

110TH CONGRESS  
1ST SESSION

# H. R. 1361

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## AN ACT

To improve the disaster relief programs of the Small  
Business Administration, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Relief for Entrepreneurs: Coordination of Objectives and  
 4 Values for Effective Recovery Act of 2007” or the “RE-  
 5 COVER Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PLANNING

Sec. 101. Comprehensive disaster response plan.  
 Sec. 102. Annual disaster simulation exercise.  
 Sec. 103. Disaster reserve corps.  
 Sec. 104. Plans to secure additional office space.  
 Sec. 105. Coordination of disaster assistance programs with FEMA.  
 Sec. 106. Associate Administrator for Disaster Assistance.

TITLE II—LENDING

Sec. 201. Incidents of National Significance.  
 Sec. 202. Information tracking and follow-up system.  
 Sec. 203. Immediate Disaster Assistance program.  
 Sec. 204. Increased deferment period.  
 Sec. 205. Revised repayment terms.  
 Sec. 206. Revised disbursement process.  
 Sec. 207. Revised collateral requirements.  
 Sec. 208. Enhanced lending authority for private lenders.  
 Sec. 209. Disaster processing redundancy.  
 Sec. 210. Grant program.  
 Sec. 211. Hurricane Assistance Replacement Grant program.  
 Sec. 212. Increase legislative limit.  
 Sec. 213. Net earnings clauses prohibited.  
 Sec. 214. Economic injury disaster loans to nonprofits.  
 Sec. 215. Applicants that will constitute a major source of employment due to  
 changed economic circumstances.  
 Sec. 216. Preliminary application process for assistance for small business con-  
 cerns with essential employees ordered to serve on active duty  
 in the Armed Forces.  
 Sec. 217. Economic injury disaster loans in cases of ice storms and blizzards.  
 Sec. 218. Report regarding lack of snow fall.  
 Sec. 219. Gulf Coast Disaster Loan Refinancing program.

TITLE III—OVERSIGHT

Sec. 301. Reports on disaster assistance.

1                                   **TITLE I—PLANNING**

2   **SEC. 101. COMPREHENSIVE DISASTER RESPONSE PLAN.**

3           The Small Business Act is amended by redesignating  
4 section 37 as section 99 and by inserting after section 36  
5 the following:

6   **“SEC. 37. COMPREHENSIVE DISASTER RESPONSE PLAN.**

7           “(a) PLAN REQUIRED.—The Administrator shall de-  
8 velop, implement, and maintain a comprehensive written  
9 disaster response plan. The plan shall include the fol-  
10 lowing:

11                   “(1) For each region of the Administration, a  
12 description of the disasters most likely to occur in  
13 that region.

14                   “(2) For each disaster described under para-  
15 graph (1)—

16                                   “(A) an assessment of the disaster;

17                                   “(B) an assessment of the demand for Ad-  
18 ministration assistance most likely to occur in  
19 response to the disaster;

20                                   “(C) an assessment of the needs of the Ad-  
21 ministration, with respect to such resources as  
22 information technology, telecommunications,  
23 human resources, and office space, to meet the  
24 demand referred to in subparagraph (B); and

1           “(D) guidelines pursuant to which the Ad-  
2           ministration will coordinate with other Federal  
3           agencies and with State and local authorities to  
4           best respond to the demand referred to in sub-  
5           paragraph (B) and to best use the resources re-  
6           ferred to in that subparagraph.

7           “(b) COMPLETION; REVISION.—The first plan re-  
8           quired by subsection (a) shall be completed not later than  
9           180 days after the date of the enactment of this section.  
10          Thereafter, the Administrator shall update the plan on an  
11          annual basis and following any incident of national signifi-  
12          cance (as declared by the President or his designee).

13          “(c) KNOWLEDGE REQUIRED.—The Administrator  
14          shall carry out subsections (a) and (b) through an indi-  
15          vidual with substantial knowledge in the field of disaster  
16          readiness and emergency response.

17          “(d) REPORT.—The Administrator shall include a re-  
18          port on the plan whenever the Administrator submits the  
19          report required by section 47(a).”.

20          **SEC. 102. ANNUAL DISASTER SIMULATION EXERCISE.**

21          The Small Business Act is amended by inserting after  
22          section 37 (as added by section 101) the following:

23          **“SEC. 38. ANNUAL DISASTER SIMULATION EXERCISE.**

24          “(a) EXERCISE REQUIRED.—The Administrator shall  
25          conduct a disaster simulation exercise at least once each

1 fiscal year. The exercise shall include the participation of,  
2 at a minimum, not less than half of the individuals in the  
3 disaster reserve corps and shall test, at maximum capac-  
4 ity, all of the information technology and telecommuni-  
5 cations systems of the Administration that are vital to the  
6 activities of the Administration during such a disaster.

7 “(b) REPORT.—The Administrator shall include a re-  
8 port on the disaster simulation exercise whenever the Ad-  
9 ministration submits the report required by section  
10 47(a).”.

11 **SEC. 103. DISASTER RESERVE CORPS.**

12 The Small Business Act is amended by inserting after  
13 section 38 (as added by section 102) the following:

14 **“SEC. 39. DISASTER RESERVE CORPS.**

15 “(a) CORPS REQUIRED.—The Administrator shall  
16 maintain within the Administration a disaster reserve  
17 corps, the purpose of which is to perform the functions  
18 of the Administration related to disaster response. The  
19 corps shall consist of at least 1,000 individuals, each of  
20 whom—

21 “(1) does not ordinarily have the duties of a  
22 full-time officer or employee of the Administration;  
23 but

24 “(2) is able to assume duties related to disaster  
25 response when the Administrator so requires.

1       “(b) TRAINING.—The Administrator shall ensure  
2 that each individual in the corps receives training each  
3 year in one or more functions relating to disaster response.  
4 To the maximum extent practicable, the function in which  
5 an individual is trained in one year shall be different from  
6 the function in which the individual was trained in prior  
7 years.

8       “(c) GEOGRAPHIC DISTRIBUTION.—The Adminis-  
9 trator shall ensure that not more than 30 percent of the  
10 individuals in the corps reside in any one region of the  
11 Administration.

12       “(d) REPORT.—The Administrator shall include a re-  
13 port on the corps whenever the Administration submits  
14 the report required by section 47(a).”.

15 **SEC. 104. PLANS TO SECURE ADDITIONAL OFFICE SPACE.**

16       The Small Business Act is amended by inserting after  
17 section 39 (as added by section 103) the following:

18 **“SEC. 40. PLANS TO SECURE ADDITIONAL OFFICE SPACE.**

19       “(a) PLANS REQUIRED.—The Administrator shall  
20 develop long-term plans to secure additional office space  
21 to accommodate an expanded workforce in times of dis-  
22 aster.

23       “(b) REPORT.—The Administrator shall include a re-  
24 port on the plans whenever the Administration submits  
25 the report required by section 47(a).”.

1 **SEC. 105. COORDINATION OF DISASTER ASSISTANCE PRO-**  
2 **GRAMS WITH FEMA.**

3 The Small Business Act is amended by inserting after  
4 section 40 (as added by section 104) the following:

5 **“SEC. 41. COORDINATION OF DISASTER ASSISTANCE PRO-**  
6 **GRAMS WITH FEMA.**

7 “(a) COORDINATION REQUIRED.—The Administrator  
8 shall ensure that the disaster assistance programs of the  
9 Administration are coordinated, to the maximum extent  
10 practicable, with the disaster assistance programs of the  
11 Federal Emergency Management Agency.

12 “(b) REGULATIONS REQUIRED.—The Administrator,  
13 in consultation with the Director of the Federal Emer-  
14 gency Management Agency, shall establish regulations to  
15 ensure that each application for disaster assistance is sub-  
16 mitted as quickly as practicable to the Administration or  
17 directed to the appropriate agency under the cir-  
18 cumstances.

19 “(c) COMPLETION; REVISION.—The initial regula-  
20 tions shall be completed not later than 270 days after the  
21 date of the enactment of this section. Thereafter, the regu-  
22 lations shall be revised on an annual basis.

23 “(d) REPORT.—The Administrator shall include a re-  
24 port on the regulations whenever the Administration sub-  
25 mits the report required by section 47(a).”

1 **SEC. 106. ASSOCIATE ADMINISTRATOR FOR DISASTER AS-**  
2 **SISTANCE.**

3 The Small Business Act is amended by inserting after  
4 section 41 (as added by section 105) the following:

5 **“SEC. 42. ASSOCIATE ADMINISTRATOR FOR DISASTER AS-**  
6 **SISTANCE.**

7 “(a) IN GENERAL.—There is established in the Ad-  
8 ministration an Associate Administrator for Disaster As-  
9 sistance, appointed by the President by and with the ad-  
10 vice and consent of the Senate, from among individuals  
11 who have—

12 “(1) proven management ability; and

13 “(2) substantial knowledge in the field of dis-  
14 aster readiness and emergency response.

15 “(b) DIRECTOR OF DISASTER PLANNING.—

16 “(1) APPOINTMENT.—There is established in  
17 the Administration a Director for Disaster Planning,  
18 appointed by the Administrator from among the per-  
19 sonnel of the Administration.

20 “(2) DUTIES.—Subject to the authority, direc-  
21 tion, and control of the Associate Administrator for  
22 Disaster Assistance, the Director shall—

23 “(A) develop and implement the Adminis-  
24 tration’s plans for responding to disasters; and

25 “(B) direct the Administration’s training  
26 exercises with respect to disasters.

1           “(3) COORDINATION.—In carrying out the du-  
2 ties under paragraph (2), the Director shall coordi-  
3 nate with—

4           “(A) the Associate Administrator for the  
5 Office of Disaster Assistance of the Administra-  
6 tion;

7           “(B) the Director of the Federal Emer-  
8 gency Management Agency; and

9           “(C) other Federal, State, and local dis-  
10 aster planning offices, as necessary.

11       “(c) DIRECTOR OF DISASTER LENDING.—

12           “(1) APPOINTMENT.—There is established in  
13 the Administration a Director for Disaster Lending,  
14 appointed by the Administrator from among the per-  
15 sonnel of the Administration.

16           “(2) DUTIES.—Subject to the authority, direc-  
17 tion, and control of the Associate Administrator for  
18 Disaster Assistance, the Director shall direct all as-  
19 pects of the disaster lending program under section  
20 7(b).

21       “(d) RESOURCES.—The Administrator shall ensure  
22 that the Associate Administrator for Disaster Assistance,  
23 the Director of Disaster Planning, and the Director of  
24 Disaster Lending have adequate resources to carry out the  
25 duties under this section.”.

**TITLE II—LENDING****2 SEC. 201. INCIDENTS OF NATIONAL SIGNIFICANCE.**

3 (a) DISASTER LOANS TO PRIVATE NONPROFIT OR-  
4 GANIZATIONS.—Section 7(b)(2) of the Small Business Act  
5 (15 U.S.C. 636(b)(2)) is amended—

6 (1) in subparagraph (D) by striking the period  
7 at the end and inserting “; or”; and

8 (2) by inserting after subparagraph (D) the fol-  
9 lowing:

10 “(E) an incident of national significance,  
11 as declared by the President or his designee, in  
12 which case assistance under this paragraph may  
13 be provided, subject to the other applicable re-  
14 quirements of this paragraph, to a private non-  
15 profit organization (as that term is defined in  
16 section 29(a)(2)) that is located in an area af-  
17 fected by the incident of national significance.”.

18 (b) MITIGATION LOANS TO SMALL BUSINESS CON-  
19 CERNS.—Section 7 of the Small Business Act (15 U.S.C.  
20 636) is amended by inserting after subsection (d) the fol-  
21 lowing:

22 “(e) DISASTER MITIGATION LOANS.—

23 “(1) AUTHORITY.—The Administrator may  
24 make or guarantee a mitigation loan to a small busi-  
25 ness concern that receives a loan under section

1       7(b)(1)(A) for the damage or destruction, by reason  
2       of an incident of national significance (as declared  
3       by the President or his designee), of property owned  
4       by the small business concern.

5               “(2) AMOUNT OF LOAN.—The amount of a loan  
6       under paragraph (1) shall not exceed 20 percent of  
7       the total amount of the cost of the damage or de-  
8       struction referred to in paragraph (1). The total  
9       amount shall be calculated without regard for any  
10      costs for which the small business concern is reim-  
11      bursed under any insurance policy or otherwise.”.

12      (c) APPLICABILITY FOR FISCAL YEAR 2006 TO HUR-  
13      RICANES KATRINA, RITA, AND WILMA.—

14              (1) IN GENERAL.—For fiscal year 2006, the  
15      Administrator—

16              (A) may carry out subsection (e) of section  
17              7 of the Small Business Act (as added by sub-  
18              section (b) of this section) with respect to a pri-  
19              vate nonprofit organization that was located, as  
20              of August 28, 2005, in a hurricane-affected  
21              area; and

22              (B) may carry out such subsection (e) with  
23              respect to a small business concern that was lo-  
24              cated, as of August 28, 2005, in a hurricane-  
25              affected area, for damage or destruction by rea-

1 son of Hurricane Katrina, Hurricane Rita, or  
2 Hurricane Wilma.

3 (2) HURRICANE-AFFECTED AREA DEFINED.—In  
4 this section, the term “hurricane-affected area”  
5 means a county or parish in the State of Alabama,  
6 Florida, Mississippi, Louisiana, or Texas, that has  
7 been designated by the Administrator of the Small  
8 Business Administration as a disaster area by rea-  
9 son of Hurricane Katrina, Hurricane Rita, or Hurri-  
10 cane Wilma under disaster declaration 10176,  
11 10177, 10178, 10179, 10180, 10181, 10203, 10204,  
12 10205, 10206, 10222, or 10223.

13 **SEC. 202. INFORMATION TRACKING AND FOLLOW-UP SYS-**  
14 **TEM.**

15 The Small Business Act is amended by inserting after  
16 section 42 (as added by section 106) the following:

17 **“SEC. 43. INFORMATION TRACKING AND FOLLOW-UP SYS-**  
18 **TEM FOR DISASTER ASSISTANCE.**

19 “(a) SYSTEM REQUIRED.—The Administrator shall  
20 develop, implement, and maintain a centralized informa-  
21 tion system to track communications between personnel  
22 of the Administration and applicants for disaster assist-  
23 ance. The system shall ensure that whenever an applicant  
24 for disaster assistance communicates with such personnel

1 on a matter relating to the application, the following infor-  
2 mation is recorded:

3 “(1) The method of communication.

4 “(2) The date of communication.

5 “(3) The identity of the personnel.

6 “(4) A summary of the subject matter of the  
7 communication.

8 “(b) FOLLOW-UP REQUIRED.—The Administrator  
9 shall ensure that an applicant for disaster assistance re-  
10 ceives, by telephone, mail, or electronic mail, follow-up  
11 communications from the Administration at all critical  
12 stages of the application process, including the following:

13 “(1) When the Administration determines that  
14 additional information or documentation is required  
15 to process the application.

16 “(2) When the Administration determines  
17 whether to approve or deny the loan.

18 “(3) When the primary contact person man-  
19 aging the loan application has changed.”.

20 **SEC. 203. IMMEDIATE DISASTER ASSISTANCE PROGRAM.**

21 The Small Business Act is amended by inserting after  
22 section 43 (as added by section 202) the following:

23 **“SEC. 44. IMMEDIATE DISASTER ASSISTANCE PROGRAM.**

24 “(a) PROGRAM REQUIRED.—The Administrator shall  
25 carry out a program, to be known as the Immediate Dis-

1 aster Assistance program, under which the Administration  
2 participates on a deferred (guaranteed) basis in 85 per-  
3 cent of the balance of the financing outstanding at the  
4 time of disbursement of the loan if such balance is less  
5 than or equal to \$25,000 for businesses affected by a dis-  
6 aster.

7 “(b) ELIGIBILITY REQUIREMENT.—To receive a loan  
8 guaranteed under subsection (a), the applicant must also  
9 apply for, and meet basic eligibility standards for, a loan  
10 under section 7(b).

11 “(c) USE OF PROCEEDS.—A person who receives a  
12 loan under section 7(b) must use the proceeds of that loan  
13 to repay all loans guaranteed under subsection (a), if any,  
14 before using the proceeds for any other purpose.

15 “(d) APPROVAL OR DISAPPROVAL.—The Adminis-  
16 trator shall ensure that each applicant for a loan under  
17 the program receives a decision approving or disapproving  
18 of the application within 36 hours after the Administra-  
19 tion receives the application.”.

20 **SEC. 204. INCREASED DEFERMENT PERIOD.**

21 Section 7 of the Small Business Act (15 U.S.C. 636)  
22 is amended by inserting after subsection (e) (as added by  
23 section 201(b)) the following:

24 “(f) ADDITIONAL REQUIREMENTS FOR 7(b)  
25 LOANS.—

1 “(1) INCREASED DEFERMENT AUTHORIZED.—

2 “(A) IN GENERAL.—In making loans  
3 under section 7(b), the Administrator may pro-  
4 vide, to the person receiving the loan, an option  
5 to defer repayment on the loan.

6 “(B) PERIOD.—A deferment under sub-  
7 paragraph (A) may not exceed 4 years.”.

8 **SEC. 205. REVISED REPAYMENT TERMS.**

9 Section 7 of the Small Business Act (15 U.S.C. 636)  
10 is amended in subsection (f) by adding after paragraph  
11 (1) (as added by section 204) the following:

12 “(2) REVISED REPAYMENT TERMS.—In making  
13 loans under section 7(b), the Administrator—

14 “(A) shall not require repayment to be  
15 made until 12 months after the date on which  
16 the final disbursement of approved amounts is  
17 made; and

18 “(B) shall calculate the amount of repay-  
19 ment based solely on the amounts disbursed.”.

20 **SEC. 206. REVISED DISBURSEMENT PROCESS.**

21 Section 7 of the Small Business Act (15 U.S.C. 636)  
22 is amended in subsection (f) by adding after paragraph  
23 (2) (as added by section 205) the following:

1           “(3) REVISED DISBURSEMENT PROCESS.—In  
2           making loans under section 7(b), the Administrator  
3           shall disburse the loan amounts in stages as follows:

4                   “(A) LOANS UP TO \$150,000.—If the total  
5                   amount approved is less than or equal to  
6                   \$150,000—

7                           “(i) the first disbursement shall con-  
8                           sist of 40 percent of the total loan amount,  
9                           or a lesser percentage of the total loan  
10                          amount if the Administrator and the bor-  
11                          rower agree on such a lesser percentage;

12                           “(ii) the second disbursement shall  
13                          consist of 50 percent of the amounts that  
14                          remain after the first disbursement, and  
15                          shall be made when the borrower has pro-  
16                          duced satisfactory receipts to demonstrate  
17                          the proper use of the first half of the first  
18                          disbursement; and

19                           “(iii) the third disbursement shall  
20                          consist of the amounts that remain after  
21                          the preceding disbursements, and shall be  
22                          made when the borrower has produced sat-  
23                          isfactory receipts to demonstrate the prop-  
24                          er use of the first disbursement and the  
25                          first half of the second disbursement.

1           “(B) LOANS FROM \$150,000 TO \$500,000.—

2           If the total amount approved is more than  
3           \$150,000 but less than or equal to \$500,000—

4                   “(i) the first disbursement shall con-  
5                   sist of 20 percent of the total loan amount,  
6                   or a lesser percentage if the Administrator  
7                   and the borrower agree on such a lesser  
8                   percentage;

9                   “(ii) the second disbursement shall  
10                  consist of 30 percent of the total loan  
11                  amount remaining after the first disburse-  
12                  ment, and shall be made when the bor-  
13                  rower has produced satisfactory receipts to  
14                  demonstrate the proper use of the first  
15                  half of the first disbursement;

16                  “(iii) the third disbursement shall  
17                  consist of 25 percent of the total loan  
18                  amount remaining after the first and sec-  
19                  ond disbursements, and shall be made  
20                  when the borrower has produced satisfac-  
21                  tory receipts to demonstrate the proper use  
22                  of the first disbursement and the first half  
23                  of the second disbursement; and

24                  “(iv) the fourth disbursement shall  
25                  consist of the amounts that remain after

1 the preceding disbursements, and shall be  
2 made when the borrower has produced sat-  
3 isfactory receipts to demonstrate the prop-  
4 er use of the first and second disburse-  
5 ments and the first half of the third dis-  
6 bursement.

7 “(C) LOANS GREATER THAN \$500,000.—If  
8 the total amount approved is more than  
9 \$500,000—

10 “(i) the first disbursement shall con-  
11 sist of at least \$100,000, or a lesser  
12 amount if the Administrator and the bor-  
13 rower agree on such a lesser amount; and

14 “(ii) the number of disbursements  
15 after the first, and the amount of each  
16 such disbursement, shall be in the discre-  
17 tion of the Administrator, but the amount  
18 of each such disbursement shall be not less  
19 than \$100,000.”.

20 **SEC. 207. REVISED COLLATERAL REQUIREMENTS.**

21 Section 7 of the Small Business Act is amended in  
22 subsection (f) by adding after paragraph (3) (as added  
23 by section 206) the following:

24 “(4) REVISED COLLATERAL REQUIREMENTS.—

25 In making a business loan under section 7(b), the

1 total approved amount of which is less than or equal  
2 to \$100,000, the Administrator shall not require the  
3 borrower to use the borrower's home as collateral.”.

4 **SEC. 208. ENHANCED LENDING AUTHORITY FOR PRIVATE**  
5 **LENDERS.**

6 The Small Business Act is amended by inserting after  
7 section 44 (as added by section 203) the following:

8 **“SEC. 45. ENHANCED LENDING AUTHORITY FOR PRIVATE**  
9 **LENDERS.**

10 “(a) PROGRAM AUTHORIZED.—The Administrator  
11 may, and during a period specified in subsection (b) shall,  
12 carry out a program under which the Administrator per-  
13 mits banks and other financial institutions to process, ap-  
14 prove, close, and service disaster loans under section 7(b)  
15 for a fee not to exceed 2 percent of the total loan amount.

16 “(b) PERIODS DURING WHICH PROGRAM IS RE-  
17 QUIRED.—The program under subsection (a) is required  
18 to be carried out during the following periods:

19 “(1) Any period of an incident of national sig-  
20 nificance (as declared by the President or his des-  
21 ignee).

22 “(2) Any period during which the average time  
23 for the Administration to approve disaster loans in  
24 response to any single disaster is 30 days or more.

1       “(c) EXCLUSION OF LENDERS.—If the number or  
2 rate of defaults on loans processed, approved, and closed  
3 by a lender under the program under subsection (a) are  
4 inordinate, as determined by the Administrator, the Ad-  
5 ministrator may do any one or more of the following:

6           “(1) Exclude the lender from participating in  
7 the program under subsection (a).

8           “(2) Exclude the lender from participating in  
9 the Preferred Lenders Program under section  
10 7(a)(2)(C)(ii).

11       “(d) FACTOR IN PREFERRED LENDERS PROGRAM.—  
12 In determining whether a lender is to be certified or recer-  
13 tified to participate in the Preferred Lenders Program  
14 under section 7(a)(2)(C)(ii), the Administrator may con-  
15 sider as a factor the following:

16           “(1) The loans processed, approved, and closed  
17 by the lender under the program under subsection  
18 (a).

19           “(2) The participation or non-participation of  
20 the lender in the program under subsection (a).”.

21 **SEC. 209. DISASTER PROCESSING REDUNDANCY.**

22       The Small Business Act is amended by inserting after  
23 section 45 (as added by section 208) the following:

1 **“SEC. 46. DISASTER PROCESSING REDUNDANCY.**

2 “(a) IN GENERAL.—The Administrator shall ensure  
3 that the Administration has in place a facility for disaster  
4 loan processing that, whenever the Administration’s pri-  
5 mary facility for disaster loan processing becomes unavail-  
6 able, is able to take over all disaster loan processing from  
7 that primary facility within 2 days.

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to carry out this section  
10 such sums as may be necessary.”.

11 **SEC. 210. GRANT PROGRAM.**

12 Section 7(b) of the Small Business Act (15 U.S.C.  
13 636(b)) is amended by inserting immediately after para-  
14 graph (3) the following:

15 “(4) GRANTS TO DISASTER-AFFECTED SMALL  
16 BUSINESSES.—

17 “(A) IN GENERAL.—The Administrator  
18 may make a grant of up to \$100,000 to a small  
19 business concern that—

20 “(i) was located in a designated dis-  
21 aster area affected by disaster declaration  
22 10176, 10177, 10178, 10179, 10180,  
23 10181, 10203, 10204, 10205, 10206,  
24 10222, or 10233, and was located in a  
25 county or parish that, as a result of Hurri-  
26 canes Katrina, Rita, or Wilma of 2005, ex-

1           perienced a loss of at least 100 housing  
2           units, experienced a loss of at least 1 per-  
3           cent of available housing stock, and re-  
4           quired Federal infrastructure assistance of  
5           a least \$200,000;

6           “(ii) submits to the Administrator a  
7           certification by the owner of the concern of  
8           intent to reestablish the concern in the  
9           same county or parish in which the busi-  
10          ness was originally located, or in any other  
11          county or parish described in clause (i);

12          “(iii) has applied for, and was rejected  
13          for, a conventional disaster assistance loan  
14          under section 7(b); and

15          “(iv) was in existence for at least 2  
16          years before the date on which the applica-  
17          ble disaster declaration was made.

18          “(B) PRIORITY.—In making grants under  
19          this paragraph, the Administrator shall give  
20          priority to a small business concern that the  
21          Administrator determines is economically viable  
22          but unable to meet short-term financial obliga-  
23          tions.

24          “(C) DEFINITION.—In this paragraph, the  
25          term ‘disaster-affected area’ means an area that

1           has been designated by the Administrator as a  
2           disaster area.

3                   “(D) AUTHORIZATION OF APPROPRIA-  
4           TIONS.—There are authorized to be appro-  
5           priated for grants under this paragraph such  
6           funds as may be necessary.”.

7 **SEC. 211. HURRICANE ASSISTANCE REPLACEMENT GRANT**  
8                   **PROGRAM.**

9           (a) PROGRAM ESTABLISHED.—The Administrator  
10          may carry out a program under which the Administrator  
11          may, in the Administrator’s discretion, make grants to in-  
12          dividuals who—

13                   (1) are victims of a disaster under disaster dec-  
14          laration 10176, 10177, 10178, 10179, 10180,  
15          10181, 10203, 10204, 10205, 10206, 10222, or  
16          10223; and

17                   (2) receive (whether before, on, or after the  
18          date of the enactment of this Act) 7(b) disaster as-  
19          sistance because of that disaster.

20           (b) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated such sums as may be  
22          necessary to carry out this section.

23           (c) ELIGIBILITY.—An individual is eligible to receive  
24          a grant under this section only if the individual—

1           (1) receives benefits (other than the 7(b) disaster assistance) because of the disaster; and

2  
3           (2) is required to remit those benefits to the  
4           Small Business Administration because of a duplication of benefits.

5  
6           (d) AMOUNT.—The amount of a grant under this section to an individual shall not exceed the amount of the  
7           benefits required to be remitted by the individual, as described in subsection (c).

8  
9  
10          (e) TIME.—The Administrator shall ensure that, to  
11          the maximum extent practicable, a grant made under this  
12          section is made—

13               (1) concurrent with the Administration’s receipt  
14               of the remittance, if the remittance is made after the  
15               date of the enactment of this Act; and

16               (2) as soon as possible after the Administration’s receipt of the remittance, in all other cases.

17  
18          (f) TREATMENT OF GRANTS.—Grants made under  
19          this section shall not be considered a duplication of benefits by the Administrator.

20  
21          (g) DEFINITIONS.—In this section:

22               (1) The term “Administrator” means the Administrator of the Small Business Administration.

23  
24               (2) The term “7(b) disaster assistance” means  
25               assistance under paragraph (1) or (2) of section

1       7(b)(2) of the Small Business Act (15 U.S.C.  
2       636(b)).

3 **SEC. 212. INCREASE LEGISLATIVE LIMIT.**

4       Section 7(b)(3)(E) of the Small Business Act (15  
5 U.S.C. 636(b)(3)(E)) is amended by striking  
6 “\$1,500,000” and inserting “\$3,000,000” both places  
7 such term appears.

8 **SEC. 213. NET EARNINGS CLAUSES PROHIBITED.**

9       Section 7 of the Small Business Act is amended in  
10 subsection (f) by adding after paragraph (4) (as added  
11 by section 207) the following:

12               “(5) NET EARNINGS CLAUSES PROHIBITED.—

13       In making loans under section 7(b), the Adminis-  
14       trator shall not require the borrower to pay any non-  
15       amortized amount for the first 5 years after repay-  
16       ment begins.”.

17 **SEC. 214. ECONOMIC INJURY DISASTER LOANS TO NON-**  
18               **PROFITS.**

19       (a) IN GENERAL.—Section 7 of the Small Business  
20 Act (15 U.S.C. 636) is amended in subsection (b)(2)—

21               (1) in the matter preceding subparagraph (A)—

22                       (A) by inserting after “small business con-  
23                       cern” the following: “, private nonprofit organi-  
24                       zation,”; and

1 (B) by inserting after “the concern” the  
2 following: “, organization,”; and

3 (2) in subparagraph (D) by inserting after  
4 “small business concerns” the following: “, private  
5 nonprofit organizations,”.

6 (b) CONFORMING AMENDMENT.—Such section is fur-  
7 ther amended in subsection (c)(5)(C) by inserting after  
8 “business” the following: “, organization,”.

9 **SEC. 215. APPLICANTS THAT WILL CONSTITUTE A MAJOR**  
10 **SOURCE OF EMPLOYMENT DUE TO CHANGED**  
11 **ECONOMIC CIRCUMSTANCES.**

12 Section 7(b)(3)(E) of the Small Business Act (15  
13 U.S.C. 636(b)(3)(E)) is amended by inserting after “con-  
14 stitutes” the following: “, or will due to changed economic  
15 circumstances constitute,”.

16 **SEC. 216. PRELIMINARY APPLICATION PROCESS FOR AS-**  
17 **SISTANCE FOR SMALL BUSINESS CONCERNS**  
18 **WITH ESSENTIAL EMPLOYEES ORDERED TO**  
19 **SERVE ON ACTIVE DUTY IN THE ARMED**  
20 **FORCES.**

21 Section 7(b)(3) of the Small Business Act (15 U.S.C.  
22 636(b)(3)) is amended—

23 (1) in subparagraph (C)—

24 (A) by striking “90 days” and inserting “1  
25 year”; and

1 (B) by adding at the end the following:  
2 “The Administrator may, when appropriate (as  
3 determined by the Administrator), waive the  
4 ending date specified in the preceding sentence  
5 and provide a later ending date.”; and

6 (2) by adding at the end the following new sub-  
7 paragraph:

8 “(G) The Administrator shall establish a proc-  
9 ess under which a small business concern described  
10 in subparagraph (B) may file a preliminary applica-  
11 tion for assistance under this paragraph, accom-  
12 panied by supporting documentation, before the date  
13 on which the essential employee is ordered to active  
14 duty. The Administrator may not actively consider  
15 such an application or provide assistance to the  
16 small business concern based on such an application  
17 until the date on which the essential employee is or-  
18 dered to active duty.”.

19 **SEC. 217. ECONOMIC INJURY DISASTER LOANS IN CASES OF**  
20 **ICE STORMS AND BLIZZARDS.**

21 Section 3(k)(2) of the Small Business Act (15 U.S.C.  
22 632(k)(2)) is amended—

23 (1) in subparagraph (A) by striking “and”;

24 (2) in subparagraph (B) by striking the period  
25 at the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(C) ice storms and blizzards.”.

3 **SEC. 218. REPORT REGARDING LACK OF SNOW FALL.**

4 Not later than 6 months after the date of enactment  
5 of this Act, the Administrator of the Small Business Ad-  
6 ministration shall conduct a study of, and submit a report  
7 to the Committee on Small Business of the House of Rep-  
8 resentatives and the Committee on Small Business and  
9 Entrepreneurship of the Senate that describes—

10 (1) the ability of the Administrator to provide  
11 loans under section 7(b)(2) of the Small Business  
12 Act (15 U.S.C. 636(b)(2)) to small business con-  
13 cerns that depend on high snow fall amounts and  
14 sustain economic injury (as described under that  
15 section) due to a lack of snow fall;

16 (2) the criteria the Administrator would use to  
17 determine whether to provide a loan under section  
18 7(b)(2) of the Small Business Act (15 U.S.C.  
19 636(b)(2)) to a small business concern that has been  
20 adversely affected by a lack of snow fall;

21 (3) other Federal assistance (including loans)  
22 available to small business concerns that are ad-  
23 versely affected by a lack of snow fall; and

24 (4) the history relating to providing loans under  
25 section 7(b)(2) of the Small Business Act (15 U.S.C.

1           636(b)(2)) to small business concerns that have been  
2           adversely affected by a lack of snow fall.

3   **SEC. 219. GULF COAST DISASTER LOAN REFINANCING PRO-**  
4                                   **GRAM.**

5           (a) **IN GENERAL.**—The Administrator of the Small  
6 Business Administration may carry out a program to refi-  
7 nance Gulf Coast disaster loans.

8           (b) **TERMS.**—The terms of a Gulf Coast disaster loan  
9 refinanced under the program shall be identical to the  
10 terms of the original loan, except that the Administrator  
11 may provide an option to defer repayment on the loan.  
12 Such a deferment may not exceed 4 years after the date  
13 on which the initial disbursement under the original loan  
14 was made.

15          (c) **AMOUNT.**—The amount of a Gulf Coast disaster  
16 loan refinanced under the program shall not exceed the  
17 amount of the original loan.

18          (d) **DISCLOSURE OF ACCRUED INTEREST.**—When-  
19 ever the Administrator provides an option to defer repay-  
20 ment under subsection (b), the Administrator shall dis-  
21 close the accrued interest that must be paid under the op-  
22 tion.

23          (e) **DEFINITION.**—In this section, the term “Gulf  
24 Coast disaster loan” means a loan—

1           (1) made under section 7(b) of the Small Busi-  
2           ness Act;

3           (2) in response to Hurricane Katrina, Hurri-  
4           cane Rita, or Hurricane Wilma of 2005; and

5           (3) for a small business located in a county or  
6           parish designated by the Administrator as a disaster  
7           area by reason of such Hurricane Katrina, Hurri-  
8           cane Rita, or Hurricane Wilma under disaster dec-  
9           laration 10176, 10177, 10178, 10179, 10180,  
10          10181, 10203, 10204, 10205, 10206, 10222, or  
11          10223.

12          (f) AUTHORIZATION OF APPROPRIATIONS.—There  
13          are authorized to be appropriated such sums as may be  
14          necessary to carry out this section.

## 15                   **TITLE III—OVERSIGHT**

### 16          **SEC. 301. REPORTS ON DISASTER ASSISTANCE.**

17          The Small Business Act is amended by inserting after  
18          section 46 (as added by section 209) the following:

#### 19          **“SEC. 47. REPORTS ON DISASTER ASSISTANCE.**

20          “(a) ANNUAL REPORT REQUIRED.—Not later than  
21          45 days after the end of a fiscal year, the Administrator  
22          shall submit to the Committee on Small Business of the  
23          Senate and the Committee on Small Business of the  
24          House of Representatives a report on the disaster assist-

1 ance operations of the Administration for that fiscal year.

2 The report shall—

3 “(1) specify the number of Administration per-  
4 sonnel involved in such operations;

5 “(2) describe any material changes to those op-  
6 erations, such as changes to technologies used or to  
7 personnel responsibilities;

8 “(3) describe and assess the effectiveness of the  
9 Administration in responding to disasters during  
10 that fiscal year, including a description of the num-  
11 ber and amounts of loans made for damage and for  
12 economic injury; and

13 “(4) describe the plans of the Administration  
14 for preparing to respond to disasters during the next  
15 fiscal year.

16 “(b) INCIDENTS OF NATIONAL SIGNIFICANCE.—Dur-  
17 ing the period of an incident of national significance (as  
18 declared by the President or his designee), the Adminis-  
19 trator shall, on a monthly basis, submit to the committees  
20 specified in subsection (a) a report on the disaster assist-  
21 ance operations of the Administration with respect to that  
22 incident of national significance. The report shall speci-  
23 fy—

24 “(1) the number of applications distributed;

25 “(2) the number of applications received;

1           “(3) the average time for the Administration to  
2 approve or disapprove an application;

3           “(4) the amount of disaster loans approved;

4           “(5) the average time for initial disbursement  
5 of loan proceeds; and

6           “(6) the amount of disaster loan proceeds dis-  
7 bursed.”.

Passed the House of Representatives April 18, 2007.

Attest:

*Clerk.*



110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1361**

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**AN ACT**

To improve the disaster relief programs of the  
Small Business Administration, and for other  
purposes.