



Selected Federal Water Activities: Agencies, Authorities, and Congressional Committees

Betsy A. Cody

Specialist in Natural Resources Policy

Judy Schneider

Specialist on the Congress

Mary Tiemann

Specialist in Environmental Policy

Grace Relf

Research Associate

August 7, 2012

Congressional Research Service

7-5700

www.crs.gov

R42653

CRS Report for Congress

Prepared for Members and Committees of Congress

Summary

Congress has enacted hundreds of federal laws affecting the nation's water resources and continues to address numerous water-related issues annually. From responding to natural disasters such as droughts and floods, to improving water resources and water quality infrastructure and protecting fish and wildlife, many congressional committees are involved in legislating, funding, and overseeing the water-related activities of numerous federal agencies. Nearly two centuries of such activity have resulted in a complex web of federal involvement in water resource management and use.

Although the responsibility for development, management, protection, and allocation of the nation's water resources is spread among federal, state, local, tribal, and private interests, this report focuses on the complexity of *federal* activities related to water. The report covers multiple topic areas and individual water-related subtopics ranging from water supply and water quality infrastructure to fisheries management and water rights. The report is not exhaustive; instead, the authors have attempted to cover the major federal activities authorized by Congress that affect water resource development, management, and use in the United States. Similarly, the analysis does not cover every aspect of House and Senate committee jurisdiction affecting water issues. Accordingly, it may be helpful to seek the views of the House and Senate Parliamentarian Offices for a more definitive evaluation of committee jurisdictions related to water.

The report covers four general areas: (1) "Water Resources Development, Management, and Use"; (2) "Water Quality, Protection, and Restoration"; (3) "Water Rights and Allocation"; and (4) "Research and Planning." These are further divided into tables that list topic areas and individual water-related subtopics. For each subtopic, CRS has identified selected federal agencies and activities related to the topic, authorities for such activities, and relevant House and Senate committee jurisdictions. The "Water Resources Development, Management, and Use" theme includes subtopics that relate to supply and reservoir development, drought and flood management, and hydropower and navigation. The "Water Quality, Protection, and Restoration" theme includes issues relating to water quality (e.g., water pollution and treatment, drinking water quality) and aquatic resources protection and management. The "Water Rights and Allocation" theme addresses water allocation and interstate compacts, river basin commissions, federal reserved water rights, and tribal water rights. The "Research and Planning" theme includes subtopics related to research and data collection, including water cycle and climate change research, and watershed planning. Appendixes address considerations in determining House and Senate committee jurisdictions and present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources. A glossary of House and Senate Committee abbreviations and federal agency acronyms is also included.

In sum, the nine tables that make up the body of the document underscore the complexity of federal activities affecting water resource development, management, protection, and use in the United States. As apparent throughout these tables, numerous standing committees in the House and Senate have jurisdiction over various components of federal water policy. The wide range of federal executive responsibilities for water resources reflects comparably complex congressional legislative responsibilities, which in turn reflect the multiple ways in which water laws affect social and economic activities and vice versa.

Contents

Introduction and Overview	1
Selected Federal Water Activities: Agencies, Authorities, and Congressional Committee Jurisdictions	1
Report Organization	2
Water Resources Development, Management, and Use	4
Table 1. Supply and Reservoir Development	5
Dams	5
Dam Safety	5
Water Supply Development (Municipal, Industrial, Agricultural)	6
Groundwater Supply	7
Other Irrigation Assistance	7
Rural and Other Water Supply Programs	8
Water Conservation	8
Water Reclamation and Reuse (Including Desalination)	9
Table 2. Drought and Flood Management	11
Drought Planning, Mitigation and Response	11
Emergency Flood Response	13
Flood Damage Reduction	14
Flood Mitigation	15
Table 3. Hydropower and Navigation	16
Federal Hydropower Development	16
Nonfederal Hydropower Development	16
Navigation	16
Water Quality, Protection, and Restoration	18
Table 4. Water Quality	19
Surface Water Quality	19
Drinking Water Quality	19
Groundwater Quality	19
Source Water Protection	20
Nonpoint Source Pollution	20
Water Quality Infrastructure: Wastewater and Drinking Water	21
Table 5. Aquatic Resources Protection and Management	23
Aquaculture	23
Aquatic Ecosystem Protection and Restoration	24
Coastal Zones and Estuaries	25
Fisheries Management	26
Invasive Species	27
Wetlands	28
Wild and Scenic Rivers	29
Water Rights and Allocation	30
Table 6. Water Allocation	31
Water Allocation and Interstate Compacts	31
River Basin Commissions	31
Table 7. Water Rights	32
Federal Reserved Water Rights	32
Tribal Water Rights	32

Research and Planning	33
Table 8. Research and Data	34
Water (General)	34
Use, Supply Augmentation, Efficiency, and Engineering Works	34
Monitoring, Data, and Mapping	35
Resource Assessments	36
Water Cycle, Drought, and Climate Change	36
Water Quality and Treatment	38
Table 9. Planning	39
Water Development Project Planning	39
Watershed Planning	39
Water Quality	40
Appendix A	41
Determining Committee Jurisdiction	41
House Referral	41
Senate Referral	41
Individual Jurisdictional Issues	42
Jurisdiction over Dams and Land Necessary for their Development	42
Appendix B	44
Table 10. House Rule X	44
Appendix C	51
Table 11. Senate Rule XXV and Nominations Considered	51
Appendix D	54
Glossary of Abbreviations	54

Contacts

Author Contact Information	56
Acknowledgments	56

Introduction and Overview¹

Congress addresses numerous water issues annually. From responding to natural disasters such as droughts and floods, to improving the nation's water resource and water quality infrastructure, and protecting fish and wildlife, many different congressional committees are involved in legislating, funding, and overseeing the water-related activities of numerous federal agencies. Nearly two centuries of such involvement in water resource project development, environmental and resource management activities, and responding to population shifts and changing societal desires have resulted in a complex web of federal activities related to water.

Although the responsibility for development, management, protection, and allocation of the nation's water resources is spread among federal, state, local, tribal, and private interests, this report focuses on the complexity of *federal* activities related to water. It is meant to serve as a guide to federal water-related activities, including the administering agency(ies), the primary or overarching authorities for such activities, and House and Senate committee jurisdictions. In most cases, the primary authorities listed are authorizing statutes and accompanying *U.S. Code* citations; in some cases, constitutional or other authorities are provided. In providing this analysis, CRS does not cover every aspect of water policy. Instead, the authors have attempted to cover the major federal activities authorized by Congress that affect water resource development, management, protection, and use in the United States. Similarly, this analysis does not cover every aspect of House and Senate committee jurisdiction affecting water issues. Accordingly, it may be helpful to seek the views of the House and Senate Parliamentarian Offices for a more definitive evaluation of committee jurisdictions related to water. Further, programs known to have expired and for which reauthorization legislation is pending are noted; however, given the breadth of the report and constant executive and legislative branch activity, it is not possible to provide comprehensive status reports for all entries.

Selected Federal Water Activities: Agencies, Authorities, and Congressional Committee Jurisdictions

The federal government has been involved in water resources development since the earliest days of the nation. From congressionally directed improvements, first to facilitate navigation and later to reduce flood damages and expand irrigation in the West, the federal government has been called upon to assist and pay for a multitude of water resource development projects. In recent decades, Congress has enacted legislation to regulate water quality; protect fish, wildlife, and threatened and endangered species; and facilitate water supply augmentation.

Specific federal water laws have been enacted for the diverse purposes noted above. Development and implementation of these laws have required the action of numerous congressional committees and federal agencies. At the congressional level, this action has resulted in a set of diverse and sometimes overlapping committee jurisdictions dealing with various aspects of water policy and addressing the interests of differing constituencies. At the executive branch level, this interest and congressional direction have resulted in many agencies and organizations being involved in different but related and sometimes overlapping aspects of federal water policy. The activities

¹ Grace Relf, a 2012 CRS research associate, coordinated the development of this report. For other authors and contributors, please see Acknowledgments.

identified in this report fall into the jurisdiction of numerous congressional standing committees (and generally exclude appropriations and other committees in the relevant chambers that deal with banking, taxes, and finance issues.) Similarly, the activities identified in this report are addressed in some form by many federal executive branch agencies.

CRS can provide additional information on all the issues addressed in this report.

Report Organization

The following tables describe federal water-related activities and programs in the United States, and identify the administering agency(ies), primary authorities,² and congressional committees of jurisdiction for each agency activity or program.³ The tables are arranged under broad areas, subtopics, and topic terms.

The four areas covered by the report are as follows:

- “Water Resources Development, Management, and Use”;
- “Water Quality, Protection, and Restoration”;
- “Water Rights and Allocation”; and
- “Research and Planning.”

Each theme area begins with a brief introduction and is followed by a table(s) of relevant agencies, activities and programs, and House and Senate committees of jurisdiction.⁴ Each table covers more focused areas of water issues—subtopics—based on agency function and the historical development of federal water programs. In organizing these tables, a series of topic terms was developed under which both members of the general public and those more familiar with water policy might categorize federal water-related activities. These topic terms were determined by the CRS analysts and legislative attorneys involved in developing the report.

The “Water Resources Development, Management, and Use” theme includes subtopics that relate to supply and reservoir development, drought and flood management, and hydropower and navigation. The “Water Quality, Protection, and Restoration” theme includes issues relating to water quality and aquatic resources protection and management. The “Water Rights and Allocation” theme addresses water allocation and interstate compacts, river basin commissions, federal reserved water rights, and tribal water rights. The “Research and Planning” theme includes subtopics related to research and data collection, including water cycle and climate change research, and watershed planning.

Significant overlaps occur both within and among the different categories. This analysis generally excludes marine/ocean issues, and international and boundary water issues, except for jointly managed dams at the U.S.-Mexico border and Environmental Protection Agency (EPA) programs along the U.S.-Mexico border. Additionally, Congress has established various economic

² Citations refer to statutes as amended.

³ While some agencies administer *programs* authorized by Congress, others construct, operate, and manage projects or carry out other activities that are not covered by specific programs. Hence, column two of the following tables lists agency activities or functions, and program names, in italics where applicable.

⁴ Committees are listed alphabetically by chamber.

development programs that include water supply and/or treatment projects among the categories of purposes eligible for federal assistance; this report, however, does not include those programs for which water-related activities are not the major focus. Also excluded are broad environmental remediation or waste management statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Solid Waste Disposal Act, or activities of the Federal Emergency Management Agency other than flood disaster assistance (such as the flood insurance program). Water activities affecting Indian tribes are also not uniformly addressed in the accompanying tables, but instead are covered where they are known to interact with broader federal agency water-related programs and activities, such as water supply development and water quality infrastructure. Because federal environmental laws such as the Endangered Species Act⁵ and the National Environmental Policy Act⁶ apply to all federal agencies, federal agency activities under those laws are not identified in this report.

Appendix A of the report discusses considerations in determining House and Senate committee jurisdictions and provides an example of the complexity in water topics and jurisdictional coverage. **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources. Both the House and Senate tables also address subcommittee jurisdiction, and the Senate table provides information on executive branch nominations handled by Senate committees. **Appendix D** provides a glossary of House and Senate Committee abbreviations, as well as a glossary of federal agency acronyms. Program acronyms are generally spelled out where they first occur in each table.

In sum, the nine tables that make up the body of the report define water based on the topic terms determined by CRS. These tables underscore the intricacy of the federal programs affecting water resource development, management, protection, and use in the United States. As apparent throughout the tables, numerous standing committees in the House and Senate have jurisdiction over various components of federal water policy; moreover, this figure generally excludes the extensive responsibilities of the appropriations committees in both chambers, and generally excludes the direct and indirect activities of other committees in the relevant chambers that deal with banking, taxes, and finance issues.

⁵ Endangered Species Act (16 U.S.C. 1531 et seq.).

⁶ National Environmental Policy Act (42 U.S.C. 4321-4347).

Water Resources Development, Management, and Use

Historically, the federal government played a large role in development of the nation's water resources—in particular constructing large water resource infrastructure projects (e.g., locks, levees, and dams)—for navigation, flood damage reduction, and irrigation water supply in the West. Most of the largest federal dams serve multiple purposes, including those just noted, as well as producing hydropower and providing water supplies for municipal and industrial uses. More recently Congress has authorized activities and programs to augment water supplies via water conservation programs and reclamation and reuse programs (including desalination).

This section focuses on federal activities related to water resource development, management and use and includes three tables:

Table 1 lists activities related to water supply and reservoir development and includes topic areas such as dams and dam safety; general water supply development; groundwater supply; irrigation assistance; rural water supply; water conservation; and water reclamation, reuse and desalination.

Table 2 lists activities related to drought and flood management and includes topic areas such as drought planning, mitigation, and response; emergency flood response; flood damage reduction; and flood mitigation.

Table 3 lists activities related to hydropower and navigation and includes topic areas such as federal hydropower development; nonfederal hydropower development; and navigation.

Table 1. Supply and Reservoir Development

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Dams			
DOI: BOR	BOR (or Reclamation) constructs, operates, and maintains dams principally for irrigation. Major projects also serve flood damage reduction, navigation, municipal and industrial supply, and recreation purposes.	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.); and site-specific authorities	House NR Senate ENR
DOD: USACE	USACE constructs, operates, and maintains single and multi-purpose dams, with primary purposes of navigation and flood damage reduction under general and project-specific authorities.	Rivers and Harbors Acts (multiple statutes), and Flood Control Acts (multiple statutes), including Flood Control Act of 1936 and 1955; Water Resource Development Acts	House T&I Senate EPW
USDA: NRCS	<i>Watershed and Flood Prevention Operations</i> (also known as <i>P.L.-566</i> and the <i>Small Watershed Program</i>)- provides financial and technical assistance to local project sponsors for small flood damage reduction projects, including dams and reservoirs.	Watershed Protection and Flood Prevention Act of 1954, P.L. 83-566, as amended (16 U.S.C. 1000 et. seq.), and (33 U.S.C. 701b-1)	House Ag House T&I Senate Ag Senate ENR
USDA: NRCS	<i>Small Watershed Rehabilitation Program</i> - provides technical and financial assistance for planning, design, and implementation to rehabilitate aging dams (including upgrading or removing dams) constructed under the Small Watershed Program.	Grain Standards and Warehouse Improvement Act of 2000 as §14 Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1012)	House Ag Senate Ag
State: IBWC	Two international dams operated and managed jointly by the U.S. and Mexican Governments through the U.S. and Mexico sections of the IBWC provide water storage and flood damage reduction benefits.	Rio Grande, Colorado and Tijuana Treaty of 1944, ratified by the Senate on April 18, 1945	House FA House NR Senate ENR Senate FR
Dam Safety			
DOI: BOR	<i>Safety Evaluation of Existing Dams (SEED)</i> - performs site evaluations and identifies potential deficiencies at Reclamation and other DOI dams. Deficiencies addressed via the SOD program, noted below.	Reclamation Safety of Dams Act, P.L. 95-578, as amended (43 U.S.C. 506)	House NR Senate ENR
DOI: BOR	<i>Safety of Dams Program (SOD)</i> - BOR evaluates and implements actions to resolve safety concerns at Reclamation dams.	Reclamation Safety of Dams Act, P.L. 95-578, as amended (43 U.S.C. 506)	House NR Senate ENR

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
DOD: USACE	<i>Dam Safety Program</i> - conducts inspections of USACE dams, provides technical & management assistance, maintains a national inventory of federal and nonfederal dams.	National Dam Inspection Act, P.L. 92-367, as amended (33 U.S.C. 467 et seq.)	House T&I Senate EPW
DHS: FEMA	<i>National Dam Safety Program</i> - provides grant assistance to state dam safety programs, as well as training and technical research.	National Dam Inspection Act, P.L. 92-367, as amended (33 U.S.C. 467f)	House T&I Senate EPW
DHS: FEMA (Chair)	<i>Interagency Committee on Dam Safety</i> - serves as permanent forum for coordination of federal activities in dam safety.	National Dam Inspection Act, P.L. 92-367, as amended (33 U.S.C. 467e)	House T&I Senate EPW
DOE: FERC	<i>Dam Safety Program</i> - FERC inspects nonfederal projects to investigate potential dam safety problems. <i>Owners Dam Safety Program</i> - provides owners with the resources and expertise to maintain safe dams.	Federal Power Act (16 U.S.C. 803 (c))	House E&C Senate ENR
DOI: USGS	USGS exchanges scientific information with other agencies involved in dam safety. This includes data gathered under the Survey's geologic hazards research (e.g. seismic data).	The Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506 et seq.)	House NR Senate ENR
DOI: BIA	The Secretary of the Interior is to classify the condition of dams on Indian lands, establish a dam safety maintenance and repair program within BIA, and rehabilitate dams identified as posing a threat.	Indian Dam Safety Act of August 23, 1994 (25 U.S.C. 3801 note)	House NR Senate IA
Water Supply Development (Municipal, Industrial, Agricultural)			
DOI: BOR	General and project-specific authorities to construct, operate, and maintain dams principally for irrigation supply on a reimbursable basis (based on ability to pay and without interest). Many projects also provide water for municipal and industrial uses (M&I supply). M&I costs are reimbursable, with interest.	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.); and site specific authorities; Water Supply Act of 1958 (43 U.S.C. 390b)	House NR Senate ENR
DOI: BOR	BOR is directed to undertake a water reclamation and reuse program to augment local water supplies, including groundwater reclamation and recharge. More than 50 projects have been authorized for construction by Congress.	Reclamation Wastewater and Groundwater Study and Facilities Act, as amended, Title XVI of P.L. 102-575 (43 U.S.C. 390h)	House NR Senate ENR Senate EPW
DOI: BOR	BOR is authorized to provide a clean, safe, affordable, and reliable water supply to rural residents in Reclamation states.	Rural Water Supply Act of 2006, P.L. 109-451 (43 U.S.C. 2401 et seq.)	House NR Senate ENR

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
HHS: IHS	<i>Sanitation Facilities Construction Program-</i> The IHS is authorized to provide and maintain domestic and community water supplies and facilities and waste disposal facilities for Indian homes and communities.	The Indian Sanitation Facilities Act, as amended, P.L. 86-121 (42 U.S.C. §§ 2001-2004)	House E&C House NR Senate IA
DOD: USACE	Authorities include the reimbursable inclusion of M&I water storage in multi-purpose reservoirs; and the temporary sale of surplus water for municipal and industrial use.	Water Supply Act of 1958 (43 U.S.C. 390b), and the Flood Control Act of 1944 (33 U.S.C. 708)	House T&I Senate EPW
DOD: USACE	USACE is authorized to provide emergency supplies of clean water to localities in response to supply contamination threatening public health and welfare.	Flood Control and Coastal Emergency Act (33 U.S.C. 701n)	House T&I Senate EPW
DOD: USACE	Authorized to include irrigation as a reimbursable purpose for multi-purpose reservoirs. Also authorized to allow interim use for irrigation of uncontracted water at USACE reservoirs.	Flood Control Act of 1944 (43 U.S.C. 390); Water Resources Development Act of 1986 (43 U.S.C. 390)	House T&I Senate EPW
Groundwater Supply^c			
DOI: BOR	BOR is authorized to study, plan, and assist in construction of reclamation wastewater and reuse projects to augment local area water supplies, including groundwater reclamation and recharge. BOR may also participate in groundwater banking.	Reclamation Wastewater and Groundwater Study and Facilities Act, as amended, Title XVI of P.L. 102-575 (43 U.S.C. 390h); and site-specific authorities	House NR Senate ENR Senate EPW
Other Irrigation Assistance			
USDA: ARS, ERS, NASS, NRCS	Several USDA programs directly or indirectly support irrigated agriculture; however, these generally are part of larger bureau or agency assistance functions, such as conducting land and crop surveys, and collecting farm and ranch operation statistics.	Census of Agriculture Act of 1997, as amended (7 U.S.C. 2204g); Food and Agriculture Act of 1977, as amended (7 U.S.C. 3103 et seq.); and Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a et seq.)	House Ag Senate Ag
DOI: BIA, BOR	BIA manages and operates numerous irrigation projects on tribal reservation lands. After 1907, many of these facilities were built by BOR. Congress has also approved numerous Indian water rights settlement acts since the 1970s (See also Table 7).	Reclamation Project Act of 1908, Stat. 70; Snyder Act of 1921 (25 U.S.C. 13); tribe- or site-specific water rights settlement acts	House NR Senate ENR Senate IA

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Rural and Other Water Supply Programs			
DOI: BOR	BOR is authorized to provide a clean, safe, affordable, and reliable water supply to rural residents in Reclamation states.	Rural Water Supply Act of 2006, P.L. 109-451 (43 U.S.C. 2401 et seq.)	House NR Senate ENR
Water Conservation			
EPA	<i>WaterSense Program</i> - provides certification of water-efficient consumer and commercial products. The program's goal is to decrease indoor and outdoor nonagricultural water use through more efficient products, equipment, and programs.	Clean Water Act, as amended (33 U.S.C. 1251 et seq.)	House T&I Senate EPW
DOI: BOR	<i>Water Conservation Field Services Program</i> - assists water users, states, and other parties with water conservation plans. Each water and irrigation district receiving water from BOR projects must develop a water conservation plan and schedule for meeting water conservation objectives.	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.); Reclamation Reform Act of 1982, P.L. 97-293 (43 U.S.C. 390jj)	House NR Senate ENR
DOI: BOR	<i>WaterSMART Program</i> - provides grants for water conservation and water and energy efficiency projects, including system optimization, advanced water treatment, and water reuse (see also Title XVI water reuse program).	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.); SECURE Water Act (Subtitle F, Title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364))	House NR Senate ENR
DOE: Office of Energy Efficiency and Renewable Energy; FTC	DOE administers and regulates water efficiency standards for plumbing fixtures specified by the Energy Policy Act. FTC is required to promulgate labeling rules for the plumbing fixtures and products covered by the act.	Energy Policy and Conservation Act, as amended by the Energy Policy Act of 1992, §123 (42 U.S.C. 6262, 6295)	House E&C Senate CST
USDA: NRCS	<i>Environmental Quality Incentives Program (EQIP)</i> - provides financial and technical assistance to producers and land owners to plan and install structural, vegetative, and land management practices (including water conservation) on agricultural lands to alleviate natural resource problems. ^d	Federal Agriculture Improvement and Reform Act of 1996, as §1240-§1240I of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa et seq.)	House Ag Senate Ag
USDA: NRCS	<i>Agricultural Water Enhancement Program (AWEP)</i> - a subprogram of EQIP that provides financial and technical assistance to producers and land owners to address water quantity concerns on agricultural land.	Food, Conservation, and Energy Act of 2008 as §1240I of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa-9)	House Ag Senate Ag

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
USDA: NRCS	<i>Conservation Stewardship Program (CSP)</i> - encourages producers to address resource concerns in a comprehensive manner by undertaking additional conservation activities and improving, maintaining, and managing existing conservation activities, including water conservation. ^d	Food, Conservation, and Energy Act of 2008 as §1238D-§1238G of the Food Security Act of 1985, as amended (16 U.S.C. 3838h-3838n)	House Ag Senate Ag
USDA: NRCS, RMA, AMS	<i>Agricultural Management Assistance (AMA) Program</i> - provides financial and technical assistance to producers to reduce operational risk through diversification and improve water management and irrigation structures.	Agricultural Risk Protection Act of 2000 as §524(b) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1524(b))	House Ag Senate Ag
USDA: NRCS	Conservation technical assistance provides conservation planning and implementation assistance to producers and land owners who voluntarily apply natural resource conservation systems on private and other nonfederal lands. This can include, among others, water-reducing conservation practices.	Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a et seq.)	House Ag Senate Ag
Water Reclamation and Reuse (Including Desalination)			
EPA	EPA indirectly provides funds for water reuse via the Drinking Water and Clean Water Act SRFs. EPA has also published guidelines for water reuse.	Clean Water Act, as amended, §104 (33 U.S.C. 1251 et seq.)	House T&I Senate EPW
DOI: BOR	BOR is directed to undertake a water reclamation and reuse program to augment local water supplies, including groundwater reclamation and recharge. More than 50 projects have been authorized.	Reclamation Wastewater and Groundwater Study and Facilities Act, as amended, Title XVI of P.L. 102-575 (43 U.S.C. 390h)	House NR Senate ENR
DOI: BOR	<i>Desalination and Water Purification Program</i> - research and demonstration program for increasing the technical and financial feasibility of desalination.	Water Desalination Act of 1996, as amended, P.L. 104-298 and §204 of P.L. 112-74 (42 U.S.C. 10301)	House NR Senate ENR

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For more information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.
- c. See also “Research and Planning”. In general, the federal government is not involved in ground water supply development but assists states and localities with data collection and monitoring.

- d. Authority to receive mandatory funding expires September 30, 2014, subject to reauthorization. For more information, see CRS Report R42442, *Possible Extension or Expiration of the 2008 Farm Bill*, by Jim Monke, Megan Stubbs, and Randy Alison Aussenberg.

Table 2. Drought and Flood Management

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Drought Planning, Mitigation and Response^c			
DOD: USACE	USACE may allow temporary water withdrawal from their reservoirs during drought for M&I use. Administration policy limits application to governor-declared drought emergencies and up to 99 acre-feet.	Flood Control Act of 1944, as amended (33 U.S.C. 708)	House T&I Senate EPW
DOD: USACE	Construction of wells for and transport of water to drought-distressed farmers, ranchers, and political subdivisions. Non-transport costs are nonfederal.	Disaster Relief Act of 1974 (33 U.S.C. 701n)	House T&I Senate EPW
DOI: BOR	BOR may temporarily construct, manage, and finance water and conservation facilities. It may also facilitate water purchases, transfers, and contingency plans. BOR is authorized to provide permanent well construction.	Reclamation States Emergency Drought Relief Act of 1991, as amended (43 U.S.C. 2201)	House NR Senate ENR
DOI: BOR	Project water available for fish and wildlife impacts due to drought or the operation of a Reclamation project during drought conditions.	Reclamation States Emergency Drought Relief Act of 1991, as amended (43 U.S.C. 2212)	House NR Senate ENR
DOI: BOR	Emergency fund established to assure continuous operation of Reclamation facilities. Also, other site or drought specific authority.	Act of June 26, 1948, as amended (43 U.S.C. 502); P.L. 95-18, as amended (43 U.S.C. 502 note)	House NR Senate ENR
USDA: RMA	<i>Federal Crop Insurance Program</i> - primary means of producer protection against adverse weather, including droughts and floods.	Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.)	House Ag Senate Ag
USDA: FSA	<i>Noninsured Assistance Payments (NAP)</i> - provides direct payments to crop producers who experience a significant crop loss, but are not eligible for federal crop insurance.	Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.)	House Ag Senate Ag
USDA: FSA	<i>Emergency Loans</i> - low-interest government loans to producers suffering from production and physical losses located in or adjacent to a county that has been declared a disaster by the President or USDA Secretary.	Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1961 et seq.)	House Ag Senate Ag

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
USDA: FSA	<i>Supplemental Revenue Assistance Program (SURE)</i> - helps cover part of the deductible for crop insurance for damaged caused by adverse weather that occurred on or after Jan. 1, 2008, and before October 1, 2011. Farmers are ineligible if they do not have crop insurance. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Livestock Forage Program</i> - provides financial assistance to producers who suffered grazing losses due to drought or fire on or after January 1, 2008, and before October 1, 2011. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Livestock Indemnity Program (LIP)</i> - provides financial assistance to livestock producers for livestock deaths in excess of normal mortality caused by adverse weather (including floods) that occurred on or after Jan. 1, 2008, and before Oct. 1, 2011. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Tree Assistance Program (TAP)</i> - provides financial assistance to qualifying nursery tree growers and orchardists to replant or rehabilitate eligible trees, bushes and vines damaged by natural disasters, including floods, occurring on or after Jan. 1, 2008, and before Oct. 1, 2011. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish</i> - provides emergency relief for damaged caused by adverse weather that occurred on or after Jan. 1, 2008, and before October 1, 2011 to producers of livestock, honey bees, and farm-raised fish that are not covered under any other program. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Emergency Conservation Program (ECP)</i> - Provides emergency funding and technical assistance to producers to rehabilitate farmland damaged by natural disasters, including implementing emergency water conservation measures in response to severe droughts.	Agricultural Credit Act of 1978, as amended (16 U.S.C. 2201-2205)	House Ag Senate Ag
USDA: FSA	<i>Emergency Forest Restoration Program (EFRP)</i> - provides payments to eligible owners of nonindustrial private forest (NIPF) land in order to carry out emergency measures to restore land damaged by a natural disaster, including drought.	Food, Conservation, and Energy Act of 2008, as §407 of the Agricultural Credit Act of 1978, as amended (16 U.S.C. 2206)	House Ag Senate Ag

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Emergency Flood Response			
DOD: USACE	Flood fighting assistance, and <i>Rehabilitation and Inspection Program</i> for repairs of damage at eligible levees and dams, also called P.L. 84-99.	Flood Control Act of 1944 (33 U.S.C. 701n)	House T&I Senate EPW
DOI: BOR	BOR is authorized to use money from its emergency fund to finance costs associated with a host of emergencies, including floods.	Act of June 26, 1948 (43 U.S.C. 502); Disaster Relief Act of 1974 (42 U.S.C. 5171)	House NR Senate ENR
USDA: NRCS	<i>Emergency Watershed Protection (EWP) Program</i> - provides technical and financial assistance to reduce hazards to life and property in watersheds that have been damaged by natural disasters, including floods.	Agricultural Credit Act of 1978, as amended (16 U.S.C. 2203); and 33 U.S.C. 701b-1	House Ag Senate Ag
USDA: FSA	<i>Noninsured Assistance Payments (NAP)</i> - provides direct payments to crop producers who experience a significant crop loss, but are not eligible for federal crop insurance.	Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.)	House Ag Senate Ag
USDA: FSA	<i>Emergency Loans</i> - low-interest government loans to producers suffering from production and physical losses located in or adjacent to a county that has been declared a disaster by the President or USDA Secretary.	Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1961 et seq.)	House Ag Senate Ag
USDA: RMA	<i>Federal Crop Insurance Program</i> - primary means of producer protection against adverse weather, including droughts and floods.	Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.)	House Ag Senate Ag
USDA: FSA	<i>Supplemental Revenue Assistance Program (SURE)</i> - helps cover part of the deductible for crop insurance for damaged caused by adverse weather that occurred on or after January 1, 2008, and before October 1, 2011. Farmers are ineligible if they do not have crop insurance. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Livestock Forage Program</i> - provides financial assistance to producers who suffered grazing losses due to drought or fire on or after January 1, 2008, and before October 1, 2011. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Livestock Indemnity Program (LIP)</i> - provides financial assistance to livestock producers for livestock deaths in excess of normal mortality caused by adverse weather (including floods) that occurred on or after January 1, 2008, and before October 1, 2011. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
USDA: FSA	<i>Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish</i> - provides emergency relief for damage caused by adverse weather that occurred on or after January 1, 2008, and before October 1, 2011 to producers of livestock, honey bees, and farm-raised fish that are not covered under any other program. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Tree Assistance Program (TAP)</i> - provides financial assistance to qualifying orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes and vines damaged by natural disasters, including floods, occurring on or after January 1, 2008, and before October 1, 2011. ^d	Food, Conservation, and Energy Act of 2008, as amended (7 U.S.C. 1531)	House Ag Senate Ag
USDA: FSA	<i>Emergency Conservation Program (ECP)</i> - provides emergency funding and technical assistance to producers to rehabilitate farmland damaged by natural disasters, including floods.	Agricultural Credit Act of 1978, as amended (16 U.S.C. 2201-2205)	House Ag Senate Ag
USDA: FSA	<i>Emergency Forest Restoration Program (EFRP)</i> - provides payments to eligible owners of nonindustrial private forest (NIPF) land in order to carry out emergency measures to restore land damaged by a natural disaster, including floods.	Food, Conservation, and Energy Act of 2008, as §407 of the Agricultural Credit Act of 1978, as amended (16 U.S.C. 2206)	House Ag Senate Ag
Flood Damage Reduction			
DOD: USACE	Cost-shared construction of riverine and coastal flood damage reduction projects (e.g., levees, dams, and coastal dunes and barriers).	Flood Control Act of 1936: project specific authorities in various statutes	House T&I Senate EPW
DOI: BOR	Flood damage reduction provided through multi-purpose dams at full federal cost.	Reclamation Project Act of 1939 (43 U.S.C. 485h(b))	House NR Senate ENR
State: IBWC	Authorized to construct levees and dams along the U.S.-Mexico border.	Rio Grande, Colorado and Tijuana Treaty of 1944	House NR Senate ENR
USDA: NRCS	<i>Watershed and Flood Prevention Operations</i> (also known as <i>P.L.-566</i> and the <i>Small Watershed Program</i>)- provides financial and technical assistance to local project sponsors for small flood damage reduction projects.	Watershed Protection and Flood Prevention Act of 1954, as amended (16 U.S.C. 1000 et. seq.)	House Ag House T&I Senate Ag Senate ENR
USDA: NRCS	USDA may undertake flood prevention and related purposes in 11 specified projects (also known as <i>P.L.-534 projects</i>). The projects are similar to those under the <i>Watershed and Flood Prevention Operations</i> (see above) only much larger.	Flood Control Act of 1944, as amended (16 U.S.C. 1000 et seq.) and 33 U.S.C. 701b-1	House Ag Senate Ag

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
Flood Mitigation			
DHS: FEMA	Federal funds provided to reduce flood damages primarily through nonstructural measures.	Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.)	House HS Senate HS
USDA: NRCS	<i>Emergency Watershed Protection (EWP) Program</i> - provides technical and financial assistance to purchase floodplain easements on floodplain lands that have been impaired or that have a history of repeated flooding.	Agricultural Credit Act of 1978, as amended (16 U.S.C. 2203; and 33 U.S.C. 701b-1)	House Ag Senate Ag

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.
- c. Numerous departments and agencies have some drought planning, mitigation and response responsibilities; this report highlights activities of just a few agencies.
- d. Reauthorization subject to congressional action. For more information, see CRS Report RS21212, *Agricultural Disaster Assistance*, by Dennis A. Shields.

Table 3. Hydropower and Navigation

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
Federal Hydropower Development			
DOI: BOR	BOR owns and operates numerous multipurpose dams and other facilities, some of which generate hydropower.	Town Sites and Power Development Act of 1906, (43 U.S.C. 561, 562, 566, 567), and site-specific authorities	House NR Senate ENR
DOD: USACE	USACE owns and operates multi-purpose water resource projects, including dams and other facilities that generate hydropower.	Federal Water Power Act of 1920, ch. 285, 41 Stat. 1065 (16 U.S.C. 797 et seq.)	House T&I Senate EPW
DOE: BPA, SEPA, SWPA, WAPA	Four power marketing administrations market electricity generated in excess of irrigation needs at multipurpose federal dams operated by the USACE and BOR.	Department of Energy Organization Act of 1977 §302(a)(3); P.L. 95-91 (42 U.S.C. 7152(a)) and other authorities	House E&C House NR Senate ENR
Nonfederal Hydropower Development			
DOI: BOR	BOR may grant nonfederal hydroelectric power development rights at BOR-owned facilities (i.e. “lease of power privilege”).	Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.)	House NR Senate ENR
DOE: FERC	FERC licenses the construction and operation of nonfederal hydropower projects.	Federal Power Act of 1935 (16 U.S.C. 791-828c)	House E&C Senate ENR
Navigation			
DOD: USACE	USACE may undertake federal studies and projects to improve navigation; many of the activities are cost-shared with nonfederal sponsors.	Various Rivers and Harbors Acts and Water Resources Development Acts	House T&I Senate EPW
DOI: BOR	BOR may allocate to navigation associated costs at multi-purpose water resources projects.	Reclamation Project Act of 1939, as amended (43 U.S.C. 485h)	House NR Senate ENR
DOD: USACE	Regulates construction in or alteration of a navigable water of the United States.	Rivers and Harbors Act of 1899 (33 U.S.C. 485h)	House T&I Senate EPW

Source: Prepared by the Congressional Research Service.

a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.

- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**. **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.

Water Quality, Protection, and Restoration

Federal efforts to protect and improve water quality and water resources range from technical and financial assistance programs to help communities build sewage treatment and drinking water treatment works, to regulatory programs for preventing or controlling water pollution. Most federal programs focus on surface water quality, while states have a dominant role in matters related to groundwater protection. One exception is where Congress has established requirements to protect underground sources of drinking water from underground injection activities.

In addition to protecting and improving water quality, Congress has enacted numerous bills to manage, protect, and restore aquatic ecosystems—including estuaries, and wetlands. In the last 25 years, the United States has provided billions of dollars toward restoring some specific large aquatic ecosystems such as the Chesapeake Bay, the California Bay-Delta, the Everglades, and the Great Lakes. These ecosystems cover large areas and affect millions of people. Ecosystem restoration in a policy context has gone beyond just restoring the natural environment, and now encompasses other objectives such as improving water supply and conveyance, managing natural resources, and implementing watershed management. Ecosystem restoration legislation can be intricate and involve several agencies, and therefore involve multiple committees. Fisheries management and oversight of aquaculture also involve many committees.

Generally, Congress has acted where interstate issues arose (e.g., pollution of rivers), where significant gaps in protection existed among the states (drinking water quality), where funding needs were related to federal mandates (various water infrastructure funding programs), or where other national interests were perceived (e.g., conservation of agricultural lands and fisheries, and preservation of wild and scenic rivers).

This section focuses on federal activities related to water quality, and aquatic resource protection and restoration. The section includes two tables:

Table 4 lists activities related to surface water quality, drinking water quality, groundwater quality, source water protection, nonpoint source pollution, and wastewater and drinking water quality infrastructure.

Table 5 lists activities related to aquaculture, aquatic ecosystem protection and restoration, coastal zones and estuaries, fisheries, invasive species, wetlands, and wild and scenic rivers.

Table 4. Water Quality

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Surface Water Quality			
EPA	EPA employs regulatory and non-regulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff.	Clean Water Act, as amended (33 U.S.C. 1251 et seq.)	House T&I Senate EPW
Drinking Water Quality			
EPA	EPA issues regulations that set limits for contaminants in public drinking water supplies. States generally have primary enforcement authority and oversee public water system compliance with regulations.	Safe Drinking Water Act, as amended (42 U.S.C. 300f et seq.)	House E&C Senate EPW
HHS: IHS	IHS, in cooperation with HUD and BIA, funds the provision of domestic and community potable water sanitation facilities supplies and facilities, drainage facilities, and sewage and waste-disposal facilities to Indian homes and communities.	Indian Sanitation Facilities Act of 1959 (42 U.S.C. 2004a); Indian Health Care Improvement Act of 1976 (25 U.S.C. 1632)	House E&C House NR Senate IA
Groundwater Quality			
EPA	Programs to protect underground sources of drinking water (USDWs) include: (1) the <i>Underground Injection Control Program</i> - regulates underground injections of fluids to protect USDWs; (2) the <i>Sole Source Aquifer Program</i> - permits designation of an aquifer as a “sole source” which may limit federal funding for projects that could harm the aquifer; and (3) 50% grants for states to develop groundwater protection programs.	Safe Drinking Water Act, as amended (42 U.S.C. 300h - 300h-8)	House E&C Senate EPW

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Source Water Protection			
EPA	<i>Source Water Assessment Program</i> - states delineated areas of source waters serving public water systems and assessed susceptibility to contamination. Assessments can support a voluntary state <i>Source Water Petition Program</i> ; entities may petition the state for assistance in developing a voluntary partnership to address the origins of contaminants.	Safe Drinking Water Act, as amended (42 U.S.C. 300j-13 and 300j-14)	House E&C Senate EPW
Nonpoint Source Pollution			
EPA	States, territories, and tribes receive grant money to develop and implement plans to manage nonpoint source pollution (i.e., polluted runoff from diffuse sources).	Clean Water Act, as amended (§319) (33 U.S.C. 1329)	House T&I Senate EPW
DOC: NOAA, EPA	<i>Coastal Nonpoint Pollution Control Program</i> - addresses nonpoint pollution problems in coastal waters. It requires states and territories with approved Coastal Zone Management Programs to develop Coastal Nonpoint Pollution Control Programs that describe how nonpoint source pollution controls will be implemented.	Coastal Zone Reauthorization Amendments of 1990 (§217), P.L. 101-508 (16 U.S.C. 1451)	House NR House T&I Senate EPW Senate CST
USDA: NRCS	<i>Environmental Quality Incentives Program (EQIP)</i> - provides financial and technical assistance to producers and land owners to plan and install structural, vegetative, and land management practices on agricultural lands to alleviate natural resource problems, including water quality concerns. ^c	Federal Agriculture Improvement and Reform Act of 1996, as §1240-§1240I of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa et seq.)	House Ag Senate Ag
USDA: NRCS	<i>Agricultural Water Enhancement Program (AWEP)</i> - a subprogram of EQIP that provides financial and technical assistance to producers and land owners to address water quality concerns on agricultural land.	Food, Conservation, and Energy Act of 2008 as §1240I of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa-9)	House Ag Senate Ag
USDA: NRCS	<i>Conservation Stewardship Program (CSP)</i> - encourages producers to address resource concerns in a comprehensive manner by undertaking additional conservation activities and improving, maintaining, and managing existing conservation activities, including water quality concerns. ^c	Food, Conservation, and Energy Act of 2008 as §1238D-§1238G of the Food Security Act of 1985, as amended (16 U.S.C. 3838h-3838n)	House Ag Senate Ag

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
USDA: NRCS	<i>Chesapeake Bay Watershed Program</i> - provides additional financial assistance through existing conservation programs for areas within the Chesapeake Bay watershed to improve water quality from agricultural operations. ^d	Food, Conservation, and Energy Act of 2008 (P.L. 110-246) as §1240Q of the Food Security Act of 1985, as amended (16 U.S.C. 3839bb-4)	House Ag Senate Ag
USDA: FSA	<i>Conservation Reserve Program</i> - provides annual rental payments to producers to replace crops on highly erodible and environmentally sensitive land with long-term resource conserving plantings, including buffer and filter strips. ^d	Food Security Act of 1985, as amended (16 U.S.C. 3831(a)-3835a)	House Ag Senate Ag
USDA: NRCS	USDA provides conservation technical assistance including planning and implementation assistance to producers and land owners who voluntarily apply natural resource conservation systems on private and other nonfederal lands. This can include, among others, water quality conservation practices.	Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a et seq.)	House Ag Senate Ag

Water Quality Infrastructure: Wastewater and Drinking Water

EPA	EPA provides grants to capitalize state Clean Water State Revolving Funds (SRFs), which states use to make loans to local communities for wastewater projects.	Clean Water Act, as amended (title VI) (33 U.S.C. 1381-1387)	House T&I Senate EPW
EPA	EPA provides grants to capitalize state Drinking Water State Revolving Funds (DWSRFs), which states use to provide loans and other assistance to public water systems for projects needed to comply with federal drinking water rules and to meet the law's health protection goals. Indian tribes and territories receive direct project grants.	Safe Drinking Water Act, as amended, §1452 (42 U.S.C. 300j-12)	House E&C Senate EPW
USDA: RUS	<i>Water and Environment Program (WEP)</i> - RUS provides grants and loans for water and wastewater projects in communities with populations of 10,000 or less.	Consolidated Farm and Rural Development Act, §306 (7 U.S.C. 1926)	House Ag (grants and loans) House Financial Services (loans) Senate Ag
EPA	<i>U.S.-Mexico Border Water Infrastructure Program</i> - provides assistance for drinking water and wastewater services to underserved communities in the border region. EPA provides grant funding through the Border Environment Infrastructure Fund; the North American Development Bank, in collaboration with the Border Environment Cooperation Commission, provides loans and other assistance.	The Border Environment Cooperation Agreement, through the North American Free Trade Agreement Act, P.L. 103-182 (19 U.S.C. 3473); Safe Drinking Water Act, as amended, §1456 (42 U.S.C. 300j-16); P.L. 100-4, §510	House E&C House FA House T&I House W&M Senate EPW Senate Finance Senate FR

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
HUD	<i>Community Development Block Grant-</i> funds are used by localities for a broad range of activities, including meeting water and waste disposal needs.	Housing and Community Development Act of 1974, as amended (title I) (42 U.S.C. 5301 et seq.)	House FS Senate Banking
HHS: IHS in cooperation with HUD and BIA	The IHS funds the provision of sanitation facilities—domestic and community potable water supplies and facilities, drainage facilities, and sewage- and waste-disposal facilities—to Indian homes and communities.	Indian Sanitation Facilities Act of 1959 (42 U.S.C. 2004a); Indian Health Care Improvement Act of 1976 as amended by Indian Health Care Amendments of 1988 (25 U.S.C. 1632)	House E&C House NR Senate IA
DOC: EDA	<i>Public Works and Economic Development Program-</i> provides grants for public works and development facilities that promote long-term economic development, including wastewater treatment.	Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3131, 3132, 3135, 3171)	House T&I Senate EPW

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.
- c. Authority to receive mandatory funding expires September 30, 2014, subject to reauthorization. For more information, see CRS Report R42442, *Possible Extension or Expiration of the 2008 Farm Bill*, by Jim Monke, Megan Stubbs, and Randy Alison Aussenberg.
- d. Authority to receive mandatory funding expires September 30, 2012, subject to reauthorization. For more information, see CRS Report R42442, *Possible Extension or Expiration of the 2008 Farm Bill*, by Jim Monke, Megan Stubbs, and Randy Alison Aussenberg.

Table 5. Aquatic Resources Protection and Management

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Aquaculture			
USDA: NIFA; DOC: NOAA; DOI: FWS	The National Science and Technology Council Interagency Working Group on Aquaculture coordinates activities and disseminates information among federal agencies with responsibilities for aquaculture. USDA is the lead federal agency.	National Aquaculture Act of 1980 as amended (16 U.S.C. 2801 et seq.)	House Ag Senate Ag
USDA: NASS	NASS conducts surveys and reports on agricultural production and supplies. This includes farmers and ranchers reporting aquaculture production through the national census of agricultural.	Census of Agriculture Act of 1997, as amended (7 U.S.C. 2204g)	House Ag Senate Ag
DOC: NOAA	NOAA <i>Aquaculture Program</i> - supports coastal and offshore aquaculture development by conducting research, disseminating information, and coordinating with federal and state agencies.	National Sea Grant College Program (33 U.S.C. 1121-1131)	House SST Senate CST
DOI: FWS	<i>National Fish Hatchery System</i> - works with states, tribes, federal agencies, other FWS programs, and private interests to conserve fish and other aquatic resources. FWS operates 70 hatcheries in the system to enhance stocks, facilitate restoration, and mitigate fish losses.	Many statutes authorize or direct specific actions and apply to specific facilities	House NR Senate EPW
DOC: NOAA	NMFS funds salmon and steelhead hatchery operations in the states of Oregon, Washington, and Idaho to mitigate harm to fishery resources from dams on the mainstream of the Columbia River.	Mitchell Act (16 U.S.C. 755-757)	House NR Senate CST
DOD: USACE	The Lower Snake River Fish and Wildlife Compensation Plan was established to offset fish and wildlife losses resulting from lower Snake River dams in Washington and Idaho. The plan is administered by the FWS under an agreement with USACE and NOAA.	Water Resources Development Act of 1976 (90 Stat. 2917; P.L. 94-587)	House T&I Senate EPW

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Aquatic Ecosystem Protection and Restoration^c			
DOD: USACE	USACE conducts federal cost-shared environmental protection and restoration projects, as well as cost-shared beneficial use of dredged material to restore aquatic ecosystems. The Corps also has geographically specific authorities to undertake restoration work in some areas, including areas that have been degraded by Corps and other projects.	Water Resources Development Acts of 1996 (33 U.S.C. 2213, 33 U.S.C. 2330), 2007 (33 U.S.C. 2330a), and (33 U.S.C. 2326); and various other acts	House T&I Senate EPW
DOD: USACE; DOI	USACE and DOI are authorized to conduct ecosystem restoration projects in the Everglades through the Comprehensive Everglades Restoration Plan (CERP). The law authorizes CERP as a framework for Everglades restoration and authorized an initial round of projects by USACE and DOI.	Water Resources Development Act of 2000 (P.L. 106-541, 601)	House T&I Senate EPW
DOD: USACE	<i>Great Lakes Fishery and Ecosystem Restoration Program</i> - is an example of an authority for a specific ecosystem. The purpose of this program is to plan, design, and construct projects to restore Great Lakes fisheries and their beneficial uses.	Water Resources Development Act of 2000 (P.L. 106-541, 506; 42 U.S.C. §§1962d-22)	House T&I Senate EPW
DOI: BOR	BOR may undertake activities to protect and restore aquatic and riparian environments affected by Reclamation project operations. Reclamation also has geographically specific authorities to undertake restoration work in some areas such as the Platte River and Lower Colorado River (e.g. California Bay-Delta, Platte River, and Colorado River).	The Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.); Endangered Species Act (16 U.S.C. 1531 et seq.); Platte River Ecosystem Restoration (Consolidated Natural Resources Act of 2008 (§515 of P.L. 110-229); and various other acts	House NR Senate ENR
DOI; DOD: USACE; EPA; USDA; DOC	<i>San Francisco Bay Sacramento and San Joaquin River Delta Restoration Initiative (Bay-Delta)</i> - is an ecosystem restoration initiative that involves several agencies with specific authorities for ecosystem restoration and other activities (e.g., water conveyance, watershed management, and levee construction).	Water Supply, Reliability, and Environmental Improvement Act (P.L. 108-361)	House NR House T&I Senate ENR
DOI: FWS	<i>Habitat Conservation Program</i> - The FWS provides technical assistance in the use and development of the nation's land and water resources, including restoration of aquatic species habitat.	Fish and Wildlife Coordination Act, Act of March 10, 1934 (16 U.S.C. 661 et seq.); Endangered Species Act of 1973, (16 U.S.C. 1531 et seq.)	House NR Senate EPW

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
EPA	The EPA works with agencies to restore, protect and preserve aquatic ecosystems nation-wide. These include ecosystem restoration initiatives in the Great Lakes, Chesapeake Bay, and Long Island Sound, among others.	Clean Water Act (33 U.S.C. 1257 et. seq.); Great Lakes Restoration (33 U.S.C. 1268); Chesapeake Bay Restoration (33 U.S.C. 1267); Long Island Sound Restoration (33 U.S.C. 1269)	House T&I Senate EPW
Coastal Zones and Estuaries			
DOC: NOAA	<i>Federal Coastal Zone Management Program</i> - provides grants to states to prepare and implement coastal zone management programs.	Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464)	House NR Senate CST
EPA	<i>National Estuary Program (NEP)</i> - is a place-based program to protect and restore water quality and ecological integrity of estuaries of national significance. Each NEP develops and implements a Comprehensive Conservation and Management Plan, a long-term plan to address water quality, habitat, and living resources challenges.	Clean Water Act, as amended (§320) (33 U.S.C. 1330)	House T&I Senate EPW
EPA	The EPA is the lead agency for several coastal and estuarine ecosystem restoration initiatives. The Chesapeake Bay Program is focused on restoring the Chesapeake Bay ecosystem. EPA awards implementation grants to the states of Maryland, Virginia, Pennsylvania, and the District of Columbia to implement their commitments under the Chesapeake Bay Agreement.	Clean Water Act, as amended (§117) (33 U.S.C. 1267)	House T&I Senate EPW
DOC: NOAA	The <i>National Estuarine Research Reserve Program</i> - provides grants to states to assist with state-protected estuarine areas used for research and education programs, and to serve as laboratories for comparative studies among the major coastal biogeographical regions.	Coastal Zone Management Act of 1972 (16 U.S.C. 1461)	House NR Senate CST
DOD: USACE; NOAA, EPA, FWS, USDA	The Estuary Habitat Restoration Council is responsible for developing a national estuarine restoration strategy. The Secretary of the Army may carry out projects and provide technical assistance to meet the restoration goal.	Estuary Restoration Act of 2000, P.L. 106-457 (title I), as amended (33 U.S.C. 2901)	House NR House T&I Senate EPW

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Fisheries Management			
DOI: FWS	The FWS is the major federal agency involved with freshwater fishery management. FWS implements the Endangered Species Act for freshwater species.	Fish and Wildlife Coordination Act, Act of March 10, 1934 (16 U.S.C. 661 et seq.); Federal Aid in Sport Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777n); Endangered Species Act of 1973, (16 U.S.C. 1531 et seq.)	House NR Senate EPW
DOC: NOAA, NMFS	The NMFS manages anadromous and marine fishery resources, including salmon, and implements the Endangered Species Act for anadromous and marine species.	Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.); Endangered Species Act, (16 U.S.C. 1531 et seq.)	House NR Senate CST Senate EPW
DOE: BPA	The BPA funds fish protection, mitigation, and enhancement projects related to development and operation of Columbia River hydroelectric facilities following the Columbia River Basin Fish and Wildlife Program.	Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501 (16 U.S.C. 839 et seq.)	House NR Senate EPW
USDA: Forest Service	The Forest Service has the responsibility to maintain and improve fishery habitat in national forests and grasslands, consistent with overall multiple-use objectives.	Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (16 U.S.C. 1601 et seq.)	House Ag House NR Senate Ag Senate ENR Senate EPW
DOD: USACE	A portion of USACE funds expended for living aquatic resources supports mitigation activities to compensate for aquatic resources lost due to construction and operation of USACE projects.	Fish and Wildlife Coordination Act, Act of March 10, 1934 (16 U.S.C. 661 et seq.); Endangered Species Act of 1973, (16 U.S.C. 1531 et seq.); and the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.); Water Resources Development Act of 1986 (42 U.S.C. 10301 et seq.)	House NR House T&I Senate ENR Senate EPW
DOI: BOR	The BOR living aquatic resource programs include minimum flow evaluation and implementation; flow augmentation; aquatic habitat restoration, mitigation, and enhancement; fish hatchery modifications; fish passages; and endangered fish studies.	Fish and Wildlife Coordination Act, Act of March 10, 1934, 48 Stat. 401, as amended (16 U.S.C. 661 et seq.); Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501 (16 U.S.C. 1531 et seq.); Endangered Species Act of 1973, P.L. 93-205, as amended (16 U.S.C. 1531 et seq.)	House NR Senate ENR

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
DOI: BOR	Emergency fund established to assure continuous operation of Reclamation facilities. Also, other site or drought specific authority.	Act of June 26, 1948, as amended (43 U.S.C. 502); P.L. 95-18, as amended (43 U.S.C. 502 note)	House NR Senate ENR
DOI: BLM	The BLM has specific responsibility for managing fish habitat on its public land.	Federal Land Policy and Management act of 1976, (43 U.S.C. 1701 et seq.); Endangered Species Act of 1973, (16 U.S.C. 1531 et seq.)	House NR Senate ENR Senate EPW
DOI: NPS	The NPS conducts programs designed to maintain and protect aquatic and marine resources within NPS units.	National Park Service Organic Act of 1916, as amended (16 U.S.C. 1 et seq.); Endangered Species Act of 1973, (16 U.S.C. 1531 et seq.)	House NR Senate ENR Senate EPW
FERC	FERC, in licensing nonfederal natural gas and hydroelectric projects, gives consideration to both protection and enhancement of aquatic resources and habitat affected by project construction and operation.	Title II of the Federal Power Act of 1935, as amended (16 U.S.C. 797(e))	House E&C House NR Senate CST Senate EPW
DOI: BIA	<i>Fish, Wildlife, and Recreation Program</i> - responsible for the federal government trust responsibilities to Indians relative to aquatic resources, and funds tribal roles in aquatic resource management.	Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)	House NR Senate CST Senate IA
Invasive Species			
DOD: USACE	As part of its responsibilities to study, build, and operate water resource projects, the Corps studies and carries out activities to control invasive aquatic species at these projects. The Corps also has project-specific authorities to control some invasive species.	Rivers and Harbors Act of 1958 (P.L. 85-500) and various other acts	House T&I Senate EPW
DOI: BOR	BOR conducts invasive species and other pest management research, including development and coordination of “Integrated Pest Management” techniques.	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.)	House NR Senate ENR
DHS: USCG; EPA; DOI: FWS; DOD: USACE; DOC: NOAA; and others	The Aquatic Nuisance Species Task Force is a federal program to prevent the introduction and to control the spread of unintentionally introduced aquatic nuisance species. The Task Force consist of 13 federal agencies and is co-chaired by the FWS and NOAA.	Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.)	House NR House T&I Senate CST Senate EPW

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
USDA: NRCS	Plant Materials Centers evaluate plants for conservation traits and make these materials available to commercial growers who provide plant materials to the public. Centers work to address the spread of plants that have been classified as noxious or invasive (including aquatic) through research, education, and outreach.	Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a et seq.)	House Ag Senate Ag
Wetlands			
DOD: USACE; EPA	The Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands, through permits issued by the USACE in consultation with EPA.	Clean Water Act, as amended (§404) (33 U.S.C. 1344)	House T&I Senate EPW
EPA	<i>Wetland Program Development Grants</i> - support state and tribal wetland program development.	Clean Water Act, as amended (§104(b)(3)) (33 U.S.C. 1254(b)(3))	House T&I Senate EPW
DOI: FWS	The FWS is authorized to make grants for wetland conservation projects in Canada, the United States, and Mexico.	North American Wetlands Conservation Act, as amended (16 U.S.C. 4400)	House NR Senate EPW
DOI: FWS	<i>Partners for Fish and Wildlife Program</i> - provides technical assistance and cost share incentives directly to landowners for wetland restoration projects on private lands through voluntary agreements.	Partners for Fish and Wildlife Act, as amended (16 U.S.C. 3771-3774)	House NR Senate EPW
DOI: FWS	<i>National Coastal Wetlands Conservation Grant Program</i> - provides matching grants to states for acquisition, restoration, management or enhancement of coastal wetlands.	Coastal Wetlands Planning, Protection and Restoration Act of 1990 (title III) (16 U.S.C. 3954)	House NR Senate EPW
DOD: USACE; DOI: FWS; EPA; DOC: NMFS; USDA	<i>Louisiana Coastal Wetlands Program</i> - is a comprehensive approach to restore and prevent the loss of coastal Louisiana wetlands. USACE allocates funds (federal share 75% of project costs) among task force members.	Coastal Wetlands Planning, Protection and Restoration Act of 1990, (16 U.S.C. 3951-3955)	House NR Senate EPW
USDA: NRCS	<i>Wetlands Reserve Program (WRP)</i> - provides technical and financial assistance to purchase long term and permanent easements and enter into restoration agreements with land owners to protect and restore wetlands. ^d	Food, Agriculture, Conservation and Trade Act of 1990 as §1237-§1237F of the Food Security Act of 1985, as amended (16 U.S.C. 3837-3837f)	House Ag Senate Ag
USDA: NRCS	<i>Wetland conservation</i> (also referred to as <i>Swampbuster</i>)- is a provision that makes producers who convert wetlands to cropland ineligible for certain USDA program benefits.	Food Security Act of 1985 (16 U.S.C. 3821-3824)	House Ag Senate Ag

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
USDA: FSA	<i>Farmable Wetlands Program</i> - subprogram under CRP that restores farmable wetlands and associated buffers by improving the land's hydrology and vegetation. ^d	Food, Conservation, and Energy Act of 2008 as §1231B of the Food Security Act of 1985, as amended (16 U.S.C. 3831b)	House Ag Senate Ag
USDA: NRCS	<i>Emergency Watershed Protection (EWP) Program</i> - provides technical and financial assistance to purchase floodplain easements for restoring, protecting, maintaining, and enhancing the functions and values of floodplains, including associated wetlands and riparian areas.	Agricultural Credit Act of 1978, as amended (16 U.S.C. 2203); and 33 U.S.C. 701b-1	House Ag Senate Ag
USDA: NRCS	<i>Water Bank Program</i> - provides annual payments to landowners for conserving and protecting wetlands and adjacent lands from adverse land uses and activities, such as drainage, that would destroy the wetland characteristics of those lands.	Water Bank Act, as amended (16 U.S.C. 1301-1311)	House Ag Senate Ag
Wild and Scenic Rivers			
DOI: NPS, BLM, FWS, BOR; USDA: USFS; DOD: USACE	Preserves designated rivers in their free-flowing condition and directs respective designated federal agencies to administer comprehensive management plans to ensure river protection.	Wild and Scenic Rivers Act of 1968, P.L. 90-542, 82 Stat. 906 (16 U.S.C. §§1271 et seq.)	House NR Senate ENR

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.
- c. Many ecosystem restoration initiatives are regional and include advisory or leadership committees with representatives from many federal agencies and White House offices, and are often authorized by program specific authorities.
- d. Authority to receive mandatory funding expires September 30, 2012, subject to reauthorization. For more information, see CRS Report R42442, *Possible Extension or Expiration of the 2008 Farm Bill*, by Jim Monke, Megan Stubbs, and Randy Alison Aussenberg.

Water Rights and Allocation

Although water rights and allocation traditionally are issues that are regulated by states, the federal government retains significant authority related to federal water resources management and federal water rights. Congress has broad authority under the Commerce Clause of the U.S. Constitution to regulate interstate waterways and promote navigation throughout the nation's waterways.⁷ Accordingly, though rarely exercised, Congress may allocate interstate waters directly. Alternatively, Congress may defer to states to reach an agreement (i.e., interstate compact) on the allocation of water in an interstate dispute, but Congress generally must provide its consent to such a compact before it may take effect.⁸ Congress also has provided for the establishment of river basin commissions, which typically include representatives from basin states and any relevant federal agencies.⁹

In 1908, the U.S. Supreme Court recognized the creation of federal reserved water rights.¹⁰ The Court explained that when Congress creates an Indian reservation, it also implicitly reserves the water necessary to fulfill the purposes for which the reservation was established.¹¹ These rights, sometimes referred to as tribal water rights, are often senior to other water users' rights but are not quantified, which may lead to extensive litigation between tribes and other water users or settlement agreements that must be approved by Congress. The Court later held that the principle of reserved rights extended not only to reservations for tribal land but also to reservations for other federal purposes, including national forests, wildlife refuges, national parks, wild and scenic rivers, etc.¹² Thus, congressional proposals to make additions to these systems implicate federal authority related to water resources.

Many federal laws also indirectly affect water allocation and use. For example, development of dam and diversion facilities have over time favored certain purposes or uses over others. Such development has sometimes resulted in unintended consequences, including in some cases, overallocation of water supplies. Implementation of laws aimed at addressing water quality and threatened and endangered species (e.g., the federal Clean Water Act¹³ and Endangered Species Act¹⁴) may indirectly affect water allocation. However, because such laws—like many other federal laws—are primarily related to federal project operations, they are not included in this section.

Table 6 lists activities related to water allocation and includes such topic areas as water allocation generally and river basin commissions.

Table 7 lists activities related to water rights and includes such topic areas as federal reserved water rights and tribal water rights.

⁷ U.S. Const. art. I, § 8; *see* *Gibbons v. Ogden*, 22 U.S. 1 (1824).

⁸ U.S. Const. art. I, § 10, cl. 3.

⁹ *See* 42 U.S.C. § 1962b.

¹⁰ *Winters v. United States*, 207 U.S. 564, 575-77 (1908).

¹¹ *Id.*

¹² *Cappaert v. United States*, 426 U.S. 128, 138 (1976).

¹³ Clean Water Act, as amended (33 U.S.C. 1251 et seq.).

¹⁴ Endangered Species Act, (16 U.S.C. 1531 et seq.).

Table 6. Water Allocation

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Water Allocation and Interstate Compacts			
N/A	Congress has exercised its authority to allocate interstate waters on rare occasions in response to interstate compacts.	U.S. Const. art. I, §8; U.S. Const. art. VI, cl. 2; e.g. Boulder Canyon Project Act of December 21, 1928 (43 U.S.C. 617 et seq.)	House Judiciary House NR Senate ENR Senate Judiciary
N/A	Congress generally must consent to agreements between and among states for the management of interstate waters, which may address allocation, pollution, etc.	U.S. Const. art. I, § 10, cl. 3	House Judiciary House NR House T&I Senate ENR Senate EPW Senate Judiciary
DOI: USGS	For interstate water compacts, the USGS provides administrative support for the federal representative. Also, the USGS collects hydrologic data for 25 interstate compacts.	e.g. Arkansas River Compact of May 31, 1949, P.L. 81-82	House NR Senate ENR
River Basin Commissions			
Various agencies	River basin commissions comprised of federal and/or state representatives may be established to manage and develop water resources within a particular river basin. Three presidentially declared river basin commissions coordinate plans for water and related land resources development in their respective basins (i.e. Delaware, Susquehanna, Potomac).	Water Resources Planning Act of 1965, P.L. 89-80 (42 U.S.C. 1962b et seq.); various legislation approving interstate compacts	House NR Senate ENR

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.

Table 7. Water Rights

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Federal Reserved Water Rights			
USDA: USFS; DOI: BLM, FWS, NPS; Various agencies	Reservation of land for a federal purpose (i.e., national forests, national wildlife refuges, wild and scenic rivers) includes accompanying water rights to achieve the purpose of the reservation.	<i>Cappaert v. United States</i> , 426 U.S. 128 (1976); various statutes reserving federal lands	House NR Senate ENR
Tribal Water Rights			
DOI	American Indian tribes may hold reserved water rights granted by the reservation of land to the tribe and derive from treaties, statutes, agreements, or executive orders.	<i>Winters v. United States</i> , 207 U.S. 564 (1908); various Indian water rights settlement acts	House NR Senate ENR Senate IA

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**. **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**.

Research and Planning

Federal water research and planning authorities are spread across numerous federal agencies, and the congressional committees with oversight roles and responsibilities are also numerous. This division derives in part from the distinct roles that water plays in relation to each of these agencies' missions and the committees' jurisdictions. The evolution of federal water research authorities and planning activities generally mirrors the development of the water-related agencies and authorities discussed in earlier sections of this report.

Federal water research and planning began largely to support the development of navigation, flood control, and storage of water for irrigation. The 1960s saw federal research and planning expand to include reducing pollution problems. Efforts to coordinate water research and planning in the 1960s and 1970s were undertaken as part of broader efforts to coordinate federal water activities. Administrations of the 1980's and 1990's asserted a more limited federal role in water research and planning. Federal water planning was scaled back primarily to support federal projects and activities. Federal research funds were focused on topics closely connected to helping federal agencies meet their missions and to address problems beyond the scope of the states and private sector. One result has been that federal research in recent decades has principally supported regulatory activities (e.g., water quality research and monitoring of aquatic ecosystem and species), while federal research promoting economic growth through water development has decreased.¹⁵ In the last two decades, new technologies and data (e.g., water-related satellite and radar data) and concerns (e.g., climate trends, ecosystem health) have prompted both the involvement of new agencies and programs in federal water research and the expansion of authorities and topics covered by traditional water agencies.

This section focuses on federal authorities related to water research and planning and includes two tables:

Table 8 lists authorities related to general water research; research on use, supply augmentation, efficiency, and engineering works; monitoring, data, and mapping; water resource assessments; water cycle, drought, and climate change; and water quality and treatment.

Table 9 lists authorities related to planning for water development projects, watersheds, and water quality.

While these two tables are not exhaustive, they represent the cross-section of federal research and planning authorities.

¹⁵ For a discussion of the evolution of federal water research, see National Research Council, *Confronting the Nation's Water Problems: The Role of Research*, Washington, DC, 2004.

Table 8. Research and Data

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Water (General)			
NSF	Studies, programs, and scholarships for science and engineering.	National Science Foundation Act of 1950, as amended (42 U.S.C. 1862 et seq.)	House SST Senate CST Senate HELP
DOC: NOAA	<i>National Estuarine Research Reserve Program</i> - provides grants to states to assist with state-protected estuarine areas used for research and education programs, and to serve as laboratories for comparative studies among the major coastal biogeographical regions.	Coastal Zone Management Act of 1972 (16 U.S.C. 1461)	House NR Senate CST
DOI: USGS	Hydrologic Research and Development Program conducts research on complex hydrological problems such as ecological and biochemical processes in the hydrological cycle and movement and availability of subsurface water to inform groundwater management decisions.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR
DOI: USGS	The Cooperative Water Program allows USGS to partner with local, state, and tribal entities to provide joint monitoring and research capabilities. Efforts from this program lead to regulatory decision-making, and joint management actions, among other things.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR
Use, Supply Augmentation, Efficiency, and Engineering Works			
USDA: ARS	ARS is USDA's in-house research agency organized into 18 national programs that serve to coordinate over 800 ARS research projects. <i>National program 211</i> addresses water availability and watershed management. Several research projects are conducted under this national program.	Food, Agriculture, Conservation, and Trade Act of 1990 added §1402 of the Food and Agricultural Act, as amended (7 U.S.C. 3101 et seq.)	House Ag Senate Ag
DOI: BOR	Provides grants and contracts for desalination research, studies, and demonstration activities.	Water Desalination Act of 1996, as amended, P.L. 104-298 and §204 of P.L. 112-74 (42 U.S.C. 10301)	House NR House SST Senate EPW

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
DOI: BOR	BOR undertakes water reclamation and reuse research.	Reclamation Wastewater and Groundwater Study and Facilities Act, as amended, Title XVI of P.L. 102-575 (43 U.S.C. 390h)	House NR Senate ENR Senate EPW
DOI: USGS	Authorizes establishment of water resources research and technology institutes in each state, and grants for research and technology development on water supply, management, and quality.	Water Resources Research Act of 1983, as amended (42 U.S.C. §§10301-10309)	House SST Senate EPW
DOE	Requires a program for research, development, demonstration, and commercial application to address energy issues related to water supplies and management, and water issues related to energy supply and use.	Energy Policy Act of 2005 (42 U.S.C. 16319)	House E&C House SST Senate ENR
DOD: USACE	Provides water resources engineering research and development.	Flood Control Act of 1928, as amended (33 U.S.C. 702a)	House T&I Senate EPW

Monitoring, Data, and Mapping

DOI: USGS	Basin-scale and larger groundwater modeling; <i>National Water Quality Assessment Program</i> ; groundwater monitoring, stream gaging; and aquatic resource monitoring, inventory, and analysis.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR
DOI: USGS	<i>National Streamflow Information Program (NSIP)</i> - Collects streamflow data from streamgages throughout the country. The flow information is used for local, state, regional, and national needs.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR
DOI: BOR	Data monitoring and collection on water quality, hydrology, riparian areas, and a host of other topics informs West-wide Climate Risk Assessments and other ongoing BOR initiatives, including project operations.	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.); Omnibus Public Land Management Act of 2009 (Title IX, Subtitle F, 42 U.S.C. 10363)	House NR Senate ENR
USDA: ARS, NASS, ERS	USDA has broad authority to collect data related to agricultural production and water management in rural areas.	Food, Agriculture, Conservation, and Trade Act of 1990 added §1402 of the Food and Agricultural Act, as amended (7 U.S.C. 3101 et seq.); Census of Agriculture Act of 1997, as amended (7 U.S.C. 2204g); Food, Conservation, and Energy Act of 2008, as amended	House Ag Senate Ag

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
EPA	EPA has broad authority to collect data related to regulation of drinking water contaminants and protection of public water supplies. The <i>Unregulated Contaminant Monitoring Program</i> requires public water systems to test for contaminants that EPA might regulate.	Safe Drinking Water Act, as amended, §1445 (42 U.S.C. 300j-4)	House E&C House SST Senate EPW
Resource Assessments			
USDA: FS	Periodic resource assessment and research of renewable resources on U.S. forests and rangelands, including water.	Forest and Rangeland Renewable Resource Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.)	House Ag Senate ENR
USDA: NRCS, NIFA, ERS, NASS, FSA	NRCS leads the <i>Conservation Effects Assessment Project (CEAP)</i> which is carried out at the field, watershed and landscape scale and includes analysis of the cumulative effects and benefits of conservation practices on natural resources and the environment.	Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590a et seq.), among others	House Ag Senate Ag
DOI: USGS	Hydrologic Networks and Analysis program provides data and analysis on the quantity and quality of water in streams, lakes, and reservoirs. These data are used for planning, monitoring, and developing the nation's water resources.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR
DOI: USGS	Groundwater Resources Program provides information to assess and quantify the groundwater resources of the nation, such as groundwater availability in aquifer systems and characterization of natural and human factors that control groundwater availability in aquifers.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR
Water Cycle, Drought, and Climate Change			
DOI	The Secretary of the Interior is directed to establish a climate change adaptation program, coordinate with the Administrator of NOAA, USGS, and state water resource agencies; and, assess risks to water supply of selected river basins.	SECURE Water Act (Subtitle F, Title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10363))	House NR Senate ENR
DOI: BOR	<i>WaterSMART Program</i> —may provide grants to universities, non-profits, and other organizations with water or power delivery authority for development of tools to assess climate change impacts. Also provides grants for and partners on river basin studies to evaluate and address climate change impacts.	SECURE Water Act (Subtitle F, Title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364))	House NR Senate ENR

Selected Federal Water Activities: Agencies, Authorities, and Congressional Committees

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
DOI: BOR	In coordination with the <i>WaterSMART</i> basin studies, BOR evaluates climate risk through West-wide Climate Risk Assessments and develops scientific information on climate change and other ecological stressors via Land Conservation Cooperatives.	SECURE Water Act (Subtitle F, Title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10363)); Interior Department Secretarial Order #3289	House NR Senate ENR
DOI: USGS	<i>National Streamflow Information Program (NSIP)</i> - provides streamflow information for local, state, regional, and national needs, including data related to climate variation and change.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.); SECURE Water Act (Subtitle F, Title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10366))	House NR Senate ENR
DOE: PMAs	The Secretary of Energy, in consultation with the Administrator of each PMA is to risks of climate change and potential effects on federal hydro power projects.	SECURE Water Act (Subtitle F, Title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10365))	House NR Senate ENR
EPA	Conducts and supports research on effects of climate change on water resources and the nation's clean water and safe drinking water programs, including research to assist drinking water, wastewater, and stormwater systems to assess climate change impacts and develop adaptation strategies.	Safe Drinking Water Act, as amended (42 U.S.C. 300f et seq.); Clean Water Act, as amended (33 U.S.C. 1251 et seq.)	House E&C House SST House T&I Senate EPW
DOC: NOAA	The Secretary of Commerce is charged with forecasting the weather, issuing storm warnings, weather and flood signals, gauging and reporting on river conditions, reporting temperature and rainfall conditions, distributing meteorological observations, and taking such meteorological observations as necessary to establish and record climatic conditions of the United States.	Weather Service Modernization Act (15 U.S.C. 313 et seq.)	House SST Senate CST
DOC: NWS	National Integrated Drought Information System is charged with providing U.S. drought early warning forecasts and assessments.	National Integrated Drought Information System Act (15 U.S.C. 313d)	House SST Senate CST

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
Water Quality and Treatment			
EPA	Research addresses four themes: Healthy Watersheds and Coastal Waters, Safe Drinking Water, Sustainable Water Infrastructure, and Water Security.	Safe Drinking Water Act amended (42 U.S.C. 300f et seq.); Clean Water Act, as amended (33 U.S.C. 1251 et seq.)	House E&C House SST House T&I Senate EPW
DOI: USGS	<i>National Water Quality Assessment Program</i> - provides regional and national information on groundwater and stream quality conditions, and provides support for scientifically sound management, regulatory, and policy decisions.	Organic Act of March 3, 1879 (43 U.S.C. 31 et seq.)	House NR Senate ENR

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.

Table 9. Planning

Department and Agency ^a	Activities and Programs	Primary Authorities	Committee Jurisdiction ^b
Water Development Project Planning			
DOI: BOR	BOR investigates federal water resource development projects using a general authority and performs feasibility studies using site-specific authorities.	Reclamation Act of 1902, as amended (43 U.S.C. 371 et seq.), Reclamation Project Act of 1939 (43 U.S.C. 485h(a)); and site-specific authorities	House NR Senate ENR
DOD: USACE	USACE studies federal interest in and develops alternatives for new water resources projects and modifications to existing projects. Studies are typically cost-shared with nonfederal sponsors and require site-specific congressional authorization. The Administration transmits planning results and related recommendations to Congress for construction authorization.	Water Resources Development Act (WRDA) of 1986, as amended, and Flood Control Act of 1970 (33 U.S.C. 549a). Site-specific authorities in older Rivers and Harbors Acts and Flood Control Acts, and more recent WRDAs.	House T&I Senate EPW
USDA: NRCS; DOD: USACE	Joint-agency investigation of flood damage reduction and water development installations if authorized by Committee resolution.	P.L. 87-639 (16 U.S.C. 1009)	House T&I Senate EPW
Watershed Planning			
River Basin Commissions (Delaware, Susquehanna, Potomac)	Presidentially declared river basin commissions for coordination of plans for water and related land resources development.	Water Resources Planning Act of 1965, P.L. 89-80 (42 U.S.C. 1962b et seq.)	House NR Senate ENR
USDA: NRCS	<i>Watershed Surveys and Planning Program</i> - assists federal, state, and local agencies and tribal governments to protect watersheds from damage caused by erosion, floodwater, and sediment and to conserve and develop water and land resources.	Watershed Protection and Flood Prevention Act of 1954, as amended (16 U.S.C. 1001-1008)	House Ag Senate Ag
DOI: BOR	<i>Cooperative Watershed Management Program</i> - provides grants for development of locally led watershed groups and facilitates watershed projects.	Cooperative Watershed Management Act (Subtitle A, Title VI of P.L. 111-11, 16 U.S.C. 1015)	House NR Senate ENR
DOD: USACE	<i>Planning Assistance to States</i> - allows USACE to work with states on the preparation of comprehensive plans for the development, utilization, and conservation of water and related resources.	Water Resources Development Act of 1974 (42 U.S.C. 1962d-16)	House T&I Senate EPW

<i>Department and Agency^a</i>	<i>Activities and Programs</i>	<i>Primary Authorities</i>	<i>Committee Jurisdiction^b</i>
EPA	EPA encourages a watershed approach as the most effective means of addressing water resource and water quality challenges, such as restoration of pollution-impaired waters and management of nonpoint source pollution.	Clean Water Act, (33 U.S.C. 1251 et seq.)	House T&I Senate EPW
Water Quality			
EPA	The Clean Water Act authorizes extensive water quality planning, studies, and monitoring under the direction primarily of EPA. Many other federal agencies participate, including USGS, NOAA, FWS, and USACE.	Clean Water Act, (33 U.S.C. 1251 et seq.)	House SST House T&I Senate EPW

Source: Prepared by the Congressional Research Service.

- a. Department, agency, and committee names and abbreviations are provided in **Appendix D**.
- b. Committees are listed alphabetically by chamber. For information regarding committee jurisdiction and referral rules, see **Appendix A**, **Appendix B** and **Appendix C** present the official language from House Rule X and Senate Rule XXV, respectively, as indicators of congressional jurisdiction over water resources.

Appendix A

Determining Committee Jurisdiction

Committee jurisdiction is determined by a variety of factors. Paramount are House Rule X and Senate Rule XXV, which designate the subject matter within the purview of each standing committee. House Rule X and Senate Rule XXV, however, are both broadly written and the product of an era in which governmental activity was not as extensive, and relations among policies not as common or intertwined as now. Due to topic omissions and a lack of clarity, as well as overlaps among committees in areas of jurisdiction, the formal provision of the rules is supplemented by an intricate series of precedents and informal agreements governing the referral of legislation. In general, once a measure has been referred to a given committee, it remains the responsibility of that committee; if the measure is enacted into law, amendments to the law are presumed to be within the originating committee's responsibility. Relatedly, bills which are more comprehensive than the measure they amend or supersede are presumed to be within the jurisdiction of the committee reporting the more comprehensive measure. The resultant accretions of subject responsibility greatly broaden the range or shift the scope of jurisdictional subjects assigned to each committee. Several other factors also should be considered in determining committee jurisdiction, although these are not formal or even acknowledged in rules or precedents. These factors may include the expertise of a measure's sponsor, the timing of a bill, or the appropriations subcommittee that considers appropriations requests for the program authorized. Subcommittees are not officially authorized in either the rules of the House or the Senate. Subcommittees are creatures of the full committee that established them. Accordingly, determining official subcommittee jurisdictions is imprecise. Therefore, although some information regarding subcommittee jurisdiction is included in **Appendix B** and **Appendix C**, information on subcommittee jurisdiction is not uniformly provided in this report.

House Referral

In 1974, with the adoption of the Committee Reform Amendments, the House authorized the Speaker to refer measures to more than one committee, in a joint, split, or sequential manner. In 1995, with the rules changes adopted in the 104th Congress, the Speaker could no longer refer measures jointly; he was authorized instead to designate a primary committee. Split and sequential referrals were still allowed. Further, the Speaker could impose time limitations on any committee receiving a referral. In 2003, with the rules changes adopted in the 108th Congress, the Speaker was authorized to refer measures to more than one committee without designation of a primary committee under "exceptional circumstances."

Senate Referral

A measure introduced in the Senate, or passed by the House and sent to the Senate, will likely be referred to a Senate committee. Measures are referred to Senate committees in accordance with their official jurisdictions in Senate Rule XXV, and precedents established by prior referrals. A series of formal agreements among committees over time also can supplement Rule XXV, and generally are regarded as setting precedent for future referrals. Ad hoc agreements may be made to govern the consideration of particular measures, but these are not binding on future referrals.

Referral of measures is formally the responsibility of the presiding officer of the Senate, but in practice the Senate parliamentarian advises on bill referrals. Under Senate Rule XVII, in general each measure is referred to a single committee based on “the subject matter which predominates” in the legislation. Predominance usually is determined by the extent to which a measure deals with a subject. However, there appear to be exceptions; most notably, a measure containing revenue provisions is likely to be referred to the Committee on Finance, even where the subject does not appear to predominate.

Individual Jurisdictional Issues

This section briefly discusses an example of water issues that are either within the jurisdiction of more than one committee or contested among committees. If the issue is clearly within the purview of one panel, it is not addressed in this section.

Jurisdiction over Dams and Land Necessary for their Development

House Rule X¹⁶ identifies several committees to which bills authorizing federal dam construction might be referred. The Natural Resources Committee has jurisdiction over “irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete water projects.”¹⁷ As such, it has jurisdiction over most activities of the Bureau of Reclamation (Department of the Interior). The Committee on Transportation and Infrastructure is responsible for “flood control and improvement of rivers and harbors... public works for the benefit of navigation, including bridges and dams (other than international bridges and dams)... water power.” Consequently, most activities of the Army Corps of Engineers fall under the jurisdiction of the House Transportation and Infrastructure Committee. The Committee on Agriculture has jurisdiction over “water conservation related to activities of the Department of Agriculture.”

Senate Rule XXV¹⁸ also identifies several committees for which bills authorizing federal dam construction might be referred. The Energy and Natural Resources Committee has jurisdiction over “hydroelectric power, irrigation, and reclamation projects,” and, hence, most activities of the Bureau of Reclamation; whereas, the Environment and Public Works Committee (EPW) has jurisdiction over “public works, bridges, and dams” and “flood control.” Consequently, EPW has jurisdiction over most activities of the Army Corps of Engineers. Additionally, the Agriculture, Nutrition and Forestry Committee has jurisdiction over “soil conservation... food from fresh waters... rural development, rural electrification, and watersheds.”

As is shown in **Table 1**, multiple committees in each chamber are principally involved in jurisdiction over dams, which is not readily apparent from perusal of the rules language alone. Private dams must be licensed by the Federal Energy Regulatory Commission, which is under the

¹⁶ U.S. Congress, *Constitution Jefferson’s Manual and Rules of the House of Representatives of the United States One Hundred Twelfth Congress*, prepared by John V. Sullivan, 111th Cong., 2nd sess., May 24, 2011, H. Doc. 111-157 (Washington: GPO, 2011).

¹⁷ *Ibid.*

¹⁸ U.S. Congress, *Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate Declaration of Independence Articles of Confederation Ordinance of 1787 and the Constitution of the United States*, prepared by Matthew McGowan, 112th Cong., 1st sess., January 1, 2011, S. Doc. 112-1 (Washington: GPO, 2011).

jurisdiction of the House Energy and Commerce and the Senate Energy and Natural Resources Committees. Further, several different executive branch departments and agencies are responsible for implementing the laws under the jurisdiction of these committees. This arrangement complicates management of river systems and resources comprising large watershed areas such as the Columbia and Colorado River Basins, and the Sacramento and San Joaquin Rivers' delta confluence with San Francisco Bay, and even smaller systems, especially where anadromous fisheries (fish that live in both freshwater and marine environments) are involved.

Appendix B

Table 10 includes official excerpts from House Rule X.

Table 10. House Rule X

Water Jurisdiction			
Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction ^a
Agriculture	<p>Crop insurance and soil conservation</p> <p>Inspection of ... seafood and seafood products</p> <p>Water conservation related to activities of the Department of Agriculture</p>	<p>Bills to develop land and water conservation programs on private and non federal lands; The Committee on Natural Resources, and not this committee, has jurisdiction over a bill to convey land that is part of a National Forest created from the public domain</p>	<p>Subcommittee on Conservation, Energy and Forestry (Soil, water, and resource conservation)</p> <p>Livestock, Dairy, and Poultry (Seafood... Inspection, marketing, and promotion of such commodities; Aquaculture)</p> <p>Rural Development</p>

Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction^a
Energy and Commerce	<p>Consumer affairs and consumer protection</p> <p>Health and health facilities (except health care supported by payroll deductions)</p> <p>Interstate energy compacts</p> <p>Interstate and foreign commerce generally</p> <p>Exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources</p> <p>Conservation of energy resources</p> <p>Energy information generally</p> <p>The generation and marketing of power (except by federally chartered or Federal regional power marketing authorities); reliability and generation facilities (except the installation of interconnections between Government waterpower projects)</p> <p>General Management of the Department of Energy and all functions of the Federal Energy Regulatory Commission</p> <p>National energy policy generally</p> <p>Public health and quarantine</p>	<p>This committee formerly had jurisdiction over bills proposing construction of bridges across navigable streams, which now are banned under clause 4 of rule XII if private</p>	<p>Subcommittee on Commerce, Manufacturing and Trade (Regulation of commercial practices (the Federal Trade Commission))</p> <p>Subcommittee on Energy and Power (National energy policy generally, fossil energy, renewable energy resources and synthetic fuels, energy conservation, energy information, energy regulation and information; Interstate energy compacts; All laws, programs, and government activities affecting such matters)</p> <p>Subcommittee on Environment and the Economy (All matters relating to water contamination; The regulation of drinking water)</p> <p>Subcommittee on Health (Public health and quarantine)</p>
Foreign Affairs		<p>The committee has broad jurisdiction over... bridges and dams on international waters</p>	

Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction^a
Homeland Security	Overall homeland security policy Organization and administration of the Department of Homeland Security Functions of the Department of Homeland Security relating to... border and port security transportation security		Emergency Preparedness, Response, and Communications (Oversight of the Federal Emergency Management Agency)
Judiciary	Interstate compacts, generally		

Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction ^a
Natural Resources	<p>Fisheries and wildlife, including research, restoration, refuges, and conservation</p> <p>Geological Survey</p> <p>International fishing agreements</p> <p>Interstate compacts relating to apportionment of waters for irrigation purposes</p> <p>Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects; and acquisition of private lands when necessary to complete irrigation projects</p> <p>... care and allotment of Native American lands...</p> <p>Marine affairs, including coastal zone management except for measures relating to oil and other pollution of navigable waters</p> <p>Oceanography</p> <p>Relations of the U.S. with Native Americans and Native American tribes</p>	<p>To transfer interest in a National Oceanic and Atmospheric Administration fisheries research laboratory; This committee, and not the Committee on Agriculture, has jurisdiction over a bill to convey land that is part of a National Forest created from the public domain; This committee, and not the Committee on Transportation and Infrastructure, has jurisdiction over a bill addressing a federal water project operated by the Bureau of Reclamation</p>	<p>Subcommittee on National Parks, Forests and Public Lands (Measures and matters related to the National Parks system and its units, including Federal reserved water rights; Wild and Scenic Rivers System ...; Federal and nonfederal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963; Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing, and Federal reserved water rights; Public forest lands generally, including measures or matters related to entry, easements, withdrawals, grazing and Federal reserved water rights)</p> <p>Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs (Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion; Wildlife resources, including research, restoration, refuges and conservation; Protection of coastal and marine environments, including estuarine protection; Oceanography; Ocean engineering, including materials, technology and systems; Coastal zone management; Marine sanctuaries; U.N. Convention on the Law of the Sea; Sea Grant programs and marine extension services)</p> <p>Subcommittee on Indian and Alaska Native Affairs (Bureau of Indian Affairs; Indian lands (including leasing, acquisition, and alienation of tribal lands and individual allotments); Energy, minerals, and timber issues; Land and water claims; Indian treaty rights)</p> <p>Subcommittee on Energy and Mineral Resources (All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of Water Resources Division or its successor; All measures and matters affecting</p>

Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction ^a
Science, Space, and Technology	All energy research, development, and demonstration, and projects	With four other committees, measures coordinating federal agencies research into ground water contamination, including that done by the Environmental Protection Agency; The committee on Natural Resources, and not this committee, has jurisdiction over a bill transferring interest in a National Oceanic and Atmospheric Administration fisheries research laboratory	geothermal resources) Subcommittee on Water and Power (Generation and marketing of electric power from federal water projects...; ... Water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development; Compacts relating to the use and apportionment of interstate waters, water rights, and major interbasin water or power movement programs; Irrigation and reclamation projects and other water resources development and recycling programs including policies and procedures; Indian water rights and settlements)
	Environmental research and development		Subcommittee on Energy and Environment (All matters relating to energy research, development and projects thereof, commercial application of energy technology, and environmental research including: Department of Energy research, Department of Energy laboratories, Department of Energy science activities, energy supply activities, ... solar and renewable energy, and other advanced energy technologies; Energy conservation research and development; energy aspects of climate change; Energy and environmental standards; Energy conservation including... distributed power systems and industrial process improvements; Environmental Protection Agency research and development programs; National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research; Risk assessment activities; Scientific issues related to environmental policy, including climate change)
	Marine Research		Subcommittee on Technology and Innovation (Surface and water transportation research, development, and demonstration programs)
	Commercial application of energy technology		
	National Aeronautics and Space Administration		
	National Weather Service		
	Scientific research, development, and demonstration, and projects		

Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction ^a
Transportation and Infrastructure	<p>Coast Guard</p> <p>Federal management of emergencies and natural disasters</p> <p>Flood control and improvement of rivers and harbors</p> <p>Inland waterways</p> <p>Inspection of merchant marine vessels</p> <p>Navigation and laws relating thereto, including pilotage</p> <p>Merchant marine (except for national security aspects of merchant thereof)</p> <p>Oil and other pollution of navigable waters, including inland, coastal, and ocean waters</p> <p>Marine affairs, including coastal zone management, as they relate to oil and other pollution of navigable waters</p> <p>Public works for the benefit of navigation, including bridges and dams (other than international bridges and dams)</p> <p>Transportation, including ... water transportation</p> <p>Water power</p>		<p>Subcommittee on Coast Guard and Maritime Transportation (U.S. coast Guard; Maritime transportation; Navigation, port and waterway safety; Maritime transportation regulatory activities, including the regulation of vessels and merchant seamen; Marine environmental protection, generally as related to vessel operation (oil and plastics pollution, invasive/aquatic nuisance species transported by vessels; Port security; Federal Maritime Commission and the regulation of ocean shipping; Non-national security aspects of the merchant marine)</p> <p>Subcommittee on Water Resources and Environment (Water resources programs of the Army Corps of Engineers; Clean Water Act; Superfund (Comprehensive Environmental Response, Compensation, and Liability Act); Water infrastructure and watershed protection programs; Environmental Protection Agency (EPA); Ocean dumping; Oil pollution of navigable waters of the U.S.; Tennessee Valley Authority (TVA); Saint Lawrence Seaway Development Corporation; Small watershed program of the Natural Resources Conservation Service; Deepwater ports; Invasive/aquatic nuisance species; National Oceanic and Atmospheric Administration (NOAA); Natural resource damages provisions in Superfund and the Oil Pollution Act; Groundwater protection; Water resources policy</p>

Committee	Rule X Language	Parliamentarian Notes	Committee Language on Subcommittee Jurisdiction^a
Ways and Means	Ports of entry and delivery	With the Committee on Natural Resources, amending the Fishermen's Protective Act to authorize the President to prohibit the importation of any product from a country violating an international fishery conservation program	

Source: U.S. Congress, *Constitution Jefferson's Manual and Rules of the House of Representatives of the United States One Hundred Twelfth Congress*, prepared by John V. Sullivan, 111th Cong., 2nd sess., May 24, 2011, H. Doc. 111-157 (Washington: GPO, 2011).

- a. Subcommittees are not officially authorized in either House or Senate rules; they are creatures of the full committee that created them. Accordingly, information on subcommittee jurisdiction is not uniformly provided. Subcommittees are listed here only where subcommittee descriptions have been stipulated in writing by the appropriate committee.

Appendix C

Table 11 includes official excerpts from Senate Rule XXV.

Table 11. Senate Rule XXV and Nominations Considered

Water Jurisdiction

Committee	Rule XXV Language ^a	Nominations Handled ^a	Committee Language on Subcommittee Jurisdiction ^b
Agriculture, Nutrition and Forestry	Crop insurance and soil conservation	USDA Secretary; Under Secretary for Rural Development	Subcommittee on Commodities, Markets, Trade and Risk Management (fresh water food production)
	Food from fresh waters		Subcommittee on Conservation, Forestry and Natural Resources (conservation, protection and stewardship of natural resources and the environment)
	Plant industry, soils and agricultural engineering		Subcommittee on Jobs, Rural Economic Growth and Energy Innovation (rural electrification; renewable energy production and energy efficiency improvement on farms and ranches in rural communities)
	Rural development, rural electrification, and watersheds		
Banking, Housing, and Urban Affairs	Urban development	HUD Secretary; Assistant Secretary for Community Planning and Development	Subcommittee on Economic Policy (Flood insurance; Disaster assistance)
			Subcommittee on Housing, Transportation and Community Development (Urban affairs and development; HUD; Indian Housing)

Committee	Rule XXV Language ^a	Nominations Handled ^a	Committee Language on Subcommittee Jurisdiction ^b
Commerce, Science, and Transportation	Coast Guard	DOC Secretary; Under Secretary for Oceans and Atmosphere/Administrator - NOAA; Assistant Secretary for Oceans and Atmosphere/Deputy Administrator - NOAA; Chief Scientist of NOAA; Officer Corps—NOAA	Subcommittee on Consumer Protection, Product Safety, and Insurance
	Coastal zone management		Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard
	Inland waterways, except construction		Subcommittee on Science and Space
	Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports	Department of Homeland Security - United States Coast Guard Officers	Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security
	Marine fisheries		
	Merchant marine and navigation	DOT Secretary; Administrator of Maritime Administration; Administrator of St. Lawrence Seaway Development Corporation	
	Oceans, weather, and atmospheric activities		
	Panama Canal and interoceanic canals generally	Federal Maritime Commission, five positions NASA Administrator; Deputy Administrator	
Energy and Natural Resources	Energy policy	DOE Secretary; Deputy Secretary; Assistant Secretary for Electricity Delivery and Energy Reliability; Assistant Secretary for Energy Efficiency and Renewable Energy; Assistant Secretary for Environmental Management	Subcommittee on Energy (global climate change)
	Hydroelectric power, irrigation, and reclamation		Subcommittee on National Parks (wild and scenic rivers system; land and water conservation fund)
	National parks ... wild and scenic rivers	DOI Secretary; Deputy Secretary; Assistant Secretary for Fish, Wildlife, and Parks (shared with EPW Committee); Assistant Secretary for Land and Minerals Management; Assistant Secretary for Water and Science; Commissioner of BOR; Director of BLM; Director of Office of Surface Mining Reclamation and Enforcement; Director of NPS; Director of USGS Commissioner of FERC, five positions	Subcommittee on Public Lands and Forests (reserved water rights) Subcommittee on Water and Power (irrigation; reclamation projects, including related flood control purposes; power marketing administrations (e.g.: Bonneville Power, Southwestern Power, Western Area Power, Southeastern Power); energy development impacts on water resources; groundwater resources and management; hydroelectric power; low head hydro; energy related aspects of deepwater ports)

Committee	Rule XXV Language ^a	Nominations Handled ^a	Committee Language on Subcommittee Jurisdiction ^b
Environment and Public Works	Environmental Policy	DOI Assistant Secretary for Fish, Wildlife, and Parks (shared with ENR Committee); Director of FWS;	Subcommittee on Clean Air, and Nuclear Safety (Tennessee Valley Authority)
	Environmental research and development		
	Fisheries and wildlife		Subcommittee on Green Jobs and the New Economy (federal investment in technologies and practices that reduce the government's carbon footprint or the emission of other pollutants, including technologies and practices that enhance energy efficiency, conservation, or renewable power sources)
	Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports	Council on Environmental Quality - Chair EPA: Administrator, Deputy Administrator, all assistant administrators	
	Ocean dumping	TVA: nine members; Inspector General	
	Environmental aspects of Outer Continental Shelf lands	Mississippi River Commission: Commissioner, seven positions	Subcommittee on Transportation and Infrastructure (Water Resources Development Act (WRDA); National Dam Safety Program; Stafford Act and federal disaster relief programs; Mississippi River Commission)
	Public works, bridges, and dams		
	Water pollution		
Water resources		Subcommittee on Water and Wildlife (Clean Water Act; Safe Drinking Water Act; Coastal Zone Management Act; invasive species; Endangered Species Act (ESA); fisheries and wildlife; national wildlife refuges; outer continental shelf lands)	
Health, Education, Labor and Pensions		Director and Deputy Director for the National Science Foundation	
Homeland Security and Governmental Affairs		Department of Homeland Security: Assistant Administrator for FEMA	
Indian Affairs	... Indian land management	HHS: Director for HIS; Commissioner for Administration for Native Americans DOI: Assistant Secretary for Indian Affairs	

Source: U.S. Congress, Senate Committee on Rules and Administration, Senate Manual Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate Declaration of Independence Articles of Confederation Ordinance of 1787 and the Constitution of the United States, committee print, prepared by Matthew McGowan, 112th Cong., 1st sess., January 1, 2011, S. Doc. 112-1 (Washington: GPO, 2011).

- a. CRS Report RL30959, *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*, by Henry B. Hogue, Maureen Bearden, and Terrence L. Lisbeth.
- b. *Congressional Yellow Book*, vol. 37, n. 4 (Leadership Directories, Inc., Winter 2012). Subcommittees are not officially authorized in either House or Senate rules; they are creatures of the full committee that created them. Accordingly, information on subcommittee jurisdiction is not uniformly provided. Subcommittees are listed here only where subcommittee descriptions have been stipulated in writing by the appropriate committee.

Appendix D

Glossary of Abbreviations

AMS	Agricultural Marketing Service
APA	Alaska Power Administration
ARS	Agricultural Research Service
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BOR	Bureau of Reclamation
BPA	Bonneville Power Administration
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
EDA	Economic Development Administration
EPA	Environmental Protection Agency
ERS	Economic Research Service
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FSA	Farm Service Agency
FTC	Federal Trade Commission
FWS	Fish and Wildlife Service
HHS	United States Department of Health and Human Services
House Ag	House Committee on Agriculture
House E&C	House Committee on Energy and Commerce
House FA	House Committee on Foreign Affairs
House FS	House Committee on Financial Services
House HS	House Committee on Homeland Security
House Judiciary	House Committee on the Judiciary
House NR	House Committee on Natural Resources
House SST	House Committee on Science, Space, and Technology
House T&I	House Committee on Transportation and Infrastructure
House W&M	House Committee on Ways and Means
HUD	Department of Housing and Urban Development
IBWC	International Boundary and Water Commission

IHS	Indian Health Service
NASA	National Aeronautics and Space Administration
NASS	National Agricultural Statistics Service
NIFA	National Institute of Food and Agriculture
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NSF	National Science Foundation
NWS	National Weather Service
PMA	Power Marketing Administration
RMA	Risk Management Agency
RUS	Rural Utilities Service
Senate Ag	Senate Committee on Agriculture, Nutrition and Forestry
Senate Banking	Senate Committee on Banking, Housing, and Urban Affairs
Senate CST	Senate Committee on Commerce, Science, and Transportation
Senate ENR	Senate Committee on Energy and Natural Resources
Senate EPW	Senate Committee on Environment and Public Works
Senate Fin	Senate Committee on Finance
Senate FR	Senate Committee on Foreign Relations
Senate HELP	Senate Health, Education, Labor and Pensions
Senate HS	Senate Committee on Homeland Security and Governmental Affairs
Senate IA	Senate Committee on Indian Affairs
Senate Judiciary	Senate Committee on the Judiciary
SEPA	South Eastern Power Administration
State	Department of State
SWPA	South Western Power Administration
Treasury	Department of the Treasury
TVA	Tennessee Valley Authority
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
USDA	United States Department of Agriculture
USFS	United States Forest Service
USGS	United States Geological Survey
USTR	United States Trade Representative
WAPA	Western Area Power Administration

Author Contact Information

Betsy A. Cody
Specialist in Natural Resources Policy
bcody@crs.loc.gov, 7-7229

Judy Schneider
Specialist on the Congress
jschneider@crs.loc.gov, 7-8664

Mary Tiemann
Specialist in Environmental Policy
mtiemann@crs.loc.gov, 7-5937

Grace Relf
Research Associate
grelf@crs.loc.gov, 7-6044

Acknowledgments

Many CRS analysts and legislative attorneys contributed to this report. Betsy Cody and Mary Tiemann of the Resources, Science, and Industry (RSI) Division, as well as Judy Schneider of the Government and Finance (G&F) Division, are co-authors. Other primary authors and organizers include Nicole Carter and Claudia Copeland of RSI, and Cynthia Brouher of the American Law Division (ALD). Additional CRS analysts and legislative attorneys who contributed to or peer reviewed the report include Kelsi Bracmort, Eugene Buck, Peter Folger, Pervaze Sheikh, Dennis Shields, Charles Stern, Megan Stubbs, and Harold Upton of RSI, and Kristina Alexander and Adam Vann of ALD.