



February 20, 2020

Supplemental Appropriations for Army Corps Flood Response and Recovery

The U.S. Army Corps of Engineers (USACE, or Army Corps) has a prominent role in responding to natural disasters, especially floods, in U.S. states and territories. Congress has provided USACE with authorities to perform emergency flood fighting (e.g., sandbagging and temporary levee construction) and to repair certain nonfederal flood control works damaged by floods and other events. Congress often pays for these activities through supplemental appropriations. Since 2005, Congress also has provided USACE with supplemental appropriations for construction of flood risk reduction projects in states and territories as part of some post-flood disaster response and recovery efforts.

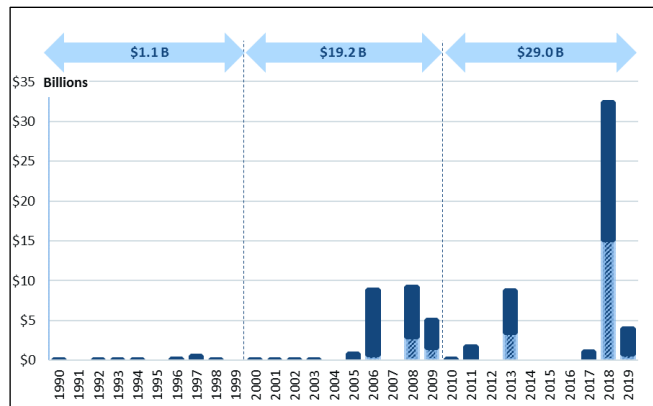
Additionally, for incident and disaster responses performed pursuant to other federal authorities, the agency leading the federal effort may task USACE with assignments. These assignments are not funded through USACE budget accounts and are not discussed herein. The discussion below focuses on USACE’s emergency flood response and recovery activities pursuant to USACE authorities and supplemental funds, as well as related issues for Congress.

Supplemental Appropriations, 1990-2019

Congress provided USACE with \$53.9 billion (in nominal dollars) in supplemental appropriations from FY1990 through FY2019. Of the \$53.9 billion, Congress provided \$49.3 billion for flood response and recovery. **Figure 1** shows the USACE flood-related supplemental funds by decade: \$1.1 billion in the 1990s, \$19.2 billion in the 2000s, and \$29.0 billion in the 2010s. Apart from the flood funding, Congress provided USACE with supplemental funds of \$4.6 billion for national economic recovery through the American Recovery and Reinvestment Act (P.L. 111-5, FY2009) and \$29 million for facility security (P.L. 108-11, FY2003). Each of the flood-related USACE supplemental bills has been unique. Although some legislative text has appeared in multiple acts, Congress

generally has tailored the acts to reflect specific characteristics of the disasters and Congress’s preferred means to support response and recovery for the disasters.

Figure 1. Army Corps Flood-Related Supplemental Funds, FY1990-FY2019



Source: CRS, using enacted legislation. Amounts shown are nominal.

Notes: Light blue represents Construction account funding.

Funds Expand from Response to Recovery

Prior to FY2005, Congress principally provided supplemental funds for USACE to repair damage to its existing facilities (through USACE’s Operations & Maintenance [O&M] account), and pay for flood fighting and repair damage to certain nonfederal levees and dams (though the Flood Control and Coastal Emergencies [FCCE] account). Rather than fund flood fighting through annual appropriations, Congress has provided USACE with authority to transfer funds for flood fighting into the FCCE account from other USACE accounts. USACE uses FCCE supplemental funds to reimburse the other accounts and to pay for FCCE-eligible repairs to nonfederal flood control works.

Table I. Supplemental Appropriations by Army Corps Budget Account, FY2013-FY2019
(\$ in millions, nominal)

Public Law	Invest. & Expenses	Const.	O&M	FCCE	MR&T	Total	State and Territory Invest. & Const. Limitations
P.L. 116-20	35	740	908	1,000	575	3,258	Affected by Hurricanes Florence & Michael, Typhoon Mangkhut, Super Typhoon Yutu, Tropical Storm Gita
P.L. 115-123	155	15,055	608	810	770	17,398	Affected by Hurricanes Harvey, Irma, & Maria or more than one flood in CY2014-CY2017 for some funds
P.L. 114-254	—	55	260	420	291	1,026	—
P.L. 113-2	60	3,461	821	1,008	—	5,350	Affected by Hurricane Sandy in USACE’s North Atlantic Division

Source: CRS using referenced bills.

Notes: Invest. = Investigations; Expenses = General Expenses; Const. = Construction; MR&T = Mississippi River and Tributaries.

From FY1990 through FY2004, Congress provided \$4 million in supplemental appropriations to USACE's Construction account. After FY2004, Congress started to provide supplemental appropriations more regularly for USACE to study and construct flood control projects as part of post-disaster recovery efforts. From FY2005 through FY2019, Congress provided \$26.5 billion in supplemental appropriations to the USACE Construction account. **Table 1** shows the four most recent supplemental appropriations acts funding USACE.

Although Construction account funds typically can be used to repair damage to ongoing USACE construction projects, the majority of the supplemental construction funds have been directed at completing new or ongoing USACE flood risk reduction projects in states and territories affected by floods. After the 2005 hurricane season (which included Hurricane Katrina's landfall) through FY2009, Congress directed most of the supplemental appropriations for USACE to projects in Southeast Louisiana. In more recent supplemental appropriations acts, Congress often has limited the eligibility for investigation and construction funds to states and territories affected by specific disasters or disasters during a specified period (see **Table 1**). In these acts, Congress often has required monthly reporting to the appropriations committees on allocations and obligations of funds.

USACE Process After Enactment

After a supplemental appropriations bill is enacted, USACE selects from among qualifying activities those that will receive supplemental appropriations. For P.L. 116-20 and P.L. 115-123 (the most recently passed bills with USACE supplemental funding), the Administration published (1) the implementation guidance used to identify projects selected to receive supplemental appropriations and (2) lists of specific projects selected to receive those funds (see <https://www.usace.army.mil/Missions/Civil-Works/Budget/>). The Administration has not released similar guidance and lists for P.L. 114-254. It also has not made public recent information on project-level obligations or expenditures of funds for the bills shown in **Table 1**.

Issues for Congress

Supplemental vs. Annual Appropriations

Of the \$29.0 billion in supplemental funding that Congress provided in the 2010s, \$19.3 billion was for the USACE Construction account. Congress directed that at least \$18.6 billion of the construction funds be for completing new or ongoing flood risk reduction projects. For context, in the 2010s, Congress in annual appropriations acts funded \$8.4 billion in USACE flood risk reduction projects through the Construction account (\$7.6 billion for inland flooding and \$0.8 billion for coastal flooding).

In P.L. 116-20, P.L. 115-123, and P.L. 113-2, Congress (1) waived nonfederal cost-sharing requirements for construction of ongoing projects and (2) allowed construction costs to exceed their authorization of appropriations. Congress also allowed for a project to move

from a feasibility study to construction with approval of the Assistant Secretary of the Army (Civil Works), rather than requiring project-specific congressional construction authorization, if the construction is funded using supplemental appropriations. Unlike with most annual appropriations acts, recent supplemental appropriations acts have not restricted the number of new studies and construction projects (referred to as *new starts*) initiated with supplemental funds.

Supporters of Construction account appropriations as part of disaster recovery view the funded projects as improving the flood resilience of disaster-affected states and territories. Some view the waivers and special conditions as necessary, because they facilitate progress on USACE projects without straining disaster-affected local governments with cost sharing. Other stakeholders support more funding for flood risk reduction in the annual appropriations process, in which authorized projects in all areas compete with one another. Still other stakeholders would prefer more attention and funds for other programs and measures to reduce the nation's flood risks. (For more information, see CRS Report R45017, *Flood Resilience and Risk Reduction: Federal Assistance and Programs*.)

Distribution and Use of Supplemental Funds

USACE has identified the studies and projects anticipated to receive the majority of investigations and construction funds from P.L. 115-123 and P.L. 116-20. For some states and territories that qualified for the funds, USACE may not have identified or selected a construction project or study to receive funding. For example, for P.L. 115-123 construction appropriations, USACE funded projects in 14 of the 33 qualifying states and one of the two qualifying territories.

USACE typically has not reported on final supplemental expenditures by project in recent years. Similarly, limited information is publicly available on how quickly USACE work was completed and the rate of obligation and expenditures for projects funded by most supplemental acts.

Future of Flood Risk Reduction

The nation's flood risks appear to be increasing for a variety of reasons, including changing hydrological conditions (e.g., greater runoff due to impervious surfaces, more intense rainfall events), and more people and assets are located in vulnerable locations. For some coastal areas, relative sea level rise also is increasing risk. Related policy questions include the following: How effective are federal investments in USACE flood risk reduction in reducing near- and long-term flood risks? How equitable and efficient are the planning, funding, and delivery of USACE flood risk reduction projects under supplemental and annual appropriations processes? What will be the future of federal efforts to reduce flood risks, and what are the congressional priorities for USACE in carrying out these efforts?

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