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FY 2019 Consolidated Appropriations Act

Appropriators have released a final Consolidated Appropriations Act ([H.J. Res. 31](#)) that funds the majority of the government for the remainder of the fiscal year 2019. The omnibus included the following FY 2019 appropriations bills: Agriculture; Commerce, Justice, and Science; Financial Services and General Government; Homeland Security; Interior and Environment; State and Foreign Operations; and Transportation and Housing and Urban Development. The following is an overview of some of the key accounts that directly impact the Northeast-Midwest region.

Interior and Environment Title

Program	FY18	President's Request FY19	House FY19
Great Lakes Restoration Initiative	\$300	\$30	\$300
Chesapeake Bay	\$73	\$7.3	\$73
Lake Champlain	\$8.4	\$0	\$11
Clean Water SRF**	\$1,694	\$1,394	\$1,694
Drinking Water SRF**	\$1,163	\$863	\$1,164
Brownfields Projects	\$80	\$62	\$87
North American Wetlands Conservation Fund	\$40	\$33.6	\$42
EPA STAG Categorical Grants (combined)	\$1,076	\$597.4	\$1,077
USFWS State Wildlife Grants (Total - formula, competitive, and tribal have been combined)	\$63.6	\$31.3	\$64.6
USGS Ecosystems – Terrestrial, Freshwater, and Marine Environments	\$36.4	\$26.6	\$36.4
USGS Ecosystems – Invasive Species	\$17.3	\$17.1	\$19.3
USGS Water Resources – Groundwater and Streamflow Information Program	\$74.2	\$30.4	\$82.7
USGS Water Resources – National Water Quality Program	\$90.8	\$69.7	\$91.8
Land and Water Conservation Fund	\$425	\$412	\$435

*All numbers in chart above are in millions

** Congress include an additional \$300 million for each of the SRF's in FY18 and the House has included this "plus-up" in its FY19 omnibus.

EPA

Harmful Algal Blooms

The bill recognizes that there are increasing challenges many communities face from harmful algal blooms (HABs) in freshwater and coastal ecosystems. EPA is encouraged to fund research grants that help promote scientific progress towards preventing and controlling HABs, including research to: (1) determine the effectiveness of existing nutrient treatment technologies; (2) evaluate the scale-up of emerging nutrient treatment technologies and develop new technologies; and (3) develop best management practices to help both rural and urban communities control nutrients in their watersheds. Additionally, \$5 million is made available to investigate health effects from exposure to HABs and cyanobacteria toxins and to develop methods to monitor, characterize, and predict blooms for early action.

Great Lakes Advisory Board

EPA is encouraged to reestablish the Great Lakes Advisory Board without significantly restructuring the member composition or objectives of the Great Lakes Advisory Board, as described in the Great Lakes Advisory Board charter dated June 13, 2016. If the Advisory Board is not reestablished within 60 days of enactment this Act, EPA shall provide the House and Senate Interior Appropriations Subcommittees with a report that explains the reason for the delay and a timeline for reestablishing the Advisory Board.

Environmental Protection, National Priorities

The bill provides \$15 million for a competitive grant program for qualified non-profit organizations, excluding institutions of higher education, to provide technical assistance for improved water quality or safe drinking water and adequate waste water to small systems or individual private well owners.

EPA shall provide \$12.3 million for Grassroots Rural and Small Community Water Systems Assistance Act, for activities specified under section 1442(e) of the Safe Drinking Water Act. EPA is directed to provide \$1.7 million for grants to qualified not-for-profit organizations for technical assistance for individual private well owners, with priority given to organizations that currently provide technical and educational assistance to individual private well owners. EPA is directed to provide, on a national and multi-State regional basis, \$1 million for grants to qualified organizations for the sole purpose of providing onsite training and technical assistance for wastewater systems. EPA shall require each grantee to provide a minimum ten percent match, including in-kind contributions.

National Estuary Program (NEP) grants

The bill includes \$27.7 million for NEP grants, which is sufficient to provide each of the 28 national estuaries in the program with a grant of at least \$600,000.

Water Quality Protection

The bill provides \$210.9 million for Water Quality Protection and maintains funding for the WaterSENSE program and the Urban Waters program at the FY 2018 enacted level. In addition, an increase of \$500,000 is provided for the EPA to carry out the Clean Watershed Needs Survey. EPA is expected to

request annual funding for the Clean Watershed Needs Survey and the Drinking Water Infrastructure Needs Survey, alternating fiscal years as appropriate.

IG Recommendations on Flint Water Crisis

The bill directs the EPA to implement the recommendations described in the report of the Office of Inspector General of the Environmental Protection Agency entitled "Management Weakness Delayed Response to Flint Water Crisis", to ensure clean and safe water compliance under the Safe Drinking Water Act. If EPA does not implement one or more of such recommendations, it is required to submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Energy and Commerce of the House of Representatives a report explaining why EPA did not implement the recommendation, as well as identifying specific actions EPA is implementing to address the concerns raised in the report.

PFOA/PFAS

The bill states that there is awareness that EPA has announced plans to take the next step under the Safe Drinking Water Act process to evaluate the need for a maximum contaminant level for per- and polyfluoroalkyl substances. The bill supports this action and urges EPA to act expeditiously on this matter. EPA is directed to brief the Committees within 60 days of enactment of this Act about its plans for this action.

Regulation of Groundwater

The bill directs EPA to continue to follow the guidance contained in the explanatory statement accompanying Public Law 115-141. It reiterates that, since enactment in 1972, the Clean Water Act (CWA) has regulated effects to navigable waters, while regulation of groundwater has remained outside of the Act's jurisdiction. Instead, legislative history surrounding the CWA indicates that Congress intended for groundwater pollution to be regulated through the CWA's nonpoint source program and other Federal and State laws.

State and Tribal Assistance Grants (STAG)

The bill provides \$3.6 billion for the STAG grants program and includes specific funding levels and direction on several key programs including:

- *Assistance to Small and Disadvantaged Communities* - \$25 million to continue a grant program to help small and disadvantaged communities develop and maintain adequate water infrastructure.
- *Reducing Lead in Drinking Water* - \$15 million to continue a grant program to provide assistance to eligible entities for lead reduction projects.
- *Lead Testing* - \$25 million continue a grant program for voluntary testing of drinking water for lead contaminants at schools and child care facilities.
- *Brownfields Program* - \$87 million for Brownfields grants and directs that at least 10 percent of such grants be provided to areas in which at least 20 percent of the population has lived under the poverty level over the past 30 years as determined by censuses and the most recent Small Area Income and Poverty Estimates.

Water Infrastructure Finance and Innovation Act (WIFIA)

The bill provides a total of \$68 million for WIFIA.

Fish and Wildlife Service

Asian Carp

The bill highlights the importance of the work being conducted by the USFWS to combat the serious threat of Asian carp and provides \$11 million for Asian carp activities, of which \$2 is for contract fishing and deterrents to extirpate Asian carp, including grass carp. Funding should be used to control Asian carp in the Mississippi and Ohio River Basins, including in Kentucky Lake, Lake Barkley, Tennessee river systems, and the Ohio River, and to prevent Asian carp from entering and establishing in the Great Lakes. The Service should consider the utility of creating a dedicated funding source to increase the intensity and geographic scope of efforts to prevent entry into the Great Lakes.

Aquatic Habitat and Species Conservation

The bill includes \$6 million to implement the Delaware River Basin Conservation Act, \$9.6 million for the subsistence program, and \$500,000 for the Lake Champlain sea lamprey program.

USGS

Great Lakes Science Center

The bill includes \$8.8 million to maintain the current funding level at the Great Lakes Science Center.

Asian Carp

The bill includes \$7.6 million for Asian carp, of which a total of \$2 million is for research on containing and eradicating grass carp.

Water Monitoring

The bill includes \$10 million in streamgage infrastructure investments, with a total of \$8.5 million for deployment and operation of NextGen water observing equipment and \$1.5 million for 25 streamgages on transboundary rivers. The groundwater monitoring network is to be maintained at the fiscal year 2018 enacted level.

Commerce, Justice, and Science Title

Program	FY18	President's Request FY19	House FY19
Economic Development Assistance Programs	\$262.5	\$0	\$265
Bureau of the Census	\$2,814	\$3,800.5	\$3,821.4
Manufacturing Extension Partnerships	\$140	\$0	\$140
National Network for Manufacturing Innovation	\$15	\$0	\$15

NOAA Sea Grant	\$65	\$0	\$68
NOAA Coastal Zone Management Grants	\$75	\$0	\$75.5
COPS Program	\$275.5	\$0	\$303.5
State and Local Law Enforcement Assistance	\$1,677.5	\$1,132.5	\$1,723
Juvenile Justice Programs	\$282.5	\$229.5	\$287

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Commerce

Economic Development Assistance Programs

Out of the \$265 million included for Economic Development Assistance Programs at the Economic Development Administration, the bill includes the following:

- Public Works - \$117.5 million
- Partnership Planning - \$33 million
- Technical Assistance - \$9.5 million
- Research and Evaluation - \$1.5 million
- Trade Adjustment Assistance - \$13 million
- Economic Adjustment Assistance - \$37 million
- Assistance to Coal Communities – \$30 million
- Section 27 Regional Innovation Program Grants - \$23.5 million

2020 Census Partnership and Communications Activities

The bill reiterates House and Senate language regarding the Bureau's partnership and communications efforts aimed at maximizing self-response to the 2020 Decennial Census. Additionally, the Bureau shall devote funding to expand targeted communications activities as well as to open local questionnaire assistance centers in hard-to-count communities.

Harmful Algal Blooms

The bill includes an increase of \$5 million from NOAA's Coastal Science and Assessment for additional Competitive External Research to determine and mitigate the impact of Harmful Algal Blooms in marine and freshwater habitats.

Coastal Observing Assets

The bill includes \$1.5 million within Navigation, Observation and Positioning to replace or repair degraded or unreliable coastal, ocean, and Great Lakes observing assets.

Marine Debris

The bill increases NOAA's Marine Debris program by \$500,000.

Oyster Restoration

The bill includes \$1.5 million within NOAA's Habitat Conservation and Restoration account for oyster restoration.

Justice

Opioid Epidemic

The bill includes significant increases in both law enforcement and grant resources for the Department of Justice (DOJ) to continue combating the rising threat to public health and safety from opioid and heroin use and drug trafficking. This includes a total of \$468 million, an increase of \$21.5 million more than FY18, in DOJ grant funding to help State, local, and tribal communities respond to the opioid crisis. The Drug Enforcement Administration (DEA) is also funded at \$2.7 billion, an increase of \$77.8 million more than FY18, to help fight drug trafficking, including heroin and fentanyl. Funding for DEA will also expand interdiction and intervention programs including the addition of at least four new heroin enforcement teams and DEA 360 Strategy programming.

State and Local Law Enforcement Assistance

Out of the total \$1,723 billion for State and Local Law Enforcement Assistance, the following programs funding levels are:

- Byrne Justice Assistance Grants - \$423.5 million
- State Criminal Alien Assistance Program - \$243.5 million
- Opioid Initiative - \$347 million
- Victims of Trafficking Grants - \$85 million
- DNA Initiative – \$130 million
- Second Chance Act/Offender Reentry - \$87.5 million

Program	Transportation Title		
	FY18	President's Request FY19	House FY19
Saint Lawrence Seaway Development Corporation	\$40	\$28.8	\$36
National Railroad Passenger Corporation (Amtrack) – Northeast Corridor Grants	\$650	\$200	\$650
National Railroad Passenger Corporation (Amtrack) – National Network	\$1,291.6	\$537.9	\$1,291.6
Transit Infrastructure Grants	\$834	\$0	\$700
Capital Investment Grants	\$2,645	\$1,000	\$2,552.7
Pipeline Safety Fund	\$131	\$119.2	\$134

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Transportation

National Infrastructure Investments

The bill provides \$900 million for national infrastructure investments, to remain available until September 30, 2021. Not more than 50 percent of funds awarded shall be for projects located in a rural area with a population of less than 200,000 and not more than 50 percent shall be for projects located

in an urban or suburban area with a population of more than 200,000. Although still eligible for an award, no minimum amount of funding is directed for projects located in and around major seaports.

Federal Railroad Administration

Positive Train Control (PTC)

The bill includes \$10 million for the Positive Train Control (PTC) support program and the Federal Railroad Administration is required to submit to Congress additional information on railroad PTC status, enforcement plans, and effects on rail service.

Saint Lawrence Seaway Development Corporation

Capital Asset Renewal Activities

Out of the \$36 million for the SLSDC, \$16 million is provided for capital asset renewal activities. SLSDC is directed to submit an annual report to the House and Senate Committees on Appropriations on its asset renewal program activities by April 30, 2019.

Maritime Administration

Port Infrastructure Development Program

The bill provides a total of \$292.7 million for the port infrastructure development program. MARAD is directed to provide grants for infrastructure improvement projects for coastal seaports that are either within the seaport's boundary or outside its boundary if the project directly relates to port operations, or to an intermodal connection to a port that improves the safety, efficiency, or reliability of the movement of goods into, out of, or around coastal seaports. Eligible projects include, but are not limited to, highway or rail infrastructure that develops or extends intermodal connectivity, intermodal facilities, marine terminal equipment, wharf construction or redevelopment, vessel alternative fueling access and distribution, fuel efficient cargo handling equipment, freight intelligent transportation systems, and digital infrastructure systems. The Secretary is directed to ensure that any fully-automated cargo-handling equipment procured under this section will not directly result in a net job loss or directly reduce the overall safety, reliability and efficiency of a port. Of the total, \$92.7 million shall be available for grants to the 15 coastal seaports that handled the greatest number of loaded twenty-foot equivalent units (TEUs) of foreign and domestic containerized cargo in 2016.

Agriculture Title

Program	FY18	President's Request FY19	House FY19
NRCS Private Lands Conservation Operations	\$874.1	\$669	\$819.5
NRCS Watershed Flood and Prevention Operations	\$150	\$0	\$150
NRCS Watershed Rehabilitation Program	\$10	\$0	\$10

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Natural Resources Conservation Service (NRCS)

The bill includes \$9.4 million for the Snow Survey and Water Forecasting Program; \$9.5 million for Plant Materials Centers; \$74.7 million for the Soil Surveys Program; and \$715.9 million for Conservation Technical Assistance.

Conservation Capital and Technical Assistance Pilot Program

The bill encourages the Secretary of Agriculture to establish multi-year pilot projects to provide financial and technical assistance to certain produce-related farms for capital improvements to address on-farm agricultural water concerns, including irrigation systems and other conservation practices to improve water quality and soil health.

Harmful Algal Blooms

The bill includes language complementing the NRCS' work to prevent soil erosion leading to harmful algal blooms through the introduction of cover crops is appreciated and encourages the NRCS to continue targeting of watersheds where harmful algal blooms pose a threat. In addition, no less than \$5,000,000 shall be provided to support cooperative agreements focused on innovative phosphorus removal strategies where agricultural runoff has contributed nutrients to a waterbody. Such work shall be conducted in consultation with the National Institute for Food and Agriculture and the Agricultural Research Service.

Animal Health and Inspection Service (APHIS)

The bill includes a net increase of \$34.2 for high priority initiatives in order to protect the plant and animal resources of the Nation from pests and diseases and funds these programs at \$1,011 million.

State and Foreign Operations Title

Program	FY18	President's Request FY19	House FY19
Great Lakes Fishery Commission	\$33.3	\$21	\$37.3
International Joint Commission	\$8.1	\$N/A	\$8.1

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