



Information Alert

State-Federal Relations Division

Congress Enacts FY 2020 Appropriations Package

Dec. 23, 2019

Congress enacted all 12 appropriations bills for fiscal year (FY) 2020 in a [two-package omnibus measure](#) with the House voting earlier this week followed by the Senate. The bills fully fund the federal government through Sept. 30, 2020. Congress had previously enacted two continuing resolutions. Within these 12 appropriations bills is funding for six of the major federal agencies covered by NCSL's Natural Resources and Infrastructure (NRI) Committee staff: the Department of Agriculture (USDA), the Department of Energy (DOE), the Department of Interior (DOI), the Department of Transportation (DOT), the Environmental Protection Agency (EPA), and the U.S. Army Corp of Engineers (the Corps). A detailed summary of key funding provisions affecting states is below.

For more information either on the appropriations passed this week, or in September, please contact NCSL staff [Kristen Hildreth](#) and [Ben Husch](#).

Department of Agriculture

The omnibus provides \$23.5 billion to agriculture, rural development, Food and Drug Administration, and related agencies. Included in USDA's package is an additional \$1.5 billion in aid for farmers and ranchers who have been affected by extreme weather.

Out of the funds appropriated, \$3.2 billion has been set aside for research. That includes a \$10 million boost to the [Agriculture and Food Research Initiative](#), bringing that program to \$425 million. Congress rejected an administration proposal to close USDA research labs. The Animal and Plant Health Inspection Service will receive a little over \$1 billion, a slight increase from FY 2019, and the Food Safety and Inspection Service would receive a slight increase to a little over \$1 billion.

Funding to the Natural Resources Conservation Service, which covers most farmland conservation programs, would receive a \$10 million increase to \$829.6 million. The funds would help farmers, ranchers and private forest landowners conserve and protect their lands. Also

included in that is \$175 million for the [Watershed and Flood Prevention Operations program](#) to support investments in rural communities.

Rural development programs would receive \$3.24 billion, close to a quarter of a billion more than FY 2019. Within that is \$550 million for the [ReConnect Pilot program](#), which is aimed at improving rural broadband connectivity, \$1.45 billion for rural water and waste program loans, \$443 million for water and waste grants, and \$6.94 billion for rural electric and telephone infrastructure.

The measure also codifies [guidance](#) previously issued by USDA that would bar the use of federal funds to prohibit interstate transportation of, or interfere with processing, sales or use of legally grown hemp.

The U.S. Forest Service (USFS) is funded at \$7.43 billion and includes a \$10.3 million increase for hazardous fuels reduction to aid in preventing wildfires in the wildland-urban interface. Additionally, the bill provides \$5.53 billion to fight wildland fires, \$1.6 billion over FY 2019 enacted levels. It combines \$1.39 billion in base wildland fire suppression funding, and \$2.25 billion in additional wildfire suppression funding from the wildland cap adjustment. Of those funds from the cap—\$1.95 billion is for the USFS, and \$300 million is for the Department of Interior (DOI). The measure would also boost funding for state and local volunteer firefighting capacity.

Department of Energy

Overall, DOE would see an increase of \$2.9 billion to \$38.5 billion, \$7 billion more than requested by the president.

Within DOE, the Office of Energy Efficiency and Renewable Energy will see an increase of 20% to \$2.8 billion. The Office of Cybersecurity, Energy Security and Emergency Response, will receive a 30% increase in funding, to \$156 million. The Office of Electricity will receive \$190 million, \$34 million about last year and \$7 million more than requested.

The Office of Nuclear Energy is in line for \$1.5 billion, \$167 million above FY 2019 and \$670 million above the president's request while the Office of Fossil Energy Research and Development will receive \$750 million, \$188 million above the president's request. DOE's Science Office will receive an increase of \$415 million to \$7 billion, \$1.5 billion above the president's request. The Advance Research Projects Agency will receive \$425 million, \$60 million more than FY 2019.

Of particular importance to states, DOE's State Energy Program will receive \$62.5 million, a nearly 15% increase from the \$55 million it received in FY 2019. The Weatherization Assistance Program will receive \$305 million, an increase of nearly \$50 million from FY 2019.

Additionally, DOE's Office of Environmental Management, which is primarily used to fund cleanup efforts related to past research on nuclear technologies, will receive \$7.46 billion, \$280 million more than last year and \$986 million more than the president requested.

The bill also requires DOE to sell \$450 million worth of crude oil from the Strategic Petroleum Reserve (SPR) in FY 2020.

Department of Interior

Overall, the Department of Interior (DOI) would see a little over \$13.8 billion in funding, a \$900 million increase over the previous year.

The measure would provide \$495.1 million for projects supported by [the Land and Water Conservation Fund](#). That would be \$56.8 million more than in fiscal 2019, \$462.2 million more than requested, and is the highest funding level for the program since 2004. Funds will be split with \$237 million for the federal program and \$258 million for state programs.

The bill also funds the [Payment in Lieu of Taxes \(PILT\) program](#) at the fully authorized level and would extend it to local governments through FY 2020—PILT requires the federal government to pay localities that have public lands within their boundaries to offset financial losses.

The Bureau of Land Management (BLM) is funded at \$1.37 billion, an increase of \$24 million above the FY 2019. Within this total, Congress allocated \$101.4 million for [BLM's Wild Horse and Burro Program](#), \$20 million more than FY 2019. However, \$21 million will be withheld until BLM submits a report outlining strategies to control wild horse and burro herds on federal rangelands and estimated costs to carry out the strategies, as well as submit a plan for “an aggressive, non-lethal population control strategy.”

The National Park Service is funded at \$3.37 billion, an increase of \$154 million above FY 2019, and includes funding to address construction backlog, maintenance and new park units.

The U.S. Fish and Wildlife Service (FWS) is funded at \$1.64 billion, \$65 million above FY 2019 and includes program increases for [State and Tribal Wildlife Grants](#), and funding to address Asian carp in the nation's waters. Language remains included which prohibits the listing of the greater sage-grouse as an endangered species.

The Office of Surface Mining (OSM) received \$257.5 million of those funds, just slightly over FY 2019 levels. Related, but not part of DOI, the Mine Safety and Health Administration received a minor increase of \$379.8 million with \$6 million going directly to enforcement.

Department of Transportation

Overall, Congress funded the agency at \$86.2 billion, which includes \$24.8 billion in discretionary resources as a large portion of federal transportation funding is provided via formulas to state and local governments. This is a reduction of \$324.9 million compared to FY 2019 but \$3.25 billion more than requested by the president.

Within the major modal administrations, the Federal Highway Administration (FHWA) would receive just over \$49.2 billion, a \$12.6 million increase and more than \$2 billion above the president's request. A large majority of this funding is allocated to states via formulas from the [FAST Act](#).

The Federal Aviation Administration (FAA) will receive \$17.6 billion, \$165 million more than FY 2019 and \$500 million more than the president's request. Within the total is \$1.4 billion for the agency's aviation safety programs, \$67 million above last year. The [Airport Improvement Program \(AIP\)](#), a discretionary grant program is funded at \$400 million, \$100 million below FY 2019.

The Federal Transit Administration (FTA) would receive \$12.9 billion, \$500 million less than FY 2019 but nearly \$500 million more than the president requested.

The Federal Railroad Administration (FRA) will receive \$2.8 billion, \$80 million below last year but \$700 million more than the president requested. Separate from FRA, [Amtrak](#) received \$2 billion, nearly \$60 million above last year and more than a billion dollars above the president's request. Of the \$2 billion for Amtrak, \$700 million is for the Northeast Corridor and \$1.3 billion for the rest of its national network. The bill also included a policy rider preventing the administration from making cuts to Amtrak's police force, which it had highlighted as a goal earlier this year.

The National Highway and Traffic Safety Administration (NHTSA) will see an increase of \$23 million to \$989 million, \$60 million more than the president requested. While Congress is separately in the midst of potentially legislating on autonomous vehicles, the agency's total includes \$5 million for NHTSA to create a new, internal "Highly Automated Systems Safety Center of Excellence" "to ensure the agency has a "workforce capable of reviewing, assessing, and validating the safety of automated technologies."

Although not within a specific sector of DOT, the [BUILD/TIGER competitive grant program](#) will receive \$1 billion, \$100 million more than FY 2019. The legislation requires that DOT ensure equitable geographic distribution of these funds and investment in a variety of transportation modes ; half of this funding must be awarded for grants in large urbanized areas (population of 200,000 or more).

Also, one of the more important policy provisions included would prevent DOT from considering federal loans to be part of the federal share of a project. Rather, federal loans would be part of the local share, as such loans are paid back with local revenues. This provision was likely included to help with federal approval for a new rail tunnel under the Hudson river connecting New Jersey and New York, as the current tunnels are over 100 years old.

Environmental Protection Agency

Overall, the Environmental Protection Agency (EPA) will receive a little over \$9 billion—an increase of \$208 million above FY 2019 and \$3 billion more than what the president proposed.

Breaking down the overall figure, \$4.25 billion was provided for [State and Local Tribal Assistance Grants](#), a \$115.3 million increase and \$1.47 billion above the president's request. The Clean Water and Drinking Water State Revolving Funds are funded at \$2.765 billion with \$1.64 billion for the [Clean Water State Revolving Fund](#) and \$1.13 billion for the [Drinking State Revolving Fund](#), equal to FY 2019.

Additionally, the bill provides \$44 million for newly authorized grant programs included in the [America's Water Infrastructure Act](#) and \$55 million to fund the [Water Infrastructure Finance Act](#) program. EPA received \$26 million for lead contamination testing at schools and child care centers, \$20 million for lead reduction projects in rural areas, and \$25 million for water projects to bring communities in compliance with the [Safe Drinking Water Act](#).

The bill also provides a total of \$43 million to address [per- and polyfluoroalkyl substances](#) (PFAS). This includes \$20 million for state-led remediation efforts of PFAS contamination. However, the bill did not include provisions in the House-approved version that directed EPA to regulate PFAS in drinking water. Instead, EPA is required to issue a report to Congress within 60 days regarding its work on PFAS, and other PFAS related measures.

Concerning EPA's air programs, [state and local air pollution control agency grants](#) would remain at \$228 million, and tribal air quality management acts would remain the same at \$12.8 million. Funding for [Targeted Airshed grants](#) to help areas with ozone and soot problems would increase by \$4 million to \$56.3 million and the budget for [Diesel Emissions Reduction](#) grants, which are used to replace, or retool older vehicles and equipment, was maintained at \$87 million for FY 2020.

Additionally, certain geographic programs such as the [Great Lakes](#) and [Chesapeake Bay](#) initiatives, are funded at \$510.3 million, over \$50 million more from FY 2019 and \$200 million more than requested.

Several EPA policy riders enacted under previous spending laws were continued. This includes prohibiting the regulation of greenhouse gas emissions from livestock and reporting requirements on emissions from manure management systems; banning the regulation of lead content of ammunition and fishing tackle; requiring all federal agencies to treat energy from burning forest biomass, which is generally in the form of wood pellets, as carbon neutral and a renewable energy source; and banning the enforcement a rule on emissions from small remote incinerators in Alaska.

Army Corps of Engineers

Overall, the Army Corps of Engineers (the Corp) will receive \$7.65 billion, an increase of \$652 million from FY 2019 and \$2.69 billion above the president's request. Of that, \$2.68 billion is for construction, nearly \$500 million above last year and \$3.8 billion is for maintenance, \$50 million above FY 2019.

The [Harbor Maintenance Trust Fund](#) projects will be able to make use of \$1.63 billion, representing 91.5% of Harbor Maintenance Tax receipts, which is above the current authorized amount of 80%. NCSL has long advocated for appropriating 100 percent of tax receipts.

The bill would continue to bar the administration from reorganizing the Corps to transfer its civil works functions out of the Department of Defense.

Other

The White House Council of Environmental Quality would receive just under \$3 million, nearly a quarter of a million dollars above FY 2019 enacted levels.

Funding for the National Oceanic and Atmospheric Administration (NOAA) is at \$5.35 billion, nearly \$1 billion more than the president's request. Funds would help pay for NOAA's ocean monitoring, fisheries management, aquaculture research, weather forecasting, grant programs, and more.