

Union Calendar No. 870

115TH CONGRESS
2^D SESSION

H. R. 4557

[Report No. 115–1107, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2017

Mrs. WAGNER introduced the following bill; which was referred to the
Committee on Financial Services

DECEMBER 22, 2018

Reported with an amendment and referred to the Committee on Transportation and Infrastructure for a period ending not later than December 28, 2018, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r) of rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 28, 2018

Additional sponsors: Mr. ROSS, Ms. TENNEY, and Mr. AL GREEN of Texas

DECEMBER 28, 2018

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on December 5, 2017]

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Reforming Disaster Re-*
 5 *covery Act of 2018”.*

6 **SEC. 2. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 7 **ASTER RECOVERY PROGRAM.**

8 *(a) IN GENERAL.—Title I of the Housing and Commu-*
 9 *nity Development Act of 1974 (42 U.S.C. 5301 et seq.) is*
 10 *amended by adding at the end the following new section:*

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

12 *“(a) AUTHORITY; USE.—The Secretary may provide*
 13 *assistance under this section to States, units of general local*
 14 *government, and Indian tribes for necessary expenses for*
 15 *activities authorized under this title related to disaster re-*
 16 *lief, resiliency, long-term recovery, restoration of infrastruc-*
 17 *ture and housing, mitigation, and economic revitalization*
 18 *in the most impacted and distressed areas resulting from*
 19 *a major disaster declared pursuant to the Robert T. Staf-*
 20 *ford Disaster Relief and Emergency Assistance Act (42*
 21 *U.S.C. 5121 et seq.).*

22 *“(b) TIMING.—*

23 *“(1) DEADLINES FOR ALLOCATION OF*
 24 *AMOUNTS.—Except as provided in paragraph (2),*
 25 *after the enactment of an Act making funds available*

1 *for assistance under this section, the Secretary shall*
2 *allocate for grantees, based on the best available*
3 *data—*

4 *“(A) not less than one-third of funds pro-*
5 *vided for assistance under this section, within 60*
6 *days of the date of the enactment of such Act;*
7 *and*

8 *“(B) all remaining unallocated funds to be*
9 *provided to grantees, within 180 days of such*
10 *date of enactment.*

11 *“(2) INAPPLICABILITY OF DEADLINES BASED ON*
12 *INSUFFICIENT INFORMATION.—The deadlines under*
13 *paragraph (1) for allocation of funds shall not apply*
14 *in the case of funds made available for assistance*
15 *under this section if Federal Emergency Management*
16 *Agency has not made sufficient information available*
17 *to the Secretary regarding relevant unmet recovery to*
18 *make allocations in accordance with such deadlines.*

19 *“(3) DISBURSEMENT OF AMOUNTS.—Subject to*
20 *subsection (c)(1), the Secretary shall provide for the*
21 *disbursement of the amounts allocated for a grantee*
22 *over time in accordance with obligations of the grant-*
23 *ee, but shall require the grantee to be in substantial*
24 *compliance with the requirements of this section be-*
25 *fore each such disbursement.*

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

3 “(A) *COORDINATION OF DATA.*—*The Sec-*
4 *retary shall coordinate with other agencies to ob-*
5 *tain data on recovery needs. The Administrator*
6 *of the Federal Emergency Management Agency*
7 *and the Administrator of the Small Business Ad-*
8 *ministration shall share data with the Secretary*
9 *to coordinate disaster benefits.*

10 “(B) *COORDINATION WITH FEMA.*—*The Sec-*
11 *retary and the Administrator of the Federal*
12 *Emergency Management Agency shall share with*
13 *each other, and make publicly available, all data*
14 *collected or analyzed during the course of a dis-*
15 *aster recovery for which assistance is provided*
16 *under this section, including—*

17 “(i) *all data on damage caused by the*
18 *disaster;*

19 “(ii) *information on how any Federal*
20 *assistance provided in connection with the*
21 *disaster is expended;*

22 “(iii) *information regarding the effect*
23 *of the disaster on education, transportation*
24 *capabilities and dependence, housing needs*
25 *and displacement.*

1 “(C) *PROHIBITION AND REQUIREMENTS RE-*
2 *GARDING SMALL BUSINESS ADMINISTRATION*
3 *LOANS.—*

4 “(i) *PROHIBITION.—Funds made*
5 *available for use under this section may not*
6 *be used to repay Small Business Adminis-*
7 *tration loans.*

8 “(ii) *FAMILY ELIGIBILITY.—Any fam-*
9 *ily having an income exceeding 120 percent*
10 *of the area median income shall not be eli-*
11 *gible for assistance provided from funds*
12 *made available for use under this section*
13 *unless (i) the family has applied for a*
14 *Small Business Administration loan for*
15 *such purpose and has agreed that if such a*
16 *loan is made that it will use the proceeds of*
17 *such loan in lieu of assistance from funds*
18 *made available for use under this section, or*
19 *(ii) such loans are not available at the time*
20 *of application for assistance from funds*
21 *made available for use under this section;*
22 *except that the Secretary may establish in-*
23 *come ceilings higher or lower than 120 per-*
24 *cent of the median for the area on the basis*
25 *of the Secretary’s findings that such vari-*

1 *ations are necessary because of unusually*
2 *high or low family incomes.*

3 “(D) NOTICE TO SBA APPLICANTS.—The
4 *Secretary shall consult and coordinate with the*
5 *Administrator of the Small Business Adminis-*
6 *tration as necessary to ensure that applicants for*
7 *Small Business Administration disaster loans*
8 *are provided clear written notice regarding their*
9 *potential eligibility for assistance with funds*
10 *made available under this section and the affect*
11 *of such Small Business Administration loans on*
12 *such eligibility.*

13 “(E) TREATMENT OF DUPLICATIVE BENE-
14 *FITS.—In any case in which a grantee provides*
15 *assistance that duplicates benefits available to a*
16 *person for the same purpose from another source,*
17 *the grantee shall collect any duplicative assist-*
18 *ance that it provides and return the amount of*
19 *duplicative assistance to the grantees funds*
20 *available for use under this section, or to the*
21 *Secretary, or be subject to remedies for non-*
22 *compliance under section 111, unless the Sec-*
23 *retary issues a public determination that it is*
24 *not in the best interest of the Federal Govern-*
25 *ment to pursue such remedies.*

1 “(F) *PROTECTION OF PERSONALLY IDENTIFI-*
 2 *FIABLE INFORMATION.*—*In carrying out this*
 3 *paragraph, the Secretary shall take such actions*
 4 *as may be necessary to ensure that personally*
 5 *identifiable information regarding recipients of*
 6 *assistance provided from funds made available*
 7 *under this section is not made publicly available*
 8 *by the Department of Housing and Urban Devel-*
 9 *opment or any agency with which information is*
 10 *shared pursuant to this paragraph.*

11 “(c) *PLAN FOR USE OF ASSISTANCE.*—

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

20 “(A) *criteria for eligibility and a descrip-*
 21 *tion of how the use of such funds will address*
 22 *disaster relief, resiliency, long-term recovery and*
 23 *restoration of infrastructure and housing, and*
 24 *mitigation and economic revitalization in the*
 25 *most impacted and distressed areas;*

1 “(B) identification of officials and offices
2 responsible for administering such funds and
3 identifying and recovering duplicate benefits;

4 “(C) an agreement to share data with Fed-
5 eral agencies and other providers of disaster re-
6 lief, which shall include information the grantee
7 has regarding the matters described in subpara-
8 graph (B); and

9 “(D) a plan for ensuring compliance with
10 the Fair Housing Act, which may include pro-
11 viding for partnerships with local fair housing
12 organizations and funding set-aside for local fair
13 housing organizations to handle complaints re-
14 lating to assistance with amounts made avail-
15 able for use under this section.

16 “(2) APPROVAL.—The Secretary shall, by regula-
17 tion, specify criteria for approval of plans under
18 paragraph (1), including approval of substantial
19 amendments to such plans.

20 “(3) DISAPPROVAL.—The Secretary shall dis-
21 approve a plan or substantial amendment to a plan
22 if—

23 “(A) the Secretary determines that a plan
24 or substantial amendment does not meet the ap-
25 proval criteria;

1 “(B) the Secretary determines, based on
2 damage and unmet needs assessments of the Sec-
3 retary and the Federal Emergency Management
4 Administration or such other information as
5 may be available, that the plan or amendment
6 does not provide for equitable allocation of re-
7 sources—

8 “(i) between infrastructure and hous-
9 ing projects; or

10 “(ii) between homeowners, renters, and
11 persons experiencing homelessness;

12 “(C) the Secretary determines that the plan
13 does not provide a credible plan for ensuring
14 compliance with the Fair Housing Act; or

15 “(D) the Secretary determines that the plan
16 does not prioritize the one-for-one replacement of
17 public housing and other federally subsidized
18 housing that provides affordable housing for the
19 lowest income households.

20 “(4) RESUBMISSION.—The Secretary shall per-
21 mit a grantee to revise and resubmit disapproved
22 plans.

23 “(5) TIMING.—The Secretary shall approve or
24 disapprove a plan not later than 120 days after sub-
25 mission of the plan to the Secretary.

1 “(d) *FINANCIAL CONTROLS.*—

2 “(1) *COMPLIANCE SYSTEM.*—*The Secretary shall*
3 *develop and maintain a system to ensure that each*
4 *grantee has in place—*

5 “(A) *proficient financial controls and pro-*
6 *curement processes;*

7 “(B) *adequate procedures to ensure that all*
8 *eligible families and individuals are approved*
9 *for assistance with amounts made available*
10 *under this section and that recipients are pro-*
11 *vided the full amount of assistance for which*
12 *they are eligible;*

13 “(C) *adequate procedures to prevent any*
14 *duplication of benefits, as defined by section 312*
15 *of the Robert T. Stafford Disaster Relief and*
16 *Emergency Assistance Act (42 U.S.C. 5155), to*
17 *ensure timely expenditure of funds, and to detect*
18 *and prevent waste, fraud, and abuse of funds;*
19 *and*

20 “(D) *adequate procedure to ensure the*
21 *grantee will maintain comprehensive and pub-*
22 *licly accessible websites that make available in-*
23 *formation regarding all disaster recovery activi-*
24 *ties assisted with such funds, which information*
25 *shall include—*

1 “(i) *full and unredacted copies of all*
2 *requests for qualification for assistance or*
3 *for procurement with such funds, however*
4 *styled;*

5 “(ii) *all responses to such requests;*

6 “(iii) *the identity of any individual or*
7 *entity that reviews, evaluates, scores, or oth-*
8 *erwise influences or determines the disposi-*
9 *tion of such requests;*

10 “(iv) *all reports, however styled, con-*
11 *taining the reviewing individual or entity’s*
12 *scores, findings; and conclusions regarding*
13 *such requests; and*

14 “(v) *any resulting contract, agreement,*
15 *or other disposition of such requests;*

16 *except that such procedures shall ensure that per-*
17 *sonally identifiable information regarding re-*
18 *cipients of assistance provided from funds made*
19 *available under this section shall not be made*
20 *publically available.*

21 “(2) *CERTIFICATION.—As a condition of making*
22 *any grant, the Secretary shall certify in advance that*
23 *the grantee has in place the processes and procedures*
24 *required under subparagraphs (A) and (B) of para-*
25 *graph (1).*

1 “(e) *USE OF FUNDS.*—

2 “(1) *ADMINISTRATIVE COSTS.*—

3 “(A) *IN GENERAL.*—*A State, unit of general*
4 *local government, or Indian tribe receiving a*
5 *grant under this section may use not more than*
6 *10 percent of the amount of grant funds received,*
7 *or not more than such other percentage as may*
8 *be established pursuant to subparagraph (B), for*
9 *administrative costs and shall document the use*
10 *of funds for such purpose in accordance with*
11 *such requirements as the Secretary shall estab-*
12 *lish.*

13 “(B) *DISCRETION TO ESTABLISH SLIDING*
14 *SCALE.*—*The Secretary may establish a series of*
15 *percentage limitations on the amount of grant*
16 *funds received that may be used by a grantee for*
17 *administrative costs, but only if—*

18 “(i) *such percentage limitations are*
19 *based on the amount of grant funds received*
20 *by a grantee;*

21 “(ii) *such series provides that the per-*
22 *centage that may be so used is lower for*
23 *grantees receiving a greater amount of*
24 *grant funds and such percentage that may*

1 *be so used is higher for grantees receiving a*
2 *lesser amount of grant funds; and*

3 *“(iii) in no case may a grantee so use*
4 *more than 10 percent of grant funds re-*
5 *ceived.*

6 *“(2) LIMITATION ON USE.—Amounts from a*
7 *grant under this section may not be used for activities*
8 *reimbursable by, or for which funds are made avail-*
9 *able by—*

10 *“(A) the Federal Emergency Management*
11 *Agency, including under the Robert T. Stafford*
12 *Disaster Relief and Emergency Assistance Act or*
13 *the National Flood Insurance Program; or*

14 *“(B) the Army Corps of Engineers.*

15 *“(3) HUD ADMINISTRATIVE COSTS.—*

16 *“(A) LIMITATION.—Of any funds made*
17 *available for use under this section by any single*
18 *appropriations Act, the Secretary may use 0.5*
19 *percent of any such amount exceeding*
20 *\$1,000,000,000 for necessary costs, including in-*
21 *formation technology costs, of administering and*
22 *overseeing the obligation and expenditure of*
23 *amounts made available for use under this sec-*
24 *tion.*

1 “(B) *TRANSFER OF FUNDS.*—Any amounts
2 made available for use in accordance with sub-
3 paragraph (A) shall—

4 “(i) be transferred to the account for
5 ‘Program Office Salaries and Expenses—
6 Community Planning and Development’ for
7 the Department;

8 “(ii) shall remain available until ex-
9 pended; and

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

18 “(4) *INSPECTOR GENERAL.*—Of any funds made
19 available for use in accordance with paragraph
20 (3)(A), 10 percent shall be transferred to the Office of
21 the Inspector General for necessary costs of audits, re-
22 views, oversight, evaluation, and investigations relat-
23 ing to amounts made available for use under this sec-
24 tion.

1 “(5) *CAPACITY BUILDING.*—Of any funds made
2 available for use under this section, not more than 0.1
3 percent or \$15,000,000, whichever is less, shall be
4 made available for capacity building and technical
5 assistance, including assistance regarding contracting
6 and procurement processes, to support grantees and
7 subgrantees receiving funds under this section.

8 “(6) *COMPLIANCE WITH STORM WATER PROTEC-*
9 *TIONS.*—The Secretary shall provide that no funds
10 made available under this section may be used for
11 construction, repair, or rehabilitation of any infra-
12 structure unless the infrastructure assisted complies
13 with any minimum standards for protection from
14 floods and stormwaters, including the Federal Flood
15 Risk Management Standards of the Federal Emer-
16 gency Management Agency.

17 “(7) *FLOOD RISK MITIGATION.*—

18 “(A) *REQUIREMENTS.*—Subject to subpara-
19 graph (B), the Secretary shall require that any
20 structure that is located in an area having spe-
21 cial flood hazards and that is newly constructed,
22 for which substantial damage is repaired, or that
23 is substantially improved, using amounts made
24 available under this section, shall be elevated

1 *with the lowest floor, including the basement, at*
2 *least two feet above the base flood level.*

3 “(B) *MULTIFAMILY HOUSING.*—*In the case*
4 *of structures consisting of multifamily housing,*
5 *the Secretary, in consultation with the Adminis-*
6 *trator of the Federal Emergency Management*
7 *Agency, shall provide for alternative forms of*
8 *mitigation (in addition to elevation) and shall*
9 *exempt from the requirement under subpara-*
10 *graph (A) any such structure that meets the*
11 *standards for such an alternative form of mitiga-*
12 *tion.*

13 “(C) *DEFINITIONS.*—*For purposes of sub-*
14 *paragraph (A), the terms ‘area having special*
15 *flood hazards’, ‘newly constructed’, ‘substantial*
16 *damage’, ‘substantial improvement’, and ‘base*
17 *flood level’ have the same meanings as under the*
18 *Flood Disaster Protection Act of 1973 and the*
19 *National Flood Insurance Act of 1968 (42 U.S.C.*
20 *4001 et seq.).*

21 “(f) *ADMINISTRATION.*—*In administering any*
22 *amounts made available for assistance under this section,*
23 *the Secretary—*

24 “(1) *may not allow a grantee to use any such*
25 *amounts for any purpose other than the purpose ap-*

1 proved by the Secretary in the plan submitted under
2 subsection (c)(1) to the Secretary for use of such
3 amounts;

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

9 “(3) shall prohibit a grantee from delegating, by
10 contract or otherwise, the responsibility for inherent
11 government functions.

12 “(g) *TRAINING FOR GRANT MANAGEMENT FOR SUB-*
13 *GRANTEES.—The Secretary shall require each grantee to*
14 *provide ongoing training to all staff and subgrantees.*

15 “(h) *PROCUREMENT PROCESSES AND PROCEDURES*
16 *FOR STATES.—*

17 “(1) *STATE PROCESSES AND PROCEDURES.—In*
18 *procuring property or services to be paid for in whole*
19 *or in part with amounts from a grant under this sec-*
20 *tion, a State shall—*

21 “(A) *follow its own procurement processes*
22 *and procedures, but only if the Secretary makes*
23 *a determination that such processes and proce-*
24 *dures comply with the requirements under para-*
25 *graph (2); or*

1 “(B) *comply with such processes and proce-*
2 *dures as the Secretary shall, by regulation, estab-*
3 *lish for purposes of this section.*

4 “(2) *REQUIREMENTS.—The requirements under*
5 *this paragraph with respect to the procurement proc-*
6 *esses and procedures of a State are that such processes*
7 *and procedures shall—*

8 “(A) *provide for full and open competition*
9 *and require cost or price analysis;*

10 “(B) *include requirements for procurement*
11 *policies and procedures for subgrantees, based on*
12 *full and open competition;*

13 “(C) *specify methods of procurement and*
14 *their applicability, but not allow for cost-plus-a-*
15 *percentage-of cost or percentage-of-construction-*
16 *cost methods of procurement;*

17 “(D) *include standards of conduct gov-*
18 *erning employees engaged in the award or ad-*
19 *ministration of contracts;*

20 “(E) *ensure that all purchase orders and*
21 *contracts include any clauses required by Fed-*
22 *eral Statute, Executive Order, or implementing*
23 *regulation.*

24 “(3) *NONCOMPLIANCE.—In the case of a State*
25 *for which the Secretary finds pursuant to paragraph*

1 (1)(A) *that its procurement processes and procedures*
 2 *do not comply with paragraph (2), the Secretary*
 3 *shall—*

4 “(A) *provide the State with specific written*
 5 *notice of the elements of noncompliance and the*
 6 *changes necessary to such processes and proce-*
 7 *dures to provide for compliance;*

8 “(B) *provide the State a reasonable period*
 9 *of time to come into compliance; and*

10 “(C) *during such period allow the State to*
 11 *proceed with procuring property and services*
 12 *paid for in whole or in part with amounts from*
 13 *a grant under this section in compliance with*
 14 *the procurement processes and procedures of the*
 15 *State, but only if the Secretary determines the*
 16 *State is making a good faith effort to effectuate*
 17 *compliance with the requirements of paragraph*
 18 *(2).*

19 “(i) *TREATMENT OF CDBG ALLOCATIONS.—Amounts*
 20 *made available for use under this section shall not be con-*
 21 *sidered relevant to the non-disaster formula allocations*
 22 *made pursuant to section 106 of this title (42 U.S.C. 5306).*

23 “(j) *WAIVERS.—*

24 “(1) *AUTHORITY.—Subject to the other provi-*
 25 *sions of this section, in administering amounts made*

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

14 “(2) NOTICE AND PUBLICATION.—Any waiver of
15 *or alternative requirement pursuant to paragraph (1)*
16 *shall not take effect before the expiration of the 5-day*
17 *period beginning upon the publication of notice in the*
18 *Federal Register of such waiver or alternative require-*
19 *ment.*

20 “(3) LOW- AND MODERATE-INCOME USE.—A
21 *waiver pursuant to paragraph (1) may not reduce the*
22 *percentage of funds that must be used for activities*
23 *that benefit persons of low and moderate income to*
24 *less than 70 percent, unless the Secretary specifically*

1 *finds that there is compelling need to further reduce*
2 *the percentage requirement.*

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

6 “(k) *ENVIRONMENTAL REVIEW.—*

7 “(1) *ADOPTION.—Notwithstanding subsection*
8 *(j)(1), recipients of funds provided under this section*
9 *that use such funds to supplement Federal assistance*
10 *provided under section 402, 403, 404, 406, 407,*
11 *408(c)(4), 428, or 502 of the Robert T. Stafford Dis-*
12 *aster Relief and Emergency Assistance Act (42 U.S.C.*
13 *5121 et seq.) may adopt, without review or public*
14 *comment, any environmental review, approval, or*
15 *permit performed by a Federal agency, and such*
16 *adoption shall satisfy the responsibilities of the recipi-*
17 *ent with respect to such environmental review, ap-*
18 *proval, or permit under section 104(g)(1) of this title*
19 *(42 U.S.C. 5304(g)(1)).*

20 “(2) *RELEASE OF FUNDS.—Notwithstanding sec-*
21 *tion 104(g)(2) of this title (42 U.S.C. 5304(g)(2)), the*
22 *Secretary may, upon receipt of a request for release*
23 *of funds and certification, immediately approve the*
24 *release of funds for an activity or project assisted*
25 *with amounts made available for use under this sec-*

1 *tion if the recipient has adopted an environmental re-*
 2 *view, approval or permit under paragraph (1) or the*
 3 *activity or project is categorically excluded from re-*
 4 *view under the National Environmental Policy Act of*
 5 *1969 (42 U.S.C. 4321 et seq.).*

6 “(l) *COLLECTION OF INFORMATION; AUDITS AND*
 7 *OVERSIGHT.*—

8 “(1) *COLLECTION OF INFORMATION.*—*For each*
 9 *major disaster for which assistance is made available*
 10 *under this section, the Secretary shall collect informa-*
 11 *tion regarding all recovery efforts so assisted and*
 12 *shall make such information available to the public*
 13 *and to the Inspector General for the Department of*
 14 *Housing and Urban Development, and shall report to*
 15 *the Congress regarding such efforts. Information col-*
 16 *lected and reported shall be disaggregated by race, ge-*
 17 *ography, and all protected classes of individuals*
 18 *under the Robert T. Stafford Disaster Relief and*
 19 *Emergency Assistance Act, the Americans with Dis-*
 20 *abilities Act of 1990, the Fair Housing Act, the Civil*
 21 *Rights Act of 1964, and other civil rights and non-*
 22 *discrimination protections. In carrying out this para-*
 23 *graph, the Secretary shall take such actions as may*
 24 *be necessary to ensure that personally identifiable in-*
 25 *formation regarding recipients of assistance provided*

1 *from funds made available under this section shall*
 2 *not made publicly available.*

3 “(2) *AUDITS AND OVERSIGHT.—In conducting*
 4 *audits, reviews, oversight, evaluation, and investiga-*
 5 *tions, in addition to activities designed to prevent*
 6 *and detect waste, fraud, and abuse, the Inspector Gen-*
 7 *eral shall review programs of grantees under this sec-*
 8 *tion for providing disaster relief and recovery assist-*
 9 *ance to ensure such programs fulfill their purposes*
 10 *and serve all eligible applicants for disaster relief or*
 11 *recovery assistance.*

12 “(m) *PRE-CERTIFICATION FOR UNITS OF GENERAL*
 13 *LOCAL GOVERNMENT.—*

14 “(1) *IN GENERAL.—The Secretary shall carry*
 15 *out a program under this subsection to provide for*
 16 *units of general local government to pre-certify as eli-*
 17 *gible grantees for assistance under this section.*

18 “(2) *REQUIREMENTS.—To be eligible for pre-cer-*
 19 *tification under the program under this subsection a*
 20 *unit of general local government shall—*

21 “(A) *demonstrate to the satisfaction of the*
 22 *Secretary compliance with the requirements of*
 23 *this section; and*

24 “(B) *have previously received assistance as*
 25 *a grantee or subgrantee under this section, or*

1 *with amounts made available for the Community*
2 *Development Block Grant—Disaster Recovery*
3 *account, in connection with two or more major*
4 *disasters declared pursuant to the Robert T.*
5 *Stafford Disaster Relief and Emergency Assist-*
6 *ance Act (42 U.S.C. 5121 et seq.).*

7 “(3) *DURATION.—Pre-certification under the*
8 *program under this subsection shall be effective for a*
9 *term of 10 years.*

10 “(n) *DEPOSIT OF UNUSED AMOUNTS IN FUND.—*

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

14 “(A) *the date that the grantee of such*
15 *amounts notifies the Secretary that the grantee*
16 *has completed all activities identified in the*
17 *grantee’s plan for use of such amounts that was*
18 *approved by the Secretary in connection with*
19 *such grant; or*

20 “(B) *the expiration of the 6-year period be-*
21 *ginning upon the Secretary obligating such*
22 *amounts to the grantee, as such period may be*
23 *extended pursuant to paragraph (2),*

24 *the Secretary shall transfer such unexpended amounts*
25 *to the Secretary of the Treasury for deposit into the*

1 *Community Development Block Grant Disaster Re-*
 2 *covery Reserve Fund established under section 124,*
 3 *except that the Secretary may, by regulation, permit*
 4 *the grantee to retain amounts needed to close out the*
 5 *grant.*

6 “(2) *EXTENSION OF PERIOD FOR USE OF*
 7 *FUNDS.—The period under paragraph (1)(B) shall be*
 8 *extended by not more than 3 years if, before the expi-*
 9 *ration of such 6-year period, the Director of the Office*
 10 *of Management and Budget, upon a request by the*
 11 *Secretary, waives this requirement and submits a*
 12 *written justification for such waiver to the Commit-*
 13 *tees on Appropriations of the House of Representa-*
 14 *tives and the Senate that specifies the period of such*
 15 *extension.*

16 **“SEC. 124. COMMUNITY DEVELOPMENT BLOCK GRANT DIS-**
 17 **ASTER RECOVERY RESERVE FUND.**

18 “(a) *ESTABLISHMENT.—There is established in the*
 19 *Treasury of the United States an account to be known as*
 20 *the Community Development Block Grant Disaster Recov-*
 21 *ery Reserve Fund (in this section referred to as the ‘Fund’).*

22 “(b) *AMOUNTS.—The Fund shall consist of any*
 23 *amounts appropriated to or deposited into the Fund, in-*
 24 *cluding amounts deposited into the Fund pursuant to sec-*
 25 *tion 123(n).*

1 “(c) *USE.*—Amounts in the Fund shall be available
2 only for providing assistance under section 123, but only
3 to the extent provided in advance in appropriations Acts.”.

4 (b) *REGULATIONS.*—Not later than the expiration of
5 the 12-month period beginning on the date of the enactment
6 of this Act, the Secretary of Housing and Urban Develop-
7 ment shall issue regulations to carry out sections 123 and
8 124 of the Housing and Community Development Act of
9 1974, as added by the amendment made by subsection (a)
10 of this section.

Union Calendar No. 870

115TH CONGRESS
2D Session

H. R. 4557

[Report No. 115-1107, Part I]

A BILL

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

DECEMBER 28, 2018

Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed