

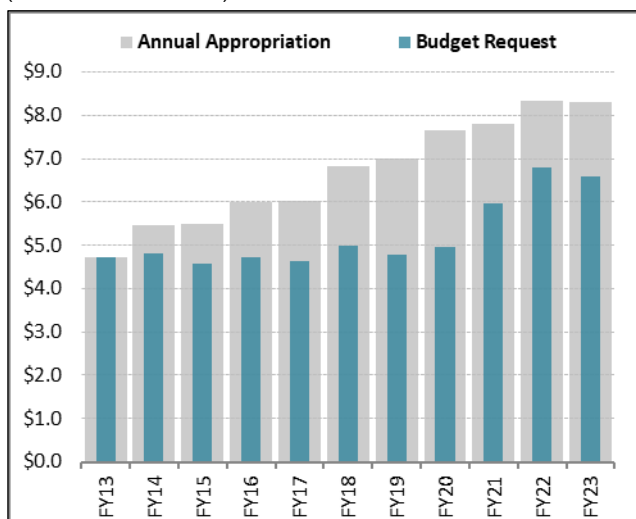
Updated January 10, 2023

U.S. Army Corps of Engineers: FY2023 Appropriations

Congress generally funds civil works activities of the U.S. Army Corps of Engineers (USACE) in annual Energy and Water Development appropriations acts. These activities include the planning and construction of authorized water resource projects and operation and maintenance (O&M) of infrastructure and navigation improvements managed by USACE. USACE directly commits funds for project planning and construction. It uses most of its appropriations for work on specific studies and projects authorized by Congress. Nonfederal project sponsors or users often share in project construction costs. For more on the USACE appropriations process, see CRS Report R46320, *U.S. Army Corps of Engineers: Annual Appropriations Process*. For FY2023 annual appropriations, Congress provided \$8.31 billion (26% above the FY2023 President's budget request) in Division D, Title I, of the Consolidated Appropriations Act, 2023 (P.L. 117-328), as shown in **Figure 1**.

Figure 1. Annual USACE Budget Requests and Annual Appropriations, FY2013-FY2023

(nominal \$, in billions)



Source: Congressional Research Service (CRS), based on USACE budget request press books and enacted appropriations laws.

Note: Does not reflect supplemental appropriations under Division N of P.L. 117-328.

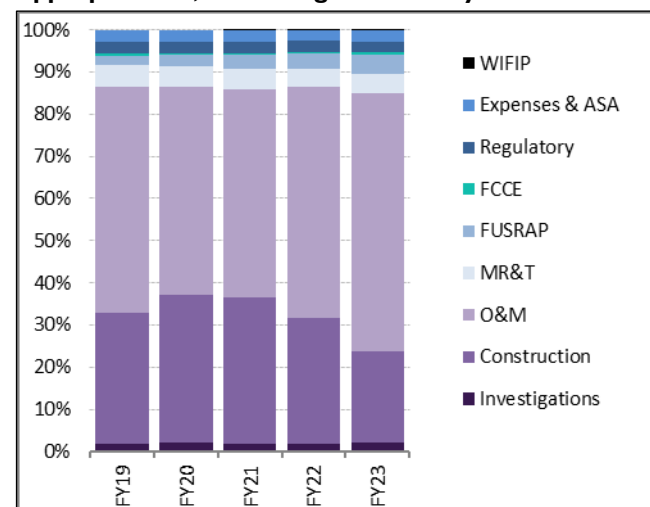
In addition to annual appropriations, Congress provided supplemental appropriations to USACE for FY2023 (not shown in **Figure 1**). In Division N of P.L. 117-328, Congress provided USACE with \$1.48 billion in supplemental funds. Of this funding, \$350 million is for construction and O&M of certain types of authorized projects. Other Division N USACE funding is limited to flood response and recovery for areas affected by three 2022 hurricanes. Both Division D and Division N provided USACE with *additional funding* for broad categories of

USACE work, such as flood control, rather than specific studies or projects. As has been the case in past annual appropriations bills, both Division D and Division N require USACE to develop work plans to distribute additional funding to individual studies and projects. Other supplemental appropriations acts with USACE funds for FY2023 include P.L. 117-180, which designated \$20 million for USACE *environmental infrastructure assistance*, and the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58). Of IIJA's \$17.10 billion for USACE, \$1.08 billion is available for use in FY2023 (e.g., \$1.00 billion for navigation O&M activities). For more information, see CRS Insight IN11723, *Infrastructure Investment and Jobs Act (IIJA) Funding for U.S. Army Corps of Engineers (USACE) Civil Works: Policy Primer*.

USACE FY2023 Annual Appropriations

The O&M account, which funds maintenance of existing USACE infrastructure, accounted for 61% of USACE's FY2023 annual appropriations (see **Figure 2**). In Division D, Congress provided \$684 million less for the Construction account and \$100 million more for the Formerly Utilized Sites Remedial Action Program account in FY2023 than in FY2022. Division N and other acts provided supplemental appropriations for various accounts in FY2023, including the Construction account.

Figure 2. USACE FY2019-FY2023 Annual Appropriations, Percentage of Total by Account



Source: CRS, based on enacted appropriations laws.

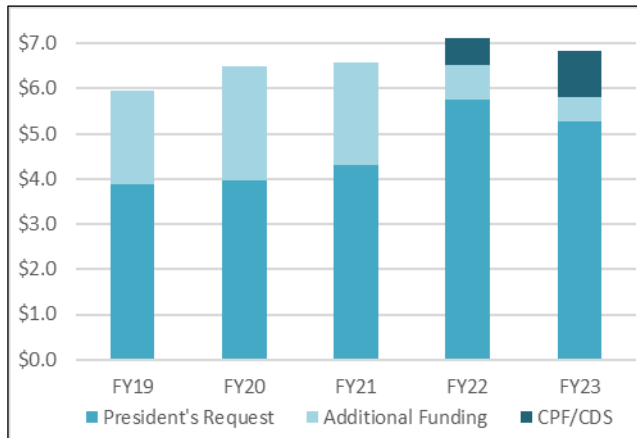
Notes: ASA = Assistant Secretary of the Army; FUSRAP = Formerly Utilized Sites Remedial Action Program; Regulatory = Regulatory Program; Req = Request; WIFIP = Water Infrastructure Finance and Innovation Program. Does not reflect supplemental appropriations under Division N of P.L. 117-328.

Newly funded USACE studies and projects are commonly referred to as *new starts*. Pursuant to direction in the joint explanatory statement accompanying P.L. 117-328, Congress funded a “limited number” of new starts; these included the Administration’s request for three new studies and several requests from Members (see below). No other new starts were provided for beyond those specific items listed in the explanatory statement.

Congressionally Directed Funding and Work Plans

From the 112th to the 116th Congresses, moratorium policies limited congressionally directed funding of site-specific studies and projects, sometimes referred to as *earmarks*. The 117th Congress included funding in annual appropriations for geographically specific studies and projects that were requested by Members of Congress (i.e., *community project funding/congressionally directed spending items, CPF/CDS items*; see **Figure 3**). For FY2023 appropriations, in addition to providing funds for the President’s requested studies and projects, Congress in the joint explanatory statement (1) funded \$1.02 billion for CDP/CDS items and (2) provided \$562 million in additional funding and directed USACE to develop a work plan to distribute funds to individual studies and projects. As stated above, Division N of P.L. 117-328 provided an additional \$350 million in emergency funding for categories of construction and O&M activities, which USACE is to allocate to authorized projects in a work plan.

Figure 3. USACE Annual Appropriations for Individual Studies and Projects, FY2019-FY2023
(nominal \$, in billions)



Source: CRS, using enacted appropriations laws and reports.

Notes: CPF/CDS = community project funding/congressionally directed spending. Continuing Authorities Programs and Tribal Partnership Program studies are not included. Does not reflect supplemental appropriations under Division N of P.L. 117-328.

Navigation Improvements, Flood Risk Reduction, and Ecosystem Restoration Activities

The FY2023 President’s budget requested \$3.12 billion for navigation—almost \$1.91 billion for coastal navigation and harbors and \$1.21 billion for inland and intracoastal waterways. Of the \$3.12 billion, \$2.90 billion would be for navigation O&M. The FY2023 request for flood risk reduction was for \$1.51 billion, of which \$1.48 billion was for inland flood risk reduction projects (including \$396 million for construction projects). The request included \$32

million for coastal storm damage reduction (with no funding for construction). For FY2023, President Biden requested \$624 million for USACE aquatic ecosystem restoration efforts, of which \$418 million was requested for Everglades activities.

Congress enacted more funding for USACE navigation, flood, and restoration projects in Division D than requested; it also provided for supplemental funds in Division N that are available for these types of projects. USACE work plans responding to each division’s directives will determine the final amounts of funding available for these categories of studies and projects from FY2023 annual appropriations. Supplemental appropriations for these categories in FY2023 pursuant to other legislation (e.g., P.L. 117-58) would be in addition to these funding levels.

Continuing Authorities Programs

USACE plans and constructs projects of limited scope and cost, without project-specific authorizations, through its Continuing Authorities Programs (CAPs; see CRS In Focus IF11106, *Army Corps of Engineers: Continuing Authorities Programs*). President Biden’s FY2023 request included \$4.5 million for four of nine authorized CAPs. FY2023 annual appropriations funded nine CAPs at \$72.3 million total, including \$1.6 million for CPF/CDS projects.

Environmental Infrastructure Assistance

Since 1992, Congress has authorized and funded USACE to provide environmental infrastructure (EI) assistance (e.g., planning, design, and construction of municipal drinking water and wastewater infrastructure projects in specified communities, counties, and states). (See CRS Report R47162, *Army Corps of Engineers (USACE) Environmental Infrastructure (EI) Assistance: Authorities, Appropriations, and Issues for Congress*.) For FY2023, the Administration did not request funding for EI assistance. FY2023 annual appropriations under Division D provided \$130.5 million for specific EI assistance authorities as CPF/CDS. Division N provided \$18.0 million in emergency funding for these authorities. As previously noted, P.L. 117-180 separately provided an additional \$20.0 million for EI assistance.

Corps Water Infrastructure Financing Program

In 2014, Congress authorized USACE to provide credit assistance, in the form of secured or direct loans, for a range of water resource projects (33 U.S.C. §§3901-3914). In FY2021, Congress created a new USACE account (the Water Infrastructure Finance and Innovation Program account) to fund this credit assistance through a new Corps Water Infrastructure Financing Program. Program funds provided in FY2021 and FY2022 covered the subsidy and administrative costs for financial assistance for nonfederal dam safety projects. FY2023 annual appropriations provided an additional \$7.2 million for administrative costs. (See CRS Insight IN12021, *Corps Water Infrastructure Financing Program (CWIFP)* for information on efforts to stand up the program.)

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