



DECEMBER 19, 2019

## FY2020 Energy-Water Development Appropriations Comparison Chart of Water-Related Accounts and Report Language

The annual Energy—Water Development (E&W) Appropriations bill provides funding to the U.S. Army Corps of Engineers (“Corps”), U.S. Bureau of Reclamation (“Reclamation”), U.S. Department of Energy, and several other independent federal agencies. The Civil Works missions of the Corps include activities in support of coastal and inland navigation, flood and coastal storm damage reduction, environmental protection and restoration, hydropower, recreation, water supply, and disaster preparedness and response. Reclamation oversees water resource management, specifically as it applies to the oversight and operation of the diversion, delivery, and storage projects that it has built throughout the 17 western States for irrigation, water supply, and attendant hydroelectric power generation. President Trump submitted his FY2020 detailed budget proposal to Congress on March 18, 2019, requesting a total of **\$4.964 billion** for the Corps (a 29% reduction from the enacted FY2019 funding level) and **\$1.11 billion** for Reclamation (a 28% reduction from the enacted FY2019 funding level). The Trump Administration’s FY2020 budget request for the Corps is available [here](#); the FY2020 budget request for Reclamation is available [here](#).

The House passed its FY2020 E&W Appropriations bill (Division E of [H.R. 2740](#); [H. Rept. 116-83](#)) on June 19, 2019 by a vote of 226—203. The bill provides a total of **\$7.355 billion** for the Corps (a 5% increase from the enacted FY2019 funding level) and **\$1.627 billion** for Reclamation (a 5% increase from the enacted FY2019 funding level). The Senate Appropriations Committee passed its FY2020 E&W Appropriations bill ([S. 2470](#); [S. Rept. 116-102](#)) on September 12, 2019 by a vote of 31—0. The bill provides a total of **\$7.750 billion** for the Corps (an 11% increase from the enacted FY2019 funding level) and **\$1.730 billion** for Reclamation (a 12% increase from the enacted FY2019 funding level).

On December 16, Congressional leaders released the final confereed text of the FY2020 E&W Appropriations bill (**Division C** of the [Senate amendment](#) to H.R. 1865, the “**Further Consolidated Appropriations Act, 2020**”); the final FY2020 E&W Report language is available [here](#). The final FY2020 E&W Appropriations bill includes **\$7.65 billion** for the Corps, an increase of \$651.5 million above the enacted FY2019 funding level (a 8.5% increase) and \$2.69 billion above the President’s FY2020 budget request; and **\$1.68 billion** for Reclamation, an increase of \$115 million above the enacted FY2019 funding level (a 6.8% increase) and \$560 million above the President’s FY2020 budget request. The House passed the minibus package which includes the FY2020 E&W Appropriations bill on Dec. 17 by a vote of [297-120](#) and the Senate passed the package on Dec. 19 by a vote of [71-23](#). President Trump is expected to sign the bill into law on Dec. 20. The E&W package will fund the Corps and Reclamation for the remainder of FY2020 (i.e., December 21, 2019 through September 30, 2020).

This memo outlines differences in funding levels among specific water-related accounts for the Corps and Reclamation within the House, Senate, and final confereed version of the FY2020 E&W Appropriations bills (as compared to the enacted FY19 levels and the President’s FY20 budget request), in addition to differences for relevant Corps and Reclamation Report language for each of the FY2020 bills.

## U.S. Army Corps of Engineers Accounts

	FY2019 Enacted	FY2020 Budget Request	House FY2020 E&W Bill	Senate FY2020 E&W Bill	Final FY2020 E&W Bill
<b>Total Funding</b>	\$6.999 billion	\$4.964 billion	\$7.355 billion	\$7.750 billion	\$7.650 million
<b>Investigations and Planning</b>	\$125 million	\$77 million	\$140 million	\$154.9 million	\$151 million
<b>Construction</b>	\$2.183 billion	\$1.307 billion <sup>1</sup>	\$2.342 billion	\$2.795 billion	\$2.68 billion
<b>Flood and Storm Damage Reduction</b>	\$150.062 million	---	\$208 million	\$115 million	\$150 million
<b>Environmental Restoration or Compliance</b>	\$50 million	---	\$125 million	\$70 million	\$100 million
<b>Environmental Infrastructure</b>	\$77 million	---	\$100 million	\$80 million	\$100 million
<b>Aquatic Plant Control Program</b>	\$12 million	---	\$20 million	\$15 million	\$24 million
<b>Beneficial Use of Dredged Material Pilot Program</b>	\$10 million	---	\$7.5 million	\$7.5 million	\$7.5 million
<b>Continuing Authorities Program</b>	\$66 million	\$3 million	\$90 million	\$66 million	\$71.5 million
<b>Dam Safety and Seepage/Stability Correction Program</b>	\$100.405 million	\$17.002 million	\$43 million	\$23.507 million	\$38 million
<b>Innovative Funding Partnerships</b>	---	\$150 million	---	---	---
<b>WRRDA 2014, Section 1043 Non-Federal Construction of Federal Projects</b>	---	\$150 million	---	---	---

<sup>1</sup> In the Administration's FY2019 and FY2020 requests, some activities that would have previously been funded in this account were proposed to be funded through new Harbor Maintenance Trust Fund (HMTF) and Inland Waterway Trust Fund (IWTF) budget accounts. That is, the Administration proposed establishing Corps budget accounts for the HMTF and IWTF to fund eligible Corps activities directly (rather than the current practice of having the Corps be reimbursed for HMTF- and IWTF-eligible expenses). For example, HMTF-eligible maintenance dredging would no longer be funded by the O&M account and reimbursed by using HMTF collections; instead the dredging would be funded directly from an HMTF account.

	FY2019 Enacted	FY2020 Budget Request	House FY2020 E&W Bill	Senate FY2020 E&W Bill	Final FY2020 E&W Bill
<i>Mississippi River and Tributaries</i>	\$368 million	\$209 million <sup>2</sup>	\$350 million	\$368 million	\$375 million
<i>Operation and Maintenance</i>	\$3.740 billion	\$1.930 billion <sup>3</sup>	\$3.933 billion	\$3.799 billion	\$3.79 billion
<b>Aquatic Nuisance Control Research</b>	\$3 million	\$675,000	\$13 million	\$10 million	\$16 million
<b>Civil Works Water Management</b>	\$10 million	\$7.650 million	\$7.650 million	\$7.650 million	\$7.650 million
<b>Coastal Inlet Research Program</b>	\$7.975 million	\$2.430 million	\$5 million	\$10.975 million	\$10.975 million
<b>Fish &amp; Wildlife Operating Fish Hatchery Reimbursement</b>	\$5.4 million	\$5.4 million	\$5.4 million	\$5.4 million	\$5.4 million
<i>Regulatory Program</i>	\$200 million	\$200 million	\$210 million	\$200 million	\$210 million
<i>General Expenses</i>	\$193 million	\$187 million	\$184.5 million	\$193 million	\$203 million
<i>Flood Control and Coastal Emergencies</i>	\$35 million	\$27 million	\$37.5 million	\$35 million	\$35 million
<i>Office of the Assistant Secretary of the Army for Civil Works</i>	\$5 million	\$5 million	\$3 million	\$5 million	\$5 million
<i>Harbor Maintenance Trust Fund</i>	---	\$965 million	---	---	---
<i>Inland Waterways Trust Fund</i>	---	\$55.5 million	---	---	---

<sup>2</sup> Same as footnote #1.

<sup>3</sup> Same as footnote #1.

# U.S. Army Corps of Engineers Report Language

	House FY2020 E&W Appropriations Report	Senate FY2020 E&W Appropriations Report	Final FY2020 E&W Appropriations Report <sup>4</sup>
<b>Work Plan</b>	<p>Not later than 60 days after enactment of this Act, the Corps shall provide to the Committee a work plan including the following information: (1) a detailed description of the process and criteria used to evaluate studies and projects; (2) delineation of how these funds are to be allocated; (3) a summary of the work to be accomplished with each allocation, including phase of work; and (4) a list of all studies and projects that were considered eligible for funding but did not receive funding, including an explanation of whether the study or project could have used funds in fiscal year 2020 and the specific reasons each study or project was considered as being less competitive for an allocation of funds.</p>	<p>Not later than 60 days after the date of enactment of this act, the Corps shall provide to the Committees on Appropriations of both Houses of Congress a work plan consistent with the following general guidance, as well as the specific direction the Committee provides within each account: (1) a detailed description of the rating system(s) developed and used to evaluate studies and projects; (2) delineation of how these funds are to be allocated; (3) a summary of the work to be accomplished with each allocation, including phase of work and the study or project's remaining cost to complete (excluding Operation and Maintenance); and (4) a list of all studies and projects that were considered eligible for funding but did not receive funding, including an explanation of whether the study or project could have used funds in fiscal year 2020 and the specific reasons each study or project was considered less competitive for an allocation of funds.</p> <p>The Committee urges the Corps within its Flood and Coastal Storm Damage Reduction mission to strive for a balance between inland and coastal projects.</p>	<p>Not later than 60 days after enactment of this Act, the Corps shall provide to the Committees on Appropriations of both Houses of Congress a work plan including the following information: (1) a detailed description of the process and criteria used to evaluate studies and projects; (2) delineation of how these funds are to be allocated; (3) a summary of the work to be accomplished with each allocation, including phase of work and the study or project's remaining cost to complete (excluding Operation and Maintenance); and (4) a list of all studies and projects that were considered eligible for funding but did not receive funding, including an explanation of whether the study or project could have used funds in calendar year 2020 and the specific reasons each study or project was considered as being less competitive for an allocation of funds.</p>
<b>Construction— Additional Funding</b>	<p>The agreement includes additional funds for projects and activities to enhance the nation's economic growth and international competitiveness. Of the additional funds provided in this account, the Corps shall allocate not less than \$27,000,000 to projects</p>	<p>The Committee recommendation includes \$1,488,203,000 in additional funds for Construction above the budget request. The Corps shall allocate these additional funds in accordance with the direction in the front matter under the heading</p>	<p>The agreement includes additional funds for projects and activities to enhance the nation's economic growth and international competitiveness.</p>

<sup>4</sup> The final conferenced Report language, while repeating some report language for emphasis, does not intend to negate the language and allocations set forth in House or Senate FY2020 Report language and that direction shall be complied with unless specifically addressed to the contrary in the accompanying bill or explanatory statement. Additionally, where the final conferenced Report language states that the "agreement only includes" or "the following is the only" direction, any direction included in the House or Senate reports on that matter shall be considered as replaced with the direction provided within the final conferenced Report language. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to the House and Senate Appropriations Committees. House or Senate reporting requirements with deadlines prior to or within 15 days of the enactment of the final conferenced bill shall be submitted not later than 60 days after enactment of this final conferenced bill. All other reporting deadlines not changed by this final conferenced Report language are to be met.

**House FY2020 E&W Appropriations Report**

with riverfront development components. Of the additional funding provided in this account for flood and storm damage reduction and flood control, the Corps shall allocate not less than \$20,000,000 to additional nonstructural flood control projects. Of the additional funds provided in this account for flood and storm damage reduction, navigation, and other authorized project purposes, the Corps shall allocate not less than \$25,000,000 to authorized reimbursements for projects with executed project cooperation agreements and that have completed construction or where non-federal sponsors intend to use the funds for additional water re-sources development activities. Of the additional funding provided in this account for environmental restoration or compliance, the Corps shall allocate not less than \$5,000,000 for projects that re-store and rehabilitate native oyster reefs. Of the additional funding provided in this account for flood and storm damage reduction and flood control, the Corps shall allocate not less than \$25,000,000 to continue construction of projects that principally address drainage in urban areas. Of the additional funding provided in this account for environmental restoration or compliance and other authorized purposes, the Corps shall allocate not less than \$28,000,000 for ecosystem restoration projects that have incidental flood risk management benefits.

P.L. 115–123 included funding within the Flood Control and Coastal Emergencies account to restore authorized shore protection projects to full project profile. That funding is expected to address most of the current year capability. Therefore, to ensure funding is not directed to where it cannot be used, the Committee includes \$50,165,000 for construction of shore protection projects. The Corps is reminded that if additional work can be done, these projects are also eligible to compete for additional funding for flood and storm damage reduction.

**Senate FY2020 E&W Appropriations Report**

“Additional Funding”. The Corps shall not condition these funds, or any funds appropriated in this act, on a non-Federal interest paying more than their required share in any phase of a project. Of the additional funds recommended in this account, the Corps shall allocate not less than \$20,000,000 for the construction of projects that principally address drainage in urban areas. Of the additional funds recommended in this account for flood and storm damage reduction, navigation, and other authorized project purposes (excluding environmental infrastructure), the Corps shall allocate not less than \$35,000,000 to authorized reimbursements for projects with executed project partnership agreements and that have completed construction or where non-Federal sponsors intend to use the funds for additional water resource development activities. Of the additional funding recommended under the heading “Environmental Restoration or Compliance”, not less than \$20,000,000 shall be for multistate ecosystem restoration programs for which a comprehensive restoration plan is in development or has been completed.

When allocating the additional funding provided in this account, the Corps is encouraged to evaluate authorized reimbursements in the same manner as if the projects were being evaluated for new or ongoing construction and shall consider giving priority to the following:

- Benefits of the funded work to the national economy;
- Extent to which the work will enhance national, regional, or local economic development;
- Number of jobs created directly by the funded activity;

**Final FY2020 E&W Appropriations Report<sup>4</sup>**

Of the additional funding provided in this account for flood control, the Corps shall allocate not less than \$20,000,000 to undertake studies and recommendations for construction resulting from a Dam Safety Modification Report completed under section 1177 of the WIIN Act (Public Law 114- 322), as amended. Of the additional funding provided in this account for flood and storm damage reduction and flood control, the Corps shall allocate not less than \$20,000,000 to additional nonstructural flood control projects. Of the additional funding provided in this account for flood and storm damage reduction and flood control, the Corps shall allocate not less than \$25,000,000 to continue construction of projects that principally address drainage in urban areas.

Of the additional funding provided in this account for navigation and other authorized project purposes, the Corps shall allocate not less than \$50,000,000 to continue activities to construct new navigation infrastructure for locks and Corps-owned bridges not on the inland waterways system.

Of the additional funding provided in this account for environmental restoration or compliance and other authorized project purposes, the Corps shall allocate not less than \$25,000,000 for multistate ecosystem restoration programs for which a comprehensive restoration plan is in development or has been completed, of which not less than \$5,000,000 shall be for projects or programs that restore and rehabilitate native oyster reefs.

Of the additional funding provided in this account for environmental restoration or compliance and other authorized project purposes, the Corps shall allocate not less than \$28,000,000 for ecosystem restoration projects that have incidental flood risk management benefits.

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When allocating the additional funding provided in this account, the Corps is encouraged to evaluate authorized reimbursements in the same manner as if the projects were being evaluated for new or ongoing construction and shall consider giving priority to the following:

- benefits of the funded work to the national economy;
- extent to which the work will enhance national, regional, or local economic development;
- number of jobs created directly and supported in the supply chain by the funded activity;
- significance to national security, including the strategic significance of commodities;
- ability to obligate the funds allocated within the fiscal year, including consideration of the ability of the non-federal sponsor to provide any required cost share;
- ability to complete the project, separable element, or project phase with the funds allocated;
- legal requirements, including responsibilities to Tribes;
- for flood and storm damage reduction projects (including authorized nonstructural measures and periodic beach renourishments),
- population, economic activity, or public infrastructure at risk, as appropriate; and

- Ability to obligate the funds allocated within the calendar year, including consideration of the ability of the non-Federal sponsor to provide any required cost share;
- Ability to complete the project, separable element, or project phase with the funds allocated;
- Legal requirements, including responsibilities to Tribes;
- For flood and storm damage reduction projects (including authorized nonstructural measures and periodic beach renourishments): Population, economic activity, or public infrastructure at risk, as appropriate; the severity of risk of flooding or the frequency with which an area has experienced flooding; and preservation of historically significant communities, culture, and heritage;
- For shore protection projects, projects in areas where there is risk to life and public health and safety, and risk of environmental contamination;
- For ecosystem restoration projects, projects that restore degraded wetland and stream habitat negatively impacted by the construction of Corps levees;
- For navigation projects, the number of jobs or level of economic activity to be supported by completion of the project, separable element, or project phase;
- For projects cost shared with the IWTF, the economic impact on the local, regional, and national economy if the project is not

Of the additional funds provided in this account for flood and storm damage reduction, navigation, and other authorized project purposes, the Corps shall allocate not less than \$35,000,000 to authorized reimbursements for projects with executed project cooperation agreements and that have completed construction or where non-federal sponsors intend to use the funds for additional water resources development activities.

Of the additional funds provided in this account, the Corps shall allocate not less than \$40,588,000 to projects with riverfront development components.

Public Law 115-123 and Public Law 116-20 included funding within the Flood Control and Coastal Emergencies account to restore authorized shore protection projects to full project profile. That funding is expected to address most of the current year capability. Therefore, to ensure funding is not directed to where it cannot be used, the agreement includes \$50,165,000 for construction of shore protection projects. The Corps is reminded that if additional work can be done, these projects are also eligible to compete for additional funding for flood and storm damage reduction.

When allocating the additional funding provided in this account, the Corps is encouraged to evaluate authorized reimbursements in the same manner as if the projects were being evaluated for new or ongoing construction. The Corps shall not condition these funds, or any funds appropriated in this Act, on a non-federal interest paying more than their required share in any phase of a project. When allocating the additional funding provided in this account, the Corps shall consider giving priority to the following:

- benefits of the funded work to the national economy;

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- the severity of risk of flooding or the frequency with which an area has experienced flooding;
- for shore protection projects, projects in areas that have suffered severe beach erosion requiring additional sand placement outside of the normal beach renourishment cycle or in which the normal beach renourishment cycle has been delayed;
- for navigation projects, the number of jobs or level of economic activity to be supported by completion of the project, separable element, or project phase;
- for projects cost shared with the Inland Waterways Trust Fund (IWTF), the economic impact on the local, regional, and national economy if the project is not funded, as well as discrete elements of work that can be completed within the funding provided in this line item;
- for other authorized project purposes and environmental restoration or compliance projects, to include the beneficial use of dredged material; and
- for environmental infrastructure projects, projects with the greater economic impact, projects in rural communities, projects in communities with significant shoreline and in-stances of runoff, projects in or that benefit counties or parishes with high poverty rates, projects in financially distressed municipalities, projects that improve stormwater capture capabilities, and projects that will provide substantial benefits to water quality improvements.

- funded, as well as discrete elements of work that can be completed within the funding provided in this line item;
- For other authorized project purposes and environmental restoration or compliance projects, the beneficial use of dredged material; and
- For environmental infrastructure, projects in rural communities, projects with greater economic impact, projects in counties or parishes with high poverty rates, projects owed past re-imbursements, and projects that provide backup raw water supply in the event of an emergency.

The Committee recommendation includes the full use of all estimated fiscal year 2020 annual revenues in the IWTF as well as the sufficient additional IWTF prior year revenues to ensure ongoing new construction projects may proceed with an efficient funding profile. Funds recommended herein for inland waterways shall only be available for ongoing new construction projects, which have a fiscal year 2020 estimate of \$196,000,000 above the administration’s budget request. The Corps shall allocate all funds recommended in the IWTF Revenues line item along with the statutory cost share from funds provided in the Navigation line item prior to allocating the remainder of funds in the Navigation line item.

- extent to which the work will enhance national, regional, or local economic development;
- number of jobs created directly and supported in the supply chain by the funded activity;
- significance to national security, including the strategic significance of commodities;
- ability to obligate the funds allocated within the calendar year, including consideration of the ability of the non-federal sponsor to provide any required cost share;
- ability to complete the project, separable element, or project phase with the funds allocated;
- legal requirements, including responsibilities to Tribes;
- for flood and storm damage reduction projects (including authorized nonstructural measures and periodic beach renourishments),
- population, economic activity, or public infrastructure at risk, as appropriate;
- the severity of risk of flooding or the frequency with which an area has experienced flooding; and
- preservation of historically significant communities, culture, and heritage;
- for shore protection projects, projects in areas that have suffered severe beach erosion requiring additional sand placement outside of the normal beach renourishment

The recommendation provides funds making use of all estimated annual revenues in the IWTF. The Corps shall allocate all funds provided in the IWTF Revenues line item along with the statutory cost share from funds provided in the Navigation line item prior to allocating the remainder of funds in the Navigation line item.

cycle or in which the normal beach renourishment cycle has been delayed, and projects in areas where there is risk of environmental contamination;

- for navigation projects, the number of jobs or level of economic activity to be supported by completion of the project, separable element, or project phase;
- for projects cost shared with the Inland Waterways Trust Fund (IWTF), the economic impact on the local, regional, and national economy if the project is not funded, as well as discrete elements of work that can be completed within the funding provided in this line item;
- for other authorized project purposes and environmental restoration or compliance projects, to include the beneficial use of dredged material; and
- for environmental infrastructure, projects with the greater economic impact, projects in rural communities, projects in communities with significant shoreline and instances of runoff, projects in or that benefit counties or parishes with high poverty rates, projects in financially-distressed municipalities, projects that improve stormwater capture capabilities, projects that provide backup raw water supply in the event of an emergency, and projects that will provide substantial benefits to water quality improvements.

The following is the only direction with regard to the availability of additional funds for IWTF cost-shared projects. The agreement provides funds making use of all estimated annual revenues and some additional prior year revenues in the IWTF for ongoing projects.



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The agreement includes a total appropriation of \$131,075,000 from the IWTF. The Corps shall continue to use, as appropriate, the Inland and Intracoastal Waterways Twenty-Year Capital Investment Strategy dated March 2016, as the applicable 20-year plan. The agreement considers the 20-year Capital Investment Strategy a planning document and therefore not subject to administration budget metrics. The Corps shall allocate all funds provided in the IWTF Revenues line item along with the statutory cost share from funds provided in the Navigation line item prior to allocating the remainder of funds in the Navigation line item.

<b>Alternative Delivery</b>	No language.	<p>The Committee is disappointed the administration’s fiscal year 2020 budget did not support the Corps’ Water Infrastructure Finance Innovation Act program or Public-Private Partnership [P3] efforts. Instead of proposing funds for ongoing efforts, the administration proposed a new funding pot, “Innovative Funding Partnerships”, where eligibility for funding is conditioned on non-Federal interests providing more than their statutory cost share requirement. Consistent with previous Congressional intent, the Committee does not support initiatives that disadvantage rural communities and other non-Federal interests who lack the financial means to pay more to get preferential priority in funding.</p> <p>The Committee does support alternative delivery approaches such as P3s and split delivery methods that leverage public and private resources to reduce costs and risk to populations by delivering infrastructure sooner. The use of P3s and split delivery methods demonstrates a viable strategy to help address the Corps’ back-log of projects while reducing scheduling and funding risk to the Federal Government. Alternative Delivery funding is recommended in this account under the new funding line “Alternative Delivery” for ongoing and planned</p>	<p>The Corps is reminded that Public-Private Partnerships and projects that utilize a split-delivery approach are eligible for additional funding in this account.</p>
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P3s and projects that utilize a split-delivery approach. The Committee also encourages the Corps to continue the rulemaking process for WIFIA.

<p><b>Aquatic Plant Control Program</b></p>	<p>Of the funding provided for the Aquatic Plant Control Program, \$15,000,000 shall be for watercraft inspection stations, as authorized by section 1170 of the America’s Water Infrastructure Act of 2018, and \$3,000,000 shall be for related monitoring.</p>	<p>Of the funding recommended for the Aquatic Plant Control Program: \$1,000,000 shall be for activities for monitoring, surveys, and control of flowering rush; \$5,000,000 shall be for nationwide research and development to address invasive aquatic plants, within which the Corps is encouraged to support cost-shared aquatic plant management programs; \$5,000,000 shall be for watercraft inspection stations and rapid response, as authorized by section 1039 of WRRDA, as amended; and \$1,000,000 shall be for related monitoring.</p>	<p>Of the funding provided for the Aquatic Plant Control Program, \$1,000,000 shall be for activities for monitoring, surveys, and control of the flowering rush. Of the funding provided for the Aquatic Plant Control Program, \$5,000,000 shall be for nationwide research and development to address invasive aquatic plants; within this funding, the Corps is encouraged to support cost shared aquatic plant management programs. Of the funding provided for the Aquatic Plant Control Program, \$15,000,000 shall be for watercraft inspection stations, as authorized by section 1039 of WRRDA, and \$3,000,000 shall be for related monitoring.</p>
<p><b>Continuing Authorities Program</b></p>	<p>The Committee continues to support all sections of the Continuing Authorities Program. Funding is provided for eight CAP sections at a total of \$88,000,000. This program provides a useful tool for the Corps to undertake small localized projects without the lengthy study and authorization process typical of larger Corps projects. The management of CAP should continue consistent with direction provided in previous fiscal years.</p>	<p>The Committee recommends \$66,000,000 for the Continuing Authorities Program [CAP], an in-crease of \$63,000,000 above the budget request. CAP is a useful tool for the Corps to undertake small localized projects without being encumbered by the lengthy study and authorization phases typical of most Corps projects. Within the CAP and to the extent already authorized by law, the Corps is encouraged to consider projects that enhance coastal and ocean ecosystem resiliency. The management of CAP should continue consistent with direction pro-vided in previous fiscal years.</p> <p>The Committee encourages the Corps to expedite the implementation of feasibility studies approved in 2019 under section 206 of the Flood Control Act of 1958.</p> <p>The Corps shall allow for the advancement of flood control projects in combination with ecological benefits using natural and nature-based solutions alone, or in combination with built infra-structure</p>	<p>The agreement supports all sections of the Continuing Authorities Program (CAP). Funding is provided for nine CAP sections at a total of \$71,500,000, an increase of \$68,500,000 above the budget request, which proposed funding for only three sections. This program provides a useful tool for the Corps to undertake small, localized projects without the lengthy study and authorization process typical of larger Corps projects. Within CAP and to the extent already authorized by law, the Corps is encouraged to consider projects that enhance coastal and ocean ecosystem resiliency and projects that restore degraded wetland habitat and stream habitat impacted by construction of Corps levees. The management of CAP shall continue consistent with direction provided in previous fiscal years.</p> <p>The Corps is encouraged to expedite the implementation of feasibility studies approved in 2019 under section 206 of the Flood Control Act of 1958. The Corps shall allow for the advancement of flood control projects in combination with ecological benefits using natural and nature-based solutions</p>

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where appropriate for reliable risk reduction during the development of projects under section 205 of CAP.

Within the section 1135 CAP authority, and to the extent already authorized by law, the Committee urges the Corps to give priority to projects that restore degraded wetland habitat and stream habitat impacted by construction of Corps levees with executed feasibility cost share agreements.

alone or in combination with built infrastructure where appropriate for reliable risk reduction during the development of projects under section 205 of CAP.

**Beneficial Use of Dredged Material Pilot Program**

The Committee supports the pilot program authorized in section 1122 of the Water Resources Development Act of 2016, but remains concerned about implementation of the program. The recommendation pro-vides \$7,500,000 for the first 10 projects selected. The Corps shall not use Operation and Maintenance funds provided or allocated to the projects from which the dredged material is generated for costs beyond the costs of the Federal Standard. The Corps shall brief the Committee not later than 90 days after enactment of this Act on the planned activities, costs estimates, and potential timelines for each of the 10 selected pilot projects. The Corps is further directed to brief the Committee prior to any effort to select any additional pilot projects as authorized by the America’s Water Infrastructure Act of 2018.

The Committee is pleased to see the Corps’ selection of 10 pilot projects under section 1122 of WIIN to carry out beneficial use of dredged sediment, including the selection of the Resilient San Francisco Bay Pilot Project. The Committee’s recommendation provides additional funds within “Beneficial Use of Dredged Material Pilot Program” to pursue the next phase for the selected projects

The agreement supports the pilot program authorized in section 1122 of the WIIN Act (Public Law 114-322), but concerns remain about implementation of the program. The agreement provides \$7,500,000 for the 10 pilot projects selected to date within "Beneficial Use of Dredged Material Pilot Program." The Corps shall not use Operation and Maintenance funds provided or allocated to the projects from which the dredged material is generated for costs beyond the costs of the Federal Standard. The Corps shall brief the Committees on Appropriations of both Houses of Congress not later than 90 days after enactment of this Act on the planned activities, costs estimates, and potential timelines for each of the 10 selected pilot projects. The Corps is further directed to brief the Committees on Appropriations of both Houses of Congress prior to any effort to solicit or select any additional pilot projects as authorized by the America's Water Infrastructure Act of 2018.

**New Programs Requested in the Budget Proposal/Non-Federal Implementation Pilot Program**

The budget request includes a proposal for \$150,000,000 for projects carried out under section 1043 of the Water Resources Reform and Development Act of 2014, “Non-federal Implementation Pilot Program.” This pilot program was authorized to allow the transfer of federal funds to non-federal interests for them to perform studies and con-struct projects. The Committee rejects the idea that the method of project execution should be used to prioritize projects for federal funding and

Section 1043(b) of WRRDA, as amended, authorized the Secretary to establish and implement a pilot program to evaluate the cost effectiveness and project delivery efficiency of allowing non-Federal interests to carry out flood risk management, hurricane and storm damage, coastal harbor and channel inland navigation, and aquatic ecosystem restoration projects. The Committee is aware of two projects that have been identified for implementation prior to the authority’s expiration on June 10, 2019.

No language.

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provides no funds for such an effort. Individual projects that compete successfully for funding based on other performance-based criteria may be implemented using the section 1043 authority, if appropriate. The Corps shall brief the Committee not later than 45 days after enactment of this Act on activities carried out under the section 1043 pilot program, including the Corps' implementation guidance and any existing or potential agreements.

The budget request also includes \$150,000,000 for an Innovative Funding Partnerships Program to be used along with funds from non-federal interests "in excess of the sponsor's statutory cost share requirements" to carry out certain authorized projects. The Committee is disturbed by this blatant attempt to require funding in excess of legally required cost share as a criterion for funding decisions, which is contrary to long-standing congressional direction. The Committee provides no funds for this proposal. The Committee notes, however, that any project that could have received funding under such a program is eligible to compete for the additional funding provided in this account based on the project performance criteria described in this report.

The administration's fiscal year 2020 budget proposes \$150,000,000 for construction projects under this authority and issued implementation guidance dated June 24, 2019. The Committee has several concerns regarding the implementation of this authority that are not addressed in the implementation guidance. The guidance (1) does not include metrics for measuring pilot program success; (2) fails to address the selection and implementation of additional projects; (3) fails to address the significant risks associated with a non-Federal interest undertaking construction of a Federal project, including situations where the non-Federal interest fails to meet design and quality standards; (4) fails to address compliance with all laws and regulations that would apply if the Secretary were carrying out the project; and (5) fails to address liability in the event a project fails. Due to these concerns, the Corps shall notify the Committees on Appropriations of both Houses of Congress upon receiving any proposal from a non-Federal interest requesting to utilize the section 1043 authority. The Corps shall not negotiate or enter into a project partnership agreement to transfer funds to a non-Federal interest utilizing the 1043(b) authority unless approval is received from the Committee on Appropriations of both Houses of Congress. None of the funds recommended in this act shall be used under this authority for a project where construction has been started but not completed. The Corps shall brief the Committees not later than 45 days after enactment of this act on activities carried out under the section 1043 pilot program, including the Corps' implementation guidance and any existing or potential agreements.

<b>Environmental Infrastructure</b>	No language.	Authorized Environmental Infrastructure projects shall not require a new start designation. The Committee reminds the Corps that Environmental Infrastructure authorities include caps on Federal participation, but do not provide a guarantee that	It is understood that the Corps is developing metrics for prioritization of environmental infrastructure projects. The Corps is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 120 days after enactment of
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the project authorization level will be met. Environmental Infrastructure projects shall only receive funding if there is a separable element that can be funded to completion in a fiscal year without the requirement for continued funding in future years. The Corps is directed to develop metrics for the selection of Environmental Infrastructure projects that receive funds and provide a report on such metrics to the Committees on Appropriations of both Houses of Congress within 180 days of enactment of this act.

this Act a briefing on these metrics. Notwithstanding the direction on new starts in the front matter of Title I, the Corps may allocate funds to at least one, but not more than two environmental infrastructure authorities not previously funded, which may include regional environmental infrastructure authorities. The Corps shall consider the impacts of future funding when selecting these projects.

<p><b>Operation and Maintenance—Additional Funding for Ongoing Work</b></p>	<p>When allocating the additional funding provided in this account, the Corps shall consider giving priority to the following:</p> <ul style="list-style-type: none"> <li>• ability to complete ongoing work maintaining authorized depths and widths of harbors and shipping channels, including where contaminated sediments are present;</li> <li>• ability to address critical maintenance backlog;</li> <li>• presence of the U.S. Coast Guard;</li> <li>• extent to which the work will enhance national, regional, or local economic development, including domestic manufacturing capacity;</li> <li>• extent to which the work will promote job growth or inter-national competitiveness;</li> <li>• number of jobs created directly by the funded activity;</li> <li>• ability to obligate the funds allocated within the fiscal year;</li> </ul>	<p>The Committee cannot support a level of funding that does not fund O&amp;M of our Nation’s aging infrastructure sufficiently to ensure continued competitive-ness in a global marketplace. Federal navigation channels maintained at only a fraction of authorized dimensions and navigation locks and hydropower facilities well beyond their design life results in economic inefficiencies and risks infrastructure failure, which can cause substantial economic losses. The Committee recommendation includes additional funds for projects and activities to enhance the Nation’s economic growth and international competitiveness.</p> <p>The Committee recommends not less than \$4,000,000 of the additional funds recommended in the Scheduling of Reservoir Operations line be for a water control manual update for a non-Corps owned high hazard dam where: (1) the Corps has a responsibility for flood control operations under section 7 of the Flood Control Act of 1944; (2) the dam requires coordination of water releases with one or more other high-hazard dams for flood control purposes; and (3) the dam owner is actively investigating the feasibility of applying forecast informed reservoir operations technology. Of the additional funds recommended in this account for other authorized project purposes, not less than \$2,200,000 shall be used to continue greenway trail</p>	<p>Of the additional funding provided in this account for other authorized project purposes, the Corps shall allocate not less than \$2,200,000 to continue greenway trail improvements at federal projects.</p> <p>Of the additional funding provided in this account for other authorized project purposes, the Corps shall allocate not less than \$2,000,000 for efforts to combat invasive mussels at Corps-owned reservoirs.</p> <p>When allocating the additional funding provided in this account, the Corps shall consider giving priority to the following:</p> <ul style="list-style-type: none"> <li>• ability to complete ongoing work maintaining authorized depths and widths of harbors and shipping channels (including small, remote, or subsistence harbors), including where contaminated sediments are present;</li> <li>• ability to address critical maintenance backlog;</li> <li>• presence of the U.S. Coast Guard;</li> <li>• extent to which the work will enhance national, regional, or local economic development, including domestic manufacturing capacity;</li> </ul>
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- ability to complete the project, separable element, project phase, or useful increment of work within the funds allocated;
- addressing hazardous barriers to navigation due to shallow channels;
- risk of imminent failure or closure of the facility;
- improvements to federal breakwaters and jetties where additional work will improve the safety of navigation and stabilize infrastructure to prevent continued deterioration; and
- for harbor maintenance activities,
- total tonnage handled;
- total exports;
- total imports;
- dollar value of cargo handled;
- energy infrastructure and national security needs served;
- designation as strategic seaports;
- maintenance of dredge disposal facilities;
- lack of alternative means of freight movement; and
- savings over alternative means of freight movement.

Additional funding provided for donor and energy transfer ports shall be allocated in accordance with 33 U.S.C. 2238c. The Corps is encouraged to include funding for this program in future budget requests.

improvements at Federal projects in partnership with a non-Federal agency. Of the additional funds recommended in this account for other authorized project purposes, not less than \$2,000,000 shall be for efforts to combat invasive mussels at Corps-owned reservoirs.

When allocating the additional funding recommended in this account, the Corps shall consider giving priority to the following:

- Ability to complete ongoing work maintaining authorized depths and widths of harbors and shipping channels (including small, remote, or subsistence harbors), including where contaminated sediments are present;
- Ability to address critical maintenance backlog;
- Presence of the U.S. Coast Guard;
- Extent to which the work will enhance national, regional, or local economic development;
- Extent to which the work will promote job growth or international competitiveness;
- Number of jobs created directly by the funded activity;
- Ability to obligate the funds allocated within the fiscal year;
- Ability to complete the project, separable element, project phase, or useful increment of work within the funds allocated; and
- For harbor maintenance activities:
- Total tonnage handled;

- extent to which the work will promote job growth or international competitiveness;
- number of jobs created directly by the funded activity;
- ability to obligate the funds allocated within the calendar year;
- ability to complete the project, separable element, project phase, or useful increment of work within the funds allocated;
- addressing hazardous barriers to navigation due to shallow channels;
- risk of imminent failure or closure of the facility;
- for small, remote, and subsistence harbors,
- low-use ports with unexpected levels of deterioration since their last dredging; and
- projects with public safety concerns; and
- for harbor maintenance activities,
- total tonnage handled;
- total exports;
- total imports;
- dollar value of cargo handled;
- energy infrastructure and national security needs served;
- designation as strategic seaports;
- Jack of alternative means of freight movement;

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- Total exports;
- Total imports;
- Dollar value of cargo handled;
- Energy infrastructure and national security needs served;
- Designation as strategic seaports;
- Lack of alternative means of freight movement;
- Savings over alternative means of freight movement; and
- Improvements to dredge disposal facilities which will result in long-term savings, including a reduction in regular maintenance costs.

- savings over alternative means of freight movement; and
- improvements to dredge disposal facilities that will result in long-term savings, including a reduction in regular maintenance.

Additional funding provided for donor and energy transfer ports shall be allocated in accordance with 33 U.S.C. 2238c. The Corps is encouraged to include funding for this program in future budget submissions. The Corps is directed to fully execute subsection (c) of 33 U.S.C. 2238c not later than 90 days after enactment of this Act.

Concerns persist that the administration's criteria for navigation maintenance do not allow small, remote, or subsistence harbors and waterways to properly compete for scarce navigation maintenance funds. The Corps is directed to revise the criteria used for determining which navigation projects are funded in order to develop a reasonable and equitable allocation under this account. The agreement supports including criteria to evaluate the economic impact that these projects provide to local and regional economies.

<p><b>Aquatic Nuisance Research Program</b></p>	<p>The Committee provides an additional \$4,000,000 to supplement activities related to harmful algal blooms and directs the Corps to work collaboratively with appropriate university partners to address harmful algal blooms formation, detection, and remediation to enhance protection of vital U.S. water resources. The Committee is aware of the critical need to develop next generation ecological models to maintain inland and intracoastal waterways, which contribute over \$649,000,000,000 annually to the U.S. economy. The Committee has provided an</p>	<p>No language.</p>	<p>Concerns persist about the increasing threat to human health and public safety from harmful algal blooms (HABs) on our nation's surface waters. The agreement provides additional funds in Aquatic Nuisance Research Program to address HABs and to develop next generation ecological models to maintain inland and intracoastal waterways, which contribute over \$649,000,000,000 annually to the U.S. economy. The agreement also provides additional funds to support research and development that will identify the formation of HABs</p>
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	<p>additional \$5,675,000 to develop next-generation ecological models. Within additional funds provided, the Corps is encouraged to support research that will identify and develop improved strategies for early detection, prevention, and management techniques and procedures to reduce the occurrence and impacts of harmful algal blooms in the nation's water resources.</p>		<p>and develop improved strategies for early detection, prevention, and management techniques and procedures to reduce the occurrence and impacts of HABs in the nation's water resources. The Corps is urged to work collaboratively with appropriate university partners to address these issues. The Corps is encouraged to explore opportunities to address HABs in the Great Lakes given the historic lake levels in the region.</p>
<b>Response to Climate Change at Corps Projects</b>	<p>The Committee recognizes the need to further incorporate assessments of climate-related risks and vulnerabilities in Corps planning, programs, projects, investments, and related funding decisions, and simultaneously to set up a process to explore and prioritize further mitigation opportunities in broader Corps work.</p>	<p>No language.</p>	<p>No language.</p>
<b>Office of the Assistant Secretary of the Army for Civil Works</b>	<p>The recommendation includes legislative language restricting the availability of 75 percent of the funding provided in this account until such time as at least 95 percent of the additional funding provided in each account has been allocated to specific programs, projects, or activities. This restriction shall not affect the roles and responsibilities established in previous fiscal years of the Office of the Assistant Secretary of the Army for Civil Works, the Corps headquarters, the Corps field operating agencies, or any other executive branch agency.</p> <p>The Committee counts on a timely and accessible executive branch in the course of fulfilling its constitutional role in the appropriations process. The requesting and receiving of basic, factual information, such as budget justification materials, is vital in order to maintain a transparent and open governing process. The Committee recognizes that some discussions internal to the executive branch are pre-decisional in nature and, therefore, not subject to disclosure. However, the access to facts, figures, and statistics that inform these decisions are not subject</p>	<p>The Committee is concerned about the bureaucratic process for renewing leases under the 16 U.S.C. 406d. The Committee encourages the Secretary to consider the efficiencies that may be gained by allowing Corps Districts to authorize lease renewals under this section, including lease applications in excess of 25 years.</p> <p>The Committee counts on a timely and accessible executive branch in the course of fulfilling its constitutional role in the appropriations process. The requesting and receiving of basic, factual information is vital to maintain a transparent and open governing process. The Committee recognizes that some discussions internal to the executive branch are pre-decisional in nature and, therefore, not subject to disclosure. However, the access to facts, figures, and statistics that inform these decisions are not subject to the same sensitivity and are critical to the appropriations process. The administration needs to do more to ensure timely and complete responses to these inquiries.</p>	<p>The agreement includes \$5,000,000 for the Office of the Assistant Secretary of the Army for Civil Works. The agreement includes legislative language that restricts the availability of funding until the Secretary submits the required baseline report and a work plan that allocates at least 95 percent of the additional funding provided in each account (i.e., 95 percent of additional funding provided in Investigations, 95 percent of additional funding provided in Construction, etc.). This restriction shall not affect the roles and responsibilities established in previous fiscal years of the Office of the Assistant Secretary of the Army for Civil Works, the Corps headquarters, the Corps field operating agencies, or any other executive branch agency.</p> <p>A timely and accessible executive branch in the course of fulfilling its constitutional role in the appropriations process is essential. The requesting and receiving of basic, factual information, such as budget justification materials, is vital in order to maintain a transparent and open governing process. The agreement recognizes that some discussions</p>



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to this same sensitivity and are critical to the budget process. The Administration shall ensure timely and complete responses to these inquiries.

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internal to the executive branch are pre-decisional in nature and, therefore, not subject to disclosure. However, the access to facts, figures, and statistics that inform these decisions are not subject to this same sensitivity and are critical to the budget process. The administration shall ensure timely and complete responses to these inquiries.

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## U.S. Bureau of Reclamation Accounts

	FY2019 Enacted	FY2020 Budget Request	House FY2020 E&W Bill	Senate FY2020 E&W Bill	Final FY2020 E&W Bill
<b>Total Funding</b>	\$1.550 billion	\$1.110 billion	\$1.627 billion	\$1.730 billion	\$1.680 billion
<b>Policy and Administration</b>	\$61 million	\$60 million	\$58 million	\$60 million	\$60 million
<b>Central Valley Project Restoration Fund</b>	\$62 million	\$54.9 million	\$54.9 million	\$54.9 million	\$54.849 million
<b>California Bay-Delta (CALFED) Restoration</b>	\$35 million	\$33 million	\$33 million	\$33 million	\$33 million
<b>Water and Related Resources</b>	\$1.392 billion	\$962 million	\$1.481 billion	\$1.582 billion	\$1.512 billion
<b>Rural Water</b>	\$98.740 million	\$27.764 million	\$121.368 million	\$125 million	\$117.368 million
<b>Fish Passage and Fish Screens</b>	\$7.876 million	---	\$11.4 million	\$13.5 million	\$11.4 million
<b>Dam Safety Program</b>	\$88.084 million	\$92.771 million	\$92.771 million	\$100.546 million	\$92.771 million
<b>Environmental Restoration or Compliance</b>	\$30 million for activities authorized under sections 4001 and 4010 of the 2016 WIIN Act or as set forth in Federal-State plans for restoring threatened and endangered fish species affected by the operation of Reclamation's water projects.	---	\$40 million for activities authorized under sections 4001 and 4010 of the 2016 WIIN Act or as set forth in Federal-State plans for restoring threatened and endangered fish species affected by the operation of Reclamation's water projects.	At least \$40 million for activities authorized under sections 4001 and 4010 of the 2016 WIIN Act or as set forth in Federal-State plans for restoring threatened and endangered fish species affected by the operation of Reclamation's water projects.	\$42.5 million: Not less than \$40 million shall be for activities authorized under sections 4001 and 4010 of the 2016 WIIN Act or as set forth in federal-state plans for restoring threatened and endangered fish species affected by the operation of Reclamation's water projects.
<b>Water Conservation and Delivery</b>	\$244 million total:		\$225.301 million total:	\$274 million total:	\$258.077 million total:

FY2019 Enacted	FY2020 Budget Request	House FY2020 E&W Bill	Senate FY2020 E&W Bill	Final FY2020 E&W Bill
<p>\$134 million for water storage projects as authorized in section 4007 of the 2016 WIIN Act</p> <p>\$15 million for water conservation activities in areas that are experiencing extended drought conditions.</p>	<p>---</p>	<p>\$89.333 million for water storage projects as authorized in section 4007 of the 2016 WIIN Act</p> <p>\$40 million for water conservation activities in areas that are experiencing extended drought conditions.</p>	<p>\$134 million for water storage projects as authorized in section 4007 of the 2016 WIIN Act</p> <p>At least \$27 million for construction activities related to projects found to be feasible by the Secretary and which are ready to initiate for the repair of critical Reclamation canals where operational conveyance capacity has been seriously impaired.</p>	<p>\$134 million shall be for water storage projects as authorized in section 4007 of the 2016 WIIN Act.</p> <p>Not less than \$20 million shall be for construction activities related to projects found to be feasible by the Secretary and that are ready to initiate for the repair of critical Reclamation canals where operational conveyance capacity has been seriously impaired by factors such as age or land subsidence, especially those that would imminently jeopardize Reclamation's ability to meet water delivery obligations.</p> <p>\$20 million shall be for water conservation activities in areas that are experiencing extended drought conditions. These water conservation activities shall include well construction and irrigation related structural or other measures, programs and projects that result in conservation of other surface water or groundwater, or improve water system efficiency, resiliency, reliability, delivery, and conveyance.</p>

	FY2019 Enacted	FY2020 Budget Request	House FY2020 E&W Bill	Senate FY2020 E&W Bill	Final FY2020 E&W Bill
<b>Desalination and Water Purification Program</b>	\$12 million	\$2.625 million	\$14.125 million	\$12 million	\$20 million
<b>Science and Technology Program</b>	\$11.014 million	\$11.014 million	\$17.5 million	\$20 million	\$17.5 million
<b>Endangered Species Recovery Implementation Program</b>	\$19.152 million	\$9.35 million	\$9.35 million	\$12.35 million	\$9.35 million
<b>WaterSMART Grants</b>	\$34 million	\$10 million	\$60 million	\$60 million	\$55 million
<b>Water Conservation Field Services Program</b>	\$4.179 million	\$1.750 million	\$4.179 million	\$4.179 million	\$4.179 million
<b>Cooperative Watershed Management</b>	\$2.250 million	\$250,000	\$2.250 million	\$5.250 million	\$2.250 million
<b>Basin Studies</b>	\$5.2 million	\$2 million	\$5.2 million	\$5.2 million	\$5.2 million
<b>Drought Response &amp; Comprehensive Drought Plans</b>	\$9 million	\$2.901 million	\$9 million	\$4 million	\$4 million
<b>Title XVI Water Reclamation &amp; Reuse Program</b>	\$58.617 million total: \$20 million for water recycling and reuse projects as authorized in section 4009(c) of the 2016 WIIN Act.	\$3 million total	\$63.617 million total: \$13.333 million for water recycling and reuse projects as authorized in section 4009(c) of the 2016 WIIN Act.	\$65.017 million total: \$20 million for water recycling and reuse projects as authorized in section 4009(c) of the 2016 WIIN Act.	\$63.617 million total: \$20 million shall be for water recycling and reuse projects as authorized in section 4009(c) of the 2016 WIIN Act.

# U.S. Bureau of Reclamation Report Language

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<b>Fiscal Year 2020 Work Plan</b>	No language.	<p>The Committee recommends \$620,151,000 funding above the budget request for Water and Related Resources. Reclamation is directed to submit a work plan, not later than 60 days after the date of enactment of this act, to the Committees on Appropriations of both Houses of Congress proposing its allocation of these additional funds. The work plan shall be consistent with the following general guidance:</p> <ul style="list-style-type: none"> <li>• None of the funds may be used for any item for which the Committee has specifically denied funding;</li> <li>• The additional funds are recommended for studies or projects that were either not included in the budget request or for which the budget request was inadequate;</li> <li>• Funding associated with a category may be allocated to eligible studies or projects within that category; and</li> <li>• Reclamation may not withhold funding from a study or project because it is inconsistent with administration policy. The Committee notes that these funds are in excess of the administration’s budget request, and that administration</li> </ul>	<p>In lieu of all House and Senate direction regarding additional funding and the fiscal year 2020 work plan, the agreement includes direction under the heading “Additional Funding for Water and Related Resources Work” in the Water and Related Resources account.</p>

<sup>5</sup> The final conferenced Report language, while repeating some report language for emphasis, does not intend to negate the language and allocations set forth in House or Senate FY2020 Report language and that direction shall be complied with unless specifically addressed to the contrary in the accompanying bill or explanatory statement. Additionally, where the final conferenced Report language states that the “agreement only includes” or “the following is the only” direction, any direction included in the House or Senate reports on that matter shall be considered as replaced with the direction provided within the final conferenced Report language. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to the House and Senate Appropriations Committees. House or Senate reporting requirements with deadlines prior to or within 15 days of the enactment of the final conferenced bill shall be submitted not later than 60 days after enactment of this final conferenced bill. All other reporting deadlines not changed by this final conferenced Report language are to be met.

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budget metrics shall not disqualify a study or project from being funded.

<p><b>Drought Resiliency</b></p>	<p>No language.</p>	<p>Congress has invested approximately \$700,000,000 over the past 5 years in drought and water supply-related activities. The Committee remains intently focused on the need for substantially in-creased investment in improving drought resiliency as well as in finding opportunities for agencies to combine water supply benefits with other mission priorities. In the Energy and Water Development and Related Agencies Appropriations Act, 2017, the Committee began the transition from mitigating an ongoing drought in the West to preparing for the next one. The Committee continues that approach in this year’s bill by recommending \$206,000,000 for the drought resiliency programs authorized in WIIN.</p> <p>The Committee directs Reclamation to continue working with the U.S. Fish and Wildlife Service, the NMFS, and relevant State agencies to undertake comprehensive, around the clock, real-time monitoring of water supply conditions and their impact on endangered species during critical periods in the winter and spring.</p> <p>The Committee believes that the only answer to these chronic droughts is a combination of additional storage, substantial investments in desalination and recycling, improved conveyance, and in-creased efficiencies in the uses of water both for agriculture and po-table purposes. As the West has consistently been the fastest growing part of the country, it is incumbent on Reclamation to lead the way in increasing the water that is available from year to year and to incentivize more efficient use of the water that is available.</p>	<p>No language.</p>
<p><b>Additional Funding for Water and</b></p>	<p>The recommendation includes funds in addition to the budget request for Water and Related Resources studies, projects, and activities. Priority</p>	<p>The Committee recommendation includes an additional \$620,151,000 above the budget request for Water and Related Resources studies, projects,</p>	<p>In lieu of all House and Senate direction regarding additional funding and the fiscal year 2020 work plan, the agreement includes direction under the</p>

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**Related Resources Work**

in allocating these funds should be given to advance and complete ongoing work, including preconstruction activities and where environmental compliance has been completed; improve water supply reliability; improve water deliveries; enhance national, regional, or local economic development; promote job growth; advance tribal and nontribal water settlement studies and activities; or address critical backlog maintenance and rehabilitation activities. Funding provided under the heading Additional Funding for Ongoing Work may be utilized for ongoing work, including preconstruction activities, on projects which provide new or existing water supplies through additional infrastructure. Of the additional funding provided under the heading “Water Conservation and Delivery,” \$89,333,000 shall be for water storage projects as authorized in section 4007 of P.L. 114–322.

Of the additional funding provided under the heading of “Water Conservation and Delivery,” \$40,000,000 shall be for water conservation activities in areas that are experiencing extended drought conditions. These water conservation activities shall include well construction and irrigation related structural or other measures, programs and projects that result in conservation of other surface water or groundwater, or improve water system efficiency, resilience, reliability, delivery, and conveyance. Reclamation is directed to brief the Committee not later than 180 days after enactment of this Act on the status of carrying out these activities.

Not later than 45 days after enactment of this Act, Reclamation shall provide to the Committee a report delineating how the additional funds in this account are to be distributed, in which phase the work is to be accomplished, and an explanation of

and activities. Priority in allocating these funds shall be given to advance and complete ongoing work, including preconstruction activities, and where environmental compliance has been completed; improve water supply reliability; improve water deliveries; enhance national, regional, or local economic development; promote job growth; advance Tribal and nontribal water settlement studies and activities; or address critical backlog maintenance and rehabilitation activities. Reclamation is encouraged to allocate additional funding for aquifer recharging efforts to address the ongoing backlog of related projects. Reclamation is reminded that activities authorized under Indian Water Rights Settlements are eligible to compete for the additional funding under “Water Conservation and Delivery”. Reclamation shall allocate additional funding provided in this account consistent with the following direction:

- Of the additional funds recommended, \$10,000,000 shall be to continue groundwater treatment and remediation activities; such funds may only be used to support ongoing activities and may only be used to match non-Federal funds previously expended for similar groundwater treatment and remediation activities;
- Of the additional funding recommended under the heading “Water Conservation and Delivery”, \$134,000,000 shall be for water storage projects as authorized in section 4007 WIIN;
- Of the additional funding provided under the heading “Water Conservation and Delivery,” not less than \$27,000,000, shall be for construction activities related to projects found to be feasible by the

heading “Additional Funding for Water and Related Resources Work” in the Water and Related Resources account. [...]

The agreement includes funds above the budget request for Water and Related Resources studies, projects, and activities. This funding is for additional work that either was not included in the budget request or was inadequately budgeted. Priority in allocating these funds should be given to advance and complete ongoing work, including preconstruction activities and where environmental compliance has been completed; improve water supply reliability; improve water deliveries; enhance national, regional, or local economic development; promote job growth; advance tribal and nontribal water settlement studies and activities; or address critical backlog maintenance and rehabilitation activities.

Of the additional funding provided under the heading “Water Conservation and Delivery,” \$134,000,000 shall be for water storage projects as authorized in section 4007 of the WIIN Act (Public Law 114-322).

Of the additional funding provided under the heading “Water Conservation and Delivery,” not less than \$20,000,000 shall be for construction activities related to projects found to be feasible by the Secretary and that are ready to initiate for the repair of critical Reclamation canals where operational conveyance capacity has been seriously impaired by factors such as age or land subsidence, especially those that would imminently jeopardize Reclamation’s ability to meet water delivery obligations.

Of the additional funding provided under the heading “Water Conservation and Delivery,” \$20,000,000 shall be for water conservation activities in areas that are experiencing extended

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the criteria and rankings used to justify each allocation.

Reclamation is reminded that activities authorized under Indian Water Rights Settlements and under section 206 of P.L. 113–235 are eligible to compete for the additional funding provided under “Water Conservation and Delivery.”

Secretary and which are ready to initiate for the repair of critical Reclamation canals where operational conveyance capacity has been seriously impaired by factors such as age or land subsidence, especially those that would imminently jeopardize Reclamation’s ability to meet water delivery obligations; and

- Of the additional funding recommended under the heading “Environmental Restoration or Compliance”, not less than \$40,000,000 shall be for activities authorized under sections 4001 and 4010 of WIIN or as set forth in Federal-State plans for restoring threatened and endangered fish species affected by the operation of Reclamation’s water projects.

drought conditions. These water conservation activities shall include well construction and irrigation related structural or other measures, programs and projects that result in conservation of other surface water or groundwater, or improve water system efficiency, resiliency, reliability, delivery, and conveyance. Reclamation is directed to brief the Committees on Appropriations of both Houses of Congress not later than 180 days after enactment of this Act on the status of carrying out these activities.

Of the additional funding provided under the heading “Environmental Restoration or Compliance,” not less than \$40,000,000 shall be for activities authorized under sections 4001 and 4010 of the WIIN Act (Public Law 114-322) or as set forth in federal-state plans for restoring threatened and endangered fish species affected by the operation of Reclamation’s water projects.

Funding associated with each category may be allocated to any eligible study or project, as appropriate, within that category; funding associated with each subcategory may be allocated only to eligible studies or projects, as appropriate, within that subcategory.

Not later than 45 days after enactment of this Act, Reclamation shall provide to the Committees on Appropriations of both Houses of Congress a report delineating how these funds are to be distributed, in which phase the work is to be accomplished, and an explanation of the criteria and rankings used to justify each allocation.

Reclamation is reminded that the following activities are eligible to compete for funding under the appropriate heading: activities authorized under Indian Water Rights Settlements; all authorized rural water projects, including those with tribal components, those with non-tribal



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components, and those with both; aquifer recharging efforts to address the ongoing backlog of related projects; conjunctive use projects and other projects to maximize groundwater storage and beneficial use; ongoing work, including preconstruction activities, on projects that provide new or existing water supplies through additional infrastructure; and activities authorized under section 206 of Public Law 113- 235.

<p><b>Aquifer Recharge/Aquifer Storage and Recovery</b></p>	<p>No language.</p>	<p>The Committee directs Reclamation to work closely with project beneficiaries to identify and resolve any barriers to aquifer recharge projects when appropriate, while utilizing full authority to prioritize funds for ongoing projects through completion.</p>	<p>Of the funds provided in this account above the budget request, not less than \$10,000,000 shall be for Aquifer Storage and Recovery projects focused on ensuring sustainable water supplies and protecting water quality with shared or multi-use aquifers, including municipal, agricultural irrigation, industrial, recreation, and domestic users.</p>
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<p><b>Central Valley Project Restoration Fund, Anadromous Fish Screen Program</b></p>	<p>The Committee recommendation includes no less than \$1,200,000 for the Anadromous Fish Screen Program, in accordance with the budget request. The Committee continues to be concerned about the disconnect between funding levels requested and ultimately allocated for the Anadromous Fish Screen Program. The Committee encourages Reclamation to maintain its focus on screening the remaining high priority diversions from within funds made available under the Central Valley Project Restoration Fund in future budget requests.</p>	<p>No language.</p>	<p>The agreement includes House direction regarding the Anadromous Fish Screen Program.</p>
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<p><b>Anadromous Fish Screen Program</b></p>	<p>No language.</p>	<p>The Committee is concerned that insufficient resources are being devoted to completing work on the last two remaining priority unscreened diversions on the Sacramento River, both of which have been specifically identified as priorities in the California Natural Resources Agency Sacramento Valley Salmon Resiliency Strategy. The Committee strongly urges Reclamation to allocate sufficient resources from within available funds to complete the screening of these high priority diversions.</p>	<p>Adopted by reference.</p>
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<p><b>Drought Contingency Plans</b></p>	<p>No language.</p>	<p>The Committee commends Reclamation, the Department of Interior, and the seven Colorado River Basin states for completing drought contingency plans to conserve water and reduce risks from ongoing drought for the Upper and Lower Colorado River basins. The completion of these plans mark a major milestone in protecting a critical water source in the western United States. The Committee encourages Reclamation to provide sufficient funding for activities that support these plans.</p>	<p>No language.</p>
<p><b>Groundwater Banking</b></p>	<p>No language.</p>	<p>The Committee is aware of the continuing regional efforts across the West to design and implement groundwater banking storage projects to enhance water supply reliability and to help mitigate drought impacts. The Committee fully supports these efforts and believes such projects are a cost effective approach to addressing critical water supply management challenges. The Committee strongly encourages Reclamation, within available funds, to continue to foster and enhance existing partnerships with local and State water agencies and to undertake new partnerships where practicable. Reclamation’s contributions to these partnerships should include technical, logistical, and financial support, as appropriate, for the planning, design, and construction of groundwater banking storage projects.</p>	<p>No language.</p>
<p><b>Research and Development: Desalination and Water Purification Program</b></p>	<p>Of the funding provided for this program, \$8,000,000 shall be for desalination projects as authorized in section 4009(a) of P.L. 114–322.</p>	<p>Of the funding recommended for this program, \$12,000,000 shall be for desalination projects as authorized in section 4009(a) of WIIN.</p>	<p>Of the funding provided for this program, \$12,000,000 shall be for desalination projects as authorized in section 4009(a) of the WIIN Act (Public Law 114- 322).</p>
<p><b>Rural Water Projects</b></p>	<p>No language.</p>	<p>No language.</p>	<p>Voluntary funding in excess of legally required cost shares for rural water projects is acceptable, but shall not be used by Reclamation as a criterion for</p>

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allocating additional funding provided in this agreement or for budgeting in future years.

<b>Water and Energy Efficiency Grants</b>	No language.	The Committee is concerned that many of the Water and Energy Efficiency Grants fund projects that may increase water scarcity at the basin scale by allowing conservation grant recipients to use conserved water for consumptive use. The Committee directs Reclamation to ensure that all projects funded under 42 U.S.C. 10364 are in compliance with 42 U.S.C. 10364(a)(3)(B) and to articulate the use of the con-served water with its annual award announcements.	No language.
<b>WaterSMART Program</b>	No language.	The Committee encourages Reclamation to prioritize eligible Water Conservation projects that will provide water supplies to meet the needs of threatened and endangered species.	No language.
<b>WaterSMART Program: Title XVI Water Reclamation &amp; Reuse Program</b>	Of the funding provided for this program, \$13,333,000 shall be for water recycling and reuse projects as authorized in section 4009(c) of P.L. 114-322.	Of the funding recommended for this program, \$20,000,000 shall be for water recycling and reuse projects as authorized in section 4009(c) of WIIN.  Of the funding recommended for this program, \$20,000,000 shall be for Aquifer Storage and Recovery projects focused on ensuring sustainable water supplies and protecting water quality with shared or multi-use aquifers, including municipal, agricultural irrigation, industrial, recreation and domestic users of the aquifer.	Of the funding provided for this program, \$20,000,000 shall be for water recycling and reuse projects as authorized in section 4009(c) of the WIIN Act (Public Law 114-322). Reclamation is reminded that Aquifer Storage and Recovery projects such as those cited in Reclamation's section 4009(c) Feasibility Study Review Findings dated September 2018 are eligible to compete for funding in this program.
<b>Yakima River Basin Integrated Water Resource Management Plan</b>	The Committee is aware of the Yakima Basin Integrated Plan that has been developed by the Yakima River Basin Water Enhancement Project Working Group, including Reclamation, to address ecosystem restoration, water storage, and water supply needs for agriculture, fish, and municipalities within the Yakima River Basin in Central Washington. The Committee is supportive of the Plan and encourages Reclamation to move forward on implementing authorized components of the Plan.	The Committee supports the Yakima River Basin Integrated Water Resource Management Plan. This innovative water management plan represents years of collaboration in the Yakima River Basin among stakeholders including Reclamation, the State of Washington, the Yakama Nation, irrigators and farmers, conservation organizations, recreationists, and local governments to address water supply needs for agriculture, fish and wildlife, and municipal use. The Committee encourages Reclamation to move forward on implementing authorized components of the plan.	No language.

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**Policy and Administration:  
Reclamation Project Reimbursability Decisions**

No language.

In September 2017, the Department of the Interior’s Office of Inspector General released a report calling into question Reclamation’s method of financial participation in the State of California’s Bay-Delta Conservation Plan. The Committee is concerned that Reclamation was not satisfactorily transparent in its use of funds for activities that were not included in the budget request. Reclamation is directed to submit an annual report 60 days after the end of each fiscal year detailing the use of financial assistance agreements to redirect ap-propriated funds from their intended purpose outlined in the previous year’s budget request. Reclamation is directed to review and report to the Committees on Appropriations of both Houses of Congress within 90 days after enactment of this act, on the advisability of developing additional financial controls and requiring more ex-tensive written justifications for determinations of what costs are reimbursable for complex projects involving major Federal expenditures and multiple funding sources.

In September 2017, the Department of the Interior's Office of Inspector General released a report calling into question the transparency of Reclamation's financial participation in the State of California's Bay-Delta Conservation Plan. Although Reclamation disputed several findings and recommendations in the report, Reclamation has taken steps to update its current practices and internal guidelines to better align with report recommendations. Reclamation is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 10 days after enactment of this Act or after finalizing these updates, written copies of the relevant documents, and not later than February 29, 2020, a list of instances of redirecting appropriated funds from the intended purpose outlined in the previous year's budget request.

Concerns remain regarding administrative delays and excessive review times in the award and implementation of financial assistance agreement funding. Reclamation is urged to address factors related to these issues, including lags in completing contracts, in a timely and efficient manner.