



Legislative Bulletin.....July 25, 2011

Contents:

Amendments to H.R. 2584 (PART I)—FY 2012 Department of Interior Appropriations Act

The following Legislative Bulletin contains information on the 3 amendments pre-printed in the Congressional Record through Friday, July 8, 2011, and other potential amendments not pre-printed that may be offered.

Order of Business: The amendments to H.R. 2584, the FY 2012 Department of Interior and Related Agencies Appropriations Act are scheduled to be considered on Monday, July 25, and throughout the remainder of the week under an open rule. The rule ([H.Res.363](#)) waives all points of order against consideration of the bill and provisions in the bill for failure to comply with clause 2 of rule XXI. The rule also provides for the bill to be read for amendment by paragraph and under the five minute rule. The rule *provides priority for recognition to Members who have pre-printed their amendments in the Congressional Record* and provides for one motion to recommit with or without instructions.

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SUMMARY OF AMENDMENTS TO BE CONSIDERED THIS VOTE SERIES

Moran (D-VA). The amendment would reduce funding for the Bureau of Land Management Lands and Resources Funding by \$18,633,000 (from \$918,227,000) and increases funding for Indian Health Facilities by \$18,633,000 (from \$427,259,000).

Huelskamp (R-KS). The FY 2012 Interior bill provides a spending level of \$27.5 billion, which is \$2.1 billion *less* than last year. The Huelskamp/RSC Amendment would increase this savings total to \$5.1 billion—a savings increase of \$3 billion over the committee level.

Outside Groups in Support (as of press time): Heritage Action

Highlights of Amendment: The amendment would cut **\$3 billion** from various programs and transfer the funds into the Spending Reduction Account. The specific cuts are as follows.

- Cuts funding for the EPA by **\$1.9 billion**.
- Eliminates funding for the National Endowment for the Arts, saving **\$135 million**.
- Eliminates funding for the National Endowment for the Humanities, saving **\$135 million**.
- Eliminates funding for National Heritage Areas (YouCut winner), saving **\$9 million**.
- Eliminates **\$20 million** in further federal land acquisition.
- Cuts funding for the National Gallery of Art by 10%, saving **\$12 million**.

- Cuts **\$70 million** from the Bureau of Land Management.
- Cuts **\$85 million** from Fish and Wildlife Services.
- Eliminates the **\$432 million** increase in Indian Health Services funding (including the \$392 million increase in the underlying bill), returning this funding back to FY 2011 levels.
- Cuts **\$75 Million** from the Office of the Secretary of the Interior.
- Cuts **\$9 million** from National Institutes of Health (NIH).
- Cuts **\$47 million** from Wildland and Fire Management

Cleaver (D-MO). According to the sponsor, the amendment decreases funding for Bureau of Land Management, Management of Lands and Resources by \$3,000,000 and increases funding for the EPA Urban Water Initiative by \$3,000,000.

Richmond (D-LA). According to the sponsor, the amendment would increase funding for the Bureau of Land Management, Management of Land and Resources Account by \$5,000,000 (from \$918,227,000) and reduce funding for rangeland management by \$6,000,000.

Hochul (D-NY). According to the sponsor, the amendment would reduce funding for the funding for the Bureau of Land Management, Management of Land and Resources Account by \$4,452,000 and transfer the funds into the Spending Reduction Account. According to the sponsor, the intent is to reduce funding for Department of Interior to collect oil and gas fees.

SUMMARY OF AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD

- 1. Cole (R-OK).** The amendment would prohibit the use of funds to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.
- 2. Pastor (D-AZ).** The amendment would strike section 445 of the bill. Section 445 would prohibit the withdrawal of certain lands in the State of Arizona from the Mining Law of 1872 without the expressed consent of the Congress. The Secretary of the Interior has sought to implement a 20-year ban on new mining claims on approximately 1 million acres in Northern Arizona. This provision is essentially a prohibition of this Administration's latest regulatory overreach.
- 3. Christensen (D-VI).** The amendment adds a new section to the bill that would amend the Internal Revenue Code provide for a reduction in the tax imposed on distributions from certain retirement plans' assets which are invested for at least 30 years under a Virgin Islands investment program. Specifically, the amendment would allow a one-time designation of an amount of qualified retirement savings as being under investment by the Virgin Islands Investment Program for at least 30 years at the of the 10th year it may be treated as a Roth IRA, if the amounts attributable to elective deferrals under an applicable retirement plan and are held in an individual retirement plan which is not a Roth IRA. The amendment would allow fees charged by investment managers under the program to not exceed the fees customarily imposed by investment managers for managing like qualified retirement savings outside the Virgin Islands Investment Program. The fees qualify if:

- ◆ the program imposes an annual tax (in addition to the fees permitted under subparagraph (A)) equal to—
- ◆ 1.5 percent of the amount designated for management under the program for the first 10 years of the account, and
- ◆ 1 percent of the amount designated for management under the program for the remainder of the life of the account without regard to account balance, and
- ◆ The 1 percent tax is imposed notwithstanding the Roth designation.

Additionally, the amendment requires the revenues from the bill to be distributed to the Virgin Islands if the expenditure is pursuant to a qualified infrastructure development plan and collect with:

- ◆ 1/3 of the proceeds shall be distributed to the Virgin Islands for the first 10 years of management.
- ◆ Half of the proceeds distributed to the Virgin Islands for the next 10 years of management.
- ◆ Beginning in the 21st year, the entire 1 percent tax collected shall be retained by the United States Treasury.

SUMMARY OF POTENTIAL AMENDMENTS NOT PRE-PRINTED IN THE CONGRESSIONAL RECORD

Walberg (R-MI). The amendment would decrease funding for the National Endowment of the Arts by \$10,600,000 (from \$135,000,000) and transfers the funding to the Spending Reduction Account. The reduction would reflect FY 2006 spending levels for the NEA.

Flake (R-AZ). The amendment would eliminate funding for the Commission of Fine Arts and transfer the \$2,234,000 in savings to the Spending Reduction Account.

Hultgren (R-IL). The amendment would prohibit funding to be used for the Administrator of the Environmental Protection Agency to travel, by any mode of transportation, more than the carbon dioxide emissions equivalent of 26,338 miles of commercial air travel during FY 2012. This is the distance between Washington and Rio, Brazil and between Washington and Durban, South Africa. The United Nations is preparing for a 2012 Earth Summit (United Nations Conference on Sustainable Development) in Rio June of 2012 and the Durban Conference in November of this year for a UN Climate Change Conference.

Reed (R-NY)/Boren (D-OK). The amendment would decrease funding for Department of Interior Salaries and Expenses by \$8,291,000 (from \$250,151,000) and increase funding for the State and Private Forest account by \$8,291,000 (from \$208,608,000). According to the sponsor, this amount would return the account to FY 2010 levels in order to mitigate invasive plant and insect species.

Franks (R-AZ)/ Gosar (R-AZ)/ Heck (R-NV). The amendment would prohibit funds to be used to implement any action alternative in the Draft Environmental Impact Statement DES 10–60, Special Flight Rules Area in the Vicinity of Grand Canyon National Park. According to the sponsor, the EIS may discourage numerous tourists, including the disabled and senior citizens, from visiting the Grand Canyon.

Denham (R-CA). The amendment would prohibit the use of funds to implement section 10011(b) of Public Law 111–11. This would prevent the Department of the Interior from using any funds to reintroduce salmon into the San Joaquin River in the Central Valley of California.

Gosar (R-AZ). The amendment would increase funding for the National Forest System account by \$10,000,000 (from \$1,546,463,000) and decreases funding for Wildland Fire Management by \$10,000,000 (from \$1,805,099,000). According to the sponsor, the intent of the amendment is to fund the Collaborative Forest Landscape Restoration (CFLR) program at the Forest Service’s Budget request level. Authorized in FY2009, CFLR was designed to encourage collaborative, science-based large-scale ecosystem restoration.

Lummis (R-WY). The amendment increases funding for State and Tribal Grants program by \$14,252,000 (from \$2,610,393,000) and decreases funding for the National Forestry Program by \$14,252,000 (from \$1,546,463,000). According to the sponsor, the intent of the offset is to come from the U.S. Forest Service’s Planning budget. If the amendment passes, the FS’s planning budget would be \$15 million (down from \$30 million in the base text, and down from \$45 million in FY11). The additional funding would be intended for the EPA grants to states under Section 319 of the Clean Water Act to support water quality activities intended to mitigate non-point source pollution.

Lummis (R-WY). The amendment would prohibit the use of funds to be used to develop, propose, promulgate, implement, or enforce regulations required by section 211(v)(2) of the Clean Air Act (42 U.S.C. 7545(v)(2)) absent the completion of the study required by section 211(v)(1) of such Act (42 U.S.C. 7545(v)(1)). This amendment would essentially prohibit the EPA from implementing additional emission regulations regarding the Renewable Fuel Standard without conducting the study required by the 2007 Energy Independence and Security Act of 2007 (EISA).

Rehberg (R-MT). The amendment prohibits the use of funds to be used to designate a national monument under the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”; 16 U.S.C.431 et seq.), except those national monuments otherwise specifically approved by law. The Antiquities Act authorized the President to designate objects or areas of historic or scientific interest as National Monuments on lands owned or controlled by the United States. According to the sponsor, an internal Department of Interior document recently revealed the Administration is considering using this law to create as many as 14 new National Monument designations in the West.

Pearce (R-NM). The amendment would prohibit the use of funds for the continued operation of the Mexican Wolf recovery program. In 1998, the U.S. Fish and Wildlife Service (USFWS) began implementing a plan to reintroduce Mexican Gray Wolves in southwestern New Mexico and southeastern Arizona. According to the sponsor, thirteen years later only 50 wolves have been reintroduced into the wild. Wolf populations are still struggling significantly, and the USFWS has been unable to foster significant growth among the population.

Pearce (R-NM). The amendment would prohibit the EPA from issuing grants to foreign governments. According to the Heritage Foundation, the Environmental Protection Agency shipped some \$1.2 million in grants to the Chinese Ministry for Environmental Protection last year. These funds were used to conduct studies on CO2 emissions from coal plants.

Berg (R-ND). The amendment would prohibit the EPA from using funds to promulgate, implement, and administer or enforce such federal implementation plans under the Clean Air Act to address regional haze.

SUMMARY OF POTENTIAL AMENDMENTS NOT PRE-PRINTED & NON-REVIEWED TEXT (Summaries based on Dear Colleagues)

Capps (D-CA). The amendment would reportedly strike language in the bill that place a prohibition on the EPA from placing additional regulations on mercury emissions.

Dicks (D-WA). The amendment would reportedly strike language in the underlying bill that would limit funding for new Endangered Species Act listings and habitat designations to allow for reauthorization of the Endangered Species Act (ESA). The ESA has not been reauthorized since 1988.

Speier (D-CA). The amendment would reportedly strike language in the underlying bill that prohibits the EPA from moving forward with the Portland Cement National Emission Standards for Hazardous Air Pollutants (NESHAP) ruling. According to the Portland Cement Association, the rule could result in the closing or idling of 18 cement kilns, costing close to 1,800 jobs and a loss of up to 9 million tons of domestic production capacity. These jobs will be sent to countries like China and India, increasing cement production in places with little to no environmental restrictions.

Speier (D-CA). The amendment would reportedly strike Section 447 of this bill would prohibit the EPA from taking any measures recommended by environmentalists to protect endangered species from certain pesticides.

Tonko (D-NY)/Dent (R-PA). The amendment would increase funding for the Heritage Partnership Program by \$8,408,000 (from \$8,933,000) and decrease funding from the Department of Interior's Operations account by \$8,408,000 (from \$251,151,000). Some conservatives oppose Heritage Area [designations](#) because they can lead to restrictive federal zoning and land-use planning that blocks energy development. Additionally, National Heritage Areas are considered by some to essentially be earmarks.

Pompeo (R-KS). According to the sponsor, the amendment would reduce funding for the EPA's Greenhouse Gas Reporting Registry by \$6.2 million, reducing funding back to the FY 2009 level (\$6.4 million). A [similar](#) amendment passed in H.R. 1.

Pompeo (R-KS). The amendment will reportedly prohibit EPA from implementing any mandatory greenhouse gas reporting rules. In 2010, EPA implemented its mandatory greenhouse gas reporting rule for stationary sources, claiming that the required reporting of this data would help "collect accurate and timely GHG data to inform future policy decisions."