

117TH CONGRESS
1ST SESSION

S. 2471

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.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2021

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

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 specifically assess, plan for,
7 and address the housing stock and housing needs in
8 the transition from emergency shelters and interim
9 housing to permanent housing of those displaced, es-
10 pecially among vulnerable populations and extremely
11 low-, low-, and moderate-income households;

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

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

24 (6) coordinating technical assistance, including
25 mitigation, resiliency, and recovery training and in-

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

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

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

18 “(i) OFFICE OF DISASTER MANAGEMENT AND RE-
19 SILIENCY.—

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

23 “(2) DUTIES.—The Office of Disaster Manage-
24 ment and Resiliency shall—

1 “(A) be responsible for oversight and co-
2 ordination of all departmental disaster pre-
3 paredness and response responsibilities; and

4 “(B) coordinate with the Federal Emer-
5 gency Management Agency, the Small Business
6 Administration, and the Office of Community
7 Planning and Development and other offices of
8 the Department in supporting recovery and re-
9 silience activities to provide a comprehensive
10 approach in working with communities.”.

11 **SEC. 5. LONG-TERM DISASTER RECOVERY FUND.**

12 (a) **ESTABLISHMENT.**—There is established in the
13 Treasury of the United States an account to be known
14 as the Long-Term Disaster Recovery Fund.

15 (b) **DEPOSITS, TRANSFERS, AND CREDIT.**—

16 (1) **IN GENERAL.**—The Fund shall consist of
17 amounts appropriated, transferred, and credited to
18 the Fund.

19 (2) **TRANSFERS.**—The following may be trans-
20 ferred to the Fund:

21 (A) Amounts made available through sec-
22 tion 106(c)(4) of the Housing and Community
23 Development Act of 1974 (42 U.S.C.
24 5306(c)(4)) as a result of actions taken under
25 section 104(e), 111, or 123(j) of such Act.

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

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

10 (c) ELIGIBLE USES OF FUND.—

11 (1) IN GENERAL.—Amounts in the Fund shall
12 be available—

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

17 (B) for activities of the Department that
18 support the provision of such assistance, includ-
19 ing necessary salaries and expenses, informa-
20 tion technology, capacity building and technical
21 assistance (including assistance related to pre-
22 disaster planning), and readiness and other pre-
23 disaster planning activities that are not readily
24 attributable to a single major disaster.

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

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

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

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

24 (d) INTERCHANGEABILITY OF PRIOR ADMINISTRA-
25 TIVE AMOUNTS.—Any amounts appropriated in any Act

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

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

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

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Fund such sums

1 as may be necessary to respond to current or future major
2 disasters declared under section 401 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5179) for grants under section 123 of the
5 Housing and Community Development Act of 1974, as
6 added by section 6.

7 **SEC. 6. ESTABLISHMENT OF CDBG DISASTER RECOVERY**
8 **PROGRAM.**

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

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

12 (A) in paragraph (20)—

13 (i) by redesignating subparagraph (B)
14 as subparagraph (C);

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

18 (iii) by inserting after subparagraph
19 (A) the following:

20 “(B) The term ‘persons of extremely low
21 income’ means families and individuals whose
22 income levels do not exceed household income
23 levels determined by the Secretary under sec-
24 tion 3(b)(2) of the United States Housing Act
25 of 1937 (42 U.S.C. 1437a(b)(2)(C)), except

1 that the Secretary may provide alternative defi-
2 nitions for the Commonwealth of Puerto Rico,
3 Guam, the Commonwealth of the Northern
4 Mariana Islands, the United States Virgin Is-
5 lands, and American Samoa.”; and

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

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

11 (2) in section 106(c)(4) (42 U.S.C.
12 5306(c)(4))—

13 (A) in subparagraph (A)—

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

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

20 (iii) inserting “major” after “affected
21 by the”;

22 (B) in subparagraph (C)—

23 (i) by striking “metropolitan city or”
24 and inserting “State, metropolitan city,
25 or”;

1 (ii) by striking “city or county” and
 2 inserting “State, city, or county”; and

3 (iii) by inserting “major” before “dis-
 4 aster”;

5 (C) in subparagraph (D), by striking “met-
 6 ropolitan cities and” and inserting “States,
 7 metropolitan cities, and”;

8 (D) in subparagraph (F)—

9 (i) by striking “metropolitan city or”
 10 and inserting “State, metropolitan city,
 11 or”; and

12 (ii) by inserting “major” before “dis-
 13 aster”; and

14 (E) in subparagraph (G), by striking “met-
 15 ropolitan city or” and inserting “State, metro-
 16 politan city, or”; and

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

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

22 **“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 23 **ASTER RECOVERY PROGRAM.**

24 **“(a) AUTHORIZATION, FORMULA, AND ALLOCA-**
 25 **TION.—**

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

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

18 “(3) SECTION 106 ALLOCATIONS.—Grants
19 under this section shall not be considered relevant to
20 the formula allocations made pursuant to section
21 106.

22 “(4) FEDERAL REGISTER NOTICE.—

23 “(A) IN GENERAL.—Not later than 30
24 days after the date of enactment of this section,
25 the Secretary shall issue a notice in the Federal

1 Register containing the latest formula allocation
2 methodologies used to determine the total esti-
3 mate of unmet needs related to housing, eco-
4 nomic revitalization, and infrastructure in the
5 most impacted and distressed areas resulting
6 from a catastrophic major disaster.

7 “(B) PUBLIC COMMENT.—In the notice
8 issued under subparagraph (A), the Secretary
9 shall solicit public comments on—

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

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

16 “(iii) adjustments to improve tar-
17 geting to the most serious needs;

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

22 “(v) research and data to inform an
23 additional amount to be provided for miti-
24 gation depending on type of disaster, which

1 shall be no more than 30 percent of the
2 total estimate of unmet needs.

3 “(5) REGULATIONS.—

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

9 “(B) FORMULA REQUIREMENTS.—The for-
10 mula established under subparagraph (A)
11 shall—

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

23 “(ii) include a methodology for identi-
24 fying most impacted and distressed areas,
25 which shall consider unmet serious needs

1 related to housing, economic revitalization,
2 and infrastructure;

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

14 “(iv) establish objective criteria for
15 periodic review and updates to the formula
16 to reflect changes in available science and
17 data.

18 “(C) MINIMUM ALLOCATION THRESH-
19 OLD.—The Secretary shall, by regulation, es-
20 tablish a minimum allocation threshold.

21 “(D) INTERIM ALLOCATION.—Until such
22 time that the Secretary issues final regulations
23 under this paragraph, the Secretary shall—

24 “(i) allocate assistance from the Fund
25 using the formula allocation methodology

1 published in accordance with paragraph
2 (4); and

3 “(ii) include an additional amount for
4 mitigation equal to 15 percent of the total
5 estimate of unmet need.

6 “(6) ALLOCATION OF FUNDS.—

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

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

16 “(ii) if the best available data is insuf-
17 ficient to make the determination required
18 under clause (i) within the 90-day period
19 described in that clause, the Secretary
20 shall determine whether the major disaster
21 qualifies when sufficient data becomes
22 available, but in no case shall the Sec-
23 retary make the determination later than
24 120 days after the declaration of the major
25 disaster.

1 “(B) ANNOUNCEMENT OF ALLOCATION.—

2 If amounts are available in the Fund at the
3 time the Secretary determines that the major
4 disaster is catastrophic and qualifies for assist-
5 ance under the formula in paragraph (4) or (5),
6 the Secretary shall immediately announce an al-
7 location for a grant under this section.

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

16 “(7) PRELIMINARY FUNDING.—

17 “(A) IN GENERAL.—To speed recovery, the
18 Secretary is authorized to allocate and award
19 preliminary grants from the Fund before mak-
20 ing a determination under paragraph (6) if the
21 Secretary projects, based on a preliminary as-
22 sessment of impact and distress, that a major
23 disaster is catastrophic and would likely qualify
24 for funding under the formula in paragraph (4)
25 or (5).

1 “(B) AMOUNT.—

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

6 “(ii) SLIDING SCALE.—The Secretary
7 shall, by regulation, establish a sliding
8 scale for preliminary funding awarded
9 under subparagraph (A) based on the size
10 of the preliminary assessment of impact
11 and distress.

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

15 “(i) in the determination of the Sec-
16 retary, will support faster recovery, im-
17 prove the ability of the grantee to assess
18 unmet recovery needs, plan for the preven-
19 tion of improper payments, and reduce
20 fraud, waste, and abuse; and

21 “(ii) may include evaluating the in-
22 terim housing, permanent housing, and
23 supportive service needs of the disaster im-
24 pacted community, with special attention
25 to vulnerable populations, such as homeless

1 and low- to moderate-income households,
2 to inform the grantee action plan required
3 under subsection (c).

4 “(D) CONSIDERATION OF FUNDING.—Pre-
5 liminary funding awarded under subparagraph
6 (A)—

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

9 “(ii) shall not be considered when cal-
10 culating the amount of the grant used for
11 administrative costs, technical assistance,
12 and planning activities that are subject to
13 the requirements under subsection (f)(2).

14 “(E) WAIVER.—To expedite the use of
15 preliminary funding for activities described in
16 this paragraph, the Secretary may waive re-
17 quirements of this section in accordance with
18 subsection (i).

19 “(F) AMENDED AWARD.—

20 “(i) IN GENERAL.—An award for pre-
21 liminary funding under subparagraph (A)
22 may be amended to add any subsequent
23 amount awarded because of a determina-
24 tion by the Secretary that a major disaster

1 is catastrophic and qualifies for assistance
2 under the formula.

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

10 “(G) TECHNICAL ASSISTANCE.—Concur-
11 rent with the allocation of any preliminary
12 funding awarded under this paragraph, the Sec-
13 retary shall assign or provide technical assist-
14 ance to the recipient of the grant.

15 “(b) INTERCHANGEABILITY.—The Secretary—

16 “(1) is authorized to approve the use of grants
17 under this section to be used interchangeably and
18 without limitation for the same activities in the most
19 impacted and distressed areas resulting from a dec-
20 laration of another catastrophic major disaster that
21 qualifies for assistance under the formula estab-
22 lished under paragraph (4) or (5) of subsection (a);
23 and

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

4 “(c) GRANTEE PLANS.—

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

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

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

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

20 “(D) how the use of the grant funds for
21 mitigation is consistent with hazard mitigation
22 plans submitted to the Federal Emergency
23 Management Agency under section 322 of the
24 Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5165);

1 “(E) the estimated amount proposed to be
2 used for activities that will benefit persons of
3 low and moderate income;

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

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

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

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

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

18 “(2) PUBLIC CONSULTATION.—To permit pub-
19 lic examination and appraisal of the plan described
20 in paragraph (1), to enhance the public account-
21 ability of grantees, and to facilitate coordination of
22 activities with different levels of government, when
23 developing the plan or substantial amendments pro-
24 posed to the plan required under paragraph (1), a
25 grantee shall—

1 “(A) publish the plan before adoption;

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

7 “(C) consider comments received before
8 submission to the Secretary;

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

16 “(E) undertake any consultation with in-
17 terested parties as may be determined by the
18 Secretary in regulation.

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

20 “(A) by regulation, specify criteria for the
21 approval, partial approval, or disapproval of a
22 plan submitted under paragraph (1), including
23 approval of substantial amendments to the
24 plan;

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

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

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

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

19 “(4) LOW- AND MODERATE-INCOME OVERALL
20 BENEFIT.—

21 “(A) USE OF FUNDS.—Not less than 70
22 percent of a grant made under this section shall
23 be used for activities that benefit persons of low
24 and moderate income unless the Secretary—

25 “(i) specifically finds that—

1 “(I) there is compelling need to
2 reduce the percentage for the grant;
3 and

4 “(II) the housing needs of low-
5 and moderate-income residents have
6 been addressed; and

7 “(ii) issues a waiver and alternative
8 requirements pursuant to subsection (i) to
9 lower the percentage.

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

18 “(5) PRIORITIZATION.—The grantee shall
19 prioritize activities that—

20 “(A) assist persons with extremely low,
21 low, and moderate incomes and other vulnerable
22 populations to better recover from and with-
23 stand future disasters, emphasizing those with
24 the most severe needs;

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

5 “(C) prolong the life of housing and infra-
6 structure;

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

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

14 “(6) PROPORTIONAL ALLOCATION.—

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

20 “(i) specifically finds that—

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

24 “(II) the disproportional alloca-
25 tion described in subclause (I) is not

1 inconsistent with the requirements
2 under paragraph (4); and

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

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

13 “(7) DISASTER RISK MITIGATION.—

14 “(A) DEFINITION.—In this paragraph, the
15 term ‘hazard-prone areas’—

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

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

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

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

21 “(D) CONSIDERATION OF FUTURE
22 RISKS.—The Secretary may consider future
23 risks to protecting property and health, safety,
24 and general welfare, and the likelihood of those
25 risks, when making the determination of or

1 modification to hazard-prone areas under this
2 paragraph.

3 “(8) RELOCATION.—

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

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

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

21 “(ii) includes any appeal rights or
22 other requirements that the Secretary es-
23 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
9 sooner, the grantee will review and make modifica-
10 tions to its non-disaster housing and community de-
11 velopment plans and strategies required by sub-
12 sections (c) and (m) of section 104 to reflect the dis-
13 aster recovery needs identified by the grantee and
14 consistency with 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 or a
25 State may, upon receipt of a request for release of

1 funds and certification, immediately approve the re-
2 lease of funds for an activity or project to be as-
3 sisted under this section if the recipient has adopted
4 an environmental review, approval, or permit under
5 paragraph (1) or the activity or project is categori-
6 cally excluded from review under the National Envi-
7 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.).

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

13 “(h) FINANCIAL CONTROLS AND PROCEDURES.—

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

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

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

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

24 “(2) CERTIFICATION.—Before making a grant
25 under this section, the Secretary shall certify that

1 the grantee has in place proficient processes and
2 procedures to comply with the requirements devel-
3 oped under paragraph (1), as determined by the
4 Secretary.

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

12 “(4) DUPLICATION OF BENEFITS.—

13 “(A) IN GENERAL.—Funds made available
14 under this subsection shall be used in accord-
15 ance with section 312 of the Robert T. Stafford
16 Disaster Relief and Emergency Assistance Act
17 (42 U.S.C. 5155), as amended by section 1210
18 of the Disaster Recovery Reform Act of 2018
19 (division D of Public Law 115–254), and such
20 rules as may be prescribed under such section
21 312.

22 “(B) PENALTIES.—In any case in which
23 the use of grant funds under this section results
24 in a prohibited duplication of benefits, the
25 grantee shall—

1 “(i) apply an amount equal to the
2 identified duplication to any allowable costs
3 of the award consistent with actual, imme-
4 diate cash requirement;

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

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

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

22 “(i) WAIVERS.—

23 “(1) IN GENERAL.—In administering grants
24 under this section, the Secretary may waive, or
25 specify alternative requirements for, any provision of

1 any statute or regulation that the Secretary admin-
2 isters in connection with the obligation by the Sec-
3 retary or the use by the grantee of those funds (ex-
4 cept for requirements related to fair housing, non-
5 discrimination, labor standards, the environment,
6 and the requirements of this section that do not ex-
7 pressly authorize modifications by waiver or alter-
8 native requirement), if the Secretary makes a public
9 finding that good cause exists for the waiver or al-
10 ternative requirement and the waiver or alternative
11 requirement would not be inconsistent with the find-
12 ings in section 2 of the Reforming Disaster Recovery
13 Act.

14 “(2) EFFECTIVE DATE.—A waiver or alter-
15 native requirement described in paragraph (1) shall
16 not take effect before the date that is 5 days after
17 the date of publication of the waiver or alternative
18 requirement on the website of the Department of
19 Housing and Urban Development or the effective
20 date for any regulation published in the Federal
21 Register.

22 “(3) PUBLIC NOTIFICATION.—The Secretary
23 shall notify the public of all waivers described in
24 paragraph (1) in accordance with the requirements

1 of section 7(q)(3) of the Department of Housing and
2 Urban Development Act (42 U.S.C. 3535(q)(3)).

3 “(j) UNUSED AMOUNTS.—

4 “(1) DEADLINE TO USE AMOUNTS.—A grantee
5 under this section shall use an amount equal to the
6 grant within 6 years beginning on the date on which
7 the Secretary obligates the amounts to the grantee,
8 as such period may be extended under paragraph
9 (4).

10 “(2) RECAPTURE.—The Secretary shall recap-
11 ture and credit to the Fund any amount that is un-
12 used by a grantee under this section upon the earlier
13 of—

14 “(A) the date on which the grantee notifies
15 the Secretary that the grantee has completed all
16 activities identified in the disaster grantee’s
17 plan under subsection (c); or

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

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

24 “(A) amounts needed to close out grants;
25 and

1 “(B) up to 10 percent of the remaining
2 funds to support maintenance of the minimal
3 capacity to launch a new program in the event
4 of a future disaster and to support pre-disaster
5 long-term recovery and mitigation planning.

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

11 “(A) the grantee submits to the Sec-
12 retary—

13 “(i) written documentation of the exi-
14 gent circumstances impacting the ability of
15 the grantee to expend funds that could not
16 be anticipated; or

17 “(ii) a justification that such request
18 is necessary due to the nature and com-
19 plexity of the program and projects; and

20 “(B) the Secretary submits a written jus-
21 tification for the extension to the Committees
22 on Appropriations of Senate and the House of
23 Representatives that specifies the period of that
24 extension.”.

1 **SEC. 7. REGULATIONS.**

2 (a) PROPOSED RULES.— Following consultation with
3 the Federal Emergency Management Agency, the Small
4 Business Administration, and other Federal agencies, not
5 later than 6 months after the date of enactment of this
6 Act, the Secretary shall issue proposed rules to carry out
7 this Act and the amendments made by this Act and shall
8 provide a 90-day period for submission of public comments
9 on those proposed rules.

10 (b) FINAL RULES.—Not later than 1 year after the
11 date of enactment of this Act, the Secretary shall issue
12 final regulations to carry out section 123 of the Housing
13 and Community Development Act of 1974, as added by
14 section 6.

15 **SEC. 8. COORDINATION OF DISASTER RECOVERY ASSIST-**
16 **ANCE, BENEFITS, AND DATA WITH OTHER**
17 **FEDERAL AGENCIES.**

18 (a) COORDINATION OF DISASTER RECOVERY ASSIST-
19 ANCE.—In order to ensure a comprehensive approach to
20 Federal disaster relief, long-term recovery, restoration of
21 housing and infrastructure, economic revitalization, and
22 mitigation in the most impacted and distressed areas re-
23 sulting from a catastrophic major disaster, the Secretary
24 shall coordinate with the Federal Emergency Management
25 Agency, to the greatest extent practicable, in the imple-
26 mentation of assistance authorized under section 123 of

1 the Housing and Community Development Act of 1974,
2 as added by section 6.

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

12 (c) DATA TRANSFER FROM FEMA AND SBA TO
13 HUD.—As permitted and deemed necessary for efficient
14 program execution, and consistent with a computer match-
15 ing agreement entered into under subsection (f)(1), the
16 Administrator of the Federal Emergency Management
17 Agency and the Administrator of the Small Business Ad-
18 ministration shall provide data on disaster applicants to
19 the Department, including, when necessary, personally
20 identifiable information, disaster recovery needs, and re-
21 sources determined eligible for, and amounts expended, to
22 the Secretary for all major disasters declared by the Presi-
23 dent pursuant to section 401 of Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.

1 5170) for the purpose of providing additional assistance
2 to disaster survivors and prevent duplication of benefits.

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

15 (e) DATA TRANSFERS FROM HUD GRANTEES TO
16 HUD, FEMA, AND SBA.—

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

23 (2) SHARING INFORMATION.—The Secretary
24 shall share information collected under paragraph
25 (1) with the Federal Emergency Management Agen-

1 cy, the Small Business Administration, and other
2 Federal agencies to support the planning and deliv-
3 ery of disaster recovery and mitigation assistance.

4 (f) PRIVACY PROTECTION.—The Secretary may make
5 and receive data transfers authorized under this section,
6 including the use and retention of that data for computer
7 matching programs, to inform the provision of assistance,
8 assess disaster recovery needs, and prevent the duplication
9 of benefits and other waste, fraud, and abuse, provided
10 that—

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

16 (2) the Secretary publishes intent to disclose
17 data in the Federal Register;

18 (3) notwithstanding paragraphs (1) and (2),
19 section 552a of title 5, United States Code (com-
20 monly known as the “Privacy Act of 1974”), or any
21 other law, the Secretary is authorized to share data
22 with an entity identified in subsection (d), and the
23 entity is authorized to use the data as described in
24 this section, if the Secretary enters a data sharing
25 agreement with the entity before sharing or receiving

1 any information under transfers authorized by this
2 section, which data sharing agreement shall—

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

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

○