



**Legislative Bulletin.....July 27, 2011**

**Contents:**

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

The following Legislative Bulletin contains information on the amendments for this vote series, the 72 amendments pre-printed in the Congressional Record through Tuesday, July 26, 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 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**

**Dicks (D-WA).** The amendment would reportedly strike section 116 of the bill, which prohibits the Secretary of the Interior to implement or enforce regulations concerning boating and other activities on or relating to waters located within Yukon-Charley National Preserve, including waters subject to the jurisdiction of the United States. Section 116 clarifies this does not affect the authority of the Coast Guard to regulate the use of waters subject to the jurisdiction of the United States within the Yukon-Charley National Preserve.

**Dicks (D-WA).** The amendment would reportedly strike section 119 of the bill. This section of the bill prohibits judicial review for the Fish and Wildlife Service to remove gray wolves from the endangered species list in the Great Lakes and Wyoming when a state management plan approved by Interior is in place. According to supporters of the bill, section 119 will help to return the management of the gray wolf to state wildlife experts in the Rockies and the Western Great Lakes. Section 119 does not delist the wolf from the Endangered Species Act; rather, it sets a path for each state and the Fish and Wildlife Service to work out a specific wolf management plan.

**LaTourette (R-OH) en-block.** The first amendment reduces funding for the EPA Science and Technology Account by \$20,000,000 (from \$754,611,000) and increases funding for EPA Environmental Programs and Management by \$13,000,000 (from \$2,498,433,000). A second

amendment increases funding for EPA Environmental Programs and Management by \$50,000,000 and a third increases funding for the Great Lakes Restoration Initiative by \$50,000,000 (from \$250,000,000). The en-bloc amendments also reallocate funds to make the transfer budget neutral and are intended to restore half of the proposed funding cuts of \$50 million to the Great Lakes Restoration Initiative (“GLRI”). The Great Lakes Restoration Initiative received \$300 million in funding for FY 2011 and contains \$250 million under the bill.

**Pompeo (R-KS).** The amendment would reduce funding for the EPA Environmental Programs and Management Account by \$6,246,000 (from \$2,498,433,000) and transfer the funds to the Spending Reduction Account. According to the sponsor, the intent is to reduce funding for the EPA’s Greenhouse Gas Reporting Registry back to the FY 2009 level. A [similar](#) amendment passed in H.R.

**Richardson (D-CA).** According to the sponsor, the amendment increases funding for Diesel Emissions Reduction Act (DERA) grants by \$5,000,000 and decreases the EPA buildings and facilities account by \$10,000,000. Some conservative have expressed concern the E.P.A. recently mandated new federal standards for diesel engines in 2007 to make diesel engines 90% cleaner than standards that existed 10 years prior. Finally, some conservatives have expressed concern of the possibility DERA may be duplicative to other programs at the D.O.T. or E.P.A.

### **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 to 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.
4. **Amash (R-MI).** The amendment would prohibit the use of funds from being used for the National Capital Area Performing Arts Program. According to the sponsor, the National Capital Area Performing Arts Program provides subsidized performances at venues in and around Washington, D.C. The National Capital Area Performing Arts program provides funding for ushers, stagehands, performers, televised productions, advertising, lighting, sound, instruments, and cashiers. Recipient venues include Wolf Trap in Northern Virginia and Carter Barron Amphitheatre in D.C.
  5. **Amash (R-MI).** The amendment would reduce funding for the National Park Service Operation account by \$2,206,000 (from \$2,240,152,000) and transfers the funds to the Spending Reduction Account.
  6. **Sullivan (R-OK)/Peters (D-MI).** The amendment would prohibit the use of funds to allow the EPA Administrator from using appropriated funds to increase the amount of allowable ethanol content in gasoline to 15% (E15). Recently, the EPA decided to increase the ethanol bend in fuels from E10 (10% ethanol) to E15 (15% ethanol). According to the sponsor, many gasoline station owners have also expressed liability concerns over E15 because their existing infrastructure is not certified for the fuel. An identical amendment [passed](#) during H.R. 1 by a vote of 285-136.
  7. **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
  8. **Flores (R-TX).** The amendment would prohibit the use of funds to enforce section 526 of the Energy Independence and Security Act of 2007. The RSC's [plan](#) to reduce gas prices repeals section 526 of the 2007 energy bill, which bars federal agencies from buying alternative or synthetic fuels if they have higher lifecycle greenhouse gas emissions than conventional petroleum fuels. These resources are abundant in North America and should be utilized rather than sending taxpayer dollars overseas to pay for foreign petroleum fuels. The federal government should embrace and not prohibit the use of advanced alternate fuels.

9. **Burgess (R-TX).** The amendment would prohibit the use of funds for the EPA to pursuant to section 211 of the Clean Air Act (42 U.S.C. 7545), register, or consider registration of, a fuel that contains greater than 10 volume percent ethanol.
10. **Burgess (R-TX).** The amendment would prohibit the use of funds to allow the EPA Administrator from using appropriated funds to increase the amount of allowable ethanol content in gasoline to 15% (E15). Recently, the EPA decided to increase the ethanol bend in fuels from E10 (10% ethanol) to E15 (15% ethanol). According to the sponsor, many gasoline station owners have also expressed liability concerns over E15 because their existing infrastructure is not certified for the fuel. An identical amendment [passed](#) during H.R. 1 by a vote of 285-136.
11. **Carter (R-TX).** The amendment would decrease and subsequently increase funding for National Park Service Construction Account by \$11,000,000. According to the sponsor, the intent of this amendment is to “ensure that the Interior Department shall prioritize efforts to construct Joint Law Enforcement Centers in National Parks and Recreation Areas on the southern border with available funds. These Joint Law Enforcement Centers will serve National Park Service Law Enforcement, U.S. Customs and Border Patrol, and other federal, and state, and local law enforcement agencies as needed. Joint Law Enforcement Centers on the southern border have been included in previous planning under both the Departments of Interior and Homeland Security and there is an existing interagency agreement on the projects.”
12. **Broun (R-GA).** The amendment would reduce funding for the National Endowment for the Humanities Grants and Administration by \$2,510,000 (from \$135,000,000) and transfer the funds into the Spending Reduction Account.
13. **Broun (R-GA).** The amendment would reduce funding for the National Endowment for the Humanities Grants and Administration by \$13,500,000 (from \$135,000,000) and transfer the funds into the Spending Reduction Account.
14. **Broun (R-GA).** The amendment would reduce funding for the Smithsonian Operations and Expenses fund Administration by \$55,624,000 (from \$626,971,000) and transfer the funds into the Spending Reduction Account.
15. **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.
16. **Latham (R-IA).** The amendment would prohibit the use of funds for the EPA Administrator to finalize or implement any rulemaking under section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) pertaining to a settlement agreement related to the case captioned “National Pork Producers Council v. EPA, No. 08-61093” or “NRDC v. EPA, No. 09-60510”.
17. **Broun (R-GA).** The amendment would eliminate funding for BLM land acquisition (\$4,880,000), eliminate funding for Fish and Wildlife land acquisition (\$15,047,000), eliminate funding for National Park Service land acquisition and state assistance (\$18,294,000), eliminate funding for Forest Service land acquisition (\$12,500,000) and transfers the funding to the Spending Reduction Account.

- 18. Broun (R-GA).** The amendment reduces funding for the Forest Service State and Private Forestry Program by \$20,860,000 (from \$208,608,000) and transfers the funds to the Spending Reduction Account.
- 19. Landry (R-LA).** The amendment prohibits the use of funds to be used to pay the salary of individuals appointed to their current position through, or otherwise carry out, paragraphs (1), (2), and (3) of section 5503(a) of title 5, United States Code. Under the amendment, the President would only be able to make a recess appointment to fill a vacancy which arose during the same recess the appointment was made by prohibiting the payment of salaries. The basis of the amendment is from an appropriations rider added to the FY1864 Army Appropriations Act that remained in effect until 1940. At the time, Senator William Fessenden, a Republican from Maine said, “it may not be in our power to prevent the appointment, but it is in our power to prevent the payment; and when the payment is prevented, I think that will probably put an end to the habit of making such appointments.” The Obama Administration has clearly established a track record of waiting until Senate recesses to appoint individuals that cannot be confirmed by the Senate.
- 20. Gosar (R-AZ).** The amendment would prohibit the use of funds to be used to enforce any regulation that would impede or obstruct the United States Border Patrol from patrol activities on federal lands.
- 21. Gosar (R-AZ).** The amendment would strike the word “not” on page 31, line 3 of the bill. This provision of the bill limits the distribution of funds by the Bureau of Indian Affairs to the number of charter schools eligible to receive funds.
- 22. Broun (R-GA).** The amendment would eliminate funding for BLM land acquisition (\$4,880,000), eliminate funding for Fish and Wildlife land acquisition (\$15,047,000), eliminate funding for National Park Service land acquisition and state assistance (\$18,294,000), eliminate funding for Forest Service land acquisition (\$12,500,000) and transfers the funds (\$50,721,000) to the Spending Reduction Account.
- 23. Richardson (D-CA).** The amendment would reduce funding for EPA Building and Facilities by \$10,000,000 (from \$36,428,000) and increase funding for State and Tribal Assistance Grants by \$5,000,000 (from \$2,610,393,000) and increases funding for Grants to be used for grants authorized under Title VII, Subtitle G of the Energy Policy Act of 2005 by \$5,000,000 (from \$30,000,000).
- 24. Farenthold (R-TX).** The amendment prohibits the use of funds from being used to issue a preliminary rule or a final rule, or to take any other action to reduce the legal speed limit in Padre Island National Seashore.
- 25. Farenthold (R-TX).** The amendment prohibits the use of funds from being used to regulate the energy recovery technology, known as hydraulic fracturing, by making recommendations that apply national solutions to unique State or regional issues, including well construction and disclosure.
- 26. Landry (R-LA).** The amendment prohibits the use of funds from being used to regulate non-lease holders under the Outer Continental Shelf Lands Act (43 U.S.C. 331 et seq.).

27. **Murphy (R-PA).** The amendment prohibits the use of funds from being used by the Environmental Protection Agency for grants to foreign governments or organizations.
28. **Poe (R-TX).** The amendment prohibits the use of funds from being used by the Environmental Protection Agency to prohibit the use of sulfur dioxide for agricultural purposes, including for the control of insect pests in harvested and processed foods and in food handling and processing facilities.
29. **Poe (R-TX).** The amendment prohibits the use of funds from being used by the Environmental Protection Agency for grants for programs, projects, or activities outside the United States.
30. **Ross (R-FL).** The amendment prohibits the use of funds from being used to conduct aerial surveys of any facility in the State of Florida in Polk county or Hillsborough county that is listed in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS).
31. **Scott (R-GA).** The amendment would reduce funding for the National Gallery of Art Salaries and Expenses Account by \$1,660,000 (from \$112,185,000) and transfer the funds to the Spending Reduction Account.
32. **Scott (R-GA).** The amendment would reduce funding for the Department of Interior Departmental Office and Operations by \$12,507,550 (from \$250,151,000) and transfers the funds to the Spending Reduction Account. The intent of the amendment is for a 5% reduction in salaries an expenses account.
33. **Scott (R-GA).** The amendment prohibits the use of funds from being used for climate change research, activities, or programs.
34. **Terry (R-NE).** The amendment prohibits the use of funds from being used to pay attorneys fees under the Equal Access to Justice Act (5 U.S.C. 504; 28 U.S.C. 2412) that arise out of any administrative proceeding or civil action in which the party commencing the proceeding or action would suffer no economic loss as a result of not prevailing in the proceeding or action.
35. **Huelskamp (R-KS).** The amendment prohibits the use of funds from being used to provide grants to the People's Republic of China.
36. **Huelskamp (R-KS).** The amendment prohibits the use of funds from being used for the Heritage Partnership Program.
37. **Huelskamp (R-KS).** The amendment prohibits the use of funds from being used to provide assistance to the Government of the People's Republic of China.
38. **Pompeo (R-KS).** The amendment strikes the phrase “from manure management systems” on page 127, line 25 of the bill. That provision of the bill places a prohibition on the use of funds to be used to “to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.” This will amendment will reportedly prohibit the 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.

- 39. Pompeo (R-KS).** The amendment would reduce funding for the EPA Environmental Programs and Management Account by \$6,246,000 (from \$2,498,433,000) and transfer the funds to the Spending Reduction Account. According to the sponsor, the intent is to reduce funding for the EPA’s Greenhouse Gas Reporting Registry back to the FY 2009 level. A [similar](#) amendment passed in H.R. 1
- 40. Pompeo (R-KS).** The amendment prohibits the use of funds from being used to enforce the requirements of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) against a refiner (as defined in section 80.1142(a)(1) of title 40, Code of Federal Regulations) for operations conducted in fiscal year 2012. This amendment would prohibit the EPA from implementing the Renewable Fuels Standard regulations against small refiners as defined under the RFS1 regulations.
- 41. Gosar (R-AZ).** The amendment would increase funding for the National Forest Service Collaborative Forest Restoration fund by \$10,000,000 (from \$30,000,000) and decrease funding for Wildland Fire Management by \$16,000,000 (from \$1,805,099,000). According to the sponsor, the intent of the amendment is to reduce funding for the Hazardous fuels account which is funded at \$334,584,000 in the underlying bill, \$80,569,000 over the President’s budget request. The \$10,000,000 would be used 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.
- 42. Nugent (R-FL).** The amendment prohibits the use of funds from being used to implement or finalize the proposed rule published in the Federal Register on June 22, 2011, at 76 Fed. Reg. 36493 (related to Endangered and Threatened Wildlife and Plants; Proposed Rule to Establish a Manatee Refuge in Kings Bay, Citrus County, Florida).
- 43. Reed (R-NY).** The amendment eliminates funding for the Presidio Trust Fund (\$12,000,000) and transfers the funding to the Spending Reduction Account.
- 44. 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.
- 45. Posey (R-FL).** The amendment prohibits the use of funds from being used by the Department of the Interior for any oil or gas preleasing, leasing, or related activities for any area of the Outer Continental Shelf located within 25 miles of the state of Florida.
- 46. Posey (R-FL).** The amendment prohibits the use of funds from being used by the Department of the Interior for any new oil or gas preleasing, leasing, drilling, or related activities using facilities that are visible from shore for any area of the Outer Continental Shelf located within 25 miles of the state of Florida.

- 47. Jackson-Lee (D-TX).** The amendment would increase funding for the National Park Service National Recreation and Preservation Program by \$2,000,000 (from \$49,363,000) and reduces funding for the Department of Interior Salaries and Expenses by \$2,500,000 (from \$250,151,000).
- 48. Jackson-Lee (D-TX).** The amendment would increase funding for the National Park Service National Recreation and Preservation Program by \$3,500,000 (from \$49,363,000) and reduces funding for the Department of Interior Salaries and Expenses by \$2,500,000 (from \$250,151,000).
- 49. Jackson-Lee (D-TX).** The amendment would increase funding for the National Park Service National Recreation and Preservation Program by \$3,000,000 (from \$49,363,000) and reduces funding for the Department of Interior Salaries and Expenses by \$2,000,000 (from \$250,151,000).
- 50. Jackson-Lee (D-TX).** The amendment prohibits the use of funds from being used by in contravention of National Historic Preservation Act (16 U.S.C. 470) or the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333).
- 51. Jackson-Lee (D-TX).** The amendment reduces funding for the Department of Interior Salaries and Expenses by \$5,000,000 (from \$250,151,000) and increases funding for State and Private Forestry Program by \$4,000,000 (from \$208,608,000).
- 52. Jackson-Lee (D-TX).** The amendment prohibits the use of funds from being used by in contravention of sections 405(b) or 410(b) of Public Law 101-593.
- 53. Jackson-Lee.** The amendment increases funding for the Environmental Programs and Management Account by \$5,000,000 (from \$2,498,433,000) and decreases funding for the Department of Interior Salaries and Expenses by \$5,000,000.
- 54. Carter (R-TX).** The amendment increases by \$1,000,000 and decreases by \$1,000,000 National Parks Service construction. According to the sponsor, the intent is to provide joint law enforcement centers on the southern borders.
- 55. Gosar (R-AZ).** The amendment prohibits the use of funds to enforce any of the following laws against the United States Border Patrol during border patrol activities on Federal lands:
- ◆ The National Environmental Policy Act of 1969
  - ◆ The Endangered Species Act of 1973
  - ◆ The Federal Water Pollution Control Act (commonly known as the Clean Water Act)
  - ◆ The National Historic Preservation Act
  - ◆ The Migratory Bird Treaty Act
  - ◆ The Clean Air Act
  - ◆ The Archeological Resources Protection Act of 1979
  - ◆ The Safe Drinking Water Act
  - ◆ The Noise Control Act of 1972
  - ◆ The Solid Waste Disposal Act
  - ◆ The Comprehensive Environmental Response, Compensation, and Liability Act of 1980

- ◆ Public Law 86-523 (commonly known as the Archaeological and Historic Preservation Act and the Archaeological Recovery Act)
- ◆ The Act of June 8, 1906 (commonly known as the Antiquities Act')
- ◆ The Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act)
- ◆ The Farmland Protection Policy Act
- ◆ The Coastal Zone Management Act of 1972
- ◆ The Federal Land Policy and Management Act of 1976
- ◆ The Wilderness Act
- ◆ The Bald Eagle Protection Act of 1940
- ◆ The Native American Graves Protection and Repatriation Act
- ◆ The American Indian Religious Freedom Act
- ◆ The Religious Freedom Restoration Act of 1993
- ◆ The Federal Grant and Cooperative Agreement Act of 1977

- 56. Gosar (R-AZ).** The amendment increases funding for the National Forest System by \$10,000,000 (from \$1,546,463,000) and decreases funding for Wildland Fire Management by \$16,000,000 (from \$1,805,099,000).
- 57. Dent (R-PA).** The amendment prohibits the use of funds to implement, administer, or enforce section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(i)).
- 58. Griffin (R-AR).** The amendment would increase funding for the National Wildlife Refuge Fund by \$3,000,000 (from \$30,000,000) and decrease funding for the EPA Environmental Programs and Management Account by \$3,000,000 (from \$2,498,433,000).
- 59. Rigell (R-VA).** The amendment prohibits the use of funds to prepare, install, or manage a transit system for access to Chincoteague National Wildlife Refuge.
- 60. Rigell (R-VA).** The amendment prohibits the use of funds to acquire lands for ownership by the federal government without first conveying to non-federal ownership an equal number of acres federally owned lands.
- 61. Lankford (R-OK).** The amendment prohibits the use of funds to promulgate, implement, administer, or enforce any federal implementation plan under the Clean Air Act (42 U.S.C. 7401 et seq.) that imposes any standard or requirement under subpart P of part 51 of title 40, Code of federal regulations.
- 62. Lankford (R-OK).** The amendment prohibits the use of funds to create a protective perimeter or buffer zone around an area owned or managed by the National Park Service or the Department of Interior.
- 63. Lankford (R-OK).** The amendment prohibits the use of funds to increase the net number of acres of Federal land under the jurisdiction of the Department of the Interior.
- 64. Lankford (R-OK).** The amendment prohibits the use of funds to establish, issue, evaluate, or implement proposed regulations (Existing Facilities Rule) on the location,

design, construction, and capacity of water intake structures under section 316(b) of the Federal Water Pollution Control Act.

- 65. Lankford (R-OK).** The amendment would strike language on page 71, line 15 and 17, that states “not less than 30 percent” and change to “30 percent of less.”
- 66. Lankford (R-OK).** The amendment would eliminate funding for the Office of the Counsel on Environmental Quality (\$2,661,000) and transfer the funds to the Spending Reduction Account.
- 67. Holt (D-NJ).** The amendment prohibits the use of funds to conduct oil or natural gas preleasing, leasing, or related activities in the North and Mid-Atlantic planning areas.
- 68. Holt (D-NJ).** The amendment adds a new title to the end of the bill that states “otherwise provided by this Act are revised by reducing the amount made available for “**BUREAU OF LAND MANAGEMENT-MANAGEMENT OF LANDS AND RESOURCES**”, and increasing the amount made available for “**UNITED STATES GEOLOGICAL SURVEY-SURVEYS, INVESTIGATIONS, AND RESEARCH**”, by \$15,929,000 and \$13,929,000, respectively.”
- 69. Holt (D-NJ).** The amendment adds a new title to the end of the bill that states “beginning in fiscal year 2012 and each fiscal year thereafter, \$900,000,000 shall be deposited in the Treasury of the United States and credited to the Land and Water Conservation Fund. These sums shall be available to the Secretary, without further appropriation or fiscal year limitation, for carrying out the purposes of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.)”
- 70. Gohmert (R-TX).** The amendment prohibits the use of funds under Title II of the bill to be used for the new construction, purchase, or lease of any facility land, or space except if such construction, purchase, or lease is performed pursuant to a contract entered into before the date of the enactment of this Act.
- 71. Poe (R-TX).** The amendment prohibits the use of funds to be used by the Environmental Protection Agency to finalize an order for the pesticide sulfuryl fluoride under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) that is based on an aggregate exposure assessment that incorporates exposure to other related substances in addition to the pesticide chemical residue.
- 72. Poe (R-TX).** The amendment prohibits the use of funds to be used by the Environmental Protection Agency to finalize the proposed order entitled “Sulfuryl Fluoride; Proposed Order Granting Objections to Tolerances and Denying Request for a Stay; Proposed Rule” published in the Federal Register on January 19, 2011 (76 Fed. Reg. 3422).

## **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. A similar amendment to H.R. 1 [passed](#) by a vote of 217-209.

**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.

**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.

**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.

**Labrador (R-ID).** The amendment would prohibit the use of funds to develop or implement a comprehensive conservation plan under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) for the Lake Lowell Unit of the Deer Flat National Wildlife Refuge. According to the sponsor, the Fish and Wildlife Service is undertaking a rule making that would potentially impose restrictions on the recreational uses of the lake.

**Sessions (R-TX).** The amendment would decrease funding for EPA Environmental Programs and Management by \$125,000,000 (from \$2,498,433,000) and transfers the funding to the Spending Reduction Account. This is a 5% reduction to get back to FY 2008 funding levels for this account.

**Sessions (R-TX).** The amendment prohibits the use of funds to be used to add the Dune Sagebrush Lizard to the list of endangered species published under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) or carry out conservation under that Act relating to such addition. According to the sponsor, this amendment would prevent the Dunes Sagebrush Lizard from being placed on the Endangered Species List. Placing it on the list would prevent a great oil/gas exploration in TX and NM as well as undermine state level conservation efforts already taking place.

**Sessions (R-TX).** The amendment prohibits the use of funds to be used to enforce a requirement pursuant to a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) that a corrective measure be taken based solely on a sub-lethal whole effluent toxicity test result. According to the sponsor, this would prevent the EPA from use sub-lethal WET (whole effluent toxicity) tests as a means for permitting waste water treatment facilities. Instituting sub-lethal classifications for this test would cost companies more money to test, result in more false negative tests, and would increase the amount of treatment (costs) necessary to reach the permitting level.

**Dold (R-IL)/Biggert (R-IL).** The amendment would decrease funding for Department of Interior Salaries and Expenses by \$24,700,000 (from \$250,151,000) and increase funding for Environmental Programs and Management Account Geographic Programs (from \$346,280,000).

**Dold (R-IL)/Biggert (R-IL).** The amendment would strike the funding (\$250,000,000) for the Great Lakes Initiative and replace the number with \$274,700,000.

According to Rep. Dold, the two-step amendment process is intended to restore half of the proposed funding cuts to the Great Lakes Restoration Initiative (“GLRI”). The Great Lakes Restoration Initiative received \$300 million in funding for FY 2011 and contains \$250 million under the bill.

**Flemming (R-LA).** The amendment reduces funding for EPA Environmental Programs and Management by \$48,206,000 (from and transfers the money to the Spending Reduction Account. According to the sponsor, the intent of the amendment is to strike funding for the EPA's portion of the Energy Star program. Details below, bottom line, industry could do a lot better of a job providing consumers with energy efficiency information - at zero cost to taxpayers - than Energy Star can. Last year a GAO investigation exposed a number of problems with the program.

**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.

**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.