



GENERAL LEGAL ACTIVITIES Environment & Natural Resources Division (ENRD)

FY 2022 Budget Request At A Glance	
FY 2021 Enacted:	\$113.5 million (541 positions; 373 attorneys)
Current Services Adjustments:	+\$15.3 million
Program Changes:	+\$5.0 million
FY 2022 Budget Request:	\$133.7 million (559 positions; 389 attorneys)
Change From FY 2021 Enacted:	+\$20.3 million (+17.9%) (+18 positions; +16 attorneys)

Mission:

The Environment and Natural Resources Division's (ENRD) mission is to enforce civil and criminal environmental laws and programs protecting the public and environment of the United States and to defend suits challenging environmental programs and activities. The ENRD oversees all Federal environmental and natural resources litigation arising under more than 150 Federal statutes. These statutes include the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation and Liability Act (Superfund law); Endangered Species Act; National Environmental Policy Act; and many others. The ENRD's work entails bringing civil and criminal enforcement actions to stop polluters and recover clean-up costs; defending Federal agencies in their administration of Federal programs, including management of Federal lands and other natural resources; defending Federal regulatory agencies that issue environmental regulations; resolving disputes related to Indian Tribes and their lands; and acquiring real property by eminent domain for congressionally authorized purposes.

Resources:

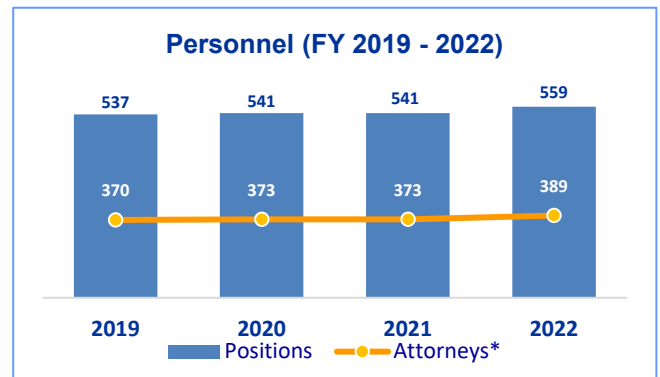
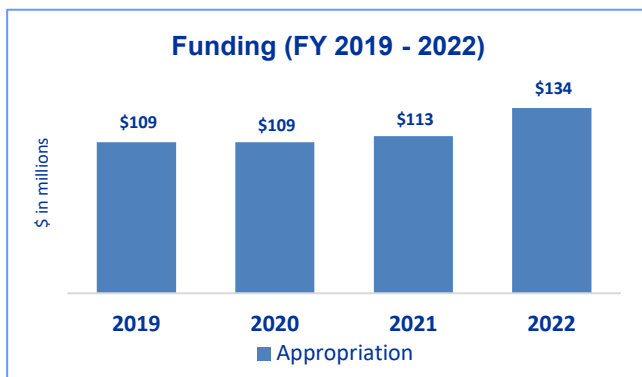
The FY 2022 budget request for ENRD totals \$133.7 million, which is a 17.9 percent increase over the FY 2021 Enacted.

Organization:

The ENRD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into several practice areas dedicated to the enforcement of the Nation's civil and criminal environmental laws and programs, as well as the defense of the United States in matters concerning stewardship of the Nation's natural resources and public lands. With several small field locations across the United States, the ENRD is "the Nation's environmental lawyer," and the largest environmental law firm in the country.

Personnel:

The ENRD's direct authorized positions for FY 2022 total 559 positions, including an increase of 18 positions over the FY 2021 Enacted of 541 direct authorized positions.



FY 2022 Strategy:

The ENRD handles both civil and criminal litigation concerning the enforcement and defense of environmental laws and regulations. The ENRD represents many Federal agencies including the Environmental Protection Agency, the Department of the Interior, the Department of Defense, the Department of Agriculture, and the Department of Homeland Security.

As the Nation's chief environmental litigator, the ENRD strives to obtain full compliance with environmental and conservation statutes. To this end, the ENRD seeks to redress past violations that have harmed the environment, establish credible deterrence against future violations, recoup Federal funds spent to abate environmental contamination, and obtain funds to restore or replace natural resources damaged through oil spills or the release of other hazardous substances. The ENRD ensures illegal emissions are eliminated, hazardous waste is cleaned up, and drinking water is safe. The ENRD's actions, in conjunction with the work of its client agencies, enhance the quality of the environment in the United States and the health and safety of its citizens.

In FY 2022, the ENRD will continue to pursue legal action to enforce Federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. In all matters concerning protection, use, and development of the Nation's natural resources and public lands, the ENRD will defend suits challenging the foregoing laws and fulfill the Federal Government's responsibility to litigate on behalf of Indian Tribes and individual Indians. The ENRD will continue to protect the Federal fisc; reduce harmful discharges into the air, water, and land; enable clean-up of contaminated waste sites; and ensure proper disposal of solid and hazardous waste.

In FY 2022, the Division will play a significant role in the implementation of EO 13990, "Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis," which was issued January 20, 2021. The Administration's policy implicates the core of the ENRD's mission; and the ENRD will be chiefly responsible for implementing the policy through litigation and counseling functions in FY 2022.

EO 14008, "Tackling the Climate Crisis at Home and Abroad," issued on January 27, 2021, will also guide the ENRD's work in FY 2022. That EO establishes a "whole-of-government" approach to addressing the climate crisis and formalizes the government's commitment to Environmental Justice.

The ENRD is charged with defending agency environmental and climate regulations and resource management plans in courts of appeals and district courts throughout the country. Ensuring the ENRD has sufficient resources available to defend the current and anticipated challenges to climate-driven regulations and management decisions is key to the Administration work on tackling climate change. The ENRD

is currently defending a wide variety of cases that have substantial climate implications, and this docket is expected to grow significantly in FY 2022 and future fiscal years. The ENRD has handled climate matters in the past and would expect to handle more as the Administration rolls out its agenda: (1) defense of greenhouse gas emission regulations and controls; (2) litigation in support of conversion to clean energy; and (3) defense of policy and management actions to protect sensitive resources.

In addition to the below program change, the ENRD is requesting a structural enhancement for its base resources of \$9,000,000, including [53] non-add positions ([33] attorneys), and 26 FTEs, to support Stabilizing Vital Civil Environmental Enforcement and the Federal Response to Environmental Emergencies. This structural enhancement request will not increase the overall size of the ENRD's budget or staff, but will allow the ENRD to begin the process of reducing its reliance on internal-DOJ (the Three Percent Fund) funding whose future is uncertain, and establishing commensurate funding in the ENRD's base.

FY 2022 Program Changes:

Environmental Justice and Combating the Climate Crisis: \$5.0 million and 18 positions (16 attorneys)

The ENRD is requesting \$5.0 million, including 18 positions (16 attorneys) to support the ENRD's new responsibilities related to the Administration's environmental justice initiatives and tackling the climate crisis under Executive Order 14008 (86 Fed. Reg. 7619 (Feb. 1, 2021)). This funding is critical to bolster the ENRD's programs and will focus on three key areas: preparing and implementing a comprehensive enforcement strategy, counseling client agencies, and supporting the DOJ and interagency efforts. These responsibilities include, but are not limited to: increasing affirmative enforcement actions to reduce emission of greenhouse gases and other pollutants; facilitating cleaner energy and ensuring marketplace integrity; defending and adjudicating water rights for Federal agencies and Indian Tribes, as well as policies and decisions that support the generation of clean energy on Federal lands and the outer continental shelf; and, promoting international climate justice activities and the advancement of legislative and policy matters related to climate change. There are no current services for this initiative.

Environment & Natural Resources Division

(Dollars in Thousands)

	Environment & Natural Resources Division		
	Pos	FTE	Amount
2020 Appropriation	541	486	109,423
2021 Enacted	541	481	113,458
2022 Request	559	517	133,738
Change 2022 from 2021 Enacted	18	36	20,280
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	0	0	2,347
Domestic Rent & Facilities	0	0	3,933
Other Adjustments	[53]	26	9,000
Total Base Adjustments	[53]	26	15,280
2022 Current Services	541	507	128,738
Program Changes			
Increases:			
Environmental Justice and Combating the Climate Crisis	18	10	5,000
Subtotal, Program Increases	18	10	5,000
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	18	10	5,000
2022 Request	559	517	133,738

Environment & Natural Resources Division
(Dollars in Thousands)

Comparison by activity and program	2021 Enacted			2022 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	541	481	113,458	541	507	128,738
Total	541	481	113,458	541	507	128,738
Reimbursable FTE		41			41	
Total Direct and Reimbursable	541	522	113,458	541	548	128,738
<i>Sub-Allotments and Direct Collections (FYI)</i>		59			33	
FTE Grand Total		581			581	

Comparison by activity and program	2022 Total Program Changes			2022 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	18	10	5,000	559	517	133,738
Total	18	10	5,000	559	517	133,738
Reimbursable FTE		0			41	
Total Direct and Reimbursable	18	10	5,000	559	558	133,738
<i>Sub-Allotments and Direct Collections (FYI)</i>		0			33	
FTE Grand Total		10			591	