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Congressional Action on the FY2013 Disaster Supplemental

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Summary

On January 29, 2013, the Disaster Relief Appropriations Act, 2013, a $50.5 billion package of disaster assistance largely focused on responding to Hurricane Sandy, was enacted as P.L. 113-2.

In late October 2012, Hurricane Sandy impacted a wide swath of the East Coast of the United States, resulting in more than 120 deaths and major disaster declarations for 12 states plus the District of Columbia. The Obama Administration submitted a request to Congress on December 7, 2012, for $60.4 billion in supplemental funding and legislative provisions to address both the immediate losses and damages from Hurricane Sandy, as well as to mitigate the damage from future disasters in the impacted region.

On January 15, 2013, the House of Representatives passed H.R. 152, the Disaster Relief Appropriations Act, 2013. This bill included $50.5 billion in disaster assistance. This was the third piece of disaster legislation considered by the House during the first month of the 113th Congress. H.R. 41, which passed the House and Senate on January 4, 2013 and was signed into law two days later as P.L. 113-1, provided $9.7 billion in additional borrowing authority for the National Flood Insurance Program. On January 14, the House passed H.R. 219, legislation making changes to disaster assistance programs. The rule for consideration of H.R. 152 combined the text of H.R. 219 with H.R. 152 upon its engrossment, to send them to the Senate as a single package.

The Senate passed H.R. 152 unchanged on January 28, 2013 by a vote of 62-36, and it was signed into law as P.L. 113-2 the next day.

H.R. 152 was not the initial legislative response to the storm. In the 112th Congress, the Senate passed a separate package of disaster assistance totaling $60.4 billion, as well as several legislative provisions reforming federal disaster programs. While appropriations legislation generally originates in the House of Representatives, the Senate chose to act on the Obama Administration's request first by amending an existing piece of House-passed appropriations legislation—H.R. 1. This passed the Senate December 28, 2012, by a vote of 62-32. The House did not act on the legislation before the end of the 112th Congress.

This summary report analyzes the Obama Administration's request, the initial Senate position from the 112th Congress, and H.R. 152, the legislative package developed in the House that was ultimately enacted as P.L. 113-2.

This report is primarily for reference purposes. The material in it is intended to provide context to help the reader better understand how the disaster relief bill that passed in the wake of Hurricane Sandy moved through Congress at what funding it ultimately contained. The report does not track obligation of funds or discuss ongoing recovery efforts.

Enacted funding levels in the report represent funding prior to the sequestration of March 2013, as how sequestration would be implemented was not clear at the time P.L. 113-2 was enacted.

For details concerning the legislative provisions requested by the Obama Administration, as well as those included in Senate-amended H.R. 1, see CRS Report R42869, *FY2013 Supplemental Funding for Disaster Relief*. Division B of P.L. 113-2, which amended several disaster assistance programs managed by FEMA, is discussed separately in CRS Report R42991, *Analysis of the Sandy Recovery Improvement Act of 2013*.

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Overview and Legislative History

In late October 2012, Hurricane Sandy impacted a wide swath of the East Coast of the United States. President Obama had, as of January 31, 2013, declared major disasters for 12 states plus the District of Columbia under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). The Obama Administration submitted a request to Congress on December 7, 2012, for $60.4 billion in supplemental funding and legislative provisions to address both the immediate losses and damages from Hurricane Sandy, as well as to mitigate the damage from future disasters in the impacted region.

The Administration's proposal included $47.44 billion in funding for a range of disaster assistance, and $12.97 billion specifically for mitigation of damage from potential future storms and flooding. Budget authority of $55 billion was requested as emergency funding, while $5.4 billion was requested as disaster relief under the Budget Control Act (BCA).

112th Congress

On December 17, 2012, S.Amdt. 3338, entitled the Disaster Relief Appropriations Act, 2013, was introduced as an amendment to H.R. 1 of the 112th Congress. This bill was a continuing resolution that had previously passed the House of Representatives, and served as the Senate legislative vehicle for disaster relief supplemental appropriations. On December 19, the amendment was withdrawn and S.Amdt. 3395, with the same title and overall cost, was offered in its place.

This legislation would have provided $60.41 billion in supplemental appropriations for disaster assistance, as well as a suite of legislative provisions that included reforms to disaster assistance authorities. The Senate amendment did not explicitly separate all its mitigation provisions from other relief appropriations, although it did reference some funding as being for mitigation. Budget authority of $55 billion in the legislation was designated as emergency funding, while $5.379 billion in funding for the Disaster Relief Fund would have been designated as being for disaster relief under the BCA. A budget point of order was upheld against part of the legislation, removing the emergency designation from $3.461 billion of construction funding for the Army Corps of Engineers. The Senate made several changes to the amendment (which was passed by voice vote), and then passed the supplemental appropriations legislation on December 28, 2012, by a vote of 62-32. The House did not act on the legislation before the end of the 112th Congress.

However, one facet of the Obama Administration's request did become law during the 112th Congress. The Administration had sought a legislative provision to increase the bond limit for the Small Business Administration's Surety Bond Guarantees Revolving Fund. A provision increasing the bond limit to $6.5 million, and up to $10 million if a federal contracting officer certified it was necessary, was included in P.L. 112-239, the National Defense Authorization Act for Fiscal Year 2013.[1]

113th Congress

On January 4, 2013, the House and Senate both passed H.R. 41, legislation providing an additional $9.7 billion in borrowing authority for the National Flood Insurance Program (NFIP), which had been a part of the Obama Administration's request. The President signed it into law as P.L. 113-1 on January 6, 2013.

[1] For more information, see CRS Report R42037, *SBA Surety Bond Guarantee Program*, by Robert Jay Dilger

H.R. 152, which included another portion of the Obama Administration's supplemental request, was introduced on January 4, 2013, and an amendment was filed that same day that included additional portions. The House Appropriations Committee described H.R. 152 as including $17 billion "to meet immediate and critical needs," and described the amendment as including $33 billion "funding for longer-term recovery efforts and infrastructure improvements that will help prevent damage caused by future disasters." On January 7, an amendment in the nature of a substitute to H.R. 152 which contained some minor textual changes, along with a restructured "long-term recovery" amendment, was posted on the House Rules Committee website.[2]

The House took up the legislation on January 15, 2013. The amendment with long-term recovery funding passed with several amendments, and the amended bill passed the House by a vote of 241-180. The rule for consideration of the bill combined H.R. 219, a House-passed package of legislative provisions reforming disaster assistance programs, with the appropriations legislation upon engrossment of H.R. 152, and sent them to the Senate as a single package.

The Senate passed H.R. 152 unchanged on January 28, 2013 by a vote of 62-36, and it was signed into law as P.L. 113-2 the next day.

Comparison of Supplemental Request and Legislative Response[3]

Table 1 below outlines the Obama Administration's request for supplemental funding and mitigation funding in the wake of Hurricane Sandy, and the congressional response to those requests. All figures are in millions of dollars of budget authority.

The Obama Administration's request is shown by appropriations subcommittee in **Table 1**. Unlike in the Administration's request, no distinction is made in this table between requested mitigation funding and recovery funding. A breakdown of the Administration's request that illuminates the Administration's separate request for mitigation funding is included in CRS Report R42869, *FY2013 Supplemental Funding for Disaster Relief*.

Headers in bold italics note the appropriations subcommittee of jurisdiction, followed by the department or independent agency in bold capitals. Two columns then specify where a given appropriation is going, by bureau, if applicable, then account or program. The Obama Administration's request is next, in millions of dollars of budget authority, followed by the appropriations that would have been provided if Senate-amended H.R. 1 from the 112th Congress had been enacted. This is provided only for historical reference, as the bill expired with the end of the 112th Congress. The last column reflects the amount of funding provided in H.R. 152 as it passed both House and Senate and was ultimately signed into law. Where accounts are funded through transfers, that number is shown in the table and the donor account is reduced accordingly.

Note that all funding levels in the enacted column show the resources provided by P.L. 113-2: those resources were ultimately reduced by the sequestration required on March 1, 2013, under the provisions of the BCA, as amended. That sequestration required the Office of Management and Budget (OMB) to implement across-the-board spending cuts at the account and program level to achieve equal budget reductions from both defense and nondefense funding, under terms

[2] The analysis in this report of the House position is based on those texts from the House Rules Committee website.

[3] For details concerning the legislative provisions requested by the Administration, as well as those included in Senate-amended H.R. 1, see CRS Report R42869, *FY2013 Supplemental Funding for Disaster Relief*.

specified in the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA),[4] as amended by the BCA. The amount and implementation of those reductions was unclear at the time P.L. 113-2 was enacted.

[4] Title II of P.L. 99-177, 2 U.S.C. 900-922.

Table 1. FY2013 Disaster Supplemental Request and Congressional Action

By appropriations subcommittee, amounts in millions of dollars of budget authority

Subcommittee / Bureau	Account/ Program	President's Request	112th Congress Senate-passed H.R. 1	113th Congress P.L. 113-2 (H.R. 152)
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies				
DEPARTMENT OF AGRICULTURE				
Farm Service Agency	Emergency Conservation Program	15	25.09	15
Farm Service Agency	Emergency Forest Restoration Program[a]	23	58.855	23
Natural Resources Conservation Service	Emergency Watershed Protection Program[b]	180	125.055	180
Food and Nutrition Service	Commodity Assistance Program	6	15	6
Commerce, Justice, Science, and Related Agencies				
DEPARTMENT OF COMMERCE				
National Oceanographic and Atmospheric Administration	Operations, Research and Facilities	393	373	140
National Oceanographic and Atmospheric Administration	Procurement, Acquisition, and Construction	100	109	186
DEPARTMENT OF JUSTICE				
General Administration	Office of the Inspector General	0.02	0.02	0
Federal Bureau of Investigation	Salaries and Expenses	4	4	10.02
Drug Enforcement Agency	Salaries and Expenses	1	1	1
Bureau of Alcohol Tobacco Firearms and Explosives	Salaries and Expenses	0.23	0.23	0.23
Federal Prison System	Buildings and Facilities	10	10	10
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION				
	Construction and Environmental Compliance and Restoration	4	15	15
LEGAL SERVICES CORPORATION				

Subcommittee / Bureau	Account/ Program	President's Request	112th Congress Senate-passed H.R. 1	113th Congress P.L. 113-2 (H.R. 152)
	Payment to LSC	1	1	1
Defense				
DEPARTMENT OF DEFENSE				
Operations and Maintenance	Operations and Maintenance, Army	5.37	5.37	5.37
Operations and Maintenance	Operations and Maintenance, Navy	41.2	40.015	40.015
Operations and Maintenance	Operations and Maintenance, Air Force	8.5	8.5	8.5
Operations and Maintenance	Operations and Maintenance, Army National Guard	3.165	3.165	3.165
Operations and Maintenance	Operations and Maintenance, Air National Guard	5.775	5.775	5.775
Procurement	Procurement of Ammunition, Army	1.31	1.31	1.31
Revolving and Management Funds	Defense Working Capital Funds	24.2	24.2	24.2
Energy & Water Development, and Related Agencies				
U.S. ARMY CORPS OF ENGINEERS				
	Investigations	30	50	50
	Construction	3,829	3,461	3,461
	Operations and Maintenance	899	821	821
	Flood Control and Coastal Emergencies	592	1,008	1,008
	Expenses	0	10	10
Financial Services and General Government				
GENERAL SERVICES ADMINISTRATION				
Real Property Activities	Federal Buildings Fund	7	7	7
SMALL BUSINESS ADMINISTRATION				
	Salaries and Expenses	50	40	20
	Office of the Inspector General	5	5	5

Subcommittee / Bureau	Account/ Program	President's Request	112th Congress Senate-passed H.R. 1	113th Congress P.L. 113-2 (H.R. 152)
	Disaster Loan Program Account	750	760	779
Homeland Security				
DEPARTMENT OF HOMELAND SECURITY				
Customs and Border Protection	Salaries and Expenses	2.402	1.667	1.667
Immigration and Customs Enforcement	Salaries and Expenses	0.855	0.855	0.855
Coast Guard	Operating Expenses	66.844	[d]	[d]
Coast Guard	Acquisition, Construction and Improvements	207.389	274.233	274.233
Secret Service	Salaries and Expenses	0.3	0.3	0.3
Federal Emergency Management Agency	Disaster Relief Fund	11,500	11,484.735	11,484.735
Federal Emergency Management Agency	Disaster Assistance Direct Loan Program	300	300	300
Science and Technology	RDAO	3.249	3.249	3.249
Domestic Nuclear Detection Office	Systems Acquisition	3.869	3.869	3.869
Office of the Inspector General	(by transfer)	0	3	3
	National Flood Insurance Fund[c]	9,700	9,700	0
	General Provisions for this title	0	13	0
Interior, Environment, and Related Agencies				
DEPARTMENT OF THE INTERIOR				
US Fish and Wildlife Service	Resource Management	400	0	0
US Fish and Wildlife Service	Construction	78	78	68.2
National Park Service	Historic Preservation Fund	0	50	50
National Park Service	Construction	348	348	348
Bureau of Safety and Environmental Enforcement	Oil Spill Research	3	3	3

Subcommittee / Bureau	Account/ Program	President's Request	112th Congress Senate-passed H.R. 1	113th Congress P.L. 113-2 (H.R. 152)
Departmental Operations	Office of the Secretary	0	150	360
ENVIRONMENTAL PROTECTION AGENCY				
	Environmental Programs and Management	0.725	0.725	0.725
	Hazardous Substance Superfund	2	2	2
	Leaking Underground Storage Tank Trust Fund	5	5	5
	State and Tribal Assistance Grants	610	810	600
DEPARTMENT OF AGRICULTURE (FOREST SERVICE)				
Forest Service	Capital Improvement and Maintenance	4.4	4.4	4.4
SMITHSONIAN INSTITUTION				
	Salaries and Expenses	2	2	2
Labor, Health and Human Services, Education, and Related Agencies				
DEPARTMENT OF LABOR				
Employment and Training Administration	Training and Employment Services	50	50	25
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Administration for Children and Families	Social Services Block Grant	500	500	500[f]
Administration for Children and Families	Children and Families Services Programs	100	100	100[f]
Departmental Management	Public Health and Social Services Emergency Fund	200	200	195[f]
Office of the Inspector General	(by transfer)	0	0	5[f]
SOCIAL SECURITY ADMINISTRATION				
	Limitation on Administrative Expenses	2	2	2[e]
Military Construction, Veterans Affairs and Related Agencies				
DEPARTMENT OF DEFENSE (MILITARY CONSTRUCTION)				
Military Construction	Military Construction, Army National Guard	24.235	24.2	24.235

Subcommittee / Bureau	Account/ Program	President's Request	112th Congress Senate-passed H.R. 1	113th Congress P.L. 113-2 (H.R. 152)
DEPARTMENT OF VETERANS AFFAIRS				
Veterans Health Administration	Medical Services	21	21	21
Veterans Health Administration	Medical Facilities	6	6	6
National Cemetery Administration		1.1	1.1	2.1
Departmental Administration	IT Systems	0.531	0.5	0.531
Departmental Administration	Construction, Major Projects	207	207	207
Transportation, Housing and Urban Development, and Related Agencies				
DEPARTMENT OF TRANSPORTATION				
Federal Aviation Administration	Facilities and Equipment	30	30	30
Federal Highway Administration	Emergency Relief Program	308	921	2,022
Federal Railroad Administration	Grants to the National Railroad Passenger Corporation	32	336	118
Federal Transit Administration	Public Transportation Emergency Relief Program	11,700	10,777	10,894
Office of the Inspector General	(by transfer)	0	6	6
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Community Planning and Development	Community Development Fund	17,000	16,990	15,990
Office of the Inspector General	(by transfer)	0	10	10
	TOTAL	**$60,408.669**	**$60,407.418**	**$50,507.684**

Source: CRS analysis of FY2013 Supplemental Appropriations Request, as transmitted in a letter from Jeffrey D. Zients, Deputy Director for Management, to the Honorable John Boehner, Speaker of the House of Representatives, December 7, 2012; H.R. 1, 112th Congress; H.R. 152, 113th Congress. Funding levels are in millions of dollars of budget authority.

Notes: Enacted funding levels are pre-sequestration.

a. The Administration requested funding for the Commodity Credit Corporation (CCC) to carry out program activities authorized under the Emergency Forest Restoration Program. The Senate amendment does not refer to the CCC as the authorized funding mechanism, but rather appropriates funds directly to the Emergency Forest Restoration Program.

b. This is described as funding for "Watershed and Flood Prevention Operations" in the Administration's request.

c. P.L. 113-1 was signed into law on January 6, 2013, providing the $9,700 million in additional borrowing authority requested for the National Flood Insurance Program.

d. Transfer authority is provided to other Coast Guard accounts from Coast Guard Acquisition, Construction and Improvements.

e. The House derives these funds from unobligated balances, therefore they do not add to the bill's budgetary score, according to CBO.

f. P.L. 113-2 appropriates $800 million to the PHSSEF account, but requires the HHS Secretary to transfer specified portions of these funds as follows: $500 million to the SSBG, $100 million to the Head Start program (within the Children and Families Services Programs account), and at least $5 million to the HHS Office of the Inspector General (OIG). The remaining $195 million remains available to the HHS Secretary for other activities in the PHSSEF account.

Disaster Relief and Emergency Funding Under the Budget Control Act

The Budget Control Act (BCA)[5] changed the way Congress accounted for federal funding for disaster response and recovery. In previous years, Congress provided funds over and above limits on discretionary appropriations by designating additional appropriations as being for emergency needs. Budget authority provided in this manner did not count against funding limitations on discretionary spending in budget resolutions.

Although the BCA included legislation allowing for emergency appropriations, the new law included provisions that outlined separate treatment for disaster relief,[6] as distinct from emergency funding. 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 an amount based on the 10-year rolling average of what has been spent by the federal government on relief efforts for major disasters.[7]

This disaster relief allowable adjustment for FY2013 was $11.8 billion. Under the continuing resolution signed into law on September 28, 2012 (P.L. 112-175), the amount of disaster relief (as defined under the BCA) that would be provided if the resolution were extended for the full fiscal year was $6.4 billion. This was the first time under the BCA that in the wake of a major disaster more relief funding was sought than could be accommodated under the allowable adjustment.

The Administration proposed designating all of the supplemental funding it sought as an emergency requirement, with the exception of a portion of the request for the Disaster Relief Fund (DRF), which would be designated as being for disaster relief under the BCA. The Administration noted in the letter accompanying the request that it was unclear how much of the disaster relief allowable adjustment might be available pending the finalization of general FY2013 appropriations, and that therefore these numbers could require adjustment. Senate-passed H.R. 1 proposed that $5,379 million in DRF funding be designated for disaster relief under the BCA, with all but $3,461 million (for Army Corps of Engineers construction activities)[8] of the remaining funding in the bill designated as emergency funding.

P.L. 113-2 contained $41,669 million in emergency funding, $5,379 million for the DRF designated as disaster relief, and $3,461 million for Army Corps of Engineers construction activities that would count against the discretionary budget caps.[9]

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[5] P.L. 112-25.

[6] The BCA also specifically defined "disaster relief" as being federal government assistance provided pursuant to a major disaster declared under the Stafford Act.

[7] For a more extensive discussion of this structure, see CRS Report R42352, *An Examination of Federal Disaster Relief Under the Budget Control Act*.

[8] The emergency designation for the Army Corps of Engineers Construction account was stricken by a point of order on the Senate floor. See *Congressional Record,* December 21, 2012, pp. S8341-S8342.

[9] CBO, "Estimate of the Disaster Relief Appropriations Act, 2013 (H.R. 152) as Cleared by Congress for the President's Signature on January 28, 2013," January 29, 2013. The total score against the discretionary budget cap was $2 million lower due to conversion of some unobligated balances of budget authority to emergency funding in the bill.

Offsetting Disaster Relief

One potential method for accommodating disaster response and recovery costs beyond the allowable adjustment for disaster relief would be offsetting the additional spending through rescissions or other means that would reduce the net budgetary scoring of the bill.

Traditionally, supplemental funding for the DRF has been treated as emergency spending—it was not counted against discretionary budget caps, nor was an offset required. However, supplemental spending packages have at times carried rescissions or transfers that have offset, to one degree or another, the budgetary impact of other forms of disaster assistance that could be defined as "disaster relief" under the BCA.

Of the 59 bills passed with supplemental appropriations from 1990 to the end of 2012, 6 were fully offset by rescissions. Only one of those actually provided net additional resources for the DRF—the Emergency Supplemental and Rescissions for Antiterrorism and Oklahoma City Disaster, 1995 (P.L. 104-19). In other cases, the DRF was used as an offset for disaster assistance provided through other federal entities.[10]

Offsetting the Obama Administration's supplemental request in the wake of Hurricane Sandy, however, would have been complicated by two key factors. First, as the federal government was operating under a continuing resolution, there was no baseline appropriation in the current fiscal year from which to offset. It is also worth noting the scale of the offset that would have been required: had the request been an FY2012 annual appropriations bill, it would have been the fourth largest of the group. The budget authority sought in the request exceeded the size of the three smallest appropriations bills from that year combined—even if none of the nearly $13 billion in the Administration's mitigation request were counted.

The Obama Administration's request, Senate-passed H.R. 1, and P.L. 113-2 did not include offsets, and the Administration's request letter and Statement of Administration Policy on H.R. 152 specifically stated the Administration's position that the funding could and should be provided without offset.[11] However, an amendment was offered in the House to offset $17 billion of disaster assistance from H.R. 152 by making an across-the-board cut of 1.63% to FY2013 discretionary spending. This amendment did not pass by a vote of 162-258.[12] A Senate amendment to offset the entire cost of H.R. 152 through reducing the caps on discretionary spending through FY2021 also was not agreed to by a vote of 35-62.[13]

When the Senate struck the emergency designation for Army Corps of Engineers construction activities, it allowed $3,461 million of Senate-passed H.R. 1 to count against the FY2013 discretionary budget caps. P.L. 113-2 gave the same treatment to the $3,461 million it provides for Army Corps of Engineers construction. This means that $3,461 million in discretionary budget authority that would have been available to resolve the FY2013 regular appropriations legislation has been expended, and the final resolution of the FY2013 appropriations process had to accommodate that reality to avoid violating the budget caps.[14]

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[10] A fuller discussion of this issue can be found in CRS Report R42458, *Offsets, Supplemental Appropriations, and the Disaster Relief Fund: FY1990-FY2013*.

[11] 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, and OMB, "Statement of Administration Policy: Disaster Relief Appropriations Act, 2013—H.R. 152," January 14, 2013.

[12] H.Amdt. 4 to H.R. 152 (Roll No.14), January 15, 2013.

[13] S.Amdt. 4 to H.R. 152 (Record Vote Number 3), January 28, 2013.

[14] An unrelated provision has the effect reducing discretionary spending by $2 million in FY2013, so the net (continued...)

Is the "Sandy Supplemental" Just for Hurricane Sandy?

It is not common practice to have a supplemental appropriations bill focus on a single event to the exclusion of all other purposes, despite the practice of colloquially naming supplemental appropriations legislation for a particular event or problem that has drawn public attention. Appropriations for the 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.

More than 80% of the individual appropriations in P.L. 113-2 had uniform explicit language accompanying them that specified the funding provided was "for necessary expenses related to the consequences of Hurricane Sandy." Of the ten appropriations which did not carry that specific language, seven of them (including the three largest appropriations in the act) were either for disaster relief-specific programs or carried language limiting the usage of the entire appropriation provided to disaster relief and recovery activities. All instances of funding in P.L. 113-2 not covered by the uniform controlling language are shown in **Table 2,** along with explanatory notes. In cases where controlling language accompanied the appropriation it is highlighted with **bold** type.

(...continued)

accommodation required was $3,459 million.

Table 2. Appropriations in P.L. 113-2 Provided Without Uniform Language Restricting Their Use to "Necessary Expenses Related to the Consequences of Hurricane Sandy."

Other Sandy-specific controlling language, when present, is in **bold type**

Department / Agency	Appropriation	Citation	Legislative Language	Notes
Department of Commerce	National Oceanographic and Atmospheric Administration; Operations, Research, and Facilities	127 Stat. 19	For an additional amount for "Operations, Research, and Facilities", $290,000,000 (reduced by $150,000,000) to remain available until September 30, 2014, as follows: (1) $50,000,000 for **mapping, charting, geodesy services and marine debris surveys for coastal States impacted by Hurricane Sandy**; (2) $7,000,000 **to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy**; (3) $3,000,000 to provide technical assistance **to support State assessments of coastal impacts of Hurricane Sandy**; (4) $25,000,000 to improve weather forecasting and hurricane intensity forecasting capabilities, to include data assimilation from ocean observing platforms and satellites; (5) $50,000,000 for laboratories and cooperative institutes research activities associated with sustained observations weather research programs, and ocean and coastal research; and (6) $5,000,000 for necessary expenses related to fishery disasters during calendar year 2012 that were declared by the Secretary of Commerce **as a direct result of impacts from Hurricane Sandy:**	This funding in (4) and (5) supported disaster preparedness capabilities beyond the explicit scope of Hurricane Sandy.
	National Oceanographic and Atmospheric Administration; Procurement, Acquisition and Construction	127 Stat. 19	For an additional amount for "Procurement, Acquisition and Construction", $186,000,000, to remain available until September 30, 2015, as follows: (1) $9,000,000 to **repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy**; (2) $44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; (3) $8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure; (4) $13,000,000 to accelerate the National Weather Service ground readiness project; and (5) $111,000,000 for a weather satellite data mitigation gap reserve fund:	This funding supported disaster preparedness capabilities beyond the explicit scope of Hurricane Sandy.

Department / Agency	Appropriation	Citation	Legislative Language	Notes
Small Business Administration	Disaster Loans Program Account	127 Stat. 27	For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, $520,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974: Provided further, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, an additional $260,000,000 to remain available until expended, of which $250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses, and of which $10,000,000 is for indirect administrative expenses for the direct loan program, which may to be transferred to and merged with appropriations for Salaries and Expenses: …	While the SBA's technical assistance grants provided in the legislation were restricted to businesses recovering from Hurricane Sandy, the availability of small business disaster loans was not restricted by this legislation. However, the program itself is specifically tied to disaster assistance.
Department of Homeland Security	Federal Emergency Management Agency; Disaster Relief Fund	127 Stat. 28	For an additional amount for the "Disaster Relief Fund" in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $11,487,735,000, to remain available until expended: Provided , That of the total amount provided, $5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That the amount in the preceding proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the total amount provided, $6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further…	DRF appropriations are generally not restricted by incident. The usage of these funds is controlled by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707; the Stafford Act), the authorizing statute for the DRF.
	Federal Emergency Management Agency; Disaster Assistance Direct Loan Program	127 Stat. 29	For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans, $300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to $4,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $400,000,000: …	No restrictions on communities otherwise eligible for direct loans under the Community Disaster Loan Program, funded through this account.

Department / Agency	Appropriation	Citation	Legislative Language	Notes
Environmental Protection Agency	State and Tribal Assistance Grants	127 Stat. 31	For an additional amount for "State and Tribal Assistance Grants", $600,000,000, to remain available until expended, of which $500,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, and of which $100,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: Provided, **That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States in EPA Region 2 for wastewater and drinking water treatment works and facilities impacted by Hurricane Sandy:**	This construction was necessary to use the program without using its typical formula for distributing funds nationwide, but in the end creates a virtually identical restriction—although Region 2 does not exactly conform to the full areas with Stafford Act declared disasters due to Hurricane Sandy, the last words ensure the funds are targeted to Sandy-damaged works and facilities.
Department of Transportation	Federal Highway Administration Emergency Relief Program	127 Stat. 35	For an additional amount for the "Emergency Relief Program" as authorized under section 125 of title 23, United States Code, $2,022,000,000, to remain available until expended: *Provided*, That the obligations for projects under this section resulting from a single natural disaster or a single catastrophic failure in a State shall not exceed $100,000,000, and the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $20,000,000: **Provided further, That notwithstanding the preceding proviso, the Secretary of Transportation may obligate more than $100,000,000, but not more than $500,000,000, for a single natural disaster event in a State for emergency relief projects arising from damage caused in calendar year 2012 by Hurricane Sandy:**	Aid to states not impacted by Hurricane Sandy seemed to be capped at $100 million per "natural disaster or … single catastrophic failure in a State," while the Department could have approved a single project in each state for Sandy-related emergency relief of up to $500 million.
	Grants to the National Railroad Passenger Corporation	127 Stat. 35	For an additional amount for "Grants to the National Railroad Passenger Corporation" for the Secretary of Transportation to make capital and debt service grants to the National Railroad Passenger Corporation **to advance capital projects that address Northeast Corridor infrastructure recovery and resiliency in the affected areas**, $86,000,000, to remain available until expended:	This limiting structure was not identical to the "consequences" structure as it allowed for "infrastructure recovery and resiliency" capital projects, but had a similar effect in terms of limiting the geographic range of availability.

Department / Agency	Appropriation	Citation	Legislative Language	Notes
Department of Transportation (continued)	Public Transportation Emergency Relief Program	127 Stat 35-36	For the "Public Transportation Emergency Relief Program" as authorized under section 5324 of title 49, United States Code, $10,900,000,000, to remain available until expended, **for recovery and relief efforts in the areas most affected by Hurricane Sandy**.… That of the funds provided under this heading, the Secretary of Transportation may transfer up to $5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, **in order to carry out projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy.**	Again, this limiting structure was not identical to the "consequences" structure, but had a similar effect in terms of limiting the geographic range of availability.
Department of Housing and Urban Development	Community Development Block Grants	127 Stat 36	For an additional amount for "Community Development Fund", $16,000,000,000, to remain available until September 30, 2017, for necessary expenses related to 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 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) **due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013,** for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.):	This expressly allowed the appropriated funds to be expended for a variety of expenses related to all major disasters declared in calendar years 2011, 2012 and 2013.

Source: CRS analysis of P.L. 113-2.

Comparing Past or Future Disasters to Hurricane Sandy[15]

As Congress debated the provision of supplemental funding in the wake of Hurricane Sandy, some commentators compared the scope and magnitude of Hurricane Sandy to past disasters. Generally, comparisons were drawn to other major disasters in recent memory, including Hurricane Irene of 2011 because of the similarities in geographic region impacted, and Hurricanes Katrina of 2005 and Andrew of 1992 because of their scope and magnitude of damage. Some comparisons spoke to the loss of life, others to the disruption of daily activities of citizens, and other to the relative impacts on the local and regional economies.[16] While these comparisons helped provide a level of perspective on the scale of devastation, it is important to note that all disasters, and especially disasters of the magnitude of Hurricane Sandy, are produced by a set of unique circumstances that result in an equally unique set of needs for assistance from the federal government.

Two major concepts may be useful to keep in mind when comparing the need for federal assistance following disasters. First, because of the principles of federalism in emergency management—that the federal government generally provides assistance to supplement the work of state, tribal, and local governments only after they become overwhelmed and only at their request—the varying capabilities of a state/tribal/local government can change the types and scope of assistance provided by the federal government. This issue was discussed by former Administrator of FEMA, Craig Fugate, in testimony on Hurricane Sandy. In reference to the denial of an application for one form of disaster assistance (individual assistance), Fugate explained that decisions to provide federal assistance are based not upon the need of any particular individual, but upon the need of the state as a whole and whether the state is capable of addressing that need without federal assistance.[17]

Second, the relative levels of federal assistance required for each disaster depend on the proportional impact to various sectors of the community. For example, a particular disaster may destroy one community's business district and overwhelm the ability of the state to respond to that impact, while another may significantly damage the majority of the community's public facilities. In the first disaster, the assistance from the federal government may be noteworthy for the relatively large amount of loan assistance provided by the Small Business Administration, while the second disaster may be noteworthy for the relatively large amount of assistance provided through the FEMA's Public Assistance (PA) program.

Some additional disaster-specific factors that may inhibit the comparability of disasters include:

- The comparative density and socioeconomic status of the impacted populations;
- The percentage of properties and private/public losses that were insured, and the adequacy of the insurance coverage; and
- The number of jurisdictions impacted by the disasters, and whether these jurisdictions span multiple states requiring greater federal coordination of the response and recovery effort.

[15] Prepared by Jared Brown, Analyst in Emergency Management Policy.

[16] For a description of how economic damage is difficult to evaluate in particular, see http://libertystreeteconomics.newyorkfed.org/2012/12/what-are-the-costs-of-superstorm-sandy.html.

[17] U.S. Congress, House Committee on Transportation and Infrastructure, *A Review of the Preparedness, Response to and Recovery from Hurricane Sandy*, 112th Cong., 2nd sess., November 4, 2012.

Author Information

William L. Painter, Coordinator
Analyst in Emergency Management and Homeland Security Policy

Jared T. Brown
Analyst in Emergency Management and Homeland Security Policy

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