



May 19, 2005

H.R. 2361— AMENDMENTS TO THE INTERIOR AND ENVIRONMENT APPROPRIATIONS ACT FOR FY 2006

The following contains information on the 19 amendments that have been pre-printed in the Congressional Record, and one additional amendment not preprinted. Under an open rule, amendments do not need to be pre-printed and may be offered at any time without prior notice.

RSC staff contact for amendments: Derek Baker (6-8585), Sheila Cole (6-9719), and Joelle Cannon (6-9717)

Rahall #1. Prohibits the use of funds for the sale or slaughter of “wild free-roaming horses and burros” as defined in Public Law 92-195.

The Wild Free-Roaming Horse and Burro Act (WFRHBA; PL 92-195) was passed in 1971, which would require the protection, management, and control of wild free-roaming horses and burros on public lands. In 2004, Senator Burns attached a rider to the omnibus appropriations bill which allowed funds to be used for the “removal, preparation, and adoption of excess wild horses and burros from National Forest System lands” by the Bureau of Land Management (BLM). According to the amendment’s sponsor, horses sold by the BLM are often sold or shipped to slaughterhouses.

For more information on the WFRHBA, click here: <http://www.doi.gov/horse/history.htm>

Flake #2. Reduces by \$3.817 million the funds made available for land and water acquisition under the authority of Wildland Fire Management; reduces by \$14.937 million the funds made available for the “Land and Water Conservation Fund Act of 1965” for land and water acquisition under the authority of the U.S. Fish and Wildlife Service; reduces by \$9.421 million the funds made available for land acquisition and state assistance under the authority of the National Park Service; reduces by \$15 million the funds made available for land and water acquisition under the authority of the Forest Service; and increases by \$15 million the funds made available for payments in lieu of taxes.

Note: The Payment in Lieu of Taxes (PILT) program is designed to compensate states for the tax revenue lost because federal lands cannot be taxed.

Garrett #3. Prohibits the use of funds to “send or otherwise pay for the attendance of more than 50 federal employees at any single conference occurring outside the United States.” Thus, the

amendment would limit the number of federal employees that are sent to international conferences funded under this bill. The sponsor has successfully offered a similar amendment to previous appropriations bills and said he was trying to avoid situations such as one that occurred in 2002, when 236 HHS employees attended an international AIDS conference in Barcelona at a cost of \$3.6 million.

Terry #4. Reduces by \$130 million the funds made available for EPA's Science and Technology, including "research and development activities" and "activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980;" increases by \$130 million the funds made available for the Hazardous Substance Superfund "to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and for construction, alteration, repair, rehabilitation, and renovation of facilities." The amendment will increase funding for the \$1.3 billion Superfund program by 10 percent (\$30 million) over the level in the underlying bill. Specifically, the amendment would boost the \$1.3 billion Superfund budget with an additional \$130 million for Fiscal 2006.

According to the amendment's sponsor, "CBO has scored the amendment as saving \$20 million in FY06, due to fewer projected outlays under Superfund than would occur under the science and technology grants." The amendment would increase the superfund program by 10 percent over the underlying bill level.

Stupak (#5). Prohibits the use of funds to "finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled 'National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions' (68 Fed. Reg. 63042). According to the EPA, the NPDES permit program "controls water pollution by regulating point sources that discharge pollutants into waters of the United States."

For more information on NPDES, visit: <http://cfpub.epa.gov/npdes/>

Beauprez #6. Reduces by \$30 million the funds made available for the NEA Grants and Administration; increases by \$27.5 million the funds made available for Wildland Fire Management for "fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance." According to the bills sponsor, the amendment transfer funds to the U.S. Forest Service for "thinning projects to reduce the threat of catastrophic wildfires."

Chabot #7. Prohibits funds from being used for the design or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals (except roads where construction has already been initiated). According to the amendment sponsor, since 1982 the Forest Service "lost \$850 million in taxpayer dollars in the Tongass forest building road and administering timber sales." The National Taxpayer's Union and Citizens Against Government Waste have both indicated they support the amendment.

According to Resources Chairman Pombo, who opposes the amendment, this amendment would run counter to the recently developed Tongass Forest Management Plan, which cost \$13 million and took 9 years to develop. Other opponents have stated, “The budget for the Forest Service in Alaska is over \$100 million annually, but only about 20% of the budget supports the timber program. Two-thirds of the timber program budget goes to preparing NEPA documents and dealing with timber sale appeals and lawsuits.” The National Association of Home Builders and the National Association of Counties have both indicated they are opposed to the amendment.

Tiaht #8. Prohibits funds from being used to “promulgate regulations without outside auditing to determine the authenticity of the scientific methods used to develop such regulations.” The sponsor has indicated he intends to offer and withdraw this amendment.

Rep. Pombo #9. The amendment states, “the funds appropriated in this Act under the following headings are available **only to the extent provided for in authorizing legislation** enacted before the date of the enactment of this Act or on or after such date:

- “Bureau of Land Management--Range Improvements,
- “United States Fish and Wildlife Service--Resource Management,
- “United States Fish and Wildlife Service--Cooperative Endangered Species Conservation Fund,
- “United States Fish and Wildlife Service--Neotropical Migratory Bird Conservation,
- “United States Fish and Wildlife Service--Multinational Species Conservation Fund,
- “National Park Service--Historic Preservation Fund,
- “United States Geological Survey--Surveys, Investigations, and Research,
- “Bureau of Indian Affairs--Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians,
- “Indian Health Service--Indian Health Services,
- “Indian Health Service--Indian Health Facilities, and

“Executive Office of the President--Council on Environmental Quality and Office of Environmental Quality”.

Hefley #10. Increased payments in lieu of taxes from \$230 million to \$245 million, and offsets the \$15 million increase by decreasing the funding available to the National Endowment for the Arts by \$15 million (from \$121.264 million to \$106.264 million).

Hefley #11. The amendment reduces the Interior Appropriations bill by 1% (\$261.6 million) from \$26.107 billion to \$25.845 billion.

Filner #12. The amendment decreases the funds for the U.S. Geological Surveys, Investigations, and Research by \$10 million (from \$974.586 million to \$964.586 million) and increases the EPA’s state and tribal assistance grants “for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission” by \$10 million (from \$50 million to \$60 million).

E.B. Johnson #13. The amendment *increases* by \$2 million (from \$95.5 million to \$97.5 million) the EPA’s state and tribal assistance grants for carrying out “section 104(k) of the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs.” The amendment *decreases* by \$2 million (from \$1.153 billion to \$1.151 billion) the funds available for EPA’s “grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator.” The amendment also *decreases* by \$2 million (from \$52 million to \$50 million) “funds made for carrying out section 128 of CERCLA, as amended.”

Rep. Istook #14. States that Section 105 of the bill, “shall not apply on and after any date on which the Energy Information Administration publishes data demonstrating that net imports of crude oil account for more than two-thirds of oil consumption in the United States.” Section 105 prohibits funds in the title from being used by the “Department of the Interior to conduct off-shore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.” According to the amendment sponsor, the amendment addresses our nation’s energy supply and our dependence on foreign sources of energy. This amendment would open up energy-related activities in a small portion of the Gulf of Mexico once net foreign imports account for more than two-thirds of U.S. crude oil consumption. In 1982, the U.S. imported 28.1% of its petroleum. Currently, the United States imports more than half of the petroleum consumed. The Energy Information Administration predicts that by 2025, dependence on petroleum imports is projected to reach 68 percent.

Rep. Istook #15. Strikes Section 105 from the bill, “if the Energy Information Agency publishes data demonstrating that net imports of crude oil account for more than two-thirds of oil consumption in the United States.” Section 105 prohibits funds in the title from being used by the “Department of the Interior to conduct off-shore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.” According to the amendment sponsor, the amendment addresses our nation’s energy supply and our dependence on foreign sources of energy. This amendment would open up energy-related activities in a small portion of the Gulf of Mexico once net foreign imports account for more than two-thirds of U.S. crude oil consumption. In 1982, the U.S. imported 28.1% of its petroleum. Currently, the United States imports more than half of the petroleum consumed. The Energy Information Administration predicts that by 2025, dependence on petroleum imports is projected to reach 68 percent.

Rep. Istook #16. This amendment strikes Section 105 from the bill in its entirety. Section 105 prohibits funds in the title from being used by the “Department of the Interior to conduct off-shore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.” According to the amendment sponsor, the amendment addresses our nation’s energy supply and our dependence on foreign sources of

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Rep. Grijalva #17.

“Page 64, line 17, after the dollar amount, insert the following: ‘(increased by \$1,903,000) (decreased by \$1,903,000)’.”

This appears to be an earmark amendment, which is typically utilized to alter the bill in an effort to create a legislative history for a specific earmark. Since actually earmarking money for a certain project often runs afoul of the Rules of the House, Members sometimes offer amendments that reduce the account from which they wish to earmark a project by the amount of the project and then immediately increase the account by the same amount. While such an amendment does not actually earmark the funds, it creates a change in the bill. The corresponding legislative history (debate on the floor) would signify that the funds are to be used for a specific project. According to the sponsor, “The amendment would restore \$1.903 million to the EPA’s Environmental Justice Programs, the amount it was reduced by this year. The offset would come from the regulatory innovation account which received a \$5 million increase from the 2005 level.” It is not clear how the offset referred to by the sponsor is enacted, since his amendment is not drafted in that form.

Rep. McGovern #18. Increases by \$20 million, funds available for ‘National Park Service land acquisition and State assistance,’ and decreases by the same amount, funds available for the ‘United States Fish and Wildlife Service landowner incentive program’

Rep. Kennedy #19. Transfers \$1.075 million *from* the Bureau of Land Management’s administrative fund account, *to* the Fish and Wildlife Service’s Interstate/State Aquatic Nuisance Management Programs.

Cubin/Rahall/Cannon/Udall (CO). The amendment would add \$12 million to Payment In Lieu of Taxes (PILT) by redirecting funds from Interior’s Departmental Management Salaries and Expenses. According to the sponsor, this will help local governments by providing approximately 80% of the authorized level for PILT while still providing an increase of approximately \$10 million for the Interior Department’s administrative costs over fiscal year 2005 enacted levels.

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