

To the office of U.S. Representative Wesley Bell

Re: HR 9180 (119th Congress), CDBG–DR Automated Assessment Act • Latest action (2026-06-10): Sponsor introductory remarks on measure. (CR H4065)

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Office of record (Congress.gov): 1429 Longworth House Office Building, Washington, DC • (202) 225-2406

Disaster Community Development Needs Assessment Act of 2025

The measure, as described from the official record: Require the Secretary of Housing and Urban Development to continuously assess and report on unmet community development needs in disaster-affected areas, to improve targeting of federal assistance.

THE PROPOSAL

Section 1. Short Title. This Act may be cited as the ‘Disaster Community Development Needs Assessment Act of 2025’.

Section 2. Purpose and Constitutional Authority. This Act is enacted pursuant to Article I, Section 8, Clause 1 (the Spending Power to provide for the general welfare) and Clause 3 (to regulate interstate commerce affected by disasters). It is intended to provide Congress and the Executive with timely, standardized information on community development needs following major disasters, without imposing unfunded mandates on states.

Section 3. Ongoing Community Development Needs Assessment. (a) The Secretary of Housing and Urban Development shall, within 90 days after a major disaster declaration under the Stafford Act, publish a preliminary assessment of unmet community development needs in the affected area. (b) The Secretary shall update this assessment quarterly for two years following the disaster, and annually thereafter for up to five years, or until the Secretary determines that all assessed needs have been addressed. (c) Assessments shall be based on voluntary data submissions from state, local, and tribal governments, supplemented by federal data sources, and shall not require any non-federal entity to submit data under penalty or condition of funding.

Section 4. Use of Assessment. The assessment shall be transmitted to Congress and made publicly available. The Secretary may use the assessment to inform discretionary allocations from the Community Development Block Grant – Disaster Recovery program, but this Act does not create any entitlement or mandatory spending.

Section 5. Funding. This Act is funded through annual appropriations of \$5 million from the general fund of the Treasury for the first fiscal year, with subsequent years funded within existing HUD administrative accounts. Total authorized spending is capped at \$25 million over five years.

Section 6. Sunset. This Act shall sunset five years after the date of enactment, unless reauthorized by Congress. Any assessments in progress at the sunset date shall be completed

within one year thereafter.

Section 7. Oversight. The Government Accountability Office shall conduct a review of the assessments' accuracy and usefulness three years after enactment, with a report to Congress.

Section 8. Enforcement. No private right of action is created. The Secretary's determinations under this Act are committed to agency discretion and are not subject to judicial review, except as required by the Administrative Procedure Act for arbitrary and capricious action.

Section 9. Effective Date. This Act takes effect 60 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General fund of the Treasury, authorized at \$5 million in year one, then within existing HUD discretionary accounts.
Funding Amount	\$25 million cap over five years
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO)
Enforcement Mechanism	No private right of action; Secretary's determinations are discretionary but subject to APA review for arbitrary and capricious action.
Effective Date	60 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Power / General Welfare)
- Article I, Section 8, Clause 3 (Commerce Clause – disaster effects on interstate commerce)
- Tenth Amendment (reserves to states powers not delegated; data collection is voluntary to avoid commandeering)
- Fifth Amendment Due Process (proffers procedural protection via APA review, no arbitrary exclusion)

Concerns with the measure as written:

- The bill conditions federal funding or imposes reporting mandates with no clear enumerated power other than general welfare, which may be limited by the Tenth Amendment if it coerces state or local governments without clear spending power nexus.
 - Potential Fifth Amendment due process concerns if assessment criteria arbitrarily exclude certain communities without procedural recourse.
 - No explicit citation of Article I, Section 8, Clause 1 (General Welfare) or Clause 3 (Commerce) as the basis, leaving the constitutional hook ambiguous.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: ensures continuous federal attention to disaster recovery for vulnerable communities, supports data-driven resource allocation, and protects against private development neglect. Republican priorities: limits new mandatory spending with a hard cap and

sunset, protects state and local governments from unfunded mandates by making data submission voluntary, and restricts judicial expansion of liability.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources:

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