



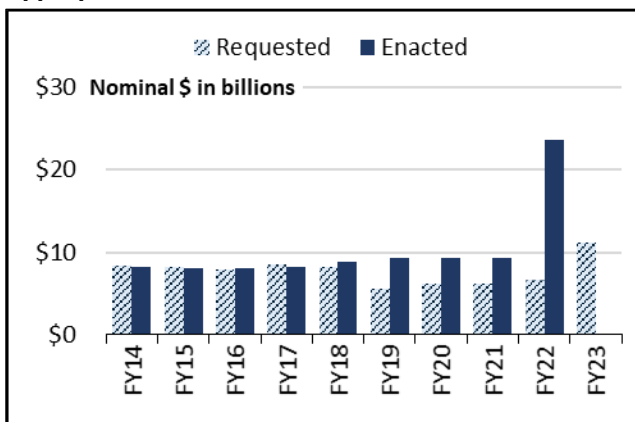
August 24, 2022

U.S. Environmental Protection Agency (EPA) Appropriations: FY2023 President’s Budget Request

Since FY2006, Congress has funded the U.S. Environmental Protection Agency (EPA) in the Interior, Environment, and Related Agencies appropriations bills. For FY2023, the President requested \$11.88 billion for EPA. The request was \$2.32 billion (24.3%) greater than the \$9.56 billion FY2022 regular enacted appropriations for EPA provided in Division G, Title II of the Consolidated Appropriations Act, 2022 (P.L. 117-103). Division J, Title VI of the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), enacted on November, 15, 2021, provided an additional \$14.06 billion for EPA in emergency supplemental appropriations for FY2022. Division VI of P.L. 117-169 (commonly known as the Inflation Reduction Act of 2022), enacted on August 16, 2022, provided an additional \$41.47 billion for EPA in permanent appropriations for FY2022 (see CRS Insight IN11987, *Inflation Reduction Act of 2022: U.S. Environmental Protection Agency and Selected Other Environmental Provisions*, for more information).

The FY2023 request was \$647.56 million more than the FY2022 request of \$11.23 billion for EPA. Trends in requested and enacted appropriations for EPA since FY2014 are shown in **Figure 1**.

Figure 1. EPA Requested and Enacted Discretionary Appropriations, FY2014-FY2023



Source: CRS, using information from the *Congressional Record*; House, Senate, and conference reports; and EPA’s FY2023 *Congressional Budget Justification*. Enacted amounts include rescissions and supplemental appropriations. P.L. 117-169 provided an additional \$41.47 billion in permanent appropriations to EPA for FY2022.

Authorization of Appropriations

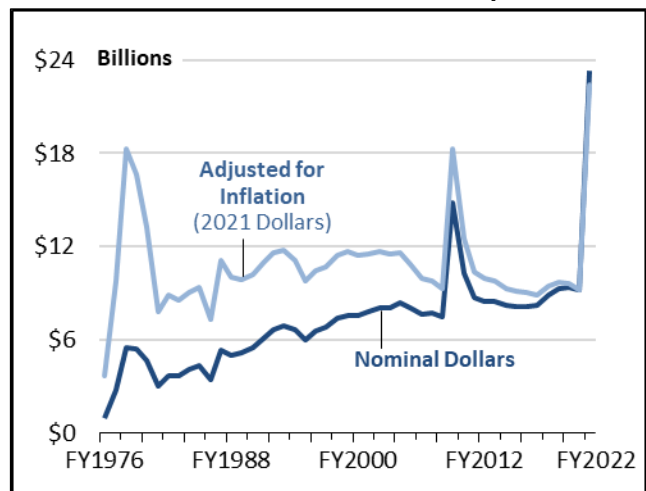
The statutory authorization of appropriations for many of the programs and activities administered by EPA has expired, but Congress has continued to fund them through the appropriations process. Congress may appropriate

funding for a program or activity for which the authorization of appropriations has expired if no Member raises a point of order or if the rules are waived for consideration of a bill.

History of EPA Budget Authority

Figure 2 presents EPA discretionary budget authority since FY1976 in nominal dollars and adjusted for inflation. EPA’s budget authority is provided through annual appropriations and constitutes the amount of funding available to the agency for obligation in a fiscal year to carry out a specific purpose authorized in law. The trend in nominal dollars presented in **Figure 2** is based on a history of agency budget authority prepared by the White House Office of Management and Budget (OMB). Congress has funded EPA since the agency’s creation in 1970, but OMB histories do not include fiscal years prior to FY1976.

Figure 2. EPA Discretionary Budget Authority, FY1976-FY2022 Enacted and FY2023 Request



Source: CRS, based on the White House Office of Management and Budget (OMB), *Budget of the United States Government Fiscal Year 2023*, Historical Tables, Table 5.4. CRS adjusted for inflation using OMB deflators presented in Table 10.1. Enacted amounts reflect regular annual and supplemental appropriations, including supplemental appropriations in P.L. 111-5, FY2022 supplemental appropriations in P.L. 117-58, and other supplemental funding.

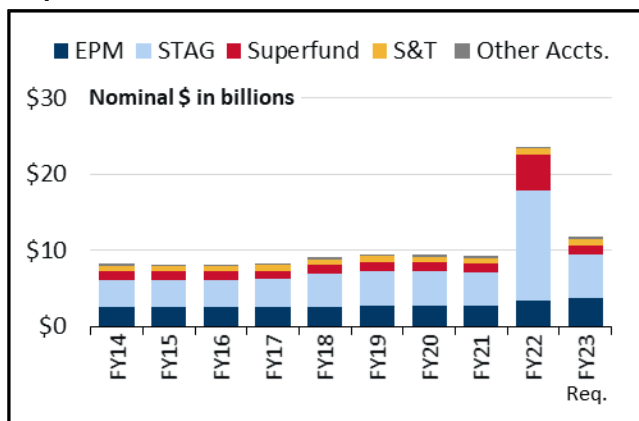
EPA Appropriations Accounts

Funding for discretionary spending is annually appropriated to EPA among 10 statutory accounts established by Congress over time. These include State and Tribal Assistance Grants (STAG), Environmental Programs and Management (EPM), Hazardous Substance Superfund (“Superfund”), Science and Technology (S&T), Leaking Underground Storage Tank 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 Program accounts.

As indicated in **Figure 3**, the proportional distribution of funding among these accounts has remained similar for more than a decade, except for FY2022, which includes IJA supplemental appropriations. 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 delegated states and tribes for implementing environmental statutes. The EPM account funds additional grants and many cross-cutting agency activities. The Superfund account supports the environmental remediation of sites prioritized for federal attention. The S&T account funds research that supports agency regulatory decisions.

Figure 3. EPA Discretionary Appropriations by Account: FY2014-FY2022 Enacted and FY2023 Requested



Source: CRS, using information from the *Congressional Record*; House, Senate, and conference committee reports; and EPA’s FY2023 *Congressional Budget Justification*. P.L. 117-169 provided an additional \$41.47 billion in permanent appropriations to EPA for FY2022.

The President’s FY2023 request proposed funding increases for eight of EPA’s appropriations accounts and a decrease for one account, compared to FY2022 regular enacted appropriations. For examples of the larger accounts, the FY2023 request includes \$5.73 billion for the STAG account (a \$1.38 billion, or 31.7%, increase compared to FY2022 regular enacted appropriations) and \$3.80 billion for the EPM account (a \$832.26 million, or 28.1%, increase compared to FY2022 regular enacted appropriations).

The request also proposed \$1.15 billion for the Superfund account, a \$78.68 million (6.4%) overall decrease compared to FY2022 regular enacted appropriations. The request for Superfund remedial actions within this account would be a larger decrease, from the FY2022 regular enacted amount of \$594.75 million to \$454.60 million. In its FY2023 *Congressional Budget Justification*, EPA noted the \$3.5 billion provided for Superfund remedial actions in IJA and the availability of Superfund chemical tax receipts collected in FY2022 as the reason for the requested decrease.

The FY2023 request is similar to FY2022 regular enacted amounts for several of EPA’s larger program areas. This includes \$1.64 billion for the Clean Water State Revolving Fund (SRF) and \$1.13 billion for the Drinking Water SRF, both funded within the STAG account. The FY2023 request also proposes \$578.64 million for additional water quality geographic programs within the EPM account.

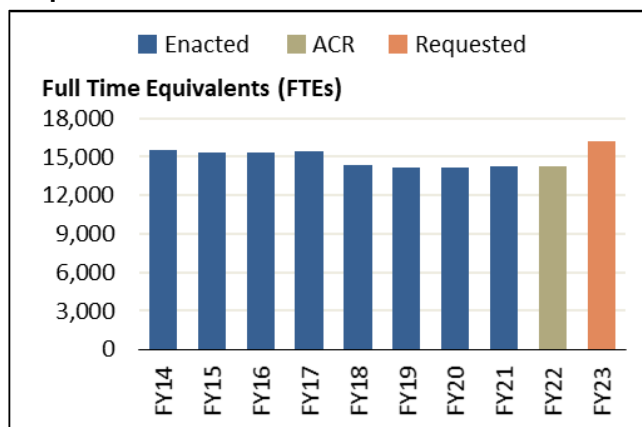
The FY2023 request proposed funding increases for some additional program areas above FY2022 enacted levels. For example, the FY2023 request proposed \$294.94 million within the EPM account for environmental justice programs, a \$200.78 million (213.2%) increase compared to FY2022 enacted appropriations of \$94.16 million. The request and EPA’s FY2023 *Congressional Budget Justification* list this funding in a new national program area within the EPM account, “Environmental Justice” that would support grant programs, technical assistance, and public outreach, among other activities. The request also proposed \$5.88 million in environmental justice funding within the Superfund account.

The FY2023 request also proposed funding increases, compared to FY2022 enacted levels, for categorical grants within EPA’s STAG account for sewer overflow and stormwater reuse grants; reducing lead in drinking water; and diesel emissions reduction grants.

EPA Staff Levels

The President’s FY2023 request proposed 16,204 full-time-equivalent staff (FTEs) for EPA to administer federal environmental statutes in coordination with delegated states and tribes. This is a proposed increase of 880 FTEs over FY2022 estimated levels, which would raise agency staffing to the highest level since the ceiling of 17,055 FTEs in FY2012. **Figure 4** presents FTEs as reported by EPA for FY2014-FY2023.

Figure 4. EPA-Reported Full-Time Equivalent Ceiling, FY2014-FY2021 Enacted, FY2022 ACR, and FY2023 Requested



Source: CRS using information from EPA’s FY2023 *Budget in Brief*. Notes: ACR= Annualized Continuing Resolution. FY2022 FTEs based on annualized amount and excludes IJA staffing.

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