

Overview of the National Estuary Program (NEP)

May 20, 2024

Congressional Research Service

<https://crsreports.congress.gov>

R48069



R48069

May 20, 2024

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Estuaries—coastal waterbodies where freshwater from rivers and streams mixes with the ocean’s saltwater—are among the world’s most productive ecosystems. They are beneficial in many ways—providing habitat for thousands of species of birds, mammals, fish, and other wildlife; filtering sediment and pollutants from rivers and streams; protecting coastal communities from flooding and erosion; storing carbon from greenhouse gases; and providing commercial and economic value through tourism, recreation, and fisheries. The health and productivity of estuaries are affected by both natural and human-related influences. While issues facing each estuary vary, many are stressed by rapid population growth and development in coastal communities. Among other things, this growth and development has increased pollutant runoff and negatively affected water quality and ecosystem health. Recognizing the challenges of pollution, development, and overuse, and that “the Nation’s estuaries are of great importance for fish and wildlife resources and recreation and economic opportunity,” Congress established the National Estuary Program (NEP) through amendments to the Clean Water Act (CWA) in 1987. The NEP is a nonregulatory program that aims to protect and restore the water quality and ecological integrity of nationally significant estuaries.

The NEP, administered by the U.S. Environmental Protection Agency (EPA), is a place-based (i.e., geographic-specific) program that works to protect and restore “estuaries of national significance” that are threatened by pollution, development, or overuse. The NEP includes 28 estuaries located along the Atlantic, Gulf, and Pacific coasts and in Puerto Rico. Each of the 28 estuaries in the NEP has its own local estuary program, which functions under a governance structure called a *management conference*. Management conferences consist of diverse stakeholders, including EPA and other federal agencies, state and local governments, tribes, industry, academia, nonprofit organizations, and the public. Management conferences are responsible for developing and implementing management plans, called Comprehensive Conservation and Management Plans (CCMPs), to restore and protect the estuary.

The CWA authorizes EPA to provide grants to local NEPs for developing and implementing CCMPs, as well as competitive grants to recipients “that are best able to address urgent, emerging, and challenging issues that threaten the ecological and economic well-being of the estuaries” or that relate to coastal resiliency of the estuaries. Congress appropriates funds to the NEP through the NEP/Coastal Waterways program area in EPA’s Environmental Programs and Management appropriations account. These funds support both the NEP and Coastal Waterways Programs. Of the funds supporting NEP activities, EPA apportions them equally among the 28 NEP estuaries. In FY2024, Congress appropriated \$40 million to the NEP/Coastal Waterways program area, indicating the appropriations would be sufficient to provide each of the estuaries with a grant of at least \$850,000. Congress also specified that \$2.5 million of the appropriations be made available in competitive grants. In addition to regular annual appropriations, in November 2021, Congress passed the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), which included \$132 million in supplemental appropriations for NEP grants to develop and implement CCMPs. IIJA specified that \$26.4 million be made available for each of FY2022 through FY2026.

The NEP generally receives bipartisan support. Observers often highlight the successes of NEPs in leveraging the federal funding provided to those programs. According to EPA, on average, the NEPs raise \$17 for every \$1 provided by EPA. One policy issue that some stakeholders debate is whether the NEP should focus on providing funds to estuaries already in the NEP, or whether EPA should expand the program to include additional estuaries. Some argue that the current NEP estuaries face a multitude of challenges that can be costly to address, and that the level of appropriations that the program receives may not adequately support the addition of new estuaries to the program. Others assert that additional estuaries could benefit from being added to the NEP. Moving forward, Congress may wish to consider whether current annual appropriations are sufficient to assist in funding the restoration activities of the NEP estuaries, and whether to add additional estuaries to the program. Congress may also wish to consider oversight of the program to ensure funds, particularly those provided through IIJA, are used efficiently.

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Introduction

Estuaries are coastal waterbodies where freshwater from rivers and streams mixes with the ocean's saltwater.¹ Estuarine environments are among the world's most productive ecosystems and contain habitats such as wetlands, mudflats, and seagrass beds. These waterbodies are beneficial in many ways. They provide critical habitat for thousands of species of birds, mammals, fish, and other wildlife; filter sediment and pollutants from rivers and streams; help protect coastal communities from flooding and erosion; store carbon from greenhouse gases; and provide commercial and economic value through tourism, recreation, and fisheries.²

The health and productivity of estuaries are affected by both natural and human-related influences. Although the issues facing each estuary can vary, many estuaries are stressed by similar factors. Over half the U.S. population lives in coastal watershed counties, where runoff from the land in the watershed drains to coastal waters, including estuaries.³ Rapid population growth and development in coastal communities over the last several decades have increasingly stressed U.S. estuaries. Specifically, stormwater runoff from urban and agricultural areas carries higher loads of contaminants, sediment, and excess nutrients into nearby streams, rivers, and estuaries, negatively affecting the water quality of those waterbodies.⁴ Leaking septic tanks or sewer overflows can also contribute to pathogen and nutrient loading to surface waters and estuaries. Excess nutrients, in particular, can lead to harmful algal blooms and low oxygen levels, which can kill fish or other animals.⁵ More broadly, declining water quality degrades habitats, affecting fisheries, wildlife, and aesthetic values, and may result in recreational and economic losses. Climate change impacts, such as rising sea levels and changing frequencies and intensities of floods and storms, may also continue to exacerbate these issues by altering the balance of saltwater and freshwater in an estuary and by increasing the volume of polluted runoff entering an estuary.⁶

Recognizing the challenges of pollution, development, and overuse of resources, and that “the Nation’s estuaries are of great importance for fish and wildlife resources and recreation and economic opportunity,” Congress established the National Estuary Program (NEP) through amendments to the Clean Water Act (CWA) in 1987.⁷ The NEP is a nonregulatory program that aims to protect and restore the water quality and ecological integrity of nationally significant estuaries.

This report provides an overview of the NEP, including how estuaries are selected for inclusion in the NEP and how the local NEPs function. The report also provides information on authorization

¹ U.S. Environmental Protection Agency (EPA), “Basic Information About Estuaries,” <https://www.epa.gov/nep/basic-information-about-estuaries#whatis>.

² EPA, “Basic Information About Estuaries”; National Oceanic and Atmospheric Administration (NOAA), “Estuary Habitat,” <https://www.fisheries.noaa.gov/national/habitat-conservation/estuary-habitat>.

³ NOAA and the U.S. Census Bureau, *National Coastal Population Report: Population Trends from 1970 to 2020*, March 2013, <https://coast.noaa.gov/digitalcoast/training/population-report.html>. *Coastal watershed counties* are defined as “counties where a substantial portion of their land area intersect coastal watersheds, and consequently represent where land use changes and water quality impacts most directly impact coastal ecosystems.”

⁴ EPA, “Basic Information About Estuaries,” <https://www.epa.gov/nep/basic-information-about-estuaries#whatis>.

⁵ For more information on harmful algal blooms, see CRS Report R44871, *Freshwater Harmful Algal Blooms: Causes, Challenges, and Policy Considerations*, by Laura Gatz.

⁶ NOAA, “Estuary Habitat,” <https://www.fisheries.noaa.gov/national/habitat-conservation/estuary-habitat>.

⁷ P.L. 100-4.

of appropriations and enacted appropriations for the NEP and related grant programs, a discussion of congressional interest in the NEP, and a discussion of policy options for Congress.

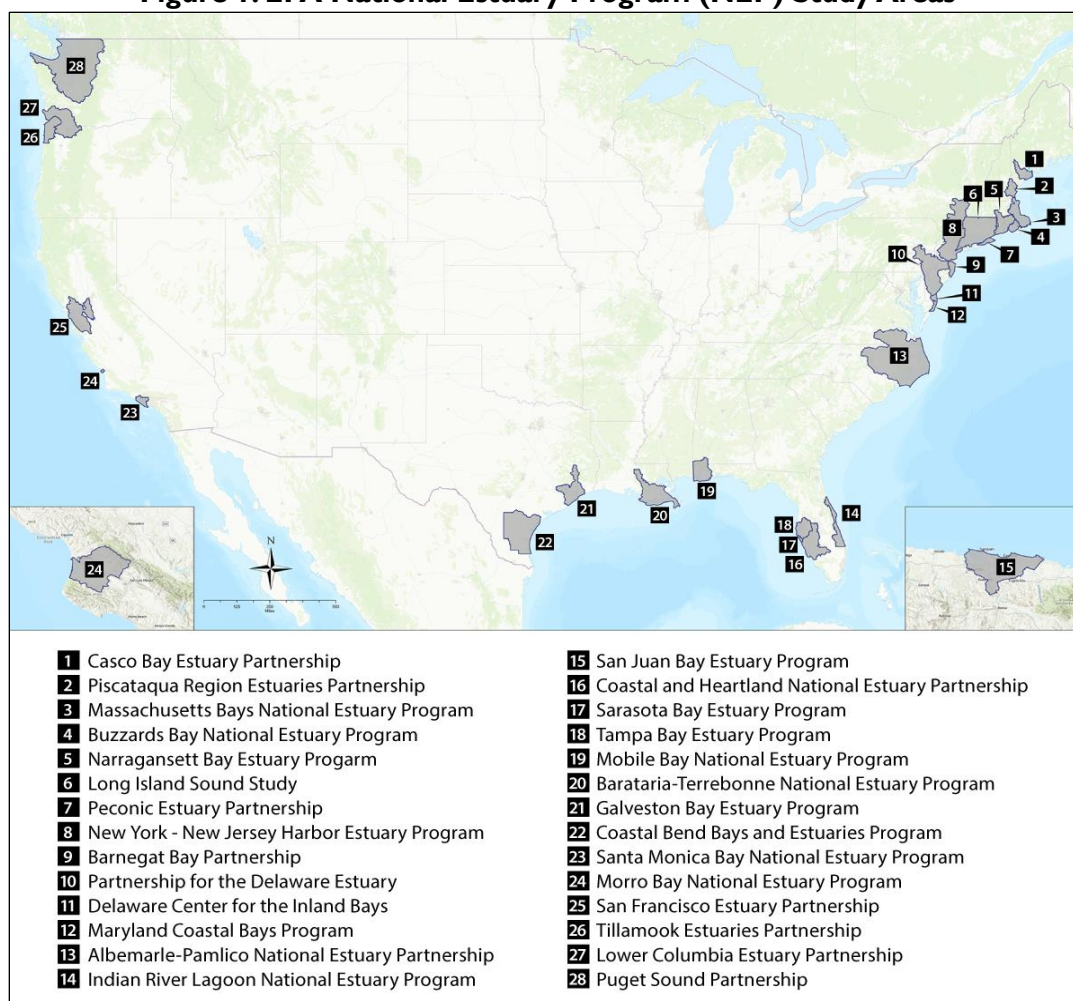
National Estuary Program (NEP)

Congress established the NEP with the Water Quality Act of 1987.⁸ The NEP, administered by the U.S. Environmental Protection Agency (EPA), is a place-based program (i.e., geographic-specific) that works to protect and restore “estuaries of national significance” that are threatened by pollution, development, or overuse.⁹ The NEP includes 28 estuaries located along the Atlantic, Gulf, and Pacific coasts and in Puerto Rico.¹⁰ See **Figure 1** for a map of these estuaries’ study areas, which include the estuary and surrounding watershed.

⁸ P.L. 100-4. Clean Water Act (CWA) §320; 33 U.S.C. §1330.

⁹ The CWA does not define “estuary of national significance.” However, to facilitate its review of estuary nominations, EPA, in 1990, developed guidance on the nomination process. Regarding national significance, governors were to provide information on why the estuary is important to the nation, the geographic scope of the estuary, and how lessons learned from the estuary could apply to other areas, among other things. EPA, *The National Estuary Program: Final Guidance on the Contents of a Governor’s Nomination*, January 1990.

¹⁰ EPA, “Overview of the National Estuary Program,” <https://www.epa.gov/nep/overview-national-estuary-program>.

Figure 1. EPA National Estuary Program (NEP) Study Areas

Source: EPA, “Printable Map of the National Estuary Program Study Areas,” January 2023, <https://www.epa.gov/nep/printable-map-national-estuary-program-study-areas>.

Notes: Study area 15 is in Puerto Rico. The map does not include Alaska, Hawaii, or U.S. territories other than Puerto Rico, because they do not contain NEP Study Areas.

For each of these estuaries, EPA partners with other federal agencies, state and local governments, tribes, industry, academia, nonprofit organizations, and the public to develop and implement management plans to restore and protect the estuary. EPA oversees and manages the national program; selects participating estuaries; and provides guidance, technical assistance, and annual funding through grants to local programs. The following subsections provide information on estuary selection, the governance and management plans of the local NEPs, and NEP funding and grants.

Estuary Selection

The NEP includes 28 estuaries, which EPA added to the NEP between 1987 and 1995. Under CWA Section 320(a), the governor of a state can nominate an estuary that is located “in whole or in part within the state” to be designated as an estuary of national significance for inclusion in the

NEP.¹¹ The nomination must address several critical elements, including “demonstrating significant environmental need to protect and restore the nominated estuary.”¹² The EPA Administrator then determines whether such estuaries should be selected for inclusion in the NEP and may also independently select an estuary of national significance.¹³

When Congress established the NEP in 1987, it directed EPA to give priority consideration to 11 specific estuaries for inclusion in the program.¹⁴ These included Long Island Sound, NY and CT; Narragansett Bay, RI; Buzzards Bay, MA; Puget Sound, WA; New York-New Jersey Harbor, NY and NJ; Delaware Bay, DE and NJ; Delaware Inland Bays, DE; Albemarle Sound, NC; Sarasota Bay, FL; San Francisco Bay, CA; and Galveston Bay, TX.

In subsequent legislation, Congress added five additional estuaries for priority consideration. Congress added Santa Monica Bay, CA, in 1987,¹⁵ and in 1988 added Massachusetts Bay (including Cape Cod Bay and Boston Harbor), MA; Barataria-Terrebonne Bay estuary complex, LA; Indian River Lagoon, FL; and Peconic Bay, NY.¹⁶ EPA designated these 16 as estuaries of national significance under the NEP.

In addition, EPA added 12 other estuaries to the program that met the criteria in CWA Section 320. EPA issued calls for nominations from governors in the *Federal Register* in 1992 and 1994 to help identify and select estuaries to include in the program.¹⁷ EPA’s stated intent in using a public nomination process was to allow the agency to “evaluate how a nominated estuary would offer opportunities to advance the national program by bringing innovative approaches, covering different geographic areas, and addressing new or challenging environmental issues among other evaluation factors.”¹⁸ Further, the aim was to evaluate how the estuary, if designated, would support the model of meeting both local and CWA priorities.

According to EPA, the agency has not solicited additional nominations since the 1994 call and does not have plans for a new call for nominations. EPA asserts that it is prioritizing the support of existing estuaries in the program.¹⁹

In 2000, Congress amended the CWA to add Lake Pontchartrain, LA, to the list of estuaries with priority consideration, but EPA has not added it to the NEP.²⁰

In 2021, Congress enacted the Protect and Restore America’s Estuaries Act, which amended the CWA to add the 12 estuaries already in the NEP, but not listed in CWA Section 320, to the list of estuaries for priority consideration.²¹ These include Casco Bay, ME; Tampa Bay, FL; Coastal

¹¹ CWA §320(a)(1); 33 U.S.C. §1330(a)(1).

¹² EPA, “Overview of the National Estuary Program,” <https://www.epa.gov/nep/overview-national-estuary-program>.

¹³ CWA §320(a)(2)(A); 33 U.S.C. §1330(a)(2)(A).

¹⁴ P.L. 100-4; CWA §320(a)(2)(B); 33 U.S.C. §1330(a)(2)(B).

¹⁵ P.L. 100-202.

¹⁶ P.L. 100-688.

¹⁷ EPA, “Nominations of Estuaries to the National Estuary Program,” 57 *Federal Register* 6178, February 20, 1992. EPA, “Nominations of Estuaries to the National Estuary Program,” 59 *Federal Register* 66533, December 27, 1994.

¹⁸ EPA, “The National Estuary Program Designation Process,” <https://www.epa.gov/nep/overview-national-estuary-program>.

¹⁹ Personal communication with EPA, August 21, 2023. See also EPA, “Overview of the National Estuary Program,” <https://www.epa.gov/nep/overview-national-estuary-program>, in which EPA states, “The EPA is not actively seeking new nominations at this time.”

²⁰ P.L. 106-457. According to EPA, the governor of Louisiana at that time was not interested in pursuing Lake Pontchartrain’s inclusion in the NEP.

²¹ P.L. 116-337.

Bend, TX; San Juan Bay, PR; Tillamook Bay, OR; Piscataqua Region, NH; Barnegat Bay, NJ; Maryland Coastal Bays, MD; Charlotte Harbor, FL; Mobile Bay, AL; Morro Bay, CA; and Lower Columbia River, OR and WA.²²

Local NEPs—Governance and Management Plans

Each of the 28 estuaries in the NEP has its own local estuary program, which functions under a governance structure called a *management conference*. Management conferences consist of diverse stakeholders, including EPA and other federal agencies, state and local governments, tribes, industry, educational institutions, nonprofit organizations, and the public.²³

As required by the CWA, each local NEP’s management conference has developed a long-term management plan, called a Comprehensive Conservation and Management Plan (CCMP), to address the environmental challenges for its estuary. CCMPs contain actions to

- restore and maintain the integrity of the estuary (e.g., actions to address water quality; balanced populations of shellfish, fish, and wildlife; and protection of the estuaries’ uses, including recreational activities);
- address the effects of recurring extreme weather events on the estuary; and
- increase public education and awareness of the estuary’s water quality and health.²⁴

CCMPs include several components: a statement of priority problems or issues to be addressed in the plan; goals and objectives for the estuary; action plans for achieving the goals and objectives; and monitoring and financial strategies.²⁵ For example, a CCMP may include a water quality goal for an estuary such as reducing pollutants to the waterbody to comply with state water quality criteria for that waterbody.²⁶ The CCMP would then have specific actions, such as working to implement water quality improvement projects to address particular pollutants. It would also identify costs for specific actions and funding sources for the action.

Since the initial CCMPs were developed, the management conferences have periodically revised and updated the CCMPs to reflect changes in the estuary and emerging challenges, among other things. The management conferences work collaboratively to implement the CCMPs through a consensus-building approach.²⁷

Each of the local NEPs has a program office located within the estuary’s watershed that facilitates the work outlined in its CCMP.²⁸ The precise structure of each local NEP varies, but generally

²² The Charlotte Harbor National Estuary Program was renamed the Coastal and Heartland National Estuary Partnership in 2019.

²³ CWA §320(c); 33 U.S.C. §1330(c).

²⁴ CWA §320(b)(4); 33 U.S.C. §1330(b)(4). For links to the CCMPs for each estuary in the NEP, see EPA, “Comprehensive Conservation and Management Plans,” <https://www.epa.gov/nep/comprehensive-conservation-and-management-plans>.

²⁵ EPA, *Community-Based Watershed Management: Lessons from the National Estuary Program*, EPA 842-B-05-003, February 2005, https://www.epa.gov/sites/default/files/2015-10/documents/2007_04_09_estuaries_nepprimeruments_chapter4.pdf.

²⁶ See, for example, Indian River Lagoon National Estuary Program, *Looking Ahead to 2030: A 10-Year Comprehensive Conservation and Management Plan for the Indian River Lagoon, Florida*, 2019, <https://onelagoon.org/management-plan/>.

²⁷ CWA §320(b); 33 U.S.C. §1330(b). EPA, “Overview of the National Estuary Program,” <https://www.epa.gov/nep/overview-national-estuary-program>.

²⁸ EPA, *National Estuary Program Booklet*, 842K07001, <https://www.epa.gov/nep/national-estuary-program-booklet>.

includes an office with a director and staff that help serve functions such as managing NEP activities, providing administrative and technical support to any committees the management conference may have assembled, conducting public outreach and education, and integrating NEP activities with other restoration efforts in the watershed.²⁹ Many NEPs have a host entity, such as a state agency, university, or nonprofit organization, that administers the EPA assistance agreement that supports and funds the NEP's activities and projects.³⁰ Some of the local NEPs are structured as independent agencies or organizations.³¹

Funding and Grants

Congress authorized appropriations for the NEP when it established the program in 1987 and has reauthorized appropriations for the program several times. Congress has also provided appropriations for the program that fund grants to each local NEP to develop and implement CCMPs, as well as nationally administered competitive grants awarded to address certain “urgent and challenging issues.”

Authorizations of Appropriations

When Congress first established the NEP, Section 320(g) of the CWA authorized EPA to provide grants for assisting research, surveys, studies, modeling, and other technical work necessary for the development of a CCMP.³² Congress authorized \$12.0 million annually from FY1987 through FY1991 for these grants and for general support of the management conferences.³³ In November 2000, Congress reauthorized appropriations for the NEP through FY2005 and amended the CWA to allow funding to be used for implementing CCMPs in addition to developing them.³⁴ The 2000 amendments authorized \$35.0 million per year for each of FY2001 through FY2005.

Congress reauthorized appropriations for the NEP again in 2004 (authorizing \$35.0 million for each of FY2005-FY2010) and in 2016 (authorizing \$26.5 million for each of FY2017-FY2021).³⁵ The 2016 reauthorization also amended the CWA to modify eligible uses of the funds: (1) no more than 5% for expenses relating to the administration of grants or awards by EPA; (2) no less than 80% for grants to develop, implement, and monitor CCMPs; and (3) no less than 15% for newly established competitive awards, to be provided to grant applicants “that are best able to

²⁹ EPA, *National Estuary Program Booklet*; EPA, *Community-Based Watershed Management: Lessons from the National Estuary Program*, EPA-842-B-05-003, February 2005, p. 17, <https://www.epa.gov/nep/fact-sheet-about-community-based-watershed-management-handbook>.

³⁰ See, for example, “Santa Monica Bay National Estuary Program,” <https://www.smbnep.org/who-we-are/>. The Santa Monica Bay National Estuary Program is comprised of and implemented by two different entities: the Santa Monica Bay Restoration Commission (the nonregulatory Management Conference) and The Bay Foundation (a nonprofit host entity, which receives NEP grant funds to implement the CCMP). See also San Francisco Bay Estuary Partnership, “About Us,” <https://www.sfestuary.org/about-us/>. The San Francisco Bay Estuary Partnership’s host entity is the Association of Bay Area Governments, which is staffed by the Metropolitan Transportation Commission.

³¹ See, for example, Delaware Estuary Program, *FAQs on DELEP Governance and the National Estuary Program*, March 2017, pp. 7-8, https://s3.amazonaws.com/delawareestuary/NEP_DELEP_FAQs_March2017.pdf.

³² 33 U.S.C. §1330(g). Grants were provided on a 75% federal, 25% nonfederal basis to state, interstate, and regional water pollution control agencies, state coastal zone management agencies, interstate agencies, or other public or nonprofit private agencies, institutions, organizations, and individuals.

³³ P.L. 100-4.

³⁴ Estuaries and Clean Waters Act of 2000 (P.L. 106-457). The cost share remained the same (75% federal, 25% nonfederal) for grant funds used to develop CCMPs. The cost share for grants to implement CCMPs is 50% federal, 50% nonfederal.

³⁵ P.L. 108-399; P.L. 114-162.

address urgent and challenging issues that threaten the ecological and economic well-being of coastal areas.”³⁶

Congress reauthorized the NEP again in 2021 (authorizing \$50.0 million for each of FY2022-FY2026).³⁷ The 2021 reauthorization also amended the CWA to require that future CCMPs “address the effects of recurring extreme weather events on the estuary, including the identification and assessment of vulnerabilities in the estuary and the development and implementation of adaption strategies,” and increase public education and awareness of the estuary’s health and water quality. It also amended the section that authorizes competitive grants to direct the EPA Administrator to select award recipients that are best able to address certain issues that threaten the ecological and economic well-being of estuaries in the NEP or that relate to the coastal resiliency of NEP estuaries (rather than “coastal areas” more broadly, as was previously authorized).³⁸

Appropriations

Congress appropriates funds to the NEP through the NEP/Coastal Waterways program area in EPA’s Environmental Programs and Management (EPM) appropriations account. These funds support both the NEP and Coastal Waterways Programs. Of the funds supporting NEP activities, EPA apportions them equally among the 28 estuaries in the NEP. The apportioned amounts are dependent on total appropriations for the NEP/Coastal Waterways program area, generally identified in accompanying report language.

Table 1 summarizes FY2019-FY2024 enacted appropriations and the FY2025 budget request for the NEP, as well as the amounts of funding to be provided to each of the estuaries in the program and for competitive grants as identified in accompanying report language.

In November 2021, Congress passed and President Biden signed the Infrastructure Investment and Jobs Act (IIJA),³⁹ also known as the Bipartisan Infrastructure Law (BIL), which included \$132 million in supplemental appropriations to remain available until expended for NEP grants to develop and implement CCMPs. IIJA specified that \$26.4 million shall be made available for each of FY2022 through FY2026, and that the funds are not subject to the statutory requirement that not less than 15% of the appropriation be used for competitive awards. IIJA further specified that the EPA Administrator may waive or reduce the required nonfederal share, and IIJA provides that up to 3% of the amount appropriated shall be for salaries, expenses, and administration. In July 2022, EPA issued an implementation memorandum for the IIJA funding, which specifies that projects funded through IIJA should seek to accelerate and more extensively implement CCMPs; prioritize projects in, and benefits to, disadvantaged communities; build the adaptive capacity of

³⁶ CWA §320(g)(4)(C) states that these “urgent and challenging issues” include “(i) extensive seagrass habitat losses resulting in significant impacts on fisheries and water quality; (ii) recurring harmful algal blooms; (iii) unusual marine mammal mortalities; (iv) invasive exotic species that may threaten wastewater systems and cause other damage; (v) jellyfish proliferation limiting community access to water during peak tourism seasons; (vi) flooding that may be related to sea level rise or wetland degradation or loss; and (vii) low dissolved oxygen conditions in estuarine waters and related nutrient management.”

³⁷ P.L. 116-337.

³⁸ The 2021 reauthorization also added nonprofit organizations to the list of management conference members, codifying existing practice to do so, and amended the competitive grants provision to expand the type of projects eligible for selection, including “emerging” issues that threaten estuaries, issues related to coastal resiliency, stormwater runoff, accelerated land loss, and extreme weather events.

³⁹ P.L. 117-58.

ecosystems and communities; and leverage and support additional resources.⁴⁰ The memorandum also provides information on how NEPs should use and report on the supplemental funding.

President Biden's FY2025 budget request for EPA includes \$32.61 million for the NEP/Coastal Waterways program area.⁴¹ The budget request indicates that this reflects a reduction in resources for the program because "significant additional funding for these activities is available in FY2025 through the Infrastructure Investment and Jobs Act."⁴²

⁴⁰ Radhika Fox, Assistant Administrator, *National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026*, EPA, July 26, 2022, https://www.epa.gov/system/files/documents/2022-07/NEP%20BIL%20Implementation%20Memo%20FY22-26_July%202022_signed.pdf. *Adaptive capacity* refers to NEPs' efforts to expand climate change adaptation, hazard mitigation, and resilience activities, including protection and restoration of habitats that increase resiliency and carbon sequestration (hereinafter BIL Implementation Memo).

⁴¹ EPA, *Fiscal Year 2025 Justification of Appropriation Estimates for the Committee on Appropriations*, EPA-190R24002, March 2024, <https://www.epa.gov/system/files/documents/2024-03/fy-2025-congressional-justification-all-tabs.pdf>, pp. 586-589.

⁴² EPA, *Fiscal Year 2025 Justification of Appropriation Estimates for the Committee on Appropriations*, pp. 586-589.

Table I. FY2019-FY2024 Appropriations for the National Estuary Program

(dollars in millions)

	FY2019 Enacted ^a	FY2020 Enacted ^b	FY2021 Enacted ^c	Infrastructure Investment and Jobs Act (2021) Supplemental ^d	FY2022 Enacted ^e	FY2023 Enacted ^e	FY2024 Enacted ^f	FY2025 Budget Request ^g
Total Annual Appropriations to the NEP/Coastal Waterways Program Area	\$26.72	\$29.82	\$31.82	\$132.00, of which \$26.4 available in each of FY2022- FY2026	\$35.00	\$40.00	\$40.0	\$32.61
Amount per Estuary	\$0.60	\$0.66	\$0.70	\$0.90 in each of FY2022-2026 ^h	\$0.75	\$0.85	\$0.85	\$0.70
Competitive Grants	\$1.00	\$1.35	\$1.50	Not specified	\$2.00	\$2.50	\$2.50	\$2.50

Notes: Amounts presented in the table have not been adjusted for inflation and do not reflect account specific rescissions.

Sources:

- FY2019 enacted amounts are as reported in the “Explanatory Statement” accompanying the Consolidated Appropriations Act, 2020 (P.L. 116-94), as published in the *Congressional Record*, vol. 165, part 204-Book III (December 17, 2019), <https://www.govinfo.gov/content/pkg/CREC-2019-12-17/pdf/CREC-2019-12-17-house-bk3.pdf>. Under Division D, see the funding table beginning on p. H11335. For the FY2019 amount per estuary and competitive grant amount, see the “Explanatory Statement” accompanying the Consolidated Appropriations Act, 2019 (P.L. 116-6), as published in H.Rept. 116-9, p. 230.
- FY2020 enacted amounts are as reported in the “Explanatory Statement” accompanying the Consolidated Appropriations Act, 2021 (P.L. 116-260), as published in the *Congressional Record*, vol. 166, part 218-Book IV (December 21, 2020), <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk4.pdf>. Under Division G, see the funding table beginning on p. H8593. For the FY2020 amount per estuary and competitive grant amount, see the “Explanatory Statement” accompanying the Consolidated Appropriations Act, 2020 (P.L. 116-94), as published in the *Congressional Record*, vol. 165, part 204-Book III (December 17, 2019), <https://www.govinfo.gov/content/pkg/CREC-2019-12-17/pdf/CREC-2019-12-17-house-bk3.pdf>, p. H11293.
- FY2021 enacted amounts are as reported in the “Joint Explanatory Statement—Division G” accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103), <https://www.govinfo.gov/content/pkg/CPRT-117HPRT47048/pdf/CPRT-117HPRT47048.pdf>; see the funding table beginning on p. 1631. For the FY2021 amount per estuary and competitive grant amount, see the “Explanatory Statement” accompanying the Consolidated Appropriations Act, 2021 (P.L. 116-260), as published in the *Congressional Record*, vol. 166, part 218-Book IV (December 21, 2020), <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk4.pdf>, p. H8540.
- P.L. 117-58, Infrastructure Investment and Jobs Act (IIJA), Division J, Title VI—Department of the Interior, Environment, and Related Agencies.
- FY2022 and FY2023 enacted amounts are as reported in the “Joint Explanatory Statement—Division G” accompanying the Consolidated Appropriations Act, 2023 (P.L. 117-328), as published in U.S. Congress, House Committee on Appropriations, *Committee Print of the Committee on Appropriations, Book 2 of 2, Divisions G-N*, committee print, 117th Cong., 2nd sess., H.Prt. 50-348 (Washington, DC: GPO, 2023), p. 1770. For the FY2023 amount per estuary and competitive grant amount,

see p. 1566. For the FY2022 amount per estuary and competitive grant amount, see the “Joint Explanatory Statement—Division G” accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103), <https://www.govinfo.gov/content/pkg/CPRT-117HPRT47048/pdf/CPRT-117HPRT47048.pdf>; see the funding table beginning on p. 1631.

- f. FY2024 enacted amounts are as reported in the “Joint Explanatory Statement—Division E” accompanying the Consolidated Appropriations Act, 2024 (P.L. 118-42), as published in the *Congressional Record*, vol. 170, part 39 (March 5, 2024), <https://www.congress.gov/118/crec/2024/03/05/170/39/CREC-2024-03-05.pdf>, p. S1684.
- g. EPA, *Fiscal Year 2025 Justification of Appropriation Estimates for the Committee on Appropriations*, EPA-190R24002, March 2024, <https://www.epa.gov/system/files/documents/2024-03/fy-2025-congressional-justification-all-tabs.pdf>, pp. 586-589.
- h. IJJA did not include language specifying the amount each estuary is to receive. However, in EPA’s *National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026*, EPA specified that it will annually provide each of the estuaries in the program with approximately \$900,000. See Radhika Fox, Assistant Administrator, *National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026*, EPA, July 26, 2022, https://www.epa.gov/system/files/documents/2022-07/NEP%20BIL%20Implementation%20Memo%20FY22-26_July%202022_signed.pdf.

NEP Oversight

EPA oversees the efforts of each local NEP in implementing its CCMP and achieving established targets and milestones through both annual workplan and reporting requirements associated with grant assistance agreements, as well as through the program evaluations EPA conducts on a five-year cycle.

For grant assistance agreement-related requirements, EPA has issued guidance to the local NEPs that details the agency's annual workplan and reporting requirements and major assistance agreement policies.⁴³ Annual workplans are to include elements such as the CCMP (and which goals the local NEP plans to focus on in the coming year); budget, staff, and cost-share information; details about new and ongoing projects (including information about deliverables, milestones, and how the project supports the CWA); and accomplishments, such as completed workplan activities and lessons learned. Local NEPs are also required to provide annual reports to the relevant EPA regions as part of their assistance agreements, as a record of how funds were spent. These reports are to include information about all major projects completed during the year, including deliverables, any constraints, the funds spent on implementation, and which CCMP goals or objectives the project helped fulfill.

EPA also conducts program evaluations to assess each local NEP's progress in achieving programmatic and environmental results. EPA initiated its NEP implementation review process in 1997.⁴⁴ Since that time, EPA has reassessed and modified its process several times and developed and updated program evaluation guidance—most recently in 2021.⁴⁵ EPA conducts program evaluations on a five-year cycle. These evaluations consist of (1) the local NEPs developing and submitting required information as outlined in the guidance; (2) site visits by program evaluation teams to each local NEP; and (3) documentation of findings via a formal letter from EPA headquarters.⁴⁶

The 2021 program evaluation guidance requires that each local NEP provide a narrative submission that discusses (1) the progress the NEP has made toward achieving the goals and objectives identified in its CCMP through its workplan accomplishments over the prior five years; (2) information on how the local NEP's organizational structure and operational health and function demonstrate the ability to overcome challenges and achieve current and future CCMP goals; and (3) information that shows how the NEP applies and connects the day-to-day work for the NEP with CWA and EPA priorities. The guidance more specifically requires that the local NEPs address these topics with details showing how progress and outcomes are being achieved. This includes information on budgets, monitoring and assessment, and examples of how the local NEP is supporting CWA programs. Local NEPs are also required to submit additional documents, such as the annual workplans and reports that the local NEPs provide as part of their grant assistance agreements.

EPA historically has not shared the results of its program evaluations publicly. However, EPA has indicated that the agency plans to start posting the trends from the program evaluations' findings

⁴³ EPA, *FY2021-FY2024 Clean Water Act §320 National Estuary Program Funding Guidance*, October 2020.

⁴⁴ EPA, *National Estuary Program, Program Evaluation Guidance*, September 30, 2021, <https://www.epa.gov/nep/progress-evaluation-national-estuary-program>.

⁴⁵ EPA, *National Estuary Program, Program Evaluation Guidance*.

⁴⁶ The program evaluation teams, per the guidance, consist of the EPA Headquarters NEP Coordinator, the EPA Regional NEP Coordinator, and, if possible, an ex-officio NEP Director.

and recommendations on its website.⁴⁷ To help share lessons learned across the program, EPA’s website currently provides examples of environmental, programmatic, and financial leveraging success stories.⁴⁸ In addition, the agency publishes reports highlighting various accomplishments and impacts made by the NEP program, or describing NEP efforts on certain topics such as climate change and nutrient pollution.⁴⁹ The most recent of these is the *National Estuary Program 2022 Accomplishments* report, which presents certain national metrics for FY2022 and success stories and results from local NEPs.⁵⁰

Congressional Interest

As discussed above, in November 2021, Congress indicated recent support for the NEP when it passed the IIJA, which included \$132 million in supplemental appropriations for NEP grants to develop and implement CCMPs. In addition, in December 2022, Congress passed and President Biden signed the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263), which included language from several other bills that pertain to the NEP. Specifically, Congress amended the CWA to formally authorize two existing CWA Geographic Programs—the Puget Sound and San Francisco Bay Geographic Programs—and included provisions that require certain coordination efforts with NEP programs in those areas. In addition, Congress directed the U.S. Army Corps of Engineers to develop a comprehensive restoration plan for northern estuaries in Florida, including two local NEPs.

Congress has also demonstrated its interest in the NEP through other legislative proposals and congressional hearings. **Table 2** summarizes legislation introduced during the 117th and 118th Congresses related to the NEP, and **Table 3** summarizes congressional hearings held in the 117th Congress that included discussions about the NEP (none has been held to date in the 118th Congress). Legislation providing appropriations for the NEP is excluded from **Table 2**, as enacted appropriations laws are discussed above.

The bills listed in **Table 2** include proposals to designate a “National Estuaries Week”; to explicitly authorize certain CWA Geographic Programs in the CWA and require coordination between those programs and local NEPs; to add an estuary to the list of those for which EPA is required to give priority consideration for inclusion in the NEP; to provide additional funding to NEPs affected by certain hurricanes; and to direct the U.S. Army Corps of Engineers to develop a comprehensive restoration plan for northern estuaries in Florida, including two local NEPs. Some of the provisions in some of these bills were enacted as part of P.L. 117-263, as discussed above.

⁴⁷ Personal communication with EPA, March 7, 2024. EPA has indicated it is aiming to post this information beginning in the summer of 2024.

⁴⁸ EPA, “NEP Success Stories,” <https://www.epa.gov/nep/nep-success-stories>.

⁴⁹ EPA, “National Estuary Program Reports,” <https://www.epa.gov/nep/national-estuary-program-reports>.

⁵⁰ EPA, *National Estuary Program 2022 Accomplishments*, EPA-842-R-23-001, December 2023, <https://www.epa.gov/nep/national-estuary-program-2022-accomplishments>.

Table 2. Selected Legislation Related to the National Estuary Program
(117th and 118th Congresses)

Bill No.	Bill Title	Summary of Relevant Provision	Latest Action (Date)
118 th Congress			
H.Res. 688 and S.Res. 353 (related)	Expressing support for the designation of the week of September 16 through September 23, 2023, as “National Estuaries Week”	Would express support for the designation of “National Estuaries Week,” and the intent of the House of Representatives and Senate to continue working to understand, protect, and restore the estuaries of the United States, among other things.	H.Res. 688 referred to committee (Sept. 14, 2023); S.Res. 353 submitted in the Senate, considered, agreed to without amendment and with a preamble by Unanimous Consent (Sept. 20, 2023)
H.R. 628 and S. 119 (identical)	South Florida Ecosystem Enhancement Act of 2023	Would amend the Clean Water Act (CWA) to authorize the South Florida CWA Geographic Program, including a grant program to carry out projects to monitor, enhance, protect, preserve, or restore water quality, wetlands, aquatic ecosystems, or marine habitat in South Florida and within the study area boundaries of two local NEPs—the Indian River Lagoon National Estuary Program and the Coastal and Heartland National Estuary Partnership.	H.R. 628 referred to subcommittee (Feb. 1, 2023); S. 119 referred to committee (Jan. 26, 2023)
S. 116	The Hurricanes of 2022 Disaster Relief Rectification Act	Would provide appropriations to EPA for FY2023, \$100 million for environmental restoration and monitoring, to remain available until expended, including to carry out the NEP for estuaries within states and territories impacted by hurricanes Ian, Nicole, or Fiona; and other activities.	Referred to committee (Jan. 26, 2023)
S. 50	Pensacola and Perdido Bays Estuary of National Significance Act of 2023	Would amend the CWA to require the EPA Administrator to give priority consideration to selecting the Pensacola and Perdido Bay Estuary in Florida and Alabama as an estuary of national significance.	Passed Senate with an amendment by voice vote (Mar. 12, 2024) Held at the desk in the House (Mar. 15, 2024)
S.Amdt. 1694 to S. 50	Amendment to Pensacola and Perdido Bays Estuary of National Significance Act of 2023	Amends S. 50. Would amend the CWA to require EPA to give priority consideration to selecting the Pensacola and Perdido Bay Estuary in Florida and Alabama as an estuary of national significance. However, specifies that EPA may not use FY2024 funds to implement the amendment, and may only use FY2025 funds to implement the amendment if FY2025 appropriations are at least \$850,000 more than the amount appropriated in FY2023.	Agreed to in the Senate by Unanimous Consent (Mar. 12, 2024)

Bill No.	Bill Title	Summary of Relevant Provision	Latest Action (Date)
117 th Congress			
H.R. 7776	James M. Inhofe National Defense Authorization Act for Fiscal Year 2023	<p>Amended the CWA to authorize the San Francisco Bay CWA Geographic Program, including a grant program to support its restoration. Includes provisions to consult and coordinate with the local NEP—the San Francisco Estuary Partnership—and its Comprehensive Conservation and Management Plan (CCMP).</p> <p>Amended the CWA to authorize the Puget Sound CWA Geographic Program. Required the Director of the Program Office to, among other things, coordinate and align the activities of the EPA Administrator with the Puget Sound National Estuary Program Management Conference’s most recent CCMP, and other area plans and initiatives. Also includes provisions to ensure coordination between the CWA Geographic Program and the local NEP.</p> <p>Also directed the U.S. Army Corps of Engineers to develop a comprehensive restoration plan for northern estuaries in Florida, including two local NEPs—the Indian River Lagoon National Estuary Program and the Coastal and Heartland National Estuary Partnership.</p>	Enacted as P.L. 117-263 (Dec. 23, 2022)
H.Res. 1358	Expressing support for the designation of the week of September 17 through September 24, 2022, as “National Estuaries Week”	Would have expressed support for the designation of “National Estuaries Week,” and the intent of the House of Representatives to continue working to understand, protect, and restore the estuaries of the United States, among other things.	Referred to committee (Sept. 15, 2022)
H.Res. 655	Expressing support for the designation of the week of September 18 through September 25, 2021, as “National Estuaries Week”	Would have expressed support for the designation of “National Estuaries Week,” and the intent of the House of Representatives to continue working to understand, protect, and restore the estuaries of the United States, among other things.	Referred to subcommittee (Sept. 17, 2021)
H.R. 7520	To direct the Corps of Engineers to develop a comprehensive plan for Lake Okeechobee and northern estuaries ecosystem restoration, and for other purposes	Would have directed the U.S. Army Corps of Engineers to develop a comprehensive plan for Lake Okeechobee and northern estuaries ecosystem restoration, including the study area boundaries of two local NEPs—the Indian River Lagoon National Estuary Program and the Coastal and Heartland National Estuary Partnership.	Referred to subcommittee (Apr. 15, 2022)

Bill No.	Bill Title	Summary of Relevant Provision	Latest Action (Date)
H.R. 6771 and S. 3676 (identical)	South Florida Ecosystem Enhancement Act of 2022	Would have amended the CWA to authorize the South Florida CWA Geographic Program, including a grant program to carry out projects to monitor, enhance, protect, preserve, or restore water quality, wetlands, aquatic ecosystems, or marine habitat in South Florida and within the study area boundaries of two local NEPs—the Indian River Lagoon National Estuary Program and the Coastal and Heartland National Estuary Partnership.	H.R. 6771 referred to subcommittee (Feb. 22, 2022); S. 3676 referred to committee (Feb. 17, 2022)
H.R. 1144	PUGET SOS Act	Would have amended the CWA to authorize the Puget Sound CWA Geographic Program. Would have required the Director of the Program Office to, among other things, coordinate and align the activities of the EPA Administrator with the Puget Sound National Estuary Program Management Conference's most recent CCMP and other area plans and initiatives. Included provisions to ensure coordination between the CWA Geographic Program and the local NEP.	Passed in the House (Jun. 15, 2021) Received in the Senate and referred to committee (Jun. 16, 2021)
H.R. 610 and S. 1906 (related bills)	San Francisco Bay Restoration Act; San Francisco Bay Restoration Act of 2021	Would have amended the CWA to authorize the San Francisco Bay CWA Geographic Program, including a grant program to support its restoration. Included provisions to consult and coordinate with the local NEP—the San Francisco Estuary Partnership—and its CCMP.	H.R. 610 passed in the House (Jun. 15, 2021) Received in the Senate and referred to committee (Jun. 16, 2021) S. 1906 referred to committee (May 27, 2021)
S.Res. 779	A resolution designating the week of September 17 through September 24, 2022, as "National Estuaries Week"	Would have designated the week of September 17 through September 24, 2022, as "National Estuaries Week," and expressed the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States, among other things.	Passed/agreed to in the Senate by unanimous consent (Sept. 20, 2022)
S.Res. 374	A resolution designating the week of September 19 through September 25, 2021, as "National Estuaries Week"	Would have designated the week of September 17 through September 24, 2021, as "National Estuaries Week," and expressed the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States, among other things	Referred to committee (Sept. 21, 2021)
S. 2213	Pensacola and Perdido Bays Estuary of National Significance Act of 2021	Would have amended the CWA to require the EPA Administrator to give priority consideration to selecting the Pensacola and Perdido Bay Estuary in Florida and Alabama as an estuary of national significance.	Referred to committee (Jun. 24, 2021)

Source: CRS analysis of Congress.gov. Current as of May 13, 2024.

Table 3. Selected Hearings Related to the National Estuary Program
(117th Congress)

Hearing Title (Date)	Committee	NEP Information	Hearing Serial No.
The Clean Water Act at Fifty: Highlights and Lessons Learned from a Half Century of Transformative Legislation (Sept. 20, 2022)	Subcommittee on Water Resources and Environment, House Committee on Transportation and Infrastructure	Discussed the successes of the past 50 years of CWA implementation and remaining challenges. Mentioned the NEP as a CWA program that has yielded some success as a place-based restoration program.	H.Hrg. 117-59
Building Climate-Resilient Coastal Communities: Perspectives from Oregon's State, Local, and Tribal Partners (Aug. 3, 2022)	House Select Committee on the Climate Crisis	Discussed efforts in the Lower Columbia Estuary Partnership (a local NEP) funded by the NEP. Focused on climate resilience efforts and noted the benefits that would be realized through supplemental funding Congress provided through the Infrastructure Investment and Jobs Act.	H.Hrg. 117-22
Interior, Environment, and Related Agencies Appropriations for 2023 (Apr. 29, 2022)	Subcommittee on Interior, Environment, and Related Agencies, House Committee on Appropriations	Included comments from Members of Congress showing support for the NEP and its importance in protecting and restoring water quality and ecological integrity for estuaries of national significance.	H.Hrg. 117-493

Source: CRS, using ProQuest Congressional and govinfo.gov. Current as of May 13, 2024.

Notes: CRS did not identify any potentially relevant hearings held in the 118th Congress. Appropriations hearings are included if they include testimony or discussion of the NEP beyond mention of appropriations funding.

Issues for Congress

The NEP generally receives bipartisan support in Congress, in light of the environmental and economic importance of the NEP estuaries as well as the resources the program leverages.⁵¹ According to EPA, on average, the local NEPs raise \$17 for every \$1 provided by EPA.⁵² These additional funds come from federal, state, local, and private sources through various mechanisms, including annual membership appeals, license plate revenues, fines and penalties, state appropriations, and intergovernmental agreements.⁵³ The local NEPs use the leveraged funds to protect and restore habitat, support land acquisitions, upgrade wastewater and stormwater infrastructure, conduct outreach and education, and implement other priority actions in CCMPs.⁵⁴

Ongoing policy issues for Congress related to the NEP include the size of the program, the level of appropriations needed to support the program, and oversight of the program.

⁵¹ For example, when Congress reauthorized the NEP in 2021 by passing the “Protect and Restore America’s Estuaries Act” (H.R. 4044), the House passed the bill with a vote of 355-62, and the Senate passed it without amendment by voice vote.

⁵² EPA, “Financing Strategies Used by the National Estuary Program,” <https://www.epa.gov/nep/financing-strategies-used-national-estuary-program>.

⁵³ EPA, “Financing Strategies Used by the National Estuary Program.”

⁵⁴ EPA, “Financing Strategies Used by the National Estuary Program.”

Size of the NEP

Some policymakers debate whether the NEP should focus on providing funds to estuaries already in the NEP, or whether EPA should expand the program to include additional estuaries. Some observe that the current NEP estuaries face a multitude of challenges that can be costly to address, and that the level of appropriations that the program receives may not adequately support the addition of new estuaries to the program. EPA has provided this reasoning as to why the agency has not put out calls for additional estuaries or added new estuaries to the program on its own initiative in recent years.⁵⁵ Others assert that additional estuaries could benefit from being added to the NEP.⁵⁶ To this end, in recent sessions of Congress, some Members have introduced legislation that would add estuaries to the priority consideration list for inclusion in the NEP. Moving forward, Congress may consider whether current annual appropriations are sufficient to assist in funding the restoration activities of the NEP estuaries, and whether to add estuaries to the program.

Level of Appropriations and Oversight

In the past, some have advocated for greater appropriations for the program, noting that the need for funding to implement CCMPs outweighs the funds the NEPs receive.⁵⁷ Others have argued that restoration efforts in the estuaries are more appropriately addressed by state and local agencies.⁵⁸ Congress provided supplemental appropriations through IIJA to help NEPs make more progress in implementing their CCMPs and developing revised CCMPs. EPA has signaled in its implementation memorandum for the supplemental funding, as discussed above, that IIJA funds will be provided to existing estuaries in the program to accelerate and more extensively implement CCMPs, ensure that benefits reach disadvantaged communities, build the adaptive capacity of ecosystems and communities, and leverage additional resources.⁵⁹

As discussed above, EPA uses multiple mechanisms to oversee the local NEPs' efforts in implementing their CCMPs. To date, some of these results have not been publicly available. Information included in performance evaluations and annual reports may provide insight into the funding needed by NEPs to implement their CCMPs and aspects of the program that could be improved. Moving forward, Congress may consider oversight of the program to ensure that funds, particularly those provided through IIJA, are used efficiently and are helping the NEPs meet the goals outlined in their CCMPs.

⁵⁵ Personal communication with EPA, August 21, 2023.

⁵⁶ In addition to S. 50 (118th) and S. 2213 (117th) discussed above, which propose to add the Pensacola and Perdido Bays, FL, to the list of estuaries to receive priority consideration for inclusion in the NEP, Members have introduced bills in prior sessions of Congress that would have added other estuaries to the list. These include the Mississippi Sound, MS, and the Port Royal Sound, SC.

⁵⁷ U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, *Protecting and Restoring America's Iconic Waters*, 116th Cong., 1st sess., June 25, 2019, H.Hrg. 116-25.

⁵⁸ See, for example, U.S. EPA, *FY 2018 Justification of Appropriation Estimates for the Committee on Appropriations*, EPA-190-K-17-002, May 2017, p. 287, <https://www.epa.gov/sites/default/files/2017-05/documents/fy-2018-congressional-justification.pdf>.

⁵⁹ BIL Implementation Memo.

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