



Army Corps Supplemental Appropriations: Recent History, Trends, and Policy Issues

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Summary

Under its civil works program, the U.S. Army Corps of Engineers plans, builds, operates, and maintains a wide range of water resources facilities. The Corps also plays a prominent role in responding to domestic natural disasters, in particular riverine and coastal flooding events. The Corps can assist in flood fighting at the discretion of its Chief of Engineers in order to protect life and property, principally when state resources are overwhelmed. The Corps is also authorized to protect and repair its own facilities in the event of flooding, and to operate a program, the Rehabilitation and Inspection Program (RIP), that funds the repair of participating nonfederal flood control works (e.g., levees, dams, dunes) damaged by flooding events. The Corps also undertakes a variety of other activities at the request of FEMA under the National Response Framework, which are outside the scope of this report.

In recent years several natural disasters have required Corps response and repair activities with costs running into the billions. Congress provided most of these funds through supplemental appropriations. Over the 25-year period from 1987-2012, Congress appropriated \$26.9 billion in supplemental funding to the Corps. Of this funding, \$25.5 billion came through supplemental appropriations acts passed between 2003 and 2012. This funding was approximately half of the amount provided to the Corps for regular appropriations over this same period (\$50 billion).

Of the \$26.9 billion, \$22.2 billion (83%) was for responding to flooding and other natural disasters, with the majority of this funding related to Hurricane Katrina and the 2005 storm season (\$16 billion). In addition to the disaster funding, Congress provided the Corps with non-disaster related supplemental funds, including \$4.6 billion under the American Recovery and Reinvestment Act (P.L. 111-5) and \$39 million for facility security and other expenditures.

Corps natural disaster supplemental appropriations have typically been for activities funded by two Corps accounts: Flood Control and Coastal Emergencies (FCCE; i.e., flood fighting, repairs to damaged nonfederal flood control projects) and Operations and Maintenance (O&M; i.e., repairs to Corps projects). Nonfederal cost-sharing for FCCE and O&M typically has not been required with some exceptions. Congress provided supplemental appropriations related to Hurricane Katrina beyond the FCCE and O&M accounts in the form of \$5 billion for improvements through the Construction Account, primarily for additional flood protection in Louisiana. Most of this \$5 billion was subject to typical Corps cost-sharing requirements of either 65/35 federal/nonfederal, or else cost sharing consistent with the original project. Similar supplemental construction funding for flood protection improvements was not provided after other storms over this period. That is, Hurricane Katrina supplemental construction funding represented the exception rather than the norm.

When faced with natural disaster costs and proposed supplemental expenditures, Congress may consider whether to provide these funds to the Corps and, if so, how much funding to include and for which Corps accounts and activities. In providing funding, Congress also may consider associated issues such as whether to maintain standard nonfederal cost-sharing requirements, and whether to include reporting and transparency requirements for this funding. While many advocate for supplemental funds in response to disasters, others note that the Corps has a backlog of more than \$10 billion of flood infrastructure construction projects, and that the annual appropriations process is the appropriate forum for identifying investment priorities.

Contents

Introduction.....	1
Funding of Corps Emergency Activities.....	2
Flood Control and Coastal Emergencies (FCCE) Account	2
Operation and Maintenance (O&M) Account	3
Mississippi River and Tributaries (MR&T) Account	3
Construction Account	3
Analysis of Corps Supplemental Appropriations.....	3
2005 Hurricanes.....	6
Other Flooding/Natural Disasters.....	7
Other Supplementals: ARRA and Facility Security.....	8
Observations on Corps Supplemental Funding	9
Regularity of Natural Disaster Activities	9
Transparency of Natural Disaster Funding.....	9
Post-Disaster Infrastructure Improvements.....	10
Nonfederal Cost Sharing of Natural Disaster Repair and Recovery	10
Concluding Remarks	11

Figures

Figure 1. Corps Supplemental Appropriations, 1987-2012	6
Figure 2. Corps Supplemental Appropriations, Account Breakdown.....	8

Tables

Table 1. Corps Supplemental Appropriations, 1987-2012.....	4
Table A-1. Natural Disaster Allocations by Location, 2003-2012	12

Appendixes

Appendix. Natural Disaster Allocations by Location	12
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Contacts

Author Contact Information.....	13
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Introduction

Under its civil works program, the U.S. Army Corps of Engineers (Corps) plans, builds, operates, and maintains a wide range of water resources facilities. The Corps also undertakes flood fighting activities and other natural disaster response activities at its water resource facilities and for other flooded areas and flood-damaged structures. These emergency activities have been authorized by Congress, and have generally been funded by supplemental appropriations, which in the last decade have been significant relative to annual Corps appropriations.

Since 1987, Congress has appropriated approximately \$26.9 billion in Corps supplemental appropriations. Of this total, Congress provided \$25.5 billion since 2003, which is significant relative to the agency's \$50 billion in annual appropriations over the same period. While the majority of the Corps supplemental appropriations funded its flood fighting activities and repairs to damaged nonfederal flood control and federal water resources projects, Congress also provided \$5.0 billion for post-Katrina improvements and provided \$4.6 billion as part of the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5). Hurricane Sandy's impact on the East Coast is raising numerous questions, including to what extent supplemental appropriations are to be used for improving hurricane and flood protection impacted by natural disasters and what is an appropriate federal and nonfederal cost share for these improvements.

Corps natural disaster supplemental appropriations have typically been for activities funded by two Corps accounts: Flood Control and Coastal Emergencies (FCCE; i.e., flood fighting, repairs to damaged nonfederal flood control projects) and Operations and Maintenance (O&M; i.e., repairs to Corps projects). Nonfederal cost-sharing for FCCE and O&M typically has not been required with some exceptions. Supplemental appropriations related to Hurricane Katrina provided funds beyond the FCCE and O&M accounts; as previously noted, Congress provided \$5.0 billion for improvements through the Corps Construction account, primarily for improved flood protection in Louisiana. Most of this \$5 billion was subject to cost sharing requirements; the bills' text required either 65/35 federal/nonfederal cost sharing (P.L. 110-252) or cost sharing consistent with the original project (P.L. 109-234). Louisiana is repaying over 30 years \$1.5 billion of the \$5 billion provided in the Construction account (P.L. 110-329). Similar supplemental construction funding for significant flood protection improvements was not provided after Hurricane Ike in 2008 and the 2011 Midwest flooding or for most of the proposed post-Katrina work in Mississippi, or for earlier events such as Hurricane Andrew in 1992 or the 1993 Midwest flood.

Proponents of supplemental Corps construction funds for Sandy-impacted areas argue that these investments are significant to the recovery effort and that recent flooding brought to light flood risks warranting near-term attention. These proponents support lowering the typical nonfederal contribution typically required for Corps flood control projects from the 35% to 10% or less.

Others argue that the annual appropriations process is the more appropriate forum for deciding on federal flood infrastructure investments, and that post-disaster investments like those in Sandy-impacted areas should be subject to the same project development and cost-share requirements, and compete in the annual budget process, as other Corps projects. The Corps has a backlog of more than \$10 billion of authorized flood and storm damage reduction projects, which compete for the roughly \$1.1 billion in annual Corps flood control construction funds. The Administration's annual budget process uses multiple performance criteria, including lives protected and benefit-to-cost ratios, to distribute federal funding among authorized projects.

This report provides analysis of Corps supplemental funding. Its focus is recent supplemental funding provided directly to the Corps. Separately, the Federal Emergency Management Agency (FEMA) has extensive authority to assist and coordinate disaster response actions under the National Response Framework, and receives significant regular and supplemental appropriations for this work.¹ While the Corps performs work under some mission assignments for FEMA (i.e., funded by FEMA, under FEMA's direction), that work is not considered in this report. For more on regular (i.e., non-supplemental) Corps appropriations, see CRS Report R42498, *Energy and Water Development: FY2013 Appropriations*, coordinated by Carl E. Behrens.

Funding of Corps Emergency Activities

Congress authorized the Corps in the Flood Control Act of 1941 (33 U.S.C. 701n) to assist in flood fighting and flood response. The Corps can assist in flood fighting at the discretion of its Chief of Engineers in order to protect life and property, principally when state resources are overwhelmed. Congress also authorized the Corps to operate the Rehabilitation and Inspection Program (RIP, also known as the P.L. 84-99 program) to fund the repair of participating nonfederal flood control works (e.g., levees, dams, dunes) damaged by natural events. Repairs under this program are funded by the Corps' Flood Control and Coastal Emergencies (FCCE) account. Congress also has directed the Corps to use supplemental funds to repair and rebuild federally owned flood control and other projects (e.g., navigation projects) through the agency's Operation and Maintenance (O&M) and Construction accounts.

In the event of an emergency, Congress has given the Secretary of the Army (generally delegated to the Assistant Secretary of the Army (Civil Works)) discretion to transfer from existing appropriations the monies necessary for the emergency work referenced above, until funds become available in the applicable account through supplemental appropriations or other avenues.² In recent floods, the Corps has exercised this authority to transfer regular annual appropriations from ongoing projects (i.e., projects funded by regular appropriations) to pay for emergency actions. The Corps then internally reimburses itself for this funding once supplemental appropriations are available.

The majority of natural disaster-related supplemental appropriations generally are placed into one of the following four Corps budget accounts based on the type of activity funded.

Flood Control and Coastal Emergencies (FCCE) Account

The FCCE account is the primary account through which the Corps funds disaster-related activities. The primary activities funded under FCCE are flood fighting (e.g., sandbagging) and emergency preparedness and response, and repair of damaged nonfederal flood and hurricane protection projects (i.e., RIP activities).³

¹ For more on FEMA's coordinating role, see CRS Report R41981, *Congressional Primer on Major Disasters and Emergencies*, by Francis X. McCarthy and Jared T. Brown.

² 33 U.S.C. §701n.

³ The Corps may receive annual appropriations in the FCCE account in anticipation of natural disasters. However, Congress has generally not provided funding for the Corps in advance of major disasters; instead the majority of this funding has instead come through supplemental appropriations. Since 2003, the FCCE account received appropriations (continued...)

Operation and Maintenance (O&M) Account

The O&M account funds activities related to existing Corps projects, including upkeep of physical infrastructure and other activities (i.e., dredging of ports and waterways). Common disaster activities funded under this account include repair of damaged federally operated flood and hurricane protection projects (e.g., dams, levees, floodwalls), dredging of federal waters, and navigation infrastructure projects.

Mississippi River and Tributaries (MR&T) Account

The Mississippi Rivers and Tributaries account consists of flood control and navigation projects for the lower Mississippi River Valley. Supplemental expenditures under this account primarily consist of repair to damaged MR&T levees, floodways, and other project features.

Construction Account

The Construction account funds new project construction and major upgrades to existing projects. Supplemental construction funding has been used at times to improve flood protection provided by existing projects and for new construction projects to increase protection.

Analysis of Corps Supplemental Appropriations

As noted above, Congress provided the Corps with approximately \$26.9 billion in supplemental funding in 25 acts from 1987-2012.⁴ \$25.5 billion of this total was provided in 12 appropriations acts from 2003 to 2012. Adjusting prior year appropriations for inflation, Congress provided the Corps with approximately \$30 billion (in 2012 dollars) in supplemental appropriations over the 1987-2012 period, and 94% of this total (\$27.9 billion) was provided between 2003 and 2012.

Individual supplemental appropriations acts over the last 25 years that provided funding to the Corps are shown below in **Table 1**. Where possible, this table attempts to differentiate between supplemental funding for the 2005 hurricanes, funding for “all other” natural disasters, and funding for other non-disaster purposes, such as economic recovery and facility security. Each of these categories is discussed in detail later in this report. Supplemental appropriations by year for the Corps are shown in **Figure 1**. A summary of specific locations receiving funding for natural disasters from 2003 to 2012 is in the **Appendix**.

(...continued)

in FY2003 and FY2012 for a total of \$42 million. In 8 of the last 10 years, the Corps received no funding for the FCCE account in regular appropriations, despite the Administration’s request for FCCE funding of emergency training and preparedness in each of those years, which ranged from \$30 million to \$81 million.

⁴ CRS analysis using enacted supplemental appropriations bills and data provided by the Corps

Table I. Corps Supplemental Appropriations, 1987-2012

(\$ in millions)

Corps Civil Works Accounts (\$ in millions)									
P.L. Number (Year Enacted)	Primary Response/Purpose	General Expenses	Investigations	Construction	MR&T	O&M	FCCE	FUSRAP	Total
P.L. 112-77 (2011)	All Other	—	—	—	802	534	388	—	1,724
P.L. 111-212 (2010)	All Other	—	5	—	19	173	20	—	217
P.L. 111-32 (2009)	2005 Hurricanes	—	—	—	—	—	439	—	439
P.L. 111-32 (2009)	All Other	—	—	—	—	43	315	—	358
<i>P.L. 111-5 (2009)</i>	<i>Economic recovery</i>	—	25	2,000	375	2,075	—	100	4,575
P.L. 110-329 (2009)	2005 Hurricanes	—	—	1,500 ^a	—	—	—	—	1,500
P.L. 110-329 (2009)	All Other	—	—	39	82	740	416	—	1,277
P.L. 110-252 (2008)	2005 Hurricanes	2	—	2,835	—	—	2,926	—	5,763
P.L. 110-252 (2008)	All Other	—	—	62	18	298	227	—	604
P.L. 110-28 (2006)	2005 Hurricanes	—	—	25	—	—	1,408	—	1,433
P.L. 110-28 (2006)	All Other	—	8	11	—	3	154	—	176
P.L. 109-234 (2006)	2005 Hurricanes	—	3	517	—	—	3,129	—	3,649
P.L. 109-234 (2006)	All Other	—	—	32	—	3	16	—	51
P.L. 109-148 (2006)	2005 Hurricanes	2	37	101	154	328	2,278	—	2,899
P.L. 109-62 (2005)	2005 Hurricanes	—	—	—	—	200	200	—	400
P.L. 108-324 (2004)	All Other	—	—	63	6	145	148	—	362
P.L. 108-83 (2003)	All Other	—	—	—	—	—	60	—	60
<i>P.L. 108-11 (2003)</i>	<i>Facility Security</i>	—	—	—	—	39	—	—	39
P.L. 107-206 (2002)	All Other	—	—	—	—	108	—	—	108
P.L. 107-20 (2001)	All Other	—	—	—	—	87	50	—	146
P.L. 106-246 (2000)	All Other	4	3	—	—	—	—	—	7

Corps Civil Works Accounts (\$ in millions)

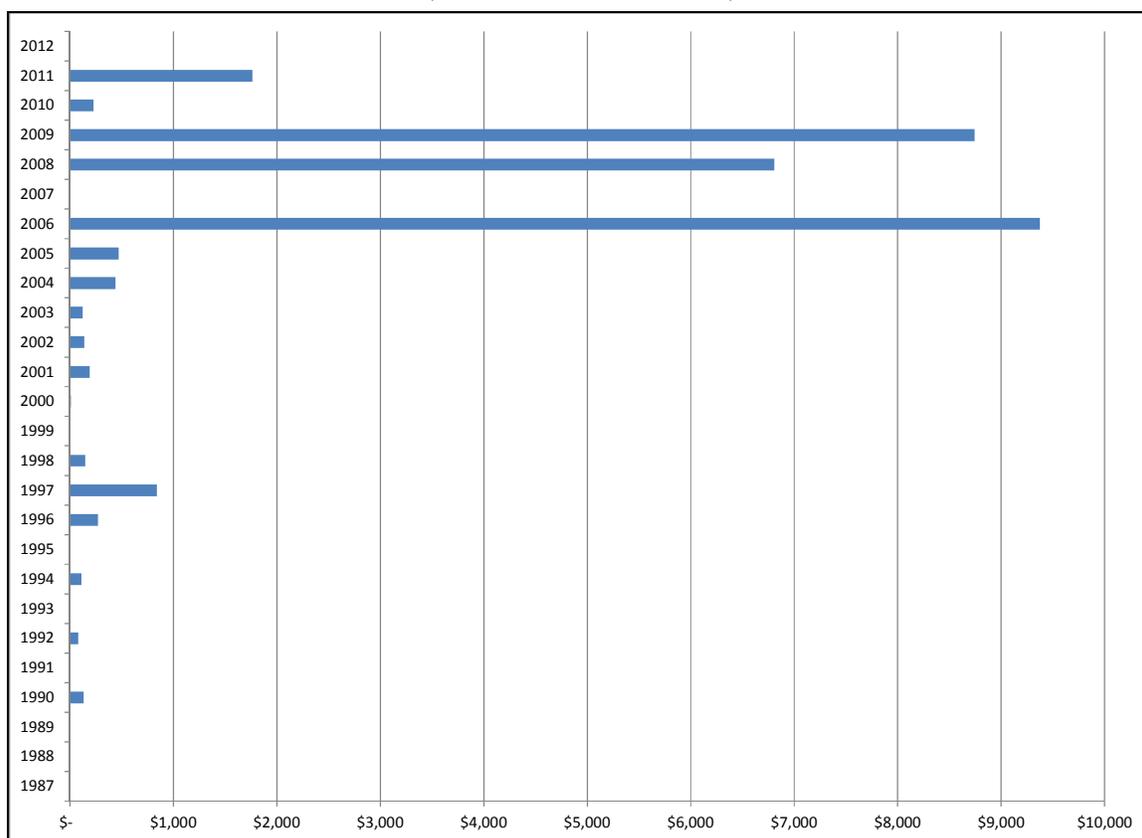
P.L. Number (Year Enacted)	Primary Response/Purpose	General Expenses	Investigations	Construction	MR&T	O&M	FCCE	FUSRAP	Total
P.L. 105-174 (1998) ^b	All Other	—	—	—	—	105	—	—	105
P.L. 105-18 (1997) ^b	All Other	—	—	—	20	150	415	—	585
P.L. 104-134 (1996)	All Other	—	—	—	—	30	135	—	165
P.L. 104-208 (1996)	All Other	—	—	—	—	19	—	—	19
P.L. 103-211 (1994)	All Other	—	—	—	—	—	70	—	70
P.L. 103-50 (1993)	All Other	—	—	1	—	—	—	—	1
P.L. 102-368 (1992)	All Other	—	—	—	3	3	40	—	46
P.L. 101-302 (1990)	All Other	15	—	—	—	40	20	—	75
Total Supplementals		18	83	7,189^a	1,487	5,123	12,853	100	26,854
All Natural Disasters		18	58	5,189 ^a	1,112	3,009	12,853	—	22,240
2005 Natural Disasters		3	40	4,979 ^a	154	528	10,380	—	16,083
Non-Disaster		—	25	2,000	375	2,114	—	100	4,614

Source: Multiple appropriations bills (as shown in table), compiled by CRS.

Notes: Italicized lines indicate supplemental funding for purposes other than natural disaster response. Totals have not been adjusted for inflation. Items listed more than once indicate that one supplemental appropriations bill provided funding to the Corps for multiple purposes. FUSRAP = Formerly Utilized Sites Remedial Action Program (FUSRAP). A summary of individual locations receiving disaster funding is provided in the **Appendix** to this report.

- a. In accordance with requirements under P.L. 110-329, \$1.5 billion in Construction funding was appropriated to cover Louisiana’s cost sharing requirements for Hurricane Katrina construction projects. This funding is being repaid by the State of Louisiana over a 30-year term.
- b. Included a requirement that appropriated amounts be cost shared with the Harbor Maintenance Trust Fund, in accordance with existing statute. This made the supplemental appropriation cost sharing consistent with the annual appropriations process.

Figure I. Corps Supplemental Appropriations, 1987-2012
(constant 2012 \$, in millions)



Source: CRS analysis of enacted appropriations bills.

Notes: Amounts do not include rescissions and transfers from annual appropriations. Amounts include both natural disaster and other supplemental appropriations (e.g., ARAA in 2009).

2005 Hurricanes

As noted above, the 2005 hurricanes (primarily Hurricane Katrina) accounted for the majority of Corps supplemental appropriations since 2003. The \$16 billion received for these storms is more than three times the size of the Corps annual civil works budget in a single year. These appropriations were provided in six separate supplemental appropriations bills passed between 2005 and 2009, and most of these funds were designated for rebuilding and in some cases significant strengthening of Corps facilities, principally in Southeast Louisiana. Approximately 94% of the supplemental funds appropriated for Corps hurricane response and recovery went to activities in Louisiana;⁵ and \$14.5 billion was for protective measures in Southeast Louisiana. These funds were used for significant repair and strengthening of 350 miles of levees and floodwalls in New Orleans and new surge protection barriers, including the Inner Harbor Navigation Canal Surge Barrier, which is one of the largest surge barriers in the world.

⁵ CRS analysis of data provided by the Corps of Engineers, July 2009.

While the federal government funded 100% of the costs of FCCE and O&M infrastructure in Southeast Louisiana, most of the supplemental funds for construction projects were subject to federal/nonfederal cost-sharing requirements (generally a 65/35 federal/nonfederal split). That is, the State of Louisiana is contributing \$1.7 billion, consisting of \$0.2 billion for real estate acquisition and \$1.5 billion for the state's cash-share contribution, for its share of the \$5.0 billion in improvements funded through supplemental appropriations to the Corps construction account. Under a specially negotiated arrangement, the cash contribution was initially provided through federal appropriations and is being repaid over 30 years.⁶

Hurricane Katrina significantly damaged the Mississippi coast. In contrast to the congressional response to fund hurricane protection construction through supplemental appropriations for Southeast Louisiana, Congress directed the Corps to develop a plan for how to protect coastal Mississippi. As part of a supplemental appropriations bill for the Corps (P.L. 109-148), Congress directed the Corps to design comprehensive improvements and modifications to Mississippi coastal counties to provide hurricane protection, prevent erosion, preserve fish and wildlife habitat, and other purposes. This effort is known as the Mississippi Coastal Improvements Program (MsCIP). In a 2009 supplemental bill (P.L. 111-32), Congress authorized and funded \$439 million in Corps FCCE activities under this program. The Corps' final MsCIP plan was submitted to Congress for authorization in January 2010, and is awaiting authorization and subsequent funding of an additional \$1.2 billion in projects.⁷ These projects were planned in compliance with the standard 65% federal and 35% nonfederal cost-share for this type of Corps construction project.

As of the end of FY2012, a portion of the Hurricane Katrina funds remained unobligated, including \$2.85 billion in the FCCE account.⁸ Since Congress designated most of these funds for Hurricane Katrina recovery, they are typically not available to other projects or emergencies.⁹

Other Flooding/Natural Disasters

Outside of the aforementioned funding for response and repair related to the 2005 hurricane season, from 1987-2012 Congress provided the Corps with approximately \$6 billion to respond to flooding and other natural disasters (e.g., riverine and coastal flooding). The vast majority (approximately 95%) of this funding was provided over the last decade.

Some of this funding was provided in bills that had also designated funds for expenditures related to the 2005 hurricanes (e.g., P.L. 110-252, P.L. 110-329). A considerable portion of the funding for these other flood events was for Corps actions under the O&M account and the FCCE account

⁶ Testimony by L.G. Robert Van Antwerp, Chief of Engineers, before U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, *Five Years Later: Examination of Lessons Learned, Progress Made, and Work Remaining from Hurricane Katrina*, 111th Cong., 2nd sess., August 26, 2010.

⁷ For more on the status of the bill that generally includes Corps authorizations (the Water Resources Development Act, or WRDA), see CRS Report R41243, *Army Corps of Engineers Water Resource Projects: Authorization and Appropriations*, by Nicole T. Carter and Charles V. Stern.

⁸ CRS communication with Corps of Engineers, November 8, 2012. Approximately \$9.9 billion was appropriated to the FCCE account for Hurricane Katrina.

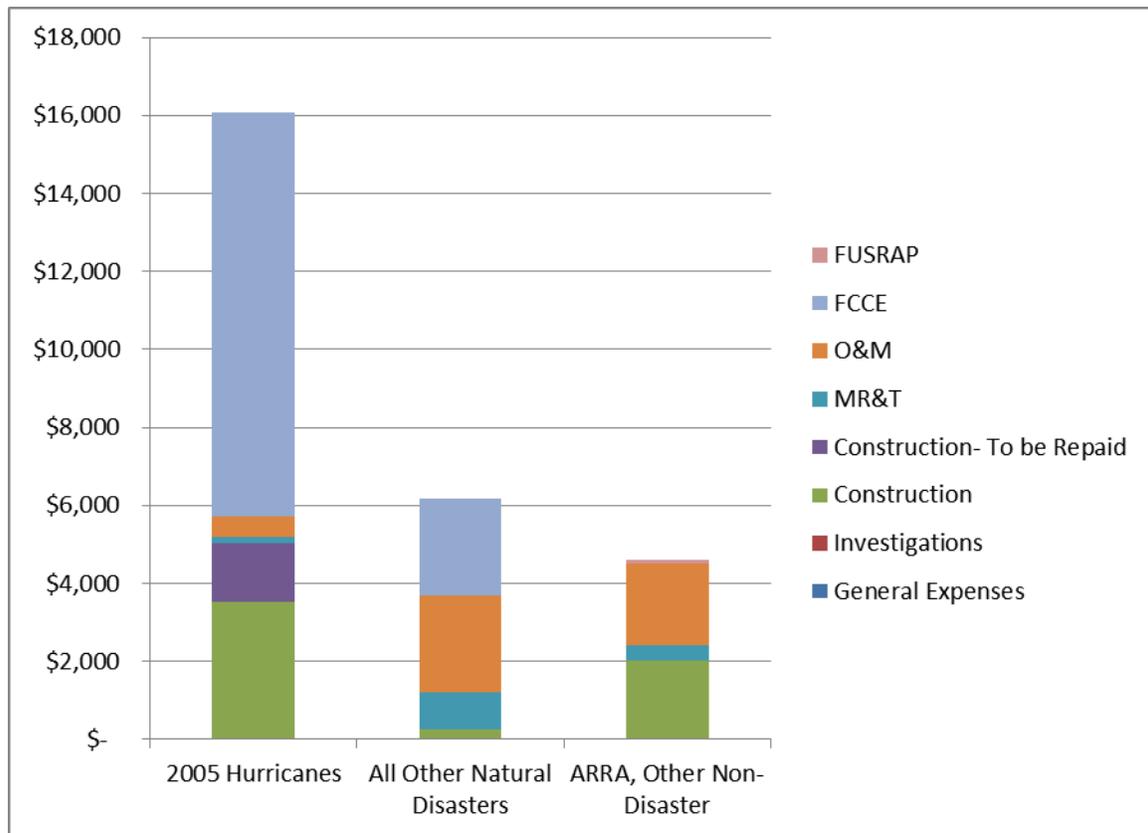
⁹ Ongoing work in the region includes projects to reduce urban flood damage, nonfederal levee improvements, and work on the outfall canals into Lake Pontchartrain.

(64% and 48%, respectively); the Mississippi River & Tributaries account received roughly 16% of these appropriations, as shown in **Figure 2**. The most recent supplemental appropriation for the Corps (P.L. 112-77, passed in December 2011) focused on repair to Corps facilities on the Mississippi and Missouri Rivers; the majority of these funds were for the MR&T and O&M accounts. These disaster response activities were primarily for Corps-owned and -operated facilities and waterways. Thus, overall supplemental Construction account funding for natural disasters other than Hurricane Katrina has been minimal.

Other Supplementals: ARRA and Facility Security

Over the last 10 years, the Corps also received funds for maintenance and facility upgrades. Specifically, the Corps received funding for facility security upgrades in 2002 and 2003 following the terrorist attacks of 2001, \$39 million of which is shown in **Table 1**. It also received funding for facility upgrades (including more than \$2 billion in the O&M account) and new project construction (\$2 billion in the construction account) under the American Recovery and Reinvestment Act of 2009. A combined breakdown of this non-natural disaster related supplemental funding is provided in **Figure 2**.

Figure 2. Corps Supplemental Appropriations, Account Breakdown
(1987-2012, \$ in millions)



Source: CRS estimates based on various appropriations acts and data from the Corps.

Notes: “Construction-To be Repaid ” indicates funding that was appropriated to the State of Louisiana for its cost-sharing requirements for construction projects under P.L. 110-329 and is being repaid over a 30-year term.

Observations on Corps Supplemental Funding

Given the current federal fiscal constraints and Hurricane Sandy's impact on the East Coast, the recent regular enactment and reliance on emergency supplemental funding is receiving more attention. For Corps natural disaster supplemental funding, the attention falls into the following topic areas:

- regularity of natural disaster activities;
- transparency of natural disaster funding;
- use of supplemental bills for post-disaster infrastructure improvements; and
- nonfederal cost-sharing of natural disaster repair and recovery.

Each of these topics is discussed below.

Regularity of Natural Disaster Activities

Natural disaster emergency supplemental funding for the Corps for the last decade, excluding the 2005 Hurricanes, totaled roughly \$4.8 billion, or \$480 million annually. Congress is faced with deciding whether to address the funding needs for the fairly regular Corps natural disaster activities through emergency supplemental bills or to build these expenses into the regular appropriations process. As previously noted, Congress generally has not provided the Corps with appropriations in advance of natural disasters. Covering the Corps' natural disaster-related activities within the regular appropriations process would make a competitive annual Corps appropriations process even more competitive, but potentially would more accurately reflect the regularity of Corps' natural disaster spending.¹⁰

Transparency of Natural Disaster Funding

Many of the bills containing supplemental appropriations during the FY2003-FY2012 period were not stand-alone bills for natural disaster response; instead they were bills that combined natural disaster supplemental funding with appropriations for other agencies, often for other purposes (e.g., troop readiness/military supplementals or annual appropriations). For instance, one of the larger supplemental appropriations to the Corps was made in P.L. 109-234, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. Other Corps supplemental appropriations were provided in combination with other disaster or emergency expenditures for events different than the disaster for which the Corps was receiving funding.

After the initial appropriation, public reporting on Corps expenditure of supplemental funding has generally been limited. There are very few overarching reporting requirements for reporting on Corps supplemental expenditures, including the amount and extent of transfers from regular appropriations to initially cover emergency response and repairs, the actual expenditures of supplemental appropriations, and the projects/areas which benefited from them. In some of the early post-Katrina supplemental bills, Congress set reporting requirements for Corps

¹⁰ CRS Report R41961, *Army Corps Fiscal Challenges: Frequently Asked Questions*, by Nicole T. Carter and Charles V. Stern.

appropriations, including regular reports to the Committee on Appropriations. However, outside of ARRA spending (which was tracked through a public website), publicly available data on Corps expenditures of supplemental appropriations have not been widely available to the public, or regularly maintained in the same manner as the annual budget.

Post-Disaster Infrastructure Improvements

Congress is also faced with deciding whether to use Corps supplemental funding for not only repairing damage to existing flood control projects, but also improving flood protection in impacted areas to reduce future flood risk. Congress funded Corps infrastructure investments to improved hurricane storm protection infrastructure for Southeast Louisiana in post-Katrina supplemental bills, while it did not use supplemental Corps construction funds for such improvement for the 2008 Hurricane Ike-impacted Texas coast, the Midwest areas impacted by the 2011 and 1993 floods, or the 1992 Hurricane Andrew-impacted areas. Therefore, Katrina supplemental construction funding for improvements was the exception rather than the norm.

The proponents of supplemental construction funds for flood impacted areas argue that these investments are significant to the recovery effort and that recent flooding brought to light flood risks warranting near-term attention. Others argue that the annual appropriations process is the more appropriate forum for identifying nation-wide flood infrastructure investment priorities. The argument is that there may be other Corps flood damage reduction activities in other parts of the country that are of a higher national priority because they protect more lives and have a higher benefit-to-cost ratio. The Corps has a backlog of more than \$10 billion of authorized flood and storm damage reduction projects across the country, which compete for the roughly \$1.1 billion that annual budget process typically provides for Corps flood control construction.

Nonfederal Cost Sharing of Natural Disaster Repair and Recovery

While many Corps civil works activities are cost shared with nonfederal sponsors, supplemental appropriations for flood fighting and repair of damaged infrastructure and projects has not been subject to significant cost sharing. In addition to these activities, Congress has occasionally provided funding for upgrades and construction of new infrastructure in supplemental appropriations. For example, Congress provided supplemental appropriations for construction activities for improving infrastructure in areas affected by Hurricane Katrina, particularly in Louisiana. These construction activities generally have been cost shared either at the standard 65% federal/35% nonfederal split or consistent with the cost sharing arrangement for the original Corps project.¹¹

The appropriate cost share for Corps construction activities has been the subject of debate, with cost shares of 90% federal/10% nonfederal and 100% federal proposed by some. Some have also proposed relaxing cost-share requirements for specific project types (e.g., cost-share waivers for ongoing construction projects) and changes to what costs should be counted towards the nonfederal share.¹²

¹¹ The standard split for these projects in regular appropriations is 65/35, with the nonfederal share including costs for lands, easements, rights-of-way, relocations, and disposal areas (known collectively as LEERDs(33 U.S.C. §221).

¹² For example, some have proposed reducing the overall nonfederal cost share, while also no longer counting LEERD costs toward the nonfederal share. See for example Title IV of H.R. 1 (112th Congress), as enacted by the Senate.

Various justifications for altering the standard 65/35 arrangement have been noted, including the potentially limited ability of many communities impacted by disasters to pay the 35 % nonfederal share. Assuming some sort of nonfederal cost share is required, another issue is who is responsible for the nonfederal share and the time period over which it will be repaid. In the case of Louisiana, Congress required that it create a single state or quasi-state entity to act as its nonfederal construction partner for post-Katrina Corps repairs and improvements, and allowed the entity 30 years to repay its share of the construction costs (which was covered by the federal government with funds provided in P.L. 109-148).

The status of other existing cost-share requirements as they relate to supplemental funding is another ongoing issue. While certain categories of funding for federal navigation projects normally require cost sharing from the Harbor Maintenance Trust Fund (HMTF) and the Inland Waterway Trust Fund (IWTF), similar cost-sharing arrangements have generally not been required for supplemental funding for natural disasters.¹³ That is, neither of these two trust funds has been responsible for navigation-related natural disaster response and recovery costs funded in supplemental appropriations over the last decade. However, there were a few supplemental appropriations bills that required cost sharing from the HMTF in the late 1990s (see **Table 1**).

Similarly, the Corps Rehabilitation and Inspection Program (RIP) essentially functions as an insurance program for many nonfederal flood control and coastal protection projects. There is no cost or premium for participating in the RIP program beyond maintaining the project to RIP standards, and post-storm repairs to this infrastructure are fully funded by the federal government.

Concluding Remarks

The Corps has received significant supplemental funding for its authorized flood fighting and response activities over the last decade. At issue for Congress is the ideal amount and allocation of funding for these activities going forward, and what requirements should accompany these appropriations. One major question for Congress to consider when making funding available to the Corps to respond to riverine and coastal flooding events is the extent to which response funding will provide for the construction of new, potentially more resilient infrastructure to reduce flood risk (in contrast to repairs to existing infrastructure). Supplemental appropriations in response to Hurricane Katrina in 2005 did this to a greater extent than did funding for other flooding events over the last 25 years. Also at issue is the nonfederal cost sharing for activities receiving supplemental appropriations. Another longer term issue is whether to shift from the dominant use of supplemental appropriations for funding emergency flood response to incorporating of the Corps emergency expenses into the annual appropriations process.

¹³ Cost sharing requirements for the IWTF were also waived for non-disaster supplemental appropriations provided in ARRA (P.L. 111-5).

Appendix. Natural Disaster Allocations by Location

Table A-1. Natural Disaster Allocations by Location, 2003-2012
(selected locations receiving supplemental appropriations)

P.L. Number (enacted date)	Event Type or Location	Funding Allocation (\$ in millions)
P.L. 108-83 (2003)	n/a	n/a
P.L. 108-324 (2004)	West Virginia Floods	10
P.L. 109-62 (2005)	Katrina	400
P.L. 109-148 (2005)	Katrina	2,143
	Ophelia	69
	Rita	91
	Wilma	57
P.L. 109-234 (2006)	Katrina	3,651
	Rita	2
	California	30
	Hawaii	2
	Pennsylvania	16
P.L. 110-28 (2007)	Katrina	1,325
	Mississippi	108
	Missouri River Flood	12
	Alabama-Coosa River	3
	Nor'easter Flood	23
	Texas	3
	Drought Assistance	7
P.L. 110-252 (2008)	Midwest Flooding	302
	Katrina	5,900
P.L. 110-329 (2008)	Katrina	1,500
P.L. 111-32 (2009)	Katrina	439
P.L. 111-212 (2010)	n/a	n/a
P.L. 112-77 (2011)	n/a	n/a

Source: Corps of Engineers data.

Notes: In most cases, the totals for disaster supplementals in the table above do not add up to the supplemental funding totals in **Table I** due to funding being appropriated for general purposes and CRS not having sufficient data on the specific locations for these expenditures. The abbreviation "n/a" indicates that a bill provided for general disaster funding and no location-specific breakdown of funding from the Corps is available. As previously noted, the funding provided under P.L. 110-329 was appropriated to cover the nonfederal share of certain construction costs related to Hurricane Katrina and is being repaid by the State of Louisiana over 30 years.

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