



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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July 7, 2023

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Water Resources and Environment
FROM: Staff, Subcommittee on Water Resources and Environment
RE: Subcommittee Hearing on “*Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part II)*”

I. PURPOSE

The Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure will meet on Thursday, July 13, 2023, at 2:00 p.m. ET in 2167 of the Rayburn House Office Building to receive testimony on “*Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part II)*.” The Subcommittee previously held a hearing on Thursday, June 22, 2023, at 10:00 a.m. ET and received testimony from some of the Federal agencies under the jurisdiction of the Subcommittee related to the President’s Fiscal Year (FY) 2024 Budget Request. The purpose of these hearings is to provide Members with an opportunity to review the FY 2024 budget request, as well as the Administration’s program priorities within the jurisdiction of the Subcommittee.

During this second hearing, the Subcommittee will receive testimony from the remaining agencies under the Subcommittee’s jurisdiction including: the United States Environmental Protection Agency (EPA), International Boundary and Water Commission, United States Section (IBWC), Natural Resources Conservation Service (NRCS), Agency for Toxic Substances and Disease Registry (ATSDR), and National Oceanic and Atmospheric Administration (NOAA). At the first hearing, the Subcommittee received testimony from the United States Army Corps of Engineers (Corps), Tennessee Valley Authority (TVA), and Great Lakes St. Lawrence Seaway Development Corporation (GLS).

II. ENVIRONMENTAL PROTECTION AGENCY (EPA)

The Subcommittee’s jurisdiction over EPA includes programs aimed at protecting the Nation’s water quality pursuant to the *Clean Water Act*.¹ The EPA, through its own programs and in partnership with states and tribes, seeks to improve water quality Nationwide through investment in wastewater infrastructure, water quality standards, permitting programs, water quality monitoring, wetlands protection, and research, among other activities.² The EPA’s Office of Water manages the EPA’s water quality protection programs. The Subcommittee also holds jurisdiction over the Superfund and brownfields programs, which are managed by EPA’s Office of Land and Emergency Management (OLEM).³

Summary of FY 2024 Budget Request

The Administration’s FY 2024 budget request for EPA totals \$12.083 billion, a 19.1 percent increase from the FY 2023 enacted level of \$10.149 billion.⁴ The EPA will receive an additional \$11.608 billion dollars in emergency supplemental funding in FY 2024 through the *Infrastructure Investment and Jobs Act (IIJA)*, with the majority of these funds distributed as capitalization grants to states for local water infrastructure related programs.⁵

Program	(Millions of Dollars)			Percent
	FY 2023 Enacted	FY 2024 President's	President's Budget Over the FY 2023 Enacted Level	
Science and Technology	802.3	967.8	165.6	20.6%
Environmental Programs and Management	3,286.3	4,511.0	1,224.7	37.3%
<i>Geographic Programs</i>	681.7	682.1	0.3	0.0%
<i>National Estuary Program</i>	40.0	32.5	-7.5	-18.7%
State and Tribal Assistance Grants*	4,493.7	5,855.6	1,361.9	30.3%
<i>Clean Water SRF</i>	1,638.9	1,638.9	0.0	0.0%
<i>Drinking Water SRF**</i>	1,126.1	1,126.1	0.0	0.0%
WIFIA	75.6	80.4	4.8	6.3%
Hazardous Substance Superfund	1,282.7	355.9	-926.8	-72.3%
EPA OIG	44.0	64.5	20.5	46.6%
Other***	164.0	248.0	83.9	51.2%
Total	\$10,148.7	\$12,083.3	\$1,934.5	19.1%
<i>Italics denote subsections of larger programs</i>				

¹ H. COMM. ON TRANSP. & INFRASTRUCTURE, JURISDICTION AND ACTIVITIES OF THE SUBCOMM. ON WATER RES. AND ENVIRONMENT, 118th Cong., (2023) (on file with Comm.) [hereinafter JURISDICTION AND ACTIVITIES REPORT].

² *Id.*

³ *Id.*

⁴ EPA, FY 2024 JUSTIFICATION OF APPROPRIATION ESTIMATES (2023), available at <https://www.epa.gov/system/files/documents/2023-03/fy-2024-congressional-justification-all-tabs.pdf> [hereinafter EPA BUDGET JUSTIFICATION].

⁵ IIJA, Pub. L. No. 117-58, Div. J, Title VI, 135 Stat. 1396 [hereinafter IIJA]; see also Appendix I.

* The State and Tribal Assistance Grants program includes several grant programs other than the SRFs.

**Drinking Water SRF is outside of the Subcommittee's jurisdiction and falls under the jurisdiction of the Committee on Energy and Commerce.

***Includes appropriations to the following accounts: Buildings and Facilities; Leaking Underground Storage Tank (LUST) program; and Inland Oil Spill program.

Clean Water State Revolving Fund (CWSRF): The FY 2024 budget request proposes \$1.639 billion in Federal capitalization grants for the CWSRF, which is equal to the FY 2023 enacted level.⁶ The CWSRF is the primary Federal program for funding wastewater infrastructure projects and activities throughout the Nation.⁷ CWSRF funds are used to provide low-cost financing for state clean water infrastructure programs, which in turn fund locally developed wastewater infrastructure projects and activities.⁸ The CWSRF and Drinking Water SRF are funded under the State and Tribal Assistance Grants (STAG) account, which provides categorical grants to states and tribes as part of the cooperative partnership between the Federal government, states, and tribes.

IIJA appropriated \$2.403 billion for the CWSRF program for FY 2024, supplementing regular appropriations.⁹ Additionally, *IIJA* appropriated \$225 million that same year for CWSRF to specifically address emerging contaminants.¹⁰ *IIJA* also reserved a portion of these funds to be distributed as grants to economically disadvantaged communities.¹¹

Water Infrastructure Finance and Innovation Act Program (WIFIA): Originally authorized by the *Water Resources Reform and Development Act (WRRDA) of 2014* (P.L. 113-121), the *WIFIA* program provides low-interest loans or loan guarantees to eligible entities for a wide range of Nationally and regionally significant water and wastewater projects.¹² The FY 2024 budget requests \$80.4 million for the *WIFIA* program, a 6.3 percent increase from the FY 2023 enacted level of \$75.6 million.¹³

Environmental Programs and Management (EPM): This account provides funds for internal programmatic activities. The FY 2024 budget requests \$4.511 billion for EPM. This represents a 37.3 percent increase from the FY 2023 enacted level.¹⁴ *IIJA* also appropriated \$387 million in supplemental funding to this account for FY 2024.¹⁵

Included in the EPM account, the FY 2024 budget requests \$32.5 million for the National Estuary Program.¹⁶ This represents a decrease of 18.7 percent from the FY 2023 enacted level of \$40 million.¹⁷

⁶ EPA BUDGET JUSTIFICATION, *supra* note 4, at 1314; *see also* 33 U.S.C. 1387 § 607 (detailing that the FY 24 authorization for the CWSRF is \$3 billion).

⁷ *Id.*

⁸ *Id.*

⁹ *IIJA*, *supra* note 5; *see also* Appendix I.

¹⁰ *Id.*

¹¹ *Id.*

¹² WRRDA 2014, Pub. L. No. 113-121, Title V, 128 Stat. 1322.

¹³ EPA BUDGET JUSTIFICATION, *supra* note 4, at 955.

¹⁴ *Id.* at 1311.

¹⁵ *IIJA*, *supra* note 5; *see also* Appendix I.

¹⁶ EPA BUDGET JUSTIFICATION, *supra* note 4, at 1310.

¹⁷ *Id.*

Geographic (Regional) Programs: EPA’s Geographic Programs provide an opportunity to target regionally specific water quality issues and to work closely with state and local partners. The President’s FY 2024 budget requests \$682.1 million for geographic programs, an increase from the FY 2023 enacted level of \$681.7 million.¹⁸

The FY 2024 request specifically includes: \$368.2 million for the Great Lakes Restoration Initiative (GLRI), \$92.1 million for the Chesapeake Bay Program, \$25.6 million for the Gulf of Mexico, \$25 million for Lake Champlain, \$40 million for Long Island Sound, \$8.5 million for South Florida, \$54.5 million for San Francisco Bay, \$54 million for Puget Sound, \$7 million for Southern New England Estuary, \$2.2 million for Lake Pontchartrain, and \$5 million for other activities.¹⁹

Additionally, *IIJA* appropriated \$343.4 million in supplemental funding in FY 2024 EPA’s Geographic Programs.²⁰ This includes \$200 million for the GLRI, \$47.6 million for Chesapeake Bay, \$10.6 million for the Gulf of Mexico, \$8 million for Lake Champlain, \$21.2 million for Long Island Sound, \$3.2 million for South Florida, \$4.8 million for San Francisco Bay, \$17.8 million for Puget Sound, \$15.8 million for the Columbia River Basin, \$10.6 million for Lake Pontchartrain, and \$800,000 for other activities including the Pacific Northwest.²¹

Superfund Program: The Superfund program was established by the *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)* (P.L. 96-510) in 1980, and is run by EPA’s Office of Land and Emergency Management (OLEM).²² The Superfund program is the Federal program established to clean up the Nation’s worst uncontrolled and/or abandoned hazardous waste sites.²³ The Superfund program is also available to respond to emergency situations involving the release of hazardous substances.²⁴ EPA addresses the highest-priority sites by listing them on the Superfund National Priorities List (NPL).²⁵ *CERCLA* requires responsible parties to pay for the hazardous waste cleanups or response costs, and provides for the Superfund Trust Fund to pay for remedial cleanups in cases where responsible parties cannot be found or otherwise held accountable.²⁶

In the 117th Congress, three excise taxes were reinstated to pay into the Superfund. *IIJA* reinstated the Chemicals Superfund Tax and Hazardous Substances Tax, while the *Inflation Reduction Act (IRA)* (P.L. 117-169) reinstated a tax on crude oil and petroleum products.²⁷ The *Consolidated Appropriations Act of 2023* (P.L. 117-328) included language allowing tax receipts collected in the Superfund Trust Fund from the prior fiscal year to be available to implement *CERCLA* without further Congressional appropriation and be designated as emergency funding.²⁸ This budgetary treatment prevents the collection and spending of these receipts from

¹⁸ *Id.* at 1308.

¹⁹ *Id.*

²⁰ *IIJA*, *supra* note 5; *see also* Appendix I.

²¹ *Id.*

²² JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *CERCLA*, 42 U.S.C. 103 [hereinafter *CERCLA*].

²⁷ *IIJA*, *supra* note 5 § 80201; *IRA*, Pub. L. No. 117-169 § 13601, 136 Stat. 1981.

²⁸ *Consolidated Appropriations Act of 2023*, Pub. L. No. 117-328 §443 [hereinafter *Consolidated Appropriations Act of 2023*].

counting toward the Appropriations Committee's allocation or top-line funding level. Therefore, these receipts are not included in the table summarizing EPA's enacted and requested funding.

The President's budget requests \$355.9 million in Superfund appropriations, a decrease of 72.3 percent from the FY 2023 enacted level.²⁹ However, the United States Department of the Treasury forecasts collecting a total of \$2.544 billion in Superfund taxes in FY 2023 that will be available for use in FY 2024.³⁰ These funds are covered by the budgetary treatment change in the *Consolidated Appropriations Act of 2023* and are not included in the table of enacted and requested EPA funding. Using these estimates, EPA's total budgetary authority for Superfund as proposed by the President's budget would be \$2.9 billion, a 71.0 percent increase from the FY 2023 enacted level.

Brownfields: Brownfields are properties for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.³¹ Examples of these sites include former industrial properties, gas stations, or dry cleaners.³² EPA's OLEM manages the brownfields program.³³ The *Small Business Liability Relief and Brownfields Revitalization Act* (P.L. 107-118) authorized funding for EPA to award brownfields assessment, cleanup and revolving loan fund grants, and provided limited Superfund liability protections for certain innocent landowners and bona fide prospective purchasers.³⁴

The FY 2024 budget request proposes \$216.6 million in funding for EPA's brownfields program.³⁵ This includes \$131.0 million in site assessment and clean up grants (STAG account), \$47.0 million for authorized state brownfields programs (STAG account), and \$38.6 million for EPA's management of the Brownfields program (EPM account).³⁶ This represents an increase of \$43.2 million over the FY 2023 enacted levels in total.³⁷ *IIJA* also appropriated \$300 million in supplemental funding for brownfields for FY 2024.

III. U.S. ARMY CORPS OF ENGINEERS (CORPS)

The Corps studies, constructs, operates and maintains water resources development projects for the Nation, usually through cost-shared partnership with non-Federal sponsors.³⁸ Authorized mission activities include navigation, flood damage reduction, hurricane and storm damage reduction, shoreline protection, hydropower, water supply, recreation, environmental infrastructure, environmental restoration, enhancement and protection, fish and wildlife mitigation, and disaster response and recovery.³⁹ The water resources development programs and projects of the Corps provide for continued economic growth, job creation, and economic

²⁹ EPA BUDGET JUSTIFICATION, *supra* note 4, at 1313.

³⁰ *Id.* at 652.

³¹ JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

³² *Id.*

³³ *Id.*

³⁴ Small Business Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118, 115 Stat. 2356.

³⁵ EPA BUDGET JUSTIFICATION, *supra* note 4, at 1308, 1314, 1316.

³⁶ *Id.*

³⁷ *Id.*

³⁸ JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

³⁹ *Id.*

stability while protecting human lives and property, ensuring reliable waterborne transportation of goods, and restoring valuable natural resources.

Summary of FY 2024 Budget Request

The Administration’s FY 2024 budget request for the Corps totals \$7.413 billion, a decrease of 10.8 percent from the FY 2023 enacted level of \$8.310 billion.⁴⁰ *IJA* also provided the Corps with supplemental appropriations of \$1 billion for Operation and Maintenance (O&M) and \$50 million for Construction in FY 2024.⁴¹

Program	(Millions of Dollars)			Percent
	FY 2023 Enacted	FY 2024 President's	President's Budget Over the FY 2023 Enacted Level	
Investigations	172.5	129.8	-42.7	-24.7%
Construction	1,808.8	2,014.6	205.8	11.4%
Operation and Maintenance (O&M)	5,078.5	2,629.9	-2,448.6	-48.2%
HMTF*	N/A	1,726.0	1,726.0	N/A
Regulatory Program	218.0	221.0	3.0	1.4%
Expenses	215.0	212.0	-3.0	-1.4%
Office of ASA-CW	5.0	6.0	1.0	20.0%
Mississippi River and Tributaries (MR&T)	370.0	226.5	-143.5	-38.8%
FUSRAP	400.0	200.0	-200.0	-50.0%
Flood Control and Coastal Emergencies (FCCE)	35.0	40.0	5.0	14.3%
WIFIA	7.2	7.2	0.0	0.0%
Total	\$8,310.0	\$7,413.0	-\$897.0	-10.8%

*The President’s budget proposes to execute these appropriations within HMTF rather than transfer and execute them in Construction, O&M and MR&T accounts. Congress typically specifies that a portion of the appropriations provided to the Construction, O&M and MR&T accounts be derived from the HMTF.

*Sources of Appropriations for FY 2024 Budget Request:*⁴²

- General Fund \$5.624 billion
- Harbor Maintenance Trust Fund \$1.726 billion
- Special Recreation User Fees \$62.6 million

⁴⁰ DEP’T OF THE ARMY OFFICE, ASS’T SEC’Y OF THE ARMY (CIVIL WORKS), FY 2024 CIVIL WORKS BUDGET OF THE UNITED STATES ARMY CORPS OF ENGINEERS (March 2023), *available at* <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll6/id/2317> [hereinafter ARMY CORPS CIVIL WORKS FY 2024 BUDGET]; *see also* WHITE HOUSE, CORPS OF ENGINEERS—CIVIL WORKS APPROPRIATIONS, *available at* https://www.whitehouse.gov/wp-content/uploads/2023/03/coe_fy2024.pdf [hereinafter ARMY CORPS CIVIL WORKS FY 2023 APPROPRIATIONS] (describing the FY 2023 Enacted Levels).

⁴¹ *IJA*, *supra* note 5, Div. J, Title III; *see also* Appendix I.

⁴² ARMY CORPS CIVIL WORKS FY 2024 BUDGET, *supra* note 40, at 4.

Investigations: The Investigations program funds studies to determine the need, feasibility, and economic and environmental benefits of potential water resources projects.⁴³ This account also funds the restudy of authorized projects, miscellaneous investigations, and plans and specifications of projects prior to construction.⁴⁴ The FY 2024 budget request proposes \$129.8 million for the Investigations program.⁴⁵

Requested funding for Investigations includes \$35.5 million for technical and planning assistance programs that will help local communities, including disadvantaged communities, identify and address their risks associated with climate change.⁴⁶ The budget also requests funding to continue studies intended to investigate climate resilience along the Great Lakes coast and in Central and Southern Florida.⁴⁷

The FY 2024 budget proposes funding to initiate five new studies: Klamath Basin, CA (aquatic ecosystem restoration); Southeast Michigan (flood and storm damage reduction); Tittabawassee River, Chippewa River, Pine River and Tobacco River, MI (flood and storm damage reduction); Fox Point Hurricane Barrier, RI (flood and storm damage reduction); Morgantown, WV Lock and Dam Automation (flood and storm damage reduction).⁴⁸ The budget request also proposes funding to complete three ongoing studies: Guadalupe River, CA (General Reevaluation Report) (flood and storm damage reduction); St. Augustine Back Bay, FL (flood and storm damage reduction); Columbia and Lower Willamette Rivers below Vancouver, WA and Portland, OR (dredged material management plan).⁴⁹

Construction: The FY 2024 budget uses performance guidelines to steer allocation of construction funds, giving priority to projects with the highest economic, environmental, and safety returns.⁵⁰ The FY 2024 budget requests \$2.015 billion in funding for the Construction program, a level which would ensure momentum on critical infrastructure projects across the Nation.⁵¹

The FY 2024 proposal includes \$415 million for the South Florida Ecosystem Restoration Plan (Everglades) program, \$66.7 million for Columbia River Fish Mitigation, and \$655 million for a dam safety project at Prado Dam, CA.⁵² It also includes \$350 million for replacement of the Cape Cod Canal Bridges and a legislative proposal to transfer these funds to the Commonwealth of Massachusetts to design and construct the replacement bridges.⁵³

⁴³ *Id.* at 2.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.* at 7.

⁴⁹ *Id.* at 8.

⁵⁰ *Id.* at 2.

⁵¹ *Id.*; ARMY CORPS CIVIL WORKS FY 2023 APPROPRIATIONS, *supra* note 40.

⁵² *Id.*

⁵³ *Id.*

The budget request also includes \$235 million for a “Project Cost Increase Reserve” to help complete authorized projects that have experienced cost increases after beginning construction (e.g., Sault Ste. Marie, MI Replacement Lock project).⁵⁴

Operation and Maintenance (O&M): The FY 2024 budget request uses performance guidelines to steer allocation of O&M funds, reflecting a risk-informed approach which considers project and project component conditions and consequences in the event of possible failure of a Corps project.⁵⁵ The budget requests \$2.630 billion in funding for the O&M program.⁵⁶

The budget request also includes \$64 million for O&M activities focused on climate change and/or sustainability at Corps-owned projects, \$51 million to mitigate for adverse impacts from existing Corps-owned projects, and \$26 million to install refueling infrastructure for zero-emission vehicles at Corps-owned projects.⁵⁷

The budget request does not propose allocating funds directly from the Inland Waterways Trust Fund (IWTF); however, it proposes \$997 million for maintenance and navigation improvement on the inland waterways, giving preference to the waterways with the most commercial traffic.⁵⁸

Harbor Maintenance Trust Fund (HMTF): The FY 2024 proposal includes \$1.726 billion from the HMTF for eligible projects, emphasizing O&M, notably dredging, of completed projects.⁵⁹ The proposal also includes \$985 million for O&M of the Nation’s top 50 coastal ports, which handle about 90 percent of the waterborne cargo that is shipped to or from the United States.⁶⁰ The budget includes \$272 million for O&M of Great Lakes projects, \$58 million for projects that support Native American tribe access to legally recognized historical fishing areas, \$15 million for construction projects that accommodate disposal of dredged material from coastal navigation projects, and \$21.2 million for mitigation of adverse impacts from navigation projects.⁶¹ The budget proposes to execute the appropriations to Construction, O&M, and MR&T within the HMTF rather than to transfer and execute them within the respective accounts.

Mississippi River and Tributaries (MR&T): The MR&T program focuses on ongoing work in the lower Mississippi River valley and its tributaries, emphasizing the 1,600 miles of levees and related features on the main stem of the Mississippi and in the Atchafalaya Basin.⁶² The budget requests \$226.5 million for the MR&T program.

Regulatory Program: The budget requests \$221 million for the Corps Regulatory Program, including its work administering *Clean Water Act* permitting authorities.⁶³

⁵⁴ *Id.*

⁵⁵ ARMY CORPS CIVIL WORKS FY 2024 BUDGET, *supra* note 40, at 2.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* at 3.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

Flood Control and Coastal Emergencies (FCCE): The budget requests \$40 million, a 14.3 percent increase from the FY 2023 enacted level, for preparedness and training to enable Corps staff to respond to communities during floods, hurricanes, and other natural disasters.⁶⁴

Formerly Utilized Sites Remedial Action Program (FUSRAP): The budget requests \$200 million for cleanup of sites contaminated by the Nation’s early atomic weapons development program.⁶⁵ This is a 50 percent decrease from the FY 2023 enacted level of \$400 million.⁶⁶

WIFIA: The budget requests \$7.2 million for WIFIA, including \$5 million for administrative expenses and \$2.2 million for credit subsidy costs related to non-Federal dam safety projects.⁶⁷ This program is separate and unique from EPA’s WIFIA program.

Expenses: The budget requests \$212 million for the Expenses account, which funds the Civil Works program responsibilities of Corps headquarters and division offices, along with other operational costs.⁶⁸ This represents a 1.4 percent decrease from the FY 2023 enacted level of \$215 million.⁶⁹

Office of the Assistant Secretary of the Army for Civil Works (ASA-CW): The budget proposes \$6 million, an increase of \$1 million over FY 2023 levels, for the Office of the ASA-CW, which is responsible for policy direction and oversight of the Civil Works program.⁷⁰

IIJA Funding

IIJA provided \$1.050 billion for the Corps in FY 2024, including \$1 billion for O&M and \$50 million for Construction.⁷¹ However, *IIJA* provided more than \$16 billion in supplemental funding to the Corps the previous two fiscal years, which the Corps has allocated to projects and studies in periodic spend plans. This funding is available until expended. The Corps is not scheduled to receive any supplemental *IIJA* funds after FY 2024.⁷²

IV. NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

NRCS is authorized to give technical and financial help to local organizations planning and carrying out watershed projects for flood protection, agricultural water management, recreation, municipal and industrial water supply, and wildlife enhancement.⁷³

⁶⁴ *Id.*; see also ARMY CORPS CIVIL WORKS FY 2023 APPROPRIATIONS, *supra* note 40.

⁶⁵ *Id.*

⁶⁶ See ARMY CORPS CIVIL WORKS FY 2023 APPROPRIATIONS, *supra* note 40.

⁶⁷ *Id.* at 3.

⁶⁸ *Id.*

⁶⁹ *Id.*; ARMY CORPS CIVIL WORKS FY 2023 APPROPRIATIONS, *supra* note 40.

⁷⁰ *Id.*

⁷¹ *IIJA*, *supra* note 5, Div. J, Title III; see also Appendix I.

⁷² *Id.*

⁷³ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

Summary of FY 2024 Budget Request

The FY 2024 budget requests a total of \$185 million in funding for NRCS watershed programs in the Subcommittee’s jurisdiction.⁷⁴ This represents a 140.3 percent increase in funding from the FY 2023 enacted level of \$77 million.⁷⁵

Program	(Millions of Dollars)			Percent
	FY 2023 Enacted	FY 2024 President's	President's Budget Over the FY 2023 Enacted Level	
Watershed and Flood Prevention Operations	75.0	175.0	100.0	133.3%
<i>Emergency Watershed Protection Program*</i>	0.0	0.0	0.0	N/A
Watershed Rehabilitation Program	2.0	10.0	8.0	400.0%
Total	\$77.0	\$185.0	\$108.0	140.3%

*This program received emergency funding in FY 2023

The FY 2024 budget reflects \$47 million in mandatory funding for the Watershed Protection and Flood Program, which was created in the *Agriculture Improvement Act of 2018 (Farm Bill)* (P.L. 115-334), consistent with the FY 2023 enacted level.⁷⁶

The Subcommittee has jurisdiction over Watershed and Flood Prevention Operations activities authorized in the *Flood Control Act of 1944* (P.L. 78-534) and the *Watershed and Flood Prevention Act of 1954* (P.L. 83-566).⁷⁷ This program directs NRCS to work with localities to plan and install flood prevention improvements and share the cost with a non-Federal sponsor for these activities.⁷⁸ The small watershed operations program provides technical and financial assistance for water conservation projects and sediment and erosion damage reduction projects. The FY 2024 budget request proposes funding for this program at a level of \$175 million, which would be an increase of \$100 million from the FY 2023 enacted level of \$75 million.⁷⁹

The Watershed Rehabilitation Program provides financial and technical assistance for the rehabilitation of Federally constructed flood prevention dams that have reached the end of their

⁷⁴ UNITED STATES DEP’T OF AGRICULTURE, FY 2024 BUDGET SUMMARY at 32 (2023), *available at* <https://www.usda.gov/sites/default/files/documents/2024-usda-budget-summary.pdf> [hereinafter USDA FY 2024 BUDGET SUMMARY].

⁷⁵ *See id.*

⁷⁶ *Id.*; Agriculture Improvement Act of 2018, Pub. L. 115-334 § 2401, 132 Stat. 4570.

⁷⁷ *See* JURISDICTION AND ACTIVITIES REPORT, *supra* note 1; *see also* Fact Sheet, UNITED STATES DEP’T OF AGRICULTURE, WATERSHED PROTECTION AND FLOOD PREVENTION OPERATIONS PROGRAM, *available at* https://www.nrcs.usda.gov/sites/default/files/2022-08/NRCS_WatershedFloodPrev_Fact%20Sheet-2021.pdf.

⁷⁸ *Id.*

⁷⁹ *See* USDA FY 2024 BUDGET SUMMARY, *supra* note 74.

design lives or no longer meet Federal or state safety criteria or performance standards.⁸⁰ The budget proposal requests \$10 million for FY 2024, an increase of \$8 million above the FY 2023 enacted level.⁸¹

The FY 2024 budget does not request additional funding the Emergency Watershed Protection Program.⁸² However, this program received \$925 million in emergency funding in FY 2023 in the *Consolidated Appropriations Act of 2023* (P.L. 117-328).⁸³

IJA does not provide any funding in FY 2024 for these programs.⁸⁴ However, in FY 2022 *IJA* appropriated \$500 million for Watershed and Flood Prevention Operations, \$118 million for the Watershed Rehabilitation Program, and \$300 million for the Emergency Watershed Protection Program.⁸⁵

V. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

The Subcommittee holds jurisdiction over various NOAA programs and activities, including responsibilities under the *Clean Water Act*, *Coastal Zone Management Act Reauthorization Amendments* (P.L. 101-508), *Marine Protection Research and Sanctuaries Act* (P.L. 100-688), Superfund, *Oil Pollution Act* (P.L. 101-380), *Nonindigenous Aquatic Nuisance Prevention and Control Act* (P.L. 104-332), *Harmful Algal Bloom and Hypoxia Research and Control Act* (P.L. 105-383), *Estuary Habitat Restoration and Partnership Act of 2000* (P.L. 105-457), and *Save Our Seas 2.0 Act* (P.L. 116-224).⁸⁶ The Subcommittee's jurisdictional interest in the National Ocean Service (NOS) includes coastal water pollution and natural resource damages.⁸⁷

Summary of FY 2024 Budget Request

The FY 2024 budget requests \$687.7 million for the NOS, and \$786.3 million for the Office of Oceanic and Atmospheric Research (OAR).⁸⁸ This represents a 5.9 percent decrease from the FY 2023 level for NOS, and a 0.5 percent increase from the FY 2023 level for OAR.⁸⁹

⁸⁰ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

⁸¹ See USDA FY 2024 BUDGET SUMMARY, *supra* note 74.

⁸² *Id.*

⁸³ Consolidated Appropriations Act of 2023, *supra* note 28, Div. N.

⁸⁴ See *IJA*, *supra* note 5.

⁸⁵ *Id.* at Div. J, Title I; see also Appendix I.

⁸⁶ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

⁸⁷ *Id.*

⁸⁸ NOAA, BUDGET ESTIMATES FISCAL YEAR 2024 (2023), Exhibit 4B, available at https://www.noaa.gov/sites/default/files/2023-04/NOAA_FY24_CJ.pdf [hereinafter NOAA FY 2024 BUDGET ESTIMATES].

⁸⁹ *Id.*

Program	(Millions of Dollars)			Percent
	FY 2023 Enacted	FY 2024 President's	President's Budget Over the FY 2023 Enacted Level	
National Ocean Service (NOS)	731.1	687.7	-43.4	-5.9%
ORF*	717.1	679.2	-37.9	-5.3%
PAC*	14.0	8.5	-5.5	-39.3%
Office of Oceanic and Atmospheric Research (OAR)	782.1	786.3	4.1	0.5%
Total	\$1,513.2	\$1,474.0	-\$39.2	-2.6%
*The National Ocean Service (NOS) and Office of Oceanic and Atmospheric Research (OAR) programs receive funding from the Operations, Research, and Facilities (ORF) and Procurement, Acquisition, and Construction (PAC) accounts in annual appropriations bills.				
This table represents only discretionary requested funding. Additional mandatory funding for these programs comes from the Damage Assessment and Restoration Revolving Fund, Sanctuaries Asset Forfeiture Fund, and Gulf Coast Ecosystem Restoration Fund.				

NOS programs provide scientific, technical, and management expertise to promote safe navigation, protect and restore coastal and marine resources, and manage and preserve coastal and ocean environments.⁹⁰ While many NOS programs are outside the Subcommittee's jurisdiction, the National Coastal Zone Management (CZM), which is within in the Subcommittee's jurisdiction, is housed in NOS.⁹¹ OAR provides research and technology development necessary to improve NOAA climate, weather, and coastal, Great Lakes and ocean services.⁹²

Notable programs of interest to the Subcommittee and their FY 2024 budget request include: \$78.5 million for Coastal Zone Management Grants (a decrease from \$81.5 million in FY 2023); \$22.5 million for National Centers for Coastal Ocean Science (NCCOS) Competitive Research Funding Grants (relatively equal to FY 2023 levels); \$80.7 million for the National Sea Grant College Program (an increase from \$80.0 million in FY 2023); and \$33.7 million for the Coral Reef Program (an increase from \$33.5 million in FY 2023).⁹³

NOS and OAR programs receive funding from the Operations Research, and Facilities (ORF) and Procurement, Acquisition, and Construction (PAC) accounts in annual appropriations bills. *IJA* appropriates \$516 million in supplemental funding to the ORF account in FY 2024; however, it is unclear how much of this supplemental funding will go towards programs within the Subcommittee's jurisdiction.⁹⁴ *IJA* appropriates funds to the ORF account each year from FYs 2022-2026 but appropriated \$180 million in supplemental funds to the PAC account only for FY 2022.⁹⁵

⁹⁰ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

⁹¹ *Id.*

⁹² *Id.*

⁹³ See NOAA FY 2024 BUDGET ESTIMATES, *supra* note 88.

⁹⁴ See *IJA*, *supra* note 5, Div. J, Title II, 135 Stat. 1355; *see also* Appendix I.

⁹⁵ *Id.*

VI. GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION (GLS)

The St. Lawrence Seaway is a 328 nautical-mile deep-draft waterway between the Port of Montreal and Lake Erie.⁹⁶ It connects the Great Lakes to the Atlantic Ocean via the lower St. Lawrence River.⁹⁷ The Seaway consists of a network of fifteen locks, thirteen of which belong to Canada and two of which belong to the United States, and connecting channels located in the two countries.⁹⁸ The United States section of the Seaway is operated by GLS, which is part of the United States Department of Transportation.

Summary of FY 2024 Budget Request

The FY 2024 budget requests \$40.3 million for GLS, a 4.6 percent increase over the FY 2023 enacted level.⁹⁹

Program	(Millions of Dollars)			Percent
	FY 2023 Enacted	FY 2024 President's	President's Budget Over the Enacted Level in FY 2023	
Operations and Maintenance	23.7	24.0	0.3	1.2%
Seaway Infrastructure	14.8	16.3	1.5	10.1%
Total	\$38.5	\$40.3	\$1.8	4.6%

Operational, maintenance and capital asset renewal needs for the United States portion of the St. Lawrence Seaway are derived from appropriations from the HMTF and revenues from other sources.¹⁰⁰ The \$40.3 million request funds Operations and Maintenance at \$24.0 million and Seaway infrastructure investment at a level of \$16.3 million.¹⁰¹ This represents a 1.2 percent increase for Operations and Maintenance and a 10.2 percent increase for infrastructure investment compared to FY 2023 enacted levels.¹⁰²

VII. TENNESSEE VALLEY AUTHORITY (TVA)

TVA is the Nation's largest government-owned wholesale power producer and was established in 1933 by the *Tennessee Valley Authority Act* (16 U.S.C. 831).¹⁰³ TVA supplies power to ten million people over an 80,000 square mile service area covering Tennessee along

⁹⁶ GREAT LAKES ST. LAWRENCE SEAWAY SYSTEM, *The Seaway Story*, available at <https://greatlakes-seaway.com/en/the-seaway/>.

⁹⁷ *Id.*

⁹⁸ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

⁹⁹ See UNITED STATES DEP'T OF TRANSP., BUDGET ESTIMATES FISCAL YEAR 2024, GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION, Exhibit II-1, available at https://www.transportation.gov/sites/dot.gov/files/2023-03/GLS_FY_2024_President_Budget_508.pdf [hereinafter GLS FISCAL YEAR 2024 BUDGET ESTIMATES].

¹⁰⁰ *Id.* at 1.

¹⁰¹ *Id.* at Exhibit II-1.

¹⁰² *Id.*

¹⁰³ Tennessee Valley Authority Act, 16. U.S.C. 831.

with parts of Mississippi, Alabama, Georgia, North Carolina, Virginia and Kentucky.¹⁰⁴ Additionally, TVA’s non-power program responsibilities include economic development and the management of land and water resources throughout the Tennessee Valley.¹⁰⁵

Initially, Federal appropriations funded all TVA operations. However, direct Federal funding for the TVA power program ended in 1959, and appropriations for TVA’s environmental and economic development activities were phased out by 1999.¹⁰⁶ TVA receives no Federal appropriations but operates and maintains its assets through commercial and residential rates, and the authority to issue Federally secured bonds.¹⁰⁷

VIII. INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC)

First established in 1889, the IBWC is responsible for implementing the various boundary and water treaties between the United States and Mexico and settling issues that arise along the border.¹⁰⁸ The IBWC is an international body, composed of a United States sector and Mexico sector, each headed by an Engineer-Commissioner appointed by the respective President.¹⁰⁹ The United States Section of the IBWC is overseen by the United States Department of State.¹¹⁰

Summary of FY 2024 Budget Request

Program	(Millions of Dollars)			Percent
	FY 2023 Enacted	FY 2024 President's	President's Budget Over the Enacted Level in FY 2023	
Salaries and Expenses	57.9	64.8	6.9	11.8%
Construction	53.0	40.0	-13.0	-24.5%
Total	\$111.0	\$104.8	-\$6.1	-5.5%

The FY 2024 budget request for the IBWC totals \$104.8 million, representing a 5.5 percent decrease in funding from the FY 2023 enacted levels.¹¹¹ This total includes \$64.8 million for salaries and expenses, an 11.8 percent increase from FY 2023, and \$40.0 million for construction, a 24.5 percent decrease from FY 2023.¹¹²

¹⁰⁴ TENNESSEE VALLEY AUTHORITY, *About TVA*, available at <https://www.tva.com/about-tva>.

¹⁰⁵ *Id.*

¹⁰⁶ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ See UNITED STATES DEP’T OF STATE, CONGRESSIONAL BUDGET JUSTIFICATION DEP’T OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS FISCAL YEAR 2024, at 80, available at https://www.usaid.gov/sites/default/files/2023-03/FY%202024%20CBJ%20FINAL_3.9.23_0.pdf.

¹¹² *Id.*

IX. AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ATSDR)

The ATSDR is housed under the Center for Disease Control and Prevention (CDC) and is the Nation’s public health agency for chemical safety.¹¹³ ATSDR was created by CERCLA to assess the presence and nature of health hazards at Superfund sites and was formally organized in 1986.¹¹⁴ Under its CERCLA mandate, ATSDR’s work falls into four functional areas: (1) protecting the public from hazardous exposures, (2) increasing knowledge of toxic substances, (3) educating health care providers and the public, and (4) maintaining health registries.

Summary of FY 2024 Budget Request

	(Millions of Dollars)		Percent	
	FY 2023 Enacted	FY 2024 President's	President’s Budget Over the Enacted Level in FY 2023	
Total	\$85.0	\$86.0	\$1.0	1.2%

The FY 2024 budget request for ATSDR totals \$86.0 million, up \$1.0 million from the FY 2023 enacted level.¹¹⁵

X. WITNESSES

The Honorable Radhika Fox
Assistant Administrator, Office of Water
United States Environmental Protection Agency

Dr. Maria-Elena Giner
Commissioner
International Boundary and Water Commission, United States Section

Mr. Louis Aspey
Associate Chief, Natural Resources Conservation Service
United States Department of Agriculture

Dr. Aaron Bernstein
Director
Agency for Toxic Substances and Disease Registry
Center for Disease Control and Prevention

Ms. Nicole R. LeBoeuf
Assistant Administrator, National Ocean Service
National Oceanic and Atmospheric Administration

¹¹³ See JURISDICTION AND ACTIVITIES REPORT, *supra* note 1.

¹¹⁴ CERCLA, *supra* note 26, § 9601.

¹¹⁵ UNITED STATES DEP’T OF HEALTH AND HUMAN SERVICES, FISCAL YEAR 2024 AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY JUSTIFICATION OF ESTIMATES, at 8, *available at* <https://www.cdc.gov/budget/documents/fy2024/FY-2024-ATSDR-congressional-justification.pdf>.

Appendix I: IJJA Funding in the Subcommittee’s Jurisdiction (FY 2022-2026)¹¹⁶

Program	(Millions of dollars)						5-Year Total
	Agency	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	
Watershed and Flood Prevention Operations	NRCS	500	0	0	0	0	500
Watershed Rehabilitation Program	NRCS	118	0	0	0	0	118
Emergency Watershed Protection Program	NRCS	300	0	0	0	0	300
Operations, Research, and Facilities (ORF)*	NOAA	557	516	516	516	507	2,611
Procurement, Acquisition, and Construction (PAC)*	NOAA	180	0	0	0	0	180
<i>Wildlife Infrastructure**</i>		50	0	0	0	0	50
<i>Weather and Climate Modeling**</i>		80	0	0	0	0	80
<i>Coastal, Ocean, and Great Lakes</i>		50	0	0	0	0	50
Investigations	Corps	120	30	0	0	0	150
Mississippi River and Tributaries	Corps	808	0	0	0	0	808
Operation and Maintenance	Corps	2,000	1,000	1,000	0	0	4,000
Regulatory Program	Corps	160	0	0	0	0	160
Flood Control and Coastal Emergencies	Corps	251	0	0	0	0	251
Expenses	Corps	40	0	0	0	0	40
WIFIA	Corps	75	0	0	0	0	75
Construction	Corps	11,515	50	50	0	0	11,615
State and Tribal Assistance Grants	EPA	10,144	10,819	11,221	11,621	11,621	55,426
<i>Clean Water State Revolving Funds</i>		1,902	2,202	2,403	2,603	2,603	11,713
<i>Drinking Water State Revolving Funds**</i>		1,902	2,202	2,403	2,603	2,603	11,713
<i>Drinking Water State Revolving Funds, Lead Service Lines**</i>		3,000	3,000	3,000	3,000	3,000	15,000
<i>Clean Water State Revolving Funds, Groundwater</i>		100	225	225	225	225	1,000

¹¹⁶ This chart reflects a summary of IJJA funding as compiled by H. Comm. on Transp. and Infrastructure staff.

Program	Agency	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	5-Year Total
<i>Drinking Water State Revolving Funds, PFAS**</i>		800	800	800	800	800	4,000
<i>Emerging Contaminants, Sec. 1459A Safe Drinking Water Act**</i>		1,000	1,000	1,000	1,000	1,000	5,000
<i>Underground Injection Control Grants**</i>		50	0	0	0	0	50
<i>Brownfields</i>		300	300	300	300	300	1,500
<i>Sec. 6605, Pollution Prevention Act**</i>		20	20	20	20	20	100
<i>Save Our Seas 2.0 Act</i>		55	55	55	55	55	275
<i>Grants to Improve Material Recycling**</i>		15	15	15	15	15	75
<i>Clean School Bus Program**</i>		1,000	1,000	1,000	1,000	1,000	5,000
Environmental Programs and Management	EPA	412	387	387	387	387	1,959
<i>Geographic Programs</i>		343	343	343	343	343	1,715
<i>National Estuary Program Grants</i>		26	26	26	26	26	132
<i>Gulf Hypoxia Action Plan</i>		12	12	12	12	12	60
<i>Class VI Wells Permitting</i>		5	5	5	5	5	25
<i>Battery Recycling and Labeling</i>		25	0	0	0	0	25
Hazardous Substance Superfund [^]	EPA	3,500	0	0	0	0	3,500
Office of Inspector General ^{^^}	EPA	65	49	51	52	52	269
Total		30,680	12,801	13,173	12,523	12,515	81,693

Italics denote subsections of larger programs

*NOAA's National Ocean Service (NOS) and Office of Oceanic and Atmospheric Research (OAR) receive funding from ORF and PAC accounts. NOAA's FY 2024 Congressional Justification excludes the IJJA advance appropriations in its budgetary tables. It is unclear in NOAA's budget documents how much IJJA funding went to NOS or OAR. These funding totals reflect the total appropriations to these two major accounts. It is unclear how much of this funding is for programs not within the jurisdiction of the T&I Committee.

**Denotes programs outside of Subcommittee jurisdiction

[^]Includes specified appropriation and does not reflect transfer to Inspector General.

^{^^}Estimate provided by the Congressional Budget Office. This total does not directly flow into the totals. Pre-transfer amounts are included in original appropriations for State and Tribal Assistance Grants, Environmental Programs and Management, and the Hazardous Substance Superfund. These pre-transfer amounts are reflected in the totals to prevent double counting.