lation, specify criteria for the approval of a plan sub-
14 mitted under paragraph (1), including approval of
15 substantial amendments to the plan.

16 “(4) DISAPPROVAL.—The Secretary shall dis-
17 approve a plan or substantial amendment to a plan
18 submitted under paragraph (1) if—

19 “(A) a plan or substantial amendment does
20 not meet the approval criteria;

21 “(B) based on damage and unmet needs
22 assessments of the Secretary and the Federal
23 Emergency Management Agency or such other
24 information as may be available, the plan or

1 amendment does not provide for proportional
2 allocation of resources—

3 “(i) between housing activities and in-
4 frastructure; or

5 “(ii) between homeowners, renters,
6 and persons experiencing homelessness;

7 “(C) the plan does not provide a sufficient
8 plan for ensuring compliance with the Fair
9 Housing Act (42 U.S.C. 3601 et seq.); or

10 “(D) the plan does not prioritize preserva-
11 tion or one-for-one replacement of public hous-
12 ing and other federally subsidized housing that
13 provides affordable housing for the lowest in-
14 come households.

15 “(5) RESUBMISSION.—The Secretary shall per-
16 mit a grantee to revise and resubmit a plan that the
17 Secretary disapproves under paragraph (4).

18 “(6) TIMING.—The Secretary shall approve or
19 disapprove a plan submitted under paragraph (1)
20 not later than 90 days after the date on which the
21 plan is submitted to the Secretary.

22 “(e) FINANCIAL CONTROLS.—

23 “(1) COMPLIANCE SYSTEM.—The Secretary
24 shall develop and maintain a system to ensure that
25 each grantee has in place—

1 “(A) proficient financial controls and pro-
2 curement processes;

3 “(B) adequate procedures to ensure that
4 amounts made available under this section pro-
5 vide the broadest benefit possible to eligible
6 families and individuals that are approved for
7 assistance;

8 “(C) adequate procedures to—

9 “(i) ensure timely expenditure of
10 funds; and

11 “(ii) detect and prevent waste, fraud,
12 and abuse of funds; and

13 “(D) adequate procedures to ensure the
14 grantee will maintain comprehensive and pub-
15 licly accessible websites that make available in-
16 formation regarding all disaster recovery activi-
17 ties assisted with such funds, which information
18 shall include any resulting contract, agreement,
19 or other disposition of requests for qualification
20 of assistance or for procurement with such
21 funds.

22 “(2) REQUIREMENT.—The procedures described
23 in paragraph (1)(D) shall ensure that personally
24 identifiable information regarding recipients of as-

1 sistance provided from funds made available under
 2 this section shall not be made publicly available.

3 “(3) CERTIFICATION.—As a condition of mak-
 4 ing any grant, the Secretary shall certify in advance
 5 that the grantee has in place the processes and pro-
 6 cedures required under paragraph (1).

7 “(f) USE OF FUNDS.—

8 “(1) ADMINISTRATIVE COSTS.—

9 “(A) IN GENERAL.—An eligible entity re-
 10 ceiving a grant under this section—

11 “(i) may use not more than 5 percent
 12 of the amount of grant funds received, or
 13 not more than such other percentage as
 14 may be established pursuant to subpara-
 15 graph (B), for administrative costs; and

16 “(ii) shall document the use of funds
 17 for the purpose described in clause (i) in
 18 accordance with such requirements as the
 19 Secretary shall establish.

20 “(B) DISCRETION TO ESTABLISH SLIDING
 21 SCALE.—The Secretary may establish a series
 22 of percentage limitations that may be used by
 23 a grantee for administrative costs only if—

1 “(i) the percentage limitations are
2 based on the amount of grant funds re-
3 ceived by a grantee;

4 “(ii) the series provides that the per-
5 centage that may be so used is lower for
6 grantees receiving a greater amount of
7 grant funds and such percentage that may
8 be used is higher for grantees receiving a
9 lesser amount of grant funds; and

10 “(iii) in no case may a grantee so use
11 more than 10 percent of grant funds re-
12 ceived.

13 “(2) HUD ADMINISTRATIVE COSTS.—

14 “(A) LIMITATION.—Of any funds made
15 available for use under this section by any sin-
16 gle appropriations Act, the Secretary may use
17 0.5 percent of any such amount for necessary
18 costs, including information technology costs, of
19 administering and overseeing the obligation and
20 expenditure of amounts made available for use
21 under this section.

22 “(B) TRANSFER OF FUNDS.—Any amounts
23 made available for use in accordance with sub-
24 paragraph (A)—

1 “(i) shall be transferred to the ac-
2 count for ‘Program Office Salaries and Ex-
3 penses—Community Planning and Devel-
4 opment’ for the Department of Housing
5 and Urban Development;

6 “(ii) shall remain available until ex-
7 pended; and

8 “(iii) may be used for such adminis-
9 trative costs for administering any funds
10 appropriated to the Department of Hous-
11 ing and Urban Development for any dis-
12 aster and related purposes in any prior or
13 future Act making funds available for use
14 under this section, notwithstanding the dis-
15 aster for which such funds were appro-
16 priated.

17 “(3) INSPECTOR GENERAL.—Of any funds
18 made available for use in accordance with paragraph
19 (2)(A), 10 percent shall be transferred to the Office
20 of the Inspector General of the Department of Hous-
21 ing and Urban Development for necessary costs of
22 audits, reviews, oversight, evaluation, and investiga-
23 tions relating to amounts made available for use
24 under this section.

1 “(4) CAPACITY BUILDING.—Of any funds made
2 available for use under this section, 2 percent may
3 be made available for capacity building and technical
4 assistance to support grantees and subgrantees re-
5 ceiving funds under this section.

6 “(5) COMPLIANCE WITH STORM WATER PRO-
7 TECTIONS.—

8 “(A) IN GENERAL.—The Secretary shall
9 ensure that any funds made available under
10 this section for construction, rehabilitation, or
11 installation of any infrastructure, including
12 stormwater management infrastructure, will ad-
13 vance long-term resilience to natural hazards
14 and be effective in protecting the infrastructure
15 from future damages for the expected useful
16 lifetime of the infrastructure.

17 “(B) COORDINATION AND CONTINUATION
18 OF SERVICES.—In approving funding for infra-
19 structure, the Secretary shall require a grantee
20 to—

21 “(i) describe how the activities de-
22 scribed in subparagraph (A) will align with
23 other planned State and local capital in-
24 vestments and help assure continuation of
25 essential services, including services to low-

1 and moderate-income households, individ-
2 uals with disabilities, and other individuals
3 with special needs; and

4 “(ii) consider the use of both tradi-
5 tional and natural infrastructure alter-
6 natives, alone or in conjunction with each
7 other, if those alternatives are practicable.

8 “(6) FLOOD RISK MITIGATION.—

9 “(A) REQUIREMENTS.—Subject to sub-
10 paragraph (B), the Secretary shall require that
11 any structure that is located in an area having
12 special flood hazards and that is newly con-
13 structed or is undergoing rehabilitation for sub-
14 stantial damage, for which substantial damage
15 is repaired, or that is substantially improved,
16 using amounts made available under this sec-
17 tion, shall be elevated with the lowest floor, in-
18 cluding the basement, at the higher of—

19 “(i) 2 feet above the base flood level;

20 or

21 “(ii) any requirement set forth by the
22 Administrator of the Federal Emergency
23 Management Agency.

24 “(B) MULTIFAMILY HOUSING.—

1 “(i) IN GENERAL.—For rehabilitation
2 of substantial damage or substantial im-
3 provement of multifamily housing, the Sec-
4 retary may approve a proposal submitted
5 by a grantee for an appropriate, cost-effec-
6 tive level of elevation above flood heights
7 that is below the level described in sub-
8 paragraph (A).

9 “(ii) CONTENTS.—A proposal sub-
10 mitted under clause (i) shall describe how
11 the proposed level of elevation will func-
12 tionally achieve flood protection similar to
13 or greater than the requirement described
14 in subparagraph (A) with an alternative
15 form of mitigation to assure the safety of
16 residents and property, if applicable.

17 “(g) ADMINISTRATION.—In administering any
18 amounts made available for assistance under this section,
19 the Secretary—

20 “(1) may not allow a grantee to use any such
21 amounts for any purpose other than the purpose ap-
22 proved by the Secretary in the plan submitted under
23 subsection (d)(1) to the Secretary for use of those
24 amounts;

1 “(2) may not permit a grantee to amend a plan
 2 to retroactively approve a beneficiary’s use of funds
 3 for an eligible activity other than an activity for
 4 which the funds were originally approved in the
 5 plan; and

6 “(3) shall prohibit a grantee from delegating,
 7 by contract or otherwise, the responsibility for the
 8 final determination of eligibility.

9 “(h) TRAINING FOR GRANT MANAGEMENT FOR SUB-
 10 GRANTEES.—The Secretary shall require each grantee to
 11 provide ongoing training to all staff and subgrantees.

12 “(i) PROCUREMENT PROCESSES AND PROCEDURES
 13 FOR GRANTEES.—

14 “(1) GRANTEE PROCESSES AND PROCE-
 15 DURES.—In procuring property or services to be
 16 paid for in whole or in part with amounts from a
 17 grant under this section, a grantee shall—

18 “(A) follow the procurement processes and
 19 procedures of the grantee, but only if the Sec-
 20 retary makes a determination that those proc-
 21 esses and procedures comply with the require-
 22 ments under paragraph (2); or

23 “(B) comply with such processes and pro-
 24 cedures as the Secretary shall, by regulation,
 25 establish for purposes of this section.

1 “(2) REQUIREMENTS.—The requirements under
 2 this paragraph with respect to the procurement
 3 processes and procedures of a grantee are that the
 4 processes and procedures shall—

5 “(A) provide for full and open competition
 6 and require cost or price analysis;

7 “(B) include requirements for procurement
 8 policies and procedures for subgrantees, based
 9 on full and open competition;

10 “(C) specify methods of procurement and
 11 their applicability, but not allow for cost-plus-a-
 12 percentage-of cost or percentage-of-construc-
 13 tion-cost methods of procurement;

14 “(D) include standards of conduct gov-
 15 erning employees engaged in the award or ad-
 16 ministration of contracts; and

17 “(E) ensure that all purchase orders and
 18 contracts include any clauses required by stat-
 19 ute or implementing regulation.

20 “(3) NONCOMPLIANCE.—In the case of a grant-
 21 ee for which the Secretary finds pursuant to para-
 22 graph (1)(A) that the procurement processes and
 23 procedures of the grantee do not comply with para-
 24 graph (2), the Secretary shall—

1 “(A) provide the grantee with specific writ-
 2 ten notice of the elements of noncompliance and
 3 the changes necessary to those processes and
 4 procedures to provide for compliance;

5 “(B) provide the grantee a reasonable pe-
 6 riod of time to come into compliance; and

7 “(C) during the period of time described in
 8 subparagraph (B), allow the grantee to proceed
 9 with procuring property and services paid for in
 10 whole or in part with amounts from a grant
 11 under this section in compliance with the pro-
 12 curement processes and procedures of the
 13 grantee, but only if the Secretary periodically
 14 affirmatively determines that the grantee is
 15 making a good faith effort to effectuate compli-
 16 ance with the requirements of paragraph (2).

17 “(j) TREATMENT OF CDBG ALLOCATIONS.—
 18 Amounts made available for use under this section shall
 19 not be considered relevant to the non-disaster formula al-
 20 locations made pursuant to section 106.

21 “(k) WAIVERS.—

22 “(1) AUTHORITY.—Subject to the other provi-
 23 sions of this section, in administering amounts made
 24 available for use under this section, the Secretary
 25 may waive, or specify alternative requirements for,

1 any provision of any statute or regulation that the
2 Secretary administers in connection with the obliga-
3 tion by the Secretary or the use by the recipient of
4 those funds (except for requirements related to fair
5 housing, nondiscrimination, labor standards, flood
6 risk management, and the environment and except
7 for the requirements of this section), if the Secretary
8 makes a public finding that good cause exists for the
9 waiver or alternative requirement and the waiver or
10 alternative requirement would not be inconsistent
11 with the overall purpose of this title.

12 “(2) NOTICE AND PUBLICATION.—Any waiver
13 of or alternative requirement pursuant to paragraph
14 (1) shall not take effect before the expiration of the
15 15-day period beginning upon the publication of no-
16 tice in the Federal Register of such waiver or alter-
17 native requirement.

18 “(3) LOW- AND MODERATE-INCOME USE.—A
19 waiver pursuant to paragraph (1) may not reduce
20 the percentage of funds that is required to be used
21 for activities that benefit persons of low- and mod-
22 erate-income to less than 70 percent of the total al-
23 location, unless the Secretary specifically finds that
24 there is compelling need to further reduce the per-
25 centage requirement and that funds are not nec-

1 essary to address the housing needs of low- and
 2 moderate-income residents.

3 “(4) PROHIBITION.—The Secretary may not
 4 waive any provision of this section pursuant to the
 5 authority under paragraph (1).

6 “(l) ENVIRONMENTAL REVIEW.—

7 “(1) ADOPTION.—Notwithstanding subsection
 8 (k)(1), recipients of funds provided under this sec-
 9 tion that use the funds to supplement Federal as-
 10 sistance provided under section 402, 403, 404, 406,
 11 407, 408(c)(4), 428, or 502 of the Robert T. Staf-
 12 ford Disaster Relief and Emergency Assistance Act
 13 (42 U.S.C. 5170a, 5170b, 5170c, 5172, 5173,
 14 5174(c)(4), 5189f, 5192) may adopt, without review
 15 or public comment, any environmental review, ap-
 16 proval, or permit performed by a Federal agency,
 17 and that adoption shall satisfy the responsibilities of
 18 the recipient with respect to the environmental re-
 19 view, approval, or permit under section 104(g)(1).

20 “(2) RELEASE OF FUNDS.—Notwithstanding
 21 section 104(g)(2), the Secretary may, upon receipt
 22 of a request for release of funds and certification,
 23 immediately approve the release of funds for an ac-
 24 tivity or project assisted with amounts made avail-
 25 able for use under this section if the recipient has

1 adopted an environmental review, approval, or per-
2 mit under paragraph (1) or the activity or project is
3 categorically excluded from review under the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C.
5 4321 et seq.).

6 “(m) COLLECTION OF INFORMATION.—

7 “(1) IN GENERAL.—For each major disaster for
8 which assistance is made available under this sec-
9 tion, the Secretary shall—

10 “(A) collect information regarding all re-
11 covery activities so assisted, including informa-
12 tion on applicants and recipients of assistance;

13 “(B) make the information described in
14 subparagraph (A) available to the public and to
15 the Inspector General for the Department of
16 Housing and Urban Development on a monthly
17 basis using uniform data collection practices;
18 and

19 “(C) report to Congress regarding those
20 efforts.

21 “(2) FORM.—Information collected and re-
22 ported by grantees or the Secretary under this sub-
23 section shall be disaggregated by program, race, in-
24 come, geography, and all classes of individuals pro-
25 tected under the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act (42 U.S.C. 5121 et
 2 seq.), the Americans with Disabilities Act of 1990
 3 (42 U.S.C. 12101 et seq.), the Fair Housing Act (42
 4 U.S.C. 3601 et seq.), the Civil Rights Act of 1964
 5 (Public Law 88–352; 78 Stat. 241), and other civil
 6 rights and nondiscrimination protections, with re-
 7 spect to the smallest census tract, block group, or
 8 block possible for the data.

9 “(3) PROTECTION OF INFORMATION.—In car-
 10 rying out this subsection, the Secretary—

11 “(A) shall take such actions as may be
 12 necessary to ensure that personally identifiable
 13 information regarding recipients of assistance
 14 provided from funds made available under this
 15 section shall not be made publicly available; and

16 “(B) may make full and unredacted infor-
 17 mation available to academic institutions for the
 18 purpose of researching into the equitable dis-
 19 tribution of recovery funds and adherence to
 20 protections described in paragraph (2).

21 “(n) PRE-CERTIFICATION FOR UNITS OF GENERAL
 22 LOCAL GOVERNMENT.—

23 “(1) IN GENERAL.—The Secretary may carry
 24 out a program under this subsection to provide for

1 units of general local government to pre-certify as el-
 2 igible grantees for assistance under this section.

3 “(2) REQUIREMENTS.—To be eligible for pre-
 4 certification under the program under this sub-
 5 section, a unit of general local government shall—

6 “(A) demonstrate to the satisfaction of the
 7 Secretary the capacity to comply with the re-
 8 quirements of this section; and

9 “(B) have previously received assistance as
 10 a grantee or subgrantee under this section, or
 11 with amounts made available for the Commu-
 12 nity Development Block Grant—Disaster Re-
 13 covery appropriations account, in connection
 14 with 2 or more major disasters declared pursu-
 15 ant to the Robert T. Stafford Disaster Relief
 16 and Emergency Assistance Act (42 U.S.C. 5121
 17 et seq.).

18 “(3) APPROVAL OF PLANS.—

19 “(A) EXPEDITED APPROVAL PROCESSES.—
 20 The Secretary shall establish and maintain
 21 processes for expediting approval of plans for
 22 units of general local government that are pre-
 23 certified under this subsection.

1 “(B) EFFECT OF PRE-CERTIFICATION.—

2 Pre-certification pursuant to this subsection
3 shall not—

4 “(i) establish any entitlement to, or
5 priority or preference for, allocation of
6 funds made available under this section; or

7 “(ii) exempt any grantee from com-
8 plying with any of the requirements under,
9 or established pursuant to, subsection (c)
10 or (d).

11 “(4) DURATION.—Pre-certification under the
12 program under this subsection shall be effective for
13 a term of 5 years.

14 “(o) DEPOSIT OF UNUSED AMOUNTS IN FUND.—

15 “(1) IN GENERAL.—If any amounts made avail-
16 able for assistance under this section to grantees re-
17 main unexpended upon the earlier of—

18 “(A) the date that the grantee of such
19 amounts notifies the Secretary that the grantee
20 has completed all activities identified in the
21 grantee’s plan for use of such amounts that was
22 approved by the Secretary in connection with
23 the grant;

24 “(B) recapture of funds from the grantee
25 or repayment of funds by the grantee; or

1 “(C) the expiration of the 10-year period
 2 beginning upon the Secretary obligating such
 3 amounts to the grantee, as such period may be
 4 extended pursuant to paragraph (2),
 5 the Secretary shall transfer such unexpended
 6 amounts to the Secretary of the Treasury for deposit
 7 into the Community Development Block Grant Dis-
 8 aster Recovery Reserve Fund established under sec-
 9 tion 124, except that the Secretary may, by regula-
 10 tion, permit the grantee to retain amounts needed to
 11 close out the grant.

12 “(2) EXTENSION OF PERIOD FOR USE OF
 13 FUNDS.—The period under paragraph (1)(C) shall
 14 be extended by not more than 3 years if the Sec-
 15 retary waives this requirement and submits a writ-
 16 ten justification for the waiver to the Committees on
 17 Appropriations of the House of Representatives and
 18 the Senate that specifies the period of that exten-
 19 sion.

20 **“SEC. 124. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 21 **ASTER RECOVERY RESERVE FUND.**

22 “(a) ESTABLISHMENT.—There is established in the
 23 Treasury of the United States an account to be known
 24 as the Community Development Block Grant Disaster Re-

1 covery Reserve Fund (in this section referred to as the
2 ‘Fund’).

3 “(b) AMOUNTS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated to the Fund such sums as may be nec-
6 essary to carry out the activities authorized under
7 this Act, to remain available until expended, except
8 that not more than \$50,000,000 is authorized to be
9 appropriated for the first fiscal year beginning after
10 the date that is 1 year after the date of enactment
11 of this section, and each fiscal year thereafter.

12 “(2) TRANSFER.—Amounts made available
13 through section 106(c)(4) by actions taken under
14 section 104(e) or 111 may be transferred to the
15 Fund, to remain available until expended.

16 “(c) USE.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), amounts in the Fund shall be available
19 only for providing assistance under section 123, but
20 only to the extent provided in advance in appropria-
21 tions Acts.

22 “(2) HOMELESSNESS ASSISTANCE.—

23 “(A) IN GENERAL.—An amount deter-
24 mined by the Secretary, based on available data
25 from the impacted area on homelessness, af-

1 fordable housing needs, and disaster impact,
2 may be allocated to a grantee within 14 days of
3 the disaster declaration to serve households ex-
4 periencing homelessness or at risk of homeless-
5 ness that are not receiving housing assistance
6 from the Federal Emergency Management
7 Agency.

8 “(B) REQUIREMENTS.—Notwithstanding
9 any other provision of law, any assistance pro-
10 vided under this paragraph shall be determined
11 to meet the requirements of section 123, includ-
12 ing benefit to low-income persons, if the assist-
13 ance is administered in compliance with pro-
14 gram requirements under paragraphs (4) and
15 (5) of section 415(a) of the McKinney-Vento
16 Homeless Assistance Act (42 U.S.C. 11374(a)).

17 “(C) ADMINISTRATION.—The Office of
18 Block Grant Assistance in the Office of Com-
19 munity Planning and Development of the De-
20 partment of Housing and Urban Development
21 shall, in coordination with the Office of Special
22 Needs Assistance Programs of the Department,
23 administer all related funds provided under this
24 section that are intended to serve individuals
25 who are homeless or at risk of homelessness.”.

1 (b) REGULATIONS.—

2 (1) PROPOSED RULES.—Not later than the 6
3 months after the date of the enactment of this Act,
4 the Secretary of Housing and Urban Development
5 shall issue proposed rules to carry out sections 123
6 and 124 of the Housing and Community Develop-
7 ment Act of 1974, as added by the amendment
8 made by subsection (a) of this section, and shall pro-
9 vide a 90-day period for submission of public com-
10 ments on those proposed rules.

11 (2) FINAL RULES.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary
13 of Housing and Urban Development shall issue final
14 regulations to carry out sections 123 and 124 of the
15 Housing and Community Development Act of 1974,
16 as added by the amendment made by subsection (a)
17 of this section.

18 **SEC. 4. REPORT ON COORDINATING EMERGENCY AND**
19 **LONG-TERM HOUSING NEEDS.**

20 Not later than 6 months after the date of enactment
21 of this Act, the Secretary of Housing and Urban Develop-
22 ment, in consultation with the Administrator of the Fed-
23 eral Emergency Management Agency and the Secretary
24 of Agriculture, shall submit to the Committee on Banking,
25 Housing, and Urban Affairs of the Senate and the Com-

1 mittee on Financial Services of the House of Representa-
 2 tives a report on policies to improve the transition from
 3 emergency disaster housing response to long-term housing
 4 recovery.

5 **SEC. 5. GAO REPORT ON ALLOCATION OF DISASTER BENE-**
 6 **FITS.**

7 Not later than 1 year after the date of enactment
 8 of this Act, the Comptroller General of the United States
 9 shall submit to the Committee on Banking, Housing, and
 10 Urban Affairs of the Senate and the Committee on Finan-
 11 cial Services of the House of Representatives a com-
 12 prehensive report that includes—

13 (1) a review of disaster-related housing benefits
 14 administered by the Federal Emergency Manage-
 15 ment Agency, the Department of Housing and
 16 Urban Development, and the Department of Agri-
 17 culture;

18 (2) with respect to the 10-year period preceding
 19 the report, an analysis of the distribution of the ben-
 20 efits described in paragraph (1)—

21 (A) between homeowners and renters;

22 (B) between individuals that are—

23 (i) extremely low-income, defined as 0
 24 to 30 percent of the area median income;

- 1 (ii) very low-income, defined as 30 to
- 2 50 percent of the area median income;
- 3 (iii) lower-income, defined as 50 to 80
- 4 percent of the area median income; and
- 5 (iv) moderate-income, defined as 80 to
- 6 120 percent of the area median income;
- 7 and
- 8 (C) between housing and infrastructure;
- 9 (3) an analysis of how the distribution of bene-
- 10 fits described in paragraph (2) met the needs identi-
- 11 fied in unmet needs assessments and other available
- 12 data;
- 13 (4) an analysis of the impact of disasters on the
- 14 shortage of affordable rental housing stock and fed-
- 15 erally assisted housing;
- 16 (5) an analysis of the impact of disasters and
- 17 Federal recovery efforts on all protected classes cov-
- 18 ered by the Robert T. Stafford Disaster Relief and
- 19 Emergency Assistance Act (42 U.S.C. 5121 et seq.),
- 20 the Americans with Disabilities Act of 1990 (42
- 21 U.S.C. 12101 et seq.), the Fair Housing Act (42
- 22 U.S.C. 3601 et seq.), title VI of the Civil Rights Act
- 23 of 1964 (42 U.S.C. 2000d et seq.), and other civil
- 24 rights protections, including those related to race,

- 1 ethnicity, income, economic status, age, disability,
2 and gender; and
3 (6) an analysis of mitigation and resiliency ap-
4 proaches with respect to disaster-related housing
5 benefits.

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