

Environmental Protection Agency (EPA): Appropriations for FY2014 in P.L. 113-76

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Summary

Enacted on January 17, 2014, Title II of Division G of the Consolidated Appropriations Act, 2014 (P.L. 113-76, H.R. 3547) provided \$8.20 billion for the Environmental Protection Agency (EPA) for FY2014. The act appropriated funding for the full fiscal year through September 30, 2014, for all of the 12 regular appropriations acts, including EPA within Interior, Environment, and Related Agencies. Total discretionary appropriations available in FY2014 for all federal departments and agencies were based on a cap of \$1.012 trillion set in the Bipartisan Budget Act of 2013 (P.L. 113-67). The White House Office of Management and Budget (OMB) determined that this spending level in FY2014 would not trigger sequestration under the Budget Control Act of 2011 (BCA; P.L. 112-25), as amended by the American Taxpayer Relief Act (ATRA; P.L. 112-240). Unlike FY2013, the FY2014 appropriations therefore were not reduced through sequestration.

The total FY2014 enacted appropriations of \$8.20 billion for EPA were \$47.0 million (0.6%) more than the President's FY2014 request of \$8.15 billion, and \$298.9 million (3.8%) above the FY2013 enacted appropriations of \$7.90 billion (post-sequestration and rescission) provided in the Consolidated Appropriations Act, 2013 (P.L. 113-6) as reported by EPA in its FY2013 Operating Plan. The FY2014 enacted appropriations are a \$278.4 million (3.3%) decrease compared to the total FY2013 appropriations of \$8.48 billion for EPA, when accounting for the \$577.3 million (post-sequestration) in supplemental funds provided in the Disaster Relief Appropriations Act, 2013 (P.L. 113-2). These supplemental funds were dedicated to water infrastructure, cleanup, and other recovery efforts in areas of states affected by Hurricane Sandy in late October 2012.

No regular FY2014 appropriations bill for Interior, Environment, and Related Agencies was introduced in the House or Senate prior to the start of the fiscal year on October 1, 2013. On July 31, 2013, the House Appropriations Committee began, but did not conclude, markup of an FY2014 Interior appropriations bill. On August 1, 2013, the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a draft FY2014 Interior appropriations bill with an accompanying explanatory statement to serve as a starting point for debate in the Senate. No regular appropriations bills for FY2014 were enacted prior to the beginning of that fiscal year. Following a temporary lapse in funding through October 16, 2013, EPA and other federal departments and agencies operated under two continuing resolutions (P.L. 113-46 and P.L. 113-73) prior to the enactment of P.L. 113-76 to fund the full fiscal year.

Considerable attention during the debate and hearings on the EPA's appropriations for FY2014 focused on federal financial assistance to states for wastewater and drinking water infrastructure projects, various categorical grants to states to support general implementation and enforcement of federal environmental programs as delegated to the states, funding for implementation and research support for air pollution control requirements, climate change and greenhouse gas emissions, and funding for environmental cleanup.

In addition to funding for specific programs and activities, several recent and pending EPA regulatory actions received attention during hearings on FY2014 appropriations for EPA, similar to the debate regarding appropriations for the agency for recent fiscal years. Although a number of provisions to prohibit or restrict the use of FY2014 appropriations for certain EPA actions were considered in the House Appropriations Committee markup, most of these provisions were not included in the Senate Appropriations Subcommittee draft, the partial-fiscal year continuing resolutions noted above, or P.L. 113-76 that provided funding for the full fiscal year.

This report summarizes actions on FY2014 appropriations for EPA and presents a breakout of the FY2014 enacted appropriations for the agency by each of the nine appropriations accounts and by selected programs and activities within those accounts that received more prominent attention in the congressional debate. The discussions and tables presented in this report compare the FY2014 enacted appropriations for EPA to the President's FY2014 budget request, and the FY2013 enacted appropriations (post-sequestration and rescission), including funding provided in P.L. 113-6 and the disaster relief supplemental funds provided P.L. 113-2.

Contents

Introduction.....	1
EPA FY2014 Appropriations by Account	4
Selected EPA Programs and Activities.....	7
Wastewater and Drinking Water Infrastructure	7
Water Infrastructure in Geographic-Specific Areas.....	9
Categorical Grants to States and Tribes.....	9
Air Quality and Climate Change Activities	11
Cleanup of Superfund Sites	14
Brownfields	17
Underground Storage Tanks	18
Geographic-Specific/Ecosystem Programs	21
Great Lakes Restoration Initiative.....	22
Chesapeake Bay	22
National (Congressional) Priorities and Earmarks	23

Figures

Figure 1. EPA Appropriations by Account: Proportional Comparison of FY2014 Enacted to FY2013 Enacted (Post-Sequestration and Rescission).....	6
Figure A-1. EPA Discretionary Budget Authority FY1976-FY2014 (Est.): Adjusted and Not Adjusted for Inflation.....	28
Figure A-2. EPA's Reported Authorized Full Time Equivalent (FTE), Employment Ceiling FY2001-FY2014	29

Tables

Table 1. EPA Appropriations by Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)	5
Table 2. Appropriations for Clean Water and Drinking Water State Revolving Fund (SRF) Capitalization Grants within the EPA State and Tribal Assistance Grants (STAG) Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)	8
Table 3. Appropriations for Categorical Grants within the EPA State and Tribal Assistance Grants (STAG) Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)	10
Table 4. Appropriations for Selected EPA Air Quality Research and Implementation Activities by Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)	13
Table 5. Appropriations for the EPA Hazardous Substance Superfund Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission).....	16

Table 6. Appropriations for EPA’s Brownfields Program: FY2014 Enacted, President’s FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)	18
Table 7. EPA Appropriations for Cleanup and Regulation of Underground Storage Tanks: FY2014 Enacted, President’s FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)	20
Table 8. Appropriations for Selected Geographic-Specific/Ecosystem Programs within the EPA Environmental Programs and Management (EPM) Account: FY2014 Enacted, President’s FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission).....	21
Table A-1. Appropriations for the Environmental Protection Agency (EPA): FY2008-FY2014 Enacted.....	26
Table B-1. EPA’s Nine Appropriations Accounts.....	30

Appendixes

Appendix A. Historical Funding Trends and Staffing Levels	24
Appendix B. Descriptions of EPA’s Nine Appropriations Accounts.....	30

Contacts

Author Contact Information.....	31
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Introduction

Enacted on January 17, 2014, the Consolidated Appropriations Act, 2014 (P.L. 113-76, H.R. 3547) appropriated funding for the full fiscal year through September 30, 2014, for all of the 12 regular appropriations acts. The Interior, Environment, and Related Agencies appropriations act, which includes funding for the Environmental Protection Agency (EPA), is contained in Division G of the act. Title II of Division G provided \$8.20 billion for EPA for FY2014, \$47.0 million (0.6%) more than the President's FY2014 request of \$8.15 billion, and \$298.9 million (3.8%) above the FY2013 enacted appropriation of \$7.90 billion (post-sequestration and rescission) provided in the Consolidated Appropriations Act, 2013 (P.L. 113-6) as presented by EPA in its FY2013 Operating Plan. The FY2014 enacted appropriations were a \$278.4 million (3.3%) decrease below the total FY2013 appropriations of \$8.48 billion for EPA, when accounting for the \$577.3 million (post-sequestration) in supplemental funds provided in the Disaster Relief Appropriations Act, 2013 (P.L. 113-2). These supplemental funds were dedicated to water infrastructure, cleanup, and other recovery efforts in areas of states affected by Hurricane Sandy in late October 2012.

Congress considered FY2014 discretionary appropriations for federal departments and agencies, including EPA, under the parameters 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).¹ That act 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. Initially during the FY2014 budget process, the House and the Senate adopted separate budget resolutions with differing total discretionary spending levels, and allocations between defense and nondefense spending. The chairs of the House and Senate Budget Committees announced an agreement (H.J.Res. 59) amending the BCA FY2014 and FY2015 discretionary spending limits. Enacted into law on December 26, 2013, the Bipartisan Budget Act of 2013 (Division A of the Continuing Appropriations Resolution, 2014, P.L. 113-67, H.J.Res. 59) established a total cap of \$1.012 trillion for FY2014 and \$1.014 trillion for FY2015 for non-defense and defense discretionary spending.²

No regular FY2014 appropriations bill for Interior, Environment, and Related Agencies was introduced in the House or Senate prior to the start of the fiscal year on October 1, 2013. The House Appropriations Committee began markup of an FY2014 Interior appropriations bill on July 31, 2013, but the markup was suspended and not concluded.³ On August 1, 2013, the leaders of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies released a draft FY2014 Interior appropriations bill⁴ with an accompanying explanatory statement

¹ For information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by (name redacted), (name redacted), and (name redacted).

² P.L. 113-67, Division A §101(a)(1).

³ The markup focused on the bill and accompanying explanatory statement approved on July 23, 2013, by the House Appropriations Subcommittee on Interior, Environment, and Related Agencies. The Subcommittee's bill is available on the House Committee on Appropriations website at <http://appropriations.house.gov/uploadedfiles/bills-113hr-fc-ap-fy2014-ap00-interior.pdf>, and the explanatory statement is available at <http://appropriations.house.gov/uploadedfiles/hrpt-113-hr-fy2014-interior.pdf>.

⁴ The draft bill is posted on the Senate Committee on Appropriations website at <http://www.appropriations.senate.gov/news/fy14-interior-bill-draft>. The explanatory statement also is posted on the committee's website at (continued...)

intended to serve as a starting point for the Senate debate.⁵ The largest dollar difference between the House and Senate Subcommittee drafts was the funding level for EPA in Title II. The Senate Subcommittee draft bill had included \$8.48 billion for EPA, \$2.96 billion (53.6%) higher than the level of \$5.52 billion that the House had included in its draft bill.

None of the 12 regular appropriations bills were enacted prior to the start of FY2014.⁶ Absent enacted appropriations, a temporary 16-day lapse in discretionary appropriations occurred between October 1, 2013, and October 16, 2013, resulting in a partial shutdown of the federal government.⁷ Enacted on October 17, 2013, the Continuing Appropriations Act, 2014 (P.L. 113-46) ended this lapse in funding and provided temporary appropriations generally at FY2013 levels through January 15, 2014. P.L. 113-73 extended appropriations at these levels thereafter until the enactment of P.L. 113-46 on January 17, 2014, funding federal departments and agencies for the full fiscal year.⁸

The following sections of this CRS report present the levels of FY2014 enacted appropriations for EPA by the nine statutory appropriations accounts that fund the agency, with a breakout within these accounts for selected programs and activities that have received more prominent attention in the congressional debate. The discussions and tables presented in this report compare the FY2014 enacted appropriations for these accounts, programs, and activities to the President's FY2014 budget request and the FY2013 enacted appropriations (post-sequestration and rescission), including \$577.3 million in supplemental funds provided for four EPA accounts in the Disaster Relief Appropriations Act, 2013 (P.L. 113-2). These supplemental funds were dedicated to water infrastructure, cleanup, and other recovery efforts in areas of states affected by Hurricane Sandy in late October 2012.

The Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (issued in the January 15, 2014, *Congressional Record*)⁹ is the primary source of information presented in this CRS report for the FY2014 enacted appropriations and the President's FY2014 budget request unless otherwise specified.¹⁰ The House Committee on Appropriations also

(...continued)

<http://www.appropriations.senate.gov/news/fy14-interior-explanatory-statement>.

⁵ According to a joint statement released by the Chairman and Ranking Member of the Senate Subcommittee, the draft document was intended to “serve as a meaningful start as discussions continue to finalize a fiscally responsible, balanced FY 2014 Interior bill”; Committee on Appropriations, U.S. Senate, “Reed and Murkowski Release Draft of FY2014 Interior, Environment, and Related Agencies Appropriation Bill,” press release, August 1, 2013, <http://www.appropriations.senate.gov/news/reed-and-murkowski-release-draft-fy14-interior-bill>.

⁶ The House previously considered five regular appropriations bills on the floor and passed four of them; the Senate began floor consideration of one regular appropriations bill, but no bills were passed; see CRS Report R43338, *Congressional Action on FY2014 Appropriations Measures*, by (name redacted).

⁷ A *funding lapse* or “gap” is the interval during the fiscal year when appropriations for a particular project or activity are not enacted into law, either in the form of a regular appropriations act or a continuing resolution. For further information, see CRS Report RS20348, *Federal Funding Gaps: A Brief Overview*, by (name redacted).

⁸ For information on the continuing resolutions for FY2014 and earlier fiscal years, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by (name redacted).

⁹ Congressional Record, January 15, 2014, 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>.

¹⁰ Additional information regarding the FY2014 request was obtained from the EPA's *FY2014 Justification of Appropriation Estimates for the Committee on Appropriations* (referred to throughout this report as the EPA FY2014 Congressional Justification), available at <http://www2.epa.gov/planandbudget/fy2014>, and the President's *Budget of the United States Government, Fiscal Year 2014*, issued by the Office of Management and Budget (OMB), (continued...)

presented the FY2014 enacted amounts in its report (H.Rept. 113-551) accompanying H.R. 5171, the Department of the Interior, Environment and Related Agencies Appropriations Act, 2015. The levels of FY2013 enacted appropriations indicated in this CRS report are as presented in EPA's FY2013 Operating Plan provided to CRS by the House Committee on Appropriations. These amounts for FY2013 reflect the application of sequestration under the Budget Control Act of 2011 (P.L. 112-25) as amended, and the additional 0.2% across-the-board rescission required under criteria specified in P.L. 113-6.¹¹ A breakout also is presented for the supplemental funding provided in P.L. 113-2 (post-sequestration). For a more detailed discussion of EPA's FY2013 appropriations, see CRS Report R43207, *Environmental Protection Agency (EPA): Appropriations for FY2013 in P.L. 113-6*.

Table A-1 in **Appendix A** of this report provides a historical comparison of enacted appropriations (not adjusted for inflation) by EPA appropriations account from FY2008 through FY2014. **Figure A-1** depicts historical funding trends (adjusted for inflation) for the agency readily available back to FY1976, and **Figure A-2** presents EPA's full-time-equivalent (FTE) employment ceiling readily available from FY2001 through FY2014. With the exception of the historical funding presented in **Figure A-1** in **Appendix A**, the enacted appropriations for prior fiscal years presented throughout this report have not been adjusted for inflation. In some cases, small increases above the prior-year funding level may reflect a decrease in real dollar values when adjusted for inflation.

In general, the term *appropriations* used in this report refers to total discretionary funds made available to EPA for obligation, including regular fiscal year and emergency supplemental appropriations, as well as any rescissions, transfers, and deferrals in a particular fiscal year, but excludes permanent or mandatory appropriations that are not subject to the annual appropriations process. This latter category of funding constitutes a very small portion of EPA's annual funding. The vast majority of the agency's annual funding consists of discretionary appropriations.

From FY1996 through FY2013, EPA's appropriations had been requested by the Administration and appropriated by Congress within eight statutory appropriations accounts. A different account structure was in place prior to that time.¹² 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 explanatory statement accompanying H.R. 3547 noted that this dedicated account is intended to support the development of "... a cost-effective IT system to manage manifest transactions electronically" under Subtitle C of the Resource Conservation and Recovery Act (RCRA)/Solid Waste Disposal Act.¹³ See **Appendix B** for more

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<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=BUDGET&browsePath=Fiscal+Year+2014&isColapsed=false&leafLevelBrowse=false&isDocumentResults=true&ycord=0>.

¹¹ Section 3004 of P.L. 113-6 directed the Office of Management and Budget (OMB) to apply an across-the-board rescission, if needed, in addition to sequestration to ensure that the total level of appropriations in FY2013 did not exceed the discretionary spending caps. Section 3004 did not specify the percentage of this rescission, but directed OMB to calculate it relative to the amount of appropriations that would exceed the caps otherwise. OMB subsequently determined that an across-the-board rescission of 0.2% was necessary in FY2013 to remain within the non-security cap.

¹² 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.

¹³ The Administration had requested appropriations for the Hazardous Waste Electronic Manifest System in FY2013 (continued...)

information on the scope of each of the nine statutory appropriations accounts that fund EPA. A breakout of FY2014 enacted appropriations by each EPA account is presented below.

EPA FY2014 Appropriations by Account

Table 1 presents the levels of FY2014 enacted appropriations for EPA provided in P.L. 113-76 compared to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission). The FY2013 enacted appropriations include funding provided in P.L. 113-6 and the \$577.3 million in supplemental funds for Hurricane Sandy disaster relief provided in P.L. 113-2. The table presents a breakout of these amounts for each of the nine EPA statutory appropriations accounts, including the new Hazardous Waste Electronic Manifest System Fund discussed above. In creating this new account, P.L. 113-76 consolidated funding that the President had requested within other existing EPA accounts. The table also identifies transfers of funds between appropriations accounts, and funding levels for selected program areas within various accounts that have received more prominent attention in the congressional debate.

Figure 1 following the table presents the allocation of the total FY2014 enacted appropriations among the individual EPA appropriations accounts, compared to the allocation of the FY2013 enacted appropriations (post-sequestration and rescission). **Figure 1** presents two comparisons for the allocations of FY2013 appropriations, one including the Hurricane Sandy disaster relief supplemental funds provided in P.L. 113-2 and the other excluding the supplemental funds.

As shown in **Table 1**, the total FY2014 enacted appropriations of \$8.20 billion for EPA was \$47.0 million (0.6%) more than the President's FY2014 request of \$8.15 billion and \$298.9 million (3.8%) above the FY2013 enacted appropriations of \$7.90 billion provided in P.L. 113-6 (post-sequestration and rescission). The FY2014 enacted appropriations were \$278.4 million (3.3%) less than the total FY2013 enacted appropriations of \$8.48 billion for EPA, when accounting for the \$577.3 million in supplemental funds provided in P.L. 113-2 (post-sequestration).

P.L. 113-76 and the President's FY2014 request did not include rescissions of unobligated balances of prior EPA appropriations, as in previous fiscal years beginning in FY2006. For FY2013, Section 1406 of P.L. 113-6 required a rescission of \$50.0 million from unobligated balances of prior appropriations to the Hazardous Substance Superfund account (\$15.0 million) and the State and Tribal Assistance Grants (STAG) account (\$35.0 million). FY2013 rescissions of unobligated balances specified within the STAG account included \$5.0 million from categorical grants, \$10.0 million each from Clean Water and Drinking Water State Revolving Fund (SRF) grants, and \$10.0 million from Brownfields grants. The President's FY2013 request had proposed a \$30.0 million rescission of unobligated balances of prior EPA appropriations, but did not specify which agency accounts would be affected.

Following the table and figure below, this report presents a discussion of the FY2014 enacted appropriations for selected EPA programs and activities highlighted in the congressional debate.

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and FY2014 within existing appropriations accounts. For FY2014, P.L. 113-76 created a dedicated statutory appropriations account to fund this purpose. See Title II of Division G in the Joint Explanatory Statement for the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014 Congressional Record, Book II, p. H978-979, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

Table 1. EPA Appropriations by Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

EPA Appropriation Accounts	FY2013 P.L. 113-6 (Post- Sequester)^a	FY2013 Supplemental P.L. 113-2 (Post- Sequester)	FY2013 Total (Post- Sequester)	FY2014 President's Request	FY2014 Enacted P.L. 113-76
Science and Technology					
—Base Appropriations	\$743.8	—	\$743.8	\$783.9	\$759.2
—Transfer in from Superfund	+\$21.7	—	+\$21.7	+\$23.5	+\$19.2
Science and Technology (with transfers)	\$765.5	—	\$765.5	\$807.5	\$778.4
Environmental Programs and Management	\$2,511.4	\$0.7	\$2,512.1	\$2,812.8	\$2,624.1
Hazardous Waste Electronic Manifest System Fund	N/A	N/A	N/A	\$2.0	\$3.7
Office of Inspector General					
—Base Appropriations	\$39.7	—	\$39.7	\$45.2	\$41.8
—Transfer in from Superfund	+\$9.4	—	+\$9.4	+\$11.1	\$9.9
Office of Inspector General (with transfers)	\$49.1	—	\$49.1	\$56.3	\$51.8
Buildings and Facilities	\$34.5	—	\$34.5	\$54.4	\$34.5
Hazardous Substance Superfund (before transfers)	\$1,113.3	\$1.9	\$1,115.2	\$1,180.4	\$1,088.8
—Transfer out to Office of Inspector General	-\$9.4	—	-\$9.4	-\$11.1	-\$9.9
—Transfer out to Science and Technology	-\$21.7	—	-\$21.7	-\$23.5	-\$19.2
Hazardous Substance Superfund (after transfers)	\$1,082.1	\$1.9	\$1,084.0	\$1,145.8	\$1,059.6
Leaking Underground Storage Tank Trust Fund Program	\$98.7	\$4.7	\$103.4	\$99.2	\$94.6
Inland Oil Spill Program (formerly Oil Spill Response)	\$17.3	—	\$17.3	\$21.3	\$18.2
State and Tribal Assistance Grants (STAG)					
—Clean Water State Revolving Fund	\$1,376.1	\$475.0	\$1,851.1	\$1,095.0	\$1,448.9
—Drinking Water State Revolving Fund	\$861.3	\$95.0	\$956.3	\$817.0	\$906.9
—Categorical Grants	\$1,032.0	—	\$1,032.0	\$1,135.8	\$1,054.4
—Brownfields Section 104(k) Grants	\$89.9	—	\$89.9	\$85.0	\$90.0
—Diesel Emission Reduction Grants	\$18.9	—	\$18.9	\$6.0	\$20.0
—Other State and Tribal Assistance Grants	\$14.2	—	\$14.2	\$15.0	\$15.0
State and Tribal Assistance Grants Total	\$3,392.4	\$570.0	\$3,962.4	\$3,153.8	\$3,535.2
Rescissions of Unobligated Balances ^b	-\$50.0	—	-\$50.0	\$0.0	\$0.0
Total EPA Accounts	\$7,901.1	\$577.3	\$8,478.4	\$8,153.0	\$8,200.0

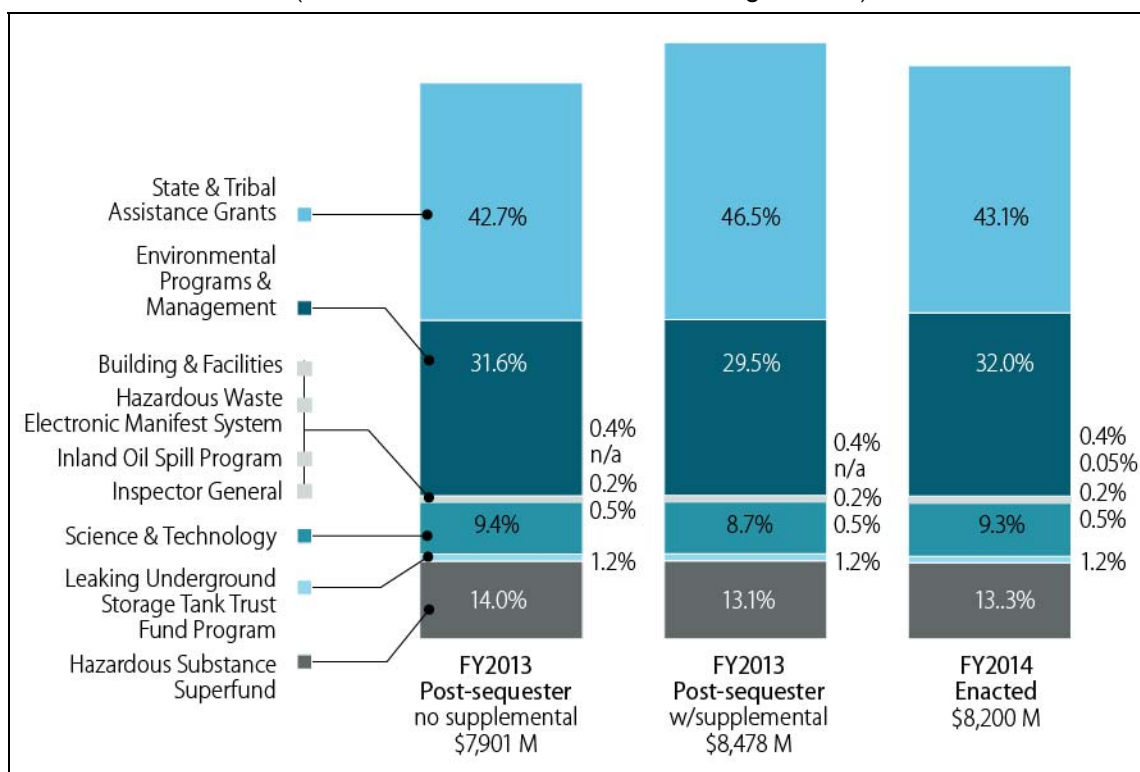
Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission under the Consolidated and Further

Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested amounts and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76), issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

- a. FY2013 discretionary appropriations were considered under the BCA as amended, which established, among other things, a statutory limit on FY2013 discretionary spending and required a sequestration of FY2013 budgetary resources if necessary to control spending within that limit. Deficit reduction legislation was not enacted by January 15, 2012, as required by the BCA, triggering an automatic spending reduction process that consisted of a combination of sequestration and lower discretionary spending caps, and ultimately reductions in overall FY2013 funding levels.
- b. Rescissions are from unobligated balances of funds appropriated in prior years. 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. For FY2013, Section 1406 of Title IV in P.L. 113-6 rescinded unobligated balances from the Hazardous Substance Superfund (\$15.0 million) and STAG (\$35.0 million) accounts. FY2013 rescissions within the STAG account included \$5.0 million from categorical grants, \$10.0 million each from the Clean Water and the Drinking Water SRF grants, and \$10.0 million from Brownfields grants. Similar rescissions were not included for FY2014 in the President’s Request or in P.L. 113-76.

Figure 1. EPA Appropriations by Account: Proportional Comparison of FY2014 Enacted to FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars, before transfers among accounts)



Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations (with and without the supplemental funds) are as reported in EPA’s FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76), issued in the January 15, 2014, *Congressional*

Record, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Percentages may not add due to rounding.

Selected EPA Programs and Activities

Considerable attention during the debate and hearings on the EPA's appropriations for FY2014 focused on federal financial assistance to states for wastewater and drinking water infrastructure projects, various categorical grants to states to support general implementation and enforcement of federal environmental programs as delegated to the states, funding for implementation and research support for air pollution control requirements, climate change and greenhouse gas emissions, and funding for environmental cleanup. Also garnering congressional interest were the funding levels for several geographic-specific initiatives, including the Great Lakes and certain other inland and coastal bodies of water.

The following sections of this report discuss the levels of FY2014 appropriations for selected EPA programs and activities within the above areas that received prominent attention in the congressional debate leading to the enactment of P.L. 113-76. A comprehensive summary of funding for all EPA programs and activities is beyond the scope of this report. A more detailed breakout of the FY2014 enacted appropriations is presented in the Joint Explanatory Statement accompanying H.R. 3547, issued in the *Congressional Record* on January 15, 2014.¹⁴ The EPA FY2015 congressional budget justification also presents information on FY2014 enacted appropriations in comparison to the President's FY2015 budget request.¹⁵

Wastewater and Drinking Water Infrastructure

Historically, funding within the State and Tribal Assistance Grants (STAG) account for grants to aid states and territories in capitalizing their Clean Water and Drinking Water State Revolving Funds (SRFs) 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. The FY2014 funding level for SRF grants specified in P.L. 113-76 constituted roughly 29% of the total EPA appropriations. Including the disaster relief supplemental funding provided in P.L. 113-2,¹⁶ SRF grants for FY2013 represented more than 33% of the total appropriations for EPA in FY2014. In contrast, the President's FY2014 budget request for the SRF grants represented about 23% of the total request for EPA. In FY2011 and FY2012, enacted funding for the SRF grants was more than 28%

¹⁴ See the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76), issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

¹⁵ The EPA FY2015 congressional budget justification and other related budget documents are available on the EPA website at <http://www2.epa.gov/planandbudget/fy2015>.

¹⁶ P.L. 113-2 provided an additional \$570.0 million (post-sequester) for FY2013 in disaster relief supplemental appropriations combined for the Clean Water (\$475.0 million) and Drinking Water (\$95.0 million) SRFs. These funds in P.L. 113-2 were allocated to affected areas of New York and New Jersey for improvements to wastewater and drinking water treatment works and facilities impacted by Hurricane Sandy. Because the funding was directed to areas affected by this weather event, they were not allocated according to the existing state-by-state allotment formula under the Clean Water Act for the Clean Water SRF or according to needs surveys under the Safe Drinking Act for the Drinking Water SRF. See also the EPA May 2, 2013, press release for a summary of these funds awarded to New York and New Jersey: <http://yosemite.epa.gov/opa/advpress.nsf/bd4379a92ceceac8525735900400c27/8a24127bdd6392785257b5f0050595f!OpenDocument>.

of the total appropriations for EPA in those fiscal years, similar to the proportion for FY2013 excluding the disaster relief supplemental funding.

The SRF capitalization grants to states and territories support 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 the Clean Water Act and the Safe Drinking Water Act,¹⁷ respectively.¹⁸ EPA awards SRF grants to states and territories based on formulas.¹⁹ P.L. 113-76 appropriated a combined \$2.36 billion for the Clean Water and Drinking Water SRFs for FY2014. The combined total was \$443.8 million (23.2%) more than the President's FY2014 request of \$1.91 billion, and was \$118.4 million (5.3%) more than the \$2.24 billion enacted for FY2013 (post-sequestration and rescission), excluding the supplemental appropriations. The FY2014 combined total for the SRFs was \$451.6 million (16.1%) less than the total FY2013 funding level of \$2.81 billion when accounting for the \$570.0 million in supplemental appropriations. The combined amount for FY2014 was also less than the FY2012, FY2011, and FY2010 enacted levels²⁰ (see **Table A-1** in **Appendix A**).

Table 2 presents the FY2014 enacted appropriations for the Clean Water and Drinking Water SRF capitalization grants, compared to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission). The table presents a breakout for FY2013 to identify the disaster relief supplemental appropriations.

Table 2. Appropriations for Clean Water and Drinking Water State Revolving Fund (SRF) Capitalization Grants within the EPA State and Tribal Assistance Grants (STAG) Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

SRF	FY2013		FY2013 Total (Post- Sequester)	FY2014 President's Request	FY2014 Enacted P.L. 113-76
	FY2013 P.L. 113-6 (Post- Sequester)	Supplemental P.L. 113-2 (Post- Sequester)			
Clean Water	\$1,376.1	\$475.0	\$1,851.1	\$1,095.0	\$1,448.9

¹⁷ Although all of the infrastructure projects in the drinking water needs assessment would promote the health objectives of the Safe Drinking Water Act, EPA reports that 10.9% (\$42.0 billion) of the long-term funding needs was attributable to compliance with regulations under the act, while 89% (\$342.2 billion) represented nonregulatory costs. Most nonregulatory funding needs typically involve installing, upgrading, or replacing transmission and distribution infrastructure to allow a system to continue to deliver safe drinking water. These system problems often do not cause a violation of a federal drinking water standard, but projects to correct infrastructure problems may be eligible for Drinking Water SRF funding if needed to address public health risks. Projects attributable to compliance with Safe Drinking Water Act regulations typically involve the upgrade, replacement, or installation of treatment technologies.

¹⁸ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by (name redacted), and CRS Report RS22037, *Drinking Water State Revolving Fund (DWSRF): Program Overview and Issues*, by (name redacted).

¹⁹ Clean Water SRF capitalization grants are awarded to states according to a statutory formula established in the Clean Water Act. The Safe Drinking Water Act requires EPA to allocate SRF capitalization grants among the states based on the proportional share of the states' needs as identified in the most recent drinking water needs survey.

²⁰ By comparison, the average annual total funding for the two SRF programs combined during the 12-year period prior to FY2009 was \$2.0 billion.

SRF	FY2013	FY2013	FY2013	FY2014	FY2014
	P.L. 113-6 (Post-Sequester)	Supplemental P.L. 113-2 (Post-Sequester)	Total (Post-Sequester)	President's Request	Enacted P.L. 113-76
Drinking Water	\$861.3	\$95.0	\$956.3	\$817.0	\$906.9
Total SRF Appropriations	\$2,237.4	\$570.0	\$2,807.4	\$1,912.0	\$2,355.8

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

Water Infrastructure in Geographic-Specific Areas

As in past appropriations, P.L. 113-76 also included funding within the STAG account for FY2014 to support other water infrastructure projects in two geographic-specific areas: Alaska Native Villages and the U.S.-Mexico Border region. The FY2014 amount for the construction of wastewater and drinking water facilities in Alaska Native Villages was \$10.0 million, the same as the President's FY2014 request. The FY2013 funding level was \$9.5 million (post-sequestration and rescission). The FY2014 enacted appropriations included \$5.0 million within the STAG account for wastewater infrastructure projects along the U.S.-Mexico border, the same as the President's FY2014 request and slightly more than the FY2013 funding level of \$4.7 million (post-sequestration and rescission).

Categorical Grants to States and Tribes

Another \$1.05 billion was included within the STAG account for FY2014 to support state and tribal "categorical" grant programs, \$81.4 million (7.2%) below the President's FY2014 request of \$1.14 billion, and \$22.4 million (2.2%) more than the FY2013 enacted level of \$1.03 billion (post-sequestration and rescission). These funds are allocated among multiple grants generally to states and tribes to support the day-to-day implementation of federal environmental laws and regulations and to support various activities that address particular environmental media (air, water, hazardous waste, etc.). Implementation by states involves a range of activities such as monitoring, permitting and standard setting, training, and other pollution control and prevention activities. These grants also assist multimedia projects such as pollution prevention, pesticides and toxic substances enforcement, the tribal general assistance program, and environmental information. Categorical grants to assist states and tribes with the implementation of federal air quality requirements are discussed in more detail in the following section on "Air Quality and Climate Change Activities."

Table 3 presents the FY2014 enacted appropriations for EPA categorical grant programs, compared to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission).

Table 3. Appropriations for Categorical Grants within the EPA State and Tribal Assistance Grants (STAG) Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

Categorical Grant Program Area	FY2013 P.L. 113-6 (Post-Sequester)	FY2014 President's Request	FY2014 Enacted P.L. 113-76
Beaches Protection	\$9.3	\$0.0	\$9.5
Brownfields	\$46.7	\$47.6	\$47.7
Environmental Information	\$9.4	\$21.6	\$9.6
Evidence-based Enforcement Grants	\$0.0	\$4.0	\$0.0
Hazardous Waste Financial Assistance	\$97.6	\$103.0	\$99.7
Lead	\$13.8	\$14.5	\$14.0
Nonpoint Source (Clean Water Act §319)	\$155.9	\$164.5	\$159.3
Pesticides Enforcement	\$17.7	\$18.6	\$18.1
Pesticides Program Implementation	\$12.4	\$13.1	\$12.7
Pollution Control (Clean Water Act §106)	\$226.0	\$258.7	\$230.8
Water Quality Monitoring	N/A	\$18.5	\$17.8
Other Activities	N/A	\$240.2	\$213.0
Pollution Prevention	\$4.7	\$4.9	\$4.8
Public Water System Supervisions (PWSS)	\$99.8	\$109.7	\$102.0
Radon	\$7.6	\$0.0	\$8.1
State and Local Air Quality Management	\$223.4	\$257.2	\$228.2
Toxic Substances Compliance	\$4.8	\$5.1	\$4.9
Tribal Air Quality Management	\$12.6	\$13.3	\$12.8
Tribal General Assistance Program (GAP)	\$64.1	\$72.6	\$65.5
Underground Injection Control (UIC)	\$10.3	\$10.9	\$10.5
Underground Storage Tanks	\$1.5	\$1.5	\$1.5
Wetlands Program Development	\$14.4	\$15.1	\$14.7
Total Categorical Grants	\$1,032.0	\$1,135.8	\$1,054.4

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

Air Quality and Climate Change Activities

Several EPA air quality and climate change activities received attention during the consideration of FY2014 appropriations. Many of these activities are associated with regulations under the Clean Air Act to address emissions of greenhouse gases, hazardous air pollutants such as mercury, and particulate matter.²¹ Although generally not included in P.L. 113-76, the draft FY2014 appropriations bill considered by the House Committee on Appropriations during its markup that was suspended on July 31, 2013,²² included a number of provisions that would have limited or restricted EPA's use of FY2014 funds to support the development, implementation, or enforcement of various Clean Air Act regulations, as well as directives for conducting evaluations of certain activities and providing reports to the committee. Some of these provisions were similar to those included for FY2012 in Division E of P.L. 112-74, and a subset of those proposed during deliberations on the FY2013, FY2012, and FY2011 EPA appropriations.²³

P.L. 113-76 included two general provisions in Title IV of Division G preventing EPA from using any funds provided in the act for two specific air quality regulatory activities related to greenhouse gas emissions. Section 420 addressed regulations for the issuance of permits under Title V of the Clean Air Act that would govern greenhouse gas emissions from biological processes associated with livestock production. Section 421 addressed reporting requirements for greenhouse gas emissions associated with manure management systems. Additionally, Title II of Division G of the Joint Explanatory Statement accompanying P.L. 113-76 contained a number of directives regarding EPA. Two directives addressed air quality and climate change program activities related to regional haze and the role of states in Clean Air Act implementation.²⁴

EPA is one of 17 federal agencies that have 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. 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 request²⁵ and prior-

²¹ CRS Report R42895, *Clean Air Issues in the 113th Congress: An Overview*, by (name redacted); see also CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by (name redacted) and (name redacted), for a discussion of selected EPA regulatory actions.

²² The markup focused on the draft legislative text and accompanying draft committee report language approved on July 23, 2013, by the House Appropriations Subcommittee on Interior, Environment, and Related Agencies, previously posted on the House Committee on Appropriations website at <http://appropriations.house.gov/uploadedfiles/bills-113hr-fc-ap-fy2014-ap00-interior.pdf>, as was the draft committee report also posted on the Committee website at <http://appropriations.house.gov/uploadedfiles/hrpt-113-hr-fy2014-interior.pdf>.

²³ Congress has addressed EPA's development of Clean Air Act regulations through the appropriations process in the past—either explicitly providing or restricting the availability of agency funds for such purposes—and these issues were debated extensively during the FY2013, FY2012, and FY2011 appropriations process. See CRS Report R42520, *Environmental Protection Agency (EPA) Appropriations for FY2013: Debate During the 112th Congress*, coordinated by (name redacted), CRS Report R42332, *Environmental Protection Agency (EPA) FY2012 Appropriations*, by (name redacted), and CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by (name redacted).

²⁴ Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) as issued in the January 15, 2014, Congressional Record, Book II, p. H979, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

²⁵ Although Congress does not appropriate funding based on EPA's strategic performance goals, the President's (continued...)

year enacted appropriations. However, comparisons can be made among certain activities for which Congress does specify a line-item in the appropriations process.²⁶

Table 4 presents the FY2014 enacted appropriations for EPA air quality and climate change activities by account for which a breakout is readily available. The table presents a comparison of these amounts to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission).

As presented in the table, EPA "clean air and climate" activities constitute the single largest air quality program area funded within the Environmental Programs and Management (EPM) and Science and Technology (S&T) accounts. The total FY2014 enacted appropriation for this program area was \$397.9 million within these two accounts combined, \$36.4 million (8.4%) less than the President's FY2014 request of \$434.3 million, but \$11.7 million (3.0%) more than the FY2013 enacted appropriation of \$386.2 million (post-sequestration and rescission).

State and Local Air Quality Management grants are the single-largest air quality activity funded within the STAG account. The FY2014 enacted appropriation for these grants was \$228.2 million, \$29.0 million (11.3%) less than the President's FY2014 request of \$257.2 million, but \$4.8 million (2.1%) more than the FY2013 enacted appropriation of \$223.4 million (post-sequestration and rescission). 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 by the state and local agencies with Clean Air Act authorities delegated by EPA.

The STAG account also included \$20.0 million for FY2014 for the Diesel Emission Reduction Grants program, \$14.0 million (233.3%) more than the President's FY2014 request of \$6.0 million, and \$1.1 million (5.8%) more than the FY2013 enacted appropriation of \$18.9 million (post-sequestration and rescission). Funding for these grants has declined overall in comparison to prior fiscal years. The FY2012 enacted level was \$30.0 million. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) had provided an additional \$300.0 million in supplemental funds for these grants in FY2009 for a total of \$360.0 million in that fiscal year, much of which was awarded in FY2010. The Energy Policy Act of 2005 (EPAct 2005)²⁷ originally had authorized \$200.0 million annually for these grants from FY2007 through FY2011.

P.L. 113-76 included \$8.1 million for state indoor radon (categorical) grants within the STAG account, a slight increase above the FY2013 enacted appropriation of \$7.6 million (post-sequestration and rescission). As proposed in the FY2013 request, the FY2014 President's request again had proposed eliminating the state indoor radon grant program, based on the

(...continued)

FY2014 request included \$1.07 billion for FY2014 across multiple appropriations accounts to support the agency's strategic objective: "Taking Action on Climate Change and Improving Air Quality," see EPA's FY2014 Congressional Justification, pp. 11-22, <http://www2.epa.gov/planandbudget/fy2014>.

²⁶ It is difficult to compare the FY2013 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.

²⁷ Energy Policy Act of 2005, P.L. 109-58, Title VII, Subtitle G.

Administration's position that states had established the necessary technical expertise and program funding to continue radon protection efforts without federal funding.²⁸ Congress has continued to appropriate funds to provide this financial assistance to states.

Table 4. Appropriations for Selected EPA Air Quality Research and Implementation Activities by Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

EPA Account/Program Area	FY2013 P.L. 113-6 (Post-Sequester)	FY2014 President's Request	FY2014 Enacted (P.L. 113-76)
Science and Technology Account			
Clean Air and Climate	\$118.1	\$126.0	\$120.4
<i>Clean Air Allowance Trading Program</i>	\$8.6	\$9.6	\$8.6 ^a
<i>Climate Protection Program</i>	\$15.9	\$8.3	\$8.3
<i>Federal Support for Air Quality Management</i>	\$6.7	\$7.7	\$7.0 ^a
<i>Federal Vehicle & Fuels Standards & Certification</i>	\$86.9	\$100.4	\$96.5 ^a
Indoor Air and Radiation	\$6.3	\$6.7	\$6.4
<i>Indoor Air: Radon Program</i>	\$0.2	\$0.0	\$0.2 ^a
<i>Reduce Risks from Indoor Air</i>	\$0.4	\$0.4	\$0.3 ^a
<i>Radiation: Protection</i>	\$2.0	\$2.1	\$2.1 ^a
<i>Radiation: Response Preparedness</i>	\$3.8	\$4.1	\$3.8 ^a
Research: Air, Climate, and Energy	\$92.9	\$105.7	\$95.0
<i>Global Change</i>	N/A	\$20.4	N/A
<i>Clean Air</i>	N/A	\$83.2	N/A
<i>Other Activities</i>	N/A	\$2.1	N/A
Environmental Programs and Management			
Clean Air and Climate	\$268.1	\$308.3	\$277.5
<i>Clean Air Allowance Trading Program</i>	\$19.8	\$20.5	\$19.6 ^a
<i>Climate Protection Program:</i>	\$92.2	\$106.2	\$95.4
- <i>Climate Protection Program: Energy STAR</i>	N/A	\$52.9	N/A
- <i>Climate Protection Program: Methane to Markets</i>	N/A	\$4.8	N/A
- <i>Climate Protection Program: Greenhouse Gas Registry</i>	N/A	\$18.9	N/A
- <i>Climate Protection Program: Other Activities</i>	N/A	\$29.6	N/A
<i>Federal Stationary Source Regulations</i>	\$25.3	\$34.1	\$26.5 ^a
<i>Federal Support for Air Quality Management</i>	\$116.7	\$132.8	\$121.8 ^a
<i>Federal Support for Air Toxics Program</i>	N/A	\$0.0	N/A

²⁸ See references to the state indoor radon grant program in EPA's FY2014 Congressional Justification, pp. viii, 15, 827-828 (<http://www2.epa.gov/planandbudget/fy2014>).

EPA Account/Program Area	FY2013 P.L. 113-6 (Post-Sequester)	FY2014 President's Request	FY2014 Enacted (P.L. 113-76)
<i>Stratospheric Ozone: Domestic Programs</i>	\$5.2	\$5.0	\$5.1 ^a
<i>Stratospheric Ozone: Multilateral Fund</i>	\$9.0	\$9.7	\$9.0 ^a
Indoor Air and Radiation	\$31.0	\$33.2	\$28.1
<i>Indoor Air: Radon Program</i>	\$3.6	\$2.3	\$2.4 ^a
<i>Radiation: Protection</i>	\$8.9	\$10.6	\$8.7 ^a
<i>Radiation: Response Preparedness</i>	\$2.8	\$3.1	\$2.5 ^a
<i>Reduce Risks from Indoor Air</i>	\$15.6	\$17.2	\$14.5 ^a
Hazardous Substance Superfund Account			
Indoor Air and Radiation: Radiation Protection	\$2.3	\$2.5	\$2.0
State and Tribal Assistance Grants Account			
Diesel Emissions Reduction Grants (Energy Policy Act)	\$18.9	\$6.0	\$20.0
Radon	\$7.6	\$0.0	\$8.1
State & Local Air Quality Management Grants	\$223.4	\$257.2	\$228.2
Tribal Air Quality Management Grants	\$12.6	\$13.3	\$12.8

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

Note: Budget reorganization for certain air quality and climate program activities, including consolidation and modifications of various line-items, makes it difficult to compare appropriations for these activities across past fiscal years.

- a. The FY2014 Explanatory Statement did not specify funding amounts for these sub-program activities. Amounts presented are as reported in EPA's FY2015 Congressional Justification, <http://www2.epa.gov/planandbudget/fy2014>; EPA's total funding amounts match those reported in the Explanatory Statement.

Cleanup of Superfund Sites

The Hazardous Substance Superfund (Superfund) account supports the assessment and cleanup of sites contaminated from the release of hazardous substances. EPA carries out these activities under the Superfund program. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) authorized this program, and established the Superfund Trust Fund to finance discretionary appropriations to fund it.²⁹ P.L. 113-76 included a total of \$1.09 billion for the Superfund account in FY2014 prior to transfers to other EPA accounts, \$91.6 million (7.8%) less than the President's FY2014 request of \$1.18 billion, and \$26.4 million (2.4%) less than the FY2013 enacted appropriations of \$1.12 billion (post-sequestration and

²⁹ 42 U.S.C. §9601 et seq.

rescission). The total funding level for FY2013 included \$1.9 million in disaster relief supplemental appropriations (post-sequestration) provided in P.L. 113-2 for Superfund sites affected by Hurricane Sandy in New York and New Jersey.

The FY2014 and FY2013 enacted appropriations reflect an overall downward funding trend since FY2010 (see **Table A-1 in Appendix A**). For the previous decade, annual funding levels for the Superfund account had remained fairly steady, averaging approximately \$1.25 billion annually.³⁰ However, some have observed that the funding levels declined during this period when accounting for the effects of inflation.

As amended, CERCLA authorizes EPA's Superfund program to clean up sites that are among the nation's most hazardous and to enforce the liability of parties who are responsible for the cleanup costs.³¹ Many states also have developed their own cleanup programs to address contaminated sites that are not pursued at the federal level. These state programs complement federal cleanup efforts. At sites that are addressed under the federal Superfund program, EPA first attempts to identify the responsible parties to enforce their liability for the cleanup costs. Sites financed by the responsible parties do not rely upon Superfund appropriations, except for situations in which EPA may use the appropriations up front and later recover the costs from the responsible parties. If the responsible parties cannot be found or do not have the ability to pay, EPA is authorized to use Superfund appropriations to pay for the cleanup of a site under a cost-share agreement with the state in which the site is located.³² Sites at which there are no viable parties to assume responsibility for the cleanup are referred to as "orphan" sites.

The use of Superfund appropriations has focused primarily on cleaning up contamination from the release of hazardous substances at high-risk sites that EPA has placed on the National Priorities List (NPL).³³ The cleanup of federal facilities on the NPL is funded apart from the Superfund program by the federal agencies that administer those facilities.³⁴ Annual funding for the cleanup of all contaminated federal facilities combined exceeds EPA's Superfund appropriations by several billion dollars. Although Superfund appropriations are not eligible to pay for the cleanup of federal facilities, EPA oversees their cleanup through the Superfund program in conjunction with the states in which the facilities are located.

Just over half of the Superfund account is allocated to the performance of response actions at non-federal facilities that are elevated for federal attention. CERCLA authorizes two types of response actions. 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. Removal actions may precede remedial actions to stabilize site conditions while long-term measures are developed. Only sites listed on the NPL are eligible for Superfund

³⁰ FY2009 was an exception to this trend, with \$600.0 million in supplemental funds provided in ARRA (P.L. 111-5).

³¹ For more information on EPA's cleanup and enforcement authorities under CERCLA, see CRS Report R41039, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act*, by (name redacted).

³² State cost-share requirements apply only to the performance of long-term remedial actions, but not to short-term removal actions that address more imminent hazards and emergency situations.

³³ For information on the number of sites that EPA has placed on the NPL over time and their listing status, see the Superfund Program website: <http://www.epa.gov/superfund/sites/npl/status.htm>.

³⁴ The use of cleanup appropriations at federal facilities generally has been limited to the performance of the cleanup itself. The Judgment Fund administered by the U.S. Treasury has been the source of monies for the payment of claims for cleanup liability that may be submitted against the United States at sites where a federal agency is a liable party.

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.³⁵

The remainder of the Superfund account funds EPA's homeland security responsibilities to prepare for the federal response to incidents that may involve the intentional release of hazardous substances, EPA's operational and administrative expenses in carrying out the Superfund program, and EPA's enforcement of cleanup liability under CERCLA. Enforcement is a core tenet of the statute intended to ensure that the responsible parties pay for the cleanup of contamination whenever possible, in order to focus the use of Superfund appropriations at orphan sites.

Historically, funding within the Superfund account also has been transferred to EPA's Science and Technology account for the research and development of cleanup technologies, and to EPA's Office of Inspector General account for independent auditing, evaluation, and investigation of the Superfund program. Annual appropriations acts typically have included statutory language authorizing these transfers.

Table 5 presents the FY2014 enacted appropriations for the Superfund account by major program area, compared to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission). A breakout of the FY2013 enacted appropriations is provided for the disaster relief supplemental appropriations provided in P.L. 113-2. The net total for the Superfund account also is presented after the transfers to the Science and Technology and Office of Inspector General accounts.

Table 5. Appropriations for the EPA Hazardous Substance Superfund Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

Program Area and Transfers to Other EPA Accounts	FY2013 P.L. 113-6 (Post- Sequester)	FY2013		FY2014 President's Request	FY2014 Enacted (P.L. 113- 76)
		Supplemental P.L. 113-2 (Post- Sequester)	Total (Post- Sequester)		
Remedial	\$506.7	-	\$506.7	\$539.1	\$500.0
Emergency Response and Removal	\$179.1	-	\$179.1	\$187.8	\$177.8
Emergency Preparedness	\$8.8	-	\$8.8	\$8.2	\$8.2
Federal Facilities (Oversight)	\$24.8	-	\$24.8	\$26.9	\$21.1
Enforcement	\$176.7	-	\$176.7	\$185.3	\$175.5
Operations and Administration	\$127.3	-	\$127.3	\$137.5	\$120.5
Homeland Security	\$37.3	-	\$37.3	\$42.0	\$38.1
Other Program Areas	\$52.6	-	\$52.6	\$53.7	\$47.6
Total Superfund Account	\$1,113.3	\$1.9	\$1,115.2	\$1,180.4	\$1,088.8

³⁵ 40 C.F.R. §300.425(b).

Program Area and Transfers to Other EPA Accounts	FY2013 P.L. 113-6 (Post- Sequester)	FY2013 Supplemental P.L. 113-2 (Post- Sequester)	FY2013 Total (Post- Sequester)	FY2014 President's Request	FY2014 Enacted (P.L. 113- 76)
Transfer to Science and Technology	-\$21.7	-	-\$21.7	-\$23.6	-\$19.2
Transfer to Office of Inspector General	-\$9.4	-	-\$9.4	-\$11.1	-\$9.9
Superfund Account After Transfers	\$1,082.1	\$1.9	\$1,084.0	\$1,145.8	\$1,059.6

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

Brownfields

EPA also administers another cleanup program to provide financial assistance to state, local, and tribal governmental entities for certain types of sites, referred to as “brownfields.” Sites eligible for this assistance tend to be sites where the known or suspected presence of contamination may present an impediment to economic development, but where the risks generally are not high enough for the site to be addressed under the Superfund program or other related cleanup authorities. Consistent with liability under CERCLA, responsible parties at these brownfields sites are not eligible for this federal financial assistance, as they are to be held accountable for the cleanup costs. Accordingly, the Brownfields program focuses on providing federal financial assistance for “orphan” sites at which the potential need for cleanup remains unaddressed.³⁶

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 (i.e., cleanup) of eligible brownfields sites, job training for cleanup workers, and technical assistance.³⁷ 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 Environmental Programs and Management (EPM) account.

P.L. 113-76 provided a total of \$163.7 million for EPA's Brownfields program in FY2014, \$5.1 million (3.2%) more than the President's FY2014 request of \$158.6 million and \$5.5 million (3.5%) more than the FY2013 enacted appropriations of \$158.2 million (post-sequestration and

³⁶ For more information on the scope and purpose of this program, see the “Brownfields Properties” section in CRS Report R41039, *Comprehensive Environmental Response, Compensation, and Liability Act: A Summary of Superfund Cleanup Authorities and Related Provisions of the Act*, by (name redacted).

³⁷ Nonprofit organizations also may be eligible for site-specific remediation (i.e., cleanup) grants, subject to a determination by EPA based on certain statutory criteria.

rescission). **Table 6** presents the FY2014 enacted appropriations for EPA's Brownfields program broken out by type of grant and program administrative expenses, compared to the President's FY2014 request and the FY2013 enacted appropriations.

Table 6. Appropriations for EPA's Brownfields Program: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

EPA Account/Program Area	FY2013 P.L. 113-6 (Post- Sequester)	FY2014 President's Request	FY2014 Enacted (P.L. 113-76)
State and Tribal Assistance Grants			
Section 104(k) Competitive Project Grants ^a	\$89.9	\$85.0	\$90.0
Section 128 Categorical Grants to States and Tribes ^b	\$46.7	\$47.6	\$47.7
Brownfields STAG Grant Total	\$136.6	\$132.6	\$137.7
Environmental Programs and Management			
EPA Administrative Expenses	\$21.6	\$26.0	\$26.0
Brownfields Program Total	\$158.2	\$158.6	\$163.7

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

- 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.

Underground Storage Tanks³⁸

Under Subtitle I of the Solid Waste Disposal Act, EPA's Office of Underground Storage Tanks addresses the cleanup of releases from underground storage tanks (USTs) containing petroleum or oxygenated fuels (e.g., ethanol) and administers regulations to prevent leaks from underground storage tanks containing petroleum or hazardous substances.³⁹ These activities are supported by a combination of appropriations from the Leaking Underground Storage Tank (LUST) Trust Fund and appropriations within the EPM and STAG accounts funded with revenues from the General Fund of the U.S. Treasury. Appropriations from the LUST Trust Fund provide most of the funding and are used by the states and EPA to perform or enforce corrective actions to clean up

³⁸ For additional background information, see CRS Report RS21201, *Leaking Underground Storage Tanks (USTs): Prevention and Cleanup*, by (name redacted).

³⁹ For additional information on these activities, see the EPA Office of Underground Storage Tanks website: <http://www.epa.gov/oust/>.

contamination from petroleum leaks, and to enforce leak detection and prevention requirements. Appropriations within the EPM and STAG accounts are available for certain other regulatory and support activities.

P.L. 113-76 appropriated \$94.6 million from the LUST Trust Fund to EPA for FY2014, \$4.6 million (4.6%) less than the President's FY2014 request of \$99.2 million and \$8.8 million (8.5%) less than the FY2013 enacted appropriations of \$103.4 million (post-sequestration and rescission). The funding level for FY2013 included \$4.8 million (post-sequestration) in disaster relief supplemental appropriations provided in P.L. 113-2 to address problems with leaking underground storage tanks in areas of states affected by Hurricane Sandy.

P.L. 113-76 provided \$12.7 million for FY2014 within the EPM account to support EPA staff and extramural costs of efforts to prevent releases from underground storage tanks.⁴⁰ The FY2014 enacted level for this activity is somewhat more than the President's FY2014 request of \$12.3 million and the FY2013 enacted appropriations of \$12.1 million (post-sequestration and rescission). P.L. 113-76 provided \$1.5 million within the STAG account, roughly the same as the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission).

Congress established the LUST Trust Fund to provide a dedicated source of funds for EPA and the states to enforce corrective actions by UST owners or operators responsible for releases; conduct cleanups where no responsible party has been identified, where a responsible party fails to comply with a cleanup order, or in the event of an emergency; and take cost recovery actions against the parties.⁴¹ EPA and the states have generally been successful in getting responsible parties to perform most cleanups. Historically, the states have used the bulk of their annual LUST Trust Fund monies (provided through cooperative agreements with EPA) to oversee and enforce corrective actions performed by tank owners and operators using their own funds.

The LUST Trust Fund is financed by a 0.1 cent-per-gallon motor fuels tax. The balance has been declining through redirection of these funds for surface transportation projects via a transfer to the federal Highway Trust Fund. Section 40201 of the Moving Ahead for Progress in the 21st Century Act (MAP-21; P.L. 112-141) had transferred \$2.4 billion from the LUST Trust Fund to the federal Highway Trust Fund in FY2012 to increase resources for federal surface transportation spending. MAP-21 also extended the financing rate for the LUST Trust Fund through September 30, 2016.

Section 2002 of the Highway and Transportation Funding Act of 2014 (P.L. 113-159, H.R. 5021) authorizes the transfer of an additional \$1 billion from the LUST Trust Fund to the Highway Trust Fund.⁴² Prior to this second transfer, OMB had estimated that \$1.35 billion would have been available for appropriation from the LUST Trust Fund, as of the beginning of FY2015.⁴³

⁴⁰ EPA is developing regulations to update existing underground storage tank requirements and add new requirements for secondary containment and operator training as needed to implement provisions of the Energy Policy Act of 2005. See 76 *Federal Register* 71708, November 18, 2011. For information on the status of this regulatory proposal, see EPA's website: <http://www.epa.gov/oust/fedlaws/proposedregs.html>.

⁴¹ Subtitle I of the Solid Waste Disposal Act as amended (42 U.S.C. §6991-6991m).

⁴² For a summary of this legislation, CRS Report R43420, *Surface Transportation Program Reauthorization Issues for Congress*, by (name redacted) et al.

⁴³ Office of Management and Budget, *Fiscal Year 2015 Budget of the U.S. Government*, Appendix, March 4, 2014, p. 1176, <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/epa.pdf>.

Although these transfers reduce the availability of monies from the LUST Trust Fund for purposes authorized in Subtitle I, the receipts have outpaced the levels of annual discretionary appropriations over time, resulting in the balance growing faster than the use of the funds.

The Energy Policy Act of 2005 (EPAAct 2005; P.L. 109-58) expanded the UST leak prevention provisions under Subtitle I and imposed new responsibilities on the states and EPA, such as requiring states to inspect all tanks every three years. EPAAct also broadened the authorized uses of the LUST Trust Fund to support state implementation of most leak prevention and detection requirements, in addition to supporting the LUST cleanup program. Congress now appropriates monies from the trust fund to support both cleanup and underground storage tank leak prevention and detection regulations. Before EPAAct 2005, the regulation of underground storage tanks to prevent and detect leaks had been supported entirely from general revenues. As noted above, a relatively small portion of the funding is now derived from general revenues.

Table 7 presents the FY2014 enacted appropriations from the LUST Trust Fund to EPA, and within the EPM and STAG accounts, to support the cleanup and UST leak prevention and detection activities, compared to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission), with a breakout for the disaster relief supplemental appropriations provided in P.L. 113-2.

Table 7. EPA Appropriations for Cleanup and Regulation of Underground Storage Tanks: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

EPA Account/Program Area	FY2013 P.L. 113-6 (Post- Sequester)	FY2013 Supplemental P.L. 113-2 (Post- Sequester)	FY2013 Total (Post- Sequester)	FY2014 President's Request	FY2014 Enacted (P.L. 113-76)
LUST Trust Fund Account					
<i>EPAAct Provisions</i>	\$28.9	—	\$28.9	\$28.9	\$25.6
<i>Cleanup and Related Activities</i>	\$69.8	—	\$74.5	\$70.3	\$68.9
Total LUST Trust Fund Account	\$98.7	\$4.8	\$103.4	\$99.2	\$94.6
EPM Account					
Underground Storage Tanks (LUST/UST)	\$12.1	—	\$12.1	\$12.3	\$12.7
STAG Account					
Categorical Grant: UST	\$1.5	—	\$1.5	\$1.5	\$1.5

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

Geographic-Specific/Ecosystem Programs

The EPM account includes funding for several ecosystem restoration programs to address water quality and sources of pollution associated with environmental and human health risks in a number of geographic-specific areas of the United States. These programs often involve collaboration among EPA, other federal agencies, state and local governments, communities, and nonprofit organizations. **Table 8** presents the FY2014 enacted appropriations for EPA geographic-specific ecosystem restoration programs, compared to the President's FY2014 request and the FY2013 enacted appropriations (post-sequestration and rescission). Efforts to restore the Great Lakes and Chesapeake Bay have received the largest portions of this funding, discussed below.

Table 8. Appropriations for Selected Geographic-Specific/Ecosystem Programs within the EPA Environmental Programs and Management (EPM) Account: FY2014 Enacted, President's FY2014 Request, and FY2013 Enacted (Post-Sequestration and Rescission)

(millions of dollars)

Program within the EPM Account	FY2013 P.L. 113-6 (Post-Sequester)	FY2014 President's Request	FY2014 Enacted (P.L. 113-76)
Water: Ecosystems Total	\$43.7	\$54.9	\$46.2
National Estuary Program/Coastal Waterways	\$23.7	\$27.2	\$25.1
Wetlands	\$20.0	\$27.7	\$21.1
Geographic Programs Total	\$388.1	\$410.9	\$415.7
Great Lakes Restoration Initiative	\$283.7	\$300.0	\$300.0
Chesapeake Bay Program	\$54.3	\$73.0	\$70.0
San Francisco Bay	\$5.5	\$4.8	\$4.8
Puget Sound	\$28.4	\$17.2	\$25.0
South Florida	\$1.9	\$1.7	\$1.7
Long Island Sound Program	\$3.7	\$2.9	\$3.9
Gulf of Mexico Program	\$5.2	\$4.5	\$4.5
Lake Champlain Basin Program	\$2.3	\$1.4	\$1.4
Lake Pontchartrain	Not Reported	\$0.9	\$0.9
Southern New England Estuaries	\$0.0	\$2.0	\$2.0
Community Action for Renewed Environment (CARE)	\$0.0	\$1.0	\$0.0
Other Geographic Programs and Regional Initiatives	\$3.1	\$1.4	\$1.4
All Selected Programs	\$431.8	\$465.8	\$461.9

Source: Prepared by the Congressional Research Service. The FY2013 enacted appropriations are as reported in EPA's FY2013 Operating Plan, reflecting the application of sequestration under the Budget Control Act (BCA; P.L. 112-25) as amended, and the 0.2% across-the-board rescission required by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). Line-item for Lake Pontchartrain not reported for FY2013. FY2014 requested and enacted amounts are as presented in the table in the Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2014 (H.R. 3547, P.L. 113-76) issued in the January 15, 2014, *Congressional Record*, Book II, pp. H1010-H1017, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>. Numbers may not add due to rounding.

Great Lakes Restoration Initiative

In 2004, President Bush established a Great Lakes Interagency Task Force, chaired by EPA,⁴⁴ to develop a strategy (released in 2005) that would guide federal Great Lakes protection and restoration efforts under existing law. In furtherance of this strategy, President Obama proposed the establishment of a Great Lakes Restoration Initiative in FY2010, which Congress subsequently approved in the Interior, Environment, and Related Agencies Appropriations Act, 2010 (P.L. 111-88). The initiative is intended to improve coordination among existing federal programs and projects administered by EPA and eight other federal agencies. The purpose of the initiative is to target the most significant problems in the ecosystem, such as aquatic invasive species, nonpoint source pollution, and toxics and contaminated sediment.⁴⁵ Projects and programs are to be implemented through grants and cooperative agreements with states, tribes, municipalities, universities, and other organizations.

The initiative consolidates funding for a number of existing federal Great Lakes programs, including EPA's Great Lakes National Program Office, the agency's implementation of the Great Lakes Legacy Act to clean up contaminated sediments, and Great Lakes programs administered by other federal agencies. As the President had requested for FY2010, P.L. 111-88 initially appropriated \$475 million to EPA to establish the Great Lakes Restoration Initiative. EPA was responsible for allocating a portion of these funds among its own Great Lakes programs and the Great Lakes programs administered by other federal agencies. Since FY2010, Congress has continued to appropriate funding for the Great Lakes Restoration Initiative to EPA for allocation among the participating federal agencies, but at lower levels.

As indicated in **Table 8** above, \$300.0 million was provided for FY2014 for the Great Lakes Restoration Initiative within the EPM account, the same as the President's FY2014 request and \$16.3 million (5.7%) more than the FY2013 enacted appropriations of \$283.7 million (post-sequestration and rescission).

Chesapeake Bay

In May 2009, President Obama issued Executive Order 13508, *Chesapeake Bay Protection and Restoration*, which directed federal departments and agencies to exercise greater leadership in implementing their existing authorities to restore the bay. Despite restoration efforts of the past 25 years, which have resulted in some successes in specific parts of the ecosystem, the overall health of the bay remains degraded by excessive levels of nutrients and sediment. As indicated in **Table 8** above, \$70.0 million was appropriated for EPA's Chesapeake Bay program for FY2014, \$3.0 million (4.1%) less than the President's FY2014 request of \$73.0 million, and \$15.7 million (28.9%) more than the FY2013 enacted appropriations of \$54.3 million (post-sequestration and rescission).

⁴⁴ The Great Lakes Interagency Task Force was established by executive order in 2004. For more information, see EPA's website: <http://www.epa.gov/glnpo/iatf/index.html>.

⁴⁵ For more information, see the Great Lakes Restoration Initiative website: <http://greatlakesrestoration.us/>.

National (Congressional) Priorities and Earmarks

P.L. 113-76 included a total of \$16.9 million for “National Priorities” within the Science and Technology (S&T) and the Environmental Programs and Management (EPM) accounts for FY2014, roughly the same amount appropriated for this purpose for FY2013 (post-sequestration and rescission). As in previous fiscal years, the President’s FY2014 request did not include funding for these priorities, which the Administration has characterized as “Congressional Priorities” because it has not sought funds for these purposes.

Of the \$16.9 million total, \$4.2 million was included within the S&T account for FY2014 for “Research: National Priorities.” These funds were 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 were subject to a 25% matching funds requirement.⁴⁶

The remaining \$12.7 million was included within the EPM account for FY2014 for “Environmental Protection: National Priorities.” These funds were to 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 were subject to a 10% matching funds requirement (including in-kind contributions). Of the \$12.7 million, \$11.0 million was allocated for training and technical assistance on a national level, or multi-state regional basis, and \$1.7 million was allocated for technical assistance to individual private well owners.⁴⁷

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. The House and Senate Appropriations Committees have adhered to an earmark moratorium during the 112th and 113th Congress as put forth by the leadership in both chambers. This moratorium generally has precluded earmarks in annual appropriations bills for FY2011, FY2012, FY2013, and FY2014. The moratorium followed the adoption of definitions of earmarks in House and Senate rules. 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.⁴⁸ 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*).⁴⁹

⁴⁶ January 15, 2014, Congressional Record, Book II, p. H977, <http://www.gpo.gov/fdsys/pkg/CREC-2014-01-15/pdf/CREC-2014-01-15-house-bk2.pdf>.

⁴⁷ Ibid., p.H978 .

⁴⁸ See Senate Rule XLIV and House Rule XXI, clause 9. CRS Report RL34462, *House and Senate Procedural Rules Concerning Earmark Disclosure*, by (name redacted), 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 (name redacted), and CRS Report RS22867, *Earmark Disclosure Rules in the Senate: Member and Committee Requirements*, by (name redacted).

⁴⁹ 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, (continued...) ”

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. Congress has enacted an increasing number of environmental laws, as well as major amendments to these statutes, over three decades following EPA's creation.⁵⁰ 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 laws and regulations delegated to the states and tribes. Since FY2006, Congress has funded EPA programs and activities within the Interior, Environment, and Related Agencies annual appropriations bill.⁵¹

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.⁵² Congress typically has done so to continue the appropriation of funding for EPA programs and activities for which the authorization of appropriations has expired, but may opt not to fund an unauthorized program or activity.⁵³

Table A-1 presents the level of FY2008-FY2014 enacted appropriations for EPA by each of the agency's statutory accounts. **Figure A-1** presents a history of total discretionary budget authority for EPA from FY1976 through FY2014, as reported by the Office of Management and Budget (OMB) in the "Historical Tables" accompanying the President's *Budget of the U.S. Government*,

(...continued)

other than through a statutory or administrative formula-driven or competitive award process." Senate Rule XLIV and House Rule XXI, clause 9.

⁵⁰ For a discussion of these laws, see CRS Report RL30798, *Environmental Laws: Summaries of Major Statutes Administered by the Environmental Protection Agency*, coordinated by (name redacted).

⁵¹ 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 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.

⁵² See CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by (name redacted), and CRS Report R42098, *Authorization of Appropriations: Procedural and Legal Issues*, by (name redacted) and (name redacted).

⁵³ 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/topics/budget/unauthorized-appropriations-and-expiring-authorizations>.

*Fiscal Year 2015.*⁵⁴ Levels of agency budget authority prior to FY1976 were not reported by OMB in the Historical Tables. In **Figure A-1**, discretionary budget authority is presented in nominal dollars as reported by OMB, and adjusted for inflation by CRS to reflect the trend in real dollar values over time.

EPA's funding over the long term generally has 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).

Without adjusting for inflation, EPA's funding has grown from \$1.0 billion when EPA was established in FY1970 to a peak funding level of \$14.86 billion in FY2009. This peak includes regular fiscal year appropriations of \$7.64 billion provided for FY2009 in P.L. 111-8 and the supplemental appropriations of \$7.22 billion provided for FY2009 in P.L. 111-5, the American Recovery and Reinvestment Act of 2009. However, in real dollar values (adjusted for inflation), EPA's funding in FY1978 was slightly more than the level in FY2009, as presented in **Figure A-1**.

⁵⁴ See Office of Management and Budget, Historical Tables, Table 5.4, Discretionary Budget Authority by Agency, <http://www.whitehouse.gov/omb/budget/Historicals>.

Table A-1. Appropriations for the Environmental Protection Agency (EPA): FY2008-FY2014 Enacted

(millions of dollars not adjusted for inflation)

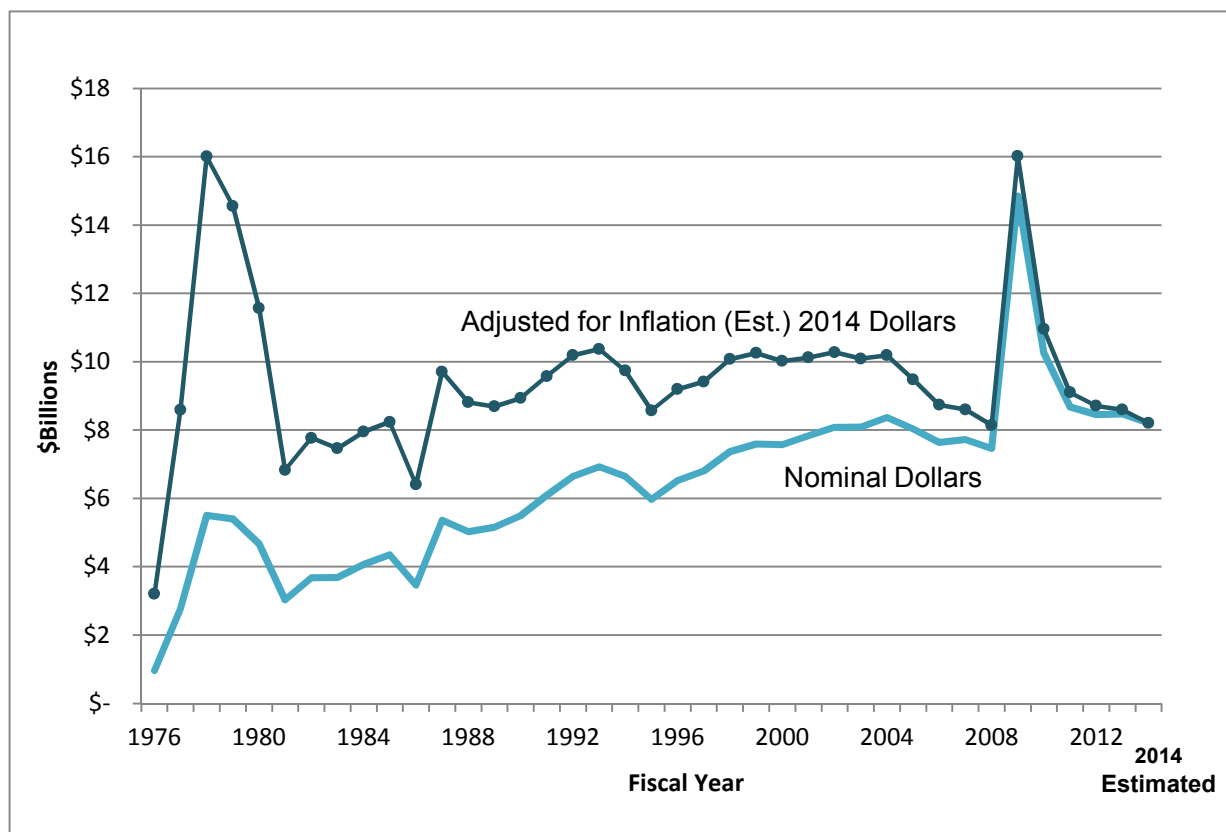
Appropriations Account	FY2008 P.L. 110-161	FY2009 Omnibus P.L. 111-8	FY2009 ARRA P.L. 111-5	FY2009 Total	FY2010 P.L. 111-88	FY2011 P.L. 112-10	FY2012 P.L. 112-74	FY2013 P.L. 113-6 (Post- Sequester)	FY2014 Enacted (P.L. 113-76)
Science and Technology									
—Base Appropriations	\$760.1	\$790.1	\$0.0	\$790.1	\$848.1 ^a	\$813.5	\$793.7	\$743.8	\$759.2
—Transfer in from Superfund	+\$25.7	+\$26.4	\$0.0	+\$26.4	+\$26.8	+\$26.8	+\$23.0	+\$21.7	+\$19.2
Science and Technology Total	\$785.8	\$816.5	\$0.0	\$816.5	\$874.9	\$840.3	\$816.7	\$765.5	\$778.4
Environmental Programs and Management	\$2,328.0	\$2,392.1	\$0.0	\$2,392.1	\$2,993.8	\$2,756.5	\$2,678.2	\$2,512.1	\$2,624.1
Office of Inspector General									
—Base Appropriations	\$41.1	\$44.8	\$20.0	\$64.8	\$44.8	\$44.7	\$41.9	\$39.7	\$41.8
—Transfer in from Superfund	+\$11.5	+\$10.0	\$0.0	+\$10.0	+\$10.0	+\$10.0	+\$9.9	+\$9.4	+\$9.9
Office of Inspector General Total	\$52.6	\$54.8	\$20.0	\$74.8	\$54.8	\$54.7	\$51.8	\$49.1	\$51.8
Buildings & Facilities	\$34.3	\$35.0	\$0.0	\$35.0	\$37.0	\$36.4	\$36.4	\$34.5	\$34.5
Hazardous Substance Superfund (before transfers)	\$1,254.0	\$1,285.0	\$600.0	\$1,885.0	\$1,306.5	\$1,280.9	\$1,213.8	\$1,115.2	\$1,088.8
—Transfer out to Office of Inspector General	-\$11.5	-\$10.0	\$0.0	-\$10.0	-\$10.0	-\$10.0	-\$9.9	-\$9.4	-\$9.9
—Transfer out to Science and Technology	-\$25.7	-\$26.4	\$0.0	-\$26.4	-\$26.8	-\$26.8	-\$23.0	-\$21.7	-\$19.2
Hazardous Substance Superfund (after transfers)	\$1,216.8	\$1,248.6	\$600.0	\$1,848.6	\$1,269.7	\$1,244.2	\$1,180.9	\$1,084.0	\$1,059.6
Leaking Underground Storage Tank Trust Fund Program	\$105.8	\$112.6	\$200.0	\$312.6	\$113.1	\$112.9	\$104.1	\$103.4	\$94.6
Inland Oil Spill Program (formerly Oil Spill Response)	\$17.1	\$17.7	\$0.0	\$17.7	\$18.4	\$18.3	\$18.2	\$17.3	\$18.2
State and Tribal Assistance Grants (STAG)									
—Clean Water State Revolving Fund	\$689.1	\$689.1	\$4,000.0	\$4,689.1	\$2,100.0	\$1,522.0	\$1,466.5	\$1,851.1	\$1,448.9
—Drinking Water State Revolving Fund	\$829.0	\$829.0	\$2,000.0	\$2,829.0	\$1,387.0	\$963.1	\$917.9	\$956.3	\$906.9

Appropriations Account	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 P.L. 112-10	FY2012 P.L. 112-74	FY2013 P.L. 113-6 (Post- Sequester)	FY2014 Enacted (P.L. 113-76)
—Special (Congressional) Project Grants	\$132.9	\$145.0	\$0.0	\$145.0	\$156.8	\$0.0	\$0.0	\$0.0	\$0.0
—Categorical Grants	\$1,078.3	\$1,094.9	\$0.0	\$1,094.9	\$1,116.4	\$1,104.2	\$1,088.8	\$1,032.0	\$1,054.4
—Brownfields Section 104(k) Grants	\$93.5	\$97.0	\$100.0	\$197.0	\$100.0	\$99.8	\$94.8	\$89.9	\$90.0
—Diesel Emission Reduction Grants	\$49.2	\$60.0	\$300.0	\$360.0	\$60.0	\$49.9	\$30.0	\$18.9	\$20.0
—Other State and Tribal Assistance Grants	\$54.2	\$53.5	\$0.0	\$53.5	\$50.0	\$19.9	\$15.0	\$14.2	\$15.0
State and Tribal Assistance Grants Total	\$2,926.2	\$2,968.5	\$6,400.0	\$9,368.5	\$4,970.2	\$3,758.9	\$3,612.9	\$3,962.4	\$3,535.2
Rescissions of Unobligated Balances ^b	-\$5.0	-\$10.0	\$0.0	-\$10.0	-\$40.0	-\$140.0	-\$50.0	-\$50.0	\$0
Total EPA Accounts	\$7,461.5	\$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

Source: Prepared by the Congressional Research Service 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, 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.

- 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. In addition to other across-the-board rescissions, the FY2008-FY2010 rescissions presented here 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 Div. B under P.L. 112-10, Congress referred only to "unobligated balances available for 'Environmental Protection Agency, State and Tribal Assistance Grants'" (not across all accounts), and Congress did not specify that these funds were to be rescinded from prior years. For FY2012, the Administrative Provisions in Division E, Title II of P.L. 112-74, rescinded unobligated balances from the STAG (\$45.0 million) and the Hazardous Substance Superfund (\$5.0 million) accounts. FY2012 rescissions specified by Congress within the STAG account included \$20.0 million from categorical grants, \$10.0 million from the Clean Water State Revolving Fund (SRF), and \$5.0 million each from Brownfields grants, Diesel Emission Reduction Act grants, and U.S.-Mexico Border water infrastructure grants. For FY2013, Section 1406 of Title IV in P.L. 113-6, Congress rescinded unobligated balances from the Hazardous Substance Superfund (\$15.0 million) and STAG (\$35.0 million) accounts. FY2013 rescissions specified within the STAG account included \$5.0 million from categorical grants, \$10.0 million each from the Clean Water and the Drinking Water SRFs, and \$10.0 million from Brownfields grants.

Figure A-1. EPA Discretionary Budget Authority FY1976-FY2014 (Est.): Adjusted and Not Adjusted for Inflation
(\$ in billions)



Source: Prepared by the Congressional Research Service with information from the Office of Management and Budget, *Budget of the United States Government Fiscal Year 2014, Historical Table: Table 5-4*. CRS converted nominal dollars to estimated 2014 dollars using the GDP Chained Price Index from Table 10.1 *Gross Domestic Product and Deflators Used in the Historical Tables - 1940–2019*, <http://www.whitehouse.gov/omb/budget/Historicals>. Discretionary Budget Authority for FY2014 enacted was estimated as reported at the time of the release of the OMB FY2015 budget document in March 2014.

Note: FY1976 was the earliest fiscal year for which historical funding information on budget authority was readily available from the Office of Management and Budget.

EPA Staff Levels

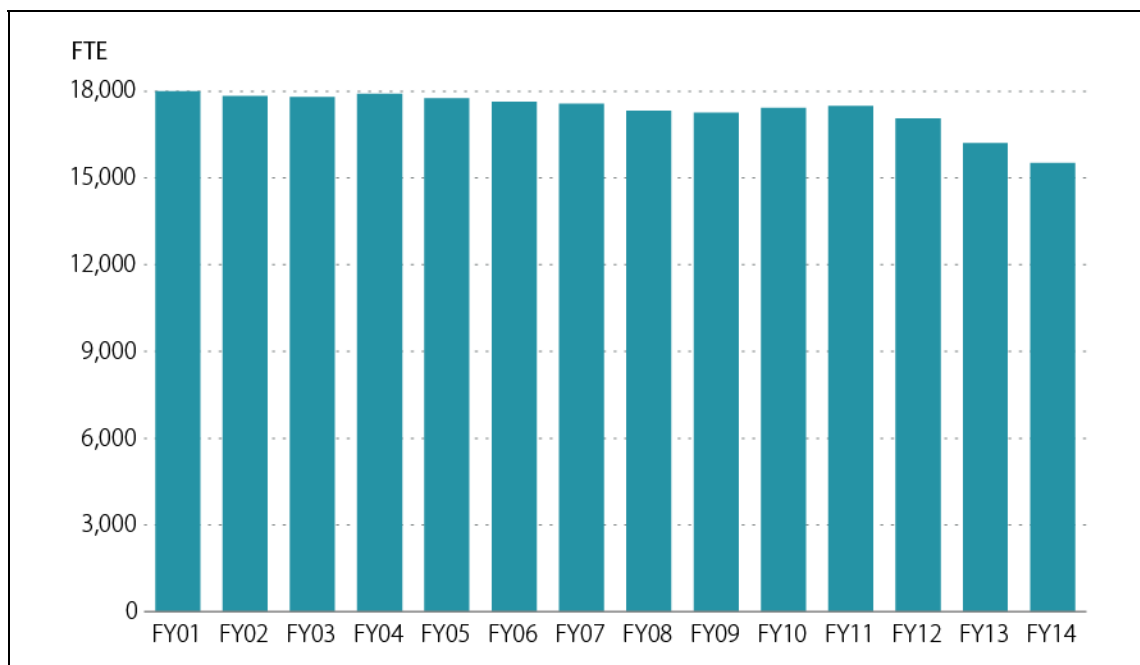
Figure A-2 below presents the trend in EPA’s authorized “Full Time Equivalent” (FTE)⁵⁵ employment ceiling from FY2001 through FY2014. Information prior to FY2001 is available in March 2000 testimony by the General Accounting Office (GAO),⁵⁶ in which GAO reported that

⁵⁵ As noted in **Figure A-2**, 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.

⁵⁶ General Accounting Office (GAO), March 23, 2000, Testimony Before the Subcommittee on VA, HUD, and Independent Agencies, Senate Committee on Appropriations, *Human Capital: Observations on EPA’s Efforts to* (continued...)

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. From FY1993 through FY1999, GAO indicated that EPA's FTEs grew at a more moderate rate, at less than 1% per year. As indicated in **Figure A-2**, with the exception of increases in four fiscal years, the general trend has been downward since FY2001.

Figure A-2. EPA's Reported Authorized Full Time Equivalent (FTE), Employment Ceiling FY2001-FY2014



Source: Prepared by the Congressional Research Service as adapted from EPA's "FY2015 EPA Budget in Brief," p. 11 (pdf p. 15), <http://www2.epa.gov/planandbudget/fy2015>, and Budget in Brief for previous fiscal years, <http://www2.epa.gov/planandbudget/archive#BudgetSummary>.

Notes: Full Time Equivalent or 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.

(...continued)

Implement a Workforce Planning Strategy, Statement for the Record by Peter F. Guerrero, Director, Environmental Protection Issues, Resources, Community, and Economic Development Division, GAO/T-RCED-00-129, <http://www.gao.gov/products/T-RCED-00-129>.

Appendix B. Descriptions of EPA's Nine Appropriations Accounts

From FY1996 through FY2013, annual appropriations for EPA had been requested by the Administration and appropriated by Congress under eight statutory accounts. P.L. 113-76 established a ninth account for FY2014, the Hazardous Waste Electronic Manifest System Fund. **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

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.

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.

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.

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, which 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.

Buildings and Facilities: This account funds the construction, repair, improvement, extension, alteration, and purchase of fixed equipment and facilities owned or used by EPA.

Hazardous Substance Superfund: This account is funded by discretionary appropriations from a dedicated trust 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 Superfund. 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.

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