



H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions

(name redacted)

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Summary

P.L. 112-10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (H.R. 1473), enacted April 15, 2011, provided \$8.70 billion for EPA for FY2011 prior to a 0.2% across-the-board rescission. None of the 12 regular appropriations bills for FY2011, including the Interior, Environment, and Related Agencies bill that includes funding for the Environmental Protection Agency (EPA), were enacted before the start of the fiscal year on October 1, 2010. Prior to the enactment of P.L. 112-10, a series of temporary continuing resolutions (CRs) were enacted that sequentially extended funding from October 1, 2010, through April 15, 2011 (P.L. 112-8). Passed by the House on February 19, 2011, Division B of H.R. 1 would have funded 11 of the 12 regular FY2011 appropriations bills in the form of a full-year continuing resolution (CR) (Division A separately would have provided FY2011 appropriations for the Department of Defense, the 12th bill).

Several recent and pending EPA regulatory actions were the focus of considerable attention during committee hearings and floor debate on EPA FY2011 appropriations, and were reflected in a number of provisions and amendments included in House-passed H.R. 1. These EPA actions cut across the various environmental pollution control statutes' programs and initiatives, such as those that address greenhouse gas emissions, hazardous air pollutants (including mercury), mountaintop mining regulation, management of coal ash, particulate matter emissions, and water quality management including geographical ecosystems (notably Chesapeake Bay and the Great Lakes). Although Congress did not include the provisions in P.L. 112-10, these environmental regulatory issues remain a prominent topic of debate as Congress deliberates on the FY2012 appropriations and other proposed legislation regarding EPA's authorities.

Title VII of Division B in H.R. 1, as passed by the House, included specified funding levels for certain EPA accounts. Title VII of Division B, as well as Division D of the House-passed bill, combined contained more than 20 provisions that would have restricted or prohibited the use of appropriated funds to implement various regulatory activities under the EPA's jurisdiction. On March 9, 2011, the Senate did not pass the House version of H.R. 1 and did not agree to a subsequent Senate substitute amendment (S.Amdt. 149) containing different funding levels and generally omitting the EPA provisions included in the House-passed H.R. 1.

This report provides a summary of funding levels for EPA accounts and program activities specified in P.L. 112-10, H.R. 1 as passed by the House and as proposed in the Senate amendment, compared to the President's FY2011 Budget Request and the FY2010 enacted levels in P.L. 111-88. The report also briefly highlights a number of the provisions regarding EPA program activities as presented in H.R. 1, as passed by the House. Only those provisions that are clearly identifiable by specific language or references contained in the bill are included. Nearly all of these EPA provisions were omitted from the Senate amendment (S.Amdt. 149) and P.L. 112-10 as enacted. The information presented throughout this report is primarily an extraction of the bill language for purposes of reference and is not intended to provide a comprehensive analysis of all provisions in H.R. 1 that may have directly or indirectly affected EPA programs.

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Introduction

On February 19, 2011, the House passed H.R. 1, the Full-Year Continuing Appropriations Act, 2011. As amended and passed, Division B of H.R. 1 would have provided adjusted funding levels through the end of FY2011 for 11 of the 12 regular appropriations bills,¹ including the Interior, Environment, and Related Agencies appropriations bill which funds the Environmental Protection Agency (EPA). On March 9, 2011, the Senate did not pass the House-passed version of H.R. 1 and did not agree to a subsequent substitute amendment to the bill (S.Amdt. 149). Pursuant to the March 8, 2011, order preceding the vote, H.R. 1 was returned to the Senate Calendar.²

H.R. 1, as passed by the House, would generally have continued funding for many of the federal departments and agencies at the levels provided in the FY2010 regular appropriations acts. The proposed full-year continuing resolution (CR) also included numerous funding modifications and restrictions for many accounts, including several EPA accounts and program activities. Several recent and pending EPA regulatory actions³ were the focus of considerable attention during the House floor debate and subsequently were included in the form of amendments in the House-passed bill.⁴ These provisions generally were omitted from the Senate substitute amendment to the bill (S.Amdt. 149) and the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10; H.R. 1473), enacted April 15, 2011.

In response to congressional interest in the level of appropriations and several of the provisions affecting EPA program activities in House-passed H.R. 1, this report highlights a number of these provisions and provides a summary of funding levels for EPA accounts and program activities specified in House-passed H.R. 1. Only those provisions affecting EPA programs that are clearly identifiable by specific language or references as in the bill are included in this report. The information primarily is a compilation of excerpts of the bill language for purposes of reference and is not intended to provide a complete listing and analysis of all provisions contained in H.R. 1 that may otherwise directly or indirectly affect EPA programs.

Background

Congress and the President did not complete action on any of the 12 regular appropriations bills for FY2011, including the Interior, Environment, and Related Agencies appropriations bill that provides funding for EPA, prior to the end of FY2010. Beginning October 1, 2010 (the start of FY2011), EPA and other federal departments and agencies were funded under a series of interim CRs. Prior to the enactment of P.L. 112-10 on April 15, 2011, P.L. 112-8, the Further Additional Continuing Appropriations Amendments, 2011, enacted April 9, 2011, continued funding through April 15, 2011, for federal departments and agencies typically covered under the 12 regular appropriations bills.⁵

¹ Department of Defense regular appropriations bill, including separate amounts for each account, was included in Division A of H.R. 1.

² Senate *Congressional Record* S1362, March 8, 2011.

³ For a discussion of EPA selected regulatory actions, see CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by (name redacted) and (name redacted).

⁴ House *Congressional Record* beginning H830, February 15, 2011, ending February 19, 2011, H1355.

⁵ Prior to enactment of P.L. 112-8, the Continuing Appropriations Act, 2011 (P.L. 111-242), continued funding (continued...)

P.L. 112-8 had extended funding for EPA and other federal agencies included within the Interior, Environment, and Related Agencies appropriations bill generally below the FY2010 enacted levels, but under the terms and conditions contained in the FY2010 appropriations law, P.L. 111-88, with some exceptions. Since FY1996, EPA's appropriations have been requested by the Administration and appropriated by Congress within eight statutory appropriations accounts. Brief descriptions of the accounts are provided in **Table 1** in the following section of this report.⁶

During the term of a CR, EPA (and other agencies) generally must determine how to allocate a fractional portion of the FY2010 funding levels, and make other adjustments to program activities and priorities.⁷ This incremental funding can affect programs in different ways, depending on various factors such as size and duration of specific activities. In contrast to regular and supplemental appropriations acts, CRs generally do not provide specific amounts for each account. Most CRs, instead, extend appropriations at the same levels as in prior year appropriations acts, unless otherwise specified, including funding adjustments for specific accounts or activities.⁸

As amended and passed by the House on February 19, 2011, Title VII of Division B in H.R. 1 specified funding levels of certain EPA accounts for the full fiscal year instead of a temporary period as in earlier CRs, as well as several provisions restricting or prohibiting the use of appropriated funds to implement certain regulatory activities under the agency's jurisdiction. Additional provisions relevant to EPA were included in Division D of the House-passed H.R. 1.

A number of recent and pending regulatory actions were the focus of considerable debate during floor consideration of H.R. 1 in the House. These EPA regulatory actions cut across the various environmental pollution control statutes' programs and initiatives, such as those that address greenhouse gas emissions, hazardous air pollutants (including mercury), mountaintop mining regulation, management of coal ash, particulate matter emissions, and water quality management including geographical ecosystems (notably Chesapeake Bay and the Great Lakes). Title VII of Division B in the Senate substitute amendment (S.Amdt. 149) would have provided funding levels different from those in the House-passed bill, and omitted the House provisions related to EPA regulatory activities.

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generally at FY2010 levels through December 3, 2010. A second continuing resolution (P.L. 111-290) extended funding through December 18, 2010; a third (P.L. 111-317) extended funding through December 21, 2010; a fourth (P.L. 111-322) extended funding through March 4, 2011; a fifth, the Further Continuing Appropriations Amendments, 2011 (P.L. 112-4), extended funding through March 18, 2011; and a sixth, the Additional Continuing Appropriations Amendments, 2011 (P.L. 112-6), extended funding through April 8, 2011. For more detailed discussion and information on the history, nature, scope, and duration of continuing resolutions, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by (name redacted).

⁶ For a more detailed overview of EPA appropriations, including historical funding levels and more detailed discussion of the appropriations accounts, see CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by (name redacted) et al.

⁷ The White House Office of Management and Budget (OMB) issued guidance to federal departments and agencies on how to apportion funding under the FY2011 continuing resolutions. The Executive Office of the President, Office of Management and Budget, OMB Bulletin No. 10-0, "Apportionment of the Continuing Resolution(s) for Fiscal Year 2011," <http://www.whitehouse.gov/sites/default/files/omb/assets/bulletins/b10-03.pdf>.

⁸ For examples, see the discussion under the heading "Types of Continuing Resolutions by Duration" in CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by (name redacted).

The following section of this report provides an overview of funding levels as specified in House-passed H.R. 1 and the subsequent Senate substitute amendment that was not agreed to, compared to enacted amounts for FY2011 in P.L. 112-10 and FY2010 in P.L. 111-88, and as requested by the President for FY2011. As discussed in this section, FY2011 funding amounts were specified for only five of the eight EPA appropriations accounts in the House-passed full-year CR, and four of the eight accounts in S.Amdt. 149. Unless affected by certain broadly applicable general provisions in House-passed H.R. 1 and S.Amdt. 149, the remaining three accounts in House-passed H.R. 1 and the remaining four accounts in S.Amdt. 149 would have otherwise be funded at FY2010 enacted levels per the terms and conditions contained in P.L. 111-88. The funding in the two proposals is compared to the FY2011 (not including the 0.2% across-the-board rescission⁹) and FY2010 enacted appropriations, and as proposed in the President's FY2011 request. (**Table A-1** in the **Appendix** of this report shows EPA appropriations by account for FY2008 through FY2011 enacted (including the 0.2% across-the-board rescission) and the FY2011 President's Budget Request.) The overview of funding levels is followed by a series of tables that present a compilation of excerpts of provisions in House-passed H.R. 1 and one provision in S.Amdt. 149 for selected EPA programs and activities that have received prominent attention in floor debate.

H.R. 1: EPA Funding Level Provisions

The amounts presented below for P.L. 112-10 (not including the 0.2% across the board rescission), H.R. 1, and S.Amdt. 149 are specified for EPA accounts (and certain program activities specified in those accounts) as per provisions in the act, the bill as passed by the House on February 19, 2011, and in the Senate amendment (S.Amdt. 149) considered on March 9, 2011. For purposes of further comparison, **Table 1** presents the FY2010 enacted amounts for these accounts and the FY2011 requested levels. Only five of the eight EPA appropriations accounts¹⁰ were specified in the House-passed H.R. 1: State and Tribal Assistance Grants (STAG), Environmental Programs and Management (EPM), Science and Technology (S&T), Hazardous Substance Superfund, and Leaking Underground Storage Tank (LUST) Trust Fund Program. S.Amdt. 149 specified funding for each of these accounts, with the exception of LUST Trust Fund Program. FY2011 funding levels for three accounts—Office of Inspector General, Leaking Underground Storage Tank Trust Fund Program, and Oil Spill Response—were not otherwise expressly specified in P.L. 112-10. Accordingly, comparison of funding levels is limited to some extent by the specificity of the provisions in the FY2011 appropriations and the two proposals.

Based on general provisions contained in Title I of Division B of P.L. 112-10, those EPA accounts for which funding was not specified in the act are funded at FY2010 levels as provided under the Interior, Environment, and Related Agencies Appropriations Act for FY2010 (P.L. 111-88).¹¹ Likewise, unless affected by certain broadly applicable general provisions,¹² House-passed H.R. 1 and S.Amdt. 149 generally would have provided FY2011 funding for those accounts not specified, at the FY2010 enacted level specified in P.L. 111-88. For purposes of comparison, **Table 1** denotes the FY2011 funding for these accounts (and relevant transfers) as FY2010

⁹ P.L. 112-10, Section 1119, Title I, Div. B.

¹⁰ For a more detailed description of the EPA accounts see Appendix A in CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by (name redacted) et al.

¹¹ P.L. 112-10, Section 1101(a), Title I, Div. B.

¹² Section 1101(c), Title I, Division B, H.R. 1 as passed by the House, and in S.Amdt. 149 (exact section citations as in the House version).

enacted amounts (“FY2010 levels”). However, these FY2010 dollar amounts were not expressly specified as such in P.L. 112-10, House-passed H.R. 1, or S.Amdt. 149. The **Appendix** at the end of this report presents EPA appropriations by account for FY2008 through FY2011 enacted (including the 0.2% across-the-board rescission) and the FY2011 President’s Budget Request.

In addition to the funding amounts presented by account below, Section 1740 in Title VII of Division B in P.L. 112-10 included a rescission of \$140.0 million from unobligated balances available within the STAG account. Section 1745 under Title VII of Division B in House-passed H.R. 1 would have rescinded \$300 million from EPA unobligated balances available from within the STAG account.¹³ S.Amdt. 149 did not include a comparable provision. P.L. 111-88 specified a rescission of \$40.0 million of unobligated balances available from the STAG and the Hazardous Substance Superfund accounts.

Table I. H.R. 1 and S.Amdt. 149: EPA Proposed FY2011 Funding Levels by Appropriations Account Compared to Amounts Enacted for FY2011 in P.L. 112-10, Proposed in the FY2011 President’s Budget Request, and Enacted for FY2010 in P.L. 111-88

(dollars in millions)

Account/Program Purpose	FY2010 P.L. 111-88	President’s Request	FY2011		
			House- Passed H.R. 1 Div. B Title VII	S.Amdt. 149 Div. B Title VII	P.L. 112- 10 Div. B Title VII
Science and Technology (S&T)					
generally incorporates elements of the former Research and Development account that was in place until FY1996. Congress appropriates funds directly to EPA’s S&T account and transfers additional funds from the Hazardous Substance Superfund account specifically to support Superfund program research. The account funds the development of the scientific knowledge and tools necessary to inform EPA’s formulation of pollution control regulations, standards, and agency guidance.					
Base Prior to Transfers from Hazardous Substance Superfund Account	\$848.1 ^a	\$846.7	\$790.5 Sec. 1737	\$826.4 Sec. 1729	\$815.1 Sec. 1734
—Transfer from Hazardous Substance Superfund	+\$26.8	+\$24.5	+\$24.5 Sec. 1740	+\$26.8 (FY2010 level)	+\$26.8 (FY2010 level)

¹³ Sec. 1745, in Title VII of Division B in H.R. 1. *Of the unobligated balances available for ‘Environmental Protection Agency’ \$300,000,000 is rescinded: Provided, That the Administrator shall submit to the House and Senate Committees on Appropriations a proposed allocation of amounts by account and program project to rescind 30 days prior to the rescission: Provided further, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

Account/Program Purpose	FY2011				
	FY2010 P.L. 111-88	President's Request	House- Passed H.R. 1 Div. B Title VII	S.Amdt. 149 Div. B Title VII	P.L. 112- 10 Div. B Title VII
Environmental Programs and Management (EPM) funds a range of activities involved in EPA's development of pollution control regulations and standards, and enforcement of requirements across multiple environmental media, such as air and water quality	\$2,993.8	\$2,891.0	\$2,571.1 Sec. 1738	\$2,789.4 Sec. 1730	\$2,762.0 Sec. 1735
<i>Geographic Programs—EPM account includes funding for geographic/ecosystem programs to address certain environmental and human health risks in a number of identified areas of the United States, which often involve collaboration among EPA, state and local governments, communities, and nonprofit organizations.</i>	\$608.4	\$416.1	\$305.8 Sec. 1738	\$429.4 Sec. 1730	\$416.9 Sec. 1735
—Great Lakes Restoration Initiative	\$475.0	\$300.0	\$225.0 See also Sec. 1744	\$300.0 See also Sec. 1734	\$300.0 See also Sec. 1739
—Chesapeake Bay Program	\$50.0	\$63.0	\$40.0	Funding level not specified	Funding level not specified
—Puget Sound	\$50.0	\$20.0	\$20.0	\$46.0	Funding level not specified
Office of Inspector General (OIG) is provided appropriations directly and Congress appropriates additional funds as transfers from the Hazardous Substance Superfund account to the OIG account specifically to support the office's oversight of the Superfund program. Federal agency OIGs established under Inspector General Act of 1978 to conduct independent auditing, evaluation, and investigation to identify management and administrative deficiencies.					
Base Prior to Transfers from Hazardous Substance Superfund Account	\$44.8	\$45.6	\$44.8 (FY2010 level)	\$44.8 (FY2010 level)	\$44.8 (FY2010 level)
—Transfer from Hazardous Substance Superfund	+\$10.0	+\$10.2	+\$10.0 (FY2010 level)	+\$10.0 (FY2010 level)	+\$10.0 (FY2010 level)
Building and Facilities funds the construction, repair, improvement, extension, alteration, and purchase of fixed equipment and facilities owned or used by EPA.	\$37.0	\$40.0	\$37.0 (FY2010 level)	\$37.0 (FY2010 level)	\$36.5 Sec. 1736

Account/Program Purpose	FY2011				
	FY2010 P.L. 111-88	President's Request	House- Passed H.R. 1 Div. B Title VII	S.Amdt. 149 Div. B Title VII	P.L. 112- 10 Div. B Title VII
<p>Hazardous Substance Superfund is funded by discretionary appropriations from a dedicated trust fund of the same name, the Hazardous Substance Superfund Trust Fund. The Superfund program was established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended to clean up the nation's most threatening sites and created the Superfund Trust Fund to finance the program.</p>					
Total Prior to Transfers to Other EPA Accounts	\$1,306.5	\$1,293.1	\$1,273.8 Sec. 1740	\$1,293.5 Sec. 1732	\$1,283.5 Sec. 1737
—Transfer out to Office of Inspector General	-\$10.0	-\$10.2	-\$10.0 (FY2010 level)	-\$10.0 (FY2010 level)	-\$10.0 (FY2010 level)
—Transfer out to Science and Technology	-\$26.8	-\$24.5	-\$24.5	-\$26.8 (FY2010 level)	-\$26.8 (FY2010 level)
<p>Oil Spill Response 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. Authorized by the Oil Pollution Act of 1990, the U.S. Coast Guard has jurisdiction over oil spills in the coastal zone of the United States.</p>					
	\$18.4	\$18.5	\$18.4 (FY2010 level)	\$18.4 (FY2010 level)	\$18.4 (FY2010 level)
<p>Leaking Underground Storage Tank (LUST) Trust Fund Program: Like 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.</p>					
	\$113.1	\$113.2	\$106.1 Sec. 1741	\$113.1 (FY2010 level)	\$113.1 (FY2010 level)
<p>State and Tribal Assistance Grants (STAG): Majority of funding within the STAG account is for capitalization grants for the Clean Water and Drinking Water State Revolving Funds (SRFs). The remainder of the account funds other water infrastructure grants, and categorical grants to states and tribes for numerous pollution control activities under the various statutes.</p>					
	\$4,970.2	\$4,781.9	\$2,706.4 Sec. 1742	\$4,780.9 Sec. 1733	\$3,766.4 Sec. 1738
—Clean Water State Revolving Fund	\$2,100.0	\$2,000.0	\$690.0	\$2,100.0 (FY2010 level)	\$1,525.0

Account/Program Purpose	FY2011				
	FY2010 P.L. 111-88	President's Request	House- Passed H.R. 1 Div. B Title VII	S.Amdt. 149 Div. B Title VII	P.L. 112- 10 Div. B Title VII
—Drinking Water State Revolving Fund	\$1,387.0	\$1,287.0	\$830.0	\$1,387.0 (FY2010 level)	\$965.0
—Mexican Border	\$17.0	\$10.0	\$0.0	\$14.5	\$10.0
—Alaska Native Villages	\$13.0	\$10.0	\$10.0	\$13.0 (FY2010 level)	\$10.0
—Special (Congressional) Project Grants	\$156.8	\$0.0	\$0.0	\$0.0	\$0.0
—Brownfields Section 104(k) Grants	\$100.0	\$138.3	\$70.0	\$100.0 (FY2010 level)	\$100.0 (FY2010 level)
—Diesel Emission Reduction Grants	\$60.0	\$60.0	\$50.0	\$60.0 (FY2010 level)	\$50.0
—Targeted Airshed Grants	\$20.0	\$0.0	\$0.0	\$0.0	\$0.0
—Categorical Grants	\$1,116.4	\$1,276.6	\$1,056.4	\$1,106.4	\$1,106.4
Climate Change Grants to Local Governments (Referenced in House-passed H.R. 1 as “Greenhouse gas emission reduction competitive grants”)	\$10.0	\$0.0	\$0.0 Sec. also 743 (see Table 2 below)	\$0.0	\$0.0
Rescissions	-\$40.0 (unobligated balances from the STAG and the Hazardous Substance Superfund accounts)	-\$10.0 (prior fiscal years’ unobligated balances)	-\$300.0 Sec. 1745. (unobligated balances from the STAG account)	\$0.0	-\$140.0 Sec. 1740. (unobligated balances from the STAG account)

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 OMB, and EPA’s accompanying annual congressional budget justifications. Based on general provisions contained in P.L. 112-10, House-passed H.R. 1, and S.Amdt. 149, the amounts in the table for those EPA accounts (and statutory line items within those accounts) for which funding was not specified are denoted “FY2010 levels” representing FY2010 enacted levels as provided under the Interior, Environment, and Related Agencies Appropriations Act for FY2010 (P.L. 111-88).

- a. The FY2010 amount presented for the base appropriations for the S&T account includes \$2.0 million in supplemental appropriations under P.L. 111-212, Title II, for research on human health and environmental impacts associated with the *Deepwater Horizon* incident and mitigation measures employed.

H.R. 1: Selected Provisions Regarding EPA Actions

During the past two years, EPA has proposed and promulgated numerous regulations implementing provisions of the 11 pollution control statutes enacted by Congress. Many stakeholders and Members of Congress have expressed concerns that the agency has been reaching beyond the authority given it by Congress and ignoring or underestimating the costs and economic impacts of proposed and promulgated rules. EPA and others counter that these actions are consistent with statutory mandates and in some cases compelled by court ruling, the pace in many ways is slower than a decade ago, and that cost and benefits are appropriately evaluated.¹⁴

Recently promulgated and pending actions under the Clean Air Act, in particular EPA controls on emissions of greenhouse gases and efforts to address conventional pollutants from a number of industries, have received much of the attention. Several actions under the Clean Water Act, Safe Drinking Water Act, and Resource Conservation and Recovery Act (RCRA) have also received some attention. A number of these issues were the focus of considerable debate which resulted in provisions included in House-passed H.R. 1, but not included in S.Amdt. 149 and P.L. 112-10. The House-passed provisions generally would have restricted or prohibited use of funds as appropriated in the bill for certain specific EPA regulatory actions.

Provisions associated with EPA programs were primarily included under Title VII of Division B “Interior, Environment, and Related Agencies,” and under Division D “Miscellaneous Provisions - Spending Reduction Account” in House-passed H.R. 1. The provisions presented in the following tables are categorized in this report by general program areas, that is, air quality and climate change, water quality, and waste management. Related provisions that are under the jurisdiction of agencies other than EPA are listed separately in **Table 5**. The tables contain information about the provisions including the associated sections of the bill, amendment numbers if applicable, and *Congressional Record* citations.

¹⁴ CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by (name redacted) and (name redacted), examines 43 major or controversial regulatory actions taken by or under development at EPA since January 2009, providing details on the regulatory action itself, presenting an estimated timeline for completion of the rule (including identification of related court or statutory deadlines where known), and, in general, providing EPA’s estimates of costs and benefits when available. The report also discusses factors that affect the timeframe in which regulations take effect.

Table 2. EPA Air Quality/Climate Change/Greenhouse Gas Emissions Program Activities: Provisions Included in H.R. 1

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Greenhouse Gas Emissions	Sec. 1743 Title VII Division B	“The matter pertaining to competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions in the second proviso under the heading ‘Environmental Protection Agency, State and Tribal Assistance Grants’ in division A of P.L. 111-88 shall not apply to funds appropriated by this division.”	Included in H.R. 1 as introduced	No comparable provision.	No comparable provision.
Greenhouse Gas Emissions	Sec. 1746 Title VII Division B	“None of the funds made available to the Environmental Protection Agency by this division or any other Act may be expended for purposes of enforcing or promulgating any regulation (other than with respect to section 202 of the Clean Air Act) or order, taking action relating to, or denying approval of state implementation plans or permits because of the emissions of greenhouse gases due to concerns regarding possible climate change.”	Included in H.R. 1 as introduced	No comparable provision.	No comparable provision.
Greenhouse Gas Emissions	Sec. 4015 Division D	“(a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.” “(b) In this section, the term ‘stationary source’ has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).”	H.Amdt. 101 (consideration: Cong. Rec. 2/17/2011 H1186-1189; text: Cong. Rec. 2/17/2011 H1186) amendment #466 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Hazardous Air Pollutants Portland Cement Manufacturing	Sec. 4008 Division D	“None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ‘National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants’ published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq).”	H.Amdt. 88 (consideration: Cong. Rec. H1115-1121; text: Cong. Rec. H1115) amendment #165 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.
Clean Air Act permits issued for Outer Continental Shelf Sources	Sec. 4014 Division D	“None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).”	H.Amdt. 96 (consideration: Cong. Rec. 2/17/2011 H1182-1183; text: Cong. Rec. 2/17/2011 H1182) amendment #533 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.
Clean Air Act Waiver Ethanol Content of Gasoline	Sec. 4043 Division D	“No funds made available by this Act may be used to implement—(1) the decision of the Administrator of the Environmental Protection Agency entitled ‘Partial Grant and Partial Denial of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent’ published in the Federal Register on November 4, 2010 (75 Fed. Reg. 68093 et seq.); or (2) the decision of the Administrator of the Environmental Protection Agency entitled ‘Partial Grant of Clean Air Act Waiver Application Submitted by Growth Energy To Increase the Allowable Ethanol Content of Gasoline to 15 Percent’ published in the Federal Register on January 26, 2011 (76 Fed. Reg. 4662 et seq).”	H.Amdt. 156 (consideration: Cong. Rec. H1317-1318, H1335-1336; text: Cong. Rec. H1317) amendment #94 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Ambient air quality standard applicable to coarse particulate matter	Sec. 4048 Division D	“No funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter under section 109 of the Clean Air Act.”	H.Amdt. 164 (consideration: Cong. Rec. 2/18/2011 H1325-1326, H1339; text: Cong. Rec. 2/18/2011 H1325) amendment #563 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.

Source: Prepared by CRS based on provisions as contained in H.R. 1 as passed by the House on February 19, 2011, S.Amdt. 149 as considered in the Senate on March 9, 2011, and P.L. 112-10 (H.R. 1473) enacted April 15, 2011.

Table 3. EPA Water Quality Program Activities: Provisions Included in H.R. 1

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Chesapeake Bay	Sec. 4033 Division D	“None of the funds made available by this Act may be used to develop, promulgate, evaluate, implement, provide oversight to, or backstop total maximum daily loads or watershed implementation plans for the Chesapeake Bay Watershed.”	H.Amdt. 136 (consideration: Cong. Rec. H1282-1284, H1304; text: Cong. Rec. H1282) amendment #467 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.
Florida Lakes and Flowing Waters	Sec. 4035 Division D	“None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ‘Water Quality Standards for the State of Florida’s Lakes and Flowing Waters’ published in the Federal Register by the Environmental Protection Agency on December 6, 2010 (75 Fed. Reg. 75762 et seq.)”	H.Amdt. 143 (consideration: Cong. Rec. H1290-1291, H1305-1306; text: Cong. Rec. H1290) amendment #13 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.

EPA Program	House-Passed H.R. 1		S.Amdt. 149	P.L. 112-10	
	Section	Bill text	House Action		
Definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).	Sec. 1747 Title VII Division B	“None of the funds made available by this division or any other Act may be used by the Environmental Protection Agency to implement, administer, or enforce a change to a rule or guidance document pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).”	Included in H.R. 1 as introduced	No comparable provision.	No comparable provision.
Sec. 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c))	Sec. 4044 Division D	“None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to carry out section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)).” [Refers to EPA’s Clean Water Act authority to veto a sec. 404 permit proposed or issued by the Army Corps of Engineers.]	H.Amdt. 157 (consideration: Cong. Rec. H1318-1319, H1336; text: Cong. Rec. H1318) amendment #216 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.
Surface Coal Mining	Sec. 4039 Division D	“None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in— (1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled ‘Enhanced Surface Coal Mining Pending Permit Coordination Procedures’, dated June 11, 2009; or (2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled ‘Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order’, dated April 1, 2010.”	H.Amdt. 151 (consideration: Cong. Rec. H1312-1313, H1332; text: Cong. Rec. H1312) amendment #109 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.

Source: Prepared by CRS based on provisions as contained in H.R. 1 as passed by the House on February 19, 2011, S.Amdt. 149 as considered in the Senate on March 9, 2011, and P.L. 112-10 (H.R. 1473) enacted April 15, 2011.

Table 4. EPA Hazardous Waste Program Activities: Provisions Included in H.R. 1

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Fossil Fuel Combustion Waste	Sec 4045 Division D	“None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle.”	H.Amdt. 158 (consideration: Cong. Rec. H1319-1320, H1336-1337; text: Cong. Rec. H1319) amendment #217 as printed in the Cong. Rec.	No comparable provision.	No comparable provision.

Source: Prepared by CRS based on provisions as contained in H.R. 1 as by passed the House on February 19, 2011, S.Amdt. 149 as considered in the Senate on March 9, 2011, and P.L. 112-10 (H.R. 1473) enacted April 15, 2011.

Table 5. Related Provisions Included in H.R. 1 Not Under EPA’s Jurisdiction

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Office of Mining Reclamation and Enforcement, Dept. of the Interior (Not EPA)	Sec. 4032 Division D	“None of the funds made available by division B of this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.”	H.Amdt. 131 (consideration: Cong. Rec. H1279-1280, H1303-1304; text: Cong. Rec. H1279) amendment #498 as printed in the CR	No comparable provision.	No comparable provision.

EPA Program	House-Passed H.R. 1			S.Amdt. 149	P.L. 112-10
	Section	Bill text	House Action		
Climate Service (NCS) National Oceanic and Atmospheric Administration (NOAA), Dept. of Commerce (Not EPA)	Sec. 4038 Division D	“None of the funds made available by this Act may be used to implement, establish, or create a NOAA Climate Service (NCS) as described in the ‘Draft NOAA Climate Service Strategic Vision and Framework’ published at 75 Fed. Reg. 57739 (September 22, 2010) and updated on December 20, 2010; and Sec. 4042.	H.Amdt. 148 (consideration: Cong. Rec. H1310-1311, H1330-1331; text: Cong. Rec. H1310) amendment #495 as printed in the Cong. Rec.	No comparable provision.	Same provision: Sec 1348 Title III Division B
Intergovernmental Panel on Climate Change (IPCC) Dept. of State, Foreign Operations, and Related Programs (Not EPA)	Sec. 4042 Division D	“None of the funds made available by this Act may be used for contributions to the Intergovernmental Panel on Climate Change (IPCC).”	H.Amdt. 154 (consideration: CR H1315-1316, H1334; text: CR H1315) Amendment #149 as printed in the Cong. Rec.	No comparable provision	Sec. 2113 Title XI Division B “Notwithstanding section 1101, the level for each of the following accounts shall be as follows: “Multilateral Assistance, Funds Appropriated to the President, International Organizations and Programs”, \$355,000,000, of which up to \$10,000,000 may be made available for the International Panel on Climate Change/United Nations Framework Convention on Climate Change...”

Source: Prepared by CRS based on provisions as contained in H.R. 1 as passed by the House on February 19, 2011, S.Amdt. 149 as considered in the Senate on March 9, 2011, and P.L. 112-10 (H.R. 1473) enacted April 15, 2011.

Appendix. EPA Enacted Appropriations FY2008-FY2010, and President's FY2011 Budget Request

Since FY1996, EPA's appropriations have been requested by the Administration and appropriated by Congress within eight statutory appropriations accounts.¹⁵ **Table A-1** identifies the amounts enacted (including the 0.2% across-the-board rescission¹⁶) and the President's request for EPA for FY2011, compared to the appropriations enacted by Congress for FY2010, FY2009, and FY2008 for the eight appropriations accounts. The table identifies transfers of funds between these accounts, and funding levels for several program areas within certain accounts that have received more prominent attention during these fiscal years. The amounts presented in **Table A-1** are based on most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA.

¹⁵ Prior to FY1996, Congress appropriated funding for EPA under a different account structure, making it difficult to equitably compare past funding levels by account over the history of the agency.

¹⁶ P.L. 112-10, Section 1119, Title I, Div. B.

Table A-1. Appropriations for the Environmental Protection Agency: FY2008-FY2010 Enacted and the President's FY2011 Request

(millions of dollars; includes rescissions)

	FY2008 P.L. 110-161	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total	FY2010 P.L. 111-88	FY2011 Request	FY2011 P.L. 112-10
Science and Technology							
—Base Appropriations	\$760.1	\$790.1	\$0.0	\$790.1	\$848.1 ^a	\$846.7	\$813.5
—Transfer in from Superfund	+\$25.7	+\$26.4	\$0.0	+\$26.4	+\$26.8	+\$24.5	+\$26.8
Science and Technology Total	\$785.8	\$816.5	\$0.0	\$816.5	\$874.9	\$871.2	\$840.3
Environmental Programs and Management							
	\$2,328.0	\$2,392.1	\$0.0	\$2,392.1	\$2,993.8	\$2,891.0	\$2,756.5
Office of Inspector General							
—Base Appropriations	\$41.1	\$44.8	\$20.0	\$64.8	\$44.8	\$45.6	\$44.7
—Transfer in from Superfund	+\$11.5	+\$10.0	\$0.0	+\$10.0	+\$10.0	+\$10.2	+\$10.0
Office of Inspector General Total	\$52.6	\$54.8	\$20.0	\$74.8	\$54.8	\$55.8	\$54.7
Buildings & Facilities							
	\$34.3	\$35.0	\$0.0	\$35.0	\$37.0	\$40.0	\$36.4
Hazardous Substance Superfund (before transfers)							
	\$1,254.0	\$1,285.0	\$600.0	\$1,885.0	\$1,306.5	\$1,293.1	\$1,280.9
—Transfer out to Office of Inspector General	-\$11.5	-\$10.0	\$0.0	-\$10.0	-\$10.0	-\$10.2	-\$10.0
—Transfer out to Science and Technology	-\$25.7	-\$26.4	\$0.0	-\$26.4	-\$26.8	-\$24.5	-\$26.8
Hazardous Substance Superfund (after transfers)	\$1,216.8	\$1,248.6	\$600.0	\$1,848.6	\$1,269.7	\$1,258.4	\$1,244.2
Leaking Underground Storage Tank Trust Fund Program							
	\$105.8	\$112.6	\$200.0	\$312.6	\$113.1	\$113.2	\$112.9
Oil Spill Response							
	\$17.1	\$17.7	\$0.0	\$17.7	\$18.4	\$18.5	\$1834
State and Tribal Assistance Grants (STAG)							
—Clean Water State Revolving Fund	\$689.1	\$689.1	\$4,000.0	\$4,689.1	\$2,100.0	\$2,000.0	\$1,522.0
—Drinking Water State Revolving Fund	\$829.0	\$829.0	\$2,000.0	\$2,829.0	\$1,387.0	\$1,287.0	\$963.0
—Special (Congressional) Project Grants	\$132.9	\$145.0	\$0.0	\$145.0	\$156.8	\$0.0	\$0.0
—Categorical Grants	\$1,078.3	\$1,094.9	\$0.0	\$1,094.9	\$1,116.4	\$1,276.6	\$1,104.2

	FY2008 P.L. 110-161	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total	FY2010 P.L. 111-88	FY2011 Request	FY2011 P.L. 112-10
—Brownfields Section 104(k) Grants	\$93.5	\$97.0	\$100.0	\$197.0	\$100.0	\$138.3	\$99.8
—Diesel Emission Reduction Grants	\$49.2	\$60.0	\$300.0	\$360.0	\$60.0	\$60.0	\$49.9
—Other State and Tribal Assistance Grants	\$54.2	\$53.5	\$0.0	\$53.5	\$50.0	\$20.0	\$20.0
State and Tribal Assistance Grants Total	\$2,926.2	\$2,968.5	\$6,400.0	\$9,368.5	\$4,970.2	\$4,781.9	\$3,758.9
Rescissions (various EPA accounts) ^b	-\$5.0	-\$10.0	\$0.0	-\$10.0	-\$40.0	-\$10.0	-\$140.0
Total EPA Accounts	\$7,461.5	\$7,635.7	\$7,220.0	\$14,855.7	\$10,291.9^a	\$10,020.0	\$8,682.1

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 OMB, and EPA’s accompanying annual congressional budget justifications. “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.

- a. The amounts presented for the FY2010 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 rescissions are from unobligated balances from funds appropriated in prior years, 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.

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