

# Congress of the United States

Washington, DC 20515

February 6, 2025

The Honorable Lee Zeldin  
U.S. Environmental Protection Agency Administrator  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Administrator Zeldin:

We are outraged by the Environmental Protection Agency's (EPA) blatant and unlawful actions to abruptly halt crucial programs that are fundamental to the Agency's core mission of safeguarding human health and the environment. These reckless actions are not only a gross dereliction of duty but will directly jeopardize families and communities, pollute our environment, and accelerate climate change. The EPA's decision to abandon these programs is a betrayal of its responsibility to uphold duly enacted spending laws. This is unacceptable and must be reversed immediately and completely to comply with the law and to protect the health of all Americans and the environments where they live.

President Trump's January 20, 2025, Executive Order 14154 directs all agencies to immediately pause the disbursement of any funds appropriated through the Inflation Reduction Act (IRA) or the bipartisan Infrastructure Investment and Jobs Act (IIJA). The President's Executive Order has abruptly frozen funding for an extremely broad array of investments in every state and Congressional District, causing widespread turmoil and confusion for American businesses and communities and threatening public health and the environment. The Trump Administration's memo freezing vast swaths of federal funds, its failed attempt to clarify the scope of the memo, and its subsequent rescission of the memo have created mass chaos and added to the confusion about what investments are currently being blocked. Today, our understanding is that much of the Agency's funding is still frozen, but some select programs may resume in the near future. Yet let us be clear – all of EPA's funding must be made available and disbursed pursuant to the law with no exceptions.

Funding freezes – which the administration intentionally implemented before court intervention – devastate programs that protect public health and the environment while increasing costs for families. The Trump Administration will be raising energy costs for families and businesses will be losing out on thousands of potential jobs as programs like Solar for All and Clean School Bus rebates are terminated. Continuing to freeze these investments—or permanently blocking them—will unravel critical progress the Agency has made towards clean air and clean water and cost American households and businesses dearly.

Stopping these programs is harming the health of all Americans. For example, the administration stopped payment on the State Revolving Funds (SRFs), which provide clean, safe, and affordable water. Congress has provided billions in annual SRF funding to states for decades. In addition to this, the IIJA provided over \$23 billion to the SRFs, including \$5 billion to address emerging issues like PFAS, as well as \$15 billion for long-term issues like the elimination of lead pipes. Cutting off this funding blocks communities across America from being able to protect their water systems from contamination. Every community needs clean and safe drinking water coming out of their tap to protect public health and to support their livelihoods and the economy.

In addition to endangering human health and the environment, the President's Executive Orders freezing funding are flagrantly illegal. The Government Accountability Office, the Department of Justice Office of Legal Counsel (including in an opinion written by future Chief Justice of the Supreme Court, William H. Rehnquist), and the Supreme Court of the United States have all disavowed the notion of some "inherent Presidential power

to impound,” as some in the Administration, as well as pending Administration nominees, have tried to argue without legal or textual basis.

Not only does the Constitution vest the power of the purse with Congress and provide no power to the President to impound funds, but there have been several bedrock fiscal statutes enacted to protect Congress’ constitutional power of the purse and prevent unlawful executive overreach, including the Antideficiency Act and the Impoundment Control Act of 1974 (ICA). The ICA prohibits any action or inaction that precludes Federal funds from being obligated or spent, either temporarily or permanently, without following the strictly circumscribed requirements of that law, which have not been honored in this instance.

Given the critical importance of these programs, the unlawful actions ordered by this Administration, and the dubious actions that have been undertaken by the Agency, we request additional information about the Agency’s implementation of Executive Orders 14154 and 14151, and other related actions.

Regarding Executive Orders 14154 and 14151, please provide answers to the questions below. If obligations and disbursements resume for any office or program before your response is delivered, please answer the question as it applied to the time funding was withheld.

- Executive Order 14154 discusses limitations on “disbursements.” Does this include only payments or is it broader to include obligations and other financial transactions at the EPA?
- Please provide a list of obligations already incurred by EPA for which the Executive Orders now prohibit liquidating legal liabilities already incurred by the Federal government.
- Does the pause or termination of the disbursement of funds appropriated through IJJA, IRA or annual funding impact formula and/or discretionary grant programs, i.e. only one or both?
- Does the aforementioned pause impact advance appropriations provided through IJJA?
- What fiscal years from IJJA does the aforementioned pause impact?
- Has EPA notified recipients, those with obligated and awarded funding, impacted by the pause associated with Executive Order 14154? If so, how has EPA notified impacted recipients?
- Has EPA notified recipients, those with obligated and awarded funding, impacted by the terminations associated with Executive Order 14151? If so, how has EPA notified impacted recipients?
- Will EPA reimburse non-Federal recipients for invoices submitted for work already performed that predate the Executive Orders? What about for ongoing or halted work that has not yet been invoiced? If reimbursements will not be provided in either case, please provide the legal justification for failing to meet the obligations of contracts with non-Federal recipients.
- Does the pause impact payroll disbursements for employees paid through IJJA and IRA? If so, how many and in which offices?
- Please provide a full list of EPA programs from IJJA and IRA that are impacted by section 7 of the Executive Order, including the requirement for programs to be consistent with section 2 of the Executive Order.
- Please provide a full list of EPA programs and funding impacted by Executive Order 14151.
- Please provide the minimum amount of time the aforementioned pause could last.
- Please provide a list of accounts, awards, cooperative agreements, or other instruments that have been suspended, frozen, or otherwise inaccessible for recipient organizations as a result of both executive orders.

Regarding the CFO memorandum dated January 27, 2025, please provide answers to the questions below. If the memorandum is withdrawn or obligations and disbursements resume for any office or program before your response is delivered, please answer the question as it applied to the time funding was withheld.

- Please provide a list of obligations already incurred by EPA for which the CFO memorandum now prohibits liquidating legal liabilities already incurred by the Federal government.
- Will EPA reimburse non-Federal recipients for invoices submitted for work already performed that predates the CFO memorandum? What about for ongoing or halted work that has not yet been invoiced? If reimbursements will not be provided in either case, please provide the legal justification for failing to meet the obligations of contracts with non-Federal recipients.
- What is the status and scope of the reviews of studies, reports, and announcements?
- What is the guidance on processing internal and external reprogramming actions?
- What is the status of reviewing routine reauthorizations of existing contracts and cooperative agreements?

Additionally, please provide answers to the following questions:

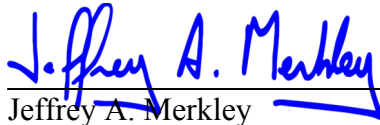
- Have any federal employees been terminated since January 20, 2025? If so, how many and in which organizations and which program projects?
- Have any federal employees been furloughed since January 20, 2025? If so, how many and in which organizations and program projects?
- Have any federal employees been put on administrative leave since January 20, 2025? If so, how many and in which organizations and program projects?
- Have any federal employees received notices of future required administrative leave, furloughs, or reductions in force since January 20, 2025? If so, how many and in which organizations and program projects?

We ask for your response to our questions no later than February 12, 2025.

Finally, we want to remind you of your oversight obligations under appropriations law. Members of Congress of both parties have worked together to craft provisions instituting common-sense transparency and accountability measures. All executive branch agencies must proactively alert the Appropriations and other appropriate House and Senate Committees when apportionments are not made in required time periods, are approved only with conditions, or may hinder the prudent obligation of apportionments or the execution of a program, project, or activity. Agencies are also required to report all violations of the ICA to Congress. Finally, agencies may not prohibit or prevent any federal employee from having direct communication with any Member, committee, or subcommittee of Congress. All federal employees must be free to communicate directly with Congress, whether Congress has requested that communication or not.

We hope you will work with us—not against us—to protect human health and the environment, but we demand that you follow the law as intended.

Sincerely,



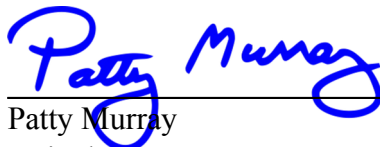
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Jeffrey A. Merkley  
Ranking Member  
Subcommittee on Interior,  
Environment, and Related  
Agencies  
United States Senate Committee  
on Appropriations



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Chellie Pingree  
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House Committee on  
Appropriations



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Patty Murray  
United States Senator  
Vice Chair, Committee on  
Appropriations



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Rosa L. DeLauro  
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