

AMENDMENTS ADOPTED TO THE  
INTERIOR/ENVIRONMENT APPROPRIATIONS BILL  
FOR FY 2013

Full Committee Markup  
House Appropriations Committee  
Wednesday, June 27, 2012 and  
Thursday, June 28, 2012

#1

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House Appropriations Committee  
FY 2013 Interior, Environment and Related Agencies Bill  
Full Committee Markup  
June 27, 2012

Manager's Amendment offered by Mr. Simpson of Idaho

In the bill:

On page 14, line 17, strike "\$9,876,000" and insert "\$9,816,000"

On page 58, at the end of Title I, insert the following:

**EXTENSION OF NATIONAL HERITAGE AREA AUTHORITIES**

SEC. \_\_\_\_\_. (a) Division II of Public Law 104-333 (16 U.S.C. 461 note) is amended in each of sections 107, 208, 310, 408, 507, 607, 707, 809, and 910, by striking "2012" and inserting "2014".

(b) Section 7 of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking "the date" and all that follows through "2006" and inserting "September 30, 2014".

(c) Section 12 of Public Law 100-692 (16 U.S.C. 461 note) is amended—

(1) in subsection (c)(1), by striking "2012" and inserting "2014"; and

(2) in subsection (d), by striking "the date that is 5 years after the date of enactment of this subsection" and inserting "September 30, 2014".

(d) Section 108 of Public Law 106-278 (16 U.S.C. 461 note) is amended by striking "2012" and inserting "2014".

On page 58, at the end of Title I, insert the following:

## ONSHORE OIL AND GAS ON PUBLIC LANDS

SEC. \_\_\_\_\_. For fiscal years 2013 and 2014, funds made available in this title for the Bureau of Land Management and the Bureau of Indian Affairs may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior carrying out the inspection and regulation of onshore oil and gas operations on public lands in the Petroleum Engineer (GS-0881) and Petroleum Engineering Technician (GS-0802) job series at grades 5 through 14 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with subsections (e) through (h) of section 5305 of title 5, United States Code.

On pages 119-121, strike the entire Section 423.

At the end of the bill, before "Spending Reduction Account", insert the following:

SEC. \_\_\_\_. Section 402(p)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)(3)) is amended by adding at the end the following new subparagraph:

"(C) Limitation.—The Administrator or a State may not require a municipality operating a municipal separate storm sewer system serving a population of less than 100,000 to obtain a permit under this subsection for a discharge that—

- "(i) is composed entirely of stormwater from a facility that is not owned or operated by the municipality; and
- "(ii) does not enter into the municipal separate storm sewer system."

Make associated conforming changes to the bill as necessary.

In the report:

On page 14, in the last paragraph within the section entitled, "*Range Management*," insert a period ( . ) following the word "completed" and strike the semicolon ( ; ) following the word "completed" and all that follows in the paragraph.

On page 19, after the paragraph beginning with "Within Listing and Critical Habitat", insert the following new paragraph:

"The Committee directs the Fish and Wildlife Service to report to the Committee within 90 days of enactment of this Act with recommendations for conservation actions that might help to preclude new listings of the following four salamander species in Texas: Georgetown, Jollyville Plateau, Salado, and Austin Blind."

On page 28, under the heading "Heritage Partnership Program", strike the entire last paragraph.

On page 31, after the sentence ending with "National Volcano Early Warning System", insert the following new paragraph:

"The Committee recognizes that earthquakes are a destructive and costly natural hazard threat to the United States. Given that many regions remain vulnerable to earthquake hazards, the Committee encourages the Survey to continue its efforts with partner stakeholders in research, development, and outreach to increase preparedness across the country. Furthermore, the Committee recognizes the importance of a robust earthquake monitoring network to the safety and vitality of our Nation and encourages the Survey, in conjunction with stakeholders, to continue efforts to maintain and develop the Advanced National Seismic System in order to enable early earthquake warnings."

On page 51, at the appropriate place in the House Report, under the heading "*Great Lakes Restoration Initiative*", insert the following:

"The Nearshore Health and Nonpoint Source Pollution focus area under the Great Lakes Restoration Initiative is critical for maintaining healthy communities within the Great Lakes region. The Committee directs the EPA and other Federal partners to prioritize work surrounding algal bloom control to improve water quality in the Great Lakes, particularly within the focus area for Nearshore Health and Nonpoint Source Pollution."

On page 52, under the heading "*Chesapeake Bay*", insert the following at the end of the paragraph:

"From within the amount provided, \$8,000,000 is for nutrient and sediment removal grants and \$2,000,000 is for small watershed grants to control polluted runoff from urban, suburban and agricultural lands."

On page 65, at the appropriate place in the report, insert the following:

*State and Local Air Quality Management grant program.*—The Committee directs EPA to allocate funds for this program using the same formula as fiscal year 2012.

On page 66, under the heading "*Health and vitality of national forests*", strike the entire paragraph and replace with the following:

*Health and vitality of national forests.* – The Committee is deeply concerned about the declining health of our national forests and mortality due to insects, disease, and catastrophic wildfire. As a result, the Committee has made active forest management the priority in its recommendations. Numerous scientific studies have shown that proactive management results in more resilient forested

landscapes that are less susceptible to insects, disease, and other threats. The Committee applauds the Forest Service's document, "Increasing the Pace of Restoration and Job Creation on Our National Forests", including the plans to expand collaborative landscape partnerships, improve the efficiency of the planning process for restoration projects, and improve implementation and the efficiency of contracts. However, the Committee notes that that the Forest Service must move more expeditiously than outlined in the document to prevent additional, large-scale forest health problems. The Committee encourages the Forest Service to consider innovative and creative management solutions including geo-spatial analysis to determine the best and most effective means of managing the Nation's forests."

On page 77, following the paragraph entitled, "Wildland Firefighting," insert the following:

*"Federal Coordination with State and Local Fire Managers.—*The Committee is aware that the facility housing the Forest Service's Southern California Geographical Coordination Center has been condemned and that it houses a number of fire emergency managers, including the California Department of Forestry and Fire Protection (CAL FIRE). The Committee recognizes the importance of close Federal coordination with State and local fire managers when fighting wildland fire and the significant role collocation of fire emergency managers can play in facilitating this coordination. The Committee notes that CAL FIRE has expressed its desire to continue this collocation within the new Southern California Geographical Coordination Center. The Committee encourages the Forest Service to continue working with CAL FIRE to collocate their operations at the new Southern California Geographical Coordination Center."

On page 72, strike the entire paragraph entitled, *"Intent of Congress"*.

On page 77, following the paragraph entitled “*Volunteer Fire Assistance*,” insert the following:

*“Timely Delivery of Critical Reports.—*In the wake of the tragic Station Fire in Southern California, it is necessary to ensure that the Forest Service’s firefighting policies provide the most effective initial response possible, particularly for forests close to urban areas. The Committee remains concerned that the Forest Service has not produced two critical documents in a timely fashion.

The Forest Service is strongly encouraged to provide the results of the nationwide assessment of the agency’s night flying operations (both the helicopter portion and fixed-wing portion) within 90 days of enactment of this Act. The Forest Service is also strongly encouraged to release the third and final phase of the cohesive wildland fire strategy, as required by the FLAME Act, that includes critical components of that strategy—such as considering potential approaches for addressing the growing wildfire threat, estimating the costs of each approach, and identifying trade-offs—within 180 days of enactment of this Act.”

On page 85, following paragraph entitled, “Joint Venture”, insert the following paragraph:

*“Latino Programs, Exhibitions, Collections and Public Outreach.—*The Committee supports the Smithsonian Latino Center’s goal of promoting the inclusion of Latino contributions in Smithsonian Institution programs, exhibitions, collections and public outreach. The Committee urges collaboration among interested parties to advance these goals more fully by utilizing existing Smithsonian Institution museum locations for the expansion of the Smithsonian Latino Center’s programming, exhibition and collection space.”

On page 95, strike the sentence beginning with “Section 423.”

On page 115, strike the sentence beginning, "Maintaining the current management of domestic sheep . . ."

Make associated conforming changes to the report as necessary.



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FLAKE #1  
BILL LANGUAGE

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**AMENDMENT TO INTERIOR APPROPRIATIONS BILL  
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of "Administrative Provisions, Forest Service", add the following new undesignated paragraph:

1           Not later than January 31, 2013, the Chief of  
2           the Forest Service shall submit a formal request, in  
3           writing, to the Council on Environmental Quality for  
4           authorization to use "alternative arrangements"  
5           pursuant to section 1506.11 of title 40, Code of  
6           Federal Regulations, for compliance with the Na-  
7           tional Environmental Policy Act of 1969 for post-  
8           fire restoration and rehabilitation activities, includ-  
9           ing the removal of hazard trees, related to each  
10          large-scale wildfire on National Forest System land  
11          that burned more than 250,000 acres in 2011 or  
12          2012 and for which such a formal request was not  
13          previously made.

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**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MR. CARTER OF TEXAS**

At the appropriate place in title IV, insert the following:

1        SEC. \_\_\_\_ . Before the end of the 60-day period begin-  
2        ning on the date of enactment of this Act, the Secretary  
3        of the Interior shall reissue the final rule published on  
4        September 2, 2005 (70 Fed. Reg. 52310 et seq.) without  
5        regard to any other provision of statute or regulation that  
6        applies to issuance of such rule. Such reissuance (includ-  
7        ing this section) shall not be subject to judicial review.

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Aderholt

**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MR. ADERHOLT OF ALABAMA**

At the end of title IV (before the spending reduction account) insert the following::

1 SEC. \_\_\_\_ . (a)(1) None of the funds made available  
2 by a State water pollution control revolving fund as au-  
3 thorized by title VI of the Federal Water Pollution Control  
4 Act (33 U.S.C. 1381 et seq.) or made available by a drink-  
5 ing water treatment revolving loan fund as authorized by  
6 section 1452 of the Safe Drinking Water Act (42 U.S.C.  
7 300j-12) shall be used for a project for the construction,  
8 alteration, maintenance, or repair of a public water system  
9 or treatment works unless all of the iron and steel prod-  
10 ucts used in the project are produced in the United States.

11 (2) In this section, the term "iron and steel products"  
12 means the following products made primarily of iron or  
13 steel: lined or unlined pipes and fittings, manhole covers  
14 and other municipal castings, hydrants, tanks, flanges,  
15 pipe clamps and restraints, valves, structural steel, rein-  
16 forced precast concrete, and construction and building ma-  
17 terials.

1 (b) Subsection (a) shall not apply in any case or cat-  
2 egory of cases in which the Administrator of the Environ-  
3 mental Protection Agency (in this section referred to as  
4 the “Administrator”) finds that—

5 (1) applying subsection (a) would be incon-  
6 sistent with the public interest;

7 (2) iron and steel products are not produced in  
8 the United States in sufficient and reasonably avail-  
9 able quantities and of a satisfactory quality; or

10 (3) inclusion of iron and steel products pro-  
11 duced in the United States will increase the cost of  
12 the overall project by more than 25 percent.

13 (c) If the Administrator receives a request for a waiv-  
14 er under this section, the Administrator shall provide an  
15 informal notice of and opportunity for public comment on  
16 the request at least 15 days before making a finding based  
17 on the request. Notice provided under this subsection shall  
18 include the information available to the Administrator  
19 concerning the request and shall be provided by electronic  
20 means, including on the official public Internet Web site  
21 of the Environmental Protection Agency.

22 (d) This section shall be applied in a manner con-  
23 sistent with United States obligations under international  
24 agreements.

1           (e) The Administrator may retain up to 1 percent of  
2 the funds appropriated by this Act for carrying out the  
3 provisions described in subsection (a)(1) for management  
4 and oversight of the requirements of this section.

5           (f) This section does not apply with respect to a  
6 project if a State agency approves the engineering plans  
7 and specifications for the project, in that agency's capacity  
8 to approve such plans and specifications prior to a project  
9 requesting bids, prior to October 1, 2012, or the date of  
10 the enactment of this Act, whichever is later.



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27-20

**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MR. REHBERG OF MONTANA**

At the end of the bill (before the spending reduction account), insert the following:

1        SEC. \_\_\_\_\_. None of the funds made available by this  
2 Act may be used to implement or enforce regulations  
3 under subpart E of part 745 of title 40, Code of Federal  
4 Regulations (commonly referred to as the "Lead; Renova-  
5 tion, Repair, and Painting Rule"), or any subsequent  
6 amendments to such regulations, until the Administrator  
7 of the Environmental Protection Agency publicizes Envi-  
8 ronmental Protection Agency recognition of a commer-  
9 cially available lead test kit that meets both criteria under  
10 section 745.88(e) of title 40, Code of Federal Regulations.

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**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MR. AUSTRIA OF OHIO**

At the end of the bill (before the spending reduction account), insert the following:

1       SEC. \_\_\_\_\_. None of the funds made available by this  
2 Act may be used—  
3           (1) to prepare, propose, promulgate, finalize,  
4       implement, or enforce any regulation under section  
5       202 of the Clean Air Act (42 U.S.C. 7521) regard-  
6       ing the regulation of emissions of any greenhouse  
7       gas from new motor vehicles or new motor vehicle  
8       engines that are manufactured after model year  
9       2016 to address climate change; or  
10          (2) to consider or grant a waiver under section  
11       209(b) of such Act (42 U.S.C. 7543(b)) so that a  
12       State or political subdivision thereof may adopt or  
13       attempt to enforce standards for the control of emis-  
14       sions of any greenhouse gas from new motor vehicles  
15       or new motor vehicle engines that are manufactured  
16       after model year 2016 to address climate change.



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**AMENDMENT TO INTERIOR APPROPRIATIONS BILL  
OFFERED BY MR. LATOURETTE OF OHIO**

At the end of the bill (before the spending reduction account), add the following new section:

1       SEC. \_\_\_\_\_. None of the funds made available by this  
2 Act may be used by the Administrator of the Environ-  
3 mental Protection Agency to finalize the Proposed Guid-  
4 ance on False or Misleading Pesticide Product Brand  
5 Names, as contained in Draft Pesticide Registration No-  
6 tice 2010-X (Docket ID EPA-HQ-OPP-2010-0282).





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REPORT LANGUAGE  
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**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MR. FLAKE OF ARIZONA**

At the appropriate place in the Committee Report,  
insert the following:

*“State Role in Clean Air Act Implementation.—It has come to the Committee’s attention that the Environmental Protection Agency (EPA) has been moving forward with implementation of the Clean Air Act in a manner that appears in contravention of the Act’s goal of State primacy in critical air quality decision-making. EPA has a statutory requirement to act on submitted State implementation plans (SIPs). However, EPA’s delays in the State implementation plan approval process have invited lawsuits by nongovernmental organizations and resulted in negotiated agreements that yield Federal intervention rather than State-driven regulatory outcomes. The Committee directs EPA to implement the Clean Air Act in a manner that maximizes Congress’ intent for the States to play the lead role in relevant air quality regulatory decisions. In addition, EPA is directed to provide this Committee, not later than 180 days after the date of enactment of this Act, a report that lists, by*

region, all State implementation plan submittals that are currently before EPA, including descriptions of each such submittal and an indication for each such submittal as to whether such submittal has been before the Agency for longer than the statutory time period for required action.”.



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**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MR. LATOURETTE OF OHIO**

At the end of the bill (before the spending reduction account), insert the following:

1       SEC. \_\_\_\_\_. None of the funds made available by this  
2 Act may be used to implement, administer, or enforce the  
3 National Emission Standards for Hazardous Air Pollut-  
4 ants regulations for asbestos under subpart M of part 61  
5 of title 40, Code of Federal Regulations with respect to  
6 any residential building that has 4 or fewer dwelling units,  
7 unless such building falls within the definition of “installa-  
8 tion” under such regulations.



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Lummis #1

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27-19

**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MRS. LUMMIS OF WYOMING**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. \_\_\_\_\_. None of the funds made available by  
2 this Act may be used to develop, propose, finalize, imple-  
3 ment, enforce, or administer any regulation that would es-  
4 tablish new financial responsibility requirements pursuant  
5 to section 108(b) of the Comprehensive Environmental  
6 Response, Compensation, and Liability Act of 1980 (42  
7 U.S.C. 9608(b)).

At the appropriate place in the Committee Report, insert the following:

“The Committee is concerned that the promulgation of new financial responsibility requirements pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)) will impose a severe economic burden on industries of the United States. Such a result would directly conflict with the President’s general principles of regulation as provided in Executive Order No. 13563 of

January 18, 2011, which include 'promoting economic growth . . . and job creation'. The Committee directs the Administrator of the Environmental Protection Agency to complete a thorough analysis of the capacity of the financial and credit markets to provide the necessary instruments (surety bonds, letters of credit, insurance, and trusts) for meeting any new financial responsibility requirements pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)). Until the Administrator demonstrates that such an analysis has been completed, the Committee provides no funds for Environmental Protection Agency to develop, propose, finalize, implement, enforce, or administer any regulation that would establish any such new financial responsibility requirements. The Environmental Protection Agency should not, as a matter of policy and in this strained economy, impose a new regulatory program on industries of the United States if the financial and credit markets cannot serve the demand for additional financial assurance."



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Lummis #2

Agreed to  
27-16

**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL**

**OFFERED BY MRS. LUMMIS OF WYOMING**

At the end of the bill (before the spending reduction account), insert the following:

1        SEC. \_\_\_\_\_. None of the funds made available by this  
2 Act may be used to develop, issue, implement, or enforce  
3 any regulation or guidance under section 111 of the Clean  
4 Air Act establishing any standard of performance applica-  
5 ble to the emission of any greenhouse gas by any new or  
6 existing source that is an electric utility generating unit.

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**AMENDMENT TO INTERIOR AND ENVIRONMENT  
APPROPRIATIONS BILL  
OFFERED BY MRS. LUMMIS OF WYOMING**

At the appropriate place in the bill, insert the following:

1 SEC. \_\_\_\_\_. Not later than 30 days after the date of  
2 enactment of this Act, the Administrator of the Environ-  
3 mental Protection Agency shall begin development of a  
4 seventh edition of the document entitled "EPA Air Pollu-  
5 tion Control Cost Manual". The Administrator shall con-  
6 sult, and seek comment from, State, local, and tribal de-  
7 partments of environmental quality during development of  
8 such seventh edition, and provide opportunity for public  
9 comment.

10 SEC. \_\_\_\_\_. Not later than 30 days after the date of  
11 enactment of this Act, the Administrator of the Environ-  
12 mental Protection Agency shall publish in the Federal  
13 Register a notice to solicit comment on revising the Agen-  
14 cy's "Guideline on Air Quality Models" under appendix  
15 W to part 51 of title 40, Code of Federal Regulations,  
16 to allow flexible modeling approaches and to adopt the  
17 most recently published version of the CALPUFF mod-

1 eling system (or portions thereof) as a preferred air qual-  
2 ity model under such Guideline.

On page 57 of the Committee Report, amend the item relating to Regional Haze to read as follows:

*“Regional Haze.*—The Committee appreciates EPA’s recent work with States to identify cost-effective solutions to address regional haze issues. However, concerns remain about which modeling tools and cost estimates are the most appropriate. The Committee believes the process for reviewing State implementation plans would be well-served if EPA, States, and industry worked collaboratively to ensure that dispersion models are continually improved and updated to ensure the most accurate predictions of visibility impacts, as well as a uniform set of cost estimates. The bill includes language directing EPA to initiate an update of its Air Pollution Control Cost Manual, which was last published in 2002. In addition, the Committee encourages EPA to work with all stakeholders to establish other methods to ensure accurate estimates of the cost of compliance, including the costs of new emissions control technology. The bill also includes language directing EPA to formally initiate a necessary dialogue between the Agency, modeling experts, and other stakeholders that may result in updates to EPA’s approved modeling techniques. As part of that discussion,



the Committee encourages EPA to establish guidelines for how the Agency will analyze future updates of CALPUFF and other dispersion models.”

