



## GENERAL LEGAL ACTIVITIES Environment & Natural Resources Division (ENRD)

FY 2021 Budget Request At A Glance	
FY 2020 Enacted:	\$109.4 million (541 positions; 373 attorneys)
Current Services Adjustments:	+\$4.0 million
Program Changes:	+\$796,000
FY 2021 Budget Request:	\$114.3 million (548 positions; 378 attorneys)
Change From FY 2020 Enacted:	+\$4.8 million (+4.4%) (+7 positions; +5 attorneys)

### Mission:

The 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 Division'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:

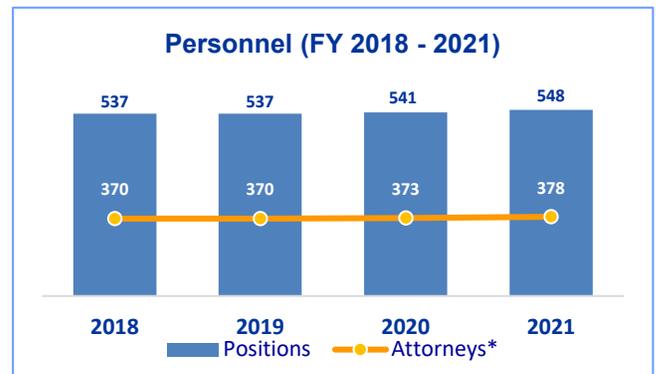
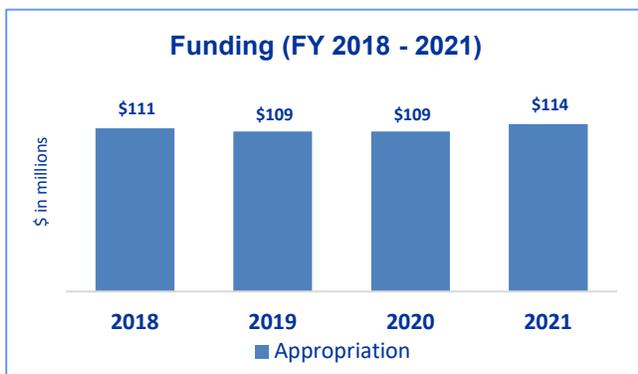
The FY 2021 budget request for the ENRD totals \$114.3 million, which is a 4.4 percent increase over the FY 2020 Enacted.

### 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 Division is "the Nation's environmental lawyer", and the largest environmental law firm in the country.

### Personnel:

The ENRD's direct authorized positions for FY 2021 total 548 positions, including an increase of 7 positions over the FY 2020 Enacted of 541 direct authorized positions.



## FY 2021 Strategy:

The ENRD handles both civil and criminal litigation concerning the enforcement and defense of environmental laws and regulations. The Division serves as the Nation's environmental litigator and represents many federal agencies including the Environmental Protection Agency, Department of the Interior, Department of Defense, Department of Agriculture, and 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 wastes are cleaned up, and drinking water is safe. ENRD 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 2021, 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 Division will defend suits challenging all of 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 2021, the Division will play a significant role in the implementation of the 2017 Executive Order on Border Security and Immigration Enforcement. As a result of actions required by the executive order, the ENRD will guide the acquisition of land along the U.S.-Mexico border (along with developing associated title and appraisal work) and address defensive challenges under a host of environmental, wildlife, procedural and inverse takings statutes (i.e., the Endangered Species Act (ESA), the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and the Tucker Act). Also, as the Federal Government enhances the Nation's infrastructure, the ENRD will defend the Federal Government from challenges under NEPA, the ESA, and other statutes. Additionally, as the United States' military capacity is strengthened and expanded, the ENRD will be at the forefront in defending relevant military actions and activities. Military infrastructure projects and training/readiness activities often give rise to litigation under NEPA, the ESA and the Marine Mammal Protection Act. Furthermore, the government's commitment to further development of federal fossil fuel resources will likely result in challenges to federal decisions to lease oil, gas, and coal – both on and off shore. As a result, in FY 2021 and in future years, the ENRD will respond to increased litigation under the Mineral Leasing Act, the Outer Continental Shelf Lands Act, the Surface Mining Control and Reclamation Act, the Federal Land Policy Management Act, the National Forest Management Act, and NEPA.

## FY 2021 Program Changes:

**Smart, Responsible, Common-Sense, Effective Approach to Environmental Litigation:** \$796,000 and 7 positions (5 attorneys)

The ENRD is requesting a total of \$796,000, 7 positions (5 attorneys and 2 paralegals), and 4 FTEs to support the Division's defense of the current Administration's pollution control and natural resource regulatory reform agenda, to include the legal defense of new regulations and other agency actions in courts, as agencies implementing the Administrations' Environmental agendas are expected to see challenges raised against them. Virtually every significant agency action implementing this agenda has been or will be challenged. ENRD's attorneys' are currently handling heavy caseloads which include both Administration priority matters as well as other defensive litigation that imposes deadlines which must be met. This increased workload is no longer sustainable and additional resources are necessary for ENRD to continue to be able to allow the best possible defense of the Administration's priority actions. ENRD has no base funding for this initiative.

**Environment & Natural Resources Division**  
(Dollars in Thousands)

	Environment & Natural Resources Division		
	Pos	FTE	Amount
<b>2019 Appropriation</b>	<b>537</b>	<b>479</b>	<b>109,423</b>
<b>2020 Enacted</b>	<b>541</b>	<b>481</b>	<b>109,423</b>
<b>2021 Request</b>	<b>548</b>	<b>487</b>	<b>114,254</b>
<b>Change 2021 from 2020 Enacted</b>	<b>7</b>	<b>6</b>	<b>4,831</b>
<b>Technical Adjustments</b>			
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Base Adjustments</b>			
Pay & Benefits	0	2	2,600
Domestic Rent & Facilities	0	0	339
Other Adjustments	0	0	1,096
<b>Total Base Adjustments</b>	<b>0</b>	<b>2</b>	<b>4,035</b>
<b>2021 Current Services</b>	<b>541</b>	<b>483</b>	<b>113,458</b>
<b>Program Changes</b>			
<b>Increases:</b>			
Smart, Responsible, Common-Sense, Effective Approach to Environmental Litigation	7	4	796
<b>Subtotal, Program Increases</b>	<b>7</b>	<b>4</b>	<b>796</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>7</b>	<b>4</b>	<b>796</b>
<b>2021 Request</b>	<b>548</b>	<b>487</b>	<b>114,254</b>

**Environment & Natural Resources Division**

(Dollars in Thousands)

Comparison by activity and program	2020 Enacted			2021 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	541	481	109,423	541	483	113,458
<b>Total</b>	541	481	109,423	541	483	113,458
Reimbursable FTE		41			41	
<b>Total Direct and Reimbursable</b>	541	522	109,423	541	524	113,458
<i>Sub-Allotments and Direct Collections (FYI)</i>		33			33	
<b>FTE Grand Total</b>		555			557	

Comparison by activity and program	2021 Total Program Changes			2021 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	7	4	796	548	487	114,254
<b>Total</b>	7	4	796	548	487	114,254
Reimbursable FTE					41	
<b>Total Direct and Reimbursable</b>	7	4	796	548	528	114,254
<i>Sub-Allotments and Direct Collections (FYI)</i>					33	
<b>FTE Grand Total</b>		4			561	