



**Congressional
Research Service**

Informing the legislative debate since 1914

2017 Disaster Supplemental Appropriations: Overview

William L. Painter

Specialist in Homeland Security and Appropriations

March 20, 2018

Congressional Research Service

7-5700

www.crs.gov

R45084

Summary

According to the National Oceanographic and Atmospheric Administration (NOAA), 2017 was “a historic year of weather and climate disasters” for the United States. A combination of deadly hurricanes and wildfires were among the 57 major disasters declared under the Stafford Act in 2017. The series of supplemental appropriations requested and provided in the wake of 2017’s hurricanes and wildfires are the latest exercise of one congressional role in disaster situations—to exercise “the power of the purse” to provide relief to state and local governments overwhelmed by disaster response and recovery needs, fund certain relief for individuals and small businesses, and to repair damage to federal facilities.

Three supplemental appropriations bills have been enacted in response to Administration requests made in September, October, and November 2017 in the wake of these incidents, providing \$120 billion in budget authority and canceling \$16 billion in debt held by the National Flood Insurance Fund. This report provides a detailed breakdown of the requested and enacted supplemental funding in each of these measures, and provides a contact listing for CRS experts on the funded relief and recovery programs.

As Congress considers supplemental appropriations in response to disasters and chooses how to proceed, it faces a variety of issues, including the appropriate application of budget discipline when disaster relief is requested from the federal government, the appropriate breadth and promptness of the federal investment, and how to ensure that the funding provided is not spent on wasteful or fraudulent endeavors. This report also briefly explores those issues.

Contents

Overview	1
2017 Disasters: Hurricanes and California Wildfires.....	1
Hurricane Harvey.....	1
Hurricane Irma.....	2
Hurricane Maria.....	2
California Wildfires	2
2017 Disaster Supplemental Appropriations	3
Enacted 2017 Hurricane Season Supplemental Appropriations.....	3
September 2017 Requested Supplemental (P.L. 115-56, Division B).....	3
October 2017 Requested Supplemental (P.L. 115-72, Division A).....	3
November Requested Supplemental Appropriations (P.L. 115-123, Division B).....	4
Table of Requested and Enacted Supplemental Appropriations.....	4
Issues in Disaster Relief Appropriations	17
Adjustments to Spending Limits Under the Budget Control Act for Disaster Relief	17
Offsetting Disaster Relief.....	18
The “Appropriate” Scope of a Supplemental Appropriation.....	19
Timelines for Obligation	22
Oversight of Spending.....	22
2017 Hurricane Season Supplemental Appropriations: CRS Experts	24

Tables

Table 1. Supplemental Appropriations in Response to 2017 Disasters	5
Table 2. Selected CRS Experts by Appropriations Subcommittee	25

Contacts

Author Contact Information	32
----------------------------------	----

Overview

2017 Disasters: Hurricanes and California Wildfires

In total, 57 major disasters¹ were declared in 2017 under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq., henceforth the Stafford Act).

According to the National Oceanographic and Atmospheric Administration (NOAA), 2017 was “a historic year of weather and climate disasters” for the United States:

In total, the U.S. was impacted by 16 separate billion-dollar disaster events tying 2011 for the record number of billion-dollar disasters for an entire calendar year....

More notable than the high frequency of these events is the cumulative cost, which exceeds \$300 billion in 2017—a *new U.S. annual record*. The cumulative damage of these 16 U.S. events during 2017 is \$306.2 billion, which shatters the previous U.S. annual record cost of \$214.8 billion (CPI-adjusted), established in 2005 due to the impacts of Hurricanes Dennis, Katrina, Rita and Wilma.²

As of December 2017, the 2017 hurricane season was the seventh most active on record in the Atlantic Basin, according to the National Hurricane Center.³ Four named storms made landfall on U.S. soil, three of which were major hurricanes (Category 3 or greater on the Saffir-Simpson scale), causing hundreds of billions of dollars in damage. Concurrently, a series of deadly wildfires began to ravage California, including some of the largest wildfires in the state’s history.

Hurricane Harvey

Hurricane Harvey made landfall on August 25, 2017, on San Jose Island, TX, as a Category 3 hurricane. Harvey was the first hurricane to strike the coast of Texas since 2008 (Hurricane Ike) and the first major hurricane to strike South Texas since 1970 (Hurricane Celia).⁴ The storm remained over southeast Texas for several days. According to the National Weather Service, the storm produced “catastrophic devastating and deadly flash and river flooding. Southeast Texas bore[d] [sic] the brunt of the heavy rainfall, with some areas receiving more than 40 inches of rain in less than 48 hours! Cedar Bayou in Houston received a storm total of 51.88 inches of rainfall which is a new North American record.”⁵ The storm returned to the Gulf of Mexico and made a final landfall near Cameron, LA, on August 30.⁶

¹ Data drawn from <https://www.fema.gov/disasters> on January 6, 2018.

² NOAA National Centers for Environmental Information (NCEI), “U.S. Billion-Dollar Weather and Climate Disasters (2018),” <https://www.ncdc.noaa.gov/billions/overview>.

³ National Oceanographic and Atmospheric Administration, “Monthly Atlantic Tropical Weather Summary,” December 1, 2017, as downloaded from <http://www.nhc.noaa.gov/text/MIATWSAT.shtml> on March 7, 2018.

⁴ Corpus Christi, Texas, Weather Forecast Office, National Weather Service, “Major Hurricane Harvey—August 25-29, 2017,” http://www.weather.gov/crp/hurricane_harvey.

⁵ *Ibid.*

⁶ *Ibid.*

Hurricane Irma

Hurricane Irma was “the strongest hurricane ever observed in the open Atlantic Ocean” according to the National Weather Service.⁷ It was one of five observed in the Atlantic Basin that attained Category 5 strength—characterized by sustained winds of at least 185 miles per hour.⁸ Irma passed just north of the U.S. Virgin Islands and Puerto Rico on September 6, 2017, at Category 5 strength, causing significant damage. After proceeding west and weakening slightly, Irma turned north, making landfall on September 10, first on Cudjoe Key as a Category 4 storm, then on Marco Island as a Category 3 storm. Irma then moved up the west coast of Florida on September 10 and 11, delivering heavy rains, strong winds, and storm surge flooding up the peninsula, with storm impacts extending into Florida’s panhandle and into southern Georgia and Alabama.⁹

Hurricane Maria

Hurricane Maria intensified from a Category 1 storm to a Category 5 storm on September 18, 2017—the second such storm to do so in the Caribbean during the 2017 hurricane season. Hurricane-force winds from the storm struck the U.S. Virgin Islands and Puerto Rico early in the morning on September 20, 2017, with the storm making landfall as a strong Category 4 storm in Yabucoa, Puerto Rico. The storm moved northwest across the island, moving offshore in the early afternoon, although sustained heavy winds continued throughout the evening and overnight hours.¹⁰ Although the storm passed close by the Dominican Republic and the Bahamas, and remained for several days off the coast of Virginia and the Carolinas, it did not make additional landfalls on U.S. territory.¹¹

California Wildfires

According to the National Wildfire Center Coordinated Group’s website, in the last 120 days of 2017, California faced 42 separate wildfire incidents. These fires burned over 700,000 acres and damaged or destroyed more than 9,000 structures, exceeding the total acres burned in the state in 2016 (560,815) and the structures destroyed nationwide (4,132) that year.¹² The Thomas Fire, which began on December 4, 2017 in Ventura and Santa Barbara counties, fed by strong winds and dry conditions, became the largest wildfire on record in the state, destroying or damaging over 1,000 structures.

⁷ Tallahassee, Florida, Weather Forecast Office, National Weather Service, “Detailed Meteorological Summary on Hurricane Irma,” <https://www.weather.gov/tae/Irma2017>.

⁸ Ibid.

⁹ Ibid.

¹⁰ National Weather Service, “Synoptic Overview, Major Hurricane Maria—September 20, 2017,” available at <http://www.weather.gov/sju/maria2017>.

¹¹ National Hurricane Center, *Hurricane Maria Advisory Archive* and *Hurricane Maria Graphics Archive*, available at <http://www.nhc.noaa.gov/archive/2017/MARIA.shtml> and http://www.nhc.noaa.gov/archive/2017/MARIA_graphics.php, respectively.

¹² NICC Annual Reports, https://www.predictiveservices.nifc.gov/intelligence/2016_Statssumm/2016Stats&Summ.html.

2017 Disaster Supplemental Appropriations

Enacted 2017 Hurricane Season Supplemental Appropriations

Congress has passed three supplemental appropriations bills in response to Administration requests made in September, October, and November 2017 in the wake of these incidents. **Table 1** outlines the three requests and enacted appropriations.

September 2017 Requested Supplemental (P.L. 115-56, Division B)

On September 1, 2017, the Trump Administration requested \$7.85 billion in supplemental funding.¹³ The Administration requested \$7.4 billion for the Disaster Relief Fund (DRF) and \$450 million for Small Business Administration (SBA) disaster loans for FY2017, and signaled support for authorizing the Federal Emergency Management Agency (FEMA) to obligate funds in the DRF at an accelerated rate that would make up to \$6.7 billion available during the period of a possible FY2018 continuing resolution. On September 6, the House passed the relief package requested by the Administration as an amendment to H.R. 601. On September 7, the Senate passed the bill further amended to include an additional \$7.4 billion for disaster relief through the Department of Housing and Urban Development's Community Development Fund, a short-term increase to the debt limit, and a continuing resolution to fund government operations through December 8, 2017. The House subsequently passed the Senate amended version of the bill on September 8, 2017, and it was signed into law by President Trump the same day (P.L. 115-56).

October 2017 Requested Supplemental (P.L. 115-72, Division A)

On October 4, 2017, the Trump Administration requested an additional \$12.7 billion for the DRF, and \$16 billion in debt cancellation for the National Flood Insurance Fund (NFIF).¹⁴ On October 12, the House passed H.R. 2266 with a further House amendment to a Senate amendment to the measure, which originally concerned bankruptcy judgeships. The House amendment included \$18.67 billion for the DRF, and also allowed some of that funding to be transferred to two other programs: \$4.9 billion would go to FEMA's Disaster Assistance Direct Loan Program account, and \$10 million to the Department of Homeland Security (DHS) Office of Inspector General for oversight of disaster related activities. The measure also included \$577 million for the costs of fighting wildfire on federal lands, and authority to use \$1.27 billion of reserve funds for a grant to support nutrition assistance programs in Puerto Rico. The bill subsequently was signed into law as P.L. 115-72 on October 26, 2017.

¹³ Letter from Mick Mulvaney, Director, Office of Management and Budget, to The Honorable Paul D. Ryan, Speaker of the House of Representatives, September 1, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/hurricane_harvey_letter_speaker_of_the_house.pdf.

¹⁴ Letter from Mick Mulvaney, Director, Office of Management and Budget, to The Honorable Michael R. Pence, President of the Senate, October 4, 2017, https://www.whitehouse.gov/wp-content/uploads/2017/11/letter_regarding_additional_funding_and_reforms_to_address_impacts_of_recent_natural_disasters.pdf.

November Requested Supplemental Appropriations (P.L. 115-123, Division B)

The Trump Administration made a third supplemental appropriations request for disaster relief and recovery funding on November 17, 2017, seeking roughly \$44.0 billion in additional funding.¹⁵

On December 18, 2017, H.R. 4667 was introduced with House Appropriations Committee language prepared in response to this request. The measure included roughly \$81 billion in additional funding, as well as other matters, including disaster recovery reform, agriculture assistance, and nutrition assistance.¹⁶

On December 21, 2017, H.R. 4667 was brought to the House Floor under the terms of H.Res. 670, a resolution reported from the House Committee on Rules which added additional disaster-related tax provisions and a designation of low-income communities in Puerto Rico as opportunity zones. The bill passed the House 251-169, and was sent to the Senate.¹⁷

On February 7, 2018, the Senate took up H.R. 1892, an unrelated piece of legislation, and Senate Majority Leader Mitch McConnell introduced S.Amdt. 1930 which would become the Bipartisan Budget Act of 2018.¹⁸ Subdivision I of Division B of the amendment was titled “Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018” and included more than \$84 billion in additional disaster assistance funding. The amendment was agreed to by a vote of 71-28 on February 9, 2018. The amended bill passed the House by a vote of 240-186 later that same day and was signed into law by President Trump as P.L. 115-123.

Table of Requested and Enacted Supplemental Appropriations

Table 1 details the supplemental appropriations requested and enacted in the wake of the storms and fires of 2017, organized by appropriations subcommittee of jurisdiction. Grey columns at the right provide totals requested and enacted for each subcommittee as of March 7, 2018. Table notes include details about transfers and specific tasking of funds outlined in the respective public laws.

The table does not make note of resources available from existing balances in accounts funding disaster-related programs or resources provided through the annual appropriations process. For details on program operations and funding, see the CRS experts list included at the end of the report.

¹⁵ Letter from Mick Mulvaney, Director, Office of Management and Budget, to The Honorable Paul D. Ryan, Speaker of the House of Representatives, November 17, 2017, available at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/fy_2018_hurricanes_sup_111717.pdf.

¹⁶ See CRS Insight IN10843, *Supplemental Appropriations Proposed for Agriculture*, by Jim Monke et al., which also includes a table and discussion of the additional legislation for cotton, dairy, and nutrition assistance that are in addition to amounts discussed in this report.

¹⁷ The House had also contemplated including the supplemental appropriations language as an amendment to H.R. 1370 in the form of Rules Committee Print 115-50 (see “Bills to be Considered on the House Floor” for the week of December 18, 2017, at <http://docs.house.gov/floor/Default.aspx?date=2017-12-18>), but H.R. 1370 was instead amended by the language of Rules Committee Print 115-52, to provide further continuing appropriations, and other matters. The CBO cost estimate for the supplemental appropriations language was prepared in reference to Rules Committee Print 115-50 (see <https://www.cbo.gov/publication/53423>).

¹⁸ In addition to being the vehicle for the supplemental appropriations bill, this large and complex piece of legislation adjusted the discretionary budget caps for FY2018 and FY2019, extended the FY2018 continuing resolution, extended suspension of the debt limit, and provided legislative fixes for a variety of disaster-related policy issues.

Table I. Supplemental Appropriations in Response to 2017 Disasters
(Thousands of nominal dollars of budget authority)

Appropriations Subcommittee	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Agriculture	0	0	0	1,270,000	991,992	3,597,247	991,992	4,867,247
DEPARTMENT OF AGRICULTURE								
Office of the Secretary								
[Block Grants for Agricultural Disasters]	0	0	0	0	0	2,360,000	0	2,360,000
Office of Inspector General								
Office of Inspector General	0	0	0	0	1,000	2,500	1,000	2,500
Agricultural Research Service								
Buildings and Facilities	0	0	0	0	21,720	22,000	21,720	22,000
Farm Service Agency								
Emergency Conservation Program	0	0	0	0	375,000	400,000	375,000	400,000
Emergency Forest Restoration Program	0	0	0	0	50,000	0	50,000	0
[Amendments to Agriculture Disaster Assistance Programs]	0	0	0	0	40,000	42,000	40,000	42,000
Natural Resources Conservation Service								
Watershed and Flood Prevention Operations	0	0	0	0	500,000	541,000	500,000	541,000
Rural Development								
Rural Housing Insurance Fund Program Account	0	0	0	0	4,272	18,672	4,272	18,672

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Rural Water and Waste Disposal Program	0	0	0	0	0	165,475	0	165,475
Food and Nutrition Service								
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	0	0	0	0	0	14,000	0	14,000
Supplemental Nutrition Assistance Program (SNAP)	0	0	0	1,270,000 ^a	0	0	0	1,270,000 ^a
Commodity Assistance Program	0	0	0	0	0	24,000	0	24,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Food and Drug Administration								
Buildings and Facilities	0	0	0	0	0 ^b	7,600	0 ^b	7,600
Commerce, Justice, Science	0	0	0	0	493,616	1,197,936	493,616	1,197,936
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic Development Assistance Programs	0	0	0	0	300,000	600,000 ^c	300,000	600,000
National Oceanographic and Atmospheric Administration								
Operations, Research, and Facilities	0	0	0	0	50,904	120,904	50,904	120,904
Procurement, Acquisition, and Construction	0	0	0	0	28,732	79,232	28,732	79,232
Fisheries Disaster Assistance	0	0	0	0	0	200,000	0	200,000

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
DEPARTMENT OF JUSTICE								
U.S. Marshals Service								
Salaries and Expenses	0	0	0	0	0	2,500	0	2,500
Federal Bureau of Investigation								
Salaries and Expenses	0	0	0	0	5,210	21,200	5,210	21,200
Drug Enforcement Administration								
Salaries and Expenses	0	0	0	0	2,100	11,500	2,100	11,500
Federal Prison System								
Salaries and Expenses	0	0	0	0	10,850	16,000	10,850	16,000
Buildings and Facilities	0	0	0	0	30,000	34,000	30,000	34,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Construction and Environmental Compliance and Restoration	0	0	0	0	58,140	81,300	58,140	81,300
NATIONAL SCIENCE FOUNDATION								
Research and Related Activities	0	0	0	0	7,680	16,300	7,680	16,300
LEGAL SERVICES CORPORATION								
Payment to the Legal Services Corporation	0	0	0	0	0	15,000	0	15,000

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Defense	0	0	0	0	441,995	434,245	441,995	434,245
DEPARTMENT OF DEFENSE								
Operation and Maintenance (O&M)								
O&M, Army	0	0	0	0	20,110	20,110	20,110	20,110
O&M, Navy	0	0	0	0	267,796	267,796	267,796	267,796
O&M, Marine Corps	0	0	0	0	17,920	17,920	17,920	17,920
O&M, Air Force	0	0	0	0	20,916	20,916	20,916	20,916
O&M, Defense-wide	0	0	0	0	2,650	2,650	2,650	2,650
O&M, Army Reserve	0	0	0	0	12,500	12,500	12,500	12,500
O&M, Navy Reserve	0	0	0	0	2,922	2,922	2,922	2,922
O&M, Air Force Reserve	0	0	0	0	5,770	5,770	5,770	5,770
O&M, Army National Guard	0	0	0	0	55,471	55,471	55,471	55,471
Procurement								
Other Procurement, Navy	0	0	0	0	25,750	18,000	25,750	18,000
Revolving and Management Funds								
Working Capital Fund, Navy	0	0	0	0	9,486	9,486	9,486	9,486
Other Department of Defense Programs								
Defense Health Program	0	0	0	0	704	704	704	704
Energy and Water	0	0	0	0	515,037	17,419,716	515,037	17,419,716^d
CORPS OF ENGINEERS—CIVIL WORKS								
Investigations	0	0	0	0	0	135,000	0	135,000
Construction	0	0	0	0	14,535	15,055,000	14,535	15,055,000

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Mississippi River and Tributaries	0	0	0	0	0	770,000	0	770,000
Operation and Maintenance	0	0	0	0	322,675	608,000	322,675	608,000
Flood Control and Coastal Emergencies	0	0	0	0	162,111	810,000	162,111	810,000
Expenses	0	0	0	0	0	20,000	0	20,000
DEPARTMENT OF ENERGY								
Energy Programs								
Electricity Delivery and Energy Reliability	0	0	0	0	10,000	13,000	10,000	13,000
Strategic Petroleum Reserve	0	0	0	0	5,716	8,716	5,716	8,716
Financial Services/General Government	450,000	450,000	0	0	1,785,951	1,785,951	2,235,951	2,235,951
GENERAL SERVICES ADMINISTRATION								
Real Property Activities	0	0	0	0	121,951	126,951	121,951	126,951
SMALL BUSINESS ADMINISTRATION								
Disaster Loan Program	450,000	450,000 ^e	0	0	1,652,000	1,652,000 ^f	2,102,000	2,102,000 ^f
Office of Inspector General	0	0	0	0	7,000	7,000	7,000	7,000
JUDICIAL BRANCH								
Courts of Appeals, District Courts, and Other Judicial Services	0	0	0	0	5,000	0	5,000	0

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Homeland Security	7,400,000	7,400,000	28,700,000	34,670,000	24,163,548	24,654,240	60,263,548	66,724,240
DEPARTMENT OF HOMELAND SECURITY								
Office of Inspector General								
Operations and Support	0	0	0	0	0	25,000	0	25,000
U.S. Customs and Border Protection								
Operations and Support	0	0	0	0	146,494	104,494	146,494	104,494
Procurement, Construction, and Improvements	0	0	0	0	3,000	45,000	3,000	45,000
U.S. Immigration and Customs Enforcement								
Operations and Support	0	0	0	0	36,405	30,905	36,405	30,905
Procurement, Construction, and Improvements	0	0	0	0	33,052	33,052	33,052	33,052
Transportation Security Administration								
Operations and Support	0	0	0	0	11,132	10,322	11,132	10,322
United States Coast Guard								
Operating Expenses	0	0	0	0	112,136	112,136	112,136	112,136
Environmental Compliance and Restoration	0	0	0	0	0	4,038	0	4,038
Acquisition, Construction, and Improvements	0	0	0	0	312,455	718,919	312,455	718,919

Appropriations Subcommittee	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
DEPARTMENT								
Agency/Bureau								
Account								
Federal Emergency Management Agency								
Operations and Support	0	0	0	0	0	58,800	0	58,800
Procurement, Construction and Improvements	0	0	0	0	0	1,200	0	1,200
Disaster Relief Fund (DRF)	7,400,000	7,400,000	12,700,000	18,670,000 ^g	23,500,000	23,500,000 ^h	43,600,000	49,570,000
National Flood Insurance Fund	0	0	16,000,000 ⁱ	16,000,000 ⁱ	0	0	16,000,000	16,000,000
Federal Law Enforcement Training Center								
Operations and Support	0	0	0	0	5,374	5,374	5,374	5,374
Procurement, Construction and Improvements	0	0	0	0	3,500	5,000	3,500	5,000
Interior / Environment	0	0	576,500ⁱ	576,500	575,794	698,927	1,152,294ⁱ	1,275,427
DEPARTMENT OF THE INTERIOR								
United States Fish and Wildlife Service								
Construction	0	0	0	0	210,629	210,629	210,629	210,629
National Park Service								
Operation of the National Park System	0	0	0	0	25,040	0	25,040	0
Historic Preservation Fund	0	0	0	0	17,500	50,000	17,500	50,000
Construction	0	0	0	0	182,560	207,600	182,560	207,600
United States Geological Survey								
Surveys, Investigations and Research	0	0	0	0	32,946	42,246	32,946	42,246

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Insular Affairs								
Assistance to Territories	0	0	0	0	0	3,000	0	3,000
Office of Inspector General								
Salaries and Expenses	0	0	0	0	0	2,500	0	2,500
Department-wide Programs								
Wildland Fire Management	0	0	*j	50,000 ^k	0	0	*j	50,000 ^k
ENVIRONMENTAL PROTECTION AGENCY								
Hazardous Substance Superfund	0	0	0	0	3,467	6,200	3,467	6,200
Leaking Underground Storage Tank Trust Fund	0	0	0	0	7,000	7,000	7,000	7,000
State and Tribal Assistance Grants	0	0	0	0	0	50,000	0	50,000
DEPARTMENT OF AGRICULTURE								
Forest Service								
State and Private Forestry	0	0	0	0	7,500	7,500	7,500	7,500
National Forest System	0	0	0	0	20,652	20,652	20,652	20,652
Capital Improvement and Maintenance	0	0	0	0	68,500	91,600	68,500	91,600
Wildland Fire Management	0	0	*j	184,500 ^k	0	0	*j	184,500 ^k
FLAME Wildfire Suppression Reserve Fund	0	0	*j	342,000 ^k	0	0	*j	342,000 ^k

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Labor/Health and Human Services/ Education	0	0	0	0	1,517,900	3,892,900	1,517,900	3,892,900
DEPARTMENT OF LABOR								
Employment and Training Administration								
Training and Employment Services	0	0	0	0	0	100,000 ^l	0	100,000
Job Corps	0	0	0	0	30,900	30,900	30,900	30,900
Unemployment Trust Fund	0	0	0	0	**	**	**	**
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Centers for Disease Control and Prevention								
CDC-Wide Activities and Program Support	0	0	0	0	0	200,000 ^m	0	200,000
National Institutes of Health								
Office of the Director	0	0	0	0	0	50,000	0	50,000
Administration for Children and Families								
Children and Families Services Programs (Head Start)	0	0	0	0	0	650,000	0	650,000
Departmental Management								
Public Health and Social Services Emergency Fund	0	0	0	0	252,000 ^p	162,000 ⁿ	252,000 ^b	162,000
DEPARTMENT OF EDUCATION								
Hurricane Education Recovery	0	0	0	0	1,235,000	2,700,000	1,235,000	2,700,000

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Office of Federal Student Aid Federal Direct Student Loan Program Account Waiver Authority	0	0	0	0	0	**	0	**
Office of Postsecondary Education HBCU Loan Forgiveness	0	0	0	0	0	**	0	**
Legislative Branch	0	0	0	0	0	14,000	0	14,000
GOVERNMENT ACCOUNTABILITY OFFICE Salaries and Expenses	0	0	0	0	0	14,000	0	14,000
Military Construction	0	0	0	0	814,461	814,461	814,461	814,461
DEPARTMENT OF DEFENSE Military Construction Navy and Marine Corps	0	0	0	0	201,636	201,636	201,636	201,636
Army National Guard	0	0	0	0	519,345	519,345	519,345	519,345
DEPARTMENT OF VETERANS AFFAIRS Veterans Health Administration Medical Services	0	0	0	0	11,075	11,075	11,075	11,075
Medical Support and Compliance	0	0	0	0	3,209	3,209	3,209	3,209
Medical Facilities	0	0	0	0	75,108	75,108	75,108	75,108
Departmental Administration Construction, Minor Projects	0	0	0	0	4,088	4,088	4,088	4,088

Appropriations Subcommittee DEPARTMENT Agency/Bureau Account	FY2017		FY2018				Totals	
	9/1/17 Request	P.L. 115-56 (Div. B)	10/4/17 Request	P.L. 115-72 (Div. A)	11/17/17 Request	P.L. 115-123 (Div. B)	Request	Enacted
Transportation/ Housing and Urban Development	0	7,400,000	0	0	12,695,929	29,828,589	12,695,929	37,228,589
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
Operations (Airport and Airway Trust Fund)	0	0	0	0	0	35,000	0	35,000
Facilities and Equipment (Airport and Airway Trust Fund)	0	0	0	0	71,887	79,589	71,887	79,589
Federal Highway Administration								
Emergency Relief Program	0	0	0	0	415,500	1,374,000	415,500	1,374,000
Federal Transit Administration								
Public Transportation Emergency Relief Program	0	0	0	0	198,542	330,000	198,542	330,000
Maritime Administration								
Operations and Training	0	0	0	0	10,000	10,000	10,000	10,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Community Planning and Development								
[Community Development Block Grant Disaster Recovery (CDBG-DR)]	0	7,400,000 ^o	0	0	12,000,000	28,000,000 ^p	12,000,000	35,400,000
GRAND TOTAL	7,850,000	15,250,000	29,276,500	36,516,500	43,996,222	84,338,212	81,698,516	136,104,712

Source: CRS analysis of request letters, enacted legislation, and publicly available CBO scores.

Notes: Numbers in the table are rounded to the nearest thousand, reflecting the detail in the legislation. Most scoring documents round to the nearest million, which may result in discrepancies between these totals and published scores. ** reflects an element with a discretionary scoring impact not specifically quantified in publically available documentation.

- a. Sec. 309 of P.L. 115-72 provided for usage of previously appropriated SNAP contingency reserve funds as a grant to support Puerto Rico’s Nutrition Assistance Program through the end of FY2019.
- b. The Administration requested \$7.6 million for the Food and Drug Administration (FDA) in its request for the Public Health and Social Services Emergency Fund of the Department of Health and Human Services (HHS).
- c. P.L. 115-123 allows transfers of up to \$12 million of these funds to salaries and expenses for administration and oversight, and transfers \$1 million of these funds to the Office of Inspector General of the Department of Commerce for audits of this funding.
- d. Sec. 20402 of P.L. 115-123 transfers \$518.9 million from Flood Control and Coastal Emergencies and \$210 million from Operations and Maintenance provided in P.L. 113-2 to Construction, for construction expenses related to the consequences of Hurricane Sandy.
- e. P.L. 115-56 allows \$225 million to be used for direct administrative expenses of the program.
- f. P.L. 115-123 allows up to \$618 million to be transferred to Salaries and Expenses for administrative expenses to carry out the disaster loan program.
- g. P.L. 115-72 transfers \$10 million of this appropriation to DHS Office of Inspector General for disaster audits and \$4.9 billion to the Disaster Assistance Direct Loan Program. Of the \$4.9 billion, up to \$150 million is available for the cost of providing loans through the Advance of Non-Federal Share Program for the cost shares for Puerto Rico and the U.S. Virgin Islands related to hurricanes Irma and Maria, and \$1 million is for administrative expenses for the program.
- h. P.L. 115-123 transfers up to \$150 million of this appropriation to the Disaster Assistance Direct Loan Program for costs related to Hurricanes Irma and Maria, of which \$1 million may be used for administrative expenses for the program.
- i. This table entry reflects a cancellation of debt held by the program, rather than (as has been provided previously) an appropriation to pay program debt.
- j. The Administration requested \$576.5 million in wildland fire suppression funding in its October 4, 2017 request letter but did not specify its distribution across accounts.
- k. These funds may be transferred to other accounts to repay other transfers made to pay the costs of 2017 wildfires.
- l. P.L. 115-123 allows up to \$2.5 million of this appropriation to be transferred to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities; and \$0.5 million to be transferred for Department of Labor OIG oversight of activities responding to hurricanes and wildfires.
- m. P.L. 115-123 transfers no less than \$6 million to the “Buildings and Facilities” account for expenses directly related to the consequences of Hurricanes Harvey, Irma, and Maria.
- n. P.L. 115-123 transfers \$60 million to “Health Resources and Services Administration—Primary Health Care” for the Health Centers Program; \$20 million to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support; and up to \$2 million to “Office of the Secretary—Office of Inspector General” for oversight of activities responding to Hurricanes Harvey, Irma, and Maria.
- o. P.L. 115-56 transfers up to \$10 million of this amount to “Program Office Salaries and Expenses—Community Planning and Development” for oversight.
- p. P.L. 115-123 designates \$16 billion of the \$28 billion provided for disaster relief, and transfers up to \$10 million to “Program Office Salaries and Expenses—Community Planning and Development” for oversight and \$10 million to the Office of Inspector General for auditing and oversight. The remaining \$12 billion is to be allocated for disaster mitigation activities undertaken by grantees who receive supplemental CDBG disaster funding under this law and prior laws, dating back to the 114th Congress.

Issues in Disaster Relief Appropriations

The series of supplemental appropriations requested and provided in the wake of 2017's hurricanes and wildfires are the latest exercise of the congressional role of exercising "the power of the purse" to provide relief to state and local governments overwhelmed by disaster response and recovery needs, fund certain relief for individuals and small businesses, and to repair damage to federal facilities.

In the process of exercising this power, a number of issues frequently re-emerge in congressional debate. One is the use of exemptions from discretionary budget limits to enable investments in disaster relief, and whether such exemptions are properly structured. Although these exemptions are in law, and precedents for not directly reducing spending to offset many types of disaster costs exist, Congress periodically debates amendments to offset some or all of the cost of emergency and disaster relief appropriations measures. Congress also often asks questions about how quickly relief and recovery funding is made available, and how it can ensure that the funding provided is not spent in wasteful or fraudulent endeavors.

Adjustments to Spending Limits Under the Budget Control Act for Disaster Relief

Federal budget control laws passed since 2011 outline two exemptions to discretionary spending limits to facilitate spending in response to emergencies: an unlimited exemption that can be applied to meet emergency requirements, and a limited exemption for the specific purpose of paying the costs of major disasters declared under the Stafford Act.

The Budget Control Act of 2011 (BCA),¹⁹ passed in the first session of the 112th Congress as part of a deal to raise the debt limit, placed statutory limits on discretionary spending. The BCA also provided exceptions to those limits for a number of purposes. One such exception was a reiteration of a long-standing exception for funding designated as an emergency requirement.²⁰

The Budget Control Act of 1990 had previously established an adjustment to discretionary spending limits to accommodate spending that both the President and Congress designate as an emergency requirement. Prior to the enactment of the BCA in 2011, this adjustment was frequently used to provide funding for the disaster response and recovery. However, it was also used for a broad variety of other purposes, some instances of which sparked debate over whether the designated funding was truly for unanticipated "emergency" needs,²¹ stoking controversy in some quarters over the potential for abuse.²²

The BCA also included a more specifically defined limited adjustment specifically for disaster relief, distinct from emergency funding. The BCA defined "disaster relief" as federal government assistance provided pursuant to a major disaster declared under the Stafford Act. Funding designated as disaster relief in future spending bills could be "paid for" by adjusting upward the discretionary spending caps. This allowable adjustment for disaster relief is limited, however, to

¹⁹ P.L. 112-25.

²⁰ This exception was first formalized in the Budget Enforcement Act of 1990 (P.L. 101-508).

²¹ These included providing funding for the 2010 Census and alleviating a shortfall in funding for veterans' health care during the U.S.'s second Iraq war.

²² For more detailed information, see CRS Report R41564, *Emergency Designation: Current Budget Rules and Procedures*, by Bill Heniff Jr.

an amount based on a modified 10-year rolling average of what has been spent by the federal government on relief efforts for major disasters.²³

The allowable adjustment for disaster relief does not, however, act as a limit on federal appropriations for disaster assistance. When Congress provides more funding for disaster relief than can be covered by the disaster relief adjustment in a given fiscal year, as was the case for Hurricane Sandy and the 2017 disasters, the emergency designation may be used for such funding.²⁴

All funding provided in the three enacted supplemental appropriations measures discussed in this report carries the emergency designation; none is designated as disaster relief pursuant to the BCA.

Offsetting Disaster Relief

Periodically, Congress has weighed whether some or all of the costs associated with disaster relief should be offset by cuts to other spending. The BCA spending caps would not need to be adjusted for funding that is offset. In most cases between 1990 and 2017 FEMA's DRF generally has been given a priority status for prompt funding in times of need, without offsetting spending reductions. Disaster assistance from other agencies has at times been funded through shifting resources from one program to another through appropriations legislation, but such activity is relatively rare. The largest single occurrence of this was in the wake of Hurricane Katrina, when P.L. 104-134 rescinded \$23.4 billion from the DRF and subsequently appropriated a similar amount to other agencies to meet disaster response and recovery needs.²⁵

The question of offsets was salient in the wake of Hurricane Sandy. Beginning in November 2012 there were calls for supplemental appropriations for Hurricane Sandy relief efforts,²⁶ as well as calls for offsets to pay for them.²⁷ On December 7, 2012, the Obama Administration requested \$60.4 billion in supplemental appropriations in connection with Hurricane Sandy, including \$11.5 billion for the DRF. The preamble to the request specifically opposed offsetting the cost of the legislation,²⁸ and although amendments to offset the cost of the legislation were considered in the House and Senate, they did not become law.²⁹

²³ For additional information on the allowable adjustment, see CRS Report R42352, *An Examination of Federal Disaster Relief Under the Budget Control Act*, by Bruce R. Lindsay, William L. Painter, and Francis X. McCarthy, and CRS Report R44415, *Five Years of the Budget Control Act's Disaster Relief Adjustment*, by William L. Painter and Bruce R. Lindsay.

²⁴ See CRS Report R44937, *Congressional Action on the FY2013 Disaster Supplemental*, coordinated by William L. Painter, for details on the initial use of the emergency designation for disaster relief in the BCA era.

²⁵ For more details on offsets and the DRF, see CRS Report R42458, *Offsets, Supplemental Appropriations, and the Disaster Relief Fund: FY1990-FY2013*, by William L. Painter.

²⁶ Koss, Geof, "Senate Democrats Preparing Disaster Response Bills" *CQ News*, November 14, 2012. Available at <http://www.cq.com/doc/news-4175335>.

²⁷ Young, Kerry and Niels Lesniewski, "Republicans Say they Expect Spending Offsets for Sandy Disaster Aid," *CQ News*, November 29, 2012. Available at <http://www.cq.com/doc/news-4181820?wr=bzR2QWhQbmtjMGxjdG52NXplMSo0UQ>.

²⁸ Letter from Jeffrey D. Zients, Deputy Director for Management, to The Honorable John Boehner, Speaker of the House of Representatives, December 7, 2012, p. 2.

²⁹ See CRS Report R42458, *Offsets, Supplemental Appropriations, and the Disaster Relief Fund: FY1990-FY2013*, by William L. Painter, pp. 9-12, for details of the debate on offsets for what became P.L. 113-2.

During Senate debate on a Hurricane Sandy supplemental appropriations bill, a point of order was raised against the emergency designation for \$3.4 billion in Army Corps of Engineers Construction appropriation for disaster mitigation projects. This point of order was sustained, eliminating the emergency designation for that particular appropriation. This meant that the \$3.4 billion for the mitigation projects would count against the discretionary spending limits imposed by the BCA, limiting the amount that could be provided for other discretionary appropriations. At the time, some observers critical of the move considered this as setting a precedent by effectively requiring an offset for disaster assistance. Others considered this as including part of the cost of disaster preparedness (as opposed to disaster relief) within the discretionary budget.³⁰

All three of the Trump Administration's supplemental appropriations requests have sought an emergency designation for the funding that would be provided in the legislation. However, unlike the Trump Administration's first two requests for supplemental disaster relief funding, the November 2017 request sought to offset some of the additional spending as well, suggesting \$14.8 billion in rescissions and spending cuts and \$44.4 billion in savings from extending the non-defense discretionary spending limits for two additional years. Many of the rescissions and spending cuts had already been proposed in the Administration's FY2018 budget request.³¹ The House, however, did not elect to include these offsets in H.R. 4667, the bill it passed in response to the November 2017 request. No offsets were included in any of the three supplemental appropriations measures discussed in this report.³²

The "Appropriate" Scope of a Supplemental Appropriation

Basic descriptions of appropriations legislation often focus on three factors: what entity is being funded, for what purpose, and how much is being provided. In the case of regular annual appropriations, the answer to the first two questions is largely determined by which subcommittee is drafting the measure, and the third is limited by the level of budget authority suballocated to that subcommittee from the allocation of total budgetary resources available to the Appropriations Committee.³³

Jurisdiction over supplemental appropriations, however, is generally reserved for the full Appropriations Committee, and may incorporate provisions from multiple subcommittees. In addition, when supplemental spending is designated as an emergency requirement (as is typically the case with disaster relief), it is often considered outside the constraints of a single subcommittee's suballocation. The scope, purpose, and size of a supplemental appropriations measure is instead typically driven by an event or events, the unfunded needs such events generate, and the associated political support for considering and enacting the legislation. In the case of disaster relief supplemental appropriations measures, these conductors may include a single unanticipated catastrophic event, a series of events over time, events occurring as the legislation is being developed and considered, or a combination of all three.

³⁰ *Congressional Record*, December 21, 2012, pp. S8341-S8342.

³¹ Letter from Mick Mulvaney, Director, Office of Management and Budget, to The Honorable Paul D. Ryan, Speaker of the House of Representatives, November 17, 2017, p. 3, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/fy_2018_hurricanes_supp_111717.pdf.

³² While Title II of Division C of P.L. 115-123 is titled "Offsets," these are for the budget provisions carried in Title I of Division C.

³³ For more on allocations, suballocations and budget enforcement related to Section 302 of the Congressional Budget Act, see CRS Report R40472, *The Budget Resolution and Spending Legislation*, by Megan S. Lynch.

Although the colloquial naming practice of recent years has associated supplemental appropriations legislation with a particular event or problem that has drawn public attention, it is rare to have a supplemental appropriations bill focus on a single event to the exclusion of all other purposes.

At times, “controlling language” has been included in supplemental appropriations measures to clarify the intent of a specific appropriation, more often in the case of accounts that are not usually for disaster-related activities. Examples of the application of such language in the case of the 2013 supplemental in the wake of Hurricane Sandy and the 2017 disaster supplementals are discussed below.

Controlling Language and Hurricane Sandy

The “Hurricane Sandy” supplemental appropriations act (P.L. 113-2) contained uniform language that specified many of its appropriations were “for necessary expenses related to the consequences of Hurricane Sandy.”³⁴ Most of these were for funding to accounts that usually do not provide traditional disaster assistance.

Ten provisions in the 48-page act did not carry that specific language. Five of them were for disaster relief-specific programs. The single largest appropriation, \$16 billion for disaster relief through the Department of Housing and Urban Development’s Community Development Fund, was available for disaster relief and long-term recovery from major disasters that occurred from 2011 to 2013. The second-largest appropriation, \$11.5 billion for the DRF, also did not have language limiting its use.

Other appropriations not specifically directed to the consequences of Hurricane Sandy in P.L. 113-2 included funding for mitigation of the risks of future disasters through the U.S. Army Corps of Engineers and Department of Transportation, and funding to support or improve monitoring or forecasting of severe weather through the National Oceanographic and Atmospheric Administration.

Controlling Language and the 2017 Disaster Supplementals

The three supplemental appropriations bills, with their need to address multiple incidents and differing levels of complexity, show a different application of controlling language.

In P.L. 115-56, which included the first supplemental appropriations measure responding to the disasters of 2017, appropriations were provided to the DRF, the Small Business Administration’s Disaster Loan Program Account, and HUD’s Community Development Fund. Controlling language was only added to the last of these, specifying the funding was for “disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.”³⁵

The second supplemental appropriations measure, included in P.L. 115-72, provided appropriations to the DRF, debt forgiveness for the National Flood Insurance Program, and three separate appropriations for paying the costs of wildfire suppression. Of these, only the wildfire appropriations included directive language. A general provision also provided funding for a grant to support Puerto Rico’s Nutrition Assistance Program, specifically noting the grant was “for

³⁴ P.L. 113-2, throughout.

³⁵ 131 Stat. 1137.

disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies.³⁶

The third appropriations measure was broader, addressing not only relief programs, but also paying direct costs of storm operations and damage incurred by many federal agencies, as well as funding programs to address specific concerns arising in the aftermath of the disasters. This measure included a range of forms of controlling language, the most common being “for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria.” Other controlling language of varying specificity targeted various subsets of the disaster-related needs across the United States, including:

- Natural disasters;
 - Natural disasters occurring in 2017;
 - Damage reduction in flood and storm damage in states with more than one flood-related major disaster in calendar years 2014-2017;
 - Hurricanes Harvey, Irma, Maria, and 2017 wildfires;
 - Hurricanes occurring in 2017;
 - Hurricane Harvey;
 - Hurricanes Irma and Maria;
- Major disasters; and
- Oversight of funds provided in the measure.

Such a range of overlaying specific intentions of controlling language is distinct from the unified controlling language from P.L. 113-2. However, in both cases, because in most cases the language does not direct funding with a high degree of specificity, and much of the resources are for programs that allocate resources to state governments outside the legislative process, it is not possible to determine exact amounts provided for individual jurisdictions or incidents solely on the basis of the legislation.

Disaster Relief Appropriations Without Controlling Language

These appropriations measures continue a pattern of applying controlling language to appropriations that do not on a regular basis provide disaster relief. Such language generally has not been applied to accounts that have a primary mission of providing disaster assistance, such as the SBA disaster Loan Program Account and FEMA’s Disaster Relief Fund. The absence of such specific controlling language for some of these accounts allows for flexibility needed to ensure resources are directed to meet evolving needs on short notice.

For example, appropriations for FEMA’s DRF are regularly obligated to relief and recovery efforts from multiple disasters across many fiscal years, regardless of the legislative vehicle that provided them. Before passage of P.L. 113-2, FEMA had already obligated almost \$3.4 billion from the DRF for declarations linked to Hurricane Sandy from appropriations provided in other measures,³⁷ and at the end of 2017, almost twice the amount provided in the “Sandy

³⁶ P.L. 115-72, Division A, Sec. 309 (131 Stat. 1229).

³⁷ Department of Homeland Security, Federal Emergency Management Agency, *Disaster Relief Fund: Monthly Report as of September 30, 2013*, October 21, 2013, Appendix B, p. 10.

Supplemental” for the DRF had been obligated by FEMA pursuant to disaster declarations from the storm.³⁸ Similarly, funding for the DRF from recent supplemental appropriations will also be obligated for a wide range of recently declared and impending disasters.

Timelines for Obligation

Once Congress appropriates funding for disaster relief and recovery costs, the timeline for when that funding is used varies significantly from program to program. Comparison of these timelines in an effort to assess program efficiency requires an understanding of differences in mission and program structure to ensure assessments are made in context.

For example, within relief provided through the DRF, some costs are borne up front, such as emergency protective measures and much of the individual assistance program, and funding is obligated and expended relatively quickly. Other costs incurred by state and local governments are reimbursed by the federal government after the work is complete—projects to restore major infrastructure often follow this model and can take longer to obligate and expend the appropriated funding (e.g., FEMA’s Public Assistance Grant Program). Other redevelopment funds may take time to be obligated as eligible state and local governments must develop a plan and have it approved—this process cannot begin until the funds are provided to the program and official announcements of the grant competition process are made (e.g., HUD’s Community Development Block Grant Program).

Oversight of Spending

Concerns about waste, fraud, and abuse exist for a variety of federal programs, but supplemental disaster relief often receives special attention due to the fact that it is unusual, highly visible, provided in chaotic situations, and meant to address pressing needs. The 2017 disaster supplemental appropriations include \$71 million in appropriations specifically for audits and oversight efforts, including \$14 million for the Government Accountability Office (GAO), as well as transfers of more than \$57 million. The federal government has encountered challenges effectively tracking some federal disaster relief spending in the past, but OMB has announced a new directive to track emergency and disaster relief spending related to 2017 that may improve the availability of information.

In September 2016, GAO released a report on disaster assistance provided by the federal government over the 10-year period from FY2005 through FY2014. GAO analysts attempted to survey disaster relief provided by 17 federal departments and agencies, and although they were able to identify over \$277 billion in obligations for disaster relief provided over that period, obligations were not separately tracked for all disaster-applicable programs and activities. GAO noted in the report that:

At least 5 federal departments and agencies reported that some disaster assistance programs or activities are not separately tracked because spending related to these activities is generally subsumed by a department’s general operating budget or mission-related costs. For example, U.S. Coast Guard officials stated that most of the agency’s disaster-related costs are associated with maintaining a constant state of readiness to immediately respond to disaster and emergency incidents, which is funded from the U.S. Coast Guard search and rescue appropriation and is not separately tracked. Similarly, the

³⁸ Department of Homeland Security, Federal Emergency Management Agency, *Disaster Relief Fund: Monthly Report as of September 30, 2017*, October 11, 2017, Appendix C, p. 10.

Army has deployed personnel in anticipation of a possible disaster event, even when FEMA has not requested the support. If a disaster does not occur or the activity does not result in a FEMA mission assignment, the Army will not be reimbursed for prepositioning personnel or assets in anticipation of an event and therefore may categorize the expenditure as training in the event of a disaster. Another 4 federal departments and agencies reported that obligations and expenditures specific to disaster assistance activities are not tracked or cannot be reliably estimated because there is no requirement for state or other recipients of the financial support to indicate whether or how much of the funding or assistance is used for disasters.³⁹

Placing consistent reporting requirements on agencies providing assistance through disaster-applicable programs would be one way to obtain a clearer picture of precisely how much the federal government is spending on disaster relief and recovery. Such reporting requirements could include pass-through requirements to state and local governments that receive the funds to provide contract and subcontract data to the providing federal agency. This could help inform budgeting decisions, and determine if a particular program is providing fewer resources than anticipated to its non-disaster missions. On its own, however, such information cannot provide an answer to questions of whether such funds are subject to waste, fraud, or abuse. Answering such questions requires detailed analysis of the individual programs and activities funded, how they complement or duplicate other assistance programs, and whether they are providing the assistance Congress intended.

On February 2, 2018, OMB issued a memorandum to all federal chief financial officers and budget officers about new requirements for tracking emergency funding and disaster relief funding. Agencies will be required to track these resources, starting with the first of the three 2017 disaster supplemental appropriations by applying a special accounting code to those resources.⁴⁰ It remains to be seen if and how the information collected will be able to support congressional oversight efforts.

Tracking Hurricane Sandy Funding

Prior to 2017, the last time Congress attempted to specially track the use of a large amount of supplemental appropriations was in the wake of Hurricane Sandy.

At that time, a provision of P.L. 113-2 specifically authorized the Recovery and Transparency Board (RATB) to “develop and use information technology resources and oversight mechanisms to detect and remediate waste, fraud, and abuse in the obligation and expenditure of funds” provided in the act.⁴¹ Pursuant to this authorization, the RATB, which was originally established to track funding through the American Recovery and Reinvestment Act of 2009, developed a website containing quarterly financial reports, a map of where contracts have been awarded, and other summaries of spending under the Disaster Relief Appropriations Act, 2013. The RATB had its mission extended and funded by Congress for FY2015,⁴² but its authority lapsed at the end of that year and it shut down.

³⁹ U.S. Government Accountability Office, *Federal Disaster Assistance: Federal Departments and Agencies Obligated at Least \$277.6 Billion During Fiscal Years 2005 through 2014*, GAO-16-797, September 22, 2016, p. 18, <https://www.gao.gov/products/GAO-16-797>.

⁴⁰ Memorandum M-18-08, from Mick Mulvaney, Director, Office of Management and Budget, to Chief Financial Officers and Budget Officers “Guidance on Disaster and Emergency Fund Tracking,” February 2, 2018, <https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-08.pdf>.

⁴¹ See Section 904(d) of P.L. 113-2, 127 Stat. 18.

⁴² See P.L. 113-235, 128 Stat. 2389.

The Department of Housing and Urban Development (HUD) established a Program Management Office (PMO) in February 2013 to monitor funding flows for Hurricane Sandy Recovery. They coordinated their efforts with the RATB and provided public information on the status of funding as reported by the agencies. As of November 2014, the responsibilities of the HUD Sandy PMO were transferred to FEMA's Office of Federal Disaster Coordination (OFDC), and it was the only remaining source of interagency spending information of funds appropriated in P.L. 113-2.⁴³

The authoritativeness of the data that was gathered by the RATB and the PMO was potentially limited by the fact that the agencies reporting their data did not use a consistent methodology. For example, while some agencies reported specifically on the resources provided by P.L. 113-2, FEMA provided information on *all obligations* for Hurricane Sandy response and recovery—those funded by previous appropriations as well as those funded by P.L. 113-2.⁴⁴ This difference means the FEMA-reported data is not comparable with that of other agencies or departments.

2017 Hurricane Season Supplemental Appropriations: CRS Experts

The following list provides a point of contact for questions regarding the particular appropriations provided in the various supplemental bills considered or enacted in the wake of the 2017 hurricane season. Appropriations or legislative provisions are listed by the appropriations subcommittee to which CBO attributes their scoring.

⁴³ The last reporting from the Sandy PMO was for the fourth quarter of FY2015. There is no information provided on the OFDC public-facing website (<https://www.fema.gov/office-federal-disaster-coordination>) that provides further tracking information.

⁴⁴ FEMA does not track their appropriations by the measure that provided them, but rather by the disaster declarations they respond to.

Table 2. Selected CRS Experts by Appropriations Subcommittee

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
AGRICULTURE				
Department of Agriculture	Office of the Secretary	(Block Grants for Agricultural Disasters)	CRS In Focus IF10829, <i>Agriculture Funding in the Bipartisan Budget Act of 2018</i>	Megan Stubbs, mstubbs@crs.loc.gov, 7-8707
	Agricultural Research Service	Buildings and Facilities	CRS In Focus IF10833, <i>Dairy Provisions in the Bipartisan Budget Act (P.L. 115-123)</i>	
	Farm Service Agency	Emergency Conservation Program / Emergency Forest Restoration Program / Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish / Tree Assistance Program / Livestock Indemnity Payments	CRS Insight INI0843, <i>Supplemental Appropriations Proposed for Agriculture</i>	
	Natural Resources Conservation Service	Watershed and Flood Prevention Operations	CRS In Focus IF10565, <i>Federal Disaster Assistance for Agriculture</i>	
	Rural Development	Rural Housing Insurance Fund Program Account	CRS Report RL31837, <i>An Overview of USDA Rural Development Programs</i>	Maggie McCarty, mmccarty@crs.loc.gov, 7-2163
		Rural Water and Waste Disposal Program		Tadlock Cowan, tcowan@crs.loc.gov, 7-7600
	Food and Nutrition Service	Commodity Assistance Program / Supplemental Nutrition Assistance Program	CRS Insight INI0843, <i>Supplemental Appropriations Proposed for Agriculture</i>	Randy Alison Aussenberg, raussenberg@crs.loc.gov, 7-8641
Department of Health and Human Services	Food and Drug Administration	Buildings and Facilities		Agata Dabrowska, adabrowska@crs.loc.gov, 7-9455
COMMERCE, JUSTICE, SCIENCE AND THE JUDICIARY				
Department of Commerce	Economic Development Administration	Economic Development Assistance Programs		Eugene Boyd, eboyd@crs.loc.gov, 7-8689
	National Oceanic and Atmospheric Administration	Operations, Research, and Facilities / Procurement, Acquisition and Construction		Harry Upton, hupton@crs.loc.gov, 7-2264

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
Department of Justice	United States Marshals Service	Salaries and Expenses		Nathan James, njames@crs.loc.gov, 7-0264
	Federal Prison System	Salaries and Expenses / Buildings and Facilities	CRS Report R42486, <i>Appropriations for the Bureau of Prisons (BOP): In Brief</i>	
	Federal Bureau of Investigation	Salaries and Expenses		Lisa N. Sacco, lsacco@crs.loc.gov, 7-7359
	Drug Enforcement Administration	Salaries and Expenses		
National Aeronautics and Space Administration	n/a	Construction and Environmental Compliance and Restoration		Daniel Morgan, dmorgan@crs.loc.gov, 7-5849
National Science Foundation	n/a	Research and Related Activities	CRS Report R45009, <i>The National Science Foundation: FY2018 Appropriations and Funding History</i>	Laurie A. Harris, lharris@crs.loc.gov, 7-0504
Legal Services Corporation	n/a	Payment to the Legal Services Corporation	CRS Report RL34016, <i>Legal Services Corporation: Background and Funding</i>	Libby Perl, eperl@crs.loc.gov, 7-7806
DEFENSE				
Department of Defense	Operation and Maintenance	Operations and Maintenance, Army / Navy / Marine Corps / Air Force / Defense-Wide / Army Reserve / Navy Reserve / Air Force Reserve / Army National Guard		Pat Towell, ptowell@crs.loc.gov, 7-2122
	Procurement	Other Procurement, Navy		
	Revolving and Management Funds	Working Capital Fund, Navy Funds		
	Other Department of Defense Programs	Defense Health Program		

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
ENERGY AND WATER				
Corps of Engineers—Civil Works	n/a	Investigations / Construction / Mississippi River and Tributaries / Operations and Maintenance / Flood Control and Coastal Emergencies / Expenses	CRS Report R42841, <i>Army Corps Supplemental Appropriations: History, Trends, and Policy Issues</i>	Nicole Carter, ncarter@crs.loc.gov, 7-0854
Department of Energy	Energy Programs	Electricity Delivery and Energy Reliability		Richard J. Campbell, rcampbell@crs.loc.gov, 7-7905 Corrie E. Clark, cclark@crs.loc.gov, 7-7213
		Strategic Petroleum Reserve		Robert Pirog, rpirog@crs.loc.gov, 7-6847
FINANCIAL SERVICES AND GENERAL GOVERNMENT				
General Services Administration	Real Property Activities	Federal Buildings Fund		Garrett Hatch, ghatch@crs.loc.gov, 7-7822
Small Business Administration	Small Business Administration	Disaster Loans Program Account	CRS Report R44412, <i>SBA Disaster Loan Program: Frequently Asked Questions</i>	Bruce Lindsay, blindsay@crs.loc.gov, 7-3752
Judicial Branch	Courts of Appeals, District Courts, and Other Judicial Services	Salaries and Expenses		Barry McMillion, bmcmillion@crs.loc.gov, 7-6025
HOMELAND SECURITY				
Department of Homeland Security	U.S. Customs and Border Protection	Operations and Support / Procurement, Construction, and Improvements		William A. Kandel, wkandel@crs.loc.gov, 7-4703
	U.S. Immigration and Customs Enforcement	Operations and Support / Procurement, Construction, and Improvements		
	Transportation Security Administration	Operations and Support		Bart Elias, belias@crs.loc.gov, 7-7771

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
Department of Homeland Security (cont.)	United States Coast Guard	Operating Expenses / Environmental Compliance and Restoration / Acquisition, Construction, and Improvements		John Frittelli, jfrittelli@crs.loc.gov, 7-7033
	Federal Emergency Management Agency	Operations and Support / Procurement, Construction, and Improvements / Disaster Relief Fund	CRS Insight IN10810, <i>Natural Disasters of 2017: Congressional Considerations Related to FEMA Assistance</i>	William L. Painter, wpainter@crs.loc.gov, 7-3335 Bruce Lindsay, blindsay@crs.loc.gov, 7-3752
		Disaster Assistance Direct Loan Program		Jared T. Brown, jbrown@crs.loc.gov, 7-4918
		National Flood Insurance Program	CRS Report R44593, <i>Introduction to the National Flood Insurance Program (NFIP)</i>	Diane Horn, dhorn@crs.loc.gov, 7-3472
	Federal Law Enforcement Training Center	Operations and Support / Procurement, Construction, and Improvements		Shawn Reese, sreese@crs.loc.gov, 7-0635
INTERIOR AND ENVIRONMENT				
Department of the Interior	United States Fish and Wildlife Service	Construction	CRS In Focus IF10724, <i>U.S. Fish and Wildlife Service: FY2018 Appropriations</i>	R. Eliot Crafton, rcrafton@crs.loc.gov, 7-7229
	National Park Service	Operation of the National Park System / Historic Preservation Fund / Construction	CRS Report R42757, <i>National Park Service: FY2017 Appropriations and Ten-Year Trends</i>	Laura B. Comay, lcomay@crs.loc.gov, 7-6036
	United States Geological Survey	Surveys, Investigations, and Research		Pervaze A. Sheikh, psheikh@crs.loc.gov, 7-6070
	Insular Affairs	Assistance to Territories		R. Sam Garrett, rgarrett@crs.loc.gov, 7-6443

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
Environmental Protection Agency	n/a	Hazardous Substance Superfund / Leaking Underground Storage Tank Trust Fund / State and Tribal Assistance Grants	CRS In Focus IF10717, U.S. Environmental Protection Agency (EPA) FY2018 Appropriations: Congressional Action	Rob Esworthy, resworthy@crs.loc.gov, 7-7236
Department of Agriculture	Forest Service	State and Private Forestry / National Forest System / Capital Improvement and Maintenance	CRS In Focus IF10670, Forest Service: FY2017 Appropriations and FY2018 Budget Request	Katie Hoover, khoover@crs.loc.gov, 7-9008
Multiple Departments within the Subcommittee	Department of the Interior and U.S. Forest Service	Wildland Fire Management	CRS Report R45005, Wildfire Management Funding: Background, Issues, and FY2018 Appropriations	Katie Hoover, khoover@crs.loc.gov, 7-9008
LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND OTHER RELATED AGENCIES				
Department of Labor	Employment and Training Administration	Training and Employment Services		David H. Bradley, dbradley@crs.loc.gov, 7-7352
		Job Corps		Adrienne L. Fernandes-Alcantara, afernandes@crs.loc.gov, 7-9005
	n/a	Unemployment Trust Fund		Julie M. Whittaker, jwhittaker@crs.loc.gov, 7-2587

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
Department of Health and Human Services	Centers for Disease Control and Prevention (CDC)	CDC-Wide Activities and Program Support		Sarah Lister, slister@crs.loc.gov, 7-7320
	Departmental Management	Public Health and Social Services Emergency Fund		
	National Institutes of Health	Office of the Director		Johnathan Duff, jduff@crs.loc.gov, 7-0970
	Administration for Children and Families	Children and Families Services Programs (Head Start)	CRS Report RL30952, <i>Head Start: Background and Funding</i>	Karen Lynch, klynch@crs.loc.gov, 7-6899
Department of Education	Hurricane Education Recovery	Hurricane Education Recovery	CRS Report R42881, <i>Education-Related Regulatory Flexibilities, Waivers, and Federal Assistance in Response to Disasters and National Emergencies</i>	Boris Granovskiy, bgranovskiy@crs.loc.gov, 7-7759 (K-12 education) Alexandra Hegji, adhegji@crs.loc.gov, 7-8384 (postsecondary education)
	Office of Federal Student Aid	Federal Direct Student Loan Program Account Waiver Authority		Alexandra Hegji, adhegji@crs.loc.gov, 7-8384
	Office of Postsecondary Education	HBCU Loan Forgiveness		
MILITARY CONSTRUCTION / VETERANS AFFAIRS				
Department of Defense	Military Construction	Navy and Marine Corps / Army National Guard		Lynn Williams, lwilliams@crs.loc.gov, 7-0569
Department of Veterans Affairs	Veterans Health Administration	Medical Services / Medical Support and Compliance / Medical Facilities	CRS Report R45047, <i>Department of Veterans Affairs FY2018 Appropriations</i>	Sidath Panangala, spanangala@crs.loc.gov, 7-0623
	Departmental Administration	Construction, Minor Projects		

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
TRANSPORTATION / HOUSING AND URBAN DEVELOPMENT				
Department of Transportation	Federal Aviation Administration	Operations / Facilities and Equipment (Airport and Airway Trust Fund)		Bart Elias, belieas@crs.loc.gov, 7-7771
	Federal Highway Administration	Emergency Relief Program	CRS Report R43384, <i>Emergency Relief for Disaster-Damaged Roads and Transit Systems: In Brief</i>	Robert Kirk, rkirk@crs.loc.gov, 7-7769
	Federal Transit Administration	Public Transportation Emergency Relief Program		William Mallett, wmallett@crs.loc.gov, 7-2216
	Maritime Administration	Operations and Training		John Frittelli, jfrittelli@crs.loc.gov, 7-7033
Department of Housing and Urban Development	Community Planning And Development	Community Development Fund		Eugene Boyd, eboyd@crs.loc.gov, 7-8689
Multiple Departments Across Subcommittees	n/a	Offices of Inspector General	CRS Report R43814, <i>Federal Inspectors General: History, Characteristics, and Recent Congressional Actions</i>	Kathryn A. Francis, kfrancis@crs.loc.gov, 7-2351

Author Contact Information

William L. Painter
Specialist in Homeland Security and Appropriations
wpainter@crs.loc.gov, 7-3335