

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

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**REFORMING DISASTER RECOVERY ACT OF 2019**

Mr. GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3702) to authorize the Secretary of Housing and Urban Development to provide disaster assistance to States, Puerto Rico, units of general local government, and Indian tribes under a community development block grant disaster recovery program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3702

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Reforming Disaster Recovery Act of 2019”.

**SEC. 2. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM.**

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

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

“(a) AUTHORITY; USE.—The Secretary may provide assistance under this section to States, including Puerto Rico, units of general local government, and Indian tribes for necessary expenses for activities authorized under this title related to disaster relief, resiliency, long-term recovery, restoration of infrastructure and housing, mitigation, and economic revitalization in the most impacted and distressed areas (as such term shall be defined by the Secretary by regulation) resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(b) ALLOCATION; COORDINATION.—

“(1) ALLOCATION FOR MITIGATION.—In determining the amount allocated under this section for any grantee, the Secretary shall include an additional amount for mitigation that is not less than 45 percent of the amount allocated for such grantee for unmet needs.

“(2) DEADLINES FOR ALLOCATION.—Except as provided in paragraph (3), after the enactment of an Act making funds available for assistance under this section, the Secretary shall allocate for grantees, based on the best available data all funds provided for assistance under this section within 60 days of the date of the enactment of such Act.

“(3) INAPPLICABILITY OF DEADLINES BASED ON INSUFFICIENT INFORMATION.—The deadlines under paragraph (2) for allocation of funds shall not apply in the case of funds made available for assistance under this section if Federal Emergency Management Agency has not made sufficient information available to the Secretary regarding relevant unmet recovery needs to make allocations in accordance with such deadlines. The Secretary shall notify the Congress of progress on or delay in receiving the necessary information within 60 days following declaration of such a major disaster and monthly thereafter until all necessary information is received.

“(4) OBLIGATION OF AMOUNTS BY THE SECRETARY.—Subject to subsection (c)(1), the Secretary shall provide for the disbursement of the amounts allocated for a grantee, but shall require the grantee to be in substantial compliance with the requirements of this section before each such disbursement.

“(5) COORDINATION OF DISASTER BENEFITS AND DATA WITH OTHER FEDERAL AGENCIES.—

“(A) COORDINATION OF DATA.—The Secretary shall coordinate with other agencies to obtain data on recovery needs, including the Administrator of the Federal Emergency Management Agency and the Administrator of the Small Business Administration, and other agencies when necessary regarding disaster benefits.

“(B) COORDINATION WITH FEMA.—The Secretary shall share with the Administrator of the Federal Emergency Management Agency, and make publicly available, all data collected, possessed, or analyzed during the course of a disaster recovery for which assistance is provided under this section including—

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

“(ii) information on how any Federal assistance provided in connection with the disaster is expended; and

“(iii) information regarding the effect of the disaster on education, transportation capabilities and dependence, housing needs, health care capacity, and displacement of persons.

“(C) REQUIREMENTS REGARDING ELIGIBILITY FOR DIRECT ASSISTANCE AND DUPLICATION OF BENEFITS.—

“(i) COMPLIANCE.—Funds made available under this subsection shall be used in accordance with section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (Division D, Public Law 115-234), and such rules as may be prescribed under such section.

“(ii) PRIORITY.—Households having the lowest incomes shall be prioritized for assistance under this subsection until all unmet needs are satisfied for families having an income up to 120 percent of the median for the area.

“(D) TREATMENT OF DUPLICATIVE BENEFITS.—In any case in which a grantee provides assistance that duplicates benefits available to a person for the same purpose from another source, the grantee itself shall either (i) be subject to remedies for non-compliance under section 111, or (ii) bear responsibility for absorbing such cost of duplicative benefits and returning an amount equal to any duplicative benefits paid to the grantee’s funds available for use under this section or to the Community Development Block Grant Disaster Recovery Reserve Fund under section 124, unless the Secretary issues a public determination by publication in the Federal Register that it is not in the best interest of the Federal Government to pursue such remedies.

“(E) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this paragraph, the Secretary and the grantee shall take such actions as may be necessary to ensure that personally identifiable information regarding recipients of assistance provided from funds made available under this section is not made publicly available by the Department of Housing and Urban Development or any agency with which information is shared pursuant to this paragraph.

“(F) PLAN FOR USE OF ASSISTANCE.—

“(1) REQUIREMENT.—Not later than 90 days after the allocation pursuant to subsection (b)(1) of all of the funds made available by an appropriations Act for assistance under this section and before the Secretary obligates

any of such funds for a grantee, the grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, which shall include, at a minimum—

“(A) criteria for eligibility for each proposed use of funds, including eligibility limits on income and geography, and a description of how each proposed use of such funds will comply with all civil rights and fair housing laws and will address unmet needs relating to disaster relief, resiliency, long-term recovery, restoration of infrastructure and housing, mitigation, and economic revitalization in the most impacted and distressed areas, including assistance to impacted households experiencing homelessness as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or at risk of homelessness as defined by section 401 of such Act (42 U.S.C. 11360);

“(B) an agreement to share data, disaggregated by the smallest census tract, block group, or block possible for the data set, with Federal agencies and other providers of disaster relief, which shall include information the grantee has regarding the matters described in subsection (b)(4)(B);

“(C) identification of officials and offices responsible for administering such funds and processes and procedures for identifying and recovering duplicate benefits; and

“(D) a plan for ensuring compliance with the Fair Housing Act, which may include, at the election of the grantee, providing for partnerships with local fair housing organizations and funding set-aside for local fair housing organizations to handle complaints relating to assistance with amounts made available for use under this section.

“(2) APPROVAL.—The Secretary shall, by regulation, specify criteria for approval of plans under paragraph (1), including approval of substantial amendments to such plans.

“(3) DISAPPROVAL.—The Secretary shall disapprove a plan or substantial amendment to a plan if—

“(A) the plan or substantial amendment does not meet the approval criteria;

“(B) based on damage and unmet needs assessments of the Secretary and the Federal Emergency Management Administration or such other information as may be available, the plan or amendment does not address equitable allocation of resources—

“(i) between infrastructure and housing activities; and

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

“(C) the plan or amendment does not provide an adequate plan for ensuring that funding provided under this section is used in compliance with the Fair Housing Act;

“(D) the plan or amendment does not prioritize the one-for-one replacement, with cost adjustment where appropriate, of damaged dwelling units in public housing, in projects receiving tax credits pursuant to section 42 of the Internal Revenue Code of 1986, or in projects assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq), under the community development block grant program under this title, or by the Housing Trust Fund under section 1338 of the Housing and Community Development Act of 1992 (12 U.S.C. 4568); or

“(E) the plan or amendment does not provide a process to provide applicants—

“(i) notice by grantee of applicant’s right to appeal any adverse action or inaction;

“(ii) right to full discovery of applicant’s entire application file; and

“(iii) right to appeal to a court of competent jurisdiction in the vicinage of the applicant’s residence at the time of the appeal.

“(4) PUBLIC CONSULTATION.—In developing the plan required under paragraph (1), a grantee shall, at a minimum—

“(A) consult with affected residents, stakeholders, local governments, and public housing authorities to assess needs;

“(B) publish the plan in accordance with the requirements set forth by the Secretary, including a requirement to prominently post the plan on the website of the grantee for not less than 14 days;

“(C) ensure equal access for individuals with disabilities and individuals with limited English proficiency; and

“(D) publish the plan in a manner that affords citizens, affected local governments, and other interested parties a reasonable opportunity to examine the contents of the plan and provide feedback.

“(5) RESUBMISSION.—The Secretary shall permit a grantee to revise and resubmit a disapproved plan or plan amendment.

“(6) TIMING.—

“(A) IN GENERAL.—The Secretary shall approve or disapprove a plan not later than 60 days after submission of the plan to the Secretary. The Secretary shall immediately notify the applicant of the Secretary’s decision.

“(B) DISAPPROVAL.—If the Secretary disapproves a plan, not later than 15 days after such disapproval the Secretary shall inform the applicant in writing of (A) the reasons for disapproval, and (B) actions that the applicant could take to meet the criteria for approval.

“(C) AMENDMENTS; RESUBMISSION.—The Secretary shall, for a period of not less than 45 days following the date of disapproval, permit amendments to, or the resubmission of, any plan that is disapproved. The Secretary shall approve or disapprove a plan amendment not less than 30 days after receipt of such amendments or resubmission.

“(D) GRANT AGREEMENTS.—Subject to subsection (b)(3), the Secretary shall ensure that all grant agreements necessary for prompt disbursement of funds allocated to a grantee are executed within 60 days of approval of grantee’s plan.

“(d) FINANCIAL CONTROLS.—

“(1) COMPLIANCE SYSTEM.—The Secretary shall develop and maintain a system to ensure that each grantee has and will maintain for the life of the grant—

“(A) proficient financial controls and procurement processes;

“(B) adequate procedures to ensure that all eligible families and individuals are approved for assistance with amounts made available under this section and that recipients are provided the full amount of assistance for which they are eligible;

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

“(D) adequate procedures to ensure the grantee will maintain comprehensive and publicly accessible websites that make available information regarding all disaster recovery activities assisted with such funds, which information shall include—

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

“(ii) all responses to such requests, subject to redactions necessary to protect personal or proprietary data;

“(iii) the identity of any entity that reviews, evaluates, scores, or otherwise influ-

ences or determines the disposition of such requests;

“(iv) all reports, however styled, containing the reviewing individual or entity’s scores, findings, and conclusions regarding such requests; and

“(v) any resulting contract, agreement, or other disposition of such requests; except that such procedures shall ensure that personally identifiable information regarding recipients of assistance provided from funds made available under this section shall not be made publicly available.

“(2) EVALUATION OF COMPLIANCE.—The Secretary shall provide, by regulation or guideline, a method for qualitatively and quantitatively evaluating compliance with the requirements under paragraph (1).

“(3) CERTIFICATION.—As a condition of making any grant, the Secretary shall certify in advance that the grantee has in place the processes and procedures required under subparagraphs (A) through (D) of paragraph (1).

“(e) USE OF FUNDS.—

“(1) ADMINISTRATIVE COSTS.—

“(A) IN GENERAL.—A State, unit of general local government, or Indian tribe receiving a grant under this section may use not less than 7 percent and not more than 10 percent of the amount of grant funds received, or within such other percentage as may be established pursuant to subparagraph (B), for administrative costs and shall document the use of funds for such purpose in accordance with such requirements as the Secretary shall establish.

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

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

“(ii) such series provides that the percentage that may be so used is lower for grantees receiving a greater amount of grant funds and such percentage that may be so used is higher for grantees receiving a lesser amount of grant funds; and

“(iii) in no case may a grantee so use more than 10 percent of grant funds received.

“(2) LIMITATIONS ON USE.—Amounts from a grant under this section may not be used for activities—

“(A) that are reimbursable, or for which funds are made available, by the Federal Emergency Management Agency, including under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or the National Flood Insurance Program; or

“(B) for which funds are made available by the Army Corps of Engineers.

“(3) HUD ADMINISTRATIVE COSTS.—

“(A) LIMITATION.—Of any funds made available for use under this section by any single appropriations Act, the Secretary may use 1 percent of any such amount exceeding \$1,000,000,000 for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts made available for use under this section.

“(B) TRANSFER OF FUNDS.—Any amounts made available for use in accordance with subparagraph (A)—

“(i) shall be transferred to the account for Program Office Salaries and Expenses—Community Planning and Development for the Department;

“(ii) shall remain available until expended; and

“(iii) may be used for administering any funds appropriated to the Department for any disaster and related purposes in any prior or future Act, notwithstanding the dis-

aster for which such funds were appropriated.

“(4) INSPECTOR GENERAL.—Of any funds made available for use in accordance with paragraph (3)(A), 15 percent shall be transferred to the Office of the Inspector General for necessary costs of audits, reviews, oversight, evaluation, and investigations relating to amounts made available for use under this section.

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

“(6) MITIGATION PLANNING.—

“(A) REQUIREMENT.—The Secretary shall require each grantee to use a fixed percentage of any grant funds for comprehensive mitigation planning.

“(B) AMOUNT.—Such fixed percentage shall not be less than 15 percent, except that the Secretary may by regulation establish a lower percentage for grantees receiving a grant exceeding \$1,000,000,000.

“(C) COORDINATION.—Each grantee shall ensure that such comprehensive mitigation plans are coordinated and aligned with existing comprehensive, land use, transportation, and economic development plans, and specifically analyze multiple types of hazard exposures and risks. Each grantee shall coordinate and align such mitigation planning with other mitigation projects funded by the Federal Emergency Management Agency, the Army Corps of Engineers, the Forest Service, and other agencies as appropriate.

“(D) USE OF FUNDS.—Such funds may be used for the purchase of data and development or updating of risk mapping for all relevant hazards.

“(E) PRIORITY.—Grantees shall prioritize the expenditure of mitigation dollars for programs and projects primarily benefitting persons of low and moderate income with the greatest risk of harm from natural hazards.

“(7) BUILDING SAFETY.—

“(A) IN GENERAL.—After consultation with the Administrator of the Federal Emergency Management Agency, the Secretary shall provide that no funds made available under this section shall be used for installation, substantial rehabilitation, reconstruction, or new construction of infrastructure or residential, commercial, or public buildings in hazard-prone areas, unless construction complies with paragraph (8) and with the latest published editions of relevant national consensus-based codes, and specifications and standards referenced therein, except that nothing in this section shall be construed to prohibit a grantee from requiring higher standards.

“(B) SAVINGS PROVISION.—Nothing in subparagraph (A) shall be construed as a requirement for a grantee to adopt the latest published editions of relevant national consensus-based codes, specifications, and standards.

“(C) COMPLIANCE.—Compliance with this paragraph may be certified by a registered design professional.

“(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

“(i) HAZARD-PRONE AREAS.—The term ‘hazard-prone areas’ means areas identified by the Secretary, in consultation with the Administrator, at risk from natural hazards that threaten property damage or health, safety, and welfare, such as floods (including

special flood hazard areas), wildfires (including Wildland-Urban Interface areas), earthquakes, tornados, and high winds. The Secretary may consider future risks and the likelihood such risks may pose to protecting property and health, safety, and general welfare when making the determination of or modification to hazard-prone areas.

“(ii) LATEST PUBLISHED EDITIONS.—The term ‘latest published editions’ means, with respect to relevant national consensus-based codes, and specifications and standards referenced therein, the two most recent published editions, including, if any, amendments made by State, local, tribal, or territorial governments during the adoption process, that incorporate the latest natural hazard-resistant designs and establish criteria for the design, construction, and maintenance of structures and facilities that may be eligible for assistance under this section for the purposes of protecting the health, safety, and general welfare of a buildings’s users against disasters.

“(8) FLOOD RISK MITIGATION.—

“(A) REQUIREMENTS.—Subject to subparagraph (B), the Secretary shall require that any structure that is located in an area having special flood hazards and that is newly constructed, for which substantial damage is repaired, or that is substantially improved, using amounts made available under this section, shall be elevated with the lowest floor, including the basement, at least two feet above the base flood level, except that critical facilities, including hospitals, nursing homes, and other public facilities providing social and economic lifelines, as defined by the Secretary, shall be elevated at least 3 feet above the base flood elevation (or higher if required under paragraph (7)).

“(B) ALTERNATIVE MITIGATION.—In the case of existing structures consisting of multi-family housing and row houses, the Secretary shall seek consultation with the Administrator of the Federal Emergency Management Agency, shall provide for alternative forms of mitigation (apart from elevation), and shall exempt from the requirement under subparagraph (A) any such structure that meets the standards for such an alternative form of mitigation.

“(C) DEFINITIONS.—For purposes of subparagraph (A), the terms ‘area having special flood hazards’, ‘newly constructed’, ‘substantial damage’, ‘substantial improvement’, and ‘base flood level’ have the same meanings as under the Flood Disaster Protection Act of 1973 and the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

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

“(1) may not allow a grantee to use any such amounts for any purpose other than the purpose approved by the Secretary in the plan or amended plan submitted under subsection (c)(1) to the Secretary for use of such amounts;

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

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

“(g) TRAINING FOR GRANT MANAGEMENT FOR SUBGRANTEES.—The Secretary shall require each grantee to provide ongoing training to all staff and subgrantees.

“(h) PROCUREMENT PROCESSES AND PROCEDURES FOR GRANTEES.—

“(1) GRANTEE PROCESSES AND PROCEDURES.—In procuring property or services to be paid for in whole or in part with amounts from a grant under this section, a grantee shall—

“(A) follow its own procurement processes and procedures, but only if the Secretary makes a determination that such processes and procedures comply with the requirements under paragraph (2); or

“(B) comply with such processes and procedures as the Secretary shall, by regulation, establish for purposes of this section.

“(2) REQUIREMENTS.—The requirements under this paragraph with respect to the procurement processes and procedures of a grantee are that such processes and procedures shall—

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

“(B) include requirements for procurement policies and procedures for subgrantees;

“(C) specify methods of procurement and their applicability, but not allow cost-plus-a-percentage-of-cost or percentage-of-construction-cost methods of procurement;

“(D) include standards of conduct governing employees engaged in the award or administration of contracts; and

“(E) ensure that all purchase orders and contracts include any clauses required by Federal Statute, Executive Order, or implementing regulation.

“(3) NONCOMPLIANCE.—In the case of a grantee for which the Secretary finds pursuant to paragraph (1)(A) that its procurement processes and procedures do not comply with paragraph (2), the Secretary shall—

“(A) provide the grantee with specific written notice of the elements of noncompliance and the changes necessary to such processes and procedures to provide for compliance;

“(B) provide the grantee a reasonable period of time to come into compliance; and

“(C) during such period allow the grantee to proceed with procuring property and services paid for in whole or in part with amounts from a grant under this section in compliance with the procurement processes and procedures of the grantee, but only if the Secretary determines that the grantee is making a good faith effort to effectuate compliance with the requirements of paragraph (2).

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

“(j) WAIVERS.—

“(1) AUTHORITY.—Subject to the other provisions of this section, in administering amounts made available for use under this section, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment and except for the requirements of this section), if the Secretary makes a public finding that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of this title.

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

“(3) LOW- AND MODERATE-INCOME USE.—The requirements in this Act that apply to grants made under section 106 of this title (except those related to the allocation) apply equally to grants under this section unless modified by a waiver or alternative requirement pursuant to paragraph (1). Notwith-

standing the preceding sentence, the Secretary may not grant a waiver to reduce the percentage of funds that must be used for activities that benefit persons of low and moderate income to less than 70 percent, unless the Secretary specifically finds that there is compelling need to further reduce the percentage requirement and that funds are not necessary to address the housing needs of low- and moderate-income residents.

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

“(k) ENVIRONMENTAL REVIEW.—

“(1) ADOPTION.—Notwithstanding subsection (j)(1), recipients of funds provided under this section that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408C(4), 428, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit under section 104(g)(1) of this title (42 U.S.C. 5304(g)(1)).

“(2) RELEASE OF FUNDS.—Notwithstanding section 104(g)(2) of this title (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted with amounts made available for use under this section if the recipient has adopted an environmental review, approval or permit under paragraph (1) or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

“(1) COLLECTION OF INFORMATION.—For each major disaster for which assistance is made available under this section, the Secretary shall collect information from grantees regarding all recovery activities so assisted, including information on applicants and recipients of assistance, and shall make such information available to the public and to the Inspector General for the Department of Housing and Urban Development on a monthly basis using uniform data collection practices, and shall provide a monthly update to the Congress regarding compliance with this section. Information collected and reported by grantees and the Secretary shall be disaggregated by program, race, income, geography, and all protected classes of individuals under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Americans with Disabilities Act of 1990, the Fair Housing Act, the Civil Rights Act of 1964, and other civil rights and non-discrimination protections, with respect to the smallest census tract, block group, or block possible for the data set.

“(2) AVAILABILITY OF INFORMATION.—In carrying out this paragraph, the Secretary may make full and unredacted information available to academic and research institutions for the purpose of research into the equitable distribution of recovery funds, adherence to civil rights protections, and other areas.

“(3) PROTECTION OF INFORMATION.—The Secretary shall take such actions and make such redactions as may be necessary to ensure that personally identifiable information regarding recipients of assistance provided from funds made available under this section shall not be made publicly available.

“(4) AUDITS AND OVERSIGHT.—In conducting audits, reviews, oversight, evaluation, and investigations, in addition to activities designed to prevent and detect waste, fraud,

and abuse, the Inspector General shall review programs of grantees under this section for providing disaster relief and recovery assistance to ensure such programs fulfill their agreed-upon purposes and serve all eligible applicants for disaster relief or recovery assistance.

**“(m) BEST PRACTICES.—**

“(1) STUDY.—The Secretary shall direct the Office Community Planning and Development to collaborate with the Office of Policy Development and Research to identify best practices for grantees on issues including developing the action plan under subsection (c) and substantive amendments, establishing financial controls, building grantee technical and administrative capacity, procurement, compliance with Fair Housing Act statute and regulations, and use of grant funds as local match for other sources of federal funding. The Secretary shall publish a compilation of such identified best practices and share with all relevant grantees to facilitate a more efficient and effective disaster recovery process. The compilation shall include guidelines for housing and economic revitalization programs, including mitigation, with sufficient model language on program design for grantees to incorporate into action plans. The compilation shall include standards for at least form of application, determining unmet need, and income eligibility.

“(2) PROMULGATION.—After publication of the final compilation, the Secretary shall issue either Federal regulations, as part of the final rule for the above authorization or as a separate rule, or a Federal Register notice that establishes the requirements which grantees must follow in order to qualify for expedited review and approval. Such guidance shall establish standard language for inclusion in action plans under subsection (c) and for establishing standardized programs and activities recognized by the Secretary. Use of best practices shall not preclude grantees from standard requirements for public comment, community engagement, and online posting of the action plan. Use of promulgated best practices shall allow for an expedited review process, under which the Secretary will approve or disapprove such programs within 30 days. The Secretary shall publish the draft compilation of best practices on its website and allow the public 60 days to submit comments. The Secretary shall review all public comments and publish a final compilation within one year from the date of enactment. The Secretary may revise the requirements for best practices at any time after a public comment period of at least 60 days.

**“(n) PLAN PRE-CERTIFICATION FOR UNITS OF GENERAL LOCAL GOVERNMENT.—**

“(1) IN GENERAL.—The Secretary shall carry out a program under this subsection to provide for units of general local government to pre-certify as eligible grantees for assistance under this section. The objective of such program shall be to—

“(A) allow grantees that have consistently demonstrated the ability to administer funds responsibly and equitably in similar disasters to utilize in subsequent years plans which are substantially similar to those the Department has previously approved; and

“(B) facilitate the re-use of a plan or its substantially similar equivalent by a pre-certified grantee for whom the plan has previously been approved and executed upon.

“(2) REQUIREMENTS.—To be eligible for pre-certification under the program under this subsection a unit of general local government shall—

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

“(B) have previously submitted a plan or its substantially similar equivalent and received assistance thereunder as a grantee or subgrantee under this section, or with amounts made available for the Community Development Block Grant—Disaster Recovery account, in connection with two or more major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**“(3) APPROVAL OF PLANS.—**

“(A) EXPEDITED APPROVAL PROCESSES.—The Secretary shall establish and maintain processes for expediting approval of plans for units of general local government that are pre-certified under this subsection.

“(B) EFFECT OF PRE-CERTIFICATION.—Pre-certification pursuant to this subsection shall not—

“(i) establish any entitlement to, or priority or preference for, allocation of funds made available under this section; or

“(ii) exempt any grantee from complying with any of the requirements under, or established pursuant to, subsection (c) or (d).

“(4) DURATION.—Pre-certification under this subsection shall be effective for a term of 10 years.

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

“(1) IN GENERAL.—If any amounts made available for assistance under this section to grantees remain unexpended upon the earlier of—

“(A) the date that the grantee of such amounts notifies the Secretary that the grantee has completed all activities identified in the grantee's plan for use of such amounts that was approved by the Secretary in connection with such grant; or

“(B) the expiration of the 6-year period beginning upon the Secretary obligating such amounts to the grantee, as such period may be extended pursuant to paragraph (2); the Secretary may, subject to authority provided in advance by appropriations Acts, transfer such unexpended amounts to the Secretary of the Treasury for deposit into the Community Development Block Grant Disaster Recovery Reserve Fund established under section 124, except that the Secretary may, by regulation, permit the grantee to retain amounts needed to close out the grant.

**“(2) EXTENSION OF PERIOD FOR USE OF FUNDS.—**

“(A) IN GENERAL.—The period under paragraph (1)(B) shall be extended by not more than 4 years if, before the expiration of such 6-year period, the Secretary waives this requirement and submits a written justification for such waiver to the Committees on Appropriations of the House of Representatives and the Senate that specifies the period of such extension.

“(B) INSULAR AREA.—For any amounts made available for assistance under this section to a grantee that is an insular area as specified in section 107(b)(1), the Secretary may extend the waiver period under subparagraph (A) by not more than an additional 4 years, and shall provide additional technical assistance to help increase capacity within the insular area receiving such extension. If the Secretary extends the waiver period pursuant to this subparagraph, the Secretary shall submit a written justification for such extension to the Committees on Appropriations of the House of Representatives and the Senate that specifies the period of such extension.

**“(p) DEFINITIONS.—**For purposes of this section:

“(1) GRANTEE.—The term 'grantee' means a recipient of funds made available under this section after its enactment.

“(2) SUBSTANTIALLY SIMILAR.—The term 'substantially similar' means, with respect to a plan, a plan previously approved by the

Department, administered successfully by the grantee, and relating to disasters of the same type.

“(3) OTHER TERMS.—Within one year of enactment of this section, the Department shall issue rules to define the following terms:

“(A) Unmet needs.

“(B) Most impacted and distressed.

“(C) Substantial compliance.

“(D) Full and open competition.

“(E) Cost plus a percentage of cost.

“(F) Percentage of construction cost.

**“SEC. 124. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY RESERVE FUND.**

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account to be known as the Community Development Block Grant Disaster Recovery Reserve Fund (in this section referred to as the 'Fund').

“(b) AMOUNTS.—The Fund shall consist of any amounts appropriated to or deposited into the Fund, including amounts deposited into the Fund pursuant to section 123(o).

“(c) USE.—Amounts in the Fund shall be available, pursuant to the occurrence of a major disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, only for providing technical assistance and capacity building in connection with section 123 for grantees under such section that have been allocated assistance under such section in connection with such disaster to facilitate planning required under such section and increase capacity to administer assistance provided under such section, including for technical assistance and training building and fire officials, builders, contractors and subcontractors, architects, and other design and construction professionals regarding the latest published editions of national consensus-based codes, specifications, and standards (as such term is defined in section 123(e)(7)).

**“(d) REGULATIONS.—**

“(1) PROPOSED RULE.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue proposed rules to carry out sections 123 and 124 of the Housing and Community Development Act of 1974, as added by the amendment made by subsection (a) of this section, and shall provide a 90-day period for submission of public comments on such proposed rule.

“(2) FINAL RULE.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out sections 123 and 124 of the Housing and Community Development Act of 1974, as added by the amendment made by subsection (a) of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GREEN) and the gentlewoman from Missouri (Mrs. WAGNER) each will control 20 minutes.

Mr. ROUZER. Mr. Speaker, I claim the time in opposition to the motion.

The SPEAKER pro tempore. Is the gentlewoman from Missouri opposed to the bill?

Mrs. WAGNER. Mr. Speaker, I am in support of the bill. However, this is the jurisdiction of the Financial Services Committee. I am the vice ranking member, and I am willing to yield time. I think we will be speaking in both opposition and in support of the bill.

The SPEAKER pro tempore. Accordingly, the gentleman from North Carolina (Mr. ROUZER) will control the time in opposition.

Mr. ROUZER. Mr. Speaker, I yield 10 minutes to the gentlewoman from Missouri (Mrs. WAGNER), and I ask unanimous consent that she may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for more than 25 years, the House has failed to formally codify the vital disaster recovery program called the Community Development Block Grant Disaster Recovery, CDBG-DR, program.

Today, we in this body have it within our power, through this important vote, to at least resolve many of the problems, delays, and inefficiencies for disaster victims. H.R. 3702, the Reforming Disaster Recovery Act, is a solidly bipartisan solution to the persistent long-term disaster recovery crisis that directly impacts all of our districts.

Mr. Speaker, I thank my cosponsor, Mrs. WAGNER, for her steadfast commitment to making meaningful reforms to the delivery of Federal disaster recovery resources to those who need it the most.

Mr. Speaker, I also thank Chairwoman WATERS for her tireless leadership of the Financial Services Committee. It is due to her visionary leadership that our committee has moved so much legislation on a bipartisan basis, including this piece of legislation.

Additionally, Mr. Speaker, I thank Ranking Member MCHENRY—the bill came out of the Financial Services Committee unanimously—Leader HOYER, Leader McCARTHY, and Democratic and Republican staff.

I would like to thank the Office of the Inspector General of Housing and Urban Development; Secretary of Housing and Urban Development Dr. Ben Carson; Transportation and Infrastructure Committee Chair DEFAZIO and Ranking Member SAM GRAVES; Appropriations Chair LOWEY and Ranking Member KAY GRANGER; and, of course, Houston Mayor Sylvester Turner, who has been a steadfast supporter; Harris County Judge Lina Hidalgo; Harris County Commissioner Rodney Ellis;

and Harris County Commissioner Adri-an Garcia.

H.R. 3702 codifies, for the first time, the requirements and policy objectives of the CDBG-DR program. In the wake of increasing threats from severe weather events, this is a critical long-term reform for Federal public policy on disaster recovery.

As but one example, Houston had three record-breaking floods in a 3-year period, the last one being Hurricane Harvey. A major component of the Federal response to each of these floods is CDBG-DR, a program administered by the Department of Housing and Urban Development for the past 26 years.

According to findings by HUD's inspector general, this important lifeline to recovery for so many stricken communities needs to be amended, not ended. This bears repeating. HUD believes that this legislation is going to help mend some of the problems, and HUD does not desire to see us end the CDBG-DR program.

The HUD OIG recommended codification of the CDBG-DR program requirements to achieve four essential objectives.

The first, the creation of a permanent framework for future disasters; this bill does that.

Reduction of the existing volume of Federal Register notices; this bill does that.

Standardization of the rules for all grantees; this bill does that.

Timely disbursement and closing of grants; this bill does that as well.

The bill incorporates 21st century mitigation resiliency standards championed by Majority Leader HOYER, whom I thank, Mr. Speaker, for his thoughtful contributions to the legislation and for his commitment to bringing this important measure to the floor today.

Finally, the bill reflects many hours of constructive input from the Committees on Transportation and Infrastructure as well as Appropriations.

Mr. Speaker, I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, November 13, 2019.

Hon. MAXINE WATERS,  
Chairwoman, Committee on Financial Services,  
House of Representatives, Washington, DC.

DEAR CHAIRWOMAN WATERS: I write concerning H.R. 3702, the Reforming Disaster Recovery Act of 2019. There are certain provisions in this legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure (“Committee”). Since a committee report was not filed on this bill this Congress, our sequential referral request will not be adjudicated. However, H.R. 3702 closely resembles H.R. 4557, the Reforming Disaster Recovery Act of 2017, introduced in the 115th Congress and for which the Committee did receive a sequential referral.

According to House Rule X(1)(r), the Committee's jurisdiction includes emergency management, specifically “Federal management of emergencies and natural disasters.” As part of this jurisdiction, the Committee has authority over the Federal Emergency

Management Agency (FEMA), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and activities relating to the full cycle of emergency management—preparing for, protecting against, responding to, recovering from, and mitigating against all hazards—whether natural or man-made. Also falling under the jurisdiction of the Committee are:

“Flood control and improvement of rivers and harbors”;

“Construction or maintenance of roads and post roads”;

“Public works for the benefit of navigation, including bridges and dams”;

“Roads and the safety thereof”;

“Transportation, including . . . transportation infrastructure”; and

Economic development programs.

H.R. 3702 authorizes the Department of Housing and Urban Development's (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) program, which was first funded in 1993. The authority for the CDBG-DR program has historically been a construct of appropriations bills. This legislation would formally authorize in statute for the first time a disaster program in HUD to provide assistance for “disaster relief, resiliency, long-term recovery, restoration of infrastructure and housing, mitigation, and economic revitalization in the most impacted and distressed areas (as such term shall be defined by the Secretary by regulation) resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.” In the past, the CDBG-DR program has only been available for some declared disasters and activated via appropriations bills when disasters have been of such a magnitude that Congress has determined such additional funding may be needed.

The current Federal authorities for preparing for, responding to, and recovering from disasters were established in the Disaster Relief Act of 1974 (P.L. 93-288) and subsequently updated by the Stafford Act. Prior to the establishment of FEMA in 1979, such programs and activities were scattered throughout the Federal government. When FEMA was moved into the Department of Homeland Security (DHS) in 2002, the authorities and activities of FEMA were dispersed throughout the Department. During these reorganizations, the Committee's jurisdiction flowed with the subject matter of emergency management regardless of where and how such authorities were dispersed. Then, Congress enacted the Post-Katrina Emergency Management Reform Act (P.L. 109-295) in 2006, restoring FEMA and establishing it as the Federal agency with the primary mission “to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation” (6 U.S.C. 313).

Given that the CDBG-DR program could directly impact FEMA's mission and programs, and potentially conflict with FEMA's delivery of disaster assistance and administration of recovery programs, codifying this major disaster assistance program, regardless of what department or agency it is under, should fall within the Committee's jurisdiction over the “Federal management of emergencies and natural disasters.”

There are even more potential conflicts impacting the Committee's jurisdiction given the breadth of the projects and activities CDBG-DR can fund. In addition to CDBG-DR funds being used for disaster relief and long-term recovery, they can also be

used for the restoration of infrastructure, housing, and economic revitalization. These activities include rebuilding homes, repairing roads and bridges, rebuilding or replacing water and wastewater facilities, repairing public buildings, and economic development. HUD could potentially establish requirements for these activities funded through CDBG-DR that conflict with the requirements and policies the Committee establishes through our water resources and surface transportation bills.

It is critical to ensure that our Federal emergency management programs are coordinated, accountable, and effective, and that oversight of these programs is clear. Without the lead Committee on Federal emergency management—the Committee on Transportation and Infrastructure—effectively able to carry out oversight of a disaster program, the potential result is conflicting requirements and guidance issued under different disaster programs with little obligation to coordinate with each other. The result could be new hurdles to recipients of Federal assistance and aid at a time when we've seen a significant increase in disasters impacting so many communities across our Nation. Because of this, I also ask your cooperation in working to ensure that future bills related to CDBG-DR are also referred to the Committee.

At this time however, in order to expedite floor consideration of H.R. 3702, the Committee agrees to forgo action on the bill. This is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I also request that you urge the Speaker to name members of this Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest on H.R. 3702 into the Congressional Record during consideration of the measure on the House floor. I look forward to working with the Committee on Financial Services as the bill moves through the legislative process.

Sincerely,

PETER A. DEFAZIO,  
Chair.

—  
HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, November 18, 2019.

Hon. PETER A. DEFAZIO,  
Chairman, House Committee on Transportation  
and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to acknowledge your letter dated November 13, 2019, concerning H.R. 3702, the "Reforming Disaster Recovery Act of 2019." Noting that H.R. 3702 differs substantially from H.R. 4557, introduced in the 115th Congress, the Committee on Financial Services confirms our mutual understanding that foregoing action on H.R. 3702 does not prejudice any future jurisdictional claim over the subject matters contained in the bill or similar legislation, nor does it prejudice your committee from seeking the appointment of conferees on the bill or such legislation.

The Committee on Financial Services further acknowledges your request for appointment of outside conferees from the Committee on Transportation and Infrastructure for any provisions within the Committee's Rule X jurisdiction should this bill or similar language be considered in a conference with the Senate.

Pursuant to your request, I will ensure that this exchange of letters is included in

the Committee report to H.R. 3702 and the Congressional Record during Floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,

MAXINE WATERS,  
Chairwoman.

Mr. ROUZER. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to H.R. 3702, the Reforming Disaster Recovery Act.

It gives me no pleasure to be in opposition to it, but, Mr. Speaker, we all come to our conclusions based on the best information we have available to us and our personal experience.

My home State of North Carolina has been victimized by four hurricanes in 4 years, and our State and local officials have seen up close how the Community Development Block Grant Disaster Recovery program administered by HUD works. The answer is, not well at all.

Instead of fundamentally reforming the way we fund disaster recovery, this bill essentially takes a broken process and makes it permanent. Simply put, this bill would enshrine into law a regulatory quagmire.

Since 2017, Congress has appropriated roughly \$37 billion to CDBG-DR. Unfortunately, HUD's grant compliance and certification process for this program are so needlessly complicated that States are forced to divert money intended for victims of natural disasters just to navigate the program and interact with HUD.

This is really key: A huge gap between disaster response and long-term disaster recovery is the result.

Long waits between disaster relief and long-term recovery efforts increase the chance that people will not return to their homes or communities or reopen their businesses, the lifeblood of small towns and rural communities.

Under the current framework, the one this bill would codify, disaster victims must make a tough choice. Do they wait forever for HUD to begin disbursing these funds? Do they abandon their homes and businesses? Do they take out a loan they will have to pay back? Or do they begin the rebuilding process on their own, forsaking help from the Federal Government that their neighbors who wait to begin the rebuilding process will eventually get?

Mr. Speaker, victims should not have to make this choice. There should be continuity between the immediate recovery resources that come from FEMA and long-term recovery funds that help rebuild communities.

Delays caused by the current framework—the months-long Federal Register notice process, the onerous grant program requirements, the additional authorities this bill gives the Secretary of HUD to reject grantees' action plans—ensure that there will be a long wait between immediate disaster relief and long-term recovery.

Should we accept this fundamentally broken process as the best? The answer, of course, is we shouldn't. Instead, let's work together to fundamentally fix how we get funds to our com-

munities and families in need. Let's work to ensure taxpayer dollars are going where they are needed most and in a timely manner.

Mr. Speaker, I ask my colleagues to join me in opposing this legislation and working to overhaul our disaster relief efforts in a commonsense way.

Mr. Speaker, I reserve the balance of my time.

Mrs. WAGNER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to vote "yes" on H.R. 3702, the Reforming Disaster Recovery Act, which I introduced with Congressman AL GREEN.

Mr. Speaker, before I begin, I want to take a moment to thank Congressman GREEN and the majority leader, Mr. HOYER, and so many others who have been great partners in this endeavor—again, unanimous votes out of the Financial Services Committee in both the 115th and the 116th Congresses. I appreciate their willingness to make sure that disaster relief is being spent on the most vulnerable victims of natural disasters.

When natural disasters strike, the Federal Government plays a critical role in delivering emergency aid. Taxpayer dollars spent on disaster relief must be allocated wisely and efficiently. Every disaster relief dollar diverted to an ineffective or wasteful use is a dollar that is not going to help people in need.

Last Congress, the Financial Services Subcommittee on Oversight and Investigations began a bipartisan effort to improve the Community Development Block Grant Disaster Recovery program. Today's legislation is a product of that strong bipartisan work.

The Community Development Block Grant Disaster Recovery program helps communities start the recovery process and assists neighborhoods with limited resources in rebuilding critical infrastructure after a catastrophic event.

□ 1630

According to numerous IG reports and a hearing that the Oversight and Investigations Subcommittee held in 2018, major issues have been identified with the CDBG-DR program. Slow reimbursement of disaster-related funding, delays in funding for our low- to moderate-income citizens, and the potential duplication of benefits were just some of the identified difficulties.

While FEMA and other government agencies provide immediate resources to victims of disasters, it is HUD that often distributes the most aid through the CDBG disaster recovery program. Although HUD has become a primary provider of disaster assistance since 1993, this program is not codified in statute.

HUD uses more than 60 Federal Register notices to issue clarifying guidance waivers and alternative requirements to oversee at least 113 active disaster recovery program grants, which

total—are you ready for this, Mr. Speaker?—more than \$47 billion of taxpayer money as of last year.

Codifying the CDBG-DR program would provide a framework for future disasters, reduce the overreliance on Federal Register notices for each disaster, and speed delivery of disaster assistance to grantees and disaster victims.

The CDBG-DR program must be codified and reformed to increase oversight and accountability and ensure that disaster relief dollars go directly and expeditiously to those who need them the most. Codification provides proper controls that protect against waste, fraud, and abuse.

In testimony before the Oversight and Investigations Subcommittee last Congress, the acting inspector general of HUD noted that \$11.5 billion of CDBG-DR funds appropriated for disasters, going all the way back for almost nearly a decade, remain unspent.

H.R. 3702 sets up a mechanism to recapture future unused CDBG-DR funds, an accountability mechanism that we desperately need to put in reserves for future disasters. We must do a better job recouping this lost money for future disasters. And, most importantly, this will help ensure disaster funds are getting to those who need them most when they need it.

H.R. 3702 also helps to eliminate the duplication of benefits that can occur in the wake of government response to a natural disaster under our current multiagency system. It helps protect taxpayer dollars from being improperly allocated, from waste, fraud, and abuse, as was laid out by the inspector general.

It is about time, Mr. Speaker, that Congress makes this disaster relief program accountable to the people we serve and to American taxpayers in every State.

Mr. Speaker, I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I am honored to yield 1 minute to the gentleman from Maryland (Mr. HOYER), the honorable majority leader of the House.

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I thank Mr. GREEN and Mrs. WAGNER for their efforts in a bipartisan way. I thank the committee for reporting it overwhelmingly—in fact, I think unanimously—out of committee. And I thank Chairwoman WATERS of the Financial Services Committee for her leadership in advancing this important bill.

In 2017, damage from natural disasters, such as Hurricanes Harvey, Irma, and Maria, cost our country and its territories \$300 billion—in 1 year alone.

We know that these storms are becoming more frequent and more severe, resulting from a change in climate. Sadly, our future will look more and

more like 2017 as the climate crisis worsens. That is why, after visiting Puerto Rico, the U.S. Virgin Islands, and the Florida Keys in the fall of 2017, I helped lead a bipartisan effort to ensure that Federal disaster relief funding is used to help communities rebuild to 21st century standards.

In my view, if we fail to help communities rebuild stronger, they will be just as vulnerable to future disasters as they were before. Not only is that an unwise path to follow, it is a waste of taxpayer dollars. That is why I am glad that this bill includes important provisions for climate resilience, hazard mitigation, and helping communities rebuild to 21st century standards.

I am proud to bring this bill to the floor and hope that it will pass with broad, bipartisan support. This bill authorizes, for the first time, a community development block grant disaster recovery program.

The program has been in use through appropriations since 1993 to help communities affected by natural disasters, but it has never been formally authorized. That means that the Department of Housing and Urban Development must go through extra hurdles before distributing these emergency funds, which can delay assistance getting to the communities that need it.

Mr. GREEN recognizes that, Mrs. WAGNER recognizes that, and, frankly, it is the unanimous view of the committee that this was a step to take. With this legislation, that process will be streamlined, and we can do our part to make the process of rebuilding after a natural disaster faster and better.

I thank the chair and the sponsors of the bill for making commonsense changes to help align it with some of the reforms we have made to the Stafford Act following the 2017 hurricanes.

Importantly, the bill conditions the receipt of CDBG disaster funding on the adoption of the latest building codes and standards for those communities that want to rebuild in hazard zone areas, such as flood zones. That will ensure that homes, schools, hospitals, and other infrastructure are rebuilt stronger and more resilient, making them safer for their occupants and, as I said, protecting taxpayer dollars that aren't being used to rebuild these buildings and infrastructure.

I was pleased that, when we adopted the amendments to the Stafford Act, Mr. McCARTHY, the then-majority leader, and I were the cosponsors of that legislation. I am pleased that Mr. McCARTHY and I have worked together to try to make this program stronger and better.

I have talked to my friend GARRET GRAVES, who knows a lot about this stuff, and he has a bill himself. I am going to look carefully at that bill and try to work with him to make sure that we do, in fact, do what I think everybody on this floor wants: make these programs work, not only for those who are damaged, not only for the communities that are ravaged by

natural disasters, but also for the taxpayers.

None of us want to defend programs that don't work, don't work quickly, aren't paid on time or correctly. Nobody wants to defend that. But we have worked closely—when I say “we,” my office has worked closely with the homebuilders to make sure that the homebuilders thought this was a program that they could work with. They do.

So I urge my colleagues, in a bipartisan fashion, let us not once again snatch partisanship from bipartisanship moving progress. So often we do that. It is a shame, particularly when a bill is reported out of committee unanimously.

Is this perfect? It may not be perfect. I don't know whether GARRET GRAVES' bill is perfect. I know he knows a lot about the subject, and I am working to talk to him.

But let's pass this bill, not necessarily in lieu of other pieces of legislation that can improve this process, but pass this bill as a step towards progress, a step towards a more rational policy, and a step towards making sure that we apply our moneys in a rational, effective way for our citizens, for our communities, and for our country.

Mr. ROUZER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, I thank the gentleman from North Carolina for yielding.

Mr. Speaker, I appreciate the gentleman from Texas, the gentlewoman from Missouri, and everybody working on this.

We have had one of the most intense periods of disasters in American history in recent years: Hurricanes Harvey, Irma, Maria, Michael, and Florence pounding Texas, North Carolina, Puerto Rico, and the Virgin Islands. We have seen impacts in South Carolina and Georgia, as well.

But there is not another State that has been as disaster-impacted as south Louisiana, there is not another State: Hurricanes Katrina, Rita, Gustav, Ike, Isaac. We have had record-high water in the Mississippi River 2011, 2016, 2018, and, this year, 2019. There is not a more impacted State, which means there is not a more experienced State in terms of dealing with disasters.

Number one, Mr. Speaker, the committee in this Congress that has jurisdiction over disasters is the Transportation Committee, and the Transportation Committee had no consideration of this bill whatsoever—none.

We made some major reforms just last year in the Disaster Recovery Reform Act that made major changes in how we handle disasters.

You see people out there advocating this legislation who do not represent disaster victims, and I don't mean that in a mean way. I am just telling you that the folks who have actually dealt with disasters understand this is flawed, and let me explain why.

In the immediate aftermath of disasters, what happens is the only funds that are available are FEMA funds. You have FEMA funds that are available for disaster response and direct assistance to individuals.

So you may be able to get some immediate money, you may be able to get some immediate housing assistance, hotels, or other things, just an immediate small downpayment, then you get a loan from the SBA, a second agency we are bringing into it.

Maybe then you pursue your FEMA claim through flood insurance with a different division of FEMA. And, at some point in the future, you may get these funds, maybe—maybe—appropriated by Congress, and this is for the long-term recovery.

Now, let me give you the timeline under this bill.

They have 60 days to actually allocate the funds, whatever that means. The funds that Congress appropriated is based upon an allocation.

You have 90 days to file a plan. You have another 60 days, I believe it is, for consideration of the plan after it is submitted, for plan approval, and then another 60 days for the grants.

And then you still have the certification of the State's program. You still have the actual hiring of a contractor. You have accepting applications, approving applications, and actually giving the grants.

Mr. Speaker, you are talking about a year after a disaster, at least, under this bill.

Further, in my home State of Louisiana, where we have received \$1.7 billion from a 1,000-year storm in 2017, we ended up having to give a contractor \$350 million to hand out \$1.2 billion. That is, roughly, a 22 percent administrative cost, money that should be going to disaster victims. This doesn't make sense. It just doesn't make sense.

One of the reasons I am so frustrated is because we had a bipartisan agreement with leadership that this bill was going to move in tandem with another bill, voted out of the Transportation Committee unanimously in March.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROUZER. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. GRAVES of Louisiana. It passed out of the Transportation Committee—I will say it again, the committee with disaster experience, with disaster jurisdiction—passed out of that committee unanimously.

Mr. Speaker, at the end of the day, what we all need to be focused on is the disaster victims. That is what we need to be doing. We need to be focused on the disaster victims and focused on getting assistance to them, not re-victimizing the disaster victims through our own government inefficiency—and I am concerned that that is exactly what this bill does.

Lastly, Mr. Speaker, let me give you a statistic to prove my point.

We had a hearing a few months ago where we had the Economic Develop-

ment Administration, through the Department of Commerce, come testify. They told us in the meeting that, within 1 year, the disaster funds that were given to them for disaster recovery activities, within 1 year, 79 percent of the money was out the door.

Comparatively—to look at how HUD has handled this program, and this bill does nothing to fix it—comparatively, HUD has only given out 79 percent of the program after 6 years for 50 percent of the grants that were issued. They still have money sitting around for Hurricane Sandy.

This is not helping disaster victims. I urge opposition.

□ 1645

Mr. GREEN of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE), the chair of the Appropriations Committee Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 3702, the Reforming Disaster Recovery Act of 2019. I want to thank the bill's bipartisan sponsors: Mr. GREEN, and Mrs. WAGNER, and also Chairwoman WATERS, and Ranking Member MCHENRY for their leadership.

I approach this as a Representative of a disaster-prone State. Citizens in my State of North Carolina have a special reason to appreciate this bill. We have been hit hard by national disasters. Hurricanes Matthew and Florence made landfall in 2016 and 2018, just 2 years apart.

The storms upended lives, destroyed homes and businesses, and caused billions of dollars in damages. Many communities in my State are still recovering more than 3 years after these storms.

As the chairman of the Appropriations Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies, I have worked with colleagues in our delegation, and colleagues from other impacted States and territories, to secure tens of billions of dollars for HUD's CDBG-DR program. We have worked on this for years. We know the need for this legislation.

These flexible funds help facilitate long-term recovery. They can be used to repair and rebuild housing, to improve infrastructure, and to revitalize local economies. Unfortunately, Congress has never formally authorized this program but this bill fixes that.

The absence of an authorization has contributed to lengthy delays and a complicated patchwork of requirements laid out in numerous Federal Register notices that grantees must follow anew every time we have a disaster.

This legislation is overdue. It makes essential reforms to this program. Specifically, it eliminates the need to

issue those Federal Register notices and creates clear statutory deadlines to get the funding out the door as expeditiously as possible.

It ensures that assistance goes to low- and moderate-income people who need it the most. It boosts transparency and public input, and it requires HUD and grantees to collect and use data to improve program outcomes.

I am especially pleased that the legislation will formally incorporate "mitigation" funding that we have included in appropriations bills after recent disasters. Mitigation dollars will allow communities to strengthen resiliency and protect against future hazards, which has long been a priority of mine and North Carolina's Governor Roy Cooper.

Again, I want to thank my colleagues for their leadership and for working collaboratively and cooperatively with the Appropriations Committee to advance this bipartisan legislation.

I urge all Members to support the bill.

Mr. ROUZER. Mr. Speaker, I reserve the balance of my time.

Mrs. WAGNER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from Missouri has 5½ minutes remaining.

Mrs. WAGNER. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HILL), one of our senior members of the Financial Services Committee who is also the ranking member on the Subcommittee on National Security, International Development and Monetary Policy.

Mr. HILL of Arkansas. Mr. Speaker, I thank Mrs. WAGNER and my friend Mr. GREEN from Texas for their work on this legislation. We don't do perfect in the House of Representatives. We do the best that we can in the House of Representatives.

We have worked on both sides of the aisle for years to craft something that has needed to be dealt with for well over two decades, which is to authorize the CDBG program for disasters in the right way. I congratulate Mr. GREEN and Mrs. WAGNER for their work.

As a volunteer after Katrina working in the very poor community of Lacombe, Louisiana, rebuilding houses, I saw firsthand the good and bad of Federal assistance as it relates to post-hurricane recovery and mitigation. And I fully understand why this legislation is so badly needed.

In 2013, the inspector general found that \$700 million in CDBG disaster money following Hurricane Katrina had gone missing and was unaccounted for. In March of this year, the GAO issued a report entitled, "Better Monitoring of Block Grant Funds Is Needed."

That is why we are here today, Mr. Speaker, and that is the leadership that we have gotten from Mrs. WAGNER and Mr. GREEN, to bring accountability to an incredibly important program

that helps people in need after our worst moments in American history.

I thank the gentlewoman for her work, and I urge a “yes” vote.

Mr. GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. ROUZER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from North Carolina has 3 minutes remaining.

Mr. ROUZER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have listened to the arguments. I have listened to my good friend, Mr. PRICE from North Carolina. Obviously, he and I share the same home State. And I think you just have to say that we all want the same thing. We just have a different idea of how to get there.

Personally, when I look at the fact that Hurricane Matthew occurred in 2016, Congress appropriated billions of dollars, and only a fraction of that here in 2019—almost 2020, by the way—only a fraction of that has gotten back to the victims. That is totally unacceptable.

We have Hurricane Florence which hit in 2018. Congress immediately passed a disaster supplemental bill that, again, includes billions for CDBG-DR. Have we seen anything? Not one bit. Not one dollar.

So why do we want to codify something that has been such an adamant, complete total failure? It is kind of like taking a clunker and repainting it and saying: Hey, here is the new car. It is going to work even better than ever.

Mr. Speaker, I suggest that we scrap this vehicle and go a different route. I reserve the balance of my time.

Mrs. WAGNER. Mr. Speaker, may I make an inquiry? Is the gentleman ready to close? I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, point of inquiry, please, how much time does the gentleman from North Carolina have remaining?

The SPEAKER pro tempore. The gentleman from North Carolina has 1½ minutes remaining.

Mr. GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. ROUZER. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, let me just say, at the end of the day, what we need to be doing is we need to be looking at this through the eyes of the disaster victims. We need to be looking at this through their eyes.

Having a bill that codifies under law, locks in that you are talking about 270 days, not from the aftermath of a disaster, but 270 days from when the funds are actually appropriated by the Congress, which could be a year later. It could be 2 years later. That doesn’t make sense.

There is no connectivity between a FEMA hotel program or mobile home program and getting money in the

bank to actually help disaster victims. The bill says that the funds have to be spent in 6 years.

Mr. Speaker, how about if we subject Members of Congress to being homeless for 6 years? How about if we make them be homeless for 270 days? How about we make them homeless for 27 hours or 270 minutes. I don’t care. This doesn’t make sense. It is an inefficient use of taxpayer dollars. The program has proven to be inefficient.

The agency has proven that they cannot administer this, and it just doesn’t make sense. We need to continue to look at this through the eyes of the disaster victims. Look at the Government Accountability Office report that found all sorts of flaws in here, and let’s actually fix the real problems. I urge opposition to this legislation.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mrs. WAGNER. Mr. Speaker, I yield myself the balance of my time.

Those who oppose this bill, the Reforming Disaster Recovery Act, they oppose it because HUD involvement has been involved in disaster recovery. Their opposition is so strong that they would allow waste, fraud, and abuse to continue to overrun the program instead of codifying and reforming it.

Their opposition is purely philosophical, Mr. Speaker. It is not practical. HUD has been charged with administering this program since 1993 under Democrat and Republican Presidents, under Democrat and Republican Speakers. No matter the composition of the House or the Senate, this program has continued.

I have seen no national movement to end this program and bring the gentleman’s theoretical vision into being. Meanwhile, the program continues to generate waste, fraud, and abuse. The gentleman would justify this waste and abuse because they believe some day they will successfully convince both Chambers in Congress and the President to pass legislation that would make FEMA the sole distributor of disaster funds.

The gentlemen have articulated no feasible path toward ending the program. The gentlemen have no interest in reforming or fixing the program, and they have no jurisdiction, Mr. Speaker.

During the 115th Congress I served as the chair of the Oversight and Investigations Subcommittee of the Financial Services Committee. I worked with committee Chairman Jeb Hensarling, a conservative through and through, to draft this legislation with my good friend and colleague, Mr. GREEN, and address the flaws in this program.

We must pass this bill in order to end the waste and abuse, and to ensure that funding goes quickly to those who need it, and to recapture the unused funds responsibly. I am dismayed that my colleagues in opposition will continue to waste taxpayer dollars simply because they have an interagency disagreement that falls outside of their jurisdiction.

This legislation places greater accountability and controls on taxpayer money spent after disaster through codification, a clawback provision, duplication of benefit reforms, minimum procurement standards for States, and other very important provisions.

This bill, Mr. Speaker, is effective and responsive policy, and I urge all of my colleagues to support this piece of legislation. I yield back the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 11 minutes remaining.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for 26 years we have had the circumstances that we are trying to correct with this bill. This bill is not perfect, but for 26 years, it has been an opportunity for those who desire to do otherwise to bring the cause before the Congress of the United States of America.

It is ironic that this cause would be brought to the Congress at the time we are about to pass significant legislation that the Governor of North Carolina agrees with.

I have a letter that is signed by many Governors, one of whom is the Governor of North Carolina. I won’t read it in its entirety, but I do think one line is salient and important. It reads: “We”—all of these Governors—“ask that Congress pass it as quickly as possible.” Pass it as quickly as possible.

They are talking about this bill, the Governor of North Carolina.

I would also add, Mr. Speaker, that FEMA has indicated on the record that it does not desire to have this bill under the jurisdiction of FEMA.

In fact, I have a statement from the associate administrator for response and recovery, Mr. Jeff Byard, and it reads: “I would love to work with the committee about expanding our authorities . . .” he is talking about the Financial Services Committee. “. . . to do a different means of housing, but not to take on other agencies’ responsibilities or grants.” He is talking about our agency, HUD. They, meaning FEMA, do not want to take on the responsibilities that HUD has already within its wheelhouse, as they say.

Now, Mr. Speaker, I would also add this: The Committee on Financial Services is familiar with these kinds of concerns associated with disaster relief. We have the Community Development Block Grant program under our jurisdiction. We have the National Flood Insurance Program under our jurisdiction.

□ 1700

And as a Member, I would tell you that I was born in Louisiana. I know what New Orleans is like. I was there after Katrina. I saw what happened, and I also saw thousands of people come to my district in Houston, Texas,

where they were welcomed. They were welcomed, and many of them are still in my district in Houston, Texas.

This is not to say that my colleagues have done anything wrong. I am merely indicating that I have some understanding about what is happening in Louisiana. But I also know what is happening in Texas.

Mr. Speaker, in Texas, within a 3-year period, we had billion-dollar floods each year. We had Hurricane Harvey, the last, and Hurricane Harvey took lives and inundated our city. It was like something we have not seen before and, arguably, the country has not seen before, but we suffered through it. And we want to make it easier for those persons who were victimized, such as the ones who were victimized with Harvey, to have a better means by which they can acquire long-term relief.

FEMA deals with immediate relief, emergency relief. HUD is dealing with long-term relief. We are dealing with mitigation. Mitigation can take years to accomplish because some of the structures that have to be rebuilt can be rebuilt in no short order. It takes time. It takes plans. You have to involve various agencies to rebuild these structures. We are talking about long-term relief. That is what this bill provides.

This bill also is about the business of making sure—and I must commend Mr. HOYER for this—that that mitigation relief that the Governors that I spoke of wanted is contained in the bill. The Governors called to our attention the need for mitigation relief, as did the builders. And Mr. HOYER, working with the builders, crafted the mitigation language that is going to make a difference in the future.

It is not a perfect bill. We will not have a perfect bill in this House—unless everybody agrees with me, and that is not likely to happen. It is a good bill and all of my friends on the other side are good people, every one of them. I have an inordinate amount of respect for them, and I support their efforts to do more in the area with FEMA, but I do not support efforts to remove this program from HUD.

HUD has had it for 26 years—hasn't been perfect—but we are trying to perfect some of the issues associated with mitigation, some of the issues associated with disaster relief. And we are doing a fairly good job with this bill—not a perfect bill, but it is a good bill.

And I would hope that my colleagues—understanding that over the last 26 years, we haven't had a FEMA bill brought to the floor and passed, and we now have the opportunity to pass this HUD bill, my hope is that we will get it passed. My belief is this is the right bill for the right time. It not only makes sense, it makes dollars and cents. It will save money and it will save some lives.

Mr. Speaker, I would just mention a few more entities, if I may, with reference to endorsement: the National

Housing Resource Center; the National Fair Housing Alliance; the National Low Income Housing Coalition; Disaster Housing Recovery Coalition; and, of course, we have the Consortium for Citizens with Disabilities Housing Task Force. Also, Disaster Law Project; Enterprise Community Partners; Fair Share Housing Center; and we have the Hispanic Federation. Also, Local Initiatives Support Coalition; National Association of Councils on Developmental Disabilities; National Coalition for Healthy Housing; National Community Development Association; National Law Center on Homelessness and Poverty; Paralyzed Veterans of America; and Texas Low Income Housing Information Service. And many more.

Mr. Speaker, as I bring this to closure, I include in the RECORD a letter from the Governors as it relates to this legislation.

OCTOBER 9, 2019.

Hon. NANCY PELOSI,  
*Speaker of the House,  
House of Representatives, Washington, DC.*  
Hon. MITCH MCCONNELL,  
*Majority Leader,  
U.S. Senate, Washington, DC.*  
Hon. KEVIN MCCARTHY,  
*Minority Leader,  
House of Representatives, Washington, DC.*  
Hon. CHUCK SCHUMER,  
*Minority Leader,  
U.S. Senate, Washington, DC.*

DEAR SPEAKER PELOSI, MINORITY LEADER MCCARTHY, MAJORITY LEADER MCCONNELL, AND MINORITY LEADER SCHUMER: Our states are full of determined, tough people. For generations, our families have weathered brutal hurricanes, killer tornadoes, sustained flooding, and devastating forest fires. But recent history tells us there's a new normal when it comes to these natural disasters and if we don't rise to the challenge, they will get the best of us.

As these natural disasters continue to increase in frequency and devastation, we appreciate relief and recovery assistance from the federal government. However, there are critical reforms needed to ensure long-term disaster recovery programs function more efficiently.

Right now, long-term federal disaster recovery assistance, in the form of Community Development Block Grant—Disaster Recovery (CDBG-DR) funding controlled by the U.S. Department of Housing and Urban Development (HUD), gets passed by Congress and announced with great fanfare, but affected states are left to wait months—sometimes years—before HUD publishes the Federal Register. A Federal Register is only the first required step in a lengthy and bureaucratic approval process setting out how that money can be put into action.

CDBG-DR funds are routinely appropriated after natural disasters, but the program is unauthorized, meaning states must wait for new Federal Register guidelines after each round of funding is announced. There are currently over 60 Federal Register Notices on record for CDBG-DR, with grantees facing variable, overlapping and even contradictory details.

Many of us have met with the President, administration officials, and our Congressional representatives to push for changes. We need Congress to require HUD to publish program requirements in the Federal Register within a much shorter timeframe. Better yet, Congress could get the money to the people who need it even faster by formally authorizing the CDBG-DR program so that

Federal Register instructions can be significantly standardized and expedited. Bipartisan legislation to do this has been introduced in both the House and the Senate, with a clear intent to balance speed-to-need and accountability for public resources. We ask that Congress pass it as quickly as possible.

Another critical reform would create a universal application for disaster survivors that would be shared among FEMA, HUD and the Small Business Administration so people busy with recovery only need to fill out one application. Combining this with seamless interagency data sharing would enable significantly better communication and coordination, as well as faster disbursement of funds and improved oversight and accountability.

We must all keep fighting for survivors recovering from these disasters, working to rebuild their lives and protect themselves from the next catastrophe. We owe it to them to deliver on our mission for stronger, smarter, more resilient communities.

Sincerely,

GOVERNOR ROY COOPER,  
*State of North Carolina.*

GOVERNOR JB PRITZKER,  
*State of Illinois.*

GOVERNOR MIKE PARSON,  
*State of Missouri.*

GOVERNOR TONY EVERNS,  
*State of Wisconsin.*

GOVERNOR KAY IVEY,  
*State of Alabama.*

GOVERNOR ERIC HOLCOMB,  
*State of Indiana.*

GOVERNOR RALPH  
*NORTHAM,  
State of Virginia.*

Mr. GREEN of Texas. Mr. Speaker, with this said, I thank my colleagues again. I consider them all honorable people, and I beg that my colleagues would support this legislation that is 26 years in the making. If it fails, I know not when we will stand in this position again.

Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I am providing this statement to explain the Reforming Disaster Recovery Act of 2019 (H.R. 3702), as ordered reported to the House of Representatives by the Committee on Financial Services, along with additional amendments made since committee consideration:

The Community Development Block Grant (CDBG), administered by the Department of Housing and Urban Development (HUD), is the federal government's largest and most widely available source of financial assistance for state and local government-directed neighborhood revitalization, housing rehabilitation, and economic development activities. One of the national objectives of the CDBG program allows communities and states to use program funds to address serious and immediate public health and safety threats. Accordingly, Congress has used the CDBG program's framework to provide additional assistance (CDBG-DR) for state and local recovery activities in the wake of presidentially-declared disasters. In response to a disaster, Congress must pass each supplemental CDBG-DR appropriation on a case-by-case basis. To date, Congress has appropriated \$87 billion in CDBG-DR assistance.

CDBG-DR grants are generally governed by the underlying Housing and Community Development Act of 1974, (42 U.S. 5301 et. seq) ("CDBG statute") and rules and the relevant supplemental appropriation act. A supplemental appropriation act providing disaster

assistance typically identifies the amount appropriated, the period covered, the eligible uses of funds (to the extent that they are different from the underlying CDBG statute and rules), and the certifications required for assistance. For each supplemental appropriation, HUD publishes a corresponding Federal Register notice establishing the allocation of funds to eligible grantees and describing the rules, statutes, waivers, and alternative requirements that apply to allocations under the notice.

In July 2018, the HUD Office of Inspector General (HUD OIG) found that HUD's use of multiple Federal Register notices to administer CDBG-DR assistance created challenges for grantees. Specifically, HUD OIG found, among other challenges, that grantees had to navigate confusing and sometimes duplicative requirements contained in multiple notices. HUD OIG recommended that HUD codify the CD BG-DR program to: (1) establish a permanent framework for future disasters; (2) reduce the existing volume of Federal Register notices; (3) provide a standardized set of rules for all grantees; and (4) ensure that grants are closed in a timely manner. Further, the GAO has found that historically, disaster relief has been inequitably distributed among people of different races and ethnicities, economic classes, and homeownership status. As a result, some of the largest HUD fair housing settlements have come after major disasters, as states and localities receiving disaster recovery grants often did not serve affected families equitably.

H.R. 3702 adopts the HUD OIG recommendations by permanently authorizing the CDBG-DR program, as well as addressing concerns that have been raised about the administration of the program. Among other requirements, the bill would mandate that: (1) HUD allocate CDBG-DR funds within 60 days of a Congressional appropriation; (2) HUD coordinate with FEMA, and the Small Business Administration (SBA) to better improve data sharing; and (3) any CDBG-DR funded new construction, repair, or rehabilitation utilize minimum federal standards for flood risk mitigation and storm water protection as well as utilizing the latest national consensus-based building codes and standards for construction in hazard-prone areas. Additionally, H.R. 3702 would allow cities and counties with well-developed disaster relief resources to become precertified to receive funding more quickly and establish a reserve fund to be used to provide technical assistance and capacity building to help communities develop their action plans. The bill would also require HUD develop best practices that communities can use for disaster recovery.

The act includes two sections:

Section 1 states that the title of the bill is the Reforming Disaster Recovery Act of 2019.

Section 2 is entitled the "Community Development Block Grant Disaster Recovery Program." This section amends Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) by adding a new sections 123 and 124 to permanently authorize the CDBG-DR program and establish a CDBG-DR reserve fund.

The new section 123 is entitled "CD BG-Disaster Recovery Assistance." Subsection (a) of the new section 123 authorizes the Secretary of Housing and Urban Development (HUD) to provide Community Development Block Grant-Disaster Recovery (CDBG-DR) assistance to States, including Puerto Rico, units of general local government, and Indian tribes for necessary expenses for authorized activities related to disaster relief, resiliency, long-term recovery, restoration of infrastructure and housing mitigation, and economic revitalization in the most im-

pacted and distressed areas affected by Presidential-declared disasters.

Subsection (b) of the new section 123 provides that when allocating funding, the Secretary of HUD is required to include an additional amount of funding for mitigation that is not less than 45 percent of the amount allocated to a grantee for unmet needs. The Secretary of HUD must allocate funds to grantees within 60 days of the date of enactment of an Act making funds available for disaster assistance. The deadline for allocation of CD BG-DR funds shall not apply if the Federal Emergency Management Agency (FEMA) has not made sufficient information available to the Secretary of HUD regarding relevant unmet recovery needs to make allocations in accordance with the deadline. The Secretary of HUD must notify Congress of progress on or delay in receiving the necessary information within 60 days following the declaration of a major disaster and monthly thereafter until all necessary information is received. The Secretary of HUD is required to disburse funding allocated to a grantee, but only if the grantee is in substantial compliance with the requirements of this section.

The new subsection (b) also requires the Secretary of HUD to coordinate with other agencies, including FEMA, and the SBA, to obtain data on recovery needs when necessary regarding disaster benefits, and share with FEMA and make publicly available, all data collected, possessed, or analyzed during the course of a disaster recovery for which assistance was provided.

This new subsection (b) also requires that funds made available must be used in accordance with section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (Division D, Public Law 115-254), and such rules as may be prescribed. Households having the lowest incomes must be prioritized for assistance under this section until all unmet needs are satisfied for families having an income of up to 120 percent of the median for the area. In any case in which a CDBG-DR grantee provides assistance that duplicates benefits, the new subsection (b) requires that the grantees bear responsibility for absorbing such cost of any duplicative assistance and return that amount to the grantee's account or be subject to remedies for non-compliance under Section 111 of the Housing and Community Development Act of 1974. In carrying out this subsection, the Secretary of HUD shall protect personally identifiable information.

Subsection (c) of the new section 123 provides that no later than 90 days after the allocation of funds, the grantee must submit a plan to the Secretary of HUD for approval detailing the proposed use of all funds, which shall include how the funds will be used to address disaster relief, identification of officials administering the disaster funds, an agreement to share data with Federal agencies, and a plan for ensuring compliance with the Fair Housing Act. The new subsection (c) also requires the Secretary of HUD to specify criteria for approval of a grantee's disaster assistance plan, including approval of substantial amendments to the plan. The Secretary of HUD shall disapprove a plan if (1) the Secretary determines that the plan does not meet the approval criteria, (2) the Secretary determines that the plan does not provide equitable allocation of resources between infrastructure and housing projects or between homeowners, rents and persons experiencing homelessness, (3) the Secretary determines that the plan does not provide a credible plan for ensuring compliance with the Fair Housing Act, (4) the Secretary determines that the plan does not prioritize

the one-for-one replacement of damaged federally subsidized affordable housing, or (5) the Secretary determines the plan does not provide applicants for assistance notice by the grantee of the applicant's right to appeal any adverse action or inaction.

In developing the action plan, the new subsection (c) provides that grantees, at a minimum, must (1) consult with affected stakeholders, including residents, local governments, and public housing authorities, to assess needs, (2) publish the plan, including online for at least 14 days, (3) ensure equal access to individuals with disabilities or with limited English proficiency, and (4) publish the plan in a way that allows stakeholders a reasonable opportunity to review and provide feedback on the plan. In the event of a disapproved plan, the Secretary of HUD shall permit a grantee to revise and resubmit its plan. The Secretary of HUD shall approve or disapprove a plan within 60 days of the plan being submitted. If a plan is disapproved, within 15 days after the disapproval, the Secretary shall inform the applicant of the reasons for disapproval and the actions the applicant could take to meet the criteria for approval. Applicants have 45 days following the date of the disapproval to submit amendments or resubmit the action plan to the Secretary of HUD. The Secretary of HUD has 30 days to approve or disapprove the plan amendment or resubmission. The Secretary of HUD shall ensure that all grant agreements are executed within 60 days of approval of the grantee's plan.

Subsection (d) of the new section 123 requires the Secretary of HUD to develop and maintain a system to ensure that each grantee has an approved process for financial controls and procurement, and adequate procedures to ensure all eligible families and individuals are approved for and provided assistance, as well as to prevent duplication of benefits and detect waste, fraud and abuse, and to maintain publicly accessible websites that make available information regarding all disaster recovery activities. The Secretary must provide, by regulation or guideline, a method for qualitatively and quantitatively evaluating compliance. As a condition of making any grant, the Secretary of HUD shall certify in advance that the grantee has the proper financial processes and procedures in place.

Subsection (e)(1) of the new section 123 provides that a grantee may not use less than seven percent but no more than 10 percent of its grant funds for administrative fees. The Secretary of HUD may establish a series of percentage limitations on a grantee's administrative fees, but only if such limitations are based on the amount of grant funds received, such series limitation is lower for grantees receiving a greater amount of grant funds and higher for grantees receiving a lesser amount of grant funds, and in no case may a grantee use more than 10 percent of grant funds for administrative fees. Subsection (e)(2) provides that amounts under this section may not be used for activities reimbursable by FEMA or the Army Corps of Engineers.

The new subsection (e)(3) also provides that the Secretary of HUD may use one percent of CD BG-DR appropriated amounts exceeding \$1 billion for administrative costs, of which, under new subsection (e)(4), 15 percent of that amount shall be transferred to the HUD IG for audits, reviews, oversight, evaluation, and investigations relating to amounts made available for use under this section. The new subsection (e)(5) authorizes the lesser of 0.1 percent or \$15 million for capacity building and technical assistance.

This new subsection (e)(6) provides that each grantee shall use not less than 15 percent of funds for comprehensive mitigation

planning, except that the Secretary may establish a lower percentage for grantees receiving a grant exceeding \$1 billion. Under the new subsection (e), each grantee must ensure that comprehensive mitigation plans are coordinated and aligned with existing comprehensive, land use, transportation, and economic development plans, and specifically analyze multiple types of hazard exposures and risks. Each grantee must also coordinate and align mitigation planning with other mitigation projects funded by FEMA, the Army Corps of Engineers, the Forest Service, and other relevant agencies. Mitigation planning funds can be used to purchase data and development or updating of risk mapping for all relevant hazards. The new subsection (e)(6) also directs Grantees to prioritize the expenditure of mitigation dollars for programs and projects primarily benefitting low- and moderate-income households with the greatest risk of harm from natural disasters.

The new subsection (e)(7) provides that after consultation with the FEMA Administrator, the Secretary of HUD shall make no CDBG-DR funds available for the construction, reconstruction, or installation of any infrastructure or residential, commercial or public buildings in hazard-prone areas that does not, at a minimum, comply with the last published editions of relevant national consensus-based codes, and specifications and standards referenced therein, except that the new subsection (e) provides that nothing that in the new section 123 prohibits grantees from requiring higher standards. The new subsection (e) provides that compliance with this section may be certified by a registered design professional.

The new subsection (e)(7) also provides a number of definitions of key terms used. "Hazard-prone areas" are defined as areas identified by the Secretary of HUD, in consultation with the FEMA Administrator, at risk from natural hazards that threaten property damage or health, safety, and welfare, such as floods, wildfires, earthquakes, tornadoes and high winds. The Secretary may consider future risks and the likelihood such risks may pose to protecting property, and health, safety, and general welfare when determining or modifying a hazard-prone area. "Latest published editions" is defined, with respect to national consensus-based codes, and specifications and standards referenced therein, the two most recent published editions, including amendments that were adopted by State, local, tribal, or territorial governments to incorporate the latest hazard-resistant designs and establish criteria for the design, construction, and maintenance of structures for the purpose of protecting the health, safety and general welfare of people against disasters.

The new subsection (e)(8) provides that the Secretary of HUD shall require than any structure that is located in a special flood hazard area, and that is newly constructed or substantially improved using CDBG-DR funds must be elevated with the lowest floor, including the basement, at least two feet above the base flood level, except that critical facilities, including hospitals, nursing homes, and other public facilities providing social and economic lifelines (as defined by the Secretary of HUD), must be elevated 3 feet above the base flood level or higher if required by the previous section. The new subsection (e)(8) also provides that for existing structures consisting of multi-family housing and row houses, the Secretary of HUD shall consult with the FEMA Administrator and provide for alternative forms of mitigation (apart from elevation) and shall exempt flood level requirements for those structures that meet the standards of the alternative form of mitigation.

Subsection (f) of the new section 123 provides that in administering any CDBG-DR funds, the Secretary of HUD may not allow a grantee to use its funds outside the scope of its original application, may not permit a grantee to amend a plan to retroactively approve a beneficiary's use of funds other than for approved activities, and shall prohibit a grantee from delegating the responsibility for inherent government functions.

Subsection (g) of the new section 123 provides that the Secretary shall require each grantee to provide ongoing training to its staff and sub-grantees regarding grant management.

Subsection (h) of the new section 123 provides that in procuring property or services paid for with CDBG-DR funds, a grantee shall follow its own procurement processes and procedures or must comply with such processes or procedures established through regulation by the Secretary of HUD. A grantee's processes and procedures must (1) provide for a full and open competition and require cost or price analysis, (2) include requirements for sub-grantees, (3) specify methods of procurement and their applicability, (4) include standards of conduct for employees, and (5) ensure that all purchase orders and contracts include any clause required by Federal Statute, Executive Order, or implementing regulation. The new subsection (h) provides that if the Secretary of HUD finds that a grantee's procurement processes and procedures do not comply with this section, the Secretary shall provide the grantee with specific written notice of the elements of noncompliance, provide the grantee a reasonable period of time to come into compliance, and allow the grantee to proceed with procuring property and services only if the Secretary determines the grantee is making a good faith effort to effectuate compliance with this section.

Subsection (i) of the new section 123 provides that funding made available under this section shall not be considered relevant to the non-disaster CDBG formula allocations. Except for those statutes that relate to fair housing, nondiscrimination, labor standards and the environment, subsection (j) of the new section 123 authorizes the Secretary of HUD to waive or specify alternative requirements for any statute or regulation when the Secretary makes a public finding that there is good cause that the waiver or the alternative requirement would be consistent with the overall goal of CDBG-DR. The new subsection (j) provides that any waiver shall not take effect before the expiration of the five-day period beginning upon the publication of notice in the Federal Register of such waiver, and that the Secretary of HUD shall not reduce the percentage of CDBG-DR funds that must be used for activities that benefit persons of low and moderate income to less than 70 percent, unless the Secretary specifies that there is compelling need and that funds are not necessary to address the housing needs of low- and moderate-income residents.

Subsection (k) of the new section 123 provides that grantees may adopt, without review or public comment, any environment review approved by a Federal agency.

Subsection (l) of the new subsection 123 provides that for each major disaster for which CDBG-DR assistance is made available under this section, the Secretary of HUD shall collect information regarding all recovery efforts and shall make the information available to the public, while ensuring personally identifiable information is not made publicly available. Under this subsection, the Secretary of HUD may make full and unredacted information available to academic and research institutions to study the equitable distribution of recovery funds, ad-

herence to civil right protections, and other areas.

Subsection (m) of the new subsection 123 provides that the Secretary of HUD shall direct the Office of Community Planning and Development to collaborate with the Office of Policy Development and Research to identify best practices for grantees on issues related to disaster recovery to be published by the Secretary of HUD as a compilation. After disseminating the compilation, the Secretary of HUD must issue regulations that establishes requirements grantees must follow when using best practices to qualify for expedited review and approval. The guidance must establish standard language grantees can include in their action plans and standardized programs and activities based on best practices.

Subsection (n) of the new section 123 requires the Secretary of HUD to establish a program under this subsection to pre-certify eligible grantees for assistance. To be eligible for precertification, a locality shall demonstrate compliance with the requirement of this section and shall have previously received CDBG-DR assistance in connection with two or more Presidentially-declared disasters. The pre-certification shall be effective for a term of 10 years.

Subsection (o) of the new section 123 requires the Secretary of HUD to recapture any unused CDBG-DR funds if the grantee notifies the Secretary that it has completed all activities provided under the grant or the grantee has not spent all or part of the appropriated funds within 6 years. Under the new subsection (o) the Secretary of HUD may, subject to authority provided in advance by appropriations Act, transfer unused funds to the Secretary of the Treasury for deposit into the Community Development Block Grant Disaster Recovery Reserve Fund established under section 124, except that the Secretary of HUD may permit the grantee to retain amounts needed to close out the grant. Under the new subsection (o), the Secretary of HUD is required to extend the time period by not more than four years if the Secretary of HUD waives the six-year time requirement and submits a written justification to the House and Senate Committees on Appropriations. Under the new subsection (o), after the initial extension period, the Secretary may provide an additional extension of no more than four years to insular areas and shall provide additional technical assistance to help increase capacity within the insular area receiving the extension and submit a written justification for the extension to the House and Senate Committees on Appropriations.

Subsection (p) of the new section 123 provides a number of definitions applicable to the new section.

New section 124 is entitled "Community Development Block Grant Disaster Recovery Reserve Fund." This section establishes the Community Development Block Grant Disaster Recovery Reserve Fund, which shall consist of amounts appropriated to the Reserve Fund or recaptured funds as specified under this section. Funds shall be available only for providing technical assistance and capacity building for grantees to facilitate disaster recovery planning and increase capacity to administer assistance.

New section 124 also provides that the Secretary of HUD shall issue proposed rules to carry out sections 123 and 124 within six months of H.R. 3702 being enacted, and issue final regulations within 12 months of H.R. 3702 being enacted.

H.R. 3702 is an important step in putting forward a framework for HUD to address disasters that affect communities across the United States. I commend Representative Green and Representative Wagner for their

dedicated efforts to bring this bill before the House, and I urge all members to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 3702, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROUZER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### TRIBAL ACCESS TO HOMELESS ASSISTANCE ACT

Mr. GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4029) to amend the McKinney-Vento Homeless Assistance Act to enable Indian Tribes and tribally designated housing entities to apply for, receive, and administer grants and subgrants under the Continuum of Care Program of the Department of Housing and Urban Development, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4029

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal Access to Homeless Assistance Act”.

#### SEC. 2. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES IN CONTINUUM OF CARE PROGRAM.

(a) IN GENERAL.—Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.) is amended—

(1) in section 401 (42 U.S.C. 11360)—

(A) by redesignating paragraphs (10) through (33) as paragraphs (12) through (35), respectively;

(B) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(C) by inserting after paragraph (7) the following:

“(8) FORMULA AREA.—The term ‘formula area’ has the meaning given the term in section 1000.302 of title 24, Code of Federal Regulations, or any successor regulation.”;

(D) in paragraph (9), as so redesignated, by inserting “a formula area,” after “non-entitlement area.”; and

(E) by inserting after paragraph (10), as so redesignated, the following:

“(11) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”; and

(2) in subtitle C (42 U.S.C. 11381 et seq.), by adding at the end the following:

#### SEC. 435. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES.

“Notwithstanding any other provision of this title, for purposes of this subtitle, an Indian Tribe or tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) may—

“(1) be a collaborative applicant or eligible entity; or

“(2) receive grant amounts from another entity that receives a grant directly from the Secretary, and use the amounts in accordance with this subtitle.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (Public Law 100-77; 101 Stat. 482) is amended by inserting after the item relating to section 434 the following:

“Sec. 435. Participation of Indian Tribes and tribally designated housing entities.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GREEN) and the gentlewoman from Missouri (Mrs. WAGNER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.R. 4029, the Tribal Eligibility for Homeless Assistance Grants Act of 2019, which makes Tribes and tribally designated housing entities eligible to receive McKinney-Vento Homeless Assistance Grant funding.

Mr. Speaker, Native Americans and Alaska Natives face some of the worst housing and living conditions in the United States. They face high poverty rates, unemployment, overcrowding. Standard housing conditions are not something that they enjoy; in fact, they enjoy substandard conditions. And they have unique issues for developing housing.

As a result, Native Americans tend to be overrepresented among the homeless population. Despite the prevalence of homeless in Native communities, Tribes and tribally designated housing entities are not currently eligible to compete for HUD McKinney-Vento Continuum of Care grants.

Current housing assistance for Native communities fall substantially short of meeting their affordable housing needs, and this bill would direct more housing resources to address homelessness on Tribal lands. I am proud to see that Members have worked together to put forth a bipartisan bill to better address homelessness among Native Americans and Alaska Natives.

Mr. Speaker, I thank the gentleman from Washington (Mr. HECK) for introducing this important legislation that is aimed to help address Tribal homelessness. I urge all Members to vote “yes” on this important legislation, and I reserve the balance of my time.

Mrs. WAGNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4029, the Tribal Eligibility for Homeless Assistance Grants Act of 2019.

According to a study from the U.S. Department of Housing and Urban Development, homelessness on Tribal lands often looks different from many other areas of the country. Tribal homelessness often results in overcrowding in housing that is already in short supply and rapidly aging and deteriorating.

Sadly, 16 percent of households in Tribal areas are overcrowded compared to just 2 percent nationally. These overcrowded conditions hide the problem of homelessness throughout these communities.

In 1996, the Native American Housing Assistance and Self-Determination Act was passed to give Tribes one larger and more flexible block grant to meet their housing needs. As a result, Tribes are ineligible for HUD’s individual housing assistance programs.

H.R. 4029 would allow Tribal communities to be eligible to apply for and receive HUD’s local Continuum of Care grants. Making Tribes eligible recipients for homeless assistance grants is a first step towards fixing Tribal housing issues and solving this hidden crisis of homelessness on Tribal lands.

Mr. Speaker, I applaud the sponsors of H.R. 4029, Mr. HECK, and our former colleague, Mr. Duffy. I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. GREEN of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. HECK), a member of the Financial Services Committee and the sponsor of this legislation.

Mr. HECK. Mr. Speaker, I rise today in strong support of H.R. 4029, the bipartisan Tribal Access to Homeless Assistance Act.

As Congress is working to alleviate our national housing crisis, we also need to make sure our Federal assistance is getting to those that are hardest hit. And Indian country is facing a severe pervasive housing crisis. There is a widespread lack of affordable housing.

Mr. Speaker, 38 percent of Native American households are considered cost-burdened by high housing costs. Insufficient stock of affordable safe housing in Indian country also results in increased homelessness. A study commissioned by HUD—I presume the same one referred to by my friend from Missouri (Mrs. WAGNER)—found that there are between 42,000 and 85,000 homeless Native Americans living on Tribal lands. That is several times the number of people who are homeless in Seattle and in San Francisco combined. And unfortunately, both cities are known for having significant homeless populations.

On Tribal lands, homelessness also leads to overcrowding. Families double up by taking in friends and loved ones who can no longer afford their housing. And as has been indicated, 16 percent of Native American and Alaskan Native