

CRS Report for Congress

Community Development Block Grant Funds in Disaster Relief and Recovery

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Summary

In the aftermath of presidentially declared disasters, Congress has used a variety of programs to help states and local governments finance recovery efforts, among them the Community Development Block Grant (CDBG) program. Over the years, Congress has appropriated supplemental CDBG funds to assist states and communities recover from such natural disasters as hurricanes, earthquakes, and tornadoes. In addition, CDBG funds supported recovery efforts in New York City following the terrorist attacks of September 11, 2001; in Oklahoma City following the bombing of the Alfred Murrah Building in 1995; and in the city and county of Los Angeles following the riots of 1992. In response to those calamities, CDBG funds were made available for short-term relief efforts, mitigation actions, and long-term recovery, and to provide housing and business assistance, infrastructure reconstruction, and public services.

In December 2005, Congress provided \$11.5 billion in CDBG assistance to the five states (Alabama, Florida, Louisiana, Mississippi, and Texas) affected by the Gulf Coast hurricanes of 2005. The funds were included in the Defense Appropriations Act for FY2006, P.L. 109-148 (119 Stat. 2779), and were designated to be used for “necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas.” In June 2006, Congress appropriated an additional \$5.2 billion in CDBG supplemental assistance as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery Act of 2006, P.L. 109-234, for Gulf Coast recovery activities.

This additional appropriation brought the total amount of CDBG supplemental assistance for Gulf Coast recovery activities to \$16.7 billion. It also included provisions that limit the amount states can use for administrative expenses to 5%; allow states to seek waivers of program requirements, except those related to fair housing, nondiscrimination, labor standards, and environmental review; sets aside \$1 billion for housing rehabilitation and repair activities, including public and assisted housing; prohibits the use of funds for activities that are reimbursable by or made available by Federal Emergency Management Agency (FEMA) or the Army Corp of Engineers; and require states to develop and HUD to approve state recovery plans that give priority in the use of funds for infrastructure development and rehabilitation and the development and rehabilitation of affordable rental housing

As a condition for the receipt of CDBG disaster recovery assistance, both P.L. 109-148 and P.L. 109-234 require that each of the five Gulf Coast states report quarterly on all awards and use of funds to the House and Senate Appropriations Committees. The acts do not prescribe the form these quarterly reports are to take nor the content they are to include. This report will be updated as events warrant.

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Community Development Block Grant Funds in Disaster Relief and Recovery

Background

The CDBG program, administered by the Department of Housing and Urban Development (HUD), is the federal government's largest and most widely available source of financial assistance to support state and local government-directed neighborhood revitalization, housing rehabilitation, and economic development activities. These formula-based grants are allocated to more than 1,100 entitlement communities (metropolitan cities with populations of 50,000 or more, and urban counties), the 50 states, Puerto Rico, and the insular areas of American Samoa, Guam, the Virgin Islands, and the Northern Mariana Islands. Grants are used to implement plans intended to address local housing, neighborhood revitalization, public services, and infrastructure needs, as determined by local officials with citizen input.

Due to the block grant nature of the program, local and state officials exercise a great deal of discretion in determining which combination of eligible activities (in 25 categories) to undertake when developing their community development plans. Eligible CDBG activities include historic preservation; real property acquisition, demolition, site preparation and disposition; economic development and job creation, including assistance to for-profit entities and establishment of revolving loan funds; housing assistance, including rehabilitation loans and grants; public service activities, including job counseling and employment training; and assistance to not-for-profit entities, including community development corporations and faith-based institutions.

Any of the eligible activities undertaken by a community must address at least one of the program's following three national objectives:

- principally benefit low and moderate income persons;
- aid in eliminating or preventing slums or blight; or
- meet particularly urgent community development needs because existing conditions pose a serious and immediate threat to the public.

It is this third program objective — meeting an urgent threat — that allows CDBG funds to be used to assist in disaster response activities.

The program's authorizing statute requires each state and entitlement community to allocate 70% of its CDBG funds to activities that primarily benefit low- and moderate-income persons. In response to previous disasters, HUD has

waived this provision in order to allow a community to address an urgent threat to the safety of residents.

CDBG Disaster Assistance

The CDBG program has been used frequently by the federal government to respond to natural and manmade catastrophes (for a list of CDBG disaster recovery appropriations see **Appendix Table A-1**). In general, Congress has provided increased flexibility and allocated additional CDBG funds to affected communities and states to help them respond to and recover from presidentially declared disasters. This includes allowing communities to reprogram CDBG funds to meet disaster-related needs, including short-term disaster relief, mitigation activities, and long-term recovery activities. In assisting communities and states in responding to disasters, HUD may expedite grant awards for affected communities in presidentially declared disaster areas, including allowing affected grantees to move up their CDBG program start dates.

Short-Term Disaster Relief. Past disaster relief legislation has allowed CDBG funds to fill gaps in Federal Emergency Management Agency (FEMA) and Small Business Administration (SBA) emergency relief activities. In general, such legislation prohibited CDBG funds from substituting for FEMA or SBA funding but allowed CDBG funds to be used for activities that are not reimbursable by FEMA or SBA. Typically, CDBG has been used to finance the removal of debris, the provision of extra security patrols, and the emergency restoration of essential services, such as water, sewer, electrical, and telecommunications. For instance, approximately \$250 million in CDBG funds were used to finance the emergency temporary restoration of utilities in the affected areas of Lower Manhattan following the destruction of the World Trade Center, and an additional \$500 million was made available for permanent utility restoration and infrastructure improvements.¹

Mitigation Activities. Mitigation activities are intended to lessen the impact of a disaster, and can range from such physical measures as the construction of levees to protect against flooding to buildings designed to withstand earthquakes. Mitigation activities may also involve training exercises and public awareness programs. Less typical is the use of CDBG to compensate businesses and workers for lost wages or revenues. Mitigation can take place at any time — before a disaster occurs, during an emergency, or after a disaster, during recovery or reconstruction.

Mitigation activities have involved the use of CDBGs to fund buyouts of real property in areas prone to a recurrence of the event. For instance, following the Midwest floods of 1993, CDBG and Hazard Mitigation Grants from FEMA were used to acquire privately-held real property within flood plain areas in the nine

¹ Lower Manhattan Development Corporation, *Partial Action Plan S-2 for Utility Restoration and Infrastructure Rebuilding*, prepared by the Lower Manhattan Development Corporation in partnership with Empire State Development and New York City Economic Development Corporation, available at [<http://www.renewnyc.com/content/pdfs/PAP%20S-2%20As%20Approved%20by%20HUD%20as%20of%20091503.pdf>], visited March 23, 2006, p. 1.

affected states² and convert the land to public uses, such as recreation, or allowing it to return to its natural state.³ CDBG funds were also used to construct and repair levees in an effort to reduce the area's vulnerability to future flood losses. Following the Midwest floods of 1997, Congress again appropriated CDBG funds to cover buyouts of privately-held land in flood prone areas in the affected states.⁴

Following the terrorist attacks of September 11, 2001, Congress appropriated \$2 billion under P.L. 107-117 for disaster relief and recovery assistance to New York.⁵ The act earmarked at least \$500 million for economic losses to individuals, businesses, and nonprofit organizations in an effort to mitigate the attack's economic impact. That provision required HUD to implement the program within 45 days after passage of the act. It limited economic loss grants to small businesses located within a designated area to no more than \$500,000. In addition, the act earmarked at least \$10 million for the tourism and travel industry.⁶

Long-Term Recovery Activities. The third set of activities eligible for CDBG assistance is associated with long-term recovery and reconstruction efforts. This would include assistance to businesses and residents affected by a presidentially declared disaster, as well as grants intended to attract new businesses to the area. The forms of assistance may range from business loans to infrastructure improvements.

For instance, to assist in the redevelopment of the Lower Manhattan area of New York following the terrorist attacks of September 11, 2001, Congress appropriated \$3.5 billion in CDBG funds. Of the \$3.5 billion in CDBG funds made available, \$1.49 billion has been allocated to recovery assistance including \$350 million in business recovery grants (to compensate businesses for lost revenue) and small firm attraction and retention grants (awarding incentives to businesses agreeing to stay in Lower Manhattan).⁷ The \$1.49 billion also included \$280.5 million in residential grant assistance to encourage renters and owners to stay in the area.⁸ In

² States affected by the 1993 floods included Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

³ 108 Stat. 13; U.S. Federal Emergency Management Agency and State of Missouri Emergency Management Agency, *Success Stories from the Missouri Buyout Program*, (Washington: August 2002) available at [http://www.fema.gov/pdf/casestudies/mo_buyoutreport.pdf], visited March 23, 2006, p. 2.

⁴ 111 Stat. 198.

⁵ In total, Congress appropriated \$3.483 billion in CDBG disaster relief assistance. These funds were made available in three separate appropriations acts: \$700 million in P.L. 107-38; \$2.0 billion in P.L. 107-117; and \$783 million in P.L. 107-206.

⁶ 115 Stat. 2336.

⁷ Lower Manhattan Development Corporation, *Partial Action Plan 002: New York Business Recovery and Economic Revitalization*, prepared by the Lower Manhattan Development Corporation in partnership with Empire State Development and New York City Economic Development Corporation, available at [<http://www.renewnyc.com/FundingInitiatives/PartialActionPlans.aspx>], visited March 23, 2006, p. 2.

⁸ Lower Manhattan Development Corporation, *Partial Action Plan 001: Residential Grant* (continued...)

exchange for a two-year commitment to stay in the area, renters and owners in designated Lower Manhattan neighborhoods received residential grants that covered up to 30% of their housing costs.⁹ In addition, \$330 million in CDBG funds were made available to cover some portion of costs incurred by Con Edison and Verizon in restoring utility and telecommunication services to the Lower Manhattan area.

Other Actions by HUD in Support of Disaster Recovery

In addition to providing CDBG funding assistance, Congress has included a number of other provisions in past disaster relief appropriations to facilitate relief and recovery efforts and to ensure accountability. These have included the use of waivers, funding transfers, matching funds, and reporting requirements.

Authority to Waive Program Requirements. Previous disaster relief appropriations have granted the Secretary of Housing and Urban Development significant authority to waive program requirements but have generally prohibited waivers in four areas: nondiscrimination, environmental review, labor standards, and fair housing. This is consistent with the program's authorizing legislation which states that:

For funds designated under this title by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all requirements for purposes of assistance under section 106 for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income.¹⁰

Congress, on a few occasions, has waived or modified the CDBG program's income targeting provisions, which require grantees to allocate at least 70% of their funds to activities that benefit low- and moderate-income persons. For instance, in response to the Midwest floods of 1998 and the Florida hurricanes of 2004, the income targeting requirement was lowered to 50%.¹¹ In response to the 1992 Los Angeles riots, Congress increased the ceiling on the use of the CDBG funds for public service activities in Los Angeles from 15% to 25%.¹²

In addition to waivers, affected grantees in presidentially declared disaster areas may request the suspension of certain statutory or regulatory provisions. This may include extension of the deadline for submitting annual performance reports, and

⁸ (...continued)

Program, prepared by the Lower Manhattan Development Corporation in cooperation with the State of New York and the City of New York, available at [<http://www.renewnyc.com/FundingInitiatives/PartialActionPlans.aspx>], visited March 23, 2006, p. 1.

⁹ *Ibid.*, p. 9.

¹⁰ 42 U.S.C. 5321.

¹¹ 112 Stat. 76; 118 Stat. 1254.

¹² 42 U. S. C. 5306(a)(8).

changes in the time frame for measuring whether the community met the CDBG program's income-targeting requirement (that 70% of CDBG expenditures benefitted low- and moderate-income persons).¹³ Grantees may also seek a suspension or removal of statutory provisions prohibiting the use of CDBG funds for new housing construction or for repair or reconstruction of buildings used for the general conduct of local government. Several past disaster relief acts included language requiring HUD to publish in the *Federal Register*, five days in advance of the effective date, any waivers or suspensions of any statute or regulation governing the use of CDBG funds for disaster relief.¹⁴

Funding Transfers. Congress has included language in previous disaster relief appropriations allowing communities to transfer CDBG funds to other programs. For instance, disaster relief assistance legislation in response to the Northridge, California, earthquake of 1994 included a provision allowing HUD to transfer \$75 million in CDBG assistance to the HOME Investment Partnership program (a housing block grant administered by HUD).¹⁵ In addition, Congress included language in appropriations dealing with the 1998 Midwest floods that transferred administrative authority over CDBG funds for land buyouts from HUD to FEMA as a part of a disaster mitigation strategy.¹⁶

Matching Funds. Congress has also included language in disaster relief appropriations requiring communities to meet a financial match requirement as a condition for receipt of CDBG-funded disaster relief assistance. For instance, disaster relief assistance in response to the Florida hurricanes of 2004 required each state to “provide not less than 10 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this heading.”¹⁷ CDBGs awarded to states following the 1998 Midwest floods were conditioned on each state providing 25% in non-federal public matching funds.¹⁸

Reporting Requirements. Several past appropriations acts have included provisions requiring quarterly reports on the expenditure of funds in order to provide oversight and ensure accountability in the allocation of disaster relief funds. Legislation providing CDBG disaster relief assistance to communities affected by the 1997 and 1998 Midwest floods included provisions that required HUD and FEMA to jointly submit quarterly reports to the House and Senate Appropriations Committees on the use of CDBG funds for land acquisition and buyouts.¹⁹

¹³ The time frame for measuring low- and moderate-income benefits may not exceed three years.

¹⁴ 118 Stat. 1254.

¹⁵ 108 Stat. 13.

¹⁶ 111 Stat. 199; 116 Stat. 889.

¹⁷ 118 Stat. 1254.

¹⁸ 112 Stat. 76.

¹⁹ 111 Stat. 199; 112 Stat. 77.

Legislation providing CDBG assistance to New York following the September 11, 2001, terrorist attacks also included quarterly reporting provisions.²⁰

Response to 2005 Hurricanes

Enacted Legislation. *CDBG Supplemental Appropriations, P.L. 109-148.* Congress included \$11.5 billion in supplemental CDBG disaster recovery assistance in the Defense Appropriations Act for FY2006 (P.L. 109-148) which was signed by the President on December 30, 2005. These funds were to be used for “necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas” in the five states (Alabama, Florida, Louisiana, Mississippi, and Texas) impacted by Hurricanes Katrina, Rita, and Wilma. The act allows for the following:

- the affected states may use up to 5% of their supplemental allocation for administrative costs;
- HUD may grant waivers of program requirements (except those relating to fair housing, nondiscrimination, labor standards, and the environment);
- Mississippi and Louisiana, the most affected states, may use up to \$20 million for the Local Initiative Support Corporation and Enterprise Foundation-supported local community development corporations; and
- the governor of each state may designate multiple entities to administer a portion, or all, of a state’s share of the \$11.5 billion.

The act also reduced the income targeting requirement for activities benefitting low- and moderate-income persons from 70% to 50% of the state’s allocation; limited the maximum amount of assistance any of the five states may receive to no more than 54% of the total amount appropriated; and required each state to develop, for HUD’s approval, a plan detailing the proposed use of funds, including eligibility criteria and how the funds will be used to address long-term recovery and infrastructure restoration activities. It did not, however, specify the method to be used to allocate funding among the five states. HUD was authorized discretion in determining the allocation methodology. On January 25, 2006, HUD Secretary Alphonso Jackson announced the allocation of the \$11.5 billion among the five states (See **Table 1**).

²⁰ 115 Stat. 221.

According to an agency press release, HUD used a number of data sources in developing the methodology for allocating the \$11.5 billion in CDBG supplemental assistance. These included data sources from FEMA, the Small Business Administration, the National Oceanic and Atmospheric Administration (NOAA), and the U.S. Geological Survey. Using data from these agencies, HUD calculated for each of the five states the extent of each state's unmet housing needs and areas of concentrated distress. HUD defines *unmet housing needs* as homeowners and low-income renters whose homes had major or severe damage, whereas *concentrated distress* is defined as the total number of housing units with major or severe housing damage in counties where 50% or more of the units had major or severe damage.²¹ HUD then allocates 55% of the funds based on each state's unmet housing needs, and the remaining 45% is allocated based on the degree of concentrated distress, as measured by each state's share of damaged and destroyed housing stock and business and infrastructure damage.

On February 13, 2006, HUD published in the *Federal Register* a notice of allocations, waivers, and alternative requirements governing the \$11.5 billion in CDBG disaster recovery assistance.²² In addition to providing waivers allowing the states to allocate funds to CDBG entitlement communities and directly administer the program, the notice also includes language that "funds allocated are intended by HUD to be used toward meeting unmet housing needs in areas of concentrated distress."²³ The language included in the act is not interpreted as restricting the use of these funds to unmet housing needs. Rather, it provides some level of flexibility in allowing funds to be used for long-term recovery and infrastructure restoration in the areas most affected by the Gulf Coast hurricanes of 2005.

FY2006 Supplemental Appropriations, *P.L. 109-234*. On February 16, 2006, as part of its ongoing efforts in support of Gulf Coast recovery efforts following the hurricanes of 2005, the Administration sent Congress a \$19.8 billion supplemental appropriations request. The request included \$4.2 billion in additional CDBG assistance for the state of Louisiana for such housing and flood mitigation activities as infrastructure improvements, real property acquisition or relocation, and other activities designed to reduce the risk of future damage, including elevating homes in the most flood prone areas.

Several concerns were raised during the March 8, 2006, Senate Appropriations Committee hearing on the President's supplemental appropriations request. Senator Kay Bailey Hutchison of Texas objected to the absence of additional funding for Texas. She noted that the state used its regular CDBG appropriations to assist

²¹ U.S. Department of Housing and Urban Development, *Jackson Announces Distribution of \$11.5 Billion in Disaster Assistance to Five Gulf Coast States Impacted by Hurricanes; Funding will help states in long-term recovery of high impact areas*. Available at [<http://www.hud.gov/news/release.cfm?content=pr06-011.cfm>], visited March 23, 2006.

²² U.S. Department of Housing and Urban Development, "Allocation and Common Application and Reporting Waivers Granted to and Alternative Requirements for CDBG Disaster Recovery Grantees Under the Department of Defense Appropriations Act, 2006," *Federal Register*, vol. 71, no. 29, February 13, 2006, p. 7666.

²³ *Ibid.*

Katrina victims evacuating from Louisiana. In addition to the cost of addressing the immediate needs of evacuees, the state has also incurred additional educational and public safety expenses associated with the significant increase in population. The Senator noted that the state's population increased by three percent following Hurricane Katrina. In his testimony before the Committee, Texas Governor Rick Perry requested an additional \$2 billion in CDBG funds for the state. Senator Christopher (Kit) Bond of Missouri noted that states had yet to submit state plans for the use of the \$11.5 billion in supplemental assistance approved by Congress in December 2005, under P.L. 109-148. He suggested that the additional \$4.2 billion should be made available only to Louisiana and Mississippi, but that only \$1 billion of the \$4.2 billion should be made available until the states meet certain benchmarks and goals.

On March 13, 2006, the House Appropriations Committee reported H.R. 4939, which included \$4.2 billion in funding for Gulf Coast recovery efforts. The bill, which was approved by the full House on March 16, 2006, would have allocated the \$4.2 billion in disaster recovery assistance among the five states affected by the hurricanes of 2005. On April 5, 2006, the Senate Appropriations Committee reported its version of H.R. 4939. The Senate bill recommended an appropriation of \$5.2 billion in CDBG funds for disaster relief activities, and similar to the House bill, it would have allocated the funds among the five states (Louisiana, Mississippi, Alabama, Texas, and Florida) affected by the hurricanes of 2005. The Administration had sought to provide the assistance exclusively to Louisiana. On June 13, 2006, the House approved the conference committee version of the bill, which was reported on June 8, 2006 (H.Rept. 109-494). On June 15, 2006, the Senate approved the conference version of the bill, and the President signed the measure into law as P.L. 109-234. The final version of the bill, which appropriated \$5.2 billion for CDBG disaster relief, retains language included in the House and Senate bills affecting the use and administration of these funds. The act encouraged the affected states to use the funds for infrastructure improvements and rental housing. Other provisions of the act:

- require that at least \$1 billion be used for repair and reconstruction of affordable rental housing in the impacted areas;
- allow each state to use not more than 5% of its supplemental CDBG allocation for administrative expenses;
- allow the affected states to seek waivers of program requirements, except those related to fair housing, nondiscrimination, labor standards, and environmental review;
- allow governors of the affected states to designate one or more entities to administer the program;
- prohibit the use of CDBG funds for activities reimbursable by FEMA or the Army Corps of Engineers;
- lower the program's low- and moderate-income targeting requirement from 70% to 50% of the funds awarded;

- require each state to develop a plan for the proposed use of funds for review by HUD;
- direct HUD to ensure that each state's proposed plan gives priority to activities that support infrastructure development and affordable rental housing activities; and
- prohibit the use of CDBG funds to meet matching fund requirements of other federal programs.

A summary of the allocation of the \$5.2 billion appropriated to the five states affected by the hurricanes of 2005 is presented in **Table 1** below.

Department of Defense Appropriations Act, P.L. 110-116. The Department of Defense Appropriations Act for FY2008, P.L. 110-116, appropriated \$3 billion in supplemental CDBG funds exclusively for the state of Louisiana's Road Home Program. This additional assistance may only be used to cover costs associated with otherwise uncompensated but eligible claims that were filed on or before July 31, 2007. Funds may be used to supplement, but not supplant state funds and must be administered by the state in accordance with plans approved by the Secretary. For additional information on the Road Home Program, see CRS Report RL34410, *The Louisiana Road Home Program: Federal Aid for State Disaster Housing Assistance Programs*, by Natalie Love.

Table 1, presents the aggregate allocation, by state, of CDBG funds appropriated under the three supplemental funding acts.

Table 1. Allocation of \$19.7 Billion in CDBG Disaster Relief Assistance

State	P.L. 109-148 CDBG DR Supplemental Approp.	P.L. 109-234 CDBG DR Supplemental Approp.	P.L. 110-116 CDBG DR Supplemental Approp.	Total CDBG Disaster Relief Appropriations
Alabama	\$ 74,388,000	\$ 21,225,574	\$0	\$ 95,613,574
Florida	\$ 82,904,000	\$ 100,066,518	\$0	\$ 182,970,518
Louisiana*	\$ 6,210,000,000	\$4,200,000,000	\$3,000,000,000	\$13,410,000,000
Mississippi	\$ 5,058,185,000	\$ 423,036,059	\$0	\$ 5,481,221,059
Texas	\$ 74,523,000	\$ 428,671,849	\$0	\$ 503,194,849
Total	\$11,500,000,000	\$5,173,000,000	\$3,000,000,000	\$19,673,000,000

Source: HUD, *Federal Register*, Feb. 13, 2006, vol. 71, no. 29, p. 7666; HUD, *Federal Register*, Oct. 30, vol. 71, no. 29, p. 63338; and P.L. 110-116, Sec. 159.

Disbursements. P.L. 109-148 and P.L.109-234 require the five states to report quarterly to the House and Senate Appropriations Committees on the expenditure of funds.²⁴ Aggregate information listed on-line on the expenditure of funds is readily available, but in some instances — Alabama, Florida, and Texas — there is an absence of detailed information on the use of funds across activity categories. The laws require states to present data in a standardized format. Much of the details on the allocation and use of funds are described in each state’s community development plan. **Table 2**, is based on data made available from HUD’s disbursement reporting system (Line of Credit Control) system.

Table 2. State Allocations and Disbursements of CDBG Disaster Relief Funds, as of April 14, 2008

	Aggregate Allocation	Disbursements ^a	
		Total	% of Total Allocation
Alabama ^b	95,613,574	18,385,000	19.2%
Florida ^b	182,970,518	6,386,000	3.5%
Louisiana ^c	13,410,000,000	7,152,000,000	53.3%
Mississippi	5,481,221,059	2,028,000,000	37.0%
Texas ^b	503,194,849	22,706,000	4.5%
Total	19,673,000,000	9,227,477,000	46.9%

Source: HUD Inspector General Semi-Annual Report to Congress. Disbursements are based on data from HUD’s Line of Credit Control (LOCC) system which was made available to the House and Senate Appropriations Committees.

a. Disbursements are funds made available, but not yet expended by state grant recipients. Publicly available disbursement and expenditures data may lag at least two quarters behind. The latest publicly available expenditure data posted on state websites, HUD’s Inspector General’s report, or HUD’s Disaster Recovery website, was for the period ending September 30, 2007.

b. Reported disbursement figures for the states of Alabama, Florida, and Texas may lag behind actual disbursement of funds for these states.

c. State has not disbursed any of the \$3 billion in funds awarded under the third supplemental appropriation.

Program Activities. **Table 3**, identifies the allocation of funds by planned activity for each of the five states. According to the data, as of April 14, 2008, both Louisiana and Mississippi have disbursed approximately 60% of the total funds the two states were allocated under the supplemental appropriations acts. Substantial portions of the funds allocated to the five states are to be used to address housing needs of both homeowners and renters. In Louisiana, the repair of local infrastructure, private utilities, and economic development represent significant segments of the activities to be supported with CDBG disaster recovery assistance. Mississippi also has identified economic development and the repair of local

²⁴ 119 Stat. 2780 and 120 Stat. 473.

infrastructure and private utilities as significant components of the state's disaster recovery plans. For the other three states — Alabama, Florida, and Texas — data from HUD's Inspector General report are not as detailed in identifying activities financed with CDBG disaster recovery funds. Disbursements are grouped into one of three broad categories — administrative, housing, and non-housing costs.

Table 3. Disbursements of CDBG Disaster Recovery Funds by Activity as of April 14, 2008
(in millions of dollars)

1ST SUPPLEMENTAL — P.L. 109-148										
	Louisiana		Mississippi		Texas		Florida		Alabama	
	Authorized Amount	Disbursed	Authorized Amount	Disbursed	Authorized Amount	Disbursed	Authorized Amount	Disbursed	Authorized Amount	Disbursed
Homeowner Programs	4,003.0	3,900.0	2,500.0	1,500.0	0.0	0.0	0.0	0.0	0.0	0.0
Housing for Renters	376.3	29.1	4.0	1.3	0.0	0.0	0.0	0.0	0.0	0.0
Restoration Homeless Support	25.9	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Housing Activities	32.1	11.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Infrastructure, State Level	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Infrastructure, Local Level	931.7	16.4	584.5	12.6	0.0	0.0	0.0	0.0	0.0	0.0
Privately-Owned Utilities	200.0	180.8	440.0	440.0	0.0	0.0	0.0	0.0	0.0	0.0
Economic Development	330.5	117.5	1,250.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0
Public Services	46.7	0.0	5.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Planning	12.5	6.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Technical Assistance	9.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Administrative Costs	148.6	11.0	169.2	7.3	3.7	2.2	4.1	0.6	3.7	0.6
Restricted Balance	60.4	0.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Public Housing	0.0	0.0	100.0	2.5	0.0	0.0	0.0	0.0	0.0	0.0
Building Permit Inspection	0.0	0.0	5.0	2.4	0.0	0.0	0.0	0.0	0.0	0.0
Housing Costs					40.2	6.1	55.1	4.5	20.2	7.2
Non-Housing Costs					30.5	9.7	23.6	0.0	50.4	7.9
Subtotal	6,177.1	4,273.6	5,058.1	1,988.0	74.4	18.0	82.8	5.2	74.3	15.7
2ND & 3RD SUPPLEMENTAL — P.L. 109-234 and P.L. 110-116										
Millions of US\$	Louisiana		Mississippi		Texas		Florida		Alabama	
Activity	Authorized Amount	Disbursed	Authorized Amount	Disbursed	Authorized Amount	Disbursed	Authorized Amount	Disbursed	Authorized Amount	Disbursed
Homeowner Programs	2,900.0	2,600.0	0.0	0.0	223.0	0.0	0.0	0.0	0.0	0.0
Housing for Renters	1,007.0	31.7	258.5	0.0	122.8	0.0	0.0	0.0	4.1	0.0
Infrastructure, State Level	0.0	0.0	55.0	0.0	42.0	1.1	0.0	0.0	3.2	0.7
Public Services	25.9	0.0	0.0	0.0	20.0	0.0	0.0	0.0	0.0	0.0
Administrative Costs	41.2	0.0	0.0	0.0	21.4	0.6	5.0	0.0	1.0	0.0
Restricted Balance	106.2	0.0	109.5	0.0	0.0	0.0	75.0	0.0	0.0	0.0
Restricted Balance (3rd supplemental) ^a	1,000.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Method of Distributing Housing	0.0	0.0	0.0	0.0	0.0	0.0	20.0	0.0	0.0	0.0
Sub-total	5,080.3	2,631.7	423.0	0.0	429.2	1.7	100.0	0.0	8.3	0.7
TOTAL	11,257.4	6,905.3	5,481.1	1,988.0	503.6	19.7	182.8	5.2	82.6	16.3

Source: HUD Inspector General's quarterly report to House and Senate Appropriations Committee.

a. Total funding for 3rd Supplemental was \$3 billion. Total figure includes only \$1 billion of the \$3 billion appropriated for Road Home activities.

Reporting, Oversight and Implementation Issues. HUD requires that all five states receiving funding develop action plans for its review that describes the needs, strategies, and projected use of CDBG disaster recovery funds. In addition, grant recipients are expected to provide the following information to the department:

- quarterly funding and expenditure reports;
- detailed information on the percent of funding spent;
- expenditure information provided by category, specifically funding related to housing and non-housing activities; and
- CDBG funds used to cover administrative costs.

Although HUD has sought to standardize the process when reporting budget and expenditure data by creating templates to be completed by the states, publicly available data provided by the states, particularly web based reports, are not uniform. Louisiana and Mississippi have the most complete reports available, whereas Alabama, Florida and Texas have provided less information. This lack of readily accessible detail makes comparisons difficult as does the lack of a one-page standardized summary report that identifies the components, by line item, of activities classified as housing and non housing activities. (See **Table 3.**) Alabama, Florida, and Texas). In addition to a lack of standard format for reports, information has also been provided at different points in time, and comparability is difficult. Obtaining data for the same time period on a quarterly basis can allow for better comparability across the five states receiving CDBG disaster relief funds. HUD does have the ability to access more timely data through the use of its disaster relief grant reporting data base (DRGR), however, that information is not readily accessible to the public.

Pending Legislation. *Gulf Coast Hurricane Housing Recovery Act of 2007, H.R. 1227.* On March 16, 2007, the House Financial Services Committee reported H.R. 1227 (H.Rept. 110-51). On March 23, 2007 the bill was referred to the Senate Committee on Banking, Housing, and Urban Affairs. Title I of the bill includes provisions that increase the state of Louisiana's flexibility in the use of CDBG funds for its Road Home Program and that provide additional oversight and reporting requirements to guard against waste, fraud, and abuse of CDBG funds awarded to the state for disaster recovery activities.

Specifically, the bill would

- transfer \$1.175 billion from FEMA's Hazard Mitigation Grant Program (HMGP) to the CDBG program;
- allow the transferred funds to be used in support of the state of Louisiana's Road Home Program, including setting aside \$15 million to fund a pilot program of land acquisition to be administered by the New Orleans Redevelopment Authority;
- allow CDBG funds to be used to meet the non-federal matching fund requirements of other federal programs, including FEMA, in areas affected by Hurricanes Katrina, Wilma, Rita, and Dennis when such funds support disaster relief, long-term recovery, and infrastructure restoration;

- eliminate the requirement for a separate environmental review if one has been conducted by FEMA; and
- allow cities and counties that used their regular CDBG allocations to provide rental assistance to Hurricane Katrina, Rita, or Wilma evacuees to be reimbursed from previously appropriated FEMA funds.

The bill also includes a provision exempting CDBG program funds used to finance Louisiana's Road Home Program from provisions in previous appropriation acts (P.L. 109-148 and P.L. 109-234) prohibiting the duplication of benefits derived from hazard insurance, flood insurance, or disaster payments from FEMA.

The bill includes three provisions intended to strengthen oversight activities. One provision would require the state of Louisiana to file monthly progress reports on the Road Home Program with the House Financial Services Committee and the Senate Committee on Banking, Housing, and Urban Affairs. The second provision would require the GAO to provide quarterly monitoring reports on the use of the \$1.175 billion in HMGP funds transferred to the CDBG program, and a third provision would require the GAO to conduct a study of the effectiveness of the pilot program administered by the New Orleans Redevelopment Authority after two years of implementation.

Policy Considerations

The CDBG program's broad list of eligible activities and its flexibility has allowed communities and states affected by disasters to undertake short-term disaster relief efforts, implement mitigation strategies, and finance long-term recovery activities. These funds have been used to support disaster recovery efforts spanning multiple states, as well as to respond to disaster recovery efforts in highly urbanized areas.

As Congress examines legislative proposals intended to finance long-term disaster recovery efforts, it may move to consider a number of CDBG-related policy questions:

- Is the CDBG program an appropriate and effective means of providing federal support for long-term disaster recovery efforts?
- If it is, what should be the level of CDBG assistance awarded to affected areas?
- Should CDBG assistance be controlled by the individual communities, by the states, or by a multi-state regional entity or entities?
- Should Congress require states to meet a matching fund requirement as a condition for receiving disaster recovery-related CDBG funds? If so, what level of matching funds would be appropriate? Would it

be fixed, or adjustable to account for such factors as level of damage, state fiscal capacity, income levels, and other factors?

- What, if any, additional compliance and accountability measures or actions should Congress require of CDBG recipients as a condition of receiving CDBG funds?

Appendix

Table A-1. Funding History of CDBG Supplemental Appropriations for Disaster Relief

Public law	Funding	Intended use of funds
P.L. 110-116. Road Home Appropriations under Department of Defense Appropriations	\$3,000,000,000	Provides funding for the Road Home Program, through the Department of Defense Appropriations for FY2008. The funding will be provided as part of the Department of Housing and Urban Development, Community Planning and Development, Community Development Fund. The funds can only be used to cover costs associated with otherwise uncompensated but eligible claims that were filed on or before July 31, 2007, under the Road Home program administered by the State of Louisiana.
P.L. 109-234. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006	\$5,200,000,000	Makes emergency supplemental appropriations to HUD in response to the consequences of Hurricanes Katrina, Rita, and Wilma. CDBG disaster recovery funds were to be allocated among the five states (Louisiana, Texas, Alabama, Mississippi, and Florida) affected by the Gulf Coast hurricanes of 2005; limited the amount that any one state could receive to \$4.2 billion and encouraged states to target assistance to infrastructure reconstruction and activities that would spur the redevelopment of affordable rental housing, including federally assisted housing and public housing. Requires each state to develop recovery plan that must be approved by HUD, and to submit quarterly reports to House and Senate Appropriation Committees. (120 Stat.472)

Public law	Funding	Intended use of funds
P.L. 109-148. Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006	\$11,500,000,000	Hurricanes Katrina, Rita, and Wilma. CDBG funding for activities and necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in states for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.). (119 Stat. 2780)
P.L. 108-324. Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005	\$150,000,000	Florida Hurricanes of 2004. For use only for disaster relief, long-term recovery, and mitigation activities related to four hurricanes. The state may use the supplemental to reimburse entitlement communities. (118 Stat. 1253)
P.L. 107-206. 2002 Supplemental Appropriations Act For Further Recovery from and Response to Terrorist Attacks on the United States	\$783,000,000	Assistance to rebuild Lower Manhattan following Terrorist Attacks of 9/11/2001. Funds awarded to the State of New York through the Lower Manhattan Development Corporation in cooperation with the City of New York in support of the city's economic recovery efforts. Funds may be used for assistance to properties and business, including to redevelop infrastructure, and for economic revitalization activities. (116 Stat. 889)
P.L. 107-117. Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002	\$2,000,000,000	Assistance to rebuild Lower Manhattan following Terrorist Attacks of 9/11/2001. Funds made available to reimburse businesses and persons for economic losses, including funds to reimburse tourism area. (115 Stat. 2236)

Public law	Funding	Intended use of funds
P.L. 107-73. Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002	\$700,000,000	Assistance to and reimbursement of State of New York following terrorist attacks of 9/11/2001 (Sec. 434). The amounts subject to the fifth proviso under the heading "Emergency Response Fund," in P.L. 107-38, are available for transfer to HUD 15 days after OMB has submitted to the House and Senate Committees on Appropriations a proposed allocation method and plan for use of the funds. Funds may be awarded to the State of New York for assistance for properties and businesses damaged by, and for economic revitalization related to, the September 11, 2001 terrorist attacks on New York City, and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes. (115 Stat. 699)
P.L. 106-31. 1999 Emergency Supplemental Appropriations	[\$230,000,000] rescission	Rescinds \$230,000,000 in CDBG unobligated balances available under division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, P.L. 105-277. (113 Stat. 109)
P.L. 105-277. Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999	Provision clarifying the use of funds provided to Oklahoma City through the program in the FY1999 appropriations act.	Compensation for Oklahoma City bombings. Notwithstanding the third undesignated paragraph under the heading Community Development Block Grants under title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (P.L. 105-176), of the amount made available under such heading for Oklahoma City, Oklahoma, up to 50% of such amount shall be available to such city for payment of claims for bomb damage and repairs for infrastructure located in the area described in clause (1) of such undesignated paragraph. Any amounts available for use under such undesignated paragraph that are not expended to pay such claims or for such repairs shall be utilized for the revolving loan pool described in such undesignated paragraph. (112 Stat. 2681-546)

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Public law	Funding	Intended use of funds
P.L. 105-277. Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999	\$250,000,000	Presidentially declared disasters of 1998 and 1999. For use only for disaster relief, long-term recovery, and mitigation activities related to four hurricanes. The state may use the supplemental to reimburse entitlement communities. (112 Stat. 2681-578)
P.L. 105-276. Department of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1999	\$12,000,000	Oklahoma City Bombing. Of the amount made available under this heading, \$12,000,000 is for the City of Oklahoma City for a revolving loan pool that shall be made available only for the purposes of making loans to carry out economic development activities that primarily benefit the area in Oklahoma City bounded on the south by Robert S. Kerr Avenue, on the north by North 13th Street, on the east by Oklahoma Avenue, and on the west by Shartel Avenue. (112 Stat. 2476)
P.L. 105-174. 1998 Supplemental Appropriations and Rescissions	\$130,000,000	Presidentially declared disasters of 1998. \$130,000,000 in CDBG funding which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers. (112 Stat. 76)
P.L. 105-18. 1997 Emergency Supplemental Appropriations for Recovery from Natural Disasters and for Overseas Peacekeeping Efforts, Including those in Bosnia	\$500,000,000	Midwest Floods of 1997. \$500,000,000, in CDBG funds, of which \$250,000,000 shall become available for obligation on October 1, 1997, and all of which shall remain available until September 30, 2000. For use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in FY1997 and such natural disasters designated 30 days prior to the start of FY1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers. (111 Stat. 198)

Public law	Funding	Intended use of funds
P.L. 104-134. Omnibus Consolidated Rescissions and Appropriations Act of 1996	\$50,000,000	CDBG funds to remain available until September 30, 1998, for emergency expenses and repairs related to recent presidentially declared flood disasters, including up to \$10,000,000 for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937, as amended, except that such amount shall be available only for temporary housing assistance, not in excess of one year in duration, and shall not be subject to renewal. (110 Stat. 1321-334)
P.L. 104-19. Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-Terrorism Initiative, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, Rescissions Act, 1995	\$39,000,000	\$39,000,000, to remain available until expended to assist property and victims damaged and economic revitalization due to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995, primarily in the area bounded on the south by Robert S. Kerr Avenue, on the north by North 13th Street, on the east by Oklahoma Avenue, and on the west by Shartel Avenue, and for reimbursement to the City of Oklahoma City, or any public trust thereof, for the expenditure of other Federal funds used to achieve these same purposes. (109 State 253)
P.L. 103-327 Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995	\$225,000,000	Northridge/1994 earthquake in Southern California. \$225,000,000, in CDBG to remain available until September 30, 1996, of which \$50,000,000 shall be derived by transfer from funds provided under the heading 'Department of Education, Impact Aid' in the Emergency Supplemental Appropriations Act of 1994 (P.L. 103-211): <i>Provided</i> , That of the foregoing amount, \$200,000,000 and \$25,000,000 shall be for the cities of Los Angeles and Santa Monica, California, respectively. (108 Stat. 2335)
P.L. 103-327 Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995	\$180,000,000	Tropical Storm Alberto and other disasters. \$180,000,000 in CDBG funds to remain available until expended to be used to assist states, local communities, and businesses in recovering from the flooding and damage caused by Tropical Storm Alberto. (108 Stat. 2335)

Public law	Funding	Intended use of funds
P.L. 103-211. Emergency Supplemental Appropriations Act of 1994	\$500,000,000 (\$425,000,000 after transfer of funds to HOME program)	1994 earthquake in Southern California and the Midwest Floods of 1993. \$500,000,000, in CDBG funds for emergency expenses for all activities eligible under Title I, except those activities reimbursable by the Federal Emergency Management Agency (FEMA) or available through the Small Business Administration (SBA): <i>Provided</i> , That from this amount, the Secretary may transfer up to \$75,000,000 to the HOME program. (108 Stat. 12)
P.L. 103-75. Emergency Supplemental Appropriations for Relief from the Major Widespread Flooding of the Midwest Act of 1993	\$200,000,000	Midwest Floods and other disasters. Only in areas affected by the Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters: \$200,000,000, in CDBG funds, of which \$25,000,000 is for those community development planning activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency (FEMA). (107 Stat. 748)
P.L. 103-50. Supplemental Appropriations Act of 1993	\$40,000,000	Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters. \$40,000,000, in CDBG funds to be derived by transfer from the \$100,000,000 appropriated in the second paragraph under the heading “Annual contributions for assisted housing” in the Dire Emergency Supplemental Appropriations Act, 1992 (P.L. 102-368), for use only for the repair, renovation, or replacement, or other authorized community development activities affecting structures damaged or destroyed by Hurricane Andrew, Hurricane Iniki, Typhoon Omar, and other presidentially declared disasters. (107 Stat. 264)
P.L. 103-50. Supplemental Appropriations Act of 1993	\$45,000,000	Hurricane Andrew, Hurricane Iniki, or Typhoon Omar. \$45,000,000 in CDBG funds for use for authorized community development activities only in areas impacted by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar. (107 Stat. 264)

Source: Compiled by CRS.