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2017 Disaster Supplemental Appropriations: Overview

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Specialist in Homeland Security and Appropriations

January 25, 2018

Congressional Research Service

7-....

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.

Two supplemental appropriations bills have been enacted in response to Administration requests made in September and October 2017 in the wake of these incidents, providing \$34.5 billion in new budget authority and canceling \$16.0 billion in debt held by the National Flood Insurance Fund. The Administration made a third supplemental appropriations request for disaster relief and recovery funding in November 2017, seeking roughly \$44.0 billion in additional funding. In response, in December 2017, the House of Representatives passed H.R. 4667, which included \$81.0 billion in additional funding, as well as other matters. H.R. 4667 is currently awaiting action in the Senate. This report provides a detailed breakdown of the requested, enacted, and proposed supplemental funding in each of these measures, and provides a contact listing for CRS experts on the funded relief and recovery programs.

As Congress weighs this legislation 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 speed of the response, and how to ensure that the funding provided is not spent on wasteful or fraudulent endeavors. This report also briefly explores those issues.

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Overview

2017 Disasters: Hurricanes and California Wildfires

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.¹

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.² Four named storms made landfall on U.S. soil, three of which were major hurricanes, 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. In total, 57 major disasters³ were declared 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).

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 beared [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

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

¹ NOAA National Centers for Environmental Information (NCEI), “U.S. Billion-Dollar Weather and Climate Disasters (2018),” <https://www.ncdc.noaa.gov/billions/overview>.

² 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 January 10, 2018.

³ Data drawn from <https://www.fema.gov/disasters> on January 6, 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.*

⁷ Tallahassee, Florida, Weather Forecast Office, National Weather Service, “Detailed Meteorological Summary on (continued...)”

Category 5 strength—characterized by sustained winds of 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 have 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 largest of these was the Thomas Fire in Ventura and Santa Barbara Counties, which began on December 4, 2017, and which, fed by strong winds and dry conditions, is the largest wildfire on record in the state and has destroyed or damaged over 1,000 structures.

2017 Disaster Supplemental Appropriations

Enacted 2017 Hurricane Season Supplemental Appropriations

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

(...continued)

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.

September 2017 Requested Supplemental

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

On October 4, 2017, the Trump Administration made an additional request for \$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 had previously concerned bankruptcy judgeships. The further 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.

Table 1 details the requested and enacted appropriations in the wake of the storms and fires of 2017 by subcommittee of jurisdiction. Items in brackets reflect funding provided by an authorization of the use of previously appropriated funds or transfers from elsewhere in the legislation.

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.

Table I. Enacted Supplemental Appropriations After 2017 Hurricanes

(\$millions, rounded, discretionary budget authority)

Appropriations Subcommittee Agency/Bureau Appropriation	FY2017		FY2018		Totals	
	9/1/17 Request	P.L. 115-56	10/4/17 Request	P.L. 115-72	Requested	Enacted
Agriculture						
Department of Agriculture						
Supplemental Nutrition Assistance Program ^a	—	—	—	[1,270] ^a	—	[1,270] ^a
Financial Services/General Government						
Small Business Administration						
Disaster Loan Program	450	450	—	—	450	450
Homeland Security						
Department of Homeland Security						
Office of Inspector General						
Operations and Support ^b	—	—	—	[10] ^b	—	[10] ^b
Federal Emergency Management Agency						
Disaster Relief Fund (DRF)	7,400	7,400	12,700	18,670	20,100	26,070
<i>DRF after Transfers</i>	<i>7,400</i>	<i>7,400</i>	<i>12,700</i>	<i>13,760</i>	<i>20,100</i>	<i>21,160</i>
Disaster Assistance Direct Loan Program Account ^b			—	[4,900] ^b	—	[4,900] ^b
National Flood Insurance Fund ^c	—	—	16,000 ^c	16,000 ^c	16,000 ^c	16,000 ^c
Interior/Environment						
Forest Service						
Wildland Fire Management	—	—	—	185	—	185
FLAME Wildfire Suppression Reserve Fund	—	—	—	342	—	342

Appropriations Subcommittee Agency/Bureau Appropriation	FY2017		FY2018		Totals	
	9/1/17 Request	P.L. 115-56	10/4/17 Request	P.L. 115-72	Requested	Enacted
Department of the Interior Department-wide Programs Wildland Fire Management	—	—		50		50
Transportation/Housing and Urban Development						
Department of Housing and Urban Development Community Development Fund	—	7,400	—	—	—	7,400

Source: CRS analysis of OMB request letters, P.L. 115-56 and P.L. 115-72.

Notes:

- a. P.L. 115-72 authorized the use of Supplemental Nutrition Assistance Program contingency reserve funds for a grant to support Puerto Rico’s Nutrition Assistance Program through the end of FY2019.
- b. Provided as a transfer from the DRF.
- c. This is a cancellation of debt owed by the fund, rather than an appropriation.

November Requested Supplemental Appropriations

The 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, which has not taken further action.¹⁷

Table 2 provides a breakdown of the supplemental appropriations requests by subcommittee of jurisdiction, and the response by the House of Representatives in Division A of H.R. 4667. Requests for specific authorities or legislative language are included based on the CBO's scoring of the provisions included in the committee print. For details on program operations and funding, as well as these other requests, 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, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/fy_2018_hurricanes_supp_111717.pdf.

¹⁶ See CRS Insight IN10843, *Supplemental Appropriations Proposed for Agriculture*, by (name redacted) ~~which~~ also includes a table and discussion of the additional legislation for cotton, dairy, and nutrition assistance that are in addition to amounts in **Table 2**.

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>).

Table 2. Third 2017 Hurricane Season Supplemental Appropriations Request
(\$millions, rounded, budget authority)

Appropriations Subcommittee				House-Passed H.R. 4667, Div. A
Department/Agency	Bureau or Other Entity	Account	Request	
Agriculture			\$992	\$3,801
Department of Agriculture	Office of the Secretary	[Block Grants for Agricultural Disasters]	—	2,600
	Office of Inspector General	Office of Inspector General	1	3
	Agricultural Research Service	Buildings and Facilities	22	22
	Farm Service Agency	Emergency Conservation Program	375	400
		Emergency Forest Restoration Program	50	—
		Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish ^a	40	20
	Natural Resources Conservation Service	Watershed and Flood Prevention Operations	500	541
	Rural Development	Rural Housing Insurance Fund Program Account	4	19
		Rural Water and Waste Disposal Program	—	165
	Food and Nutrition Service	Commodity Assistance Program	—	24
Department of Health and Human Services	Food and Drug Administration	Buildings and Facilities	—	8
Commerce/Justice/Science			494	984
Department of Commerce	Economic Development Administration	Economic Development Assistance Programs	300	600
		Operations, Research, and Facilities	51	121
	National Oceanic and Atmospheric Administration	Procurement, Acquisition and Construction	29	79

Appropriations Subcommittee				House-Passed H.R. 4667, Div. A	
Department/Agency	Bureau or Other Entity	Account	Request		
Department of Justice	United States Marshals Service	Salaries and Expenses	—	3	
	Federal Bureau of Investigation	Salaries and Expenses	5	21	
	Drug Enforcement Administration	Salaries and Expenses	2	12	
	Federal Prison System	Salaries and Expenses	11	16	
		Buildings and Facilities	30	34	
National Aeronautics and Space Administration	n/a	Construction and Environmental Compliance and Restoration	58	81	
National Science Foundation	n/a	Research and Related Activities	8	16	
Legal Services Corporation	n/a	Payment to the Legal Services Corporation	—	1	
Defense			442	434	
Department of Defense	Operation and Maintenance	Operations and Maintenance, Army	20	20	
		Operations and Maintenance, Navy	268	268	
		Operations and Maintenance, Marine Corps	18	18	
		Operations and Maintenance, Air Force	21	21	
		Operations and Maintenance, Defense-wide	3	3	
		Operations and Maintenance, Army Reserve	13	13	
		Operations and Maintenance, Navy Reserve	3	3	
		Operations and Maintenance, Air Force Reserve	6	6	
		Operations and Maintenance, Army National Guard	55	55	
		Procurement	Other Procurement, Navy	26	18
	Revolving and Management Funds	Working Capital Fund, Navy	9	9	
Other Department of Defense Programs	Defense Health Program	1	1		

Appropriations Subcommittee			House-Passed H.R. 4667, Div. A	
Department/Agency	Bureau or Other Entity	Account	Request	
Energy And Water Development			515	12,112
Corps of Engineers—Civil Works	n/a	Investigations	—	75
	n/a	Construction	15	10,480
	n/a	Mississippi River and Tributaries	—	370
	n/a	Operations and Maintenance	323	608
	n/a	Flood Control and Coastal Emergencies	162	537
	n/a	Expenses	—	20
Department of Energy	Energy Programs	Electricity Delivery and Energy Reliability	10	13
		Strategic Petroleum Reserve	6	9
Financial Services and General Government			1,786	1,786
General Services Administration	Real Property Activities	Federal Buildings Fund	122	127
Small Business Administration	Small Business Administration	Disaster Loans Program Account	1,652	1,652
		Office of Inspector General	7	7
Judicial Branch	Courts of Appeals, District Courts, and Other Judicial Services	Salaries and Expenses	5	—
Homeland Security			24,164	28,612
Department of Homeland Security	Office of Inspector General	Operations and Support	—	25
	U.S. Customs and Border Protection	Operations and Support	146	104
		Procurement, Construction, and Improvements	3	3
	U.S. Immigration and Customs Enforcement	Operations and Support	36	31
		Procurement, Construction, and Improvements	33	33
	Transportation Security Administration	Operations and Support	11	10

Appropriations Subcommittee				House-Passed
Department/Agency	Bureau or Other Entity	Account	Request	H.R. 4667, Div. A
	United States Coast Guard	Operating Expenses	112	112
		Environmental Compliance and Restoration	—	4
		Acquisition, Construction, and Improvements	312	719
	Federal Emergency Management Agency	Operations and Support	—	59
		Procurement, Construction, and Improvements	—	1
		Disaster Relief Fund	23,500	27,500
	Federal Law Enforcement Training Center	Operations and Support	5	5
		Procurement, Construction, and Improvements	4	5
			576	616
Interior/Environment				
Department of the Interior	United States Fish and Wildlife Service	Construction	211	211
	National Park Service	Operation of the National Park System	25	—
		Construction (and Major Maintenance)	183	208
		Historic Preservation Fund	18	18
	United States Geological Survey	Surveys, Investigations, and Research	33	42
	Insular Affairs	Assistance to Territories	—	3
	Office of Inspector General	Salaries and Expenses	—	3
Environmental Protection Agency	n/a	Hazardous Substance Superfund	3	6
	n/a	Leaking Underground Storage Tank Trust Fund	7	7
Department of Agriculture	Forest Service	State and Private Forestry	8	8
		National Forest System	21	21
		Capital Improvement and Maintenance	69	92

Appropriations Subcommittee			Request	House-Passed H.R. 4667, Div. A
Department/Agency	Bureau or Other Entity	Account		
Labor/Health and Human Services/ Education			1,518	3,988
Department of Labor	Employment and Training Administration	Training and Employment Services	—	30
		Job Corps	31	31
		Unemployment Trust Fund ^b	-1	-1
Department of Health and Human Services ^c	Centers for Disease Control and Prevention (CDC)	CDC-Wide Activities and Program Support	—	200
	Departmental Management	Public Health and Social Services Emergency Fund	252	177
	Administration for Children and Families	Children and Families Services Programs (Head Start)	—	650
Department of Education	Hurricane Education Recovery	Hurricane Education Recovery ^d	1,235	2,900
Legislative Branch			—	14
Government Accountability Office	n/a	Salaries and Expenses	—	14
Military Construction/Veteran Affairs			814	814
Department of Defense	Military Construction	Navy and Marine Corps	202	202
		Army National Guard	519	519
Department of Veterans Affairs	Veterans Health Administration	Medical Services	11	11
		Medical Support and Compliance	3	3
		Medical Facilities	75	75
	Departmental Administration	Construction, Minor Projects	4	4
Transportation/Housing and Urban Development			12,696	27,828
Department of Transportation	Federal Aviation Administration	Operations (Airport and Airway Trust Fund)	—	35
		Facilities and Equipment (Airport and Airway Trust Fund)	72	80
	Federal Highway Administration	Emergency Relief Program	416	1,374

Appropriations Subcommittee				House-Passed
Department/Agency	Bureau or Other Entity	Account	Request	H.R. 4667, Div. A
	Federal Transit Administration	Public Transportation Emergency Relief Program	199	269
	Maritime Administration	Operations and Training	10	10
Department of Housing and Urban Development	Community Planning And Development	Community Development Fund	12,000	26,060
TOTAL			43,996	81,024

Source: CRS analysis of November 17, 2017, supplemental request letter, Division A of H.R. 4667, Rules Committee Print 115-50, and the associated CBO scoring documents.

Notes: The table does not reflect budgetary impacts beyond the supplemental appropriations title (Division A).

- a. The Administration proposed adding \$40 million for the Farm Service Agency’s Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish program in addition to \$20 million in existing statute. The House bill would change the limit in statute to \$40 million annually; CBO scores this provision (Sec. 101 of H.R. 4667) as resulting in \$20 million in additional spending in FY2018, as well as for each fiscal year going forward.
- b. The Administration proposed suspending through FY2018 the \$1.5 million in interest payments owed by the Virgin Islands to the Unemployment Trust Fund. CBO scores this provision (Sec. 804 of H.R. 4667) as a \$1 million reduction in budget authority in FY2018.
- c. The Administration proposed permanent legislative language for the Department of Health and Human Services, increasing the annual Repatriation funding cap from \$1 million to \$10 million. As this provision was not included in H.R. 4667 or the committee print, no CBO score is available and it is not included in the table.
- d. H.R. 4667 would provide up to \$320 million for Institutions of Higher Education, with the remainder of the funding being for K-12 education.

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—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.

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

The Budget Control Act (BCA, P.L. 112-25), 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 long-standing exception for funding designated as an emergency requirement.¹⁸

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, 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,¹⁹ and stoked controversy in some quarters over the potential for abuse.²⁰

When the BCA was passed, it provided for the emergency designation, as well as a more specifically defined limited adjustment specifically for disaster relief, distinct from emergency funding. The BCA defined “disaster relief” as being 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 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.²¹

¹⁸ This exception was first formalized in the Budget Enforcement Act of 1990 (P.L. 101-508).

¹⁹ 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.

²⁰ For more detailed information, see CRS Report R41564, *Emergency Designation: Current Budget Rules and Procedures*, by (name redacted)

²¹ For additional information on the allowable adjustment, see CRS Report R42352, *An Examination of Federal Disaster Relief Under the Budget Control Act*, and CRS Report R44415, *Five Years of the Budget Control Act's* (continued...)

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.²²

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.²³

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,²⁴ as well as calls for offsets to pay for them.²⁵ 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,²⁶ and although amendments to offset the cost of the legislation were considered in the House and Senate, they did not become law.²⁷

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

(...continued)

Disaster Relief Adjustment.

²² See CRS Report R44937, *Congressional Action on the FY2013 Disaster Supplemental*, for details on the initial use of the emergency designation for disaster relief in the BCA era.

²³ For more details on offsets and the DRF, see CRS Report R42458, *Offsets, Supplemental Appropriations, and the Disaster Relief Fund: FY1990-FY2013*.

²⁴ Koss, Geof, "Senate Democrats Preparing Disaster Response Bills" *CQ News*, November 14, 2012. Available at <http://www.cq.com/doc/news-4175335>.

²⁵ 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=bzR2QWhQbmtjMGxjdG52NXpIMSo0UQ>.

²⁶ 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.

²⁷ See CRS Report R42458, *Offsets, Supplemental Appropriations, and the Disaster Relief Fund: FY1990-FY2013*, pp. 9-12, for details of the debate on offsets for what became P.L. 113-2.

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.²⁸

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.²⁹ 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.

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.³⁰

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.

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.

For example, the "Hurricane Sandy" supplemental appropriations act (P.L. 113-2) had uniform language that specified many of its appropriations were "for necessary expenses related to the consequences of Hurricane Sandy." Most of these were for funding to accounts that usually do not provide traditional disaster assistance.

However, 10 provisions in the 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

²⁸ *Congressional Record*, December 21, 2012, pp. S8341-S8342.

²⁹ 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.

³⁰ 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 (name redacted).

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. 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. For example, before passage of the “Sandy Supplemental,” FEMA had already obligated almost \$3.4 billion from the DRF for declarations linked to Hurricane Sandy from appropriations provided in other measures,³¹ and at the end of 2017, almost twice the amount provided in the “Sandy Supplemental” for the DRF had been obligated by FEMA pursuant to disaster declarations from the storm.³² Similarly, funding for the DRF from recent supplemental appropriations will also be obligated for a wide range of recently declared and impending disasters.

Among the other appropriations not specifically directed to the consequences of Hurricane Sandy in P.L. 113-2 were 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.

Timeline 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. Within 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. Others are for costs incurred by state and local governments that are reimbursed by the federal government—projects to restore major infrastructure often follow this model and can take an extremely long time to obligate and spend 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 in 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. However, effective tracking of disaster relief spending by the federal government has been difficult.

In September 2016, the Government Accountability Office (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

³¹ 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.

³² 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.

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 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.³³

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.

Tracking Hurricane Sandy Funding

In the wake of Hurricane Sandy, 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.³⁴ 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 useful summaries of spending under the Disaster Relief Appropriations Act, 2013. The RATB had its mission extended and funded by Congress for FY2015,³⁵ but its authority lapsed at the end of that year and it shut down.

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

³³ 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>.

³⁴ See Section 904(d) of P.L. 113-2, 127 Stat. 18.

³⁵ See P.L. 113-235, 128 Stat. 2389.

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. 113-2.³⁶

The authoritativeness of the data that was gathered by the RATB and the PMO was arguably 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. 113-2.³⁷ This difference means the FEMA-reported data is not comparable with that of other agencies or departments.

In addition, agencies have different roles to play and engage in their relief activities on different timelines—some of FEMA's programs provide assistance in the initial response phases, while other agencies' programs support later recovery work, including reimbursement for completed projects years later. A comparison of how quickly programs obligate funding should take differences in mission and program structure into account.

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.

³⁶ 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.

³⁷ FEMA does not track their appropriations by the measure that provided them, but rather by the disaster declarations they respond to.

Table 3. 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 Insight IN10843, <i>Supplemental Appropriations Proposed for Agriculture</i>	(name redacted), [redacted]@crs.loc.gov 7-....
	Agricultural Research Service	Buildings and Facilities		
	Farm Service Agency	Emergency Conservation Program / Emergency Forest Restoration Program / Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish	CRS Report R42854, <i>Emergency Assistance for Agricultural Land Rehabilitation</i>	CRS In Focus IF10565, <i>Federal Disaster Assistance for Agriculture</i> CRS Report RS21212, <i>Agricultural Disaster Assistance</i>
			Natural Resources Conservation Service	
	Rural Development	Rural Housing Insurance Fund Program Account	CRS Report RL31837, <i>An Overview of USDA Rural Development Programs</i>	(name redacted), [redacted]@crs.loc.gov 7-....
		Rural Water and Waste Disposal Program		(name redacted), [redacted]@crs.loc.gov 7-....
Food and Nutrition Service	Commodity Assistance Program / Supplemental Nutrition Assistance Program	CRS Insight IN10843, <i>Supplemental Appropriations Proposed for Agriculture</i>	(name redacted), [redacted]@crs.loc.gov , 7-....	
Department of Health and Human Services	Food and Drug Administration	Buildings and Facilities	(name redacted), [redacted]@crs.loc.gov , 7-....	
COMMERCE, JUSTICE, SCIENCE AND THE JUDICIARY				
Department of Commerce	Economic Development Administration	Economic Development Assistance Programs	(name redacted), [redacted]@crs.loc.gov ..	
	National Oceanic and Atmospheric Administration	Operations, Research, and Facilities / Procurement, Acquisition and Construction	Harry Upton, [redacted]@crs.loc.gov ..	

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
Department of Justice	United States Marshals Service	Salaries and Expenses		(name redacted), [redacted]@crs.loc.gov...
	Federal Prison System	Salaries and Expenses / Buildings and Facilities		
	Federal Bureau of Investigation	Salaries and Expenses		
	Drug Enforcement Administration	Salaries and Expenses		(name redacted), [redacted]@crs.loc.gov...
National Aeronautics and Space Administration	n/a	Construction and Environmental Compliance and Restoration		(name redacted), [redacted]@crs.loc.gov7-....
National Science Foundation	n/a	Research and Related Activities	CRS Report R45009, <i>The National Science Foundation: FY2018 Appropriations and Funding History</i>	(name redacted), [redacted]@crs.loc.gov...
Legal Services Corporation	n/a	Payment to the Legal Services Corporation	CRS Report RL34016, <i>Legal Services Corporation: Background and Funding</i>	(name redacted), [redacted]@crs.loc.gov....
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		(name redacted), [redacted]@crs.loc.gov....
	Procurement	Other Procurement, Navy		
Department of Defense (cont.)	Revolving and Management Funds	Working Capital Fund, Navy		(name redacted), [redacted]@crs.loc.gov....
	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, [redacted]@crs.loc.gov.
Department of Energy	Energy Programs	Electricity Delivery and Energy Reliability		(name redacted), [redacted]@crs.loc.gov 7-.... (name redacted), [redacted]@crs.loc.gov.
		Strategic Petroleum Reserve		(name redacted), [redacted]@crs.loc.gov.
FINANCIAL SERVICES AND GENERAL GOVERNMENT				
General Services Administration	Real Property Activities	Federal Buildings Fund		(name redacted), [redacted]@crs.loc.gov.
Small Business Administration	Small Business Administration	Disaster Loans Program Account	CRS Report R44412, <i>SBA Disaster Loan Program: Frequently Asked Questions</i>	Bruce Lindsay, [redacted]@crs.loc.gov 7-....
Judicial Branch	Courts of Appeals, District Courts, and Other Judicial Services	Salaries and Expenses		Barry McMillion, [redacted]@crs.loc.gov, 7-....
HOMELAND SECURITY				
Department of Homeland Security	U.S. Customs and Border Protection	Operations and Support / Procurement, Construction, and Improvements		(name redacted), [redacted]@crs.loc.gov 7-....
	U.S. Immigration and Customs Enforcement	Operations and Support / Procurement, Construction, and Improvements		
	Transportation Security Administration	Operations and Support		(name redacted), [redacted]@crs.loc.gov

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
	United States Coast Guard	Operating Expenses / Environmental Compliance and Restoration / Acquisition, Construction, and Improvements		(name redacted), [redacted]@crs.loc.gov-....
	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>	(name redacted), [redacted]@crs.loc.gov7-.... Bruce Lindsay, [redacted]@crs.loc.gov7-....
		Disaster Assistance Direct Loan Program		(name redacted), [redacted]@crs.loc.gov-....
		National Flood Insurance Program	CRS Insight IN10768, <i>Floodplain Management and Flood Resilience: Current Policy and Considerations for Congress</i>	Diane Horn, [redacted]@crs.loc.gov-....
	Federal Law Enforcement Training Center	Operations and Support / Procurement, Construction, and Improvements		(name redacted), [redacted]@crs.loc.gov-....
INTERIOR AND ENVIRONMENT				
Department of the Interior	United States Fish and Wildlife Service	Construction		(name redacted), [redacted]@crs.loc.gov7-....
	National Park Service	Operation of the National Park System / Historic Preservation Fund / Construction		(name redacted), [redacted]@crs.loc.gov-....
	United States Geological Survey	Surveys, Investigations, and Research		(name redacted), [redacted]@crs.loc.gov7-....
	Insular Affairs	Assistance to Territories		(name redacted), [redacted]@crs.loc.gov7-....
Environmental Protection Agency	n/a	Hazardous Substance Superfund / Leaking Underground Storage Tank Trust Fund		Rob Esworthy, [redacted]@crs.loc.gov, 7-....

Agency	Bureau	Account	Background Report(s)	Expert, Email, and Phone
Department of Agriculture	Forest Service	State and Private Forestry / National Forest System / Capital Improvement and Maintenance		(name redacted), [redacted]@crs.loc.gov-....
Multiple Departments within the Subcommittee	Department of the Interior and U.S. Forest Service	Wildland Fire Management	CRS Report R45005, <i>Wildfire Management Funding: Background, Issues, and FY2018 Appropriations</i>	(name redacted), [redacted]@crs.loc.gov-....
LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND OTHER RELATED AGENCIES				
Department of Labor	Employment and Training Administration	Training and Employment Services / Job Corps		(name redacted), [redacted]@crs.loc.gov-....
	n/a	Unemployment Trust Fund		
Department of Health and Human Services	Centers for Disease Control and Prevention (CDC)	CDC-Wide Activities and Program Support		Sarah Lister, [redacted]@crs.loc.gov..
	Departmental Management	Public Health and Social Services Emergency Fund		
	Administration for Children and Families	Children and Families Services Programs (Head Start)	CRS Report RL30952, <i>Head Start: Background and Funding</i>	Karen Lynch, [redacted]@crs.loc.gov..
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>	(name redacted), [redacted]@crs.loc.gov , 7- (name redacted), [redacted]@crs.loc.gov....
MILITARY CONSTRUCTION / VETERANS AFFAIRS				
Department of Defense	Military Construction	Navy and Marine Corps / Army National Guard		Lynn Williams, [redacted]@crs.loc.gov-....
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, [redacted]@crs.loc.gov, 7-....
	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)		(name redacted), [redacted]@crs.loc.gov....
	Federal Highway Administration	Emergency Relief Program	CRS Report R43384, <i>Emergency Relief for Disaster-Damaged Roads and Transit Systems: In Brief</i>	Robert Kirk, [redacted]@crs.loc.gov-7-....
	Federal Transit Administration	Public Transportation Emergency Relief Program		William Mallett, [redacted]@crs.loc.gov-....
	Maritime Administration	Operations and Training		(name redacted), [redacted]@crs.loc.gov....
Department of Housing and Urban Development	Community Planning And Development	Community Development Fund		(name redacted), [redacted]@crs.loc.gov..
Multiple Departments Across Subcommittees	n/a	Offices of Inspector General	CRS Report R43814, <i>Federal Inspectors General: History, Characteristics, and Recent Congressional Actions</i>	(name redacted), [redacted]@crs.loc.gov-....

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