

**AMENDMENT TO RULES COMMITTEE PRINT 118–**

**52**

**OFFERED BY MR. GREEN OF TEXAS**

Add at the end of Division E the following:

**1           TITLE LVIII—REFORMING**  
**2           DISASTER RECOVERY ACT**

**3   SEC. 5801. FINDINGS.**

**4           Congress finds that—**

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

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

1           (3) economic, social, and housing hardships  
2           that affect communities before disasters are exacer-  
3           bated during crises and can delay and complicate  
4           long-term recovery, especially after catastrophic  
5           major disasters;

6           (4) States, units of local government, and In-  
7           dian Tribes within the most impacted and distressed  
8           areas resulting from major disasters benefit from  
9           flexibility to design programs that meet local needs,  
10          but face inadequate financial, technical, and staffing  
11          capacity to plan and carry out sustained recovery,  
12          restoration, and mitigation activities;

13          (5) the speed and effectiveness considerations of  
14          long-term recovery from catastrophic major disasters  
15          is improved by predictable investments that support  
16          disaster relief, long-term recovery, restoration of  
17          housing and infrastructure, and economic revitaliza-  
18          tion, primarily for the benefit of low- and moderate-  
19          income persons;

20          (6) undertaking activities that mitigate the ef-  
21          fects of future natural disasters and extreme weath-  
22          er and increase the stock of affordable housing, in-  
23          cluding affordable rental housing, as part of long-  
24          term recovery can significantly reduce future fiscal  
25          and social costs, especially within high-risk areas,

1       and can help to address outstanding housing and  
2       community development needs by creating jobs and  
3       providing other economic and social benefits within  
4       communities that further promote recovery and resil-  
5       ience; and

6               (7) the general welfare and security of the  
7       United States and the health and living standards of  
8       its people require targeted resources to support  
9       State and local governments in carrying out their re-  
10      sponsibilities in disaster recovery and mitigation  
11      through interim and long-term housing and commu-  
12      nity development activities that primarily benefit  
13      low- and moderate-income persons.

14   **SEC. 5802. DEFINITIONS.**

15       In this Act:

16               (1) DEPARTMENT.—The term “Department”  
17       means the Department of Housing and Urban De-  
18       velopment.

19               (2) FUND.—The term “Fund” means the  
20       Long-Term Disaster Recovery Fund established  
21       under section 5804.

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

1   **SEC. 5803. DUTIES OF THE DEPARTMENT OF HOUSING AND**  
2                   **URBAN DEVELOPMENT.**

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

5               (1) leading and coordinating the disaster-re-  
6   lated responsibilities of the Department under the  
7   National Response Framework, the National Dis-  
8   aster Recovery Framework, and the National Mitiga-  
9   tion Framework;

10              (2) coordinating and administering programs,  
11   policies, and activities of the Department related to  
12   disaster relief, long-term recovery, resiliency, and  
13   mitigation, including disaster recovery assistance  
14   under title I of the Housing and Community Devel-  
15   opment Act of 1974 (42 U.S.C. 5301 et seq.);

16              (3) supporting disaster-impacted communities  
17   as those communities specifically assess, plan for,  
18   and address the housing stock and housing needs in  
19   the transition from emergency shelters and interim  
20   housing to permanent housing of those displaced, es-  
21   pecially among vulnerable populations and extremely  
22   low-, low-, and moderate-income households;

23              (4) collaborating with the Federal Emergency  
24   Management Agency and the Small Business Ad-  
25   ministration and across the Department to align dis-  
26   aster-related regulations and policies, including in-

1 corporation of consensus-based codes and standards  
2 and insurance purchase requirements, and ensuring  
3 coordination and reducing duplication among other  
4 Federal disaster recovery programs;

5 (5) promoting best practices in mitigation and  
6 land use planning, including consideration of tradi-  
7 tional, natural, and nature-based infrastructure al-  
8 ternatives;

9 (6) coordinating technical assistance, including  
10 mitigation, resiliency, and recovery training and in-  
11 formation on all relevant legal and regulatory re-  
12 quirements, to entities that receive disaster recovery  
13 assistance under title I of the Housing and Commu-  
14 nity Development Act of 1974 (42 U.S.C. 5301 et  
15 seq.) that demonstrate capacity constraints; and

16 (7) supporting State, Tribal, and local govern-  
17 ments in developing, coordinating, and maintaining  
18 their capacity for disaster resilience and recovery  
19 and developing pre-disaster recovery and hazard  
20 mitigation plans, in coordination with the Federal  
21 Emergency Management Agency and other Federal  
22 agencies.

23 (b) ESTABLISHMENT OF THE OFFICE OF DISASTER  
24 MANAGEMENT AND RESILIENCY.—Section 4 of the De-  
25 partment of Housing and Urban Development Act (42

1 U.S.C. 3533) is amended by adding at the end the fol-  
2 lowing:

3 “(i) OFFICE OF DISASTER MANAGEMENT AND RE-  
4 SILIENCY.—

5 “(1) ESTABLISHMENT.—There is established,  
6 in the Office of the Secretary, the Office of Disaster  
7 Management and Resiliency.

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

10 “(A) be responsible for oversight and co-  
11 ordination of all departmental disaster pre-  
12 paredness and response responsibilities; and

13 “(B) coordinate with the Federal Emer-  
14 gency Management Agency, the Small Business  
15 Administration, and the Office of Community  
16 Planning and Development and other offices of  
17 the Department in supporting recovery and re-  
18 silience activities to provide a comprehensive  
19 approach in working with communities.”.

20 **SEC. 5804. LONG-TERM DISASTER RECOVERY FUND.**

21 (a) ESTABLISHMENT.—There is established in the  
22 Treasury of the United States an account to be known  
23 as the Long-Term Disaster Recovery Fund.

24 (b) DEPOSITS, TRANSFERS, AND CREDIT.—

1           (1) IN GENERAL.—The Fund shall consist of  
2           amounts appropriated, transferred, and credited to  
3           the Fund.

4           (2) TRANSFERS.—The following may be trans-  
5           ferred to the Fund:

6                   (A) Amounts made available through sec-  
7                   tion 106(c)(4) of the Housing and Community  
8                   Development Act of 1974 (42 U.S.C.  
9                   5306(c)(4)) as a result of actions taken under  
10                  section 104(e), 111, or 123(j) of such Act.

11                  (B) Any unobligated balances available  
12                  until expended remaining or subsequently re-  
13                  captured from amounts appropriated for any  
14                  disaster and related purposes under the heading  
15                  “Community Development Fund” in any Act  
16                  prior to the establishment of the Fund.

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

20           (c) ELIGIBLE USES OF FUND.—

21                  (1) IN GENERAL.—Amounts in the Fund shall  
22                  be available—

23                    (A) to provide assistance in the form of  
24                    grants under section 123 of the Housing and

1 Community Development Act of 1974, as added  
2 by section 5805; and

3 (B) for activities of the Department that  
4 support the provision of such assistance, includ-  
5 ing necessary salaries and expenses, informa-  
6 tion technology, capacity building and technical  
7 assistance (including assistance related to pre-  
8 disaster planning), and readiness and other pre-  
9 disaster planning activities that are not readily  
10 attributable to a single major disaster.

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

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

18 (A) may be transferred to the account  
19 under the heading for “Program Offices—Com-  
20 munity Planning and Development”, or any  
21 successor account, for the Department to carry  
22 out activities described in paragraph (1)(B);  
23 and

24 (B) may be used for the activities de-  
25 scribed in paragraph (1)(B) and for the admin-



1           istrative costs of administering any funds ap-  
2           propriated to the Department under the head-  
3           ing “Community Planning and Development—  
4           Community Development Fund” for any major  
5           disaster declared under section 401 of the Rob-  
6           ert T. Stafford Disaster Relief and Emergency  
7           Assistance Act (42 U.S.C. 5170) in any Act be-  
8           fore the establishment of the Fund.

9           (d) INTERCHANGEABILITY OF PRIOR ADMINISTRA-  
10          TIVE AMOUNTS.—Any amounts appropriated in any Act  
11          prior to the establishment of the Fund and transferred  
12          to the account under the heading “Program Offices Sala-  
13          ries and Expenses—Community Planning and Develop-  
14          ment”, or any predecessor account, for the Department  
15          for the costs of administering funds appropriated to the  
16          Department under the heading “Community Planning and  
17          Development—Community Development Fund” for any  
18          major disaster declared under section 401 of the Robert  
19          T. Stafford Disaster Relief and Emergency Assistance Act  
20          (42 U.S.C. 5170) shall be available for the costs of admin-  
21          istering any such funds provided by any prior or future  
22          Act, notwithstanding the purposes for which those  
23          amounts were appropriated and in addition to any amount  
24          provided for the same purposes in other appropriations  
25          Acts.

1 (e) AVAILABILITY OF AMOUNTS.—Amounts appro-  
2 priated, transferred, and credited to the Fund shall re-  
3 main available until expended.

4 (f) FORMULA ALLOCATION.—Use of amounts in the  
5 Fund for grants shall be made by formula allocation in  
6 accordance with the requirements of section 123(a) of the  
7 Housing and Community Development Act of 1974, as  
8 added by section 5805.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Fund such sums  
11 as may be necessary to respond to current or future major  
12 disasters declared under section 401 of the Robert T.  
13 Stafford Disaster Relief and Emergency Assistance Act  
14 (42 U.S.C. 5179) for grants under section 123 of the  
15 Housing and Community Development Act of 1974, as  
16 added by section 5805.

17 **SEC. 5805. ESTABLISHMENT OF CDBG DISASTER RECOVERY**  
18 **PROGRAM.**

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

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

22 (A) in paragraph (20)—

23 (i) by redesignating subparagraph (B)

24 as subparagraph (C);

1 (ii) in subparagraph (C), as so reded-  
2 igned, by inserting “or (B)” after “sub-  
3 paragraph (A)”;

4 (iii) by inserting after subparagraph  
5 (A) the following:

6 “(B) The term ‘persons of extremely low in-  
7 come’ means families and individuals whose income  
8 levels do not exceed household income levels deter-  
9 mined by the Secretary under section 3(b)(2) of the  
10 United States Housing Act of 1937 (42 U.S.C.  
11 1437a(b)(2)(C)), except that the Secretary may pro-  
12 vide alternative definitions for the Commonwealth of  
13 Puerto Rico, Guam, the Commonwealth of the  
14 Northern Mariana Islands, the United States Virgin  
15 Islands, and American Samoa.”;

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

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

21 (2) in section 106(c)(4) (42 U.S.C.  
22 5306(c)(4))—

23 (A) in subparagraph (A)—

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

4 (ii) inserting “States for use in non-  
5 entitlement areas and to” before “metro-  
6 politan cities”; and

7 (iii) inserting “major” after “affected  
8 by the”;

9 (B) in subparagraph (C)—

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

13 (ii) by striking “city or county” and  
14 inserting “State, city, or county”; and

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

17 (C) in subparagraph (D), by striking “met-  
18 ropolitan cities and” and inserting “States,  
19 metropolitan cities, and”;

20 (D) in subparagraph (F)—

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

24 (ii) by inserting “major” before “dis-  
25 aster”; and

1 (E) in subparagraph (G), by striking “met-  
2 ropolitan city or” and inserting “State, metro-  
3 politan city, or”;

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

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

9 **“SEC. 123. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**  
10 **ASTER RECOVERY PROGRAM.**

11 “(a) AUTHORIZATION, FORMULA, AND ALLOCA-  
12 TION.—

13 “(1) AUTHORIZATION.—The Secretary is au-  
14 thorized to make community development block  
15 grant disaster recovery grants from the Long-Term  
16 Disaster Recovery Fund established under section  
17 5804 of the Reforming Disaster Recovery Act (here-  
18 inafter referred to as the ‘Fund’) for necessary ex-  
19 penses for activities authorized under subsection  
20 (f)(1) related to disaster relief, long-term recovery,  
21 restoration of housing and infrastructure, economic  
22 revitalization, and mitigation in the most impacted  
23 and distressed areas resulting from a catastrophic  
24 major disaster.

1           “(2) GRANT AWARDS.—Grants shall be awarded  
2           under this section to States, units of general local  
3           government, and Indian tribes based on capacity and  
4           the concentration of damage, as determined by the  
5           Secretary, to support the efficient and effective ad-  
6           ministration of funds.

7           “(3) SECTION 106 ALLOCATIONS.—Grants  
8           under this section shall not be considered relevant to  
9           the formula allocations made pursuant to section  
10          106.

11          “(4) FEDERAL REGISTER NOTICE.—

12                 “(A) IN GENERAL.—Not later than 30  
13                 days after the date of enactment of this section,  
14                 the Secretary shall issue a notice in the Federal  
15                 Register containing the latest formula allocation  
16                 methodologies used to determine the total esti-  
17                 mate of unmet needs related to housing, eco-  
18                 nomic revitalization, and infrastructure in the  
19                 most impacted and distressed areas resulting  
20                 from a catastrophic major disaster.

21                 “(B) PUBLIC COMMENT.—If the Secretary  
22                 has not already requested public comment on  
23                 the formula described in the notice required by  
24                 subparagraph (A), the Secretary shall solicit  
25                 public comments on—

1 “(i) the methodologies described in  
2 subparagraph (A) and seek alternative  
3 methods for formula allocation within a  
4 similar total amount of funding;

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

7 “(iii) adjustments to improve tar-  
8 geting to the most serious needs;

9 “(iv) objective criteria for grantee ca-  
10 pacity and concentration of damage to in-  
11 form grantee determinations and minimum  
12 allocation thresholds; and

13 “(v) research and data to inform an  
14 additional amount to be provided for miti-  
15 gation depending on type of disaster, which  
16 shall be not more than 30 percent of the  
17 total estimate of unmet needs.

18 “(5) REGULATIONS.—

19 “(A) IN GENERAL.—The Secretary shall,  
20 by regulation, establish a formula to allocate as-  
21 sistance from the Fund to the most impacted  
22 and distressed areas resulting from a cata-  
23 strophic major disaster.

1           “(B) FORMULA REQUIREMENTS.—The for-  
2           mula established under subparagraph (A)  
3           shall—

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

15                   “(ii) include a methodology for identi-  
16                   fying most impacted and distressed areas,  
17                   which shall consider unmet serious needs  
18                   related to housing, economic revitalization,  
19                   and infrastructure;

20                   “(iii) include an allocation calculation  
21                   that considers the unmet serious needs re-  
22                   sulting from the catastrophic major dis-  
23                   aster and an additional amount up to 30  
24                   percent for activities to reduce risks of loss  
25                   resulting from other natural disasters in



1 the most impacted and distressed area, pri-  
2 marily for the benefit of low- and mod-  
3 erate-income persons, with particular focus  
4 on activities that reduce repetitive loss of  
5 property and critical infrastructure; and

6 “(iv) establish objective criteria for  
7 periodic review and updates to the formula  
8 to reflect changes in available science and  
9 data.

10 “(C) MINIMUM ALLOCATION THRESH-  
11 OLD.—The Secretary shall, by regulation, es-  
12 tablish a minimum allocation threshold.

13 “(D) INTERIM ALLOCATION.—Until such  
14 time that the Secretary issues final regulations  
15 under this paragraph, the Secretary shall—

16 “(i) allocate assistance from the Fund  
17 using the formula allocation methodology  
18 published in accordance with paragraph  
19 (4); and

20 “(ii) include an additional amount for  
21 mitigation equal to 15 percent of the total  
22 estimate of unmet need.

23 “(6) ALLOCATION OF FUNDS.—

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

1 “(i) except as provided in clause (ii),  
2 not later than 90 days after the President  
3 declares a major disaster, use best avail-  
4 able data to determine whether the major  
5 disaster is catastrophic and qualifies for  
6 assistance under the formula described in  
7 paragraph (4) or (5), unless data is insuf-  
8 ficient to make this determination; and

9 “(ii) if the best available data is insuf-  
10 ficient to make the determination required  
11 under clause (i) within the 90-day period  
12 described in that clause, the Secretary  
13 shall determine whether the major disaster  
14 qualifies when sufficient data becomes  
15 available, but in no case shall the Sec-  
16 retary make the determination later than  
17 120 days after the declaration of the major  
18 disaster.

19 “(B) ANNOUNCEMENT OF ALLOCATION.—  
20 If amounts are available in the Fund at the  
21 time the Secretary determines that the major  
22 disaster is catastrophic and qualifies for assist-  
23 ance under the formula described in paragraph  
24 (4) or (5), the Secretary shall immediately an-

1           nounce an allocation for a grant under this sec-  
2           tion.

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

11          “(7) PRELIMINARY FUNDING.—

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

21                 “(B) AMOUNT.—

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

1                   “(ii) SLIDING SCALE.—The Secretary  
2                   shall, by regulation, establish a sliding  
3                   scale for preliminary funding awarded  
4                   under subparagraph (A) based on the size  
5                   of the preliminary assessment of impact  
6                   and distress.

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

10                   “(i) in the determination of the Sec-  
11                   retary, will support faster recovery, im-  
12                   prove the ability of the grantee to assess  
13                   unmet recovery needs, plan for the preven-  
14                   tion of improper payments, and reduce  
15                   fraud, waste, and abuse; and

16                   “(ii) may include evaluating the in-  
17                   terim housing, permanent housing, and  
18                   supportive service needs of the disaster im-  
19                   pacted community, with special attention  
20                   to vulnerable populations, such as homeless  
21                   and low- to moderate-income households,  
22                   to inform the grantee action plan required  
23                   under subsection (c).

1 “(D) CONSIDERATION OF FUNDING.—Pre-  
2 liminary funding awarded under subparagraph  
3 (A)—

4 “(i) is not subject to the certification  
5 requirements of subsection (h)(1); and

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

11 “(E) WAIVER.—To expedite the use of  
12 preliminary funding for activities described in  
13 this paragraph, the Secretary may waive or  
14 specify alternative requirements to the require-  
15 ments of this section in accordance with sub-  
16 section (i).

17 “(F) AMENDED AWARD.—

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

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

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

13               “(b) INTERCHANGEABILITY.—

14               “(1) IN GENERAL.—The Secretary is authorized  
15               to approve the use of grants under this section to be  
16               used interchangeably and without limitation for the  
17               same activities in the most impacted and distressed  
18               areas resulting from a declaration of another cata-  
19               strophic major disaster that qualifies for assistance  
20               under the formula established under paragraph (4)  
21               or (5) of subsection (a) or a major disaster for  
22               which the Secretary allocated funds made available  
23               under the heading ‘Community Development Fund’  
24               in any Act prior to the establishment of the Fund.

1           “(2) REQUIREMENTS.—The Secretary shall es-  
2       tablish requirements to expedite the use of grants  
3       under this section for the purpose described in para-  
4       graph (1).

5           “(3) EMERGENCY DESIGNATION.—Amounts  
6       repurposed pursuant to this subsection that were  
7       previously designated by Congress as an emergency  
8       requirement pursuant to the Balanced Budget and  
9       Emergency Deficit Control Act of 1985 or a concur-  
10      rent resolution on the budget are designated by Con-  
11      gress as an emergency requirement pursuant to sec-  
12      tion 4001(a)(1) of S. Con. Res. 14 (117th Congress)  
13      and legislation establishing fiscal year 2024 budget  
14      enforcement in the House of Representatives.

15      “(c) GRANTEE PLANS.—

16           “(1) REQUIREMENT.—Not later than 90 days  
17      after the date on which the Secretary announces a  
18      grant allocation under this section, unless an exten-  
19      sion is granted by the Secretary, the grantee shall  
20      submit to the Secretary a plan for approval describ-  
21      ing—

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

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

1           “(C) how the use of the grant under this  
2           section will address disaster relief, long-term re-  
3           covery, restoration of housing and infrastruc-  
4           ture, economic revitalization, and mitigation in  
5           the most impacted and distressed areas;

6           “(D) how the use of the grant funds for  
7           mitigation is consistent with hazard mitigation  
8           plans submitted to the Federal Emergency  
9           Management Agency under section 322 of the  
10          Robert T. Stafford Disaster Relief and Emer-  
11          gency Assistance Act (42 U.S.C. 5165);

12          “(E) the estimated amount proposed to be  
13          used for activities that will benefit persons of  
14          low and moderate income;

15          “(F) how the use of grant funds will repair  
16          and replace existing housing stock for vulner-  
17          able populations, including low- to moderate-in-  
18          come households;

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

21          “(H) how uses of funds are proportional to  
22          unmet needs, as required under paragraph (6);

23          “(I) for State grantees that plan to dis-  
24          tribute grant amounts to units of general local



1 government, a description of the method of dis-  
2 tribution; and

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

5 “(2) PUBLIC CONSULTATION.—To permit pub-  
6 lic examination and appraisal of the plan described  
7 in paragraph (1), to enhance the public account-  
8 ability of grantee, and to facilitate coordination of  
9 activities with different levels of government, when  
10 developing the plan or substantial amendments pro-  
11 posed to the plan required under paragraph (1), a  
12 grantee shall—

13 “(A) publish the plan before adoption;

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

19 “(C) consider comments received before  
20 submission to the Secretary;

21 “(D) follow a citizen participation plan for  
22 disaster assistance adopted by the grantee that,  
23 at a minimum, provides for participation of  
24 residents of the most impacted and distressed  
25 area affected by the major disaster that re-

1           sulted in the grant under this section and other  
2           considerations established by the Secretary; and

3           “(E) undertake any consultation with in-  
4           terested parties as may be determined by the  
5           Secretary in regulation.

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

7           “(A) by regulation, specify criteria for the  
8           approval, partial approval, or disapproval of a  
9           plan submitted under paragraph (1), including  
10          approval of substantial amendments to the  
11          plan;

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

14          “(C) allow a grantee to revise and resub-  
15          mit a plan or substantial amendment to a plan  
16          under paragraph (1) that the Secretary dis-  
17          approves;

18          “(D) by regulation, specify criteria for  
19          when the grantee shall be required to provide  
20          the required revisions to a disapproved plan or  
21          substantial amendment under paragraph (1) for  
22          public comment prior to resubmission of the  
23          plan or substantial amendment to the Sec-  
24          retary; and

1           “(E) approve, partially approve, or dis-  
2           approve a plan or substantial amendment under  
3           paragraph (1) not later than 60 days after the  
4           date on which the plan or substantial amend-  
5           ment is received by the Secretary.

6           “(4) LOW- AND MODERATE-INCOME OVERALL  
7           BENEFIT.—

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

12                   “(i) specifically finds that—

13                           “(I) there is compelling need to  
14                           reduce the percentage for the grant;  
15                           and

16                           “(II) the housing needs of low-  
17                           and moderate-income persons have  
18                           been addressed; and

19                   “(ii) issues a waiver and alternative  
20                   requirement specific to the grant pursuant  
21                   to subsection (i) to lower the percentage.

22           “(B) REGULATIONS.—The Secretary shall,  
23           by regulation, establish protocols consistent  
24           with the findings of section 5801 of the Re-  
25           forming Disaster Recovery Act to prioritize the

1 use of funds by a grantee under this section to  
2 meet the needs of low- and moderate-income  
3 persons and businesses serving primarily per-  
4 sons of low and moderate income.

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

7 “(A) assist persons with extremely low-,  
8 low-, and moderate-incomes and other vulner-  
9 able populations to better recover from and  
10 withstand future disasters, emphasizing those  
11 with the most severe needs;

12 “(B) address affordable housing, including  
13 affordable rental housing, needs arising from a  
14 disaster, or those needs present prior to a dis-  
15 aster;

16 “(C) prolong the life of housing and infra-  
17 structure;

18 “(D) use cost-effective means of preventing  
19 harm to people and property and incorporate  
20 protective features, redundancies, and energy  
21 savings; and

22 “(E) other measures that will assure the  
23 continuation of critical services during future  
24 disasters.

25 “(6) PROPORTIONAL ALLOCATION.—

1           “(A) IN GENERAL.—A grantee under this  
2           section shall allocate grant funds proportional  
3           to unmet needs between housing activities, eco-  
4           nomic revitalization, and infrastructure, unless  
5           the Secretary—

6                   “(i) specifically finds that—

7                           “(I) there is a compelling need  
8                           for a disproportional allocation among  
9                           those unmet needs; and

10                           “(II) the disproportional alloca-  
11                           tion described in subclause (I) is not  
12                           inconsistent with the requirements  
13                           under paragraph (4); and

14                           “(ii) issues a waiver and alternative  
15                           requirement pursuant to subsection (i) to  
16                           allow for the disproportional allocation de-  
17                           scribed in clause (i)(I).

18           “(B) HOUSING ACTIVITIES.—With respect  
19           to housing activities described in subparagraph  
20           (A)(i), grantees should address proportional  
21           needs between homeowners and renters, includ-  
22           ing low-income households in public housing  
23           and Federally subsidized housing.

24           “(7) DISASTER RISK MITIGATION.—

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

3                   “(i) means areas identified by the  
4           Secretary, in consultation with the Admin-  
5           istrator of the Federal Emergency Man-  
6           agement Agency, at risk from natural haz-  
7           ards that threaten property damage or  
8           health, safety, and welfare, such as floods,  
9           wildfires (including Wildland-Urban Inter-  
10          face areas), earthquakes, lava inundation,  
11          tornados, and high winds; and

12                   “(ii) includes areas having special  
13          flood hazards as identified under the Flood  
14          Disaster Protection Act of 1973 (42  
15          U.S.C. 4002 et seq.) or the National Flood  
16          Insurance Act of 1968 (42 U.S.C. 4001 et  
17          seq.).

18           “(B) HAZARD-PRONE AREAS.—The Sec-  
19          retary, in consultation with the Administrator  
20          of the Federal Emergency Management Agency,  
21          shall establish minimum construction standards,  
22          insurance purchase requirements, and other re-  
23          quirements for the use of grant funds in haz-  
24          ard-prone areas.

25           “(C) SPECIAL FLOOD HAZARDS.—

1 “(i) IN GENERAL.—For the areas de-  
2 scribed in subparagraph (A)(ii), the insur-  
3 ance purchase requirements established  
4 under subparagraph (B) shall meet or ex-  
5 ceed the requirements under section 102(a)  
6 of the Flood Disaster Protection Act of  
7 1973 (42 U.S.C. 4012a(a)).

8 “(ii) TREATMENT AS FINANCIAL AS-  
9 SISTANCE.—All grants under this section  
10 shall be treated as financial assistance for  
11 purposes of section 3(a)(3) of the Flood  
12 Disaster Protection Act of 1973 (42  
13 U.S.C. 4003(a)(3)).

14 “(D) CONSIDERATION OF FUTURE  
15 RISKS.—The Secretary may consider future  
16 risks to protecting property and health, safety,  
17 and general welfare, and the likelihood of those  
18 risks, when making the determination of or  
19 modification to hazard-prone areas under this  
20 paragraph.

21 “(8) RELOCATION.—

22 “(A) IN GENERAL.—The Uniform Reloca-  
23 tion Assistance and Real Property Acquisition  
24 Policies Act of 1970 (42 U.S.C. 4601 et seq.)  
25 shall apply to activities assisted under this sec-

1           tion to the extent determined by the Secretary  
2           in regulation, or as provided in waivers or alter-  
3           native requirements authorized in accordance  
4           with subsection (i).

5           “(B) POLICY.—Each grantee under this  
6           section shall establish a relocation assistance  
7           policy that—

8                   “(i) minimizes displacement and de-  
9                   scribes the benefits available to persons  
10                  displaced as a direct result of acquisition,  
11                  rehabilitation, or demolition in connection  
12                  with an activity that is assisted by a grant  
13                  under this section; and

14                   “(ii) includes any appeal rights or  
15                  other requirements that the Secretary es-  
16                  tablishes by regulation.

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

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

22                   “(2) for grants other than grants to Indian  
23                  tribes, the grant will be conducted and administered  
24                  in conformity with the Civil Rights Act of 1964 (42



1 U.S.C. 2000a et seq.) and the Fair Housing Act (42  
2 U.S.C. 3601 et seq.);

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

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

22 “(5) for grants other than grants to Indian  
23 Tribes, within 24 months of receiving a grant or at  
24 the time of its 3- or 5-year update, whichever is  
25 sooner, the grantee will review and make modifica-

1        tions to its non-disaster housing and community de-  
2        velopment plans and strategies required by sub-  
3        sections (c) and (m) of section 104 to reflect the dis-  
4        aster recovery needs identified by the grantee and  
5        consistency with the plan under subsection (c)(1);

6            “(6) the grantee will not attempt to recover any  
7        capital costs of public improvements assisted in  
8        whole or part under this section by assessing any  
9        amount against properties owned and occupied by  
10       persons of low and moderate income, including any  
11       fee charged or assessment made as a condition of  
12       obtaining access to such public improvements, un-  
13       less—

14            “(A) funds received under this section are  
15        used to pay the proportion of such fee or as-  
16        sessment that relates to the capital costs of  
17        such public improvements that are financed  
18        from revenue sources other than under this  
19        chapter; or

20            “(B) for purposes of assessing any amount  
21        against properties owned and occupied by per-  
22        sons of moderate income, the grantee certifies  
23        to the Secretary that the grantee lacks suffi-  
24        cient funds received under this section to com-  
25        ply with the requirements of subparagraph (A);

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

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

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

11      “(e) PERFORMANCE REVIEWS AND REPORTING.—

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

17           “(A) carried out activities using grant  
18      funds in a timely manner;

19           “(B) met the performance targets estab-  
20      lished by paragraph (2);

21           “(C) carried out activities using grant  
22      funds in accordance with the requirements of  
23      this section, the other provisions of this title  
24      that apply to assistance under this section, and  
25      other applicable laws; and

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

3                   “(2) PERFORMANCE TARGETS.—The Secretary  
4                   shall develop and make publicly available critical  
5                   performance targets for review, which shall include  
6                   spending thresholds for each year from the date on  
7                   which funds are obligated by the Secretary to the  
8                   grantee until such time all funds have been ex-  
9                   pended.

10                  “(3) FAILURE TO MEET TARGETS.—

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

15                   “(B) PERFORMANCE IMPROVEMENT  
16                   PLAN.—If the Secretary suspends a grant  
17                   under subparagraph (A), the Secretary shall  
18                   provide to the grantee a performance improve-  
19                   ment plan with the specific requirements needed  
20                   to lift the suspension within a defined time pe-  
21                   riod.

22                   “(C) REPORT.—If a grantee fails to meet  
23                   the spending thresholds established under para-  
24                   graph (2), the grantee shall submit to the Sec-  
25                   retary, the appropriate committees of Congress,

1 and each member of Congress who represents a  
2 district or State of the grantee a written report  
3 identifying technical capacity, funding, or other  
4 Federal or State impediments affecting the abil-  
5 ity of the grantee to meet the spending thresh-  
6 olds.

7 “(4) COLLECTION OF INFORMATION AND RE-  
8 PORTING.—

9 “(A) REQUIREMENT TO REPORT.—A  
10 grantee under this section shall provide to the  
11 Secretary such information as the Secretary  
12 may determine necessary for adequate oversight  
13 of the grant program under this section.

14 “(B) PUBLIC AVAILABILITY.—Subject to  
15 subparagraph (D), the Secretary shall make in-  
16 formation submitted under subparagraph (A)  
17 available to the public and to the Inspector  
18 General for the Department of Housing and  
19 Urban Development, disaggregated by activity,  
20 income, geography, and all classes of individuals  
21 protected under section 109 and the Fair Hous-  
22 ing Act.

23 “(C) SUMMARY STATUS REPORTS.—To in-  
24 crease transparency and accountability of the  
25 grant program under this section the Secretary

1           shall, on not less frequently than an annual  
2           basis, post on a public facing dashboard sum-  
3           mary status reports for all active grants under  
4           this section that includes—

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

6                   “(ii) the percentages of funds allo-  
7                   cated and expended to benefit low- and  
8                   moderate-income communities;

9                   “(iii) performance targets, spending  
10                  thresholds, and accomplishments; and

11                  “(iv) other information the Secretary  
12                  determines to be relevant for transparency.

13                  “(D) CONSIDERATIONS.—In carrying out  
14                  this paragraph, the Secretary—

15                   “(i) shall take such actions as may be  
16                   necessary to ensure that personally identi-  
17                   fiable information regarding applicants for  
18                   assistance provided from funds made avail-  
19                   able under this section is not made publicly  
20                   available; and

21                   “(ii) may make full and unredacted  
22                   information available to academic institu-  
23                   tions for the purpose of researching into  
24                   the equitable distribution of recovery funds  
25                   and adherence to civil rights protections.

1 “(f) ELIGIBLE ACTIVITIES.—

2 “(1) IN GENERAL.—Activities assisted under  
3 this section—

4 “(A) may include activities permitted  
5 under section 105 or other activities permitted  
6 by the Secretary by waiver or alternative re-  
7 quirement pursuant to subsection (i); and

8 “(B) shall be related to disaster relief,  
9 long-term recovery, restoration of housing and  
10 infrastructure, economic revitalization, and  
11 mitigation in the most impacted and distressed  
12 areas resulting from the major disaster for  
13 which the grant was awarded.

14 “(2) PROHIBITION.—Grant funds under this  
15 section may not be used for costs reimbursable by,  
16 or for which funds have been made available by, the  
17 Federal Emergency Management Agency, or the  
18 United States Army Corps of Engineers.

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

21 “(A) IN GENERAL.—The Secretary shall  
22 establish in regulation the maximum grant  
23 amounts a grantee may use for administrative  
24 costs, technical assistance and planning activi-  
25 ties, taking into consideration size of grant,

1 complexity of recovery, and other factors as de-  
2 termined by the Secretary, but not to exceed 10  
3 percent for administration and 20 percent in  
4 total.

5 “(B) AVAILABILITY.—Amounts available  
6 for administrative costs for a grant under this  
7 section shall be available for eligible administra-  
8 tive costs of the grantee for any grant made  
9 under this section, without regard to a par-  
10 ticular disaster.

11 “(4) PROGRAM INCOME.—Notwithstanding any  
12 other provision of law, any grantee under this sec-  
13 tion may retain program income that is realized  
14 from grants made by the Secretary under this sec-  
15 tion if the grantee agrees that the grantee will uti-  
16 lize the program income in accordance with the re-  
17 quirements for grants under this section, except that  
18 the Secretary may—

19 “(A) by regulation, exclude from consider-  
20 ation as program income any amounts deter-  
21 mined to be so small that compliance with this  
22 paragraph creates an unreasonable administra-  
23 tive burden on the grantee; or

24 “(B) permit the grantee to transfer re-  
25 maining program income to the other grants of



1 the grantee under this title upon closeout of the  
2 grant.

3 “(5) PROHIBITION ON USE OF ASSISTANCE FOR  
4 EMPLOYMENT RELOCATION ACTIVITIES.—

5 “(A) IN GENERAL.—Grants under this sec-  
6 tion may not be used to assist directly in the  
7 relocation of any industrial or commercial plant,  
8 facility, or operation, from one area to another  
9 area, if the relocation is likely to result in a sig-  
10 nificant loss of employment in the labor market  
11 area from which the relocation occurs.

12 “(B) APPLICABILITY.—The prohibition  
13 under subparagraph (A) shall not apply to a  
14 business that was operating in the disaster-de-  
15 clared labor market area before the incident  
16 date of the applicable disaster and has since  
17 moved, in whole or in part, from the affected  
18 area to another State or to a labor market area  
19 within the same State to continue business.

20 “(6) REQUIREMENTS.—Grants under this sec-  
21 tion are subject to the requirements of this section,  
22 the other provisions of this title that apply to assist-  
23 ance under this section, and other applicable laws,  
24 unless modified by waivers or alternative require-  
25 ments in accordance with subsection (i).

1 “(g) ENVIRONMENTAL REVIEW.—

2 “(1) ADOPTION.—A recipient of funds provided  
3 under this section that uses the funds to supplement  
4 Federal assistance provided under section 203, 402,  
5 403, 404, 406, 407, 408(c)(4), 428, or 502 of the  
6 Robert T. Stafford Disaster Relief and Emergency  
7 Assistance Act (42 U.S.C. 5170a, 5170b, 5170c,  
8 5172, 5173, 5174(c)(4), 5189f, 5192) may adopt,  
9 without review or public comment, any environ-  
10 mental review, approval, or permit performed by a  
11 Federal agency, and that adoption shall satisfy the  
12 responsibilities of the recipient with respect to the  
13 environmental review, approval, or permit under sec-  
14 tion 104(g)(1).

15 “(2) APPROVAL OF RELEASE OF FUNDS.—Not-  
16 withstanding section 104(g)(2), the Secretary or a  
17 State may, upon receipt of a request for release of  
18 funds and certification, immediately approve the re-  
19 lease of funds for an activity or project to be as-  
20 sisted under this section if the recipient has adopted  
21 an environmental review, approval, or permit under  
22 paragraph (1) or the activity or project is categori-  
23 cally excluded from review under the National Envi-  
24 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
25 seq.).

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

5           “(h) FINANCIAL CONTROLS AND PROCEDURES.—

6           “(1) IN GENERAL.—The Secretary shall develop  
7           requirements and procedures to demonstrate that a  
8           grantee under this section—

9                   “(A) has adequate financial controls and  
10                  procurement processes;

11                  “(B) has adequate procedures to detect  
12                  and prevent fraud, waste, abuse, and duplica-  
13                  tion of benefit; and

14                  “(C) maintains a comprehensive and pub-  
15                  licly accessible website.

16           “(2) CERTIFICATION.—Before making a grant  
17           under this section, the Secretary shall certify that  
18           the grantee has in place proficient processes and  
19           procedures to comply with the requirements devel-  
20           oped under paragraph (1), as determined by the  
21           Secretary.

22           “(3) COMPLIANCE BEFORE ALLOCATION.—The  
23           Secretary may permit a State, unit of general local  
24           government, or Indian tribe to demonstrate compli-  
25           ance with the requirements for adequate financial

1 controls developed under paragraph (1) before a dis-  
2 aster occurs and before receiving an allocation for a  
3 grant under this section.

4 “(4) DUPLICATION OF BENEFITS.—

5 “(A) IN GENERAL.—Funds made available  
6 under this section shall be used in accordance  
7 with section 312 of the Robert T. Stafford Dis-  
8 aster Relief and Emergency Assistance Act (42  
9 U.S.C. 5155), as amended by section 1210 of  
10 the Disaster Recovery Reform Act of 2018 (di-  
11 vision D of Public Law 115–254), and such  
12 rules as may be prescribed under such section  
13 312.

14 “(B) PENALTIES.—In any case in which  
15 the use of grant funds under this section results  
16 in a prohibited duplication of benefits, the  
17 grantee shall—

18 “(i) apply an amount equal to the  
19 identified duplication to any allowable costs  
20 of the award consistent with actual, imme-  
21 diate cash requirement;

22 “(ii) remit any excess amounts to the  
23 Secretary to be credited to the obligated,  
24 undisbursed balance of the grant con-

1           sistent with requirements on Federal pay-  
2           ments applicable to such grantee; and

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

8           “(C) FAILURE TO COMPLY.—Any grantee  
9           provided funds under this section or from prior  
10          Appropriations Acts under the heading ‘Com-  
11          munity Development Fund’ for purposes related  
12          to major disasters that fails to comply with sec-  
13          tion 312 of the Robert T. Stafford Disaster Re-  
14          lief and Emergency Assistance Act (42 U.S.C.  
15          5155) or fails to satisfy penalties to resolve a  
16          duplication of benefits shall be subject to rem-  
17          edies for noncompliance under section 111, un-  
18          less the Secretary publishes a determination in  
19          the Federal Register that it is not in the best  
20          interest of the Federal Government to pursue  
21          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 5801 of the Reforming Disaster Re-  
13 covery 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 or alternative  
24 requirements described in paragraph (1) in accord-  
25 ance with the requirements of section 7(q)(3) of the

1 Department of Housing and Urban Development  
2 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. 5806. 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 5805.

15   **SEC. 5807. COORDINATION OF DISASTER RECOVERY AS-**  
16                           **SISTANCE, BENEFITS, AND DATA WITH**  
17                           **OTHER 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 5805.

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 5805, offices of  
7 the Department, technical assistance providers, and lend-  
8 ers information that in the determination of the Secretary  
9 is reasonably available and appropriate to inform the pro-  
10 vision 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 5805, shall report infor-  
20 mation requested by the Secretary on households,  
21 businesses, and other entities assisted and the type  
22 of 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 and other related purposes.

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

12 (1) the Secretary enters an information sharing  
13 agreement or a computer matching agreement, when  
14 required by section 522a of title 5, United States  
15 Code (commonly known as the “Privacy Act of  
16 1974”), with the Administrator of the Federal  
17 Emergency Management Agency, the Administrator  
18 of the Small Business Administration, or other Fed-  
19 eral agencies covering the transfer of data;

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

22 (3) notwithstanding paragraphs (1) and (2),  
23 section 552a of title 5, United States Code, or any  
24 other law, the Secretary is authorized to share data  
25 with an entity identified in subsection (d), and the

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

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

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

