

Anti-Environmental Riders on FY 2016 Appropriations and Other Bills

AS OF 8/7/2015

*) indicates a provision that has been deleted or amended and is no longer objectionable. Please consult the STATUS line for further details.

<u>FY2016 Anti-Environmental Rider Ticker</u>			
	Enacted	Deleted*	Proposed
House National Defense Authorization Act	-	-	8
Senate National Defense Authorization Act	-	-	2
House Commerce, Justice, Science Appropriations	-	-	5
House Energy and Water Appropriations	-	-	13
Senate Energy and Water Appropriations	-	-	1
House Interior and Environment Appropriations	-	-	60
Senate Interior and Environment Appropriations	-	-	18
House Defense Appropriations	-	-	1
House State and Foreign Operations Appropriations	-	-	2
House Financial Services Appropriations	-	-	2
House Transportation Appropriations	-	-	1
Total	-	-	113
Proposed for House Interior includes amendments awaiting recorded votes			
(X) Bill has been signed into law			
(V) Bill has been vetoed			
* Includes provisions amended to no longer be objectionable			

National Defense Authorization Act (H.R. 1735)

Title III – Operation and Maintenance – Subtitle B – Energy and Environment

1) Section 312: Southern Sea Otter Military Readiness Areas – This provision would weaken both the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) by unnecessarily giving the U.S. Navy broad exemptions to both statutes, allowing their activities to potentially kill, injure, and otherwise harm threatened sea otters off two Southern California islands without review. Current law already provides the Navy with the ability to ensure that the protection of sea otters does not impede military readiness; there is no need for a sweeping exemption from environmental law.

STATUS: This provision was included in the Chairman’s mark. This provision was previously included in the FY 2015 National Defense Authorization Act but was removed from the final bill.

Title X – General Provisions – Subtitle H – Other Matters

1) Section 1081(b)(10): Undermine Public Planning Processes and Conservation on Public Grazing Lands: This provision, although described as a clerical amendment, would significantly expand upon the damaging grazing rider attached to the FY 2015 NDAA. This "technical" fix would create a new categorical exclusion under the National Environmental Policy Act, waiving public planning requirements for existing allotment management plans (AMPs) in cases where Congress has failed to allocate sufficient resources to the Bureau of Land Management and the U.S. Forest Service to timely renew the associated grazing permits. This new waiver could result in mismanagement of millions of acres of public lands under outdated AMPs until the federal agencies are finally able to update the plans. A second provision in subsection (b)(10) would extend this new categorical exclusion—and all of the 2015 rider—to national grasslands in the West, affecting management of fish and wildlife and other public values across broad expanses of the Great Plains and the Intermountain West. Finally, a third provision in subsection (b)(10) would effectively prohibit ranchers from working with sporting and conservation organizations to voluntarily retire their grazing permits, an increasingly popular tool to conserve wildlife, watersheds and other values on public lands.

STATUS: This provision was included in the Chairman's mark.

Title XXVIII – Military Construction General Provisions – Subtitle E – Military Land Withdrawals

1) Section 2842(a): Bureau of Land Management withdrawn military lands efficiency and savings – This provision would permanently withdraw from the public thousands of acres of Bureau of Land Management (BLM) lands in Alaska, Nevada, and New Mexico that currently are being provisionally utilized by the Department of Defense (DOD) for military activities. Through this arbitrary process, Section 2842(a) would circumvent the established environmental review process that helps the public, land managers, and the military make equitable determinations on how best to manage public lands.

STATUS: This provision was included in the Chairman's mark.

2) Section 2842(b): Upend Management of Desert National Wildlife Refuge: This provision would give over full jurisdiction of more than 800,000 acres of National Wildlife Refuge System lands to the Air Force upon request. These lands make up over half of the Desert National Wildlife Refuge, the largest refuge in the contiguous United States. Encompassing six major mountain ranges and nearly 1.6 million acres in Nevada, Desert National Wildlife Refuge provides the highest quality, intact habitat for desert bighorn sheep and other wildlife that depend on Great Basin and Mojave Desert ecosystems. Under Section 2842(b), only hunting, fishing and trapping would remain subject to refuge management laws following transfer to the military, while all other refuge management requirements would apply only to the extent they support and are relevant to Air Force authorities and responsibilities. Section 2842(b) would also prevent wilderness designation, waive National Environmental Policy Act safeguards and strip the Fish and Wildlife Service of its authority to conserve wildlife species and their habitats on the affected lands.

STATUS: This provision was included in the Chairman's mark.

Title XXVIII – Military Construction General Provisions – Subtitle G – Other Matters

1) Section 2862: Delay Protection and Recovery of Greater Sage Grouse – This provision would delay an Endangered Species Act (ESA) listing decision for the greater sage-grouse for at least ten years, and undermine the outcome of ongoing state and federal collaboration. The Department of Defense (DOD) did not request this provision, which will do nothing to enhance military readiness. There is little overlap between greater sage-grouse priority areas for conservation and military reservations. Moreover, the ESA already includes exemptions for national security and for the DOD. Section 2862 would also take the unprecedented step of transferring oversight of as much as 60 million acres of federal lands that are home to sage-grouse to western states by requiring that all federal conservation strategies comply with lesser state guidance for managing the bird. Populations of greater sage-grouse which is currently a candidate for listing under the ESA have plummeted by as much as 90 percent from historic numbers. The potential for listing is driving an unprecedented planning process to implement new measures to conserve sage-grouse and its habitat across the West. Delaying a decision on listing and interrupting the ongoing conservation efforts—and putting states in charge of managing sage-grouse on federal lands—would remove incentives and potential safeguards necessary to save the species.

STATUS: This provision was included in the Chairman's mark.

2) Section 2863: Undermine the Antiquities Act: This overly broad provision would encroach upon the President's authority to proclaim national monuments and undermine effective coordination between our national security and land management agencies on joint use of our public lands. National monuments and other protected public lands already properly take into account national security needs and allow for military training exercises, as appropriate. Neither the DOD nor any other national security agency has requested any amendments to the Antiquities Act or land management procedures on national monuments. Past national monument proclamations, including the recent Organ Mountains-Desert Peaks National Monument, have specifically clarified that the designation will not prohibit continued national security activities in the area, including military overflights. By removing this successful process of cooperation and discussion and case-by-case review of monument proclamations, this proposed carte blanche authority could result in haphazard and uncoordinated decisions that risk damaging the very sites and values that national monuments have been established to protect without providing any discernable national security benefits.

STATUS: This provision was included in the Chairman's mark.

3) Section 2865: Jeopardize Recovery of Threatened Lesser Prairie-Chicken – This provision would jeopardize lesser prairie-chicken recovery by statutorily delisting the imperiled bird, and preventing its relisting for at least six years. Moreover, it would impose arbitrary restrictions on whether the Secretary of the Interior can relist the lesser prairie-chicken after that time, in complete disregard for the species' biological status and need for federal protections. The species currently occupies less than 15 percent of its former range and its population dropped by 50 percent between 2012 and 2013, eliminating any doubt that the species requires the protections of the ESA. Although the U.S. Fish and Wildlife Service (FWS) found in 1998 that the lesser prairie-chicken warranted federal protection, it was not listed until 2014. The listing was accompanied by a special 4(d) rule that exempts numerous land use activities, including oil and gas development and agricultural activities that meet certain standards. Contrary to the hysterical predictions of the economic ruin of the oil and gas industry from the prairie-chicken's listing, the industry has

indicated it has already easily adjusted to FWS's listing decision.¹ Removing federal protection for the bird just one year after it was listed would be detrimental to its conservation and recovery.

STATUS: This provision was offered as an amendment by Rep. Frank D. Lucas (R-OK) on the House floor. The amendment was agreed to by recorded vote 229-190 (Roll Call No. 236).

4) Section 2866: Jeopardize Recovery of Endangered American Burying Beetle – This provision would immediately and permanently remove the American burying beetle from protection under the ESA and prevent it from receiving any protections in the future. The American burying beetle formerly occupied a vast range encompassing 34 states and the District of Columbia, and may have occurred in the tens of millions. The beetle's decline is not well understood, but the most cogent hypotheses see it as a victim of food chain disturbances which reduced the number of large carcasses that the beetle depends on for reproduction. In fact, the decline and eventual extinction of once-plentiful birds like the passenger pigeon and the greater prairie-chicken have been linked to the beetle's decline.² Rep. Lucas's meddlesome, anti-science amendment would be yet another disruption of the food chain, which is sure to have further similar ripple effects. If passed, it would be a virtual death sentence for this indicator species, which restores valuable nutrients to the soil, and which has not stopped a single project from going forward under the ESA's consultation process since 2008, nor required a project alternative to be used.

STATUS: This provision was offered as an amendment by Rep. Frank D. Lucas (R-OK) on the House floor. The amendment was agreed to by recorded vote 229-190 (Roll Call No. 236).

National Defense Authorization Act (S. 1376)

Title III – Operation and Maintenance – Subtitle B – Energy and Environment

1) Section 313: Southern Sea Otter Military Readiness Areas – This provision would weaken both the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) by unnecessarily giving the U.S. Navy broad exemptions to both statutes, allowing their activities to potentially kill, injure, and otherwise harm threatened sea otters off two Southern California islands without review. Current law already provides the Navy with the ability to ensure that the protection of sea otters does not impede military readiness; there is no need for a sweeping exemption from environmental law.

STATUS: This provision was included in the Chairman's mark. This provision was previously included in the FY 2015 National Defense Authorization Act but was removed from the final bill.

Title X – General Provisions – Subtitle H – Other Matters

1) Section 1081(b)(10): Undermine Public Planning Processes and Conservation on Public Grazing Lands: This provision, although described as a clerical amendment, would significantly expand upon the damaging grazing rider attached to the FY 2015 NDAA. This "technical" fix would create a new categorical exclusion under the National Environmental Policy Act, waiving public planning requirements for existing allotment management plans (AMPs) in cases where Congress

¹ Mella McEwan, "Oil Producers Adjust to Lesser Prairie-Chicken Listing," *Midland Reporter Telegram*, Aug. 25, 2014, available at: http://www.mrt.com/business/article_3cd58136-2c74-11e4-937c-001a4bcf887a.html.

² Sikes, D.S. 2002. A review of hypotheses of decline of the endangered American burying beetle (Silphidae: *Nicrophorus americanus* Olivier). *Journal of Insect Conservation* 6: 103–113.

has failed to allocate sufficient resources to the Bureau of Land Management and the U.S. Forest Service to timely renew the associated grazing permits. This new waiver could result in mismanagement of millions of acres of public lands under outdated AMPs until the federal agencies are finally able to update the plans. A second provision in subsection (b)(10) would extend this new categorical exclusion—and all of the 2015 rider—to national grasslands in the West, affecting management of fish and wildlife and other public values across broad expanses of the Great Plains and the Intermountain West. Finally, a third provision in subsection (b)(10) would effectively prohibit ranchers from working with sporting and conservation organizations to voluntarily retire their grazing permits, an increasingly popular tool to conserve wildlife, watersheds and other values on public lands.

STATUS: This provision was included in the Chairman's mark.

Commerce, Justice, Science, and Related Agencies Appropriations Act (H.R. 2578)

Title V – General Provisions

1) Section 554: Undermines Crucial Climate Change Research – This provision prevents funds from being used to implement the National Climate Assessment, climate research by the Intergovernmental Panel on Climate Change, or the Social Cost of Carbon. These tools help federal agencies assess, plan and protect the public from climate change. The Social Cost of Carbon, for instance, gives federal agencies the ability to calculate the real economic costs associated with climate change. Section 554 would bar the government from assessing and weighing the costs of extreme weather or other climate impacts, and the benefits of any government actions to clean up carbon pollution.

STATUS: This provision was offered as an amendment by Rep. Scott Perry (R-PA) on the House floor. On June 3, 2015 the amendment was agreed to by voice vote. This provision was also originally included in the FY 2015 House Commerce, Justice, Science bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

2) Section 556: Undermine Gulf of Mexico Fisheries Management – This provision overturns and undermines the work of the Gulf of Mexico Fishery Management Council, a stakeholder driven process. Congress should not be in the business of interfering with individual fisheries through federal overreach and this sets a terrible precedent that threatens the stability of fisheries management not just for the Gulf but for all fishery management councils. This maneuver is similar to an amendment offered in the Natural Resources Committee that was voted down 16-22 and was also withdrawn from the floor debate on the bill given the controversy. Groups from the National Restaurant Assn to commercial fishing groups to conversation groups are all on the same page that this approach would threaten access for Americans to fishing opportunities on the water and sustainable fish on their plate.

STATUS: This provision was offered as an amendment by Rep. Austin Scott (R-GA) on the House floor. On June 3, 2015 the amendment was agreed to by voice vote.

3) Section 564: Attack the Migratory Bird Treaty Act – This “Bird Killer Amendment” would gut enforcement of the Migratory Bird Treaty Act, our country’s premiere law for bird conservation.

The amendment prevents the Department of Justice from spending any funds to prosecute violators of the Act, even if those violations are egregious, intentional and kill millions of birds. If Duncan's amendment had been law during the BP disaster, those responsible for the largest marine oil spill in history would have faced no prosecution for causing the deaths of an estimated one million birds. Allowing this amendment to become law is tantamount to an avian slaughter free-for-all.

STATUS: This provision was offered as an amendment by Rep. Jeff Duncan (R-SC) on the House floor. On June 3, 2015 the amendment was agreed to by voice vote.

4) Section 570: Block Funds for the National Ocean Policy – This provision impedes the full implementation of the National Ocean Policy, a commonsense policy with bipartisan roots and support. This rider would limit coordination between the National Oceanic and Atmospheric Administration - the primary ocean policy agency - and other federal agencies, states, and stakeholders. It would also limit the ability of NOAA to share data, build coastal resilience, and support planning efforts that are crucial to the sustainable development of ocean resources and protection of the marine environment.

STATUS: This provision was offered as an amendment by Rep. Bill Flores (R-TX) on the House floor. On June 3, 2015 the amendment was agreed to by recorded vote 236-190 (Roll Call No. 291). This provision was also originally included in the FY 2015 House Commerce, Justice, Science bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

5) Section 573: Limit Funding for Central Valley Salmon Recovery – This provision would unnecessarily prohibit the use of funds to implement an Endangered Species Act recovery plan for Central Valley salmon, unless that recovery plan includes measures to address predation by nonnative species. The existing recovery plan does identify measures to address predation on salmon, but there is little scientific evidence that such measures can effectively increase salmon populations, many of which have co-existed with salmon for more than a century. Measures to address predation on salmon cannot be a substitute for adequate restrictions on excessive water diversions and high water temperatures below dams, which have caused major mortality of Central California salmon populations.

STATUS: This provision was offered as an amendment by Rep. Jeff Denham (R-CA) on the House floor. On June 3, 2015 the amendment was agreed to by recorded vote 245 - 181 (Roll Call No. 295).

Energy and Water Development and Related Agencies Appropriations Act (H.R. 2028)

Title I – General Provisions – Corps of Engineers – Civil

1) Section 104: Allow Mining Waste to Contaminate Streams and Wetlands – This provision would restrict the U.S. Army Corps of Engineers from using funds to develop, adopt implement, administer, or enforce any change to regulations pertaining to the definitions of the terms “fill material” or “discharge of fill material” under the Clean Water Act, freezing in place rules that encourage mountain top removal coal mining by allowing companies to bury streams under mining waste.. A 2002 rulemaking by EPA and the Corps of Engineers altered the definition of “fill material” under the Clean Water Act and these changes cleared the way for industrial mining operations to obtain permits to dump harmful mining waste in wetlands, streams and rivers that

supply drinking water and prevent flooding. This rider would lock in these industry loopholes, leaving many of our nation's waterways vulnerable to harmful pollution.

STATUS: This provision was included in the Chairman's mark. This provision was previously included in HR 4923, the Consolidated Appropriations bill, 2014 and in HR 83, the Consolidated and Further Continuing Appropriations Act, 2015.

2) Section 105: Endanger Clean Drinking Water – This provision would undermine drinking water protections by blocking the Environmental Protection Agency's (EPA) Clean Water Rule clarifying jurisdiction of the Clean Water Act. Several Supreme Court cases created confusion and an unwieldy process for determining which waters were under the jurisdiction of the CWA. The EPA's rule, which has undergone extensive public comment, will protect the small streams and wetlands that contribute to the drinking water of one in three Americans. This provision would sacrifice our water quality to the demands of developers and oil and gas drillers.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 House Energy and Water bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

Title V – General Provisions

1) Section 505: Block Funds for the National Ocean Policy – This provision impedes the full implementation of the National Ocean Policy, a commonsense policy with bipartisan roots and support. This rider would limit coordination between agencies, states, and stakeholders, adversely affect the marine environment and resources that sustain ocean industries, and undermine valuable ocean planning work being voluntarily undertaken in states and regions around the country.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 House Energy and Water bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

2) Section 510: Block Standards for Ceiling Fans – This provision would stop the Department of Energy (DOE) from "finalizing, implementing, or enforcing" new ceiling fan energy efficiency standards, thwarting a Congressional requirement to review the outdated efficiency standards that currently apply to ceiling fans. The current 10-year old standards govern only the features that must be present on fans (requiring multiple speed options, for example), but place no limits on the amount of electricity fans can use to circulate a given volume air. Moreover, the DOE has not yet even proposed any new standards for ceiling fans. The Department has only begun analyzing the issue, and ceiling fan manufacturers across the country have participated in a public meeting and filed comments with the Department. That public process should be allowed to continue, not be stifled by a funding restriction that will keep the Department from even studying whether new standards for ceiling fans would save energy and save money for the families that use them.

STATUS: This provision was offered as an amendment by Rep. Charlie Dent (R-PA) on the House floor. On April 30, 2015, the amendment was adopted by voice vote. This provision was also originally included in the FY 2015 House Energy and Water bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

3) Section 512: Block Funds for Cape Wind Project – This provision would block the Department of Energy (DOE) funding for the Cape Wind project off the coast of Massachusetts. If enacted, this provision would pointlessly obstruct our vast offshore wind potential, exacerbate our dependence on fossil fuels, and delay the inevitable renewable energy transition.

STATUS: This provision was offered as an amendment by Rep. Charlie Stivers (R-OH) on the House floor. On April 30, 2015, the amendment was adopted by voice vote.

4) Section 513: Block Standards for Light Bulbs – This provision would block the Department of Energy (DOE) from implementing and enforcing common sense energy efficiency standards for light bulbs. These standards were passed by a bipartisan majority, enacted in 2007, and gradually phased in over the past two and a half years. By all reasonable measures the transition has been a success, and efficient incandescent bulbs are among the variety of choices available for consumers. Continuing the rider will prevent the DOE from issuing clarifications on the law that manufacturer desire or enforcing the standards against inefficient, non-compliant bulbs.

STATUS: This provision was offered as an amendment by Rep. Michael C. Burgess (R-TX) on the House floor. On April 30, 2015, the amendment was adopted by voice vote.

5) Section 514: Block New Flood Protection Standards – This provision would prevent the implementation of Executive Order 13690, which updated flood protection standards that federal agencies use when deciding where to build, how to build, and what projects should receive federal funding. The executive order established an improved margin of safety and called for agencies to evaluate how sea level rise and other climate impacts that increase future flood risk.

STATUS: This provision was offered as an amendment by Rep. Ralph Abraham (R-LA) on the House floor. On May 1, 2015, the amendment was adopted by voice vote.

6) Section 517: Prevent Hazardous Dam Removal – This provision would prevent the U.S. Army Corps of Engineers (USACE) from removing decrepit, high hazard dams that no longer serve their intended purpose and may be dangerous to life or property. This provision would even apply to dams that have been de-authorized by a previous Act of Congress. Passage of this amendment could lead to unnecessary public safety risks, flooding, and other severe and even life-threatening consequences.

STATUS: This provision was offered as an amendment by Rep. Paul Gosar (R-AZ) on the House floor. On May 1, 2015, the amendment was adopted by voice vote.

7) Section 519: Block New Furnace Energy Efficiency Standard – This provision would prohibit the Department of Energy (DOE) from spending any budget funds to finalize and implement an important and much-delayed furnace energy efficiency standard. The proposed standard represents the biggest natural gas saving efficiency standard ever established, would save consumers more than \$600 on average over the life of their furnace, and would deliver cumulative emissions reductions of 137 million metric tons of carbon dioxide. Cost-effective minimum efficiency standards provide energy savings for all customers, but are particularly important to low income customers.

STATUS: This provision was offered as an amendment by Rep. Marsha Blackburn (R-TN) on the House floor. On May 1, 2015, the amendment was adopted by voice vote.

8) Section 523: Block Funds for Climate Model Development and Validation Program – This provision would block funding for the Department of Energy Climate Model Development and Validation program. The DOE is committed to advancing our understanding of the interdependencies of water, energy, and climate change in order to better project how climate change will affect our country. Blocking our ability to better understand the effects of climate change will make it no less risky.

STATUS: This provision was offered as an amendment by Rep. Paul Gosar (R-AZ) on the House floor. On May 1, 2015 the amendment was agreed to by recorded vote 224 - 184 (Roll Call No. 210).

9) Section 524: Central Valley Project Improvement Act – This provision would effectively nullify existing authorities in the Central Valley Project Improvement Act. Fish are being hammered during drought and using extra funds to help avoid fish kills and risk of extinction is in the public interest and has broad public support. For 20 years, a law (signed by President Bush) has authorized Interior to supplement regulatory baselines with acquisitions of additional water from willing sellers using market mechanisms. This attempts to shut down that market mechanism for no apparent reason other than to hurt our struggling fish and wildlife and those whose jobs depend on these resources. Federal, state, and private sector programs in Nevada and Oregon have demonstrated that using public funds to acquire supplemental flows for fish and wildlife purposes from willing sellers is a successful public-private partnership. This tries to block such efforts.

STATUS: This provision was offered as an amendment by Rep. Tom McClintock (R-CA) on the House floor. On May 1, 2015 the amendment was agreed to by recorded vote 228 - 183 (Roll Call No. 211). A similar provision was introduced in the Energy and Water Development and Related Agencies Appropriations Act, 2015, but was subsequently removed as part of the manager's amendment offered by Chairman Mike Simpson (R-ID) in the full Committee markup.

10) Section 525: Allow Harmful Discharges into Streams and Wetlands – This provision would prevent actions based on part of the Clean Water Act for certain kinds of activities that discharge dredged or fill materials into water bodies protected under the Act. Congress specified that a variety of actions' discharges are exempt from the U.S. Army Corps' review but not if that dumping destroys wetlands or streams, and this rider would eliminate that safeguard for several types of discharges.

STATUS: This provision was offered as an amendment by Rep. Doug LaMalfa (R-CA) on the House floor. On May 1, 2015 the amendment was agreed to by recorded vote 239 - 174 (Roll Call No. 212). This provision was also originally included in the FY 2015 House Energy and Water bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

11) Section 526: Block Funds for Water Deliveries That Aid Salmon Recovery – This provision would block funding for water deliveries to the Trinity River and Klamath River to help sustain commercially valuable West Coast salmon populations. In 2002, low flow conditions in the lower Klamath River triggered an outbreak of disease that killed approximately 80,000 adult Chinook salmon before they could spawn. The event, which was covered extensively in national media, is considered the largest adult fish kill in U.S. history. In three of the years since 2002, the U.S. Bureau

of Reclamation has augmented flows from the Trinity Reservoir to avoid another fish kill. These flows were widely supported by agency, state, and tribal biologists. It is very likely that because of low flow conditions, flow augmentation will be required again later this year. This amendment would block such supplemental flows and imperil salmon populations.

STATUS: This provision was offered as an amendment by Rep. Doug LaMalfa (R-CA) on the House floor. On May 1, 2015 the amendment was agreed to by recorded vote 228 - 183 (Roll Call No. 213).

In Senate Energy and Water Development and Related Agencies Appropriations Committee Report (Senate Report 114-54)

1) Block Assessment of Carbon Pollution Costs – This provision would block any consideration of the costs of carbon pollution on the rest of the world. This would bar the government from assessing and weighing the full costs of extreme weather or other climate impacts caused by our pollution, and the full benefits of any actions to improve energy efficiency or clean up carbon pollution. We want Europe and China to be responsible for the harms their emissions impose, so it's only right for us to consider the effects of our carbon pollution on others.

STATUS: This provision was offered as an amendment by Sen. Lamar Alexander (R-TN).

Department of the Interior, Environment, and Related Agencies Appropriations Act (H.R. 2822)

Title I – General Provisions – Department of the Interior

1) Section 111: Reduce the Public's Right to Participate in the Management of Public Lands – This provision would require that a prospective plaintiff exhaust all administrative remedies before filing a citizen suit challenging a Bureau of Land Management decision concerning grazing on public lands. One of the foundations for the management of federal lands is the citizen's right to participate in how public lands are governed. In this system, one of the more meaningful rights is the public's prerogative to petition the federal courts when a citizen believes that a federal decision has not adhered to the rule of law. But this provision would severely curtail these rights by delaying opportunities for the public to seek assistance in the federal court system in regard to how Department of the Interior lands are managed.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2012 as a temporary requirement; however this provision would make the requirement permanent.

2) Section 112: Leave Millions of Acres of Wilderness Quality Lands Open to Drilling, Mining, and Off-Road Vehicles – This provision inappropriately and unnecessarily restricts the Secretary of the Interior's ability to implement Secretarial Order #3310, thereby hindering the Bureau of Land Management's ability to protect wilderness quality but unprotected lands from damaging activities. The Secretarial Order simply directs and instructs the BLM to comply with its existing statutory obligations to protect lands managed by the BLM that harbor wilderness and other "natural" values. The Secretarial Order corrects an aberrant policy adopted by former Secretary of the Interior Gale Norton that severely restricted the BLM's ability to properly identify and manage lands containing wilderness characteristics, a policy that overturned two decades of bipartisan agreement regarding the BLM's statutory obligation to assure that environmentally sensitive areas

are unimpaired for future generations. Although Congressional critics of this Secretarial Order maintain that it usurped Congressional authority, in fact it in no way impaired the central role that Congress plays in designating Wilderness Areas under the Wilderness Act. Wilderness designation remains exclusively the prerogative of Congress. S.O. #3310 acknowledges this Congressional responsibility, but clarifies the BLM's to conduct periodic assessments of our public lands to determine suitability for protection as wilderness, and to manage such areas to protect such characteristics.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2012.

3) Section 117: Delay Protections for Sage-Grouse – This provision would prevent the U.S. Fish and Wildlife Service (FWS) from even considering greater sage-grouse and the Columbia Basin sage-grouse for possible listing under the Endangered Species Act (ESA) for at least another year. Both populations have waited more than a decade for a listing decision. Greater sage-grouse populations have plummeted by as much as 90 percent from historic numbers. Additional delays would make conservation and recovery of these grouse more difficult, more expensive and more disruptive in the future. Additionally, the listing decision delay could undermine planning efforts presently underway to balance land uses with sage-grouse conservation on tens of millions of acres in the West. These planning processes could unravel if sage-grouse listing decisions are delayed with negative consequences for sage-grouse, public lands management, landowners and other stakeholders. Finally, through this and other similar provisions in this bill, Congress is attempting to micro-manage individual, science-based administrative listing decisions prescribed by the ESA.

STATUS: This provision was included in the Chairman's mark. Rep. Niki Tsongas (D-MA) offered an amendment to nullify Sec. 117 and two other provisions that undermine the ESA. On July 8, 2015, the amendment failed 186-243. A similar provision was included in the FY 2015 Interior and Environment appropriations bill and was included as Section 122, Title I Division F in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

4) Section 120: Undermine Protections for Elephants at Risk from Poaching – This provision would undermine efforts to stop the slaughter of elephants being fueled by the illegal ivory trade. The Obama administration and the U.S. Fish and Wildlife Service (FWS) are in the process of developing much tighter restrictions on the importation and sale of ivory in an attempt to shut down the U.S. as a major market for illegal poached ivory. This rider would shut down any effort to tighten those controls and would allow the flow of illegal ivory into this country continue unabated. It would block FWS from issuing any new or revised regulation or order that prohibits or restricts within the U.S. the possession, sale, delivery, receipt, shipment, or transportation of ivory that has been lawfully imported; changes any means of determining when ivory has been lawfully imported; or prohibits or restricts the importation of ivory that was lawfully importable into the U.S. as of February 1, 2014. Fueled by demand for ivory, poaching has slashed the number of African elephants from 1.3 million in 1979 to fewer than 500,000 today with more than 100,000 slaughtered from 2010 to 2012 alone. While the largest markets responsible for driving the elephant poaching crisis are in China, Thailand and other Asian countries, the U.S. also has a significant ivory market, and several tons of illegal ivory worth several million dollars have recently been seized from American retail outlets. Actions to tighten U.S. ivory laws to prevent such laundering of illegal ivory also will be critical to securing similar actions by China and other countries. The prohibitions under this provision would tie the hands of FWS in attempting to address this problem, undercutting efforts to ensure that our country is not contributing to the current elephant poaching crisis and

potentially undermining the broader U.S. government efforts called for in the National Strategy for Combatting Wildlife Trafficking. Because the revised regulations are still under development, this provision would also unnecessarily preempt the public input process that normally informs regulatory decisions, denying citizens their right to help shape policy.

STATUS: This provision was included in the Chairman's mark. Rep. Raúl Grijalva (D-AZ) offered an amendment to strike this amendment but then withdrew it. Rep. Raúl Grijalva (D-AZ) subsequently offered an amendment to nullify this provision. On July 8, 2015, the amendment failed 183-244. A similar provision was included in the FY 2015 Interior and Environment appropriations bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

5) Section 121: Legislatively Delist Gray Wolves in Wyoming and the Great Lakes – This provision would legislatively order the Secretary of the Interior to reissue rules delisting gray wolves in Wyoming and the Great Lakes states and shield those rules from any additional judicial review. The rules were declared unlawful under the Endangered Species Act and invalidated by two separate federal judges. This provision would short-stop wolf recovery in the lower-48 states and invite further Congressional micro-management of the ESA.

STATUS: This provision was included in the Chairman's mark. Rep. Niki Tsongas (D-MA) offered an amendment to nullify Sec. 121 and two other provisions that undermine the ESA. On July 8, 2015, the amendment failed 186-243.

6) Section 122: Undermine Protections for the Northern Long-Eared Bat – This ambiguously-drafted provision appears to expand and statutorily codify an already problematic U.S. Fish and Wildlife Service special rule under the Endangered Species Act for the threatened northern long-eared bat. The agency's so-called 4(d) rule eliminates vital legal protections that might otherwise help the species survive and establishes "conservation measures" that are too limited geographically and temporally.

STATUS: This provision was included in the Chairman's mark. Rep. Niki Tsongas (D-MA) offered an amendment to nullify Sec. 122 and two other provisions that undermine the ESA. On July 8, 2015, the amendment failed 186-243.

7) Section 123: Legislate Exemption to FWS Regulations – This provision sets a harmful precedent by legislatively revising U.S. Fish and Wildlife Service regulations on the import and export of wildlife to exempt sea cucumbers and sea urchins. Sea cucumbers are harvested worldwide. Because they are sessile and occur in shallow water, populations are easily over-harvested and some countries have begun to impose bans, harvest limits, or area closures. Given these concerns, such an exemption is inappropriate and the monitoring of trade in these species should continue. Congress also should not be micro-managing agency regulations through legislative interference..

STATUS: This provision was added to the bill in the manager's amendment at the markup in the full Committee. On June 16, 2015 the amendment was agreed to by voice vote

Title II – Environmental Protection Agency – Administrative Provisions

1) Encourage Harmful Use of Wood Biomass – In spite of the fact that emissions from wood biomass are often worse for the climate than coal, this rider would require the EPA to treat wood

biomass as producing zero carbon emissions, thereby encouraging one of the least sensible portions of our energy mix and a documented threat to our forests.

STATUS: This provision was included in the Chairman's mark. Rep. Don Beyer (D-VA) offered an amendment to strike this provision but then withdrew it.

Title III – Related Agencies – Department of Health and Human Services – Agency for Toxic Substances and Disease Registry – Toxic Substances and Environmental Public Health

1) Delay and Weaken Critical Health Assessments in Communities with Superfund Sites – This provision would limit the health studies that the Agency for Toxic Substances and Disease Registry (ATSDR) is required to do by removing both the deadlines and the guidelines for studying the impacts of chemical exposure on communities that petition for help. This provision would remove the right of citizens to petition the government from timely assistance after toxic chemical exposure. ATSDR health assessments provide invaluable information concerning the threats posed by the contaminated sites to nearby communities. This provision would weaken the requirement for the ATSDR to perform health assessments under Section 104(i)(6)(A) of CERCLA by removing the one-year deadline for completing assessments for Superfund sites on the National Priorities List, the list of the most contaminated sites in the nation. The provision also allows ATSDR to skirt its responsibility to complete a full "health assessment" by permitting the agency to substitute a less rigorous (undefined) health study. Removing this one-year deadline for these critical health assessments and diminishing the comprehensiveness of the assessments constitutes a threat to human health.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2014.

Title IV – General Provisions

1) Section 416: Report On Use Of Climate Change Funds – This provision would require the President to submit a report to the House and Senate appropriations committees on "all Federal agency funding, domestic and international, for... programs, projects and activities in fiscal year 2015 and 2016" on climate change, creating an unnecessary burden on federal agencies and creating an opportunity for further political targeting much-needed climate programs of climate programs.

STATUS: This provision was included in the Chairman's mark. Rep. Raúl Grijalva (D-AZ) offered an amendment to strike this provision. On July 7, 2015, the amendment failed by voice vote.

2) Section 417: Clean Air Act Permits for Greenhouse Gas Emissions Produced by Livestock Waste – Despite clear evidence that factory farms contribute significantly to anthropogenic emissions of methane, nitrous oxide, hydrogen sulfide, and ammonia, the Environmental Protection Agency (EPA) has not required animal feeding operations to meet any testing, performance, or emission standards under the Clean Air Act. This provision would prevent the use of the Clean Air Act permitting tools to control greenhouse gases from the largest sources of livestock waste.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2010.

3) Section 418: Put Blinders on Global Warming Pollution Accounting – This provision would tie EPA’s hands on climate change science and impede the agency’s ability to gather critical baseline data on greenhouse gas (GHG) emissions by barring EPA from implementing its rule on mandatory reporting of greenhouse gases from manure management systems (CAFOs). Congress wisely recognized that emissions data on all sectors is needed to craft effective climate change policies when it established the statutory requirement in the FY 2008 Consolidated Appropriations Act for “mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.” Congress should not now to insist that the EPA put up blinders with respect to the very largest industrial animal agriculture facilities – those emitting 25,000 metric tons or more of GHG emissions per year. Domestically, manure management and enteric fermentation are responsible for about one-third of all anthropogenic methane emissions, and methane is more than 20 times as potent a GHG as carbon dioxide. In 2008, methane emissions from manure management were 54 percent higher than in 1990. In addition, the direct and indirect emissions of nitrous oxide – 310 times as potent a GHG as carbon dioxide – from manure management increased 19 percent between 1990 and 2008. As other countries around the globe are collecting similar information from animal agriculture, such an amendment would hamper the United States’ ability to be a leader on international efforts to assess and combat climate change. It would also undercut the potential to accurately account for and give credit for GHG emissions reduction measures taken by agricultural entities.

STATUS: This provision was included in the Chairman’s mark. The same provision has been included in the final appropriations bills since FY 2010.

4) Section 421: Exempt Lead Bullets and Fishing Tackle from Regulation under the Toxic Substances Control Act – This provision would prohibit the Environmental Protection Agency and all federal land management agencies from regulating the use of lead in ammunition, ammunition components and fishing tackle under the Toxic Substances Control Act or any other law. In 1991, the federal government banned the use of lead shot for all waterfowl hunting because of the extensive scientific evidence that lead shot was poisoning millions of ducks, geese, and swans each year. Besides waterfowl hunting ammunition, there are currently no other regulations or limitations on the use of lead in ammunition. Today, spent ammunition represents one of the largest sources for lead entering the environment, and continues to poison millions of birds and thousands of mammals each year. A 2012 study in the Proceedings of the National Academy of Sciences concluded that critically endangered California Condors continue to be poisoned by lead from ammunition in “epidemic proportions.” Despite the fact that the EPA has not taken any steps to regulate the use of lead in ammunition, this rider would prohibit the EPA from taking steps to control the use of lead in any type of ammunition and fishing tackle, even if there was scientific evidence that simple changes to the chemical composition of these items could mitigate their environmental impacts.

STATUS: A similar provision was included in the FY 2015 Interior and Environment appropriations bill and was included as Section 425, Title IV Division F in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

5) Section 422: Endanger Clean Drinking Water – This provision would undermine drinking water protections by blocking the Environmental Protection Agency’s (EPA) Clean Water Rule clarifying jurisdiction of the Clean Water Act. Several Supreme Court cases created confusion and an unwieldy process for determining which waters were under the jurisdiction of the CWA. The EPA’s rule, which has undergone extensive public comment, will protect the small streams and

wetlands that contribute to the drinking water of one in three Americans. This provision would sacrifice our water quality to the demands of developers and oil and gas drillers.

STATUS: This provision was included in the Chairman's mark. Rep. Brenda Lawrence (D-MI) offered an amendment to strike this provision. On July 7, 2015, the amendment was rejected by voice vote. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

6) Section 423: Dangerously Pollute Streams – This provision would keep the Office of Surface Mining Reclamation and Enforcement within the Department of the Interior from continuing work to revise regulations, adopted in the waning days of the Bush administration, which opened up streams to destructive and polluting practices associated with surface coal mining. Federal courts invalidated the rulemakings put forward under the previous administration, and this provision could hinder the agency's ability to respond to the court's ruling.

STATUS: This provision was included in the Chairman's mark. Rep. Raúl Grijalva (D-AZ) offered an amendment to strike this provision. On July 8, 2015, the amendment failed 189-239. On July 27, 2015, Interior's draft rule was published in the Federal Registrar. On September 25, 2015, the public comment period will close. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

7) Section 424: Tie the Hands of Federal Land Managers – This provision elevates hunting, fishing and shooting as priority uses on public lands by prohibiting the U.S. Forest Service and the Bureau of Land Management from balancing these activities with other multiple uses of the public domain. While the vast majority of public lands will always be available for sporting pursuits, federal law also requires these agencies to consider other public values, such as endangered species protection, habitat conservation, commercial development and other recreational activities, when planning for federal land use and management.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

8) Section 425: Block Funds for the National Ocean Policy – This provision impedes the full implementation of the National Ocean Policy, a commonsense policy with bipartisan roots and support. This rider would limit coordination between agencies, states, and stakeholders, adversely affect the marine environment and resources that sustain ocean industries, and undermine valuable ocean planning work being voluntarily undertaken in states and regions around the country.

STATUS: This provision was included in the Chairman's mark. Rep. Niki Tsongas (D-MA) offered an amendment to strike this provision. On July 7, 2015, the amendment was rejected by voice vote. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

9) Section 426: Undermine Requirements for Lead-Safe Practices – This provision would prohibit funding for the EPA to implement the "lead contractor" rule until the agency approves a commercially available lead paint test kit. The amendment was adopted on a voice vote. EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning. Under the rule, beginning contractors performing renovation, repair and painting projects that

disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Thousands of contractors have been trained under the new rules; this amendment will stop enforcement of this rule.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

10) Section 427: Leave Taxpayers with Toxic Cleanup Costs – This provision would prohibit the EPA from using funds to establish new financial responsibility requirements pursuant to §108(b) of CERCLA. Blocks EPA rulemaking-- which is required by statute-- to ensure polluters set aside sufficient funds to clean up toxic spills. Financial assurance constitutes the funds in the form of bonds or insurance that industries handling hazardous substances must secure to cover any spills or releases from their industrial activities. The establishment of financial assurance requirements pursuant to CERCLA 108(b) is 30 years overdue. The absence of financial assurance requirements have allowed companies to walk away from complex and expensive sites, leaving taxpayers with billions of dollars in cleanup costs when industries default on cleanup obligations, and the lack of funding has slowed numerous cleanups. The requirement to maintain insurance for spills of hazardous substances would lead to safer chemical management.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

11) Section 428: Block EPA from Finalizing Carbon Pollution Standards for Power Plants – This provision would effectively block EPA from finalizing the first ever carbon pollution standards for new and existing fossil fuel power plants. Electric power plants are the largest source of the dangerous carbon pollution that is driving climate change and extreme weather. Power plants have limits on arsenic, lead, and mercury, yet there are currently no national limits on how much carbon pollution these plants can dump into the atmosphere. This pollution fuels climate change, which will lead to more asthma attacks and increase the frequency and intensity of extreme weather events like droughts that destroy crops, floods that wipe out communities, and massively damaging storms. The EPA, honoring its obligations under the Clean Air Act, has proposed standards that will avoid up to 150,000 child asthma attacks and 6,600 premature deaths, totaling \$93 billion in benefits, and reduce electricity bills by roughly 8 percent. These standards represent the most important step the United States has taken to slow climate change. This provision would block EPA's work to protect this and future generations from carbon pollution.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

12) Section 429: Leave Waterways Vulnerable to Pollution – This provision would prohibit EPA from changing regulations defining "fill Material" under the Clean Water Act. A 2002 rulemaking by EPA and the Corps of Engineers altered the definition of "fill material" under the Clean Water Act and these changes cleared the way for industrial mining operations to obtain permits to dump

harmful mining waste in streams and rivers. This rider would lock in these industry loopholes, leaving many of our nation's waterways vulnerable to harmful pollution.

STATUS: This provision was included in the Chairman's mark. Rep. Don Beyer (D-VA) offered an amendment to strike this provision. On July 7, 2015, the amendment was rejected by voice vote. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

13) Section 433: Requires Vacant Grazing Allotments Be Made Available without Review or Public Input – This provision mandates that Bureau of Land Management and Forest Service lands damaged by drought or wildfire are made available for grazing. Although the lands may be severely damaged, the terms of the new permits are the same as prior to the drought or wildfire that made the lands unusable. Moreover, because “the National Environmental Policy Act shall not apply” to these decisions, it is unlikely the permits will reflect the current conditions of the lands or their suitability for grazing. By waiving NEPA, the public land use is unjustifiably removed from public scrutiny, input, and accountability.

STATUS: This provision was included in the Chairman's mark. Rep. Raúl Grijalva (D-AZ) offered an amendment to strike this provision. On July 8, 2015, the amendment failed 178-251.

14) Section 434: Prohibit Natural Resource Agencies from Protecting Rivers on Public Lands – This provision would prohibit agencies from protecting rivers and public lands. This bill would in effect amend any federal law, such as the Endangered Species Act, that permits agencies to place conditions on permits or licenses that would keep water in rivers to support fish, wildlife, or in stream recreation. It would also preempt state laws that allow Federal agencies to impose similar conditions. For instance, the language could prohibit the Forest Service from requiring water diverters to leave some water in a stream on Forest Service land, or stop the Fish and Wildlife Service from requiring flows that attract fish to fish ladders so that they can safely pass over dams. This provision would undermine nearly all efforts to improve the health of the nation's rivers and public lands, including National Parks, National Forests, and National Wildlife Refuges. If enacted, private users of water could dry up rivers on public lands with impunity. Section 434 is an assault on our nation's iconic bodies of water, from the Chesapeake Bay, to the Colorado River; from the Everglades to the San Francisco Bay Delta.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

15) Section 435: Block Standards to Restrict Polluting Refrigerants – This provision would block EPA's ability to set standards curtailing use of super-polluting hydrofluorocarbon (HFC) refrigerants and foam blowing agents. EPA has proposed limiting the use of the most polluting HFCs (some of which have global warming potentials thousands of times worse than carbon dioxide) where less harmful substitutes, including substitutes made in the United States, are available. EPA's proposed action comes in the form of a proposal to remove the most polluting chemicals from the list of acceptable chemicals under EPA's Significant New Alternatives Policy (SNAP) Program. By preventing EPA from removing chemicals from the list, the rider would allow unlimited use of these extremely potent greenhouse gases. The rider would also damage the United

States' international credibility and frustrate efforts to negotiate a global HFC phase-out under the Montreal Protocol.

STATUS: This provision was included in the Chairman's mark. Rep. Scott Peters (D-CA) offered an amendment to nullify this provision. On July 7, 2015, the amendment was rejected by voice vote

16) Section 437: Undermine Crucial Climate Change Research – This provision would force the federal government to blind itself to the costs of climate change that our emissions impose on the rest of the world. This is a “bad science” rider that would block our government from assessing the full costs of extreme weather and other climate impacts caused by our pollution, and the full benefits of any actions to improve energy efficiency or clean up carbon pollution. The administration is following the Golden Rule in accounting for all the damages caused by U.S. carbon pollution. We want Europe and China to be responsible for the harms their emissions impose on us, so it's only right for us to consider the effects of our carbon pollution on others.

STATUS: This provision was included in the Chairman's mark. Rep. Jared Polis (D-CO) offered an amendment to strike this provision. On July 8, 2015, the amendment failed 186-243.

17) Section 438: Block Updates to National Ozone Standard – This provision would permanently block or delay much-needed updates to the national ozone standard. Ozone – or smog – causes breathing problems, asthma attacks, and even premature death. The current, out-of-date ozone standard allows ozone levels known to be harmful, and can mislead people who rely on information about their local air quality – like parents of children with asthma – into thinking the air is safe to breathe on a day when it actually isn't. This rider contradicts requirements of the Clean Air Act that require review and revision of the standard every 5 years, based on the science. Requiring that 85% of nonattainment counties under the 2008 standard, as of 2014, achieve full compliance before EPA can update the standard will lead to more asthma attacks and premature deaths, and more times that families won't have accurate information as to the quality of their air.

STATUS: This provision was offered as an amendment by Rep. Evan Jenkins (R-WV) at the markup in full Committee. On June 16, 2015 the amendment was agreed to by voice vote. Rep. Matt Cartwright (D-PA) offered an amendment to strike this provision but then withdrew it. Rep. Alan Lowenthal (D-CA) and Rep. Ted Yoho (R-FL) offered two separate amendments to revise this provision. On July 7, 2015, the amendments were rejected by voice vote. Rep. Donna Edwards (D-MD) offered an amendment to strike this provision. On July 8, 2015, the amendment failed 180-249.

18) Section 439: Block Hydraulic Fracturing Safeguards – This provision would block funding to implement the Bureau of Land Management's hydraulic fracturing rule that was finalized in March 2015. This is a modest, common sense rule that will improve well integrity, reduce the impact of toxic wastewater, and increase transparency around chemicals used in the fracking process.

STATUS: This provision was offered as an amendment by Rep. Tom Cole (R-OK) at the markup in full Committee. On June 16, 2015 the amendment was agreed to by voice vote. Rep. Brenda Lawrence (D-MI) offered an amendment to strike this provision. On July 8, 2015, the amendment failed 179-250.

NOTE: The House did not finish its consideration of the bill. Below are amendments that either passed while the bill was under consideration or for which a recorded vote had been requested and were expected to pass.

Amendments That Passed On House Floor

1) Amendment by Rep. Don Young (R-AK) – Undermine the Comprehensive Conservation Plan for Arctic National Wildlife Refuge – This amendment would prohibit funds for implementing the Fish and Wildlife Service’s Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. The CCP recommends that key areas of the Arctic Refuge that are home to wildlife including polar and grizzly bears, muskoxen, and hundreds of species of migratory birds be protected as Wilderness, including the sensitive Coastal Plain. The CCP was developed during a multiyear process and takes into account input from a million Americans from across the country and significant scientific data.

STATUS: This provision was offered as an amendment by Rep. Don Young (R-AK) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

2) Amendment #4 by Rep. Bruce Poliquin (R-ME) – Prohibit Funds from Being Used to Enforce the "Boiler-MACT" Rule – This amendment would harm human health by worsening air quality. This amendment would hinder standards to cut hazardous air pollution from large industrial boilers by preventing EPA from authorizing alternative pollution limits. EPA’s projected that its final Boiler-MACT rule (2013) will avoid 7,900 premature deaths, 5,000 heart attacks and 51,000 asthma attacks annually. This policy rider, which does not belong in a funding bill, will result in greater health hazards.

STATUS: This provision was offered as an amendment by Rep. Bruce Poliquin (R-ME) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

3) Amendment by Rep. Paul Gosar (R-AZ) – Undermine ESA Protections for the Sonoran Desert Tortoise – This amendment would prevent the Fish and Wildlife Service from protecting the imperiled Sonoran desert tortoise under the Endangered Species Act. The tortoise, which has been a candidate for listing since 2010, experienced a 51 percent population decline from 1987 to 2006 and currently faces numerous threats including improper livestock grazing, human depredation and climate change. Delaying a listing for the desert tortoise will ultimately make the species’ recovery longer, more costly and more burdensome.

STATUS: This provision was offered as an amendment by Rep. Paul Gosar (R-AZ) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

4) Amendment by Rep. Paul Gosar (R-AZ) – Block Participation in the U.N. Environment Program – This provision would block the EPA from participating in any work with the United Nations Environment Programme. The EPA’s work with UNEP has included a leadership role in helping countries reduce sulfur emissions and eliminate lead in fuel and supporting mercury emission studies that influenced the development of the Minamata Mercury Convention to reduce toxic mercury pollution. This amendment attempts to harm public health by blocking assistance to these types of activities.

STATUS: This provision was offered as an amendment by Rep. Paul Gosar (R-AZ) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

5) Amendment by Rep. Steve Pearce (R-NM) – Block Increases in Oil and Gas Royalty Rates – This amendment would prevent the Bureau of Land Management from raising royalty rates for federal onshore oil and gas production. The federal onshore royalty rate has not been updated

since the 1920s and American taxpayers are currently being shortchanged by low onshore oil and gas royalty rates.

STATUS: This provision was offered as an amendment by Rep. Steve Pearce (R-NM) on the House floor. On July 8, 2015 the amendment was agreed to by recorded vote 231 - 198 (Roll Call No. 408).

6) Amendment #9 by Rep. Tim Walberg (R-MI) – Prohibit Funds Under the ‘Waters of the United States’ Rule – This amendment would prohibit the use of funds for the Administration to lobby on behalf of the Waters of the U.S. rule. The administration does not do that, but this amendment is a thinly veiled attack on the Clean Water Rule and clean water for all Americans.

STATUS: This provision was offered as an amendment by Rep. Tim Walberg (R-MI) on the House floor. On July 7, 2015, the amendment was adopted by voice vote

7) Amendment by Rep. Crescent Hardy (R-NV) – Inhibit Power to Declare National Monuments – This "blocking new parks" amendment would prevent many local communities from working towards broadly and bipartisan supported national monuments, designated as the result of years and in some cases decades of efforts. Since its inception over a hundred years ago, the Antiquities Act has been one of our nation’s most critical conservation tools for preserving our nation’s most important federal public lands and waters. Many of these monument designations have been made after robust local input, but allowing counties or other local and state elected officials to veto decisions to protect public lands owned by all Americans is not about local input but instead is an attempt to block the creation of new national monuments, which is entirely contrary to the intent of this time-tested and critical conservation tool.

STATUS: This provision was offered as an amendment by Rep. Crescent Hardy (R-NV) on the House floor. On July 8, 2015 the amendment was agreed to by recorded vote 222 - 206 (Roll Call No. 409).

9) Amendment by Rep. Rick Crawford (R-AR) – Undermine Oil Spill Prevention Regulations for Farms – This amendment would prohibit funds from being used by the EPA Administrator to enforce the requirements of the Clean Water Act's oil spill prevention regulations with respect to any farm. Moreover, it would exempt farms with large tanks of oil from the obligation to have a plan to prevent and respond to spills.

STATUS: This provision was offered as an amendment by Rep. Rick Crawford (R-AR) on the House floor. On July 7, 2015, the amendment was adopted by voice vote

9) Amendment by Rep. Lamar Smith (R-TX) – FOIA and EPA’s Science Advisory Board – This provision would prohibit funds from being used by EPA to propose, finalize, implement or revise any regulation in which EPA failed to follow executive orders concerning disclosure of scientific research data to the public. A second provision would stop any regulation that didn't comply with sharing its advice with Congress in contravention of 42 USC 4365 that does not require sharing information with Congress.

STATUS: This provision was offered as an amendment by Rep. Lamar Smith (R-TX) on the House floor. On July 7, 2015, the amendment was adopted by voice vote

10) Amendment by Rep. Dan Newhouse (R-WA) – Restrict Regulation of Confined Animal Feeding Operations under the Solid Waste Disposal Act – This amendment would prevent the EPA from using funds to issue any regulation under the Solid Waste Disposal Act that applies to

large concentrated animal feeding operations (CAFO). It impedes the agency's authority to take action where necessary to safeguard public health and the environment, especially in cases where drinking water is contaminated by manure leaching into groundwater from large CAFOs.

STATUS: This provision was offered as an amendment by Rep. Dan Newhouse (R-WA) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

11) Amendment by Rep. Kevin Yoder (R-KS) – Block ESA Protections for the Lesser Prairie Chicken – This amendment would prevent FWS from protecting the threatened lesser prairie-chicken, even though this magnificent bird suffered a 50% decline in population from 2012 to 2013 and still faces a multitude of threats.

STATUS: This provision was offered as an amendment by Rep. Kevin Yoder (R-KS) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

12) Amendment by Rep. Keith Rothfus (R-PA) – Prohibit Elimination of Plastic Bottles at National Parks – This provision would prevent the National Park Service from implementing a common sense policy to reduce waste in national parks by replacing the sale of plastic water bottles with free water filling stations in parks. Before making a decision, park superintendents are required to perform a cost-benefit analysis to determine 1) the availability of free water filling stations that are accessible to the public and 2) effective public education to ensure visitors know where to locate a free water filling stations, among other issues. Every park will not be able to implement this policy, but those parks that have the resources should consider reducing waste and reducing expensive waste removal costs.

STATUS: This provision was offered as an amendment by Rep. Keith Rothfus (R-PA) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

13) Amendment by Rep. Randy Weber (R-TX) – Block Section of the Clean Air Act – This amendment would prevent the EPA from carrying out air quality regulations in violation of Section 312(a) of the Clean Air Act. No court has found EPA to be out of compliance with section 321(a) and this amendment is simply a tool for those opposed to air quality protections to falsely assert that EPA is not following the law.

STATUS: This provision was offered as an amendment by Rep. Randy Weber (R-TX) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

14) Amendment #624 by Rep. Richard Hudson (R-NC) Block EPA Regulation of Barbecues – This provision would stop EPA from regulating something they have no intention of regulating: residential barbecues. EPA had just given a small grant to a university when the school proposed it had an idea to lower the pollution releases from such grills.

STATUS: This provision was offered as an amendment by Rep. Richard Hudson (R-NC) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

15) Amendment by Rep. Glenn Thompson (R-PA) – Prevent ESA Protection for the Northern Long-Eared Bat – This amendment would prevent FWS from protecting the highly imperiled northern long-eared bat as an endangered species under the ESA. This amendment inappropriately interferes with the agency's decision-making process under the Act. Moreover, the agency recently listed the bat as threatened, making this amendment untimely and unnecessary.

STATUS: This provision was offered as an amendment by Rep. Glenn Thompson (R-PA) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

16) Amendment by Rep. Doug Lamborn (R-CO) – Block ESA Protections for the Preble’s Meadow Jumping Mouse – This amendment would block federal funding for the threatened Preble’s Meadow Jumping Mouse under the Endangered Species Act, thwarting recovery efforts for this western species, which continues to experience habitat loss and other threats throughout its range. It would eliminate crucial recovery programs for the mouse, such as Habitat Conservation Plans, that require the participation of private and public land managers as well as federal funding.

STATUS: This provision was offered as an amendment by Rep. Doug Lamborn (R-CO) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

17) Amendment by Rep. Doug Lamborn (R-CO) – Block ESA Protections for Numerous Species – This amendment would block ESA protections for listed species if FWS does not complete its 5-year review as required by the law on time.

STATUS: This provision was offered as an amendment by Rep. Doug Lamborn (R-CO) on the House floor. On July 7, 2015, the amendment was adopted by voice vote.

18) Amendment by Rep. Diane Black (R-TN) – Block Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engine Vehicles – This provision would prevent EPA from applying vehicle efficiency and carbon pollution standards to heavy duty truck rebuilds. The amendment would unnecessarily perpetuate pollution and oil dependence by weakening heavy duty vehicle fuel economy standards.

STATUS: This provision was offered as an amendment by Rep. Diane Black (R-TN) on the House floor. On July 8, 2015, the amendment was adopted by voice vote.

19) Amendment by Rep. John Mica (R-FL) – Prohibit Funds for an Educational Center at the Castillo de San Marcos National Monument – This provision would prohibit NPS from spending funds on their preferred FGMP/EIS alternative to construct the visitors center for Castillo de San Marcos NM in St. Augustine, FL off-site near St. Augustine’s Spanish Quarter. Instead the amendment forces NPS to implement Alternative B, to construct the visitors center on-site, by prohibiting funding of the other three alternatives (including the NPS preferred alternative). We are deeply concerned with any amendment that would allow Congress to override any NPS’ preferred alternative developed through a NEPA process. Not only does this undermine the jurisdiction of the NPS and the NEPA process, but we also have concerns about the financial impacts of these types of decisions regarding NPS operations.

STATUS: This provision was offered as an amendment by Rep. John Mica (R-FL) on the House floor. On July 8, 2015, the amendment was adopted by voice vote.

20) Amendment by Rep. Todd Rokita (R-IN) – Block ESA Protections for Mussels – This amendment would block all federal funding for six species of endangered mussels under the Endangered Species Act, thwarting recovery efforts for these important indicator species. The amendment would eliminate funding for recovery efforts such as federal-state captive breeding programs, law enforcement efforts and consultations.

STATUS: This provision was offered as an amendment by Rep. Michael Burgess (R-TX) on the House floor. On July 8, 2015, the amendment was adopted by voice vote.

21) Amendment by Rep. Scott Perry (R-PA) – Prohibit Funds for Collecting Remote Sensing Data – This amendment requires that no funds be made available to the Department of Interior (DOI) for any surveying, mapping, or collection of remote sensing data using any unmanned aircraft system. Although this seems to be aimed at preventing the use of potentially-intrusive drones, there are concerns that it goes too far in curtailing the discretion needed by DOI to achieve its mission for the American people. From a practical perspective, it may not affect DOI's operations because, for example, DOI does not typically deploy its own unmanned aircraft for endangered species monitoring. However, it could still impede effective wildlife conservation if drones were the least intrusive and most efficient means to monitor along the U.S./Mexico border, or in roadless settings. This language is thus overly broad, and could have a chilling, if unintended, effect on DOI's use of remotely sensed data more broadly. Instead, DOI should become less risk-averse than it is now, and be willing to take chances when adopting new technology that could help it better achieve its mission. Innovative uses of technology will become especially crucial as DOI attempts to overcome many of the challenges posed by inadequate funding from Congress.

STATUS: This provision was offered as an amendment by Rep. Michael Burgess (R-TX) on the House floor. On July 8, 2015, the amendment was adopted by voice vote.

Harmful Amendments For Which Recorded Vote Had Been Requested But Not Taken Prior To The Interior Bill Being Pulled Off The Floor

1) Amendment #39 by Rep. Ryan Zinke (R-MT) – Block Rule Making Coal Companies Pay Their Fair Share – This amendment would block the Obama Administration from implementing a forthcoming rule closing a loophole in how royalties are collected from coal mined on federal lands. Closing this loophole is a necessary first step to ensuring that coal companies can no longer use their affiliates to dodge royalty payments and that taxpayers collect a fair return on publicly owned resources.

STATUS: This provision was offered as an amendment by Rep. Ryan Zinke (R-MT) on the House floor. There has been a request for a recorded vote.

2) Amendment by Rep. Dan Newhouse (R-WA) – Legislatively Delist Gray Wolves in Washington, Oregon and Utah – This amendment blocks the protection of gray wolves in Washington, Oregon and Utah under the ESA, thwarting recovery efforts in three states with suitable habitat where gray wolves are just beginning to repopulate.

STATUS: This provision was offered as an amendment by Rep. Dan Newhouse (R-WA) on the House floor. There has been a request for a recorded vote.

3) Amendment by Rep. David Rouzer (R-SC) – Block New Standards for Heaters and Furnaces – This amendment would threaten human health and air quality by blocking implementation of EPA's air quality standards for new wood-burning stoves, discouraging technological innovation for this important heat source. By blocking these standards, it puts the public at further risk from particulate matter, carbon monoxide, nitrogen oxides, volatile organic compounds, and other dangerous air pollutants that cause asthma attacks, heart attacks, lung cancer and premature deaths.

STATUS: This provision was offered as an amendment by Rep. David Rouzer (R-SC) on the House floor. There has been a request for a recorded vote.

4) Amendment by Rep. Richard Hudson (R-NC) – Force Approval of Atlantic Lease Sale – This amendment would prohibit funds to be used to remove the Atlantic oil and gas lease sale from The Bureau of Ocean Energy Management’s 5 Year Oil and Gas Leasing Program. This amendment forces the approval of an oil and gas lease sale in the Atlantic putting coastal communities all along the Atlantic at risk of a catastrophic oil spill.

STATUS: This provision was offered as an amendment by Rep. Richard Hudson (R-NC) on the House floor. There has been a request for a recorded vote.

5) Amendment by Rep. Robert Goodlatte (R-VA) – Undermine Chesapeake Bay Clean-Up – This amendment undermines the successful cooperative federalism of the Chesapeake Bay clean up and would severely hamper progress being made to clean up local waters. The cleanup is working, and the current process has given the states more control than ever in seeking a solution to the degraded waters of the region, while taking advantage of federal resources to help the states meet their commitments.

STATUS: This provision was offered as an amendment by Rep. Robert Goodlatte (R-VA) on the House floor. There has been a request for a recorded vote.

6) Amendment by Rep. Lynn Westmoreland (R-GA) – Undermine Citizen Enforcement of Environmental Laws – This amendment prevents citizens from enforcing the critical protections of the Endangered Species Act, Clean Air Act, and the Clean Water Act by barring citizens' ability to recover costly legal fees when they successfully challenge an agency and reach an agreement or settlement. This restricts access to the courts by making such challenges financially impossible for the average American and prevents them from holding agencies accountable to their statutorily imposed deadlines and mandates.

STATUS: This provision was offered as an amendment by Rep. Lynn Westmoreland (R-GA) on the House floor. There has been a request for a recorded vote.

7) Amendment by Rep. Doug LaMalfa (R-CA) – Undermine Citizen Enforcement of the ESA – This amendment would undermine the ability of citizens to recover attorney’s fees when they prevail in lawsuits brought under the Endangered Species Act. This restricts access to the courts and allows for the most egregious violations of the Act to remain unchecked.

STATUS: This provision was offered as an amendment by Rep. Doug LaMalfa (R-CA) on the House floor. There has been a request for a recorded vote.

8) Amendment by Rep. Glenn Grothman (R-WI) – Prohibit Regulation of Air Pollutant Monitors – This amendment would harm EPA's ability to protect Americans' health by blocking the need to site air quality monitors where air pollution levels are highest. It would harm Americans' health by obstructing development of pollution control measures that target the highest air pollution levels from the worst emitters of air pollution.

STATUS: This provision was offered as an amendment by Rep. Glenn Grothman (R-WI) on the House floor. There has been a request for a recorded vote.

9) Amendment by Rep. Gary Palmer (R-AL) – Prohibit Implementation of the Diesel Emission Reduction Program – This amendment would defund the very successful Diesel Emission Reduction Act which protects human health by reducing harmful particulate and NOx emissions from diesel vehicles. The program has bipartisan support, has a record of pollution reductions, especially in areas of poor air quality and should be continued.

STATUS: This provision was offered as an amendment by Rep. Gary Palmer (R-AL) on the House floor. There has been a request for a recorded vote.

In House Interior Appropriations Committee Report (House Report 114-170)

1) Chilling Citizen Enforcement with Punitive Reporting Requirements – Language in the report would direct the Department of the Interior, the forest Service and the Environmental Protection Agency to produce “detailed” reports on the cost of successful enforcement actions filed by individuals and organizations in federal court – reports identifying anyone who recovers litigation expenses from the government, and any judges who approve such reimbursements. For decades, Congress has recognized the critical role that citizen suits play in ensuring that federal agencies do as federal law requires. Under a number of statutes, citizens are allowed both to challenge illegal agency actions in federal court and to recover the costs of doing so when they are successful. These cases are not easy to win, but they are essential to ensuring that federal agencies fulfill the duties and deadlines established for them by Congress. To ensure citizen enforcement remains an option available to all Americans regardless of wealth, Congress enacted the Equal Access to Justice Act (EAJA) and included cost recovery provisions in many of our laws. These laws allow prevailing citizens to recoup litigation costs when a court has found an agency has violated the law. Without such fee recovery requirements, court house doors would be closed for many Americans. Despite the importance of citizen suits in protecting Americans’ public health and environment, language in the House report subjects them to a punitive set of reporting requirements that target every citizen and judge involved. Reasonable reporting provisions – like those Congress removed from the Equal Access to Justice Act in 1995 – provide an important means of agency oversight. The more onerous and intrusive requirements of this language threaten to chill citizen enforcement of federal law.

STATUS: This language was included in the Committee report accompanying the legislation. Similar language was included in the report accompanying the FY 2015 House Interior bill and was then also included in Division F explanatory statement for HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

2) Elevating Inferior State Wildlife Data – Language in the report would direct Federal agencies to use State fish and wildlife data as a primary source to inform Federal land use, land planning, and related natural resource decisions. Forcing the agencies to rely on State data as the primary source of information for Endangered Species Act decision-making would result in the use of deficient and less sound scientific information, undermining the “best available” standards required by the ESA. Data provided by States is not always the best available – other sources may be better such as university studies or even industry studies. When State data is the best, the agencies already use it.

STATUS: This language was included in the Committee report accompanying the legislation. Similar language was included in the report accompanying the FY 2015 House Interior bill and was then also included in Division F explanatory statement for HR 83, The Consolidated and Further Continuing Appropriations Act, 2015.

3) Undermine Groundwater Protection – This provision would direct the EPA to entirely withdraw a rulemaking that protects groundwater from uranium solution mining. This rider would sacrifice scarce western ground water and leave it vulnerable to uranium pollution for decades. Once polluted, these aquifers are nearly impossible to clean up and risk pollution migration into other nearby groundwater sources. This rider lets industry off the hook for severe environmental contamination of tens of millions of gallons of ground water.

STATUS: This provision was included in the Committee report accompanying the legislation.

Department of the Interior, Environment, and Related Agencies Appropriations Act (S. 1645)

Title I – General Provisions – Department of the Interior

1) Section 110: Legislatively Delist Gray Wolves in Wyoming and the Great Lakes – This provision would legislatively order the Secretary of the Interior to reissue rules delisting gray wolves in Wyoming and the Great Lakes and shield those rules from any additional judicial review. The rules were declared unlawful under the Endangered Species Act and invalidated by two separate federal judges. This provision would short-stop wolf recovery in the lower-48 states and invite further Congressional micro-management of the ESA.

STATUS: This provision was included in the Chairman's mark. This provision is similar to Section 121 in the House version.

2) Section 114: Hydraulic Fracturing – This provision seeks to undercut a modest, common sense rulemaking finalized by the Bureau of Land Management (BLM) in March 2015. Since the 1980s, the scale and impacts associated with the oil and gas industry have grown dramatically, but BLM's regulations have not kept pace. With these updates, the BLM is taking modest steps to improve well integrity, reduce the impact of toxic wastewater, and increase transparency around chemicals used in the fracking process. This rider would impede this progress by requiring the BLM to issue a statewide variance to its rule if the state or a tribe has hydraulic fracturing regulations in place, regardless of the strength of those standards. This would, in effect, prevent the BLM rule from going into effect even if a state or tribal regulation is weak.

STATUS: This provision was included in the Chairman's mark. It is similar to Section 439 of the House Bill that was added as an amendment in committee.

3) Section 115: Leave Millions of Acres of Wilderness Quality Lands Open to Drilling, Mining and Off-Road Vehicles – This provision inappropriately and unnecessarily restricts the Secretary of the Interior's ability to implement Secretarial Order #3310, thereby hindering the Bureau of Land Management's ability to protect wilderness quality but unprotected lands from damaging activities. The Secretarial Order simply directs and instructs the BLM to comply with its existing statutory obligations to protect lands managed by the BLM that harbor wilderness and other "natural" values. The Secretarial Order corrects an aberrant policy adopted by former Secretary of the Interior Gale Norton that severely restricted the BLM's ability to properly identify and manage lands containing wilderness characteristics, a policy that overturned two decades of bipartisan agreement regarding the BLM's statutory obligation to assure that environmentally sensitive areas are unimpaired for future generations. Although Congressional critics of this Secretarial Order maintain that it usurped Congressional authority, in fact it in no way impaired the central role that

Congress plays in designating Wilderness Areas under the Wilderness Act. Wilderness designation remains exclusively the prerogative of Congress. S.O. #3310 acknowledges this Congressional responsibility, but clarifies the BLM's to conduct periodic assessments of our public lands to determine suitability for protection as wilderness, and to manage such areas to protect such characteristics.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2012. This provision is also similar to Section 112 in the House version.

4) Section 119: Delay Protections for the Sage Grouse – This provision would prevent FWS from even considering greater sage-grouse and the Columbia Basin sage-grouse for possible listing under the Endangered Species Act (ESA) for at least another year. Both populations have waited more than a decade for a listing decision. Additional delays would make conservation and recovery of these grouse more difficult, more expensive and more disruptive in the future. Additionally, the listing decision delay could undermine planning efforts presently underway to balance land uses with sage-grouse conservation on tens of millions of acres in the West. These planning processes could unravel if sage-grouse listing decisions are delayed. The provision also prevents FWS from spending funds to write or issue final rules for the bi-state population of sage-grouse, or for Gunnison sage-grouse. However, FWS already issued a final rule listing the Gunnison sage-grouse as threatened and withdrew its proposed rule for the bi-state population, finding that a listing was not warranted.

STATUS: This provision was included in the Chairman's mark.

5) Section 127: Force Construction of a Road through Izembek National Wildlife Refuge – This provision would force construction of a road through Izembek National Wildlife Refuge, overriding the Secretary of the Interior's 2013 decision to reject the proposed road and its precedent-setting threat to national wildlife refuges and wilderness protections for public lands across the country. Izembek is an internationally recognized wetland and coastal habitat for iconic wildlife, including grizzly bears, caribou, salmon and hundreds of species of migratory birds. One of America's most unique and ecologically significant wildlife refuges, this extraordinary landscape in Alaska is almost entirely designated wilderness. The Izembek road controversy was already settled during the Clinton Administration when the federal government allocated \$37 million to upgrade access to quality medical care for the village of King Cove in lieu of building the environmentally destructive road, and taxpayers have now spent more than \$50 million in support of that commitment. The provision is just the latest chapter in an unrelenting effort to slice an ill-advised road through the refuge despite fierce and broad opposition. The provision would bypass the Interior Department's sound, science-based management of this treasured area, simultaneously destroying the refuge, wasting taxpayer dollars and creating a precedent that undermines the Wilderness Act and the integrity of the National Wildlife Refuge System.

STATUS: This provision was included in the Chairman's mark.

6) Section 128: Block ESA Protections for the Lesser Prairie Chicken – This provision would prevent FWS from protecting the threatened lesser prairie-chicken, even though this magnificent bird suffered a 50% decline in population from 2012 to 2013 and still faces a multitude of threats.

STATUS: This provision was offered as an amendment by Sen. Jerry Moran (R-KS) in full committee and passed with a majority vote on June 18, 2015.

Title II – Environmental Protection Agency – Administrative Provisions

1) Encourage Harmful Use of Wood Biomass – In spite of the fact that emissions from wood biomass are often worse for the climate than coal, this rider would require the EPA to treat wood biomass as producing zero carbon emissions, thereby encouraging one of the least sensible portions of our energy mix and a documented threat to our forests.

STATUS: This provision was included in the Chairman's mark.

Title IV – General Provisions – Including Transfers of Funds

1) Section 417: Block EPA from Finalizing Carbon Pollution Standards for Power Plants – This provision would effectively block EPA from finalizing the first ever carbon pollution standards for new and existing fossil fuel power plants. Electric power plants are the largest source of the dangerous carbon pollution that is driving climate change and extreme weather. Power plants have limits on arsenic, lead, and mercury, yet there are currently no national limits on how much carbon pollution these plants can dump into the atmosphere. This pollution fuels climate change, which will lead to more asthma attacks and increase the frequency and intensity of extreme weather events like droughts that destroy crops, floods that wipe out communities, and massively damaging storms. The EPA, honoring its obligations under the Clean Air Act, has proposed standards that will avoid up to 150,000 child asthma attacks and 6,600 premature deaths, totaling \$93 billion in benefits, and reduce electricity bills by roughly 8 percent. These standards represent the most important step the United States has taken to slow climate change. This provision would block EPA's work to protect this and future generations from carbon pollution.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015. This provision is also similar to Section 428 in the House version.

2) Section 418: Clean Air Act Permits for Greenhouse Gas Emissions Produced by Livestock Waste – Despite clear evidence that factory farms contribute significantly to anthropogenic emissions of methane, nitrous oxide, hydrogen sulfide, and ammonia, the Environmental Protection Agency (EPA) has not required animal feeding operations to meet any testing, performance, or emission standards under the Clean Air Act. This provision would prevent the use of the Clean Air Act permitting tools to control greenhouse gases from the largest sources of livestock waste.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2010. This provision is also similar to Section 417 in the House version.

3) Section 419: Put Blinders on Global Warming Pollution Accounting – This provision would tie EPA's hands on climate change science and impede the agency's ability to gather critical baseline data on greenhouse gas (GHG) emissions by barring EPA from implementing its rule on mandatory reporting of greenhouse gases from manure management systems (CAFOs). Congress wisely recognized that emissions data on all sectors is needed to craft effective climate change policies when it established the statutory requirement in the FY 2008 Consolidated Appropriations Act for "mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States." Congress should not now to insist that the EPA put up blinders with respect to the very largest industrial animal agriculture facilities – those emitting 25,000 metric tons or more of GHG emissions per year. Domestically, manure management and enteric

fermentation are responsible for about one-third of all anthropogenic methane emissions, and methane is more than 20 times as potent a GHG as carbon dioxide. In 2008, methane emissions from manure management were 54 percent higher than in 1990. In addition, the direct and indirect emissions of nitrous oxide – 310 times as potent a GHG as carbon dioxide – from manure management increased 19 percent between 1990 and 2008. As other countries around the globe are collecting similar information from animal agriculture, such an amendment would hamper the United States' ability to be a leader on international efforts to assess and combat climate change. It would also undercut the potential to accurately account for and give credit for GHG emissions reduction measures taken by agricultural entities.

STATUS: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2010. This provision is also similar to Section 418 in the House version.

4) Section 421: Endanger Clean Drinking Water – This provision would undermine drinking water protections by blocking the Environmental Protection Agency's (EPA) Clean Water Rule clarifying jurisdiction of the Clean Water Act. Several Supreme Court cases created confusion and an unwieldy process for determining which waters were under the jurisdiction of the CWA. The EPA's rule, which has undergone extensive public comment, will protect the small streams and wetlands that contribute to the drinking water of one in three Americans. This provision would sacrifice our water quality to the demands of developers and oil and gas drillers.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015. This provision is also similar to Section 422 in the House version.

5) Section 424: Block Updates to National Ozone Standard – This provision would permanently block or delay much-needed updates to the national ozone standard. Ozone – or smog – causes breathing problems, asthma attacks, and even premature death. The current, out-of-date ozone standard allows ozone levels known to be harmful, and can mislead people who rely on information about their local air quality – like parents of children with asthma – into thinking the air is safe to breathe on a day when it actually isn't. This rider contradicts requirements of the Clean Air Act that require review and revision of the standard every 5 years, based on the science. Requiring that 85% of nonattainment counties under the 2008 standard, as of 2014, achieve full compliance before EPA can update the standard will lead to more asthma attacks and premature deaths, and more times that families won't have accurate information as to the quality of their air.

STATUS: This provision was included in the Chairman's mark. This provision is also similar to Section 438 in the House version.

6) Section 425: Exempt Lead Bullets and Fishing Tackle from Regulation under the Toxic Substances Control Act – This provision would prohibit the Environmental Protection Agency and all federal land management agencies from regulating the use of lead in ammunition, ammunition components and fishing tackle under the Toxic Substances Control Act or any other law. In 1991, the federal government banned the use of lead shot for all waterfowl hunting because of the extensive scientific evidence that lead shot was poisoning millions of ducks, geese, and swans each year. Besides waterfowl hunting ammunition, there are currently no other regulations or limitations on the use of lead in ammunition. Today, spent ammunition represents one of the largest sources for lead entering the environment, and continues to poison millions of birds and thousands of mammals each year. A 2012 study in the Proceedings of the National Academy of Sciences

concluded that critically endangered California Condors continue to be poisoned by lead from ammunition in “epidemic proportions.” Despite the fact that the EPA has not taken any steps to regulate the use of lead in ammunition, this rider would prohibit the EPA from taking steps to control the use of lead in any type of ammunition and fishing tackle, even if there was scientific evidence that simple changes to the chemical composition of these items could mitigate their environmental impacts.

A similar provision was included in the FY 2015 Interior and Environment appropriations bill and was included as Section 425, Title IV Division F in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015. This provision is also similar to Section 421 in the House version.

7) Section 431: Leave Taxpayers with Toxic Cleanup Costs – This provision would prohibit the EPA from using funds to establish new financial responsibility requirements pursuant to §108(b) of CERCLA. Blocks EPA rulemaking-- which is required by statute-- to ensure polluters set aside sufficient funds to clean up toxic spills. Financial assurance constitutes the funds in the form of bonds or insurance that industries handling hazardous substances must secure to cover any spills or releases from their industrial activities. The establishment of financial assurance requirements pursuant to CERCLA 108(b) is 30 years overdue. The absence of financial assurance requirements have allowed companies to walk away from complex and expensive sites, leaving taxpayers with billions of dollars in cleanup costs when industries default on cleanup obligations, and the lack of funding has slowed numerous cleanups. The requirement to maintain insurance for spills of hazardous substances would lead to safer chemical management.

STATUS: This provision was included in the Chairman’s mark. This provision was also originally included in the FY 2015 Interior bill but was removed in HR 83, The Consolidated and Further Continuing Appropriations Act, 2015. This provision is also similar to Section 427 in the House version.

8) Section 432: Greenhouse Gas Emissions and Climate Change excluded from NEPA consideration – This provision would prevent federal agencies from considering greenhouse gas emissions (GHGs) or climate change in decisions made under the National Environmental Policy Act (NEPA). NEPA requires federal agencies to consider vital environmental factors before making major project decisions. Excluding greenhouse gas emissions promotes uninformed decisions; risks long term environmental harm, and encourages projects that lack climate resiliency.

STATUS: This provision was included in the Chairman’s mark.

In Senate Interior Appropriations Committee Report (Senate Report 114-170)

1) Undermine Management of Alaska Maritime National Wildlife Refuge – This provision prohibits the U.S. Fish and Wildlife Service from pursuing options to halt habitat degradation in the Alaska Maritime National Wildlife Refuge. The agency is working to manage feral livestock on Chirikof and Wosnesenski islands and invasive caribou on Kagalaska Island in the refuge. These animals are having a devastating impact on these fragile littoral ecosystems, eliminating native vegetation, decimating riparian habitat, spreading invasive species and threatening sensitive wildlife, including ground-nesting seabirds. This report language is yet another attempt by a few legislators to micro-manage our public lands and resources. Congress should reject the language in favor of the Service’s publicly accessible, science-based decision-making process to protect and restore our natural heritage.

STATUS: This provision was included in the Committee report accompanying the legislation.

2) Undermine Groundwater Protection – This provision would direct the EPA to curtail and delay the finalization of EPA's uranium solution mining groundwater protection rule. This rider would sacrifice scarce western ground water and leave it vulnerable to uranium pollution for decades. Once polluted, these aquifers are nearly impossible to clean up and risk pollution migration into other nearby groundwater sources. This rider lets industry off the hook for severe environmental contamination of tens of millions of gallons of ground water.

STATUS: This provision was included in the Committee report accompanying the legislation.

3) Sell Timber from Tongass National Forest – This provision would interfere with transitioning America's crown jewel rainforest, the Tongass National Forest, away from industrial-scale old growth logging. This report language requires the Forest Service to prepare and offer within two years four large-scale old growth timber sales in Region 10, which includes the Tongass National Forest. This directive would undermine the Administration's plan to transition the Tongass away from damaging industrial-scale old growth logging and toward a diverse, sustainable economic future for southeast Alaska based on restoration, fishing, recreation, and tourism.

STATUS: This provision was included in the Committee report accompanying the legislation.

Department of Defense Appropriations Act (H.R. 2685)

Title XVIII – General Provisions

1) Section 8128: This provision would waive section 526 of the Energy Independence Security Act, which prevents the government from purchasing alternative fuels (such as liquids produced from coal) that emit more carbon pollution than conventional fuels do. Section 526 is about accountability. It does not ban any type of fuel as opponents falsely claim. Instead, it requires fuels like coal to liquids to manage their emissions before being eligible for public funding. Minimizing public harm as a precondition to public funds is a fair thing to ask.

STATUS: This provision was included in the Chairman's mark.

Department of State, Foreign Operations, and Related Programs Appropriations Act (H.R. 2772)

Title V – Multilateral Assistance

1) Undermining the Global Environment Facility – The Global Environment Facility (the GEF) is an independent international financial institution that provides grants for environmental projects that also support sustainable economic growth, uniting 183 countries with U.S. corporations and NGOs. America's investment in the GEF also yields a very high rate of return. For every U.S. dollar invested, about 52 additional dollars are raised from donor and recipient countries and other public and private partners. Resource scarcity can lead to population displacement, reductions in food supply, water shortages, and other sources of instability that make communities vulnerable to conflict and radicalization. GEF investments include more than 1,000 conservation projects in 155 countries. It is the largest single financier of forest conservation through its support of more than 400 projects, including projects that help to combat illegal logging, a practice that costs the American economy upwards of \$1 billion per year in lost revenue. GEF support has also been

critical to placing 12 percent of the world's terrestrial area under protection, resulting in 2,809 protected areas spanning 1.7 billion acres containing at least 700 globally threatened species. The GEF has established and structured a new program of work to combat poaching and wildlife trafficking around the world. The bill zeroes out funding for the GEF in FY 2016 which will trigger a process by which other donor nations will fence off their GEF contributions thereby diminishing the leverage impact for which this program is known and significantly reduce support to on the ground large scale conservation projects. Completely zeroing out funding for the GEF will have the same impacts as a funding limitation in undermining its work.

STATUS: This funding cut was included in the Chairman's mark.

Title VII – General Provisions

1) Section 7080: Continue Public Funding for Overseas Coal Plants – This provision would reverse the President's policy of not backing funding for most new overseas coal plants. Coal is among out most carbon intensive energy sources. Global expansion of new coal generation is at stark odds with our obligation to reduce greenhouse gas emissions. If our government is serious about addressing climate change, must stop publicly financing the expansion of overseas coal projects with scarce public dollars that can be put towards efforts that improve public health and the environment.

STATUS: This provision was included in the Chairman's mark. A similar version of this provision was also added to the House Financial Services and General Government appropriation (Sec. 133).

Financial Services and General Government Appropriations Act (H.R. 2995)

Title I – Department of the Treasury – Departmental Offices

1) Section 133: Continue Public Funding for Overseas Coal Plants – This provision would reverse the President's policy of not backing funding for most new overseas coal plants. Coal is among out most carbon intensive energy sources. Global expansion of new coal generation is at stark odds with our obligation to reduce greenhouse gas emissions. If our government is serious about addressing climate change, must stop publicly financing the expansion of overseas coal projects with scarce public dollars that can be put towards efforts that improve public health and the environment.

STATUS: This provision was included in the Chairman's mark. A similar provision was also added to the House Department of State, Foreign Operations, and Related Programs Appropriations Act (Sec. 7080).

Title VI – General Provisions – This Act

1) Section 621: Block Salary for the Assistant to the President on Energy and Climate – This provision would prohibit paying a salary to the Assistant to the President for Energy and Climate Change. The amendment attempts to prevent federal government from accessing the expertise leadership needed to address one of the greatest environmental and public health challenges of our time.

STATUS: This provision was included in the Chairman's mark.

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act (H.R. 2577)

Title II – Department of Housing and Urban Development – Management and Administration

1) Section 232: Block Energy Efficiency Requirements in HUD-assisted Housing – This provision would block the implementation of Federal energy efficiency requirements in HUD-assisted housing. Energy efficiency provides numerous advantages for those in financial need. For instance, energy efficiency delivers lower utility bills for families that are most sensitive to energy costs. It delivers more health benefits from improved indoor air quality and greater economic activity from efficiency related work and local spending of energy costs savings. This rider attempts to deprive disadvantaged communities of these benefits.

STATUS: This provision was included in the Chairman’s mark.

Alaska Wilderness League * American Forests * American Rivers * Center for Biological Diversity * Clean Water Action * Conservation Northwest * Defenders of Wildlife * Earthjustice * Earthworks * Endangered Species Coalition * Environmental Defense Fund Action * Environmental Protection Information Center * Friends of the Earth * Klamath Forest Alliance * League of Conservation Voters * Los Padres ForestWatch * National Audubon Society * Natural Resources Defense Council * Ocean Conservancy * Oceana * Sierra Club * Southern Environmental Law Center * The Wilderness Society * WildEarth Guardians * Wildlands Network

Individual organizations listed above oppose one or more riders on this list but may not necessarily work on or have expertise on every provision.