



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 30, 2023
(House Rules)

STATEMENT OF ADMINISTRATION POLICY
H.R. 4821 — Department of the Interior, Environment, and Related Agencies
Appropriations Act, 2024
(Rep. Granger, R-TX)

The Administration opposes House passage of H.R. 4821, making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year (FY) ending September 30, 2024 and for other purposes.

In May, the Administration negotiated in good faith with House Republican Leadership on bipartisan legislation to avoid a first-ever default and protect the Nation's hard-earned and historic economic recovery. This negotiation resulted in the Fiscal Responsibility Act (FRA) of 2023, which passed with overwhelming bipartisan support and set spending levels for FYs 2024 and 2025. The agreement held spending for non-defense programs roughly flat with FY 2023 levels, a compromise that protected vital programs Americans rely on from draconian cuts House Republicans proposed. The agreement also protected historic legislative accomplishments from the past two years, including the Inflation Reduction Act (IRA), Honoring our PACT Act of 2022, CHIPS and Science Act, and the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law).

House Republicans had an opportunity to engage in a productive, bipartisan appropriations process, but instead are wasting time with partisan bills that cut domestic spending to levels well below the FRA agreement and endanger critical services for the American people. These levels would result in deep cuts to clean energy programs and other programs that work to combat climate change, essential nutrition services, law enforcement, consumer safety, education, and healthcare.

These bills include billions in additional rescissions from the IRA and other vital legislation that would result in unacceptable harm to clean energy and energy efficiency initiatives that lower energy costs and other critical investments in rural America.

The draft bills also include numerous new, partisan policy provisions with devastating consequences including harming access to reproductive healthcare, threatening the health and safety of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) Americans, endangering marriage equality, hindering critical climate change initiatives, and preventing the Administration from promoting diversity, equity, and inclusion.

The Administration stands ready to engage with both chambers of the Congress in a bipartisan appropriations process to enact responsible spending bills that fully fund Federal agencies in a timely manner.

If the President were presented with H.R. 4821, he would veto it.

The Administration would like to take this opportunity to share additional views regarding the House Appropriations Committee's (Committee) version of the bill.

Environmental Protection Agency (EPA)

EPA Topline. The Administration strongly opposes the funding level for EPA, which, if enacted, would severely limit the agency's ability to protect human health and the environment. The bill provides \$6.1 billion to EPA, which is a reduction of \$3.9 billion from the FY 2023 enacted level, and is a funding level for EPA not seen since FY 1991. The bill includes reductions of \$1.1 billion to EPA's core operating budget and \$1.9 billion in grants to States and Tribes. Funding at such low levels would not only roll back key gains made by this Administration to protect the health and well-being of American families, it would prevent any meaningful progress in this area for years to come, endangering communities now and for generations to come. These damaging cuts would drastically diminish the agency's ability to protect the air we breathe, the water we drink, the public lands we cherish, and the natural resources we count on, risking the health of millions of Americans.

Environmental Justice. The Administration is deeply concerned that the reduction to overall funding levels in the bill would result in reduced funding for environmental justice activities at EPA compared to the FY 2023 enacted levels. This reduced funding would reduce resources and technical assistance to communities overburdened by pollution, and impede EPA's progress toward ensuring all communities are fully protected from disproportionate and adverse environmental and health effects and hazards. The bill also would rescind \$1.4 billion from the Environmental and Climate Justice Block Grants program, an IRA program to reduce pollution and build climate resilience in low-income and disadvantaged communities.

State Revolving Funds. The Administration is strongly opposed to the dramatic cuts to the funding that States typically receive through the water infrastructure State Revolving Funds (SRFs). The bill cuts SRFs by 90 percent, inclusive of the redirection to specific projects from traditional SRFs provided to States. This would limit States' ability to fund their highest priority water needs and operate their programs effectively.

Clean Energy Technology Rescission. The bill would rescind \$7.8 billion in funding provided by the IRA for the Greenhouse Gas Reduction Fund. The rescission would eliminate funds designed to mobilize private capital into pollution-reducing clean energy technology projects, especially in low-income and disadvantaged communities, that would strengthen local economies, create good-paying jobs, reduce harmful pollution, and protect people's health while tackling the climate crisis.

Revised Definition of "Waters of the United States." The Administration strongly opposes section 441 of the bill, which would invalidate the Administration's Waters of the United States rule. If enacted, the provision would jeopardize protections for clean water, cause increased uncertainty in the scope of waters that receive Clean Water Act protections, threaten economic growth in agriculture, local economies, and downstream communities, and threaten clean drinking water sources.

Limits on Clean Air and Climate Rulemakings. The Administration strongly opposes language in the bill that would interfere with the EPA’s authority to implement the Clean Air Act. Multiple provisions that prohibit the agency from using funds to finalize, implement, or enforce numerous rulemakings under the Clean Air Act—including but not limited to National Emissions Standards for Hazardous Air Pollutants, New Source Performance Standards, vehicle emissions standards, and National Ambient Air Quality Standards—undercut the EPA’s longstanding authority to regulate under the law, and ignores using the best available science to protect families and communities from harmful air pollution.

Regulatory Authority. The Administration strongly opposes section 461 of the bill, which would interfere with the EPA’s authority to pursue rulemakings it deems necessary to implement Federal laws such as the Clean Water Act, Clean Air Act, Toxic Substances Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act. Such rulemaking authority is critical for protecting the Nation’s vital environmental resources and protecting families and communities from potentially harmful environmental and health impacts.

Council on Environmental Quality (CEQ)

CEQ Rescission. The Administration strongly opposes section 474 of the bill, which would rescind funding provided by the IRA. These resources are critical to improving the efficiency and effectiveness of Federal environmental reviews and permitting processes to advance well-designed and well-built infrastructure projects, including energy projects that deliver clean and affordable energy to consumers. These resources are also key to improving public health and reducing environmental disparities in communities by improving data, mapping, and information on the cumulative effects of pollution and disproportionate environmental harms and climate risks.

Department of the Interior (DOI)

DOI Topline. The Administration is strongly opposed to the overall funding level for DOI, which at \$14.2 billion, is 7 percent lower than FY 2023 enacted level. At this funding level, DOI would be unable to adequately conserve and manage the Nation’s natural resources and cultural heritage, provide critical scientific information, and honor trust responsibilities to American Indians, Alaska Natives, and affiliated Island Communities.

Harmful Policy Provisions. The Administration strongly opposes the numerous harmful policy provisions in the bill that interfere with DOI’s scientific and evidence-based decision making. Among other negative impacts, these provisions would slow the Nation’s progress in growing the clean energy economy by restricting or modifying DOI’s energy policies and programs, overturn science-based rulemakings to protect numerous species from extinction, and constrain DOI’s statutory responsibilities.

Tribal Programs. The Administration is disappointed that the bill eliminates the Indian Land Consolidation program and that the Congress has not enacted mandatory funding for key Native American Programs. The Administration urges the Congress to provide a long-term and reliable funding solution for Contract Support Costs, 105(l) Leases, and future Indian Water Rights Settlements.

Climate Resilience and Research. The Administration is opposed to the significant reductions in climate resilience and science funding, particularly as the Nation and the Department confront the growing challenges of extreme weather and other climate impacts. In 2023, the United States has already experienced a record number of billion-dollar disaster events that are affecting all Americans. This reduction would hinder DOI's ability to mitigate disaster losses, reduce the ability of communities that DOI supports to take action that increases their resilience to disasters, and is a fiscally imprudent approach that reduces the U.S. readiness to respond to climate-fueled disasters.

Overall Administrative Funding. The Administration is concerned that the bill significantly reduces administrative funding for programs throughout DOI. This reduction would lead to significant reductions in staffing levels and have negative impacts on Americans who depend on the Department's numerous public-facing programs and services such as visitor services at National Parks.

Independent Agencies

Smithsonian Institution. The Administration opposes the bill's proposed 16-percent reduction from the FY 2023 enacted level to the Smithsonian Institution's budget, including a 57 percent reduction to its Facilities Capital account. This reduction would allow the continuing decay of national museums, create costly delays for ongoing projects, and further delay the start of construction for the new Latino and Women's museums.

National Gallery of Art. The Administration opposes the bill's proposed 15-percent reduction from the FY 2023 enacted level to the National Gallery of Art's budget that would force the Gallery to reduce open hours or close exhibits and cause an expensive work stoppage on its new offsite storage facility.

John F. Kennedy Center for the Performing Arts. The Administration opposes the bill's proposed 34-percent reduction from the FY 2023 enacted level to the Center's budget, which would: severely undercut the Center's day-to-day operations, maintenance, and capital projects; put the Center at risk of defaulting on several large vendor contracts; and force the Center to reduce staffing.

Climate

Social Cost of Carbon. The Administration strongly opposes section 447 of the bill, which would prohibit the Administration's ability to incorporate the social cost of carbon into a cost-benefit analysis for the purpose of any law or executive action, including Executive Orders 13990 and 14094. This removal would take away an important tool in making data-driven decisions informed by the scientific literature on climate change and its economic impact. The social cost of carbon is the monetary value of the net harm to society from emitting a metric ton into the atmosphere in a given year, and the bill would eliminate the ability to fully account for and consider the societal costs of greenhouse gas emissions when making Federal decisions.

Anti-Climate Provisions. The Administration strongly opposes the numerous harmful policy provisions in the bill that would interfere with the Administration’s critical actions and investments being made to address the climate crisis. Removing, reversing, delaying, or blocking the Administration’s climate policies would backtrack on the progress that the United States is making to reduce harmful pollution, create opportunities in the clean energy economy, and protect Americans from climate-fueled disasters. Without programs that help inform smart decision-making on climate risks, U.S. companies would also be at a global disadvantage as the world moves forward in advancing climate solutions across sectors.

Indian Health Service (IHS)

The Administration strongly supports and appreciates the Committee’s continuation of advance appropriations for the IHS, but is concerned about the reduction to Electronic Health Records (EHR). Without this funding, IHS’ critical EHR modernization efforts would be significantly impacted. The Administration looks forward to working with the Congress to address these concerns and improve health outcomes across Native American lands.

Constitutional Concerns

Certain provisions of the draft bill raise constitutional issues, including by conditioning the Executive’s authority to take certain actions on receiving the approval of the House and Senate Committees on Appropriations or on the Comptroller General completing a report. The Administration looks forward to working with the Congress to address these and other concerns.

The Administration looks forward to working with the Congress as the FY 2024 appropriations process moves forward.

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