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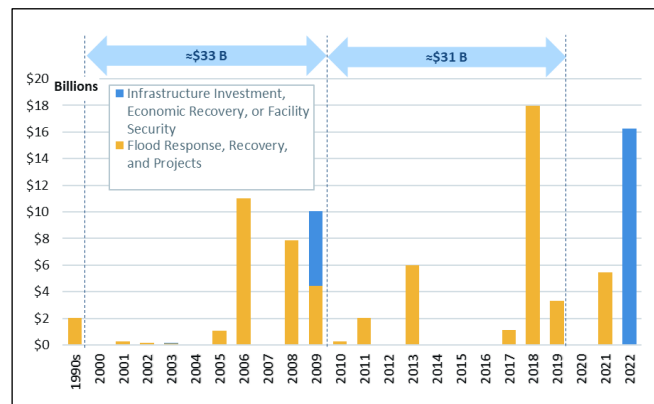
U.S. Army Corps of Engineers: Supplemental Appropriations

The U.S. Army Corps of Engineers (USACE) is a Department of Defense agency with civil works responsibilities, consisting largely of water resource projects to maintain navigable channels, reduce flood and storm damage, and restore aquatic ecosystems. USACE also has a role in responding to natural disasters, especially floods. This In Focus covers the appropriations that Congress has provided USACE that are in addition to annual appropriations, referred to as *supplemental appropriations*. Congress may consider both the amount of USACE supplemental appropriations and how effectively and efficiently the agency uses these funds.

Table 1 summarizes in nominal dollars the most recent supplemental appropriations acts funding USACE. The Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58) provided \$17.1 billion for activities spanning USACE's navigation, flood, and aquatic ecosystem restoration authorities. (See CRS Insight IN11723, *Infrastructure Investment and Jobs Act (IIJA) Funding for U.S. Army Corps of Engineers (USACE) Civil Works: Policy Primer*.) While IIJA focused on infrastructure investment, Congress used the other supplemental bills in **Table 1** to fund USACE flood response, recovery, and related projects. **Figure 1** shows USACE supplemental appropriations since FY1990 adjusted to constant 2020 dollars; the adjusted

amounts totaled \$2.0 billion, \$33.0 billion, and \$31.0 billion in the 1990s, 2000s, and 2010s, respectively.

Figure 1. USACE Supplemental Funds for Fiscal Years in 1990s and for FY2000-FY2022
(in constant 2020 dollars)



Source: CRS, using enacted legislation. Amounts adjusted to 2020 dollars using U.S. Department of Commerce, Bureau of Economic Analysis, National Income and Product Accounts, Table I.1.9. Appropriations shown by year of enactment.

Table 1. Most Recent Enacted USACE Supplemental Appropriations by Budget Account
(\$ in millions, nominal)

Public Law	Invest. & Expenses	Const.	O&M	FCCE	MR&T	WIFIA & Regulatory	Total	Disaster-Related Limitations on Invest. & Const. Account Flood-Related Funds
P.L. 117-58	190	11,615	4,000	251	808	235	17,099	\$2,550 million from Const. for coastal storm risk management targeted for states impacted by “declared disasters over the last six years” (~11/2015-11/2021)
P.L. 117-43	130	3,000	887	826	868	—	5,711	States affected by Hurricane Ida for Invest. and for \$1,500 million from Const.
P.L. 116-20	35	740	908	1,000	575	—	3,258	States and territories affected by Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, Tropical Storm Gita
P.L. 115-123	155	15,055	608	810	770	—	17,398	States and territories affected by Hurricanes Harvey, Irma, and Maria or by more than one flood in CY2014-CY2017 for some funds
P.L. 114-254	—	55	260	420	291	—	1,026	No specific disaster or location specified
P.L. 113-2	60	3,461	821	1,008	—	—	5,350	Areas affected by Hurricane Sandy in USACE's North Atlantic Division

Source: CRS, using referenced laws.

Notes: Const. = Construction; Expenses = General Expenses; FCCE = Flood Control and Coastal Emergencies; Invest. = Investigations; MR&T = Mississippi River and Tributaries; O&M = Operation and Maintenance. WIFIA = Water Infrastructure Finance and Innovation Program (a new USACE account since FY2021 for a credit assistance program for water resource projects).

Funding Flood Response and Post-Disaster Recovery

Since the 1940s, Congress has authorized USACE to perform emergency flood fighting (e.g., sandbagging, temporary levee construction) and to repair certain nonfederal flood control works damaged by floods. Congress pays for these activities using the agency's Flood Control and Coastal Emergencies (FCCE) account. Congress pays for post-flood repairs of USACE-operated projects through the Operation and Maintenance (O&M) account. Since the mid-2000s, Congress has regularly provided USACE with supplemental appropriations to study and construct flood control projects as part of post-disaster recovery efforts. After the 2005 hurricane season through FY2009, Congress directed most USACE supplemental appropriations toward repair and construction of projects in Louisiana. For more than a decade, Congress has often directed that most or some of USACE supplemental funds be used to construct new or ongoing USACE flood risk reduction projects in states and territories affected by specified disasters or for flood disasters occurring during a specified period (see examples in **Table 1**).

Tailored Legislative Direction

Congress generally has tailored the supplemental appropriations acts to reflect specific characteristics of the disaster or the economic, infrastructure, or security concern. In USACE supplemental appropriations acts, unlike in annual appropriations, Congress often does not limit the initiation of new USACE studies and construction projects; Congress also may include exemptions to requirements that typically apply to USACE projects. These exemptions include waiving requirements that limit USACE proceeding with projects that exceed their authorization of appropriations and waiving some required nonfederal cost sharing. In P.L. 117-43, P.L. 116-20, P.L. 115-123, and P.L. 113-2, Congress also allowed for projects 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.

USACE Process After Enactment

After supplemental appropriations bills are enacted, USACE selects the specific projects to receive funding from among the qualifying projects, unless Congress has specified which projects are to be funded. USACE may not select a project for every eligible flood-affected state or territory. The amount of publicly available information on how USACE implements or uses supplemental appropriations varies and is shaped by congressional direction. For P.L. 116-20 and P.L. 115-123, the Trump Administration published its implementation guidance, as well as study and project lists. Pursuant to congressional direction, the Biden Administration has published lists of specific studies and projects to receive much of the funding provided in P.L. 117-58 and P.L. 117-43. Congress often has required monthly reporting to the appropriations committees on the allocation and obligation of supplemental funds.

Issues for Congress

Oversight and Effect of Supplemental Appropriations

Issues for Congress include oversight of USACE's short-term and long-term implementation of supplemental appropriations. There may be questions regarding how efficiently the funds are spent on projects and how effective the funded projects are in accomplishing the purposes set out by Congress. Implementation concerns have arisen with USACE emergency appropriations at times; for example, an August 2021 Senate Appropriations Committee report, S.Rept. 117-36, identified shortcomings in the pace and approach to managing supplemental construction funding and in compliance with required reporting.

An ongoing challenge for USACE is that numerous authorized studies and construction projects remain unfunded. In spring 2021, USACE estimated its construction backlog at \$109 billion. To what extent supplemental appropriations have helped address the USACE backlog remains uncertain, and the aggregate effect of supplemental appropriations on accomplishing the agency's water resource missions nationally remains unknown. An oversight and evaluation challenge for supplemental appropriations can include tracking output measures (such as jobs created, obligations to projects, or contracts completed), as well as assessing economic and environmental impacts of these investments.

Future of USACE Flood Risk Reduction Projects

Supplemental appropriations legislation provided for much of the funding for USACE flood risk reduction projects in the 2010s. Congress provided \$19.0 billion (2020 dollars) in Construction account supplemental funding for flood risk reduction projects in the 2010s; this exceeded the \$9.0 billion (2020 dollars) that Congress provided to USACE in annual appropriations for the construction of flood risk reduction projects during this period. Congress also has used supplemental appropriations legislation to fund the account for the Mississippi River and Tributaries flood risk reduction project to pay for repairs and investments.

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 because 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 through supplemental appropriations 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?

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