

110TH CONGRESS
1ST SESSION

S. _____

To require reporting regarding the disaster loan program of the Small
Business Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KERRY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To require reporting regarding the disaster loan program
of the Small Business Administration, and for other pur-
poses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Dis-
5 aster Loan Reporting Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the terms “Administration” and “Adminis-
9 trator” mean the Small Business Administration
10 and the Administrator thereof, respectively;

1 (2) the term “applicable period” means the pe-
2 riod beginning on the date on which the President
3 declares a major disaster and ending on the date
4 that is 30 days after the later of the closing date for
5 applications for physical disaster loans for that dis-
6 aster and the closing date for applications for eco-
7 nomic injury disaster loans for that disaster;

8 (3) the term “disaster loan program of the Ad-
9 ministration” means assistance under section 7(b) of
10 the Small Business Act (15 U.S.C. 636(b));

11 (4) the term “disaster update period” means
12 the period beginning on the date on which the Presi-
13 dent declares a major disaster and ending on the
14 date on which that declaration terminates;

15 (5) the term “major disaster” has the meaning
16 given that term in section 102 of the Robert T.
17 Stafford Disaster Relief and Emergency Assistance
18 Act (42 U.S.C. 5122);

19 (6) the term “small business concern” has the
20 meaning given that term in section 3 of the Small
21 Business Act (15 U.S.C. 632); and

22 (7) the term “State” means any State of the
23 United States, the District of Columbia, the Com-
24 monwealth of Puerto Rico, the Northern Mariana Is-

1 lands, the Virgin Islands, Guam, American Samoa,
2 and any territory or possession of the United States.

3 **SEC. 3. DEVELOPMENT AND IMPLEMENTATION OF MAJOR**
4 **DISASTER RESPONSE PLAN.**

5 (a) IN GENERAL.—Not later than May 1, 2007, the
6 Administrator shall—

7 (1) by rule, amend the 2006 Atlantic hurricane
8 season disaster response plan of the Administration
9 (in this section referred to as the “disaster response
10 plan”) to apply to major disasters; and

11 (2) submit a report to the Committee on Small
12 Business and Entrepreneurship of the Senate and
13 the Committee on Small Business of the House of
14 Representatives detailing the amendments to the dis-
15 aster response plan.

16 (b) CONTENTS.—The amended report required under
17 subsection (a)(2) shall include—

18 (1) any updates or modifications made to the
19 disaster response plan since the report regarding the
20 disaster response plan submitted on July 14, 2006;

21 (2) a description of how the Administrator
22 plans to utilize and integrate District Office per-
23 sonnel of the Administration in the response to a
24 major disaster, including information on the utiliza-

1 tion of personnel for loan processing and loan dis-
2 bursement;

3 (3) a description of the disaster scalability
4 model of the Administration and on what basis or
5 function the plan is scaled;

6 (4) a description of how the agency-wide Dis-
7 aster Oversight Council is structured, which offices
8 comprise its membership, and whether the Associate
9 Deputy Administrator for Entrepreneurial Develop-
10 ment of the Administration is a member;

11 (5) a description of how the Administrator
12 plans to coordinate the disaster efforts of the Ad-
13 ministration with State and local government offi-
14 cials, including recommendations on how to better
15 incorporate State initiatives or programs, such as
16 State-administered bridge loan programs, into the
17 disaster response of the Administration;

18 (6) recommendations, if any, on how the Ad-
19 ministrator can better coordinate its disaster re-
20 sponse operations with the operations of other Fed-
21 eral, State, and local entities;

22 (7) any surge plan for the disaster loan pro-
23 gram of the Administration in effect on or after Au-
24 gust 29, 2005 (including surge plans for loss
25 verification, loan processing, mailroom, customer

1 service or call center operations, and a continuity of
2 operations plan);

3 (8) the number of full-time equivalent employ-
4 ees and job descriptions for the planning and dis-
5 aster response staff of the Administration;

6 (9) the in-service and preservice training proce-
7 dures for disaster response staff of the Administra-
8 tion;

9 (10) information on the logistical support plans
10 of the Administration (including equipment and
11 staffing needs, and detailed information on how such
12 plans will be scalable depending on the size and
13 scope of the major disaster;

14 (11) a description of the findings and rec-
15 ommendations of the Administrator, if any, based on
16 a review of the response of the Administration to
17 Hurricane Katrina of 2005, Hurricane Rita of 2005,
18 and Hurricane Wilma of 2005; and

19 (12) a plan for how the Administrator, in co-
20 operation with the Administrator of the Federal
21 Emergency Management Agency, will coordinate the
22 provision of accommodations and necessary re-
23 sources for disaster assistance personnel to effec-
24 tively perform their responsibilities in the aftermath
25 of a major disaster.

1 (c) EXERCISES.—Not later than May 31, 2007, the
2 Administrator shall develop and execute simulation exer-
3 cises to demonstrate the effectiveness of the amended dis-
4 aster response plan required under this section.

5 **SEC. 4. CONGRESSIONAL OVERSIGHT.**

6 (a) MONTHLY ACCOUNTING REPORT TO CON-
7 GRESS.—

8 (1) REPORTING REQUIREMENTS.—Not later
9 than the fifth business day of each month during the
10 applicable period for a major disaster, the Adminis-
11 trator shall provide to the Committee on Small Busi-
12 ness and Entrepreneurship and the Committee on
13 Appropriations of the Senate and to the Committee
14 on Small Business and the Committee on Appropria-
15 tions of the House of Representatives a report on
16 the operation of the disaster loan program author-
17 ized under section 7 of the Small Business Act (15
18 U.S.C. 636) for that major disaster during the pre-
19 ceding month.

20 (2) CONTENTS.—Each report under paragraph
21 (1) shall include—

22 (A) the daily average lending volume, in
23 number of loans and dollars, and the percent by
24 which each category has increased or decreased
25 since the previous report under paragraph (1);

1 (B) the weekly average lending volume, in
2 number of loans and dollars, and the percent by
3 which each category has increased or decreased
4 since the previous report under paragraph (1);

5 (C) the amount of funding spent over the
6 month for loans, both in appropriations and
7 program level, and the percent by which each
8 category has increased or decreased since the
9 previous report under paragraph (1);

10 (D) the amount of funding available for
11 loans, both in appropriations and program level,
12 and the percent by which each category has in-
13 creased or decreased since the previous report
14 under paragraph (1), noting the source of any
15 additional funding;

16 (E) an estimate of how long the available
17 funding for such loans will last, based on the
18 spending rate;

19 (F) the amount of funding spent over the
20 month for staff, along with the number of staff,
21 and the percent by which each category has in-
22 creased or decreased since the previous report
23 under paragraph (1);

24 (G) the amount of funding spent over the
25 month for administrative costs, and the percent

1 by which such spending has increased or de-
2 creased since the previous report under para-
3 graph (1);

4 (H) the amount of funding available for
5 salaries and expenses combined, and the per-
6 cent by which such funding has increased or de-
7 creased since the previous report under para-
8 graph (1), noting the source of any additional
9 funding; and

10 (I) an estimate of how long the available
11 funding for salaries and expenses will last,
12 based on the spending rate.

13 (b) DAILY DISASTER UPDATES TO CONGRESS FOR
14 PRESIDENTIALLY DECLARED DISASTERS.—

15 (1) IN GENERAL.—Each day during a disaster
16 update period, excluding Federal holidays and week-
17 ends, the Administration shall provide to the Com-
18 mittee on Small Business and Entrepreneurship of
19 the Senate and to the Committee on Small Business
20 of the House of Representatives a report on the op-
21 eration of the disaster loan program of the Adminis-
22 tration for the area in which the President declared
23 a major disaster.

24 (2) CONTENTS.—Each report under paragraph
25 (1) shall include—

1 (A) the number of Administration staff
2 performing loan processing, field inspection,
3 and other duties for the declared disaster, and
4 the allocations of such staff in the disaster field
5 offices, disaster recovery centers, workshops,
6 and other Administration offices nationwide;

7 (B) the daily number of applications re-
8 ceived from applicants in the relevant area, as
9 well as a breakdown of such figures by State;

10 (C) the daily number of applications pend-
11 ing application entry from applicants in the rel-
12 evant area, as well as a breakdown of such fig-
13 ures by State;

14 (D) the daily number of applications with-
15 drawn by applicants in the relevant area, as
16 well as a breakdown of such figures by State;

17 (E) the daily number of applications sum-
18 marily declined by the Administration from ap-
19 plicants in the relevant area, as well as a break-
20 down of such figures by State;

21 (F) the daily number of applications de-
22 clined by the Administration from applicants in
23 the relevant area, as well as a breakdown of
24 such figures by State;

1 (G) the daily number of applications in
2 process from applicants in the relevant area, as
3 well as a breakdown of such figures by State;

4 (H) the daily number of applications ap-
5 proved by the Administration from applicants in
6 the relevant area, as well as a breakdown of
7 such figures by State;

8 (I) the daily dollar amount of applications
9 approved by the Administration from applicants
10 in the relevant area, as well as a breakdown of
11 such figures by State;

12 (J) the daily amount of loans dispersed,
13 both partially and fully, by the Administration
14 to applicants in the relevant area, as well as a
15 breakdown of such figures by State;

16 (K) the daily dollar amount of loans dis-
17 persed, both partially and fully, from the rel-
18 evant area, as well as a breakdown of such fig-
19 ures by State;

20 (L) the number of applications approved,
21 including dollar amount approved, as well as
22 applications partially and fully dispersed, in-
23 cluding dollar amounts, since the last report
24 under paragraph (1); and

1 (M) the declaration date, physical damage
2 closing date, economic injury closing date, and
3 number of counties included in the declaration
4 of a major disaster.

5 (c) NOTICE OF THE NEED FOR SUPPLEMENTAL
6 FUNDS.—On the same date that the Administrator noti-
7 fies any committee of the Senate or the House of Rep-
8 resentatives that supplemental funding is necessary for
9 the disaster loan program of the Administration in any
10 fiscal year, the Administrator shall notify in writing the
11 Committee on Small Business and Entrepreneurship of
12 the Senate and to the Committee on Small Business of
13 the House of Representatives regarding the need for sup-
14 plemental funds for that loan program.

15 (d) REPORT ON CONTRACTING.—

16 (1) IN GENERAL.—Not later than 6 months
17 after the date on which the President declares a
18 major disaster, and every 6 months thereafter until
19 the date that is 18 months after the date on which
20 the major disaster was declared, the Administrator
21 shall submit a report to the Committee on Small
22 Business and Entrepreneurship of the Senate and to
23 the Committee on Small Business of the House of
24 Representatives regarding Federal contracts award-
25 ed as a result of that major disaster.

1 (2) CONTENTS.—Each report submitted under
2 paragraph (1) shall include—

3 (A) the total number of contracts awarded
4 as a result of that major disaster;

5 (B) the total number of contracts awarded
6 to small business concerns as a result of that
7 major disaster;

8 (C) the total number of contracts awarded
9 to women and minority-owned businesses as a
10 result of that major disaster; and

11 (D) the total number of contracts awarded
12 to local businesses as a result of that major dis-
13 aster.

14 (e) REPORT ON LOAN APPROVAL RATE.—

15 (1) IN GENERAL.—Not later than 6 months
16 after the date of enactment of this Act, the Adminis-
17 trator shall submit a report to the Committee on
18 Small Business and Entrepreneurship of the Senate
19 and the Committee on Small Business of the House
20 of Representatives detailing how the Administration
21 can improve the processing of applications under the
22 disaster loan program of the Administration.

23 (2) CONTENTS.—The report submitted under
24 paragraph (1) shall include—

25 (A) recommendations, if any, regarding—

1 (i) staffing levels during a major dis-
2 aster;

3 (ii) how to improve the process for
4 processing, approving, and disbursing
5 loans under the disaster loan program of
6 the Administration, to ensure that the
7 maximum assistance is provided to victims
8 in a timely manner;

9 (iii) the viability of using alternative
10 methods for assessing the ability of an ap-
11 plicant to repay a loan, including the credit
12 score of the applicant on the day before
13 the date on which the disaster for which
14 the applicant is seeking assistance was de-
15 clared;

16 (iv) methods, if any, for the Adminis-
17 tration to expedite loss verification and
18 loan processing of disaster loans during a
19 major disaster for businesses affected by,
20 and located in the area for which the
21 President declared, the major disaster that
22 are a major source of employment in the
23 area or are vital to recovery efforts in the
24 region (including providing debris removal

1 services, manufactured housing, or building
2 materials);

3 (v) legislative changes, if any, needed
4 to implement findings from the Adminis-
5 tration's Accelerated Disaster Response
6 Initiative; and

7 (vi) a description of how the Adminis-
8 tration plans to integrate and coordinate
9 the response to a major disaster with the
10 technical assistance programs of the Ad-
11 ministration; and

12 (B) the plans of the Administrator for im-
13 plementing any recommendation made under
14 subparagraph (A).