

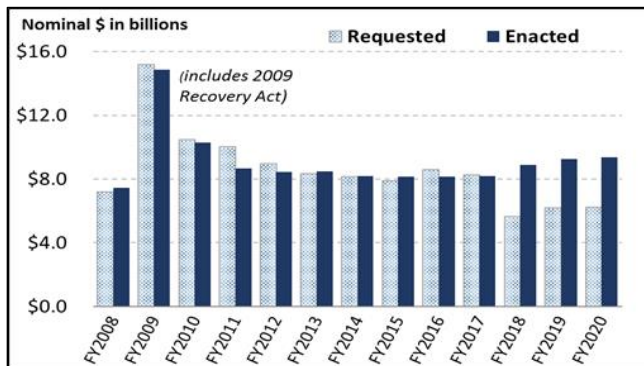


U.S. EPA FY2020 Appropriations

Enacted December 20, 2019, Division D of P.L. 116-94, the Further Consolidated Appropriations Act, 2020, provided funding for the Department of the Interior, Environment, and Related Agencies, including a total of \$9.06 billion for the U.S. Environmental Protection Agency (EPA) in Title II. Title IX of the United States-Mexico-Canada Agreement Implementation Act (P.L. 116-113), enacted January 29, 2020, provided an additional \$304.0 million for EPA in supplemental appropriations.

The EPA FY2020 total \$9.36 billion enacted appropriations, which did not include rescissions of unobligated balances as in prior fiscal years, was \$3.14 billion (50.5%) more than the President’s FY2020 budget request of \$6.22 billion and \$98.9 million more than the total \$9.26 billion FY2019 enacted appropriations. The FY2019 enacted total included \$8.85 billion in Titles II and IV of Division E in P.L. 116-6, enacted February 15, 2019, and \$414.0 million in emergency supplemental appropriations in P.L. 116-20, enacted June 6, 2019, to address Hurricanes Florence and Michael, calendar year 2018 earthquakes, and Typhoon Yutu. **Figure 1** presents trends in requested and enacted appropriations for EPA from FY2008 through FY2020.

Figure 1. EPA Appropriations: Requested and Enacted FY2008-FY2020 (Not Adjusted for Inflation)



Source: CRS using information from the *Congressional Record*; House, Senate, and conference reports; and EPA’s FY2020 *Congressional Budget Justification*. Enacted amounts reflect relevant rescissions and supplemental appropriations, including \$7.22 billion for EPA in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

Prior to the enactment of P.L. 116-94, Congress considered multiple bills that included funding for EPA. At the beginning of FY2020, EPA and other federal departments and agencies operated under two continuing resolutions, generally at FY2019 levels.

Rescission of Unobligated Balances

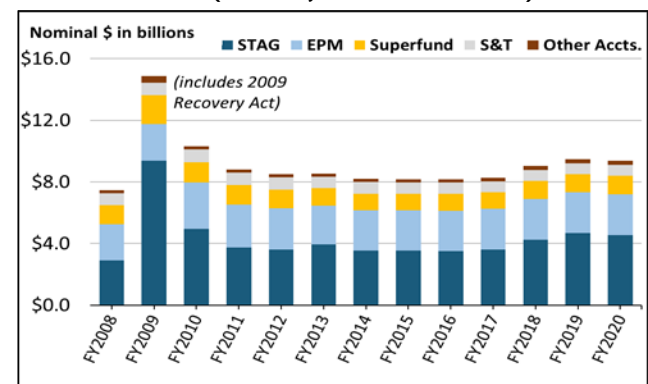
The President’s FY2020 request proposed a \$377.0 million “cancellation of funds” (rescission of unobligated

balances). For FY2019, Title II of Division E in P.L. 116-6 rescinded \$210.5 million in unobligated balances. P.L. 116-94 did not rescind any funds from EPA accounts for FY2020. In the Explanatory Statement accompanying P.L. 116-94, the Appropriations Committees provide a discussion of this change in Division D Title II under the heading *Budget Rebaselining* (*Congressional Record*, vol. 165, no. 204—Book III [December 17, 2019], p. H11291). The committees noted that their consideration of the FY2020 appropriations for EPA’s program activities accounted for funding amounts reported in EPA’s operating plan for FY2019 that reflect rescissions. Additional information on these EPA rescissions can be found in H.Rept. 116-100 accompanying H.R. 3052 and S.Rept. 116-123 accompanying S. 2580.

EPA Appropriations Accounts

More than a dozen federal laws authorize EPA operations. Funding is annually appropriated to EPA among 10 accounts established by Congress over time: State and Tribal Assistance Grants (STAG), Environmental Programs and Management (EPM), Hazardous Substance Superfund (“Superfund”), Science and Technology (S&T), Leaking Underground Storage Tank (LUST) Trust Fund Program, Buildings and Facilities, Office of Inspector General, Inland Oil Spill Program, Hazardous Waste Electronic Manifest System Fund, and Water Infrastructure Finance and Innovation Act (WIFIA) Program. As indicated in **Figure 2**, the proportional distribution of funding among the EPA appropriations accounts has remained similar for more than a decade with the exception of FY2009.

Figure 2. EPA Appropriations by Account: FY2008-FY2020 Enacted (Not Adjusted for Inflation)



Source: Prepared by CRS using information from the *Congressional Record*; House, Senate, and conference committee reports; and EPA’s FY2020 *Congressional Budget Justification*. Enacted amounts include supplemental appropriations—including \$7.22 billion for EPA in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

Historically, the STAG and EPM accounts have received the largest share of funding, followed by the Superfund and S&T accounts. The STAG account funds grants for water infrastructure, brownfields site assessment and remediation, diesel emissions reduction, targeted airsheds, and “categorical” grants to states and tribes for implementing federal pollution control programs. The EPM account funds additional grants and many cross-cutting agency activities. The Superfund account supports the environmental remediation of priority sites designated for federal attention. The S&T account funds scientific research to inform agency regulatory decisions. P.L. 116-94 funds each account similar to the FY2019 enacted level or greater with the exception of the STAG account when accounting for additional funding Congress provided for FY2019 in Title IV of P.L. 116-6. Congress did not approve the President’s proposed eliminations of certain programs and activities.

Assistance to States

Congress appropriates funds to EPA to support the agency’s primary responsibilities under multiple federal environmental pollution control statutes in coordination with states and tribes. EPA awards categorical grants to states and tribes (and local governments under certain statutes) with delegated authority to implement and enforce federal pollution control requirements. These categorical grants generally focus on specific environmental media, wastes, or pollution sources. The adequacy of funding for these grants is perennially an issue. The President’s request had proposed \$580.3 million for FY2020. Congress appropriated \$1.08 billion for FY2020 for categorical grants, similar to the FY2019 enacted level.

The FY2020 request also proposed to reduce funding to states from the LUST Trust Fund account by nearly half to \$47.8 million for FY2020, compared to the \$93.4 million enacted for FY2019 (including \$1.5 million in supplemental funding provided in P.L. 116-20). P.L. 116-94 appropriated \$91.9 million for the LUST account for FY2020, the same as FY2019 without the supplemental.

Title II of Division D in P.L. 116-94 appropriated \$1.64 billion for Clean Water State Revolving Fund (CWSRF) capitalization grants and \$1.13 billion for Drinking Water State Revolving Fund (DWSRF) capitalization grants for FY2020 within the STAG account. The FY2019 enacted total of \$1.74 billion for the CWSRF and \$1.46 billion for the DWSRF included \$1.39 billion for the CWSRF and \$864.0 million for the DWSRF in Division E, Title II, of P.L. 116-6 and an additional \$300.0 million each for making capitalization grants for the CWSRF and the DWSRF in Title IV. Subsequently, P.L. 116-20 provided an additional \$53.3 million for the CWSRF and \$296.1 million for the DWSRF in supplemental funding for FY2019 for areas impacted by disaster events. The President’s FY2020 request proposed \$1.12 billion for CWSRF grants and \$863.2 million for DWSRF grants.

Also within the STAG account, P.L. 116-94 appropriated a combined total of \$118.9 million for FY2020 for grant programs authorized by the Water Infrastructure Improvements for the Nation Act (P.L. 114-322) and America’s Water Infrastructure Act of 2018 (P.L. 115-270).

P.L. 116-94 appropriated another \$60.0 million within the WIFIA account for FY2020 for credit assistance and related administrative expenses, compared to a combined total of \$68.0 million for the WIFIA account in Titles II and IV of Division E in P.L. 116-6 for FY2019 and \$25.0 million requested for FY2020.

P.L. 116-94 also continued funding in FY2020 for certain geographic programs, including \$320.0 million for the Great Lakes Restoration Initiative (GLRI) and \$190.3 million for other geographic programs, including the National Estuary Program, the Chesapeake Bay Program, and other programs to restore specific water bodies. The President’s FY2020 request included \$300.0 million for the GLRI, the same as enacted for FY2019, but proposed to eliminate the other geographic programs.

Per- and Polyfluoroalkyl Substances (PFAS)

Legislation has been enacted and other bills considered in the 116th Congress to address potential risks associated with per- and polyfluoroalkyl substances (PFAS). FY2020 enacted appropriations in P.L. 116-93 and P.L. 116-94 included funding and directives across several departments and agencies to initiate or continue various actions to address potential risks. The Explanatory Statement accompanying P.L. 116-94 allocated appropriations and provided guidance and direction for EPA to address PFAS within the S&T, EPM, Superfund, and STAG appropriations accounts.

Agency Staffing

Although Congress does not set specific staffing levels for EPA in annual appropriations acts, the size and structure of the agency’s workforce was a topic of debate for FY2020 as it was for FY2019 and FY2018. As with the FY2019 enacted appropriations, Title II of Division D in P.L. 116-94 did not fund the President’s FY2020 request for EPA “workforce reshaping.”

Fee Authorization

P.L. 116-94 reauthorized the collection and use of registration and service fees under the Federal Insecticide, Fungicide, and Rodenticide Act through the end of FY2020 (“Administrative Provisions” in Division D, Title II). Within the EPM account, P.L. 116-94 appropriated \$5.0 million from fees authorized by the Toxic Substances Control Act for chemical risk reviews.

Regulatory Prohibitions and Limitations

Several EPA regulatory actions received attention, as in past fiscal year debates. General Provisions in Division D, Title IV, of P.L. 116-94 prohibited the use of FY2020 appropriations for certain actions: permitting of air emissions from livestock production (§437), reporting of greenhouse gas emissions from manure management systems (§438), regulating lead content of ammunition or fishing tackle (§439), and regulating air emissions from small remote solid waste incinerators in Alaska (§441). To date, EPA has not pursued rulemaking in some of these areas (e.g., lead content of ammunition or fishing tackle).

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