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Environmental Protection Agency (EPA): FY2016 Appropriations

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Summary

As reported June 18, 2015, by the House Committee on Appropriations, Title II of H.R. 2822 (H.Rept. 114-170)—the Interior, Environment, and Related Agencies Appropriations Act, 2016—includes \$7.42 billion for the Environmental Protection Agency (EPA) for FY2016, \$1.17 billion (13.6%) below the President’s FY2016 request of \$8.59 billion and \$717.7 million (8.8%) below the FY2015 enacted appropriation of \$8.14 billion. The Senate Committee on Appropriations’ June 23, 2015, reported bill, S. 1645 (S.Rept. 114-70), includes \$7.60 billion for EPA for FY2016, \$994.3 million (11.6%) below the FY2016 request and \$542.5 million (6.7%) less than the FY2015 enacted level. The House suspended floor consideration of H.R. 2822 on July 8, 2015; S. 1645 was placed on the Senate Legislative Calendar but had not been scheduled for consideration as of publication of this report.

Compared to the President’s FY2016 request, the proposed funding in the House and Senate committee-reported bills (H.R. 2822 and S. 1645) would be a decrease for all of the nine EPA appropriations accounts for FY2016. The amounts recommended by the committee-reported bills would be generally less than or equal to FY2015 enacted appropriations for the nine accounts. There would be both increases and decreases across the individual program activities funded within the nine EPA appropriations accounts when compared to the FY2016 requested and FY2015 enacted appropriations.

Several recent and pending EPA regulatory actions, most notably those that address greenhouse gas emissions (GHGs) and the definition of “waters of the United States,” have again been prominent in the debate regarding the FY2016 budget request. Several of these issues were central to debates on EPA’s FY2015 appropriations since FY2011, and Congress has limited the use of enacted appropriated funds to carry out some of these EPA regulatory actions. A number of such provisions have been included and adopted as amendments in the current House and Senate committee-reported bills.

EPA air quality and climate program activities garnered significant attention during hearings and consideration of the FY2016 EPA appropriations. In particular, EPA’s Clean Power Plan (CPP)—identified as a top priority for the agency and a central element of the Administration’s climate mitigation agenda—was the focus of much debate. The CPP final rule, which includes reducing carbon emission from existing electric generating units and related actions, was released August 3, 2015. As part of its release, the EPA introduced a revised incentive program for states choosing to go beyond the CPP that supplanted a concept for an EPA-administered “Clean Power State Incentive Fund” initially included in the President’s FY2016 request.

The adequacy of federal financial assistance to support the clean water and drinking water state revolving funds (SRFs) also garnered congressional attention. Compared to the FY2015 enacted levels, the \$1.19 billion FY2016 request for the drinking water SRF (DWSRF) would be a \$279.1 million (30.8%) increase above the FY2015 enacted level of \$757.0 million, but the \$1.12 billion request for the clean water SRF (CWSRF) would be \$332.9 million (23.0%) less than the \$1.02 billion enacted for FY2015. H.R. 2822 would provide \$757.0 million for the DWSRF, compared to \$775.9 million in S. 1645, and \$1.02 billion for the CWSRF, compared to \$1.05 billion in S. 1645. States use these funds to issue loans to communities for constructing and upgrading wastewater and drinking water infrastructure to meet federal requirements.

Other issues in the debate regarding EPA’s appropriations include the adequacy of funding for environmental cleanup of contaminated sites under the Superfund program, other contaminated sites referred to as brownfields, and petroleum from leaking underground tanks. Funding for various categorical grants to states to support general implementation and enforcement of federal

environmental laws—as well as funding levels for several geographic-specific initiatives, including the Great Lakes Restoration Initiative and efforts to restore the Chesapeake Bay—also garnered congressional interest.

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Introduction

Title II of the Interior, Environment, and Related Agencies Appropriations Act, 2016—H.R. 2822 (H.Rept. 114-170), as reported June 18, 2015, by the House Committee on Appropriations—includes \$7.42 billion for the Environmental Protection Agency (EPA) for FY2016.¹ The total as reported would reduce funding for EPA by \$1.17 billion (13.6%) below the President’s FY2016 request of \$8.59 billion and \$717.7 million (8.8%) below the FY2015 enacted appropriation of \$8.14 billion. In a June 23, 2015, Statement of Administration Policy, the Administration “strongly opposed” passage of H.R. 2822.² The Senate Committee on Appropriations’ June 23, 2015, reported bill, S. 1645 (S.Rept. 114-70), includes \$7.60 billion for EPA for FY2016, \$994.3 million (11.6%) below the FY2016 request and \$542.5 million (6.7%) less than the FY2015 enacted level.

Overall funding for EPA would decrease when comparing the House and Senate committee-reported bills to the FY2016 request and the FY2015 enacted appropriations. The many individual program activities funded within EPA’s appropriations accounts would receive both increases and decreases and, in some cases, remain the same.

Continued adherence to the discretionary spending limits codified as part of the Budget Control Act of 2011 (BCA; P.L. 112-25) as amended by the American Taxpayer Relief Act (ATRA; P.L. 112-240)³ for deliberation of the FY2016 appropriations has been an issue of broad concern and debate. The FY2016 budget resolution and appropriations committees’ 302(b) allocations, including those for Budget Function 300 for Natural Resources and Environment—which comprises EPA and other related agencies and departments—adhere to BCA discretionary spending limits. The FY2016 allocations for Function 300 and other functions were below the FY2015 levels.

Funding for EPA air quality and climate program activities garnered attention during hearings and consideration of the FY2016 EPA appropriations. In particular, the Administration’s Clean Power Plan (CPP), which includes reducing carbon emission from existing electric generating units, was the focus of much debate. The CPP final rule and related actions were released August 3, 2015.⁴ The adequacy of federal financial assistance to support the clean water and drinking water state revolving funds (SRFs) also garnered attention in the debate. The adequacy of funding for

¹ Since FY2006, Congress has funded EPA programs and activities within the Interior, Environment, and Related Agencies appropriations. The 109th Congress moved EPA’s funding from the jurisdiction of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies to the then-newly established Interior, Environment, and Related Agencies Appropriations subcommittees beginning with the FY2006 appropriations. This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies.

² Executive Office of the President, Office of Management Budget (OMB), “Statement of Administration Policy: H.R. 2822—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016,” June 23, 2015, https://www.whitehouse.gov/sites/default/files/omb/legislative/sap/114/saphr2822r_20150623.pdf.

³ The BCA established, among other things, a statutory limit on discretionary spending through FY2021 and required a sequestration of budgetary resources if the President and Congress failed to enact legislation reducing the federal deficit by a specified date. For information on the BCA, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

⁴ On August 3, 2015, EPA also issued “final ‘Carbon Pollution Standards’ for new, modified, and reconstructed power plants, and proposed a Federal Plan and model rule to assist states in implementing the Clean Power Plan.” See EPA’s Clean Power Plan for Existing Power Plants website at <http://www2.epa.gov/cleanpowerplan/clean-power-plan-existing-power-plants#additional-resources>. See also CRS Report R44145, *EPA’s Clean Power Plan: Highlights of the Final Rule*, by Jonathan L. Ramseur and James E. McCarthy.

environmental cleanup of contaminated sites under the Superfund program, other contaminated sites referred to as brownfields, and petroleum from leaking underground tanks were also areas of concern, as was funding for various categorical grants to states to support general implementation and enforcement of federal environmental laws.

In addition to funding levels, several recent and pending EPA regulatory actions, most notably those that address greenhouse gas emissions (GHGs) and definition of “waters of the United States” under the Clean Water Act (CWA), have again been among the areas of debate during the deliberations on EPA’s FY2016 budget request. A number of provisions that would limit the use of appropriated funds to carry out certain EPA ongoing and pending action have been included in the House and Senate committee-reported appropriations bills.

This report provides a brief legislative status of EPA FY2016 appropriations, EPA funding background, and an overview of FY2016 funding amounts for EPA as proposed in the House and Senate committee-reported bills and contained in the President’s FY2016 budget request compared to FY2015 enacted and requested appropriations for EPA. The report also examines funding levels and relevant issues for selected EPA programs and activities.

The House and Senate Committees on Appropriations are the primary source for the FY2015 enacted and requested amounts and the FY2016 amounts proposed by the House and Senate committees and in the President’s budget request for FY2016. Additional information presented, as specified, was obtained from the EPA’s *FY2016 Justification of Appropriation Estimates for the Committee on Appropriations* (referred to throughout this report as the EPA FY2016 Congressional Justification),⁵ and the President’s *Budget of the United States Government, Fiscal Year 2016*, issued by the Office of Management and Budget (OMB).⁶ With the exception of the historical funding presented in **Figure 2**, the enacted appropriations for prior fiscal years presented throughout this report have not been adjusted for inflation in order to maintain consistency with cited sources.

Appropriation issues are complex, and accordingly not all issues are summarized in this report.⁷ Further, the appropriations bills and accompanying committee reports⁸ identify funding levels for numerous programs, activities, and sub-activities for which the program details are beyond the scope of this report.

Status of Congressional Action

Table 1 summarizes the chronology of House and Senate action for Interior, Environment, and Related Agencies appropriations as of the publication of this report. The House debated H.R. 2822 on the floor beginning June 25 through July 8, 2015. Of the 166 amendments offered, 57 were agreed to as of July 8, 2015, including a number regarding EPA funding and regulatory actions. Consideration of the bill was postponed on July 8, 2015. Until agreement has been reached on amendments concerning the display and sale of the Confederate flag at National Park

⁵ EPA’s *FY2016 Justification of Appropriation Estimates for the Committee on Appropriations* and other related agency budget documents are available at <http://www.epa.gov/ocfo/budget>.

⁶ The multi-volume set of the President’s *Budget of the United States Government, Fiscal Year 2016*, is available at <http://www.whitehouse.gov/omb/budget/Overview/>.

⁷ OMB’s document for the entire federal budget totals more than 2,000 pages, EPA’s budget justification nearly 1,200. Both present an array of funding and programmatic proposals for congressional consideration.

⁸ The committee reports also generally provide specific direction to the agency in terms of how the funds are to be spent to implement a certain activity.

Service units,⁹ no further action is anticipated. S. 1645 was placed on the Senate Legislative Calendar, but floor consideration had not been scheduled as of the publication of this CRS report.

Table I. Status of Interior, Environment, and Related Agencies Appropriations, FY2016

Subcommittee/Full Committee Markup		H. Comm. Reported	House Passage	S. Comm. Reported	Senate Passage	Public Law
House	Senate					
06/10/2015	06/16/2015	H.R. 2822	Floor consideration	S. 1645	Placed on Senate	—
06/16/2015	06/18/2015	06/18/15	postponed 07/08/2015	06/23/2015	Legislative Calendar	

Source: Prepared by CRS.

Budget Resolution¹⁰

Earlier in the 114th Congress, House and Senate appropriations and oversight committees held hearings on the President’s FY2016 request for EPA (see **Appendix C**). The House and Senate also passed the FY2016 concurrent budget resolution (S.Con.Res. 11, H.Rept. 114-96), which provides the framework for the consideration of appropriations. In the annual budget resolution that is intended to guide the annual appropriations process, EPA is included within Budget Function 300 for Natural Resources and Environment, along with the Department of the Interior and other agencies. The FY2016 budget resolution adheres to the discretionary spending limits codified as part of the BCA as amended by ATRA.¹¹ Continued adherence to the limits established under the BCA as amended for deliberation of the FY2016 appropriations has been an issue of considerable concern and debate. Some have urged consideration and passage of alternative legislation.

The conference agreement on the budget resolution for FY2016 includes language¹² in the Senate that addresses a number of EPA’s regulatory activities. The findings contained in Section 6208 of Title VI, Subtitle B, in the concurrent resolution S.Con.Res. 11, “Policy Statement on Federal Regulatory Reform,” included an expression of concerns with the regulatory cost of EPA rules with particular references to EPA’s proposed rule to control carbon emissions from power plants. Subtitle B, “Reserve Funds in the Senate,” in Title IV provides deficit-neutral and spending-neutral reserve funds¹³ for certain EPA activities such as the reform of environmental statutes,

⁹ See CRS Insight IN10313, *Display of the Confederate Flag at Federal Cemeteries*, by Laura B. Comay and Barbara Salazar Torreon; and CRS Report R42757, *National Park Service: FY2016 Appropriations and Recent Trends*, by Laura B. Comay.

¹⁰ See CRS Report R43933, *The Federal Budget: Overview and Issues for FY2016 and Beyond*, coordinated by Steven Maguire.

¹¹ The BCA established, among other things, a statutory limit on discretionary spending through FY2021 and required a sequestration of budgetary resources if the President and Congress failed to enact legislation reducing the federal deficit by a specified date. For information on the BCA, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

¹² Some of this language was originally carried in the budget resolution as introduced, whereas other language originated as amendments that were adopted in the Senate. A relatively large number (791) of amendments were filed during the Senate floor consideration of S.Con.Res. 11, but only a subset of these was offered, and 146 of those were adopted.

¹³ The budget resolution conference agreement establishes deficit- and spending-neutral funds that provide procedural (continued...)

jurisdiction under the CWA, EPA regulations that would “reduce the reliability of the electricity grid,” and regulation of carbon and GHG emissions under the Clean Air Act.¹⁴ While such provisions in budget resolutions are not law, they serve as a gauge of the issues of concern among Members of Congress and the possibility of potential further action by Congress.

Based on the concurrent resolution, both the House and Senate Appropriations Committees reported allocations for FY2016 (referred to as “302(b)” allocations) for the Interior, Environment and Related Agencies Subcommittees¹⁵ that were lower than the President’s FY2016 request. For the House Subcommittee, the discretionary allocation was \$30.17 billion, and the total allocation (including mandatory budget authority) was \$30.23 billion (H.Rept. 114-198). For the Senate Subcommittee, the discretionary allocation was \$30.01 billion, and the total allocation (including mandatory budget authority) was \$30.07 billion (S.Rept. 114-81). These allocations function as ceilings on the Interior bill. For additional information on 302(b) allocations, see CRS Report RS20144, *Allocations and Subdivisions in the Congressional Budget Process*, by Bill Heniff Jr.

EPA Appropriations Historical Trends

Established in 1970 to consolidate federal pollution control responsibilities previously divided among several federal agencies,¹⁶ EPA’s responsibilities have grown as Congress enacted an increasing number of environmental laws as well as major amendments to these statutes. Appropriations are provided to EPA to support the agency’s primary responsibilities, including the regulation of air quality, water quality, pesticides, and toxic substances; regulation of the management and disposal of solid and hazardous wastes; and the cleanup of contamination (including releases of hazardous substances, leaks of petroleum from underground tanks, and discharges of oil). EPA also awards grants to assist states and local governments in ensuring compliance with federal requirements to control pollution.

(...continued)

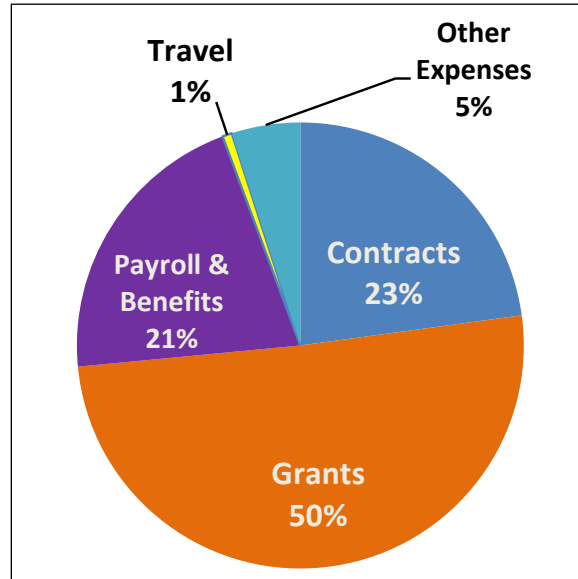
contingencies for certain budget enforcement rules in order to allow subsequent consideration of legislation that could address various specified issues across the federal budget. Reserve funds are a means of accommodating certain policy priorities when the specific spending and revenue effects of those policies are not yet known or are yet to be decided.

¹⁴ These reserve fund provisions are located in Sections 4315, 4347, 4353, 4361, and 4392 and do not constitute appropriations or agency obligational authority in the concurrent budget resolution. Other deficit- and spending-neutral reserve fund provisions would provide procedural contingencies to more broadly address regulatory reform and improved effectiveness and efficiencies of the regulatory process across the federal government (see §§4394 and 4401).

¹⁵ The Interior, Environment, and Related Agencies appropriations include funding for the Department of the Interior (DOI) and agencies within other departments—including the Forest Service within the Department of Agriculture and the Indian Health Service within the Department of Health and Human Services. It also provides funding for EPA, arts and cultural agencies, and numerous other entities; see CRS Report R44061, *Interior, Environment, and Related Agencies: FY2016 Appropriations in Brief*, by Carol Hardy Vincent.

¹⁶ EPA’s origin is rooted in a reorganization of the executive branch under the Nixon Administration. Reorganization Plan No. 3 of 1970 proposed the establishment of EPA to integrate the administration of numerous federal pollution control laws that had been carried out by several federal agencies. The Nixon Administration created EPA and the National Oceanic and Atmospheric Administration through this reorganization with congressional approval under procedures established in the Reorganization Act of 1949, as amended (5 U.S.C. §901 et seq.); see CRS Report RL30798, *Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency*, coordinated by David M. Bearden.

Figure 1. EPA FY2014 Net Operations by Cost Category
 (FY2014 Net Cost of Operations = \$8.57 billion)



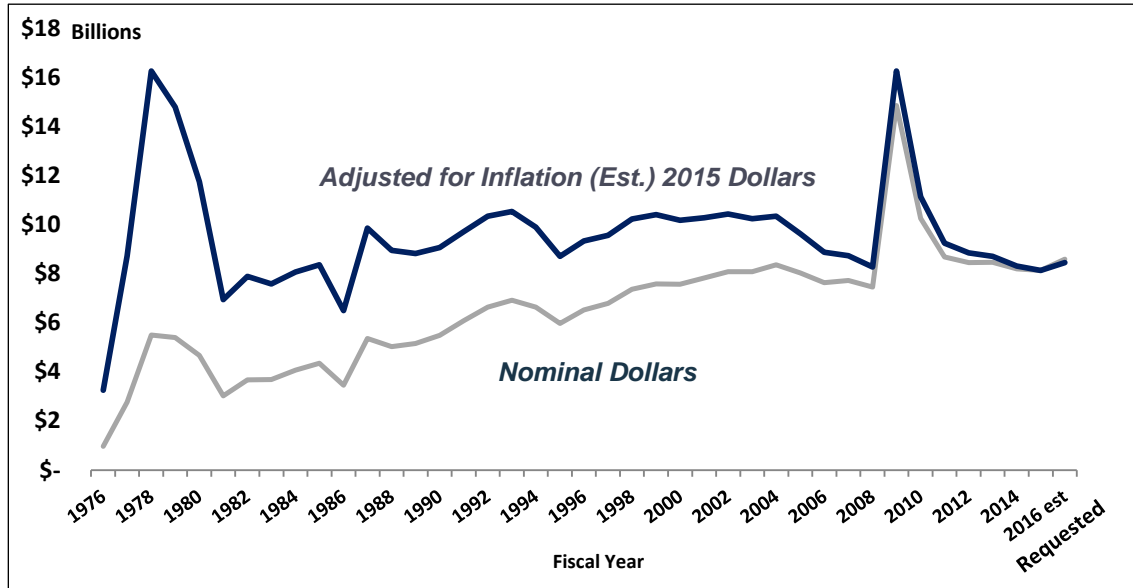
Source: CRS adapted from EPA, “Fiscal Year 2014 Agency Financial Report,” p. 16, http://www2.epa.gov/sites/production/files/2014-11/documents/epa_fy2014_afr.pdf.

A breakout of cost categories as illustrated in EPA’s FY2014 financial report (most recently available)¹⁷ is presented in **Figure 1**. According to EPA’s FY2014 report, grants comprised 50% of the agency’s reported net cost of operations of \$8.57 billion for FY2014. Costs are described in the report as “expenses for services rendered or activities performed.”

EPA’s funding has generally reflected an increase in overall appropriations to fulfill a rising number of statutory responsibilities. EPA’s historical funding trends tend to parallel the evolution of the agency’s responsibilities over time, as Congress has enacted legislation to authorize the agency to develop and administer programs and activities in response to a range of environmental issues and concerns. In terms of the overall federal budget, EPA’s annual appropriations have represented a relatively small portion of the total discretionary federal budget (just under 1% in recent years).

¹⁷ EPA, *Fiscal Year 2014 Agency Financial Report*, EPA-190-R-14-008, “Financial Conditions and Results,” p. 15-19, November 17, 2014, http://www2.epa.gov/sites/production/files/2014-11/documents/epa_fy2014_afr.pdf.

Figure 2. EPA Discretionary Budget Authority FY1976-FY2016 Requested (Est.)
(\$ in Billions)



Source: CRS based on the Office of Management and Budget (OMB), *Budget of the United States Government Fiscal Year 2016, Historical Tables, Table 5.4—Discretionary Budget Authority by Agency 1976-2000, and Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables - 1940-2020*, <http://www.whitehouse.gov/omb/budget/Historicals>.

In real dollar values (adjusted for inflation), EPA’s funding in FY1978 was slightly more than the level in FY2009, as presented in **Figure 2**. In addition to regular fiscal year appropriations, the FY2009 funding level reflects \$7.64 billion appropriated for FY2009 in P.L. 111-8 and the supplemental appropriations of \$7.22 billion appropriated for FY2009 in P.L. 111-5, the American Recovery and Reinvestment Act of 2009. Funding as appropriated by Congress is reflected in the line identified as “nominal dollars,” without adjusting for inflation, in **Figure 2**.

Table A-1 in Appendix A provides a history of enacted appropriations (not adjusted for inflation) by EPA appropriations account from FY2008 through FY2015.

The statutory authorization of appropriations for many of the programs and activities administered by EPA has expired, but Congress has continued to fund them through the appropriations process. Although House and Senate rules generally do not allow the appropriation of funding that has not been authorized, these rules are subject to points of order and are not self-enforcing. Congress may appropriate funding for a program or activity for which the authorization of appropriations has expired if no Member raises a point of order or the rules are waived for consideration of a particular bill. Congress has typically done so to continue the appropriation of funding for EPA programs and activities for which the authorization of appropriations has expired¹⁸ but has also not funded others.¹⁹

¹⁸ As amended, Section 202(e)(3) of the Congressional Budget and Impoundment Control Act of 1974 requires the Congressional Budget Office (CBO) to report to Congress annually on the enacted appropriations for individual programs and activities for which the authorization of appropriations has expired and individual programs and activities for which the authorization of appropriations is set to expire in the current fiscal year. The most recent version of this report is available on CBO’s website at <http://www.cbo.gov/publication/42858>.

¹⁹ As an example, for FY2013 the House committee exercised its option to limit funding for unauthorized programs by (continued...)

Although Congress does not explicitly appropriate funding to EPA on the basis of its specific staffing levels, in its Congressional Justification, EPA presents information regarding total “full-time-equivalents”²⁰ (FTEs) as well as FTE levels associated with the many programmatic activities within each of the appropriations accounts. The President’s FY2016 budget request proposes 15,373 FTEs to carry out the environmental statutes.²¹ EPA reported that the FY2015 enacted level of 15,335 FTEs was the lowest since FY1989.²² **Figure A-1 in Appendix A** presents EPA’s FTE employment ceiling as enacted for FY2001 through FY2015 and requested for FY2016.

EPA’s FY2016 Proposed Funding by Appropriations Account

From FY1996 to FY2013, EPA’s funding had been requested by the Administration and appropriated by Congress under eight statutory accounts.²³ A ninth account, Hazardous Waste Electronic Manifest System Fund, was added during the FY2014 appropriations process.²⁴ The current EPA appropriations accounts are:

- State and Tribal Assistance Grants (STAG),
- Environmental Programs and Management (EPM),
- Hazardous Substance Superfund (“Superfund”),
- Science and Technology (S&T),
- Leaking Underground Storage Tank (LUST) Trust Fund,
- Buildings and Facilities (B&F),

(...continued)

decreasing or terminating appropriations within the committee-reported bill, including EPA’s U.S.-Mexico border grant and environmental education grant programs. In its report accompanying the proposed FY2013 appropriations, the House committee concluded that at least 51 agencies and/or programs—comprising nearly \$6.0 billion in the FY2013 appropriations in the committee-reported bill under the Interior, Environment, and Related Agencies Subcommittee’s jurisdiction—are “unauthorized” or for which congressional authorization of appropriation has expired (H.Rept. 112-589, pp. 7-8, 136-137).

²⁰ FTE employment is defined as one employee working full time for a full year (52 weeks x 40 hours = 2,080 hours) or the equivalent hours worked by several part-time or temporary employees. The requirements for reporting FTE employment in the President’s budget are prescribed in Section 85 of OMB Circular No. A-11 on “Estimating Employment Levels and the Employment Summary (Schedule Q),” https://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/s85.pdf.

²¹ See EPA’s FY2016 *Budget in Brief*, p. 11, footnote 5; and FY2016 Congressional Justification, pp. 4, 9-11.

²² See “EPA’s Budget and Spending” at <http://www2.epa.gov/planandbudget/budget>.

²³ Prior to FY1996, Congress appropriated funding for EPA under a different account structure, making it difficult to compare past funding levels by account over the history of the agency.

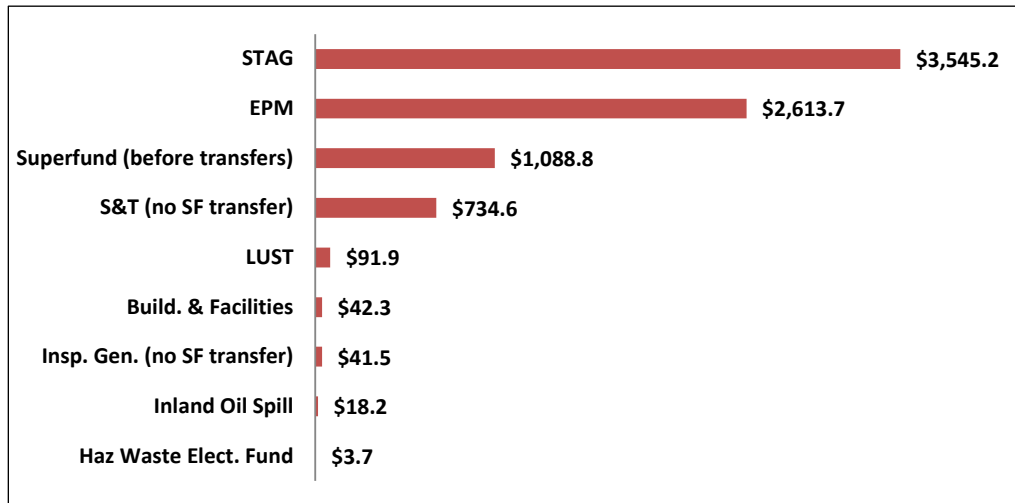
²⁴ The Hazardous Waste Electronic Manifest Establishment Act (P.L. 112-195) authorized the development of an electronic system to track hazardous waste shipments and a fund to finance it that would be supported with start-up appropriations and user fees thereafter. The system would manage the tracking of shipping manifests specifically for hazardous wastes designated under Subtitle C of the Resource Conservation and Recovery Act (RCRA)/Solid Waste Disposal Act. For FY2014, P.L. 113-76 created a dedicated statutory appropriations account consolidating funding that the President had requested within other existing EPA accounts for this purpose; see Title II of Division G in the Joint Explanatory Statement for the Consolidated Appropriations Act, 2014, as issued in the January 15, 2014, *Congressional Record*, Book II, pp. H977-H979 and H1010-1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

- Office of Inspector General (OIG),
- Inland Oil Spill Program, and
- Hazardous Waste Electronic Manifest System Fund.

Appendix B provides a brief description and the scope and purpose of the activities funded within each of these accounts.

Figure 3. EPA FY2015 Enacted Appropriations by Account

(dollars in millions, total = \$8.14 billion)



Source: Created by CRS based on H.Rept. 114-170 and S.Rept. 114-70 accompanying H.R. 2822 and S. 1645.

The proportional distribution of funding among the EPA appropriations accounts has remained somewhat constant in recent fiscal years. The STAG account—which funds water infrastructure grants, categorical grants to states and tribes for numerous pollution control activities, grants for the cleanup of brownfields, and diesel emission reduction grants—and the EPM account combined historically receive roughly two-thirds of the total allocation. **Figure 3** illustrates the distribution for the FY2015 enacted appropriations.

H.R. 2822 as reported (H.Rept. 114-170) would provide \$7.42 billion for EPA for FY2016, 13.6% below the President’s FY2016 request and 8.8% below the FY2015 enacted appropriations. S. 1645 as reported (S.Rept. 114-70) includes \$7.60 billion for EPA for FY2016, 11.6% below the FY2016 request and 6.7% less than the FY2015 enacted level.

Table 2 below presents the FY2016 amounts for EPA proposed by the House and Senate Appropriations Committees compared to the President’s FY2016 budget request, FY2015 amounts enacted under Title II of Division F of P.L. 113-235, and the President’s FY2015 budget request by each of the agency’s nine appropriations accounts. The FY2015 enacted amounts presented in the table reflect rescissions and supplemental appropriations where relevant. The table identifies transfers of funds between the appropriations accounts and funding levels for several program areas within certain accounts that have received congressional attention.

Table 2. EPA Appropriations by Account: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars not adjusted for inflation; enacted amounts include rescissions and supplemental appropriations)

EPA Appropriation Accounts	FY2015 President’s Request	FY2015 Enacted	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
Science and Technology					
—Base Appropriations	\$763.8	\$734.6	\$769.1	\$704.9	\$704.0
—Transfer in from Superfund	+\$18.8	+\$18.8	+\$16.2	+\$16.2	+\$16.2
Science and Technology Total (with transfers)	\$782.6	\$753.5	\$785.3	\$721.1	\$720.2
Environmental Programs and Management	\$2,737.2	\$2,613.7	\$2,841.7	\$2,472.3	\$2,561.2
Hazardous Waste Electronic Manifest Fund	\$10.4	\$3.7	\$7.4	\$0.0	\$3.8
Office of Inspector General					
—Base Appropriations	\$46.1	\$41.5	\$50.1	\$40.0	\$41.5
—Transfer in from Superfund	+\$11.1	+\$9.9	+\$8.5	+\$8.5	+\$8.5
Office of Inspector General Total (with transfers)	\$57.2	\$51.4	\$58.6	\$48.5	\$50.0
Buildings and Facilities	\$53.5	\$42.3	\$51.5	\$34.5	\$42.3
Hazardous Substance Superfund					
Total Appropriations	\$1,156.6	\$1,088.8	\$1,153.8	\$1,088.8	\$1,106.8
—Transfer out to Office of Inspector General	-\$11.1	-\$9.9	-\$8.5	-\$8.5	-\$8.5
—Transfer out to Science and Technology	-\$18.8	-\$18.8	-\$16.2	-\$16.2	-\$16.2
Hazardous Substance Superfund (net after transfers)	\$1,126.7	\$1,060.0	\$1,129.2	\$1,064.1	\$1,082.1
Leaking Underground Storage Tank Trust Fund Program	\$97.9	\$91.9	\$95.3	\$91.9	\$91.5
Inland Oil Spill Program	\$24.1	\$18.2	\$23.4	\$17.9	\$18.1
State and Tribal Assistance Grants (STAG)					
—Clean Water State Revolving Fund	\$1,018.0	\$1,448.9	\$1,116.0	\$1,018.0	\$1,047.0
—Drinking Water State Revolving Fund	\$757.0	\$906.9	\$1,186.0	\$757.0	\$775.9
—Other Infrastructure Grants					
-Mexico Border	\$5.0	\$5.0	\$5.0	\$5.0	\$10.0
-Alaska Native Villages	\$10.0	\$10.0	\$10.0	\$10.0	\$20.0
-Brownfields Section 104(k) Grants	\$85.0	\$80.0	\$110.0	\$75.0	\$80.0
-Diesel Emission Reduction Grants	\$0.0	\$30.0	\$10.0	\$50.0	\$20.0
-Targeted Airshed Grants	\$0.0	\$10.0	\$0.0	\$20.0	\$15.0
—Categorical Grants	\$1,130.4	\$1,054.4	\$1,162.4	\$1,044.8	\$1,060.0

EPA Appropriation Accounts	FY2015 President's Request	FY2015 Enacted	FY2016 President's Request	FY2016 H.R. 2822	FY2016 S. 1645
State and Tribal Assistance Grants Total	\$3,005.4	\$3,545.2	\$3,599.4	\$2,979.8	\$3,027.9
Rescissions of Unobligated Balances ^a	-\$5.0	-\$40.0	\$0.0	-\$8.0	\$0.0
Total EPA Accounts	\$7,890.0	\$8,139.9	\$8,591.7	\$7,422.2	\$7,601.0

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Notes:

- a. Rescission of unobligated balances from previous fiscal years' appropriations.

As indicated in **Table 2**, the House and Senate committee-reported bills would be a decrease compared to the FY2016 request for all nine EPA appropriations accounts. Compared to the FY2015 enacted appropriations, the House committee-reported bill would fund the Superfund and LUST Trust Fund accounts at the FY2015 enacted level but would decrease funding for the remaining accounts. The House committee-reported bill would provide no funding for the Hazardous Waste Electronic Manifest Fund, noting in report language that the committee has “provided EPA sufficient funds to develop the system consistent with EPA’s cost estimates” and directing the agency to work with the appropriate congressional committees to extend the authorization of appropriations beyond FY2015 and to develop a “robust” justification for costs that exceed appropriated amounts through FY2015.²⁵ The Senate committee-reported bill would provide an increase in funding for the Superfund account and the Hazardous Waste Electronic Manifest Fund account and would decrease the other seven EPA appropriations accounts compared to the FY2015 appropriations for these accounts.

The President’s FY2016 requested funding for each of the nine EPA appropriations accounts would have been an increase compared to FY2015 enacted and requested levels.

Although funding proposed in the House and Senate committee-reported bills for many programs and activities within the various appropriations accounts would decrease, support for a number of areas would remain the same as or be higher than the FY2016 requested or FY2015 enacted levels. Likewise, the President’s FY2016 request reflects both increases and decreases for program activities below the account level compared to the FY2015 enacted appropriations.

As presented in **Table 2**, the proposed funding in the two committee reported bills for the STAG account is the largest dollar amount decrease compared to the President’s FY2016 request and the FY2015 enacted level. The funding level proposed in the House committee-reported bill for the STAG account is \$619.6 million (17.2%) less than the FY2016 requested and \$565.3 million (15.9%) below the FY2015 enacted level. The amount proposed in the Senate committee-reported bill is \$571.5 million (15.9%) less than requested for FY2016 and \$517.2 million (14.6%) below the FY2015 enacted level. The majority of the comparative decrease for the STAG account is associated with the proposed reductions for grants to states for wastewater infrastructure projects—the CWSRF and DWSRF. See discussion under “Wastewater and Drinking Water Infrastructure.” As shown in **Table 2**, the funding levels for the SRFs proposed in the House

²⁵ See H.Rept. 114-170 accompanying H.R. 2822 as reported, pp. 56-57.

committee-reported bill for FY2016 are the same as the levels requested for FY2015; amounts proposed in the Senate committee-reported would be higher than the FY2015 requested levels.

Funding for other various state and tribal assistance grants within the STAG account as proposed by the House and Senate committee-reported bills would generally be the same as or above the FY2015 enacted levels, but their proposed funding levels for a number of the grants would be a decrease compared to the FY2016 request. These include “categorical grants” used by states and tribes to support the day-to-day implementation of federal environmental laws, such as monitoring, permitting and standard setting, training, enforcement, and other pollution control and prevention activities, as well as other grants to assist multimedia projects (see discussion under “Categorical Grants”). Funding for categorical grants within the STAG account proposed in H.R. 2822 is \$177.6 million less than the President’s FY2016 request and \$9.6 million less than that enacted for FY2015, while the proposed level for FY2016 in S. 1645 is \$102.4 million below the request but \$5.6 million above the enacted level. The President’s FY2016 request proposed a \$108.0 million increase above the FY2015 enacted level for categorical grants.

The administrative provisions in Title II of H.R. 2822 include a proposed rescission of \$8.0 million (less than 1%) from unobligated balances previously appropriated to carry out projects and activities funded through the STAG account. The provision further specified that no amounts are to be rescinded from amounts that Congress stipulated as emergency requirements pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Act of 1985. S. 1645 and the FY2016 request do not include a rescission of unobligated balances. The FY2015 enacted appropriations included a rescission of \$40.0 million from unobligated balances; the President’s FY2015 request had proposed a \$5.0 million rescission.²⁶ The FY2014 enacted appropriations did not include rescissions of unobligated balances of EPA prior fiscal years’ appropriations, whereas EPA appropriations beginning in FY2006 through FY2013 did include them.

Funding and Policy Related Issues

Much attention has focused on the agency’s implementation of air quality and climate change regulations, research, and related activities; prioritization and adequacy of funding for wastewater and drinking water infrastructure projects; categorical grants to assist states in implementing federal pollution control laws; and federal financial assistance for environmental cleanup of Superfund and brownfield sites. There has also been interest in funding for geographic-specific water quality initiatives (e.g., the Great Lakes Restoration Initiative and efforts to restore the Chesapeake Bay). In addition to funding priorities among the various EPA programs and activities, several recent and pending EPA regulatory actions—including several that were central to debates during previous EPA appropriations—have again been prominent in the debate regarding the FY2016 appropriations.²⁷

Although areas of concerns involve use of appropriations in the implementation of many of the federal pollution control statutes administered by EPA, the agency’s Clean Power Plan and related efforts to reduce carbon emissions under the Clean Air Act and its definition of “waters of the United States” under the Clean Water Act have received considerable attention. Some Members expressed concerns related to these regulatory actions during appropriations committee hearings

²⁶ See EPA FY2015 Congressional Justification, pp. 1019-1020, <http://www2.epa.gov/planandbudget/archive>.

²⁷ See hearings on EPA FY2016 budget request listed in **Appendix C**.

and markup of appropriations. Authorizing committees continue to address some of these actions through hearings and legislation during the 114th Congress.

The following sections discuss selected EPA issues that have received attention in the congressional appropriations debate.

EPA Regulations: Prohibitions/Restrictions on Use of FY2016 Appropriations

The House and Senate committee-reported bills contain a number of administrative²⁸ and general provisions that would restrict or prohibit the use of FY2016 funds by EPA for implementing or proceeding with a number of regulatory actions. Some of these provisions were included in the initial House and Senate appropriations subcommittees' recommendations, while others were added as amendments during full committee markup. Additionally, a number of provisions affecting EPA actions were among the amendments introduced and adopted prior to the suspension of consideration of H.R. 2822 in the House on July 8, 2015. The majority of the prohibitions are in the form of general provisions under Title IV in both committee-reported bills, although some are included among the EPA administrative provisions in Title II of both committee-reported bills. As indicated earlier, EPA's regulatory actions were also the subject of debate during consideration of the House and Senate budget resolutions. Language regarding some of these EPA regulatory actions has been included in the concurrent budget resolution (S.Con.Res. 11, H.Rept. 114-96) agreed to on May 5, 2015, as discussed earlier in this report ("Budget Resolution").

EPA has proposed and promulgated a number of regulations intended to implement provisions of the various federal pollution control statutes enacted by Congress over time. Debate²⁹ regarding these regulations has resulted in proposed legislation during the 112th, 113th, and 114th Congresses. Some stakeholders and Members of Congress have expressed concerns that certain agency actions "overreached" the authority given it by Congress. Moreover, some reason that EPA's actions ignored or underestimated the costs and economic impacts of proposed and promulgated rules.

Other Members, EPA, and some stakeholders have countered that EPA's actions are consistent with statutory mandates and in some circumstances are compelled by court ruling, the pace of rulemaking in some ways is slower than a decade ago, and costs and benefits are appropriately evaluated. Some states, industry groups, and environmental advocacy groups contend that in some cases EPA has not fully implemented its statutorily mandated authorities and that certain regulatory action has been delayed. Still others advocate that regulations should be stronger than those promulgated and proposed to more adequately protect public health and welfare and the environment.

Recently promulgated and pending actions under the Clean Air Act (CAA) have received much of the attention within Congress. EPA controls on GHG emissions and efforts to abate conventional

²⁸ Administrative provisions generally set terms and conditions for the use of appropriated funds.

²⁹ The discussion under "Is EPA on Target or Overreaching? Conflicting Views" in the introduction of CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, examines major or controversial regulatory actions taken by or under development at EPA since January 2009, provides details on the regulatory action itself, presents an estimated timeline for completion of the rule (including identification of related court or statutory deadlines where applicable), and, in general, provides EPA's estimates of costs and benefits when available. The report also discusses factors that affect the time frames in which regulations take effect.

pollutant emissions (e.g., mercury, particulate matter, and sulfur dioxide) from a number of industries have been central to the debate. The Administration’s “Clean Power Plan” (CPP), identified as a top priority for EPA and other federal agencies and a central element for climate mitigation, has been a particularly contentious issue during the FY2016 appropriations debate.³⁰ The CPP final rule, which regulates carbon emissions from existing electrical generating units, was released August 3, 2015.³¹ Other areas of concern for some Members are EPA actions regarding carbon emission standards for new, modified, and reconstructed fossil fueled power plants; National Ambient Air Quality Standards (NAAQS, including primary and secondary standards for ozone and for particulate matter); Hazardous Air Pollutants (HAPs); air quality requirements for livestock operations; reporting requirements for manure systems; and other air quality control actions.

Several actions under the Clean Water Act (CWA), most notably the EPA and Army Corps of Engineers joint rule to define the scope of waters protected under the CWA, have also been the focus of debate.³² Other EPA actions under the Safe Drinking Water Act—including the use of U.S. iron and steel for drinking water infrastructure projects; the Resource Conservation and Recovery Act (RCRA), including coal ash regulations; the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Superfund financial responsibility; and the Toxic Substances Control Act (TSCA), including regulation of lead in ammunition and fishing tackle—have also received attention.

Provisions proposed in the House and Senate committee-reported appropriations bills include restrictions or limitations on the use of funds and prohibitions on certain actions (e.g., permitting), as well as requirements to conduct analyses and/or report on certain activities and funding expenditures. A subset of the provisions proposed for FY2016 in the House and Senate committee-reported bills are similar to those included in the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235, Title IV of Division F), and other prior fiscal year enacted EPA appropriations.³³

Directives and restrictions are also included in the reports (H.Rept. 114-170 and S.Rept. 114-70) accompanying the House and Senate committee-reported bills. For example, the House and Senate committee-reported bills would not provide funding as requested within the S&T account for EPA hydraulic fracturing research activities in conjunction with the Departments of Energy and the Interior.³⁴ Within the EPM account, for example, the House committee report would not provide funding for “EPA’s greenhouse gas rules for stationary sources” or for EPA’s Smart Growth Program.³⁵ The Senate committee report did not include “the Administration’s requests for funding increases and for additional employees related to the Clean Power Plan.”³⁶

³⁰ See CRS Report R43851, *Clean Air Issues in the 114th Congress: An Overview*, by James E. McCarthy; see also CRS Report R41212, *EPA Regulation of Greenhouse Gases: Congressional Responses and Options*, by James E. McCarthy; and CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, for a discussion of selected EPA regulatory actions.

³¹ See footnote 4.

³² See CRS Report R43455, *EPA and the Army Corps’ Rule to Define “Waters of the United States”*, by Claudia Copeland.

³³ See CRS Report R43709, *Environmental Protection Agency (EPA): FY2015 Appropriations*, by Robert Esworthy.

³⁴ H.Rept. 114-170, p. 50, and S.Rept. 114-70, p. 50.

³⁵ H.Rept. 114-170, pp. 51, 54.

³⁶ S.Rept. 114-70, p. 51.

Air Quality and Climate Change³⁷

Several EPA air quality and climate change activities received considerable attention during hearings and debate regarding EPA's FY2016 appropriations. Many of these activities are associated with regulations under the CAA,³⁸ in particular those that address GHGs, ozone, and particulate matter emissions. The agency's response to a 2007 U.S. Supreme Court decision finding that the CAA definition of air pollutants was broad enough to include GHGs³⁹ remains a prominent issue in association with EPA's climate change activities.

As noted in the previous section of this report, EPA's proposed CPP and related actions to reduce carbon emission from fossil-fueled power plants in particular have garnered considerable attention. The impacts of these and other CAA actions on various sectors of the economy have been a topic of multiple hearings before the appropriations committees and various other oversight committees. Several EPA CAA actions are the subject of provisions restricting or prohibiting implementation as discussed briefly above.

Appropriated funds for EPA's climate change and air quality activities are distributed across several program activities under multiple appropriations accounts. Because of variability in these activities and modifications to account structures from year to year, it is difficult to compare the overall combined funding included in appropriations bills with the President's FY2016 request and prior-year enacted appropriations. However, comparisons can be made among certain activities for which Congress does specify a line item in the appropriations process⁴⁰ as presented in **Table 3**.

As presented in **Table 3**, EPA "clean air and climate" activities constitute the single largest air quality program area funded within the EPM and S&T accounts. The combined proposed total within the two accounts of \$355.2 million proposed in H.R. 2822 and \$354.6 million in S. 1645 reflect a \$106.5 million (23.1%) and a \$107.2 million (23.2%) decrease below the \$461.7 million requested for FY2016. The amounts are \$34.4 million (8.8%) and \$35.0 million (9.0%) below the FY2015 enacted level of \$389.6 million for this program area.

EPA is one of 17 federal agencies that have explicitly received appropriations for climate change activities in recent fiscal years. EPA's share of this funding is relatively small, but EPA's policy and regulatory roles are proportionately larger than other federal agencies and departments.

Although Congress does not appropriate funding based on EPA's strategic performance goals, the President's FY2016 request proposed \$1.11 billion (including \$279.5 million to "address climate change" across multiple appropriations accounts) and 2,606 FTEs to support the agency's

³⁷ See CRS Report IS42267, *CRS Introductory Statement on the Clean Air Act and Air Quality*, coordinated by James E. McCarthy; CRS Report R43851, *Clean Air Issues in the 114th Congress: An Overview*, by James E. McCarthy; CRS Report R41212, *EPA Regulation of Greenhouse Gases: Congressional Responses and Options*, by James E. McCarthy; and CRS Report R43227, *Federal Climate Change Funding from FY2008 to FY2014*, by Jane A. Leggett, Richard K. Lattanzio, and Emily Bruner.

³⁸ See footnote 30.

³⁹ *Massachusetts v. EPA*, 549 U.S. 497 (2007). See CRS Report RS22665, *The Supreme Court's First Climate Change Decision: Massachusetts v. EPA*, by Robert Meltz.

⁴⁰ It is difficult to compare the FY2016 funding levels for all program activities with previous fiscal years' appropriations, as, from year to year, EPA has sometimes modified the line items under which funding for climate-protection-related program activities is requested. For example, for FY2012, the conferees accepted the Administration's proposed budget reorganization of certain air quality and climate protection program activities, including consolidation and modifications of various line items, making it difficult to compare FY2012 appropriations with FY2011 (and prior year) appropriations.

strategic objective: “Addressing Climate Change and Improving Air Quality.” The FY2015 enacted level cited by EPA was \$992.7 million for this performance goal, including \$190.7 million to “address climate change.”⁴¹ According to the EPA’s FY2016 Congressional Justification, the FY2016 request includes \$214.0 million for EPA “to support regulatory activities and partnership programs to reduce GHG emissions domestically and internationally.”⁴² The FY2016 request proposes funding support for programmatic activities throughout the appropriations accounts related to EPA’s CPP, including \$25.0 million within the STAG account for grants to help states develop their CPP strategies.⁴³

Table 3. Appropriations for Selected EPA Air Quality Research and Implementation Activities by Account: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

Account/Program Area	FY2015 President’s Request	FY2015 Enacted P.L. 113-235	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
Science and Technology Account					
Clean Air and Climate	\$118.5	\$116.5	\$124.8	\$107.7	\$106.0
<i>Clean Air Allowance Trading Program</i>	\$8.4	—	\$7.8	—	—
<i>Climate Protection Program</i>	\$8.0	\$8.0	\$8.1	\$8.0	\$8.0
<i>Federal Support for Air Quality Management</i>	\$7.0	—	\$8.5	—	—
<i>Federal Vehicle & Fuels Standards & Certification</i>	\$95.0	—	\$100.4	—	—
Indoor Air and Radiation	\$6.1	\$6.0	\$6.6	\$6.0	\$6.2
<i>Indoor Air: Radon Program</i>	\$0.0	\$0.2	\$0.0	—	—
<i>Reduce Risks from Indoor Air</i>	\$0.4	—	\$0.4	—	—
<i>Radiation: Protection</i>	\$2.0	—	\$2.2	—	—
<i>Radiation: Response Preparedness</i>	\$3.7	—	\$4.0	—	—
Research: Air, Climate and Energy	\$101.9	\$91.9	\$100.3	\$88.3	\$90.4
Environmental Programs and Management					
Clean Air and Climate	\$305.7	\$273.1	\$336.9	\$247.5	\$248.6
<i>Clean Air Allowance Trading Program</i>	\$18.3	—	\$18.4	—	—
<i>Climate Protection Program</i>	\$104.0	\$95.4	\$109.6	\$85.2	\$85.9
<i>Federal Stationary Source Regulations</i>	\$32.9	—	\$37.5	—	—
<i>Federal Support for Air Quality Management</i>	\$136.4	—	\$157.3	—	—
<i>Stratospheric Ozone: Domestic Programs</i>	\$5.0	—	\$5.0	—	—
<i>Stratospheric Ozone: Multilateral Fund</i>	\$9.1	—	\$9.1	—	—
Indoor Air and Radiation	\$30.2	\$27.6	\$30.3	\$29.2	\$28.3

⁴¹ See footnote 5, EPA’s FY2016 *Budget in Brief*, pp. 13-21, and EPA’s FY2016 Congressional Justification, p. 7.

⁴² See footnote 5, EPA’s FY2016 Congressional Justification, p. 20.

⁴³ See footnote 5, EPA’s *Budget in Brief*, p. 108.

Account/Program Area	FY2015 President's Request	FY2015 Enacted P.L. 113-235	FY2016 President's Request	FY2016 H.R. 2822	FY2016 S. 1645
<i>Indoor Air: Radon Program</i>	\$3.4	—	\$3.4	—	—
<i>Radiation: Protection</i>	\$9.1	—	\$9.5	—	—
<i>Radiation: Response Preparedness</i>	\$3.1	—	\$3.3	—	—
<i>Reduce Risks from Indoor Air</i>	\$14.6	—	\$14.1	—	—
Hazardous Substance Superfund Account					
Indoor Air and Radiation: Radiation Protection	\$2.0	\$2.0	\$2.2	\$2.0	\$2.1
State and Tribal Assistance Grants Account					
Diesel Emissions Reduction Grants	\$0.0	\$30.0	\$10.0	\$50.0	\$20.0
Targeted Airshed Grants	\$0.0	\$10.0	\$0.0	\$20.0	\$15.0
Radon	\$0.0	\$8.1	\$0.0	\$8.1	\$8.1
State & Local Air Quality Management Grants	\$243.2	\$228.2	\$268.2	\$228.2	\$228.2
Tribal Air Quality Management Grants	\$12.8	\$12.8	\$12.8	\$12.8	\$12.8

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Notes: The “—” denoted in the table indicates that comparable data are unavailable. It is difficult to compare the FY2016 request with the amounts proposed for FY2016 in the House and Senate committee-reported bills and FY2015 enacted amounts for all program activities with previous fiscal years’ appropriations because, from year to year, EPA has sometimes modified the line items under which funding for climate protection related program activities is requested.

The FY2016 budget request also introduced the concept for an EPA-administered incentive fund for states choosing to go beyond the requirements of the Administration’s CPP. The Administration’s proposal was the topic of interest to some Members. Although not included in the total FY2016 funding request for EPA, the “Clean Power State Incentive Fund” as introduced would have been created to provide \$4 billion to support states exceeding the established minimum requirements for the pace and extent of achieving carbon pollution reductions from the power sector. EPA appears to have supplanted the original proposed incentive fund concept with the proposed “Clean Energy Incentive Program” (CEIP), introduced as part of the CPP on August 3, 2015.⁴⁴ A voluntary matching fund program, the CEIP will allow states to “borrow” emissions from their state plans during the 2022 to 2029 period and, with a match from EPA,⁴⁵ provide them to suppliers of eligible renewable energy or energy efficiency projects in low income communities. Those projects must demonstrably reduce or avoid carbon dioxide emissions. EPA has solicited comments on several aspects of the CEIP.

State and Local Air Quality Management grants are the single largest air quality activity funded within the EPA STAG appropriations account (see also discussion under “Categorical Grants”).

⁴⁴ See EPA, “Fact Sheet: Clean Energy Incentive Program (CEIP),” <http://www.epa.gov/airquality/cpp/fs-cpp-ceip.pdf>. The CEIP fact sheet and other materials related to the CPP is available at <http://www2.epa.gov/cleanpowerplan/clean-power-plan-existing-power-plants#additional-resources>.

⁴⁵ EPA’s share of the emission reduction credits will come from a reserve it established in the rule.

The House and Senate committee-reported bills proposes \$228.2 million, the same as the FY2015 enacted but \$40.0 million (14.9%) less than the requested amount of \$268.2 million. States use these grants to help pay the costs of operating air pollution control programs. Much of the day-to-day operations of these programs (i.e., monitoring, permitting, enforcement, and developing site-specific regulations) are done largely by the state and local agencies with CAA authorities delegated by EPA. The National Association of Clean Air Agencies (NACAA) testified that state and local air pollution control agencies would need amounts “far greater than the \$40-million proposed increase” to handle new and ongoing state and local air quality implementation activities.⁴⁶

In the STAG appropriations account, the President’s FY2016 request proposal to reduce funds for the Diesel Emission Reduction Assistance (DERA) grant program to \$10.0 million compared to \$20.0 million enacted for FY2015 has been a concern to some Members of Congress. The House committee-reported bill would provide \$50.0 million for the DERA grants for FY2016, \$40.0 million more than the FY2016 requested level and \$20.0 million more than enacted for FY2015. The Senate committee-reported bill proposes \$20.0 million for the program for FY2016, \$10.0 million more than the FY2016 request but \$10.0 million less than the FY2015 enacted level. The President’s FY2015 budget request had proposed no funding for the DERA grant program.

Also within the STAG account, the House and Senate committee-reported bills would also reinstate funding for state indoor radon (categorical) grants at the FY2015 level of \$8.1 million. The President’s FY2016 request proposed eliminating the radon grant program, noting that states had established the necessary technical expertise and program funding in place to continue radon protection efforts without federal funding.

Wastewater and Drinking Water Infrastructure⁴⁷

The State Revolving Funds (SRFs) help finance local wastewater and drinking water infrastructure projects, such as constructing and modifying municipal sewage treatment plants and drinking water treatment plants, to facilitate compliance with the Clean Water Act and the Safe Drinking Water Act, respectively. Clean Water State Revolving Fund (CWSRF) capitalization grants are awarded to states according to a statutory formula established in the Clean Water Act. Drinking Water State Revolving Fund (DWSRF) capitalization grants under the Safe Drinking Water Act are awarded among the states based on a formula developed administratively by EPA using the results of a drinking water needs survey.

Historically, funding within the EPA STAG account for grants to aid states and territories in capitalizing their CWSRFs and DWSRFs has represented a sizable portion of the total appropriations for EPA, ranging from one-fourth to one-third of the agency’s funding in recent fiscal years.⁴⁸ For a 10-year historical perspective of SRF funding, see **Table A-1 in Appendix A**. Since FY2010, funding amounts for the CWSRF have been higher than that for the DWSRF.

⁴⁶ NACAA testimony provided to the Senate Appropriations Committee Subcommittee on Interior, Environment, and Related Agencies Regarding the FY 2016 Budget for the U.S. Environmental Protection Agency, April 23, 2015, http://www.4cleanair.org/sites/default/files/Documents/Testimony_Senate_NACAA_FY16.pdf, and to the House Appropriations Subcommittee on March 24, 2015, http://www.4cleanair.org/sites/default/files/Documents/Testimony_House_NACAA_FY16.pdf.

⁴⁷ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland; and CRS Report RS22037, *Drinking Water State Revolving Fund (DWSRF): Program Overview and Issues*, by Mary Tiemann.

⁴⁸ The SRFs received an additional \$6.00 billion in the American Recovery and Reinvestment Act (ARRA) of 2009 (continued...)

For FY2016, the President’s budget had proposed a higher level for the DWSRF than the CWSRF, citing increased comparative needs for drinking water infrastructure maintenance and improvements.⁴⁹ The largest dollar amount decrease proposed in any proportion of the President’s FY2016 request for EPA would have been for the CWSRF within the STAG account. The CWSRF funding would have declined by \$332.9 million (23.0%) compared to FY2015 enacted; however, the proposed FY2016 requested funding for the DWSRF would have been an increase of \$279.1 million (30.8%) compared to the FY2015 enacted for the DWSRF. As presented in **Table 4**, the House and Senate committee-reported bills both propose higher funding for the CWSRF than for DWSRF, but funding for each of the SRFs is below the FY2016 requested and FY2015 enacted levels.

The \$1.02 billion included for the CWSRF in H.R. 2822 as reported is \$98.0 million (8.8%) less than the FY2016 request and \$430.9 million less than the FY2015 enacted level; the \$757.0 million included for the DWSRF is \$429.0 million (36.2%) less than requested for FY2016 and \$149.9 million (16.5%) less than the FY2015 level. The funding proposed for FY2016 in the House committee-reported bill is the same as the President’s budget request for FY2015. The \$1.05 billion included for the CWSRF in S. 1645 is \$69.0 million (6.2%) less than the FY2016 request and \$401.9 million (27.7%) below the FY2015 enacted level; the \$775.9 million included for the DWSRF is \$410.1 million (34.6%) below the FY2016 request and \$131.0 million (14.4%) less than enacted for FY2015.

Table 4. Appropriations for Clean Water and Drinking Water State Revolving Fund (SRF) Capitalization Grants: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

SRF	FY2015 President’s Request	FY2015 Enacted P.L. 113-235	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
Clean Water	\$1,018.0	\$1,448.9	\$1,116.0	\$1,018.0	\$1,047.0
Drinking Water	\$757.0	\$906.9	\$1,186.0	\$757.0	\$775.9
Total SRF Appropriations	\$1,775.0	\$2,355.8	\$2,302.0	\$1,775.0	\$1,822.9

Source: Prepared by CRS. The FY2015 requested amounts are as presented in Congressional Record, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

An ongoing issue for Congress has been the extent of federal financial assistance needed to help states maintain sufficient capital in their SRFs to meet local water infrastructure needs. Capital needs for water infrastructure, as demonstrated in EPA-state surveys, remain high. While expressing recognition of the importance of the SRFs, some Members have contended that funding these accounts through regular appropriations is unsustainable. Some advocates of a prominent federal role have cited estimates of hundreds of billions of dollars in long-term needs

(...continued)

(P.L. 111-5) and a 130% increase above the FY2008 and FY2009 regular appropriations levels for FY2010.

⁴⁹ See EPA Administrator Gina McCarthy’s statement and response to questions during the House and Senate Appropriations Committee hearings regarding EPA appropriations; see also **Appendix C**.

among communities, and the expansion of federal water quality requirements over time, as reasons for maintaining or increasing the level of federal financial assistance. Others have called for more self-reliance among state and local governments in meeting water infrastructure needs within their respective jurisdictions.

Water Infrastructure Finance and Innovation Act of 2013 (WIFIA)

Beyond the SRF program, Congress continues to consider alternative financing approaches for water infrastructure. Enacted in June 2014, the Water Resources Development Act of 2014 (P.L. 113-121, H.R. 3080) includes in Title V, Subtitle C, the Water Infrastructure Finance and Innovation Act of 2013 (WIFIA). In WIFIA, Congress authorized a pilot loan guarantee program to test the ability of innovative financing tools to promote increased development of, and private investment in, water infrastructure projects.⁵⁰ The Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235), appropriated \$2.2 million for implementation preparation for FY2015.⁵¹ (See **Table 6** under “Other Water Quality Program Activities” below.) H.R. 2822 and S. 1645 as reported do not include funds for project financing. However, in the reports accompanying the committee-reported bills, the House committee proposes \$4.4 million and the Senate committee proposes \$5.0 million—the same as the FY2016 request—for EPA’s preparations to implement the program.

Geographic-Specific/Ecosystem Restoration Programs

The EPM appropriations account includes funding for several geographic-specific/ecosystem restoration programs to address certain environmental and human health risks in a number of identified areas of the United States. The funding adequacy for these geographic programs garnered attention during the FY2016 appropriations debate, as in previous fiscal years. Included are funding for the National Estuary Program and Coastal Waterways program area and for certain specific water bodies including the Great Lakes⁵² and the Chesapeake Bay.⁵³ These programs often involve collaboration among EPA, state and local governments, communities, nonprofit organizations, and individual citizens. Comparison of FY2016 proposed and FY2015 enacted funding for these geographic and ecosystem programs is presented in **Table 5**.

⁵⁰ The act authorizes to be appropriated to the Secretary of the Interior and the EPA Administrator \$20 million each for FY2015 and \$25 million each for FY2016, with amounts increasing annually to \$50 million each for FY2019. See CRS Report R43315, *Water Infrastructure Financing: The Water Infrastructure Finance and Innovation Act (WIFIA) Program*, by Claudia Copeland. See also relevant discussion in CRS Report RS22037, *Drinking Water State Revolving Fund (DWSRF): Program Overview and Issues*, by Mary Tiemann.

⁵¹ The FY2015 enacted appropriation of \$2.2 million for activities under WIFIA was specified in the *Congressional Record*, vol. 160, no. 151 (December 11, 2014), p. H9767, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>.

⁵² The Great Lakes Interagency Task Force was established by executive order in 2004. In FY2010, President Obama proposed the establishment of a Great Lakes Restoration Initiative, which Congress subsequently approved in the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88). Projects and programs are to be implemented through grants and cooperative agreements with states, tribes, municipalities, universities, and other organizations. For more information, see <http://www.epa.gov/glnpo/iatf/index.html>.

⁵³ Issued in May 2009, Executive Order 13508, “Chesapeake Bay Protection and Restoration,” directed federal departments and agencies to exercise greater leadership in implementing their existing authorities to restore the bay.

Table 5. Appropriations for Selected Geographic/Ecosystem Programs: FY2015 President's Budget Request and Enacted, FY2016 President's Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

EPM Account Geographic/Ecosystem Program	FY2015 President's Request	FY2015 Enacted P.L. 113- 235	FY2016 President's Request	FY2016 H.R. 2822	FY2016 S. 1645
Water: Ecosystems Total	\$50.9	\$47.8	\$50.6	\$45.0	\$47.8
<i>National Estuary Program</i>	\$26.7	\$26.7	\$27.3	\$25.1	\$27.3
<i>Wetlands</i>	\$24.2	\$21.1	\$23.3	\$19.9	\$20.5
Geographic Programs Total	\$394.3	\$427.7	\$370.4	\$403.5	\$432.5
<i>Great Lakes Restoration Initiative^a</i>	\$275.0	\$300.0	\$250.0	\$300.0	\$300.0
<i>Chesapeake Bay Program</i>	\$73.1	\$73.0	\$70.0	\$60.0	\$73.0
<i>San Francisco Bay</i>	\$4.8	\$4.8	\$4.0	\$4.0	\$4.8
<i>Puget Sound</i>	\$25.0	\$28.0	\$30.0	\$28.0	\$30.0
<i>Long Island Sound</i>	\$2.9	\$3.9	\$2.9	\$3.9	\$3.9
<i>Gulf of Mexico</i>	\$3.8	\$4.5	\$3.9	\$3.9	\$8.1
<i>South Florida</i>	\$1.4	\$1.7	\$1.3	\$1.3	\$1.3
<i>Lake Champlain</i>	\$1.4	\$4.4	\$1.4	\$1.4	\$4.4
<i>Lake Pontchartrain</i>	\$0.9	\$0.9	\$0.9	\$0.9	\$0.9
<i>Southern New England Estuaries^b</i>	\$5.0	\$5.0	\$5.0	\$0.0	\$5.0
<i>Other Geographic Activities</i>	\$1.0	\$1.4	\$0.9	\$0.0	\$0.9
All Selected Programs	\$445.2	\$475.5	\$421.0	\$448.5	\$480.3

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Notes:

- Funding for the Great Lakes Legacy Act and for EPA's Great Lakes Program was moved to the Great Lakes Restoration Initiative in FY2010.
- This program is referred to as the "Southeast New England Coastal Watershed Restoration Program (SNECWRP)" in the EPA FY2016 Congressional Justification.

Other Water Quality Program Activities⁵⁴

The FY2016 request proposed increases for several water quality state and tribal grant programs (including CWA Section 106 grants, Section 319 grants, and wetlands program development grants within the STAG account) but again requested reductions and no funding for certain other program activities, including the BEACHES grant program. The FY2015 enacted and proposed

⁵⁴ See CRS Report R43867, *Water Quality Issues in the 114th Congress: An Overview*, by Claudia Copeland.

funding levels for these grants are presented **Table 6** below and also in **Table 7** under “Categorical Grants” later in this report.

As in past EPA appropriations within the STAG account, funding was also included for FY2015 to support water infrastructure projects in two geographic-specific areas: Alaska Native Villages and the U.S.-Mexico Border region. As presented in **Table 2** earlier in this report and in **Table 6** below, the Senate committee-reported bill proposes \$20.0 million for the construction of wastewater and drinking water facilities in Alaska Native Villages for FY2016. The House committee-reported bill proposes \$10.0 million, the same as the President’s FY2016 request and enacted for FY2015. The Senate committee-reported bill proposes \$10.0 million within the STAG account for wastewater infrastructure projects along the U.S.-Mexico border, compared to \$5.0 million as proposed in the House committee-reported bill and the President’s FY2016 request and enacted for FY2015.

Overall, funding for EPA’s programmatic efforts to protect water quality is proposed and appropriated primarily for three sub-account program activities within the S&T and EPM appropriation accounts: (1) “Research: Safe and Sustainable Water” and “Research: National Priorities” in the S&T account; (2) “Water: Ecosystem,” “Water Quality Protection,” and “Environment: National Priorities” in the EPM account; and (3) “Water: Human Health Protection” in both accounts. EPA presents additional categorizations of each of the sub-account activities in its congressional budget justification. However, these itemizations have not generally been explicitly presented in the appropriations tables for EPA included in the reports accompanying proposed and enacted appropriations.

H.R. 2822 and S. 1645 as reported would generally fund the program activities identified above for FY2016 at or near the FY2015 enacted levels, while the FY2016 request would be above FY2015 levels, although there are some exceptions. For example, the House committee-reported bill would adopt the FY2016 requested proposal to eliminate the grants for beach protection (i.e., BEACHES grants), but the Senate committee-reported bill would fund the program at the FY2015 enacted level. (See also discussion under “Categorical Grants.”) Comparison of the FY2015 enacted and FY2016 proposed funding for these activities by account is presented in **Table 6**.

Table 6. Appropriations for Selected EPA Water Quality Research and Implementation Activities by Account: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

Account/Program Area	FY2015 President’s Request	FY2015 Enacted P.L. 113- 235	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
Science and Technology Account					
Research: Safe and Sustainable Water	\$144.1	\$107.4	\$111.0	\$102.6	\$104.9
Water: Human Health Protection	\$3.7	\$3.5	\$3.8	\$3.5	\$3.7
-Drinking Water Programs	\$3.7	—	\$3.8	—	—
Research: National Priorities (Congressional Priorities-Water Quality Research and Support Grants)	\$0.0	\$4.1	\$0.0	\$7.1	\$4.1

Account/Program Area	FY2015 President's Request	FY2015 Enacted P.L. 113- 235	FY2016 President's Request	FY2016 H.R. 2822	FY2016 S. 1645
Environmental Programs and Management					
Water: Ecosystem	\$50.9	\$47.8	\$50.6	\$45.0	\$47.8
-National Estuary Program/Coastal Waterways	\$26.7	\$26.7	\$27.3	\$25.1	\$27.3
-Wetlands	\$24.2	\$21.1	\$23.2	\$19.9	\$20.5
Water: Human Health Protection	\$101.7	\$98.5	\$125.8	\$93.3	\$97.5
-Beach/Fish Programs	\$0.7	—	\$0.7	—	—
-Drinking Water Programs	\$100.9	—	\$125.0	—	—
Water Quality Protection	\$224.4	\$210.4	\$254.3	\$192.5	\$195.3
-Marine Pollution	\$10.6	—	\$10.5	—	—
-Surface Water Protection	\$213.8	—	\$238.8	—	—
-Water Infrastructure Finance and Innovation ^a	N/A	\$2.2	\$5.0	\$4.4	\$5.0
Environment: National Priorities (Congressional Priorities-Water Quality Research and Support Grants)	\$0.0	\$12.7	\$0.0	\$12.7	\$15.0
State and Tribal Assistance Grants Account					
Infrastructure: Assistance: Alaska Native Villages	\$10.0	\$10.0	\$10.0	\$10.0	\$20.0
Infrastructure: Mexico Border	\$5.0	\$5.0	\$5.0	\$5.0	\$10.0
Categorical Grants					
-Beaches Protection	\$0.0	\$9.5	\$0.0	\$0.0	\$9.5
-Nonpoint Source (Sec. 319)	\$164.9	\$159.3	\$164.9	\$159.3	\$164.9
-Public Water System Supervision (PWSS)	\$109.7	\$102.0	\$109.7	\$102.0	\$102.0
-Pollution Control (Sec.106)	\$249.2	\$230.8	\$249.2	\$230.8	\$230.8
Monitoring Grants	\$18.5	\$17.8	\$18.5	\$17.8	\$17.8
Other Activities	\$230.7	—	\$230.7	—	—
-Wetlands Program Development	\$14.7	\$14.7	\$19.7	\$14.7	\$14.7

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Note: The “—” denoted in the table indicates that comparable data are unavailable. It is difficult to compare the requested and enacted amounts for all program activities, as EPA’s Congressional Justifications in some cases provided more detailed funding for certain sub-activities that are not always specified in the House and Senate Appropriations Committee reports.

a. The FY2015 enacted appropriation of \$2.2 million for activities under WIFIA was specified in the *Congressional Record*, vol. 160, no. 151 (December 11, 2014), p. H9767, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. The \$4.4 million proposed by the House Appropriations Committee is

specified in the committee report, H.Rept. 114-170 (p. 54); the \$5.5 million proposed by the Senate Appropriations Committee is specified in its report, S.Rept. 114-70 (p. 53).

Categorical Grants

Funds appropriated for “categorical” grants are allocated among multiple grant programs for various activities within a particular media program (air, water, hazardous waste, etc.) and are generally used to support the states’ day-to-day implementation of environmental laws, including a range of activities such as monitoring, permitting, standard setting, training, and other pollution control and prevention activities. These grants also assist multimedia projects such as pollution prevention incentive grants, pesticides and toxic substances enforcement, the tribal general assistance program, and environmental information.

Table 7 below provides a comparison of H.R. 2822 and S. 1645 as reported with the President’s FY2016 request and FY2015 enacted and requested levels. H.R. 2822 as reported includes \$1.04 billion to support state and tribal categorical grant programs within the STAG account, \$117.6 million (10.1%) below the President’s FY2016 budget request of \$1.16 billion and \$9.6 million (0.9%) less than the FY2015 enacted appropriation of \$1.05 billion. S. 1645 as reported would provide \$1.06 billion for categorical grants, \$102.4 million (8.8%) below the FY2016 request but \$5.6 million (0.5%) above the FY2015 enacted level. The \$108.0 million (10.2%) proposed increase above the FY2015 enacted level included in the President’s FY2016 request for the categorical grants within STAG account was larger in dollar terms than for the other EPA appropriations accounts, with the exception of the EPM account.

The House committee adopted the FY2016 request’s proposal to eliminate the grants for beach protection,⁵⁵ but the Senate committee-reported bill would retain funding for the program at the FY2015 level of \$9.5 million. Both committee-reported bills did not adopt the requested proposal to eliminate funding for radon grants for FY2016 and would retain grant funding at the FY2015 level of \$8.1 million.⁵⁶

Table 7. Appropriations for Categorical Grants within the State and Tribal Assistance Grants (STAG) Account: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

STAG Account Categorical Grant Program Area	FY2015 President’s Request	FY2015 Enacted P.L. 113- 235	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
Beaches Protection	\$0.0	\$9.5	\$0.0	\$0.0	\$9.5

⁵⁵ The Administration’s rationale for proposing to terminate funding for the Beaches Protection categorical grant for FY2016 (and other recent fiscal years) was that non-federal agencies have the capacity to run their own programs as a result of 10 years of this federal assistance.

⁵⁶ The Administration asserted that the states had developed the technical expertise and procedures to continue these efforts without federal grant assistance. For more detailed discussion of the proposed elimination of these programs and other related terminations, reductions, see OMB, *Fiscal Year 2016 Budget of the United States: Cuts, Consolidations, and Savings*, <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/ccs.pdf>. See brief overview descriptions of these and other terminations in EPA, *FY2013 Congressional Justification: Highlights of Major Budget Changes*, pp. 13-19, <http://www.epa.gov/planandbudget/annualplan/fy2013.html#FY13budget>.

STAG Account Categorical Grant Program Area	FY2015 President's Request	FY2015 Enacted P.L. 113- 235	FY2016 President's Request	FY2016 H.R. 2822	FY2016 S. 1645
Brownfields	\$47.7	\$47.7	\$49.5	\$47.7	\$47.7
Environmental Information	\$25.7	\$9.6	\$25.3	\$9.6	\$9.6
Hazardous Waste Financial Assistance	\$99.6	\$99.7	\$99.7	\$99.7	\$99.7
Lead	\$14.0	\$14.0	\$14.0	\$14.0	\$14.0
Nonpoint Source (CWA Sec. 319)	\$164.9	\$159.3	\$164.9	\$159.3	\$164.9
Pesticides Enforcement	\$18.0	\$18.0	\$18.0	\$18.0	\$18.0
Pesticides Program Implementation	\$12.7	\$12.7	\$13.2	\$12.7	\$12.7
Pollution Control (CWA Sec. 106)	\$249.2	\$230.8	\$249.2	\$230.8	\$230.8
Monitoring Grants	\$18.5	\$17.8	\$18.5	\$17.8	\$17.8
Other Activities	\$230.7	—	\$230.7	—	—
Pollution Prevention	\$4.8	\$4.8	\$4.8	\$4.8	\$4.8
Public Water System Supervisions (PWSS)	\$109.7	\$102.0	\$109.7	\$102.0	\$102.0
Radon	\$0.0	\$8.1	\$0.0	\$8.1	\$8.1
State and Local Air Quality Management	\$243.2	\$228.2	\$268.2	\$228.2	\$228.2
Toxic Substances Compliance	\$4.9	\$4.9	\$4.9	\$4.9	\$4.9
Tribal Air Quality Management	\$12.8	\$12.8	\$12.8	\$12.8	\$12.8
Tribal General Assistance Program (GAP)	\$96.4	\$65.5	\$96.4	\$65.5	\$65.5
Underground Injection Control (UIC)	\$10.5	\$10.5	\$10.5	\$10.5	\$10.5
Underground Storage Tanks	\$1.5	\$1.5	\$1.5	\$1.5	\$1.5
Wetlands Program Development	\$14.7	\$14.7	\$19.7	\$14.7	\$14.7
Total Categorical Grants	\$1,130.4	\$1,054.4	\$1,162.4	\$1,044.8	\$1,060.0

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Environmental Remediation

Most of the federal statutes that EPA administers focus on preventing potentially harmful levels of pollution in order to protect human health and the environment. As a complement to this objective, some statutes also authorize EPA to address environmental contamination that occurred from past pollution before regulatory requirements were put into place or that may occur more recently from violations of regulatory requirements. Thousands of contaminated sites exist across the United States, ranging widely in terms of their size, complexity, level of hazard, and type and cause of the contamination. The states address the remediation of most contaminated sites under their own authorities, and the federal role generally focuses on higher risk sites elevated for priority federal attention and those located on federal lands.

The three principal EPA environmental remediation programs in terms of funding and national scope are the Superfund, Underground Storage Tank, and Brownfields programs.⁵⁷ The Superfund program addresses sites contaminated from releases of hazardous substances, pollutants, or contaminants into the environment but does not cover oil or petroleum products. Although EPA is responsible for coordinating the federal response to oil spills within the inland zone, the funding is administered by the U.S. Coast Guard from the Oil Spill Liability Trust Fund. The EPA Inland Oil Spill Response account primarily funds EPA emergency preparedness in the event of a spill. (Funding for this account is presented in **Table 2** under “EPA’s FY2016 Proposed Funding by Appropriations Account.”) The Underground Storage Tank program focuses on the remediation of petroleum leaked from underground tanks but also addresses leak detection and prevention for tanks that store either petroleum or hazardous substances. The Brownfields program addresses the remediation of sites contaminated with hazardous substances or petroleum but generally focuses on lower risk sites not addressed under the Superfund or Underground Storage Tank programs.

Cleanup of Superfund Sites⁵⁸

The Hazardous Substance Superfund account (hereinafter referred to as the Superfund account) supports the assessment and cleanup of contaminated sites administered under EPA’s Superfund program.⁵⁹ CERCLA authorized this program and established the Superfund Trust Fund to finance discretionary appropriations to fund it.⁶⁰ As indicated in **Table 8**, H.R. 2822 as reported would provide a total of \$1.09 billion for the Superfund account for FY2016 (prior to transfers to other EPA accounts), the same as the FY2015 enacted appropriations but \$65.1 million (5.6%) below the FY2016 request. S. 1645 as reported would provide \$1.11 billion, \$18.0 million (1.7%) more than the House committee-reported bill and FY2015 enacted levels but \$47.0 million (4.1%) less than requested for FY2016. Funding levels for the Superfund account have declined each fiscal year since FY2010. Prior to that time, Superfund appropriations had continued at an average level of approximately \$1.25 billion annually for over a decade, with the exception of \$600.0 million in supplemental funds for remedial actions provided for FY2009 in P.L. 111-5. (Total FY2009 enacted funding for the account was \$1.88 billion.)

CERCLA authorizes two types of cleanup actions at individual sites. Remedial actions are intended to address long-term risks to human health and the environment, whereas removal actions are intended to address more imminent hazards or emergency situations. In the Superfund cleanup process, removal actions may precede remedial actions to stabilize site conditions while remedial actions are developed and constructed. Only sites listed on the National Priorities List

⁵⁷ Under the Solid Waste Disposal Act (also referred to as the Resource Conservation and Recovery Act, or RCRA), EPA is authorized to enforce corrective actions against facility owners or operators to remediate contamination from hazardous wastes. EPA has delegated this enforcement role to most states. This enforcement role involves oversight of the performance of corrective actions by facility owners or operators at their expense and does not involve EPA funding to carry out these actions.

⁵⁸ This section was written by David M. Bearden, Specialist in Environmental Policy, CRS Resources, Science, and Industry Division.

⁵⁹ Cleanup may involve a range of measures to prevent potentially harmful levels of exposure to contamination and does not necessarily involve the physical cleanup or removal of all contamination in every instance. For example, cleanup measures (i.e., response actions) may include restricting access to contaminated areas, capping waste in place, or providing alternative water supplies.

⁶⁰ CERCLA (42 U.S.C. §9601 et seq.) requires responsible parties to pay for the cleanup of environmental contamination and authorizes the cleanup of sites where the responsible parties cannot pay or cannot be found. See CRS Report R41039, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act*, by David M. Bearden.

(NPL) are eligible for Superfund appropriations to pay for remedial actions, whereas removal actions may be funded with Superfund appropriations regardless of whether a site is listed on the NPL.⁶¹ The pace of long-term cleanup efforts at many sites has raised concerns among Members of Congress, states, and affected communities about the adequacy of funding for remedial projects.

Most of the funding within the Superfund account is allocated to the cleanup of sites that EPA has placed on the NPL. Debate regarding the sufficiency of funding for the Superfund program has centered primarily on the pace and adequacy of cleanup at these sites. The source of funding for the program has also been an issue. There has been some interest in reinstating Superfund taxes on industry to help support the Superfund Trust Fund.⁶² Congress appropriates monies out of this trust fund to support EPA's Superfund program.⁶³

Table 8. Appropriations for the Hazardous Substance Superfund Account: FY2015 President's Budget Request and Enacted, FY2016 President's Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

Program Area and Transfers to Other EPA Accounts	FY2015 President's Request	FY2015 Enacted P.L. 113-235	FY2016 President's Request	FY2016 H.R. 2822	FY2016 S. 1645
Remedial	\$543.4	\$501.0	\$539.6	\$515.5	\$520.6
Emergency Response and Removal	\$187.0	\$181.3	\$190.7	\$181.3	\$182.5
Federal Facilities (Oversight)	\$24.8	\$21.1	\$26.3	\$21.1	\$21.7
(EPA) Emergency Preparedness	\$7.6	\$7.6	\$7.8	\$7.6	\$7.8
Audits, Evaluations, & Investigations	\$11.1	\$9.9	\$8.5	\$8.5	\$8.5
Enforcement	\$170.9	\$166.4	\$173.3	\$160.4	\$166.2
Operations and Administration	\$137.3	\$128.1	\$137.3	\$125.5	\$130.0
Homeland Security	\$36.9	\$36.4	\$33.8	\$33.8	\$33.8
Other Program Areas	\$37.6	\$37.0	\$36.5	\$35.1	\$35.7
Total Superfund Account	\$1,156.6	\$1,088.8	\$1,153.8	\$1,088.8	\$1,106.8
-Transfer to Science and Technology	-\$26.8	-\$18.9	-\$16.2	-\$16.2	-\$16.2
-Transfer to Office of Inspector General	-\$10.0	-\$9.9	-\$8.5	-\$8.5	-\$8.5
Superfund Account After Transfers^a	\$1,126.7	\$1,060.0	\$1,129.2	\$1,064.1	\$1,082.1

⁶¹ 40 C.F.R. §300.425(b).

⁶² The Superfund tax consisted of two excise taxes—one on petroleum and one on chemical feedstocks—and a special environmental tax on corporate income. The authority to collect these taxes expired on December 31, 1995. Superfund tax reauthorization legislation has been introduced in each Congress since the taxing authority expired at the end of 1995.

⁶³ The President's FY2015 budget request included a proposal to reinstate Superfund taxes beginning in tax year 2015 and ending in tax year 2024, which would be subject to the enactment of reauthorizing legislation. Reauthorization legislation has not been enacted to date in any Congress since 1995. P.L. 113-235 did not include language to reauthorize Superfund taxes.

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Notes:

- a. Although H.R. 2822, as reported by the House Appropriations Committee, did not include explicit statutory authority within the Superfund account to transfer funds to the Science and Technology account and the Office of Inspector General account, the committee's report on the bill did recommend funding within the Superfund account for the activities that had been supported by these transfers in past years (Research, and Audits, Evaluations, and Investigations). In its report, the committee continued to present these amounts as transfers, which would appear to presume that EPA would have some other authority to execute the transfers, as transfers among accounts must generally be authorized in law (31 U.S.C. §1532).

As reported by the House Appropriations Committee, Section 427 of H.R. 2822 would prohibit EPA from using any funds that would be provided in that bill for the agency to “develop, propose, finalize, implement, enforce, or administer” Superfund financial responsibility requirements for facilities that manage hazardous substances. A similar general provision is not included in S. 1645 as reported. Section 108(b) of CERCLA directed the President to identify the initial classes of facilities that would be subject to these requirements no later than December 11, 1983, and to promulgate the requirements *no earlier* than December 11, 1985. Section 108(b) stated that the purpose of the requirements is for facilities to “establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances.”⁶⁴ Implementation of Section 108(b) is delegated to EPA by executive order, with the exception of transportation facilities delegated to the Department of Transportation.⁶⁵

Brownfields⁶⁶

EPA administers a separate Brownfields program to provide financial assistance for the assessment and cleanup of sites not addressed under the Superfund program but where the known or suspected presence of contamination may present an impediment to economic redevelopment or property reuse. Funding for EPA's Brownfields program awards two different categories of grants, one competitive and one formula-based. Section 104(k) of CERCLA authorizes EPA to award competitive grants to state, local, and tribal governmental entities for the assessment and remediation of eligible brownfields sites, job training for cleanup workers, and technical assistance.⁶⁷ Section 128 authorizes EPA to award formula-based grants to help states and tribes enhance their own similar cleanup programs. These grants are funded within the STAG account, whereas EPA's expenses to administer the Brownfields program are funded within the EPM account.

As indicated in **Table 9**, within the two accounts, House committee-reported H.R. 2822 includes a combined \$146.4 million for EPA's Brownfields program for FY2016, \$6.9 million (4.5%) less than the combined total of \$153.3 million proposed for FY2016 in Senate committee-reported S. 1645, and \$42.7 million (22.6%) below the President's FY2016 request of \$189.1 million. **Table**

⁶⁴ 42 U.S.C. §9608(b).

⁶⁵ Executive Order 12580, “Superfund Implementation,” 52 *Federal Register* 2923, January 23, 1987.

⁶⁶ This section was written by David M. Bearden, Specialist in Environmental Policy, CRS Resources, Science, and Industry Division.

⁶⁷ Nonprofit organizations may also be eligible for site-specific remediation grants subject to a determination by EPA based on certain statutory criteria.

9 provides a comparative breakout of funding proposed for FY2016 and enacted for FY2015 within the EPM account, and within the STAG account, for Section 104(k) grants and for Section 128 grants.

Table 9. Appropriations for EPA’s Brownfields Program by Account: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645

(millions of dollars, not adjusted for inflation)

Account/ Program Area	FY2015 President’s Request	FY2015 Enacted P.L. 113-235	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
State and Tribal Assistance Grants					
Section 104(k) Competitive Project Grants ^a	\$85.0	\$80.0	\$110.0	\$75.0	\$80.0
Section 128 Categorical Grants to States and Tribes ^b	\$47.7	\$47.7	\$49.5	\$47.7	\$47.7
Brownfields STAG Grant Total	\$132.7	\$127.7	\$159.5	\$122.7	\$127.7
Environmental Programs and Management					
EPA Administrative Expenses	\$28.3	\$25.6	\$29.6	\$23.7	\$27.6
Brownfields Program Total	\$161.0	\$153.3	\$189.1	\$146.4	\$155.3

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

Notes:

- a. Section 104(k) of CERCLA authorizes EPA to award competitive grants to eligible entities for the assessment or remediation (i.e., cleanup) of brownfields to prepare them for redevelopment, job training for cleanup workers, and technical assistance.
- b. Section 128 of CERCLA authorizes EPA to award grants to states and tribes on a formula basis to establish or enhance their own cleanup programs.

Leaking Underground Storage Tank (LUST) Program

As indicated in **Table 10** below, House committee-reported H.R. 2822 includes \$91.9 million for EPA from the Leaking Underground Storage Tank (LUST) Trust Fund for FY2016, the same as enacted for FY2015 but above the \$91.5 million included in S. 1645 as reported and below the President’s FY2016 request of \$95.3 million. In addition to the appropriated funding from the trust fund for these activities, the House committee report also includes \$11.3 million for FY2016 within the EPM account to support EPA staff and extramural expenses used for preventing releases from underground storage tanks (USTs),⁶⁸ the same as in the Senate committee report and enacted for FY2015 but slightly less than the FY2016 request of \$11.7 million. The House

⁶⁸ On July 15, 2015, EPA promulgated regulations to update existing UST requirements and add new requirements for secondary containment and operator training as needed to implement provisions of the Energy Policy Act of 2005. See 80 *Federal Register* 41566, July 15, 2015.

and Senate committee-reported bills include an additional \$1.5 million—the same as requested and the previous fiscal year—within the STAG account for categorical grants to support state implementation of certain other UST leak prevention and detection regulations that are not eligible for LUST Trust Fund money.

Where a responsible party fails to comply with a cleanup order, in the event of an emergency and to take cost recovery actions against parties, Congress established the LUST Trust Fund to provide a source of funds for EPA and states to conduct cleanups where no responsible party has been identified. EPA and the states (through cooperative agreements) use appropriated LUST funds primarily to oversee and enforce LUST cleanup activities conducted by responsible parties.⁶⁹ Funds are also used to take emergency actions to respond to petroleum releases that may present more immediate risks, clean up abandoned tank sites, and pursue cost recovery actions against the responsible parties. The trust fund is supported by a 0.1 cent-per-gallon motor fuels tax.

The Underground Storage Tank Compliance Act (Subtitle B, Title XV of the Energy Policy Act of 2005, P.L. 109-58, or EPAct 2005) expanded the leak prevention provisions in the UST regulatory program and imposed new responsibilities on the states and EPA, such as requiring states to inspect all tanks every three years. The use of appropriations from the LUST Trust Fund had been limited to cleanup in earlier fiscal years, but EPAct broadened the authorized uses of the LUST Trust Fund to support state and EPA implementation of the UST leak prevention and detection requirements. Congress now appropriates funds from the trust fund to support both the LUST cleanup program and the UST leak prevention and detection program. These latter activities had previously been funded through UST categorical grants in EPA's STAG account. Before EPAct, the UST leak prevention program had been supported entirely from general revenues. As noted above, a very small portion of the total UST program funding is now derived from general revenues.

The amount of interest that accrued on the balance of the LUST Trust Fund declined in FY2013 and subsequent fiscal years because of the smaller balance resulting from two transfers to the Highway Trust Fund (HTF). The Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) authorized a transfer of \$2.4 billion in FY2012 to augment resources for federal surface transportation spending. The Highway and Transportation Funding Act of 2014 (P.L. 113-159) authorized an additional transfer of \$1.0 billion for this purpose from the LUST Trust Fund in FY2014. The Senate has again looked to the LUST Trust Fund for surface transportation resources in H.R. 22 as passed, amended, on July 30, 2015. Senate-passed H.R. 22 proposes to transfer \$100.0 million for each of three fiscal years from the LUST Trust Fund to the HTF. It would also extend the LUST tax through September 30, 2021.

The balance of the fund had risen over time as annual receipts exceeded annual appropriations for many years. Prior to the transfer of monies to the HTF, the unappropriated balance of the LUST Trust Fund at the beginning of FY2012 was \$3.33 billion.⁷⁰ After accounting for subsequent transfers, new receipts, and appropriations, the Administration has estimated an unappropriated balance of \$504.0 million in the LUST Trust Fund as of the beginning of FY2016.⁷¹ However, the balance of the trust fund has been rising again after the transfers to the HTF, as annual

⁶⁹ As amended, Subtitle I of the Solid Waste Disposal Act (42 U.S.C. §6991-6991m) authorizes the use of the LUST Trust Fund.

⁷⁰ OMB, *Fiscal Year 2014 Budget of the U.S. Government*, Appendix, April 10, 2013, p. 1112.

⁷¹ OMB, *Fiscal Year 2016 Budget of the U.S. Government*, Appendix, February 2, 2015, p. 1134, <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/epa.pdf>.

appropriations have continued to be less than annual receipts. The Administration has estimated receipts of \$236.0 million in FY2016 for the LUST Trust Fund.⁷²

Table 10. Appropriations for the Leaking Underground Storage Tank Program by Account: FY2015 President’s Budget Request and Enacted, FY2016 President’s Budget Request, and House and Senate Committee-Reported H.R. 2822 and S. 1645
(millions of dollars, not adjusted for inflation)

Account/Program Area	FY2015 President’s Request	FY2015 Enacted P.L. 113-235	FY2016 President’s Request	FY2016 H.R. 2822	FY2016 S. 1645
LUST Account					
EPA Act Provisions	\$28.9	\$25.4	\$28.9	\$25.4	\$25.4
Total LUST Account	\$97.9	\$91.9	\$95.3	\$91.9	\$91.5
EPM Account					
Underground Storage Tanks (LUST/UST)	\$11.3	\$11.3	\$11.7	\$11.3	\$11.3
STAG Account					
Categorical Grant: UST	\$1.4	\$1.5	\$1.5	\$1.5	\$1.5

Source: Prepared by CRS. The FY2015 requested amounts are as presented in *Congressional Record*, vol. 160, no. 151 (December 11, 2014), in the table on pp. H9801-H9809, <http://www.gpo.gov/fdsys/pkg/CREC-2014-12-11/content-detail.html>. FY2015 enacted appropriations and FY2016 proposed levels are as presented in the House and Senate committee-reported bills and their accompanying reports. Numbers may not add up due to rounding.

National (Congressional) Priorities and “Earmarks”

H.R. 2822 includes a total of \$19.8 million for “National Priorities” within the S&T and EPM accounts for FY2016; S. 1645 proposes a combined \$19.1 million within the two accounts. The proposed amounts are above the \$16.8 million appropriated for FY2015. The House committee-reported bill also includes \$20.0 million and the Senate committee-reported bill \$15.0 million for “Targeted Airshed Grants” within the STAG account compared to \$10.0 million appropriated for FY2015. Consistent with past Administrations’ budget requests, the President’s FY2016 budget did not include funding for projects appropriated by Congress referred to in the EPA FY2016 Congressional Justification as “Congressionally directed projects” within the S&T, EPM, and STAG appropriations accounts for FY2015.

Of the \$19.8 million and \$19.1 million total included in each of the committee-reported bills, each proposed the allocation of \$4.1 million within the S&T account for FY2016 for “Research: National Priorities.” These funds are to be used for competitive extramural research grants to support high-priority water quality and availability research of national scope by “not-for-profit organizations who often partner with the Agency.” The grants are to be independent of the Science to Achieve Results (STAR) grant program. The grants are subject to a 25% matching funds requirement.⁷³ The House Appropriations Committee proposed an additional allocation of

⁷² See *ibid.*, p. 1135.

⁷³ H.Rept. 114-170, p. 50; and S.Rept. 114-70, p. 49.

\$3.0 million (including \$2.0 million for extramural funding) in the S&T account for EPA to further its research on oil and gas development in the Appalachian Basin.⁷⁴

The remaining \$12.7 million proposed in the House committee-reported bill and \$15.0 million in the Senate committee-reported bill are included within the EPM account for FY2015 for “Environmental Protection: National Priorities.” These funds would be used for competitive grants to qualified not-for-profit organizations to provide rural and urban communities or individual private well owners with technical assistance to improve water quality or safe drinking water. The grants are subject to a 10% matching funds requirement (including in-kind contributions). Of the \$12.7 million proposed by the House committee, \$11.0 million is to be allocated for training and technical assistance on a national level or multi-state regional basis, and \$1.7 million is allocated for technical assistance to individual private well owners. Of the \$15.0 million proposed by the Senate Committee, \$13.0 million is to be allocated for assistance on a national and multi-state level and \$2.0 million for private well owners.⁷⁵

Although Congress has dedicated funding for these “national” or “congressional” priorities, they have not been categorized as “earmarks” by the House or Senate generally because the language would not direct the funding to one specific entity or specific location, and the funding would be awarded on a competitive basis. Since the 112th Congress, the House and Senate Appropriations Committees have adhered to a moratorium as put forth by the leadership in both chambers generally precluding the inclusion of earmarks in annual enacted appropriations bills for FY2011 through FY2015.

While there is no consensus on a single earmark definition among all practitioners and observers of the appropriations process, the Senate and House both in 2007 adopted separate definitions for purposes of implementing new earmark transparency requirements in their respective chambers.⁷⁶ In the House rule, such a funding item is referred to as a “*congressional earmark (or earmark)*,” while in the Senate rule, it is referred to as a “*congressionally directed spending item (or spending item)*.”⁷⁷

⁷⁴ S.Rept. 114-70, p. 49.

⁷⁵ H.Rept. 114-170, p. 52, and S.Rept. 114-70, p. 51.

⁷⁶ See Senate Rule XLIV and House Rule XXI, clause 9. CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by Sandy Streeter, describes and compares the procedures and requirements in House and Senate rules. See also CRS Report RS22866, *Earmark Disclosure Rules in the House: Member and Committee Requirements*, by Megan S. Lynch; and CRS Report RS22867, *Earmark Disclosure Rules in the Senate: Member and Committee Requirements*, by Megan S. Lynch.

⁷⁷ In both cases, this refers to “a provision [in a measure or conference report] or report language included primarily at the request of a [Representative or] Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific state, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.” Senate Rule XLIV and House Rule XXI, clause 9.

Appendix A. Historical Funding Trends and Staffing Levels

The Nixon Administration established EPA in 1970 in response to growing public concern about environmental pollution, consolidating federal pollution control responsibilities that had been divided among several federal agencies. Over three decades following EPA's creation, Congress enacted an increasing number of environmental laws, as well as major amendments to these statutes.⁷⁸

Annual appropriations provide the funds necessary for EPA to carry out its responsibilities under these laws, such as the regulation of air and water quality, use of pesticides and toxic substances, management and disposal of solid and hazardous wastes, and cleanup of environmental contamination. EPA also awards grants to assist state, tribal, and local governments in controlling pollution in order to comply with federal environmental requirements and to help fund the implementation and enforcement of federal regulations delegated to the states.

Table A-1 presents FY2009 through FY2015 enacted appropriations for EPA by each of the nine accounts.

⁷⁸ For a discussion of these laws, see CRS Report RL30798, *Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency*, coordinated by David M. Bearden.

Table A-I. Appropriations for the Environmental Protection Agency: FY2009-FY2015 Enacted

(millions of dollars not adjusted for inflation)

Account/Activity	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total	FY2010 P.L. 111-88	FY2011 P.L. 112-10	FY2012 P.L. 112-74	FY2013 P.L. 113-6 (Post- Sequester)	FY2014 Enacted P.L. 113-76	FY2015 Enacted P.L. 113-235
Science and Technology									
—Base Appropriations	\$790.1	\$0.0	\$790.1	\$848.1 ^a	\$813.5	\$793.7	\$743.8	\$759.2	\$734.6
—Transfer in from Superfund	+\$26.4	\$0.0	+\$26.4	+\$26.8	+\$26.8	+\$23.0	+\$21.7	+19.2	+\$18.8
Science and Technology Total	\$816.5	\$0.0	\$816.5	\$874.9	\$840.3	\$816.7	\$765.5	\$778.4	\$753.5
Environmental Programs and Management	\$2,392.1	\$0.0	\$2,392.1	\$2,993.8	\$2,756.5	\$2,678.2	\$2,512.1	\$2,624.1	\$2,613.7
Hazardous Waste Electronic Manifest Fund	NA	NA	NA	NA	NA	NA	NA	\$3.7	\$3.7
Office of Inspector General									
—Base Appropriations	\$44.8	\$20.0	\$64.8	\$44.8	\$44.7	\$41.9	\$39.7	\$41.8	\$50.1
—Transfer in from Superfund	+\$10.0	\$0.0	+\$10.0	+\$10.0	+\$10.0	+\$9.9	+\$9.4	+\$9.9	+\$8.5
Office of Inspector General Total	\$54.8	\$20.0	\$74.8	\$54.8	\$54.7	\$51.8	\$49.1	\$51.8	\$58.6
Buildings & Facilities	\$35.0	\$0.0	\$35.0	\$37.0	\$36.4	\$36.4	\$34.5	\$34.5	\$51.5
Hazardous Substance Superfund (before transfers)	\$1,285.0	\$600.0	\$1,885.0	\$1,306.5	\$1,280.9	\$1,213.8	\$1,115.2	\$1,088.8	\$1,153.8
—Transfer out to Office of Inspector General	-\$10.0	\$0.0	-\$10.0	-\$10.0	-\$10.0	-\$9.9	-\$9.4	-\$9.9	-\$8.5
—Transfer out to Science and Technology	-\$26.4	\$0.0	-\$26.4	-\$26.8	-\$26.8	-\$23.0	-\$21.7	-\$19.2	-\$16.2
Hazardous Substance Superfund (net after transfers)	\$1,248.6	\$600.0	\$1,848.6	\$1,269.7	\$1,244.2	\$1,180.9	\$1,084.0	\$1,059.6	\$1,129.2
Leaking Underground Storage Tank Trust Fund Program	\$112.6	\$200.0	\$312.6	\$113.1	\$112.9	\$104.1	\$103.4	\$94.6	\$95.3
Inland Oil Spill Program (formerly Oil Spill Response)	\$17.7	\$0.0	\$17.7	\$18.4	\$18.3	\$18.2	\$17.3	\$18.2	\$23.4
State and Tribal Assistance Grants (STAG)									

Account/Activity	FY2009	FY2009	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
	Omnibus	ARRA					Total	(Post-	Enacted
	P.L. 111-8	P.L. 111-5		P.L. 111-88	P.L. 112-10	P.L. 112-74	Sequester)	P.L. 113-76	P.L. 113-235
—Clean Water State Revolving Fund	\$689.1	\$4,000.0	\$4,689.1	\$2,100.0	\$1,522.0	\$1,466.5	\$1,851.1	\$1,448.9	\$1,448.9
—Drinking Water State Revolving Fund	\$829.0	\$2,000.0	\$2,829.0	\$1,387.0	\$963.1	\$917.9	\$956.3	\$906.9	\$906.9
—Special (Congressional) Project Grants	\$145.0	\$0.0	\$145.0	\$156.8	\$0.0	\$0.0	\$0.0	\$0.0	\$10.0
—Categorical Grants	\$1,094.9	\$0.0	\$1,094.9	\$1,116.4	\$1,104.2	\$1,088.8	\$1,032.0	\$1,054.4	\$1,054.4
—Brownfields Section 104(k) Grants	\$97.0	\$100.0	\$197.0	\$100.0	\$99.8	\$94.8	\$89.9	\$90.0	\$110.0
—Diesel Emission Reduction Grants	\$60.0	\$300.0	\$360.0	\$60.0	\$49.9	\$30.0	\$18.9	\$20.0	\$30.0
—Other State and Tribal Assistance Grants	\$53.5	\$0.0	\$53.5	\$50.0	\$19.9	\$15.0	\$14.2	\$15.0	\$15.0
State and Tribal Assistance Grants Total	\$2,968.5	\$6,400.0	\$9,368.5	\$4,970.2	\$3,758.9	\$3,612.9	\$3,962.4	\$3,535.2	\$3,545.2
Rescissions of Unobligated Balances ^b	-\$10.0	\$0.0	-\$10.0	-\$40.0	-\$140.0	-\$50.0	-\$50.0	\$0	-\$40.0
Total EPA Accounts	\$7,635.7	\$7,220.0	\$14,855.7	\$10,291.9^a	\$8,682.1	\$8,449.4	\$8,478.4	\$8,200.0	\$8,139.9

Source: Prepared by CRS using the most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA and Administration budget documents, including the President’s annual budget requests as presented by the Office of Management and Budget, EPA’s accompanying annual congressional budget justifications, and EPA’s FY2013 operating plan submitted to the House and Senate Appropriations Committees. “ARRA” refers to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The ARRA amounts do not reflect rescission of unobligated balances as per P.L. 111-226. Numbers may not add due to rounding.

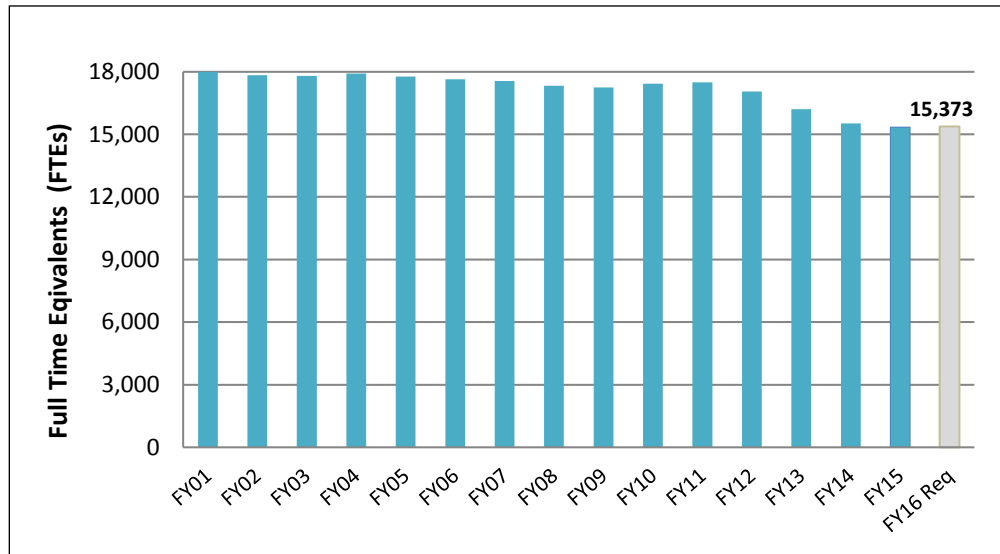
Notes:

- a. FY2010 amounts presented for the base appropriations for the S&T account and the EPA total include \$2.0 million in supplemental appropriations for research of the potential long-term human health and environmental risks and impacts from the releases of crude oil and the application of chemical dispersants and other mitigation measures under P.L. 111-212, Title II.
- b. The FY2009-FY2010 rescissions are from unobligated balances from funds appropriated in prior years within the eight accounts and made available for expenditure in a later year. In effect, these “rescissions” increase the availability of funds for expenditure by the agency in the years in which they are applied, functioning as an offset to new appropriations by Congress. With regard to the FY2011 enacted rescissions, Section 1740 in Title VII of Division B under P.L. 112-10 refers only to “unobligated balances available for ‘Environmental Protection Agency, State and Tribal Assistance Grants’” (not across all accounts) and does not specify that these funds are to be rescinded from prior years. For FY2012 enacted, under the administrative provisions in Division E, Title II, of P.L. 112-74, unobligated balances from the STAG (\$45.0 million) and the Hazardous Substance Superfund (\$5.0 million) accounts would be rescinded. FY2012 rescissions specified within the STAG account include \$20.0 million from categorical grants, \$10.0 million from the Clean Water SRF, and \$5.0 million each from Brownfields grants, Diesel Emission Reduction Act grants, and Mexico Border. The rescission included for FY2013 in H.R. 6091 and the President’s FY2013 request would be from prior years’ unobligated balances within the STAG account.

EPA Staff Levels

Figure A-1 below provides a trend in EPA’s authorized “full-time equivalent” (FTE)⁷⁹ employment ceiling from FY2001 through FY2015 and as requested for FY2016 as reported in the EPA FY2016 Congressional Justification. The President’s FY2016 request proposed a total of 15,373 FTEs. EPA reported that the FY2015 enacted level of 15,335 FTEs was the lowest since FY1989.⁸⁰ Information prior to FY2001 is available on EPA’s budget and planning website at <http://www2.epa.gov/planandbudget/budget>. Also, in March 2000, the Government Accountability Office (GAO)⁸¹ had reported that EPA FTEs increased by about 18% from FY1990 through FY1999, with the largest increase (13%, from 15,277 to 17,280 FTEs) occurring from FY1990 through FY1993. GAO indicated that from FY1993 through FY1999, EPA’s FTEs grew at a more moderate rate of less than 1% per year.

Figure A-1. EPA’s Reported Authorized Full Time Equivalent (FTE) Employment Ceiling, FY2001-FY2015 and FY2016 Requested



Source : Prepared by CRS as adapted from EPA’s “FY2016 EPA Budget in Brief,” see “Overview,” p. 11 (pdf p. 15), <http://www2.epa.gov/planandbudget/fy2016>.

Notes: FTE is defined as one employee working full time for a full year (52 weeks x 40 hours = 2,080 hours) or the equivalent hours worked by several part-time or temporary employees. The requirements for reporting FTE employment in the President’s budget are prescribed in Section 85 of OMB Circular No. A-11 on “Estimating Employment Levels and the Employment Summary (Schedule Q),” https://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/s85.pdf.

⁷⁹ FTE employment is defined as one employee working full-time for a full year (52 weeks X 40 hours = 2,080 hours), or the equivalent hours worked by several part-time or temporary employees.

⁸⁰ See historical EPA’s budget and spending at <http://www2.epa.gov/planandbudget/budget>.

⁸¹ Testimony of Peter F. Guerrero, Director, Environmental Protection Issues, Resources, Community, and Economic Development Division, GAO, in U.S. Congress, Senate Committee on Appropriations, Subcommittee on VA, HUD, and Independent Agencies, *Human Capital: Observations on EPA’s Efforts to Implement a Workforce Planning Strategy*, GAO/T-RCED-00-129, March 23, 2000, <http://www.spa.ga.gov/word/wfpArticles/GAO%20EPA.pdf>.

Appendix B. Descriptions of EPA’s Nine Appropriations Accounts

From FY1996 to FY2013, EPA’s funding had been requested by the Administration and appropriated by Congress under eight statutory accounts. A ninth account, Hazardous Waste Electronic Manifest System Fund, was added during the FY2014 budget process. The Hazardous Waste Electronic Manifest Establishment Act (P.L. 112-195) authorized the development of an electronic system to track hazardous waste shipments and a fund to finance it that would be supported with start-up appropriations and user fees thereafter.⁸² **Table B-1** describes the scope of the programs and activities funded within each of these accounts. Prior to FY1996, Congress appropriated funding for EPA under a different account structure, making it difficult to compare funding for the agency historically over time by the individual accounts.

Table B-1. EPA’s Nine Appropriations Accounts

<p>Science and Technology (S&T): The S&T account incorporates elements of the former Research and Development account that was in place until FY1996. The S&T account funds the development of the scientific knowledge and tools necessary to inform EPA’s formulation of pollution control regulations, standards, and agency guidance. EPA carries out research activities at its own laboratories and facilities and also through contracts, grants, and cooperative agreements with other federal agencies, state and local governments, nonprofit organizations, universities, and private businesses. Congress appropriates funds directly to the S&T account and transfers additional funds from the Hazardous Substances Superfund account to the S&T account specifically to support research related to the cleanup of hazardous substances.</p>
<p>Environmental Programs and Management (EPM): The EPM account funds a broad range of activities involved in EPA’s development of pollution control regulations and standards and enforcement of these requirements across multiple environmental media, such as air quality and water quality. The EPM account also funds technical assistance to pollution control agencies and organizations and technical assistance to help regulated entities achieve compliance with environmental requirements to avoid violations. Much of EPA’s administrative and operational expenses are funded within this account as well.</p>
<p>Hazardous Waste Electronic Manifest System Fund: P.L. 113-76 added a ninth account for FY2014, the Hazardous Waste Electronic Manifest System Fund. The Hazardous Waste Electronic Manifest Establishment Act (P.L. 112-195) authorized the development of an electronic system to track hazardous waste shipments and a fund to finance it that would be supported with start-up appropriations and user fees thereafter. The system would manage the tracking of such shipping manifests specifically for hazardous wastes designated under Subtitle C of the Resource Conservation and Recovery Act (RCRA)/Solid Waste Disposal Act.</p>
<p>Office of Inspector General (OIG): As amended, the Inspector General Act of 1978 established Offices of Inspector General in numerous federal agencies, including EPA. These offices are intended to conduct independent auditing, evaluation, and investigation of an agency’s programs and activities to identify potential management and administrative deficiencies that may create conditions for instances of fraud, waste, and mismanagement of funds and to recommend actions to correct these deficiencies. Congress appropriates funds directly to EPA’s OIG account and transfers additional funds from the Hazardous Substances Superfund account to the OIG account specifically to support the office’s auditing, evaluation, and investigation of the Superfund program.</p>
<p>Buildings and Facilities: This account funds the construction, repair, improvement, extension, alteration, and purchase of fixed equipment and facilities owned or used by EPA.</p>
<p>Hazardous Substance Superfund: This account is funded by discretionary appropriations from a dedicated trust</p>

⁸² The system would manage the tracking of shipping manifests specifically for hazardous wastes designated under Subtitle C of the Resource Conservation and Recovery Act (RCRA)/Solid Waste Disposal Act. For FY2014, P.L. 113-76 created a dedicated statutory appropriations account consolidating funding that the President had requested within other existing EPA accounts for this purpose. See Title II of Division G in the Joint Explanatory Statement for the Consolidated Appropriations Act, 2014, as issued in the January 15, 2014, *Congressional Record*, Book II, pp. H977-H979 and H1010-1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

fund of the same name, the Hazardous Substance Superfund Trust Fund. As amended, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) established the Superfund program to clean up the nation's most threatening sites and created the Superfund Trust Fund to finance the program. Dedicated taxes on industry originally provided most of the revenues to the Superfund Trust Fund, but the taxing authority expired at the end of 1995. Congress now finances this trust fund mostly with revenues from the General Fund of the U.S. Treasury. EPA may use appropriations from the Superfund Trust Fund to enforce the liability of "potentially responsible parties" for the cleanup of contaminated sites, and if the parties cannot be found or cannot pay at a site, EPA may pay for the cleanup under a cost-share agreement with the state in which the site is located. Although the Superfund account also funds EPA's oversight of the cleanup of federal facilities by other agencies, these agencies fund the cleanup activities with separate funds appropriated directly to them, not with Superfund monies.

Inland Oil Spill Program (formerly Oil Spill Response): As authorized by the Oil Pollution Act of 1990, this account funds EPA's activities to prepare for and prevent releases of oil into the inland zone of the United States within the agency's jurisdiction. The U.S. Coast Guard has jurisdiction over oil spills in the coastal zone of the United States. EPA is reimbursed for its expenses to respond to oil spills at inland sites from the Oil Spill Liability Trust Fund, which is administered by the U.S. Coast Guard. The former name of the "Oil Spill Response" account was changed by the conferees as proposed in the President's FY2012 request to "Inland Oil Spill Program." This modification was intended to more clearly reflect the agency's jurisdiction for oil spill response in the inland coastal zone.

The Leaking Underground Storage Tank (LUST) Trust Fund Program: As with the Superfund account, this account is funded by discretionary appropriations from a dedicated trust fund of the same name, the LUST Trust Fund. The Superfund Amendments and Reauthorization Act of 1986 established this trust fund. The LUST Trust Fund is financed primarily by a 0.1 cent-per-gallon tax on motor fuels, authorized through FY2016. EPA may use appropriations from the LUST Trust Fund to pay for the prevention of, and response to, releases from underground storage tanks that contain petroleum, which is not covered under the Superfund program, as authorized in CERCLA. EPA and the states (through cooperative agreements) may use the funds to oversee corrective actions (i.e., cleanup) performed by the responsible parties, to conduct cleanups where a responsible party fails to do so or in case of an emergency, and to recover LUST monies spent on cleanup from the responsible parties. In addition to these activities, the Energy Policy Act of 2005 expanded the authorized uses of appropriated LUST monies to include implementation and enforcement of EPA's underground storage tank leak prevention and detection program under Subtitle I of the Solid Waste Disposal Act.

State and Tribal Assistance Grants (STAG): The majority of the funding within the STAG account is for capitalization grants for the Clean Water and Drinking Water State Revolving Funds (SRFs). SRF funding is used for local wastewater and drinking water infrastructure projects, such as construction of and modifications to municipal sewage treatment plants and drinking water treatment plants, to facilitate compliance with Clean Water Act and Safe Drinking Water Act requirements, respectively. The remainder of the STAG account funds other water infrastructure grants, categorical grants to states and tribes for administering numerous pollution control activities delegated by EPA, grants for the cleanup of brownfields, and diesel emission reduction grants. Although the majority of funding for grants awarded by EPA is funded within the STAG account, other agency accounts also fund various types of grants, such as the S&T and EPM accounts.

Appendix C. Congressional Hearings

Hearings Regarding EPA's FY2016 Budget Request:

House Energy and Commerce Committee: Subcommittees—Energy and Power, and Environment and the Economy

The Fiscal Year 2016 EPA Budget, February 25, 2015.

<http://energycommerce.house.gov/hearing/fiscal-year-2016-epa-budget>

House Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies

Budget Hearing—Environment Protection Agency, February 26, 2015.

<http://appropriations.house.gov/calendararchive/eventsingle.aspx?EventID=393995>

Senate Committee on Environment and Public Works

Oversight Hearing: Examining the President's budget request for the U.S. Environmental Protection Agency, March 4, 2015. http://www.epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=01067c9a-0f60-8c2f-302c-d4ce887f604e

House Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies

Public and Outside Witness Hearing—Interior, Environment and related Agencies, March 18, 2015.

<http://appropriations.house.gov/calendararchive/eventsingle.aspx?EventID=393958>

House Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment

The President's Fiscal Year 2016 Budget: Administration Priorities for the U.S. Environmental Protection Agency, March 18, 2015.

<http://transportation.house.gov/calendar/eventsingle.aspx?EventID=398705>

Senate Committee on Appropriations: Interior Environment and Related Agencies Subcommittee

Interior Subcommittee Hearing: FY16 Environmental Protection Agency Budget: Hearing to review the Fiscal Year 2016 funding request and budget justification for the Environmental Protection Agency, April 29, 2015.

<http://www.appropriations.senate.gov/hearings-and-testimony/interior-subcommittee-hearing-review-fy2016-epa-budget>

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