



# H.R. 2822—Fiscal Year 2016 Interior and Environment Appropriations (Calvert, R-CA)

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**FLOOR SCHEDULE:** H.R. 2822 IS EXPECTED TO BE CONSIDERED ON JUNE 25, 2015, UNDER A [MODIFIED-OPEN RULE](#) PERMITTING ALL GERMANE AMENDMENTS TO BE CONSIDERED. THE RULE PROVIDES FOR ONE HOUR OF GENERAL DEBATE. ALL AMENDMENTS WILL BE DEBATABLE FOR 10 MINUTES, WITH TIME EQUALLY DIVIDED. MEMBERS WHO HAVE PRE-PRINTED THEIR AMENDMENTS IN THE CONGRESSIONAL RECORD WILL BE GIVEN PRIORITY RECOGNITION.

### TOPLINE SUMMARY

*In thousands of dollars*

	FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level
<b>Net Total Base Discretionary</b>	30,220,000	30,416,000	32,207,831	30,170,000

Net Total Base Discretionary Budget Authority is:

- \$2.038 billion below the president’s budget request.
- \$246 million below the enacted FY 2015 level.
- \$50 million below the level proposed by the Appropriations Committee for FY 2015.

The bill would provide a net total of \$30.17 billion in discretionary budget authority.

The committee report can be found [here](#), and the text of the legislation can be found [here](#).

**CONSERVATIVE CONCERNS:** Some conservatives may be concerned that the bill funds programs that would have been eliminated by the House Republican Budget, such as the National Endowment for the Arts and the National Endowment for the Humanities.

- **Expand** the Size and Scope of the Federal Government?: No
- **Encroach** into State or Local Authority?: Some conservatives may believe that some programs funded in this bill would be more appropriately supported by state and local governments.
- **Delegate** Any Legislative Authority to the Executive Branch?: No
- **Contain** Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, according to the committee report.

## DETAILED SUMMARY AND ANALYSIS:

### Title I: Department of the Interior

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
11,007,779	10,657,192	11,824,515	11,369,207	+ 361,428	+ 712,015	- 455,308

The bill would provide \$11.369 billion in appropriations for the Department of the Interior, a level \$455 million below the president's budget request and \$712 million above the FY 2015 enacted level.

**Bureau of Land Management (BLM):** The bill would provide \$1.117 billion in discretionary appropriations for the BLM, a level \$80 million below the president's budget request and \$30 million above the FY 2015 enacted level. The bill would provide \$1.015 billion for Management of Lands and Resources, \$7 million for Land Acquisition, and \$111 million for Oregon and California Grant Lands.

**Closing Areas for Hunting and Shooting:** The bill includes a provision that would prohibit the BLM from closing areas that were open to recreational hunting and shooting as of January 1, 2013.

**U.S. Fish and Wildlife Service (FWS):** The bill would provide \$1.432 billion in discretionary appropriations for the FWS, a level \$144 million below the president's budget request and \$8 million below the FY 2015 enacted level. The bill would provide \$1.22 billion for resource management, \$13 million for construction, \$28 million for land acquisition, \$50 million for the Cooperative Endangered Species Conservation Fund, \$13 million for the National Wildlife Refuge Fund, \$35 million for the North American Wetlands Conservation Fund, \$4 million for Neotropical Migratory Bird Conservation, \$10 million for the Multinational Species Conservation Fund, and \$59 million for State and Tribal Wildlife Grants.

**Sage Grouse:** The bill includes a provision that would prohibit the issuance of a proposed rule for the Sage grouse under the Endangered Species Act.

**Gray Wolves:** The bill includes a provision that would require the FWS to re-issue final rules removing gray wolves in Wyoming and the Great Lakes from the Endangered Species Act

**Ivory:** The bill includes a provision that would prohibit the FWS from preparing or implementing new restrictions or prohibitions on items containing ivory that are legally in the United States.

**National Park Service (NPS):** The bill would provide \$2.667 billion in discretionary appropriations for the NPS, a level \$381 million below the president's budget request and \$52 million above the FY 2015 enacted level.

**Centennial of the NPS:** The National Parks Service turns 100 years old in 2016. The bill would provide higher spending for programs geared towards helping the NPS celebrate. For the [Centennial Initiative](#) (funded within the Operation of the National Park System account), the bill would provide \$52 million in new discretionary spending. This new spending would support at least 214 new Full-Time Equivalent Employees according to the president's budget request. For the [Centennial Challenge](#) program, the bill would provide \$20 million to provide matching grants to "improve visitor services, support outreach to new audiences, and strengthen partnerships to reinvigorate national parks and forge connections to new communities."

**U.S. Geological Survey (USGS):** The bill would provide \$1.045 billion in discretionary appropriations for the USGS, a level \$150 million below the president’s budget request and equal to the FY 2015 enacted level.

**Bureau of Ocean Energy Management (BOEM):** The bill would provide \$71 million in net discretionary appropriations for the BOEM, a level \$4 million below the president’s budget request and \$2 million below the FY 2015 enacted level. This bureau is charged with offshore energy leasing activities, including developing the Five-Year Outer Continental Shelf Oil and Gas Leasing Program.

**Bureau of Safety and Environmental Enforcement:** The bill would provide \$87 million in net discretionary appropriations for the Bureau of Safety and Environmental Enforcement, a level \$5 million above the president’s budget request and \$6 million above the FY 2015 enacted level. This bureau is charged with regulating safety of offshore energy activities.

**Office of Surface Mining Reclamation and Enforcement (OSM):** The bill would provide \$181 million in discretionary appropriations for the OSM, a level \$20 million above the president’s budget request and \$30 million above the FY 2015 enacted level. The OSM is charged with reclaiming abandoned coal mines for environmental purposes, often in cooperation with state agencies.

**Indian Affairs:** The bill would provide a total of \$2.766 billion in discretionary appropriations for the Bureau of Indian Affairs and the Bureau of Indian Education, a level \$159 million below the president’s budget request and \$165 million above the FY 2015 enacted level. These bureaus provide services such as law enforcement, elementary and secondary education, and social programs to 1.7 million Native Americans in the 566 federally recognized tribes.

**Payments in Lieu of Taxes (PILT):** The bill would provide \$452 million in discretionary funding for PILT. This program compensates local governments for the lost property taxes within their jurisdiction because of untaxable federal land.

**Wildland Fire:** The bill would provide \$897 million for wildfire activities of the Department of the Interior. Of this total, \$92 million is appropriated to the FLAME reserve account. This level is equal to the ten-year average of expenditures for these activities. In total, the bill would provide \$3.585 billion for wildland fire programs at the Department of the Interior and the Forest Service. The bill does not include authorizing language requested by the president’s budget that would allow wildfire suppression to be funded above the discretionary caps established by the Budget Control Act. A CRS report on the wildfire programs can be found [here](#).

**Title II: Environmental protection Agency (EPA)**

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
7,482,747	8,139,887	8,591,718	7,422,157	- 60,590	- 717,730	- 1,169,561

The bill would provide \$7.442 billion in discretionary appropriations for the EPA, a level \$1.17 billion below the president’s budget request and \$718 million below the FY 2015 enacted level.

**Environmental Programs and Management:** The bill would provide \$2.472 billion for Environmental Programs and Management, a level \$369 million below the president’s budget request and \$141 million below the FY 2015 enacted level.

**Clean Air and Climate:** The bill would provide \$247 million for Clean Air and Climate, a level \$89 million below the president’s budget request and \$26 million below the FY 2015 enacted level. The bill does not include funding for the EPA’s Greenhouse Gas Rules for Stationary Sources.

**Hazardous Substances Superfund:** The bill would provide \$1.089 billion for the Hazardous Substances Superfund, a level \$65 million below the president’s budget request and equal to the FY 2015 enacted level.

**State and Tribal Assistance Grants (STAG):** The bill would provide \$2.98 billion for STAG, a level \$620 million below the president’s budget request and \$565 million below the FY 2015 enacted level. STAG provides infrastructure assistance to local governments for environmental projects and categorical grants to state and tribal governments to operate environmental programs.

**Greenhouse Gas Regulations:** The bill includes a provision that would prohibit the EPA from implementing greenhouse gas regulations for new and existing power plants. According to testimony before the [House Energy and Commerce Committee](#), this regulation would cause electricity rates to “increase by an average of 15 percent in a majority of states.”

**Waters of the United States:** The bill includes a provision that would prohibit the EPA from changing the definition of navigable waters under the Clean Water Act. This regulation has been criticized by the [Heritage Foundation](#) as allowing regulation of “all ditches, except in narrow circumstances... even includ[ing] man-made ditches,” and by the [U.S. Chamber of Commerce](#) that it would “subject farmers, ranchers, manufacturers, home builders, local governments—nearly any property owner—to new layers of reviews and permitting.”

**Ozone:** The bill includes a provision that would prohibit the EPA from implementing new ozone standards until at least 85 percent of counties in nonattainment achieve compliance with existing standards. A study conducted for the [National Association of Manufacturers \(NAM\)](#) found that this regulation “would reduce U.S. Gross Domestic Product (GDP) by \$270 billion per year on average.”

**Fill Material:** The bill includes a provision that would prohibit the EPA from changing the definition of [fill material](#) or discharge fill material under the Clean Water Act.

**Lead in Ammunition and Fishing Tackle:** The bill includes a provision that would prohibit the EPA from regulating the lead content of ammunition or fishing tackle.

**Hydraulic Fracturing:** The bill includes a provision that would prohibit the EPA from implementing the [Hydraulic Fracturing on Federal and Indian Lands](#) regulation.

**Lead Paint:** The bill includes a provision that would prohibit the EPA from implementing the Lead Renovation, Repair, and Painting Rule until it has approved a commercially available lead testing kit.

**Greenhouse Gas Permitting:** The bill includes a provision that would prohibit the EPA from implementing a regulation that would require permitting under the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions.

**Manure Management Reporting:** The bill includes a provision that would prohibit the EPA from implementing a regulation that would require reporting of greenhouse gas emissions from manure management systems.

**Social Cost of Carbon:** The bill includes a provision that would prohibit the [social cost of carbon](#) to be incorporated into any rulemaking or guidance until an interagency working group revises the estimates. This analysis requires regulators to assign a dollar value to carbon emissions.

**Financial Responsibility Requirements:** The bill includes a provision that would prohibit the EPA from implementing a regulation that would impose new financial responsibility requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**Title III: Related Agencies**

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
11,729,474	11,246,921	12,646,176	11,378,636	- 350,838	+ 131,715	- 1,267,540

The bill would provide \$11.379 billion in discretionary appropriations for the related agencies funded by the bill, a level \$1.268 billion below the president’s budget request and \$132 million above the FY 2015 enacted level.

**Forest Service:** The bill would provide \$5.06 billion for the Forest Service, a level \$117 million above the president’s budget request and \$14 million below the FY 2015 enacted level.

**Wildland Fire:** The bill would provide \$2.688 billion for wildfire activities of the Forest Service. Of this total, \$315 million is appropriated to the FLAME reserve account. This level is equal to the ten-year average of expenditures for these activities. In total, the bill would provide \$3.585 billion for wildland fire programs at the Department of the Interior and the Forest Service. The bill does not include authorizing language requested by the president’s budget that would allow wildfire suppression to be funded above the discretionary caps established by the Budget Control Act.

**Indian Health Service:** The bill would provide \$4.322 billion for the Indian Health Service, a level \$142 million below the president’s budget request and \$139 million above the FY 2015 enacted level.

**Smithsonian Institution:** The bill would provide \$820 million for the Smithsonian Institution, a level \$117 million below the president’s budget request and equal to the FY 2015 enacted level.

**Kennedy Center:** The bill would provide \$32.8 million for the John F. Kennedy Center, a level \$4 million below the president’s budget request and equal to the FY 2015 enacted level.

The [RSC Budget](#) proposed eliminating this funding, stating “It is inappropriate for the federal government to subsidize a performing arts center in one of the wealthiest areas in the country.” Some may believe that these subsidies are not necessary; the Kennedy Center has the ability to charge market-rate ticket prices for its shows and events. The Kennedy Center’s [website](#) currently lists 15 multinational corporations as Executive benefactors contributing at least \$250,000 annually and 16 in the Corporate Leadership Circle as giving over \$100,000 per year along with other contributors. The Kennedy Center also accepts tax-deductible contributions from individuals.

**National Endowment for the Arts.** The bill would provide \$146 million for the National Endowment for the Arts, a level \$2 million below the president’s budget request and equal to the FY 2015 enacted level. The House Republican Budget stated that federal subsidies for this program “can no longer be justified.” The [RSC Budget](#)

proposed eliminating this funding, stating “Support for the arts can easily and more properly be found from non-governmental sources.” The [Heritage Foundation](#) supports eliminating this program. The bill includes a provision that would require the Endowment to prioritize grants to “underserved populations”

**National Endowment for the Humanities.** The bill would provide \$146 million for the National Endowment for the Humanities, a level \$2 million below the president’s budget request and equal to the FY 2015 enacted level. The House Republican Budget stated that federal subsidies for this program “can no longer be justified.” The [RSC Budget](#) proposed eliminating this funding, stating “Support for the arts can easily and more properly be found from non-governmental sources.” The [Heritage Foundation](#) supports eliminating this program.

**U.S. Holocaust Museum:** The bill would provide \$52 million for the Holocaust Museum, a level \$3 million below the president’s budget request and equal to the FY 2015 enacted level.

**Dwight Eisenhower Memorial:** The bill would not provide any funding for the Dwight D. Eisenhower Memorial Commission. The committee report expresses concern about “the Commission’s ongoing indifference to the views of the Eisenhower family, and the resulting lack of consensus on the memorial design.”

**National Ocean Policy:** The bill includes a provision that would prohibit funds to carry out the National Ocean Policy. In 2010, President Obama signed Executive Order 13547 establishing a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes. The Executive Order established a new bureaucracy without statutory authorization and establishes new priorities for all federal agencies to follow when issuing permits or authorizing activities for any activity which might affect ocean quality—including inland activities. These policies would create more uncertainty for inland businesses, mandating where activities can and cannot occur in the ocean and coastal zones, could over-ride local and state zoning authorities, and will lead to litigation against agencies which permit or authorize activities that might negatively affect ocean health.

**Report on Climate Change Funding:** The bill includes a provision that would require the president to submit a report to Congress detailing all federal funding for climate change programs in FY 2015 and FY 2016.

**Prohibition on Lobbying:** The bill includes a provision that would prohibit the use of funds to promote public support or opposition to legislation before Congress.

**Unauthorized Appropriations:** The bill provides \$6.505 billion in appropriations and obligations for over 50 programs that are not authorized.

*All Dollar amounts in Thousands*

<b>Title of the Bill</b>	<b>Unauthorized Programs funded by the bill</b>	<b>Total Unauthorized Appropriations</b>
Bureau of Land Management	All	1,116,594
US Fish and Wildlife Service	13	278,583
US Geological Society	4	115,197
Bureau of Indian Affairs	6	930,064
Office of Insular Affairs	1	3,500
EPA	24	3,722,877
Related Agencies	6	338,183

<b>Total</b>	<b>54 +</b>	<b>6,504,998</b>

**COMMITTEE ACTION:** The House Appropriations Committee marked up H.R. 2822 on [June 16 2015](#), and approved the bill by a 30 - 21 vote. The committee additionally held a number of [oversight hearings](#).

**ADMINISTRATION POSITION:** According to the [statement of administration policy](#), "The President's senior advisors would recommend that he veto H.R. 2822 and any other legislation that implements the current Republican budget framework, which blocks the investments needed for our economy to compete in the future."

OMB Director Shaun Donovan [wrote to](#) Appropriations Committee Chairman Hal Rogers prior to markup of the bill expressing "serious concerns" about the bill, including with the overall spending levels included in the House budget and funding for the administrations priorities.

**CONSTITUTIONAL AUTHORITY:** "Congress has the power to enact this legislation pursuant to the following: The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ...." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States..." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use."

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**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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