

Anti-Environmental Riders on FY 2017 Appropriations and Other Must-Pass Bills

AS OF 10/6/2016

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

| <u>FY2017 Anti-Environmental Rider Ticker</u> | | |
|--|---------|-------------------|
| | Enacted | Deleted* Proposed |
| House National Defense Authorization | 9 | |
| House Agriculture Approp. | 1 | |
| House Energy and Water Approp. | 18 | |
| Senate Energy and Water Approp. | 3 | |
| House Department of Defense Approp. | 4 | |
| House Commerce, Justice, Science Approp. | 2 | |
| Senate Commerce, Justice, Science Approp. | 1 | |
| House Transportation Approp. | 1 | |
| House Financial Services Approp. | 2 | |
| House Interior and Environment Approp. | 88 | |
| Senate Interior and Environment Approp. | 26 | |
| House State, Foreign Ops. Approp. | 2 | |
| Total | | 157 |
| (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. 4909)

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

1) Section 315: Increased vulnerability to climate disruptions, energy volatility, and toxic chemicals – This provision discourages the Department of Defense (DOD) from making its installations and the defense industrial supply chain more resilient to climate driven disasters. This section prevents DOD from implementing an Executive Order that prepares the federal government and its vendors for climate driven events like flooding and storms. Many military installations are exposed to worsening weather driven events, yet this section elevates climate denial above national security. Section 315 also prevents DOD from adopting clean energy, energy efficiency, and water efficiency measures under a separate Executive Order. Clean energy and building efficiency can help agencies manage energy costs and climate impacts and the Executive

Order only encourage cost effective measures. Finally, section 315 even precludes DOD's participation in the Safer Choice Program. Safer Choice allows consumers like DOD to identify and procure chemical products that are less toxic to those who use them, protecting the health of military service members and DOD's civilian employees.

STATUS: This provision was added on the House floor by Rep. John Fleming (R-LA). On May 17, 2016, the amendment passed by voice vote as part of an en bloc amendment.

Title X – General Provisions – Subtitle G – Other Matters

1) Section 1090: Rushed and Arbitrary Limits on Environmental Review for Liquefied Natural Gas Permitting – This provision dramatically limits the time available for environmental review for projects that would site, construct, expand, or operate LNG export facilities. These are massive industrial projects that would create many environmental impacts and warrant comprehensive, thorough environmental review as prescribed by the National Environmental Policy Act (NEPA). These projects, for example, may include new pipeline construction, new natural gas production operations, new compressor stations, and additional infrastructure. Under NEPA, all cumulative direct and indirect impacts must be assessed, including greenhouse gas emissions. The time needed to conduct the proper environmental analysis should not be arbitrarily truncated. Additionally, the rider seeks to limit judicial review.

STATUS: This provision was added as an amendment by Rep. Jim Bridenstine (R-OK) at the markup in full Committee.

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

1) Section 2841(a) and 2) Section 2842: Permanently Withdraw Federal Lands – These provisions would permanently withdraw from the public hundreds of thousands of acres of Bureau of Land Management lands in Alaska, California, Nevada and New Mexico that are currently provisionally utilized by the Department of Defense for military activities. These sections would arbitrarily circumvent the established environmental review process that allows the public, land managers and the military to make equitable determinations on how best to manage public lands. They would also establish a dangerous precedent in allowing these public lands to be potentially sold to private entities instead of being returned to the public when they are no longer needed for military purposes.

STATUS: This provision was added as an amendment by Rep. Rob Bishop (R-UT) at the markup in full Committee.

2) Section 2841(b): Upend Management of Desert National Wildlife Refuge – This provision would transfer control 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, mule deer, mountain lions and other wildlife that depend on Great Basin and Mojave Desert ecosystems. The refuge is habitat for more than 300 species of birds and is almost entirely proposed wilderness. This treasured landscape also lies within ancestral homeland of Native Americans, preserving cultural relics and tribal history. The provision would void refuge

and wildlife management prescriptions, prevent wilderness designation, waive National Environmental Policy Act safeguards and strip FWS of its authority to conserve species and their habitats on the affected lands. The withdrawn refuge lands would be used primarily for military training that could include aerial bombing and other harmful activities. The Air Force has not requested this rider and is already pursuing renewal of their use of the refuge through the existing public process that would ensure balanced management of wildlife conservation, protection of cultural resources and military use. Handing over management of half this massive refuge to the Air Force is both unnecessary and sets a harmful precedent that could affect national wildlife refuges across the country.

STATUS: This provision was added as an amendment by Rep. Rob Bishop (R-UT) at the markup in full Committee.

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

1) Section 2864: Imperil Sage Grouse and Transfer Management of Public Lands to States – This provision would overturn a precedent-setting \$45 million public planning process to conserve the greater sage-grouse and prohibit the U.S. Fish and Wildlife Service (FWS) from even considering the species for protection under the ESA for at least a decade. No branch of the military has ever requested this rider which is unrelated to military readiness. Just last month, senior military officials with the Army, Navy, Air Force, and the Office of the Assistant Secretary of Defense for Readiness wrote letters to Congress confirming (again) that conservation efforts to protect sage-grouse and its habitat on public lands will not adversely impact military readiness. Moreover, the ESA already includes exemptions for national security and for the DOD. This provision is really just another brazen power grab for federal lands and resources. The language would take the extraordinary step of transferring oversight of as much as 60 million acres of BLM and Forest Service 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. It would also grant governors unprecedented power to review and approve all future federal land use planning and management within the range of the species, allowing them to veto any proposal that does not comport with state preferences for use and development of federal lands. This rider would upend years of work by federal agencies, states, and local stakeholders to improve federal management plans across the West and throw management of these lands into chaos. The end result: at least \$45 million tax dollars wasted on federal planning processes and the grouse facing extinction again.

STATUS: This provision was included in the Chairman's mark. A similar provision was included in the House version of the FY 2016 National Defense Authorization Act, but was removed from the final bill.

2) Section 2865: Jeopardize Recovery of Threatened Lesser Prairie-Chicken – This provision would jeopardize lesser prairie-chicken recovery by blocking ESA protections for the imperiled bird for at least six years. After that time, it would impose arbitrary restrictions on whether the Secretary of the Interior can relist the lesser prairie-chicken, in complete disregard for the species' biological status. The species currently occupies less than 15 percent of its former range and its population dropped by half between 2012 and 2013, eliminating any doubt that the species requires protections under the ESA. Although the FWS determined 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 from the requirements of the ESA, including oil and gas

development and agricultural uses that meet certain standards. In September 2015, a federal judge in Texas vacated FWS's decision to list the lesser prairie-chicken as threatened, finding that the agency had failed to adequately consider whether existing voluntary conservation programs would help stem the bird's decline. FWS is expected to re-propose the bird for listing. If Congress blocks a federal listing through legislation, the lesser prairie-chicken would no longer be eligible for federal endangered species recovery funds, and landowners and developers would not have the guidance and support they need to ensure that their activities do not adversely affect the bird, leading to the bird's continued decline. Additionally, landowners and industries would lack the necessary incentive to participate in the voluntary range-wide plan to conserve the bird. DOD did not request this provision. There is essentially no overlap between military installations and the lesser prairie-chicken's current or historic range. Conservation activities to protect the bird, including a listing under the ESA, will not interfere with military readiness. Even if there was a nexus between the bird's habitat and military readiness activities, the ESA already includes exemptions for national security and for DOD.

STATUS: This provision was added as an amendment by Rep. Jim Bridenstine (R-OK) at the markup in full Committee.

3) 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. If enacted, this rider would mark the first time that Congress has delisted an endangered or threatened species absent the support of an administrative rule by a federal wildlife agency. The American burying beetle formerly occupied a vast range encompassing 34 states and the District of Columbia, and may have numbered in the tens of millions. When it was listed as endangered in 1989, there were only two known existing populations – one in Rhode Island and one in eastern Oklahoma. Thanks to conservation efforts under the ESA, populations of the beetle now occur in 8 states. Just last year, the beetle was named the official state insect of Rhode Island. The beetle's decline is not well understood, but the most cogent hypotheses see it as a victim of gaps in the food chain, 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.¹ This meddlesome, anti-science amendment would cause yet another disruption of the food chain, which is sure to have similar ripple effects on the ecosystem. While the beetle has made gradual population gains thanks to breeding programs and reintroduction efforts made possible by its protected status under the ESA, the species has not yet recovered. This provision would be a virtual death sentence for this indicator species, which restores valuable nutrients to the soil, and which has not stopped nor required significant modification of any project under the ESA's consultation process since at least 2008. DOD did not request this provision to delist the beetle and it will do nothing to enhance military readiness. The ESA already includes exemptions for national security and for DOD.

STATUS: This provision was added as an amendment by Rep. Jim Bridenstine (R-OK) at the markup in full Committee.

¹ 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.

Title XXX – Utah Test and Training Range Encroachment Prevention and Temporary Closure Authorities

1) Title XXX: Land Grab in Utah – Mirroring the harmful provisions of S. 2383 and H.R. 4579, this is an entire bill that would permanently withdraw over 600,000 acres of BLM land to expand the Utah Test and Training Range in the state’s West Desert, circumventing established processes and absent any formal request from the Department of Defense. The drafters also tacked on a damaging land exchange that turns over sensitive sage-grouse habitat, proposed wilderness areas and historic areas to the state of Utah, which could accelerate development of these treasured places. Another provision would allow Utah counties to cut new roads across federal public lands, including designated and proposed wilderness and sensitive wildlife habitat, based on illegitimate claims of right-of-way under a repealed statute from 1866. Title XXX abandons bedrock environmental laws like the National Environmental Policy Act and preferred, transparent, public processes for resolving claimed rights-of-way over federal lands.

STATUS: This provision was added as an amendment by Rep. Rob Bishop (R-UT) at the markup in full Committee.

Title XXXVI – Ballast Water

2) Title XXXVI: Eliminate EPA’s Ability to Address Aquatic Invasive Species – This is another entire bill that would undermine the nation’s ability to solve the aquatic invasive species crisis by removing the Environmental Protection Agency’s ability to regulate ballast water discharges under the Clean Water Act. The spread of non-native, aquatic invasive species has damaged marine and freshwater ecosystems across the country, and has caused or contributed to the decline of dozens of endangered species including the Lake Erie Watersnake, eight endangered fish species in the San Francisco Bay, Pacific and Atlantic salmon, dozens of endangered freshwater mussels, and Cook Inlet Beluga Whales. The spread of aquatic invasive species also costs the federal, state, and local governments billions of dollars annually from damage to the infrastructure for public water supplies, industry, and energy generation systems, and is harmful to commercial and recreational fisheries. This language transfers all authority to regulate ballast water discharges to the Coast Guard, and exempts ballast water discharges from the requirements of the Clean Water Act. Under this legislation, discharges of aquatic invasive species will be permitted into the future at current discharge rates — 1 living organism per 10 milliliters of water for small organisms and 1 living organism per 10 cubic meters of water for large organisms — which will allow future discharges of additional invasive species to continue to occur. Without the Clean Water Act’s “technology-forcing” provisions, ballast water discharges will continue unabated into the indefinite future. For sensitive freshwater ecosystems like the Great Lakes, the Bay Delta, Puget Sound, and the Everglades, this provision will make it much more difficult, and much more costly to restore these ecosystems and the endangered species that live there.

STATUS: This provision was added as an amendment by Rep. Duncan Hunter (R-CA) at the markup in full Committee.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (H.R. 5054)

Title VII – General Provisions

1) Section 714: Cutting funding for Agricultural Conservation Programs – This provision would cut funding for Farm Bill conservation programs essential to protecting our lands and waterways from agricultural pollution. The committee cut funding for the Environmental Quality Incentives Program (EQIP) by \$225 million dollars, and reduced the Conservation Stewardship Program by 2 million acres. In the absence of strong regulations, these voluntary programs are the only line of defense against agricultural pollution and they are essential for reducing pollution from agricultural land. These programs also improve wildlife habitat and help farms mitigate and adapt to climate change. Unfortunately, Congress has disproportionately targeted conservation programs for budget cuts every year through the annual appropriations process.

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

Energy and Water Development and Related Agencies Appropriations Act (H.R. 5055)

Title I – General Provisions – Corps of Engineers – Civil

1) Section 108: 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 has been included in the final appropriations bills since FY 2014, however, unlike the previous versions, this provision is permanent.

2) Section 109: Reinforcing Clean Water Act Exemptions – This provision would prevent the Army Corps of Engineers from requiring a permit “for the activities identified in subparagraphs (A) and (c) of section 404(f)(1).” This has been interpreted as reinforcing existing Clean Water Act exemptions for discharges of dredged or fill material associated with farming, ranching, and forestry.

STATUS: This provision was included in the Chairman’s mark. This provision was included in HR 2029, The Consolidated Appropriations Act, 2016.

3) Section 110: 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 2016 House Energy and Water bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

Title II – General Provisions – Department of the Interior

1) Section 204: Undermines the Endangered Species Act – This provision would restrict implementation of two Endangered Species Act biological opinions regarding management of the state and federal water projects in California's Bay-Delta estuary, making it harder to reduce water pumping to protect salmon and other endangered species under those biological opinions.

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

2) Section 205: Undermines the Endangered Species Act – This provision would override protections required under two Endangered Species Act biological opinions regarding management of the state and federal water projects in California's Bay-Delta estuary. The rider mandates pumping levels outside of the Delta far in excess of the maximum limits permitted under those biological opinions, prohibits re-initiation of consultation under the Endangered Species Act, and prohibits implementation of the biological opinions if doing so would reduce water supply.

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

3) Section 206: Promote Unsustainable Water Use – This provision would require the Department of the Interior to attempt to increase unsustainable water supply allocations to certain Central Valley Project contractors north of the Delta.

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

4) Section 207: Stop San Joaquin River Restoration – This provision would prohibit implementation of the San Joaquin River Restoration settlement between the United States, Friant Water Authority, and conservation and fishing groups to restore the river as required under state and federal law. This would prevent funding for water supply and flood control projects that benefit local farmers, and likely lead the parties back to court because it would allow some 60 miles of California's second longest river to remain completely dry in violation of state law.

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

5) Section 209: Undermine Stanislaus River Protections – This provision would attempt to undermine environmental protections for salmon and water quality on the Stanislaus River, reducing reservoir releases in order to provide greater water supply to certain Central Valley Project contractors at the expense of the environment and water deliveries to Southern California.

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

Title V – General Provisions

1) Section 505: Block Funds for Shutting Down Yucca Mountain - This provision would prevent the government from shutting down the proposed nuclear waste repository at Yucca Mountain in Nevada.

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

2) Section 506: 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 2016 House Energy and Water bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

6) Section 507: 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 included in the Chairman's mark. This provision was also originally included in the FY 2016 House Energy and Water bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

NOTE: For various reasons this bill failed to pass the House, so a final version was never engrossed by the Clerk. Had the bill passed, the following amendments would have been added to the final text.

1) Amendment (H.Amdt.1111) offered by Rep. Burgess (R-TX): Block Energy Efficiency Standards for Light Bulbs – This provision would block the Department of Energy 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 Department of Energy from issuing clarifications on the law that manufacturers desire or enforcing the standards against inefficient, non-compliant bulbs.

STATUS: This provision was offered as an amendment by Rep. Burgess (R-TX) on the House floor. On May 24, 2016, the amendment passed by voice vote. This provision has been in final appropriations bills since FY 2012.

2) Amendment (H.Amdt.1117) offered by Rep Gosar (R-AZ): Mask True Costs of Carbon Pollution – This provision would block the Department of Energy from promulgating any regulation that uses the true costs of carbon pollution. Prohibiting agencies from using the social cost of carbon attempts to weaken environmental and public health protection by understating the damage caused by carbon pollution.

STATUS: This provision was offered as an amendment by Rep. Gosar (R-AZ) on the House floor. On May 25, 2016, the amendment passed 230-188.

3) Amendment (H.Amdt.1145) offered by Rep. Buck (R-CO): Block Energy Efficiency Standards – This rider would prevent the Department of Energy from finalizing or enforcing energy efficiency standards for ceiling fans, ceiling fan light kits, dishwashers, and vending machines.

STATUS: This provision was offered as an amendment by Rep. Buck (R-CO) on the House floor. On May 25, 2016, the amendment passed by voice vote.

4) Amendment (H.Amdt.1119) offered Rep. Gosar (R-AZ): Block Climate Program – This provision would block work on the Department of Energy's Climate Model Development and Validation Program.

STATUS: This provision was offered as an amendment by Rep. Gosar (R-AZ) on the House floor. On May 25, 2016, the amendment passed by voice vote.

5) Amendment (H.Amdt.1144) offered by Rep. Sanford (R-SC): Block Vehicle Efficiency Program – This provision would prevent the Department of Energy from making loans under the Advanced Technology Vehicles Manufacturing Loan Program. This program is designed to ensure that growing demand for efficient vehicles creates jobs in the United States.

STATUS: This provision was offered as an amendment by Rep. Sanford (R-SC) on the House floor. On May 25, 2016, the amendment passed by voice vote.

6) Amendment (H.Amdt.1139) offered by Rep. Mullin (R-OK): Block Department of Energy Rules – This provision would prevent the Department of Energy from promulgating any regulation with an annual effect of over \$100 million between November 8, 2016 and January 20, 2017. This rider continues the false narrative that public protections are snuck through in the final hours of an administration. In fact, these protections are often developed over years with opportunity for public comment at numerous points along the way.

STATUS: This provision was offered as an amendment by Rep. Mullin (R-OK) on the House floor. On May 25, 2016, the amendment passed by voice vote.

7) Amendment (H.Amdt.1137) offered by Rep. Stivers (R-OH) Block Wind Energy Project – This provisions would prevent the Department of Energy from doing anything to further the Cape Wind Project off the coast of Massachusetts.

STATUS: This provision was offered as an amendment by Rep. Stivers (R-OH) on the House floor. On May 25, 2016, the amendment passed by voice vote.

Energy and Water Development and Related Agencies Appropriations Act (H.R. 2028, as amended by the Senate)

Title III – Department of Energy – Energy Programs

1) Section 103: 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.

2) Section 306: Altering our Nuclear Waste Storage Strategy: This provision would allow nuclear waste to be stored in private facilities. The rider severs any meaningful linkage between the storage and disposal of nuclear waste by exploring storage as a viable option for dealing with nuclear waste from the nation’s weapons programs and nuclear power plants. This dangerous precedent breaks with over 50 years of scientific consensus that supports permanent isolation in deep geological repositories as the only technically, economically, and ethically viable waste disposal option. The substantial distinction between nuclear waste storage and nuclear waste disposal must be preserved and never be blurred.

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

In Senate Energy and Water Appropriations Committee Report (Senate Report 114-236)

1) Undermine the Social Cost of Carbon in Federal Regulatory Actions: Language in the report would block any Dept. of Energy regulation in FY17 that uses the social cost of carbon until EPA revises its social costs of carbon assessment downward in a biased fashion.

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

Department of Defense Appropriations Act (H.R. 5293)

Title VIII – General Provisions

1) Section 8132: Preventing DOD Carbon Capture and Taxpayer Accountability – This provision would prevent the Department of Defense from enforcing Section 526 of the Energy Independence and Security Act of 2007. EISA Section 526 is a do no harm provision that simply requires high carbon unconventional fuel producers to capture and store their excess carbon before launching their projects through federal awards. It simply ensures that federal contractors reduce the damage they inflict on taxpayers before benefitting from public funds. Taxpayer accountability is an extremely fair thing to ask.

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

Title X – Additional General Provisions

1) Section 10013: Preventing Climate Change Adaptation and Resilience – This provision would discourage the Department of Defense from making its military installations and the military

industrial complex more resilient to weather related disasters. It prevents the Department of Defense from assessing the impacts of climate change despite global warming's long acknowledged role as a security threat multiplier. Many military installations are exposed to worsening weather driven events, yet the amendment elevates climate denial over national security.

STATUS: This provision was offered as an amendment by Rep. Gosar (R-AZ) on the House floor. On June 16, 2016, the amendment passed 216-205.

2) Section 10017: Blocking Clean Energy and Energy Efficiency Programs – This provision would prevent the Department of Defense from implementing common sense clean energy and energy efficiency programs that are encouraged through Executive Order and statute even though the Department of Defense could benefit from minimizing energy demand and diversifying energy sources.

STATUS: This provision was offered as an amendment by Rep. McClintock (R-CA) on the House floor. On June 16, 2016, the amendment passed 221-197.

3) Section 10012: Overriding DOD Autonomy on Nutrition Standards for Service members – This provision would legislatively override DOD autonomy to make decisions on nutritional standards for military personnel critical to meet the needs of individual combat readiness, morale, and long-term health obligations. Specifically, it prohibits the military from offering nutritionally complete vegetable-based and/or meat-free meals, even when such meals are determined to be healthier or specifically requested by personnel. These types of nutritional decisions should be science-based, and left to military health and dietary experts who are better qualified to understand the readiness, health, and long term healthcare cost implications of dietary standards, and the commanders who are responsible for the wellbeing and quality of life of their personnel.

STATUS: This provision was offered as an amendment by Rep. Smith (R-NE) on the House floor. On June 16, 2016, the amendment passed by voice vote.

Commerce, Justice, Science, and Related Agencies Appropriations Act (H.R. 5393)

Title V – General Provisions

1) Section 541: Undermines Effective Conservation of Imperiled Fish in California – This provision directs the National Oceanic and Atmospheric Administration to collaborate with California water districts to jointly develop a nonnative predator fish research and removal pilot program. In so doing, the provision unnecessarily diverts funding away from real solutions for restoring the health of California's Bay-Delta estuary to fish hatcheries and gives California water districts disproportionate influence on the study and its effects.

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

2) Section 542: Undermines Effective Conservation of Imperiled Fish in California – This section is an unfunded mandate that would expand fish hatchery programs for the stated purpose of minimizing the adverse effects of the state water projects. However, there are already an abundance

of hatcheries in California, and adding more will not address the impact of the drought and the state water projects' operations on endangered salmon and other species. As with Section 541, the provision diverts funding away from real solutions.

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

Commerce, Justice, Science, and Related Agencies Appropriations Act (S. 2837)

Title I – Department of Commerce

1) Section 110: Undermines Gulf of Mexico Fisheries Management – This provision undermines the work of the Gulf of Mexico Fishery Management Council by extending state control of reef fish miles into federal waters. The Fishery Management Council decision making process is stakeholder driven, with citizens of the Gulf States serving as stakeholders and appointees of the states that make up the Council itself. 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.

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

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act (H.R. 5394)

Title II – General Provisions – Department Of Housing And Urban Development

1) Section 236: Blocking Implementation of Flood Protection Standard – This provision would block the Department of Housing and Urban Development (HUD) from proceeding with implementation of the updated Federal Flood Risk Management Standard (FFRMS) for publicly funded construction to better avoid flood damage. This rider stalls the implementation of the FFRMS unnecessarily, allowing federal expenditures which fail to consider the likelihood of flooding on those projects and fail to incorporate practical means of flood-proofing or protection. The objective of the FFRMS is to reduce escalating taxpayer costs of natural disasters and assure that federal investments are better protected from future flood events. This policy requires federal agencies to consider the flood risks that could impair or destroy federally-funded projects. The FFRMS does not prohibit federal expenditures in flood-prone areas, and it does not dictate outcomes to project reviews; it also allows for a consideration of costs during project reviews. In order to update the standard, the provision requires HUD to perform the Herculean task of mapping every floodplain in the United States; a task that is highly cost prohibitive. This requirement is just a ploy to stop implementation of the federal flood protection standard. It is a myopic action that will harm our country in the long-run as the federal flood protection standard is meant to increase our resilience to future flooding and reduce the amount of federal tax dollars spent to rebuild after a disaster.

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

Financial Services and General Government Appropriations Act (H.R. 5485)

Title I – Administrative Provisions – Department of the Treasury

1) Section 131: 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.

Title VII – General Provisions – Government-Wide

1) Section 745: Delaying Implementation of Flood Risk Mitigation – This provision would unnecessarily delay implementation of the Federal Flood Risk Management Standards (FFRMS), new measures that protect public infrastructure from flooding. The provision requires every agency responsible for incorporating the new requirements into their regulations and operating procedures to hold a six-month long public comment period on any proposed regulation, policy, or guidance to implement the executive order. The opportunity for public comment must and should happen, but requiring a minimum of 180 days for public comment is just a blatant attempt to delay implementation until the next Administration. It is not about ensuring public participation and transparency. This slight-of-hand political maneuvering only serves to harm the American public. The federal flood protection standard is meant to increase our resilience to future flooding, protecting lives and reducing taxpayer dollars spent to rebuild after a disaster. The extended delay contemplated in the rider is unnecessary and could prove costly. Between 1980 and 2013, the U.S. suffered more than \$260 billion in flood-related risks. Damages from Hurricane Sandy alone were estimated at \$67 billion, with recovery efforts still ongoing four years later. According to the General Accounting Office, 90 percent of all natural disasters in the U.S. involve flooding. The updated FFRMS, requiring federal agencies to consider future flood risks that could impair or destroy federal-funded projects, will help protect people and property and curtail the billions of dollars in federal and private costs associated with flood losses.

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

Department of the Interior, Environment, and Related Agencies Appropriations Act (H.R. 5538)

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.

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 114: Imperil Sage Grouse and Transfer Management of Public Lands to States – This provision would overturn a precedent-setting \$45 million public planning process to conserve the greater sage-grouse and prohibit the U.S. Fish and Wildlife Service (FWS) from even considering the species for protection under the ESA for at least a year. The language would take the extraordinary step of transferring oversight of as much as 60 million acres of Bureau of Land Management (BLM) and Forest Service 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. It would also prevent the withdrawal of 10 million acres of sage-grouse habitat from mineral leases.

STATUS: The prohibition on ESA protection was included in the Chairman's mark and additional damaging language was added by Rep. Mark Amodei (R-NV) in Committee. Rep. Don Beyer (D-VA) offered an amendment to nullify Sec. 114 and two other provisions that undermine the ESA. On July 13, 2016, the amendment failed 193-235. Rep. Niki Tsongas (D-MA) offered an amendment to reinstate the federal conservation strategies. On July 14, 2016 the amendment failed 184-241. A prohibition on ESA protections for sage-grouse has been included in final appropriations bills since FY 2015.

4) Section 115: Facilitates Mining of Ancient Desert Groundwater Reserves – This provision would inappropriately clarify the scope of railroad rights-of-way to facilitate co-location of a water delivery pipeline by the Cadiz Corporation within the Arizona & California Railroad Company's Right of Way in the California Desert Conservation Area. The provision would allow the Arizona & California Railroad Company to approve the water pipeline, independent of the federal Bureau of Land Management. The Cadiz Valley Conservation, Recovery and Storage Project, proposed by Cadiz, Inc., would pump between 50,000-75,000 acre-feet groundwater underlying private and

public lands within Mojave Trails National Monument and nearby Mojave National Preserve in the central Mojave Desert each year for a period of 50 years, and deliver it to several water districts serving customers in southern California. It also proposes to store excess water from the Colorado River in the Cadiz Valley Groundwater Basin, which is highly uncertain to occur given existing demand for Colorado River Water and treaty commitments of the U.S. with Mexico. Numerous environmental organizations as well as the National Park Service Superintendent and Science Advisor at the Mojave National Preserve dispute that the 50,000 acre-feet of groundwater from beneath the Cadiz Valley can be pumped every year on a sustained basis without causing long-term depletion of the groundwater and the loss of water from some of the springs within the Mojave National Preserve. Even worse, the aggressive proposed pumping schedule of 50,000-75,000 acre feet per year significantly exceeds the recharge rate of the aquifer determined by the company to be 32,500 acre feet per year and which has been highly disputed by numerous hydrologists that have done independent studies finding the recharge rate to be 3-5 times less than proposed by the company's scientists.

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

5) Section 118: Undermines Effective Conservation of Imperiled Fish in California – This section is an unfunded mandate that would expand fish hatchery programs for the stated purpose of minimizing the adverse effects of the state water projects. However, there are already an abundance of hatcheries in California, and adding more will not address the impact of the drought and the state water projects' operations on endangered salmon and other species. This provision diverts funding away from real solutions.

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

6) Section 119: 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. Don Beyer (D-VA) offered an amendment to nullify Sec. 119 and two other provisions that undermine the ESA. On July 13, 2016, the amendment failed 193-235. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

7) Section 120: Defunds Finalization and Implementation of the Stream Protection Rule – This provision would legislatively prevent the Secretary of the Interior from finalizing and implementing much-needed revisions to regulations for coal mining operations under the Surface Mining Control and Reclamation Act. The final rule would significantly benefit public health, rivers and streams, national parks, and communities impacted by mountaintop removal mining.

STATUS: This provision was included in the Chairman's mark. Rep. Don Beyer (D-VA) offered an amendment to nullify Sections 120, 425, 426, and 427. On July 14, 2016 the amendment failed 178-246.

8) Section 121: 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 included in the Chairman's mark. This provision was also originally added as an amendment by Rep. Keith Rothfus (R-PA) to the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

9) Section 122: Block BLM Venting & Flaring Rule – This provision would prevent the Bureau of Land Management from finalizing its proposal to limit venting, flaring and leaks from oil and gas sources on public lands. The rule's objective is to reduce the amount of natural gas wasted as a result of venting, flaring and leaks on federal oil and gas leases. This proposal is not only critical for cleaner air and pollution reduction, but also, to ensure a fair return to American taxpayers through increased royalties for states and the federal government.

STATUS: This provision was included in the Chairman's mark. Rep. Reps. Huffman (D-CA), Lujan Grisham (D-NM), Polis (D-CO), DeGette (D-CO), Cartwright (D-PA), Lowenthal (D-CA), and Sarbanes (D-MD) offered an amendment to strike this provision on the House floor. On July 12, 2016, the amendment failed 184-240.

10) Section 124: Block Crucial Offshore Drilling Safety Rule – This provision would block the “drilling margins” provisions in the Well Control Rule. This rule, which strengthens safety in offshore oil and gas operations, was published on April 29, 2016 by the Bureau of Safety and Environmental Enforcement. The “drilling margins” requirements are more detailed, technical regulations than existing regulations on this topic. These new requirements are necessary to prevent blowouts that would occur if the downhole pressure is less than the fluid pressure into a well. It is standard engineering practice to ensure there is a clear “safety margin” to address unknowns such as variable oil reservoir pressures. The new regulations also require that if a safe drilling margin cannot be maintained, then drilling must be suspended until the situation is remedied. These regulations follow the recommendations of the National Academy of Sciences.

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

11) Section 126: 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 in full Committee. This provision was also originally added in the manager's amendment to the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

12) Section 127: Blocks offshore air quality regulations – This provision would defund finalization and implementation of the Bureau of Ocean Energy Management’s Air Quality Control, Reporting and Compliance Rule. This important rule would update decades-old regulations on offshore air emissions, bringing regulations in the Arctic and western Gulf of Mexico up to par with EPA regulations in other offshore areas. Coastal communities in the Arctic are already seeing devastating health effects from oil and gas development and updating these rules would be a step in the right direction to rein in pollution from offshore drilling sources.

STATUS: This provision was added by Rep. John Culberson (R-TX) during Committee markup on June 15, 2016 by a vote of 31-16. Rep. Jared Huffman (D-CA) offered an amendment to strike this provision on the House floor. On July 12, 2016 the amendment failed 244-181.

Title II – Environmental Protection Agency – Administrative Provisions

1) Section 407: 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 provision 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. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

Title III – Related Agencies – Department of Agriculture – Forest Service – Administrative Provisions

1) Exempt Harmful Logging on National Forests – This provision would wholly exempt a broad range of potentially damaging logging activities on our National Forest System from public participation and National Environmental Policy Act requirements. Damaging our national forest resources harms both the public and economic benefits our federal forest land provides for all Americans, including clean drinking water, outstanding recreational opportunities, and fish and wildlife habitat, which supports more jobs and economic output than other activities on the National Forest System.

STATUS: This provision was included in the Chairman’s mark. Rep. Debbie Dingell (D-MI) offered an amendment to strike this provision on the House floor. On July 12, 2016, the amendment failed 170-256.

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 2016 and 2017" 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. This provision was also originally included in the FY 2016 Interior and Environment bill and was retained in HR 2029, The Consolidated Appropriations Act, 2016.

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 420: 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: This provision was included in the Chairman's mark. The same provision has been included in the final appropriations bills since FY 2015.

5) Section 421: Prolongs Livestock Grazing on National Grasslands without Environmental Review and Public Input – This provision would continue grazing under certain grazing permits on public lands without any assessment or accounting for current range condition, impacts on wildlife, watersheds and other public values, or complicating factors such as drought or invasive species that may advise a change in management.

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

6) Section 425: 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. Matt Cartwright (D-PA) offered an amendment to strike this provision. On July 12, 2016, the amendment failed by voice vote. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

7) Section 426: Expanding Exemptions for Dumping Pollution into Our Waterways – This provision would more easily allow polluters to dump dredged or fill material into our waterways by

exempting pollutant discharges that Congress intended to be covered by the Clean Water Act. These discharges damage or destroy streams and wetlands without adequate environmental review, even though the Clean Water Act would otherwise require such oversight. The quality of water national park and public lands visitors expect depends on strong water protections, which this provision (and others), prohibit.

STATUS: This provision was included in the Chairman's mark. Rep. Don Beyer (D-VA) offered an amendment to nullify Sections 120, 425, 426, and 427. On July 13, 2016 the amendment failed 178-246.

8) Section 427: 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 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

9) Section 428: 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 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

10) Section 429: 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. Rep. Matt Cartwright (D-PA) offered an amendment to strike this provision. On July 12, 2016, the amendment failed 195-231. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

11) Section 430: 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 has 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. Rep. Xavier Becerra (D-CA) offered an amendment to strike this provision. On July 12, 2016, the amendment failed 190-236. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

12) Section 431: 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. Rep. Frank Pallone (D-NJ) offered an amendment to strike this provision. On July 12, 2016, the amendment failed 182-244. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

13) Section 432: 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. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

14) Section 433: 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 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

15) Section 434: 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 strike this provision. On July 12, 2016, the amendment failed by voice vote. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

16) Section 436: 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. Scott Peters (D-CA) offered an amendment to strike this provision. On July 12, 2016, the amendment failed 185-241. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

17) Section 437: Attack on Farmworker Access to Critical Health and Safety Information -

This provision is a funding limitation, prohibiting the EPA from using any funds “to implement or enforce, or to require States to implement or enforce,” the provisions of the Agricultural Worker Protection Standard which grants farmworkers the right to a designated representative that can request information on their behalf. The EPA recently revised the 20-year-old standard to better protect child and adult farmworkers, and provide them with the information and tools they need to prevent pesticide exposure in the workplace. Because injured farmworkers may be incapacitated or unable to access information about the pesticides they were exposed to during their employment, the revised WPS provides that farmworkers may request pesticide-application information through a designated representative. The "designated representative" provision is critically important to the health and safety of farmworkers and their families, yet Section 437 seeks to deprive farmworkers of this protection that is available to workers in all other industries.

STATUS: This provision was included in the Chairman’s mark. Reps. Grijalva (D-AZ), and Linda Sanchez (D-CA) offered an amendment to strike this provision on the House floor. On July 13, 2016, the amendment failed 177-249.

18) Section 438: Block Updates to National Ozone Standard – This provision would permanently block or delay updates to the national ozone standard. Ozone – or smog – causes breathing problems, asthma attacks, and even premature death. EPA finalized an updated national ozone standard last year; the previous standard allowed 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 was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

19) Section 439: Block EPA Methane Pollution Protections – This provision would block the EPA from implementing its Methane Pollution Standard, the first-ever limits on methane pollution from the oil and gas sector under Sections 111(b) or (d) of the Clean Air Act. This includes the recently finalized new and modified methane source standard and an as yet to be proposed standard for existing sources of methane emissions in the oil and gas sector, including a recently initiated process by EPA to obtain data for existing methane sources. The provision also blocks yet to be finalized Draft Control Techniques Guidelines that would control emissions of volatile organic compounds for the oil and natural gas industry. It would also block future efforts to regulate existing sources of methane. Methane is a highly potent greenhouse gas -- 87 times more powerful than carbon dioxide during the time it remains in the atmosphere. The oil and gas sector is the largest source of methane in the U.S., leaking and intentionally venting and flaring large quantities of this dangerous pollutant into our air every day. Along with methane, oil and gas facilities and equipment also release other air pollutants that can harm our health. EPA's methane rule and BLM's waste rule are smart policies that will reduce emissions of greenhouse gases, hazardous air

toxics, and smog-forming VOCs, while reducing the amount of gas wasted by the oil and gas industry.

STATUS: This provision was included in the Chairman's mark. Reps. Polis (D-CO), DeGette (D-CO), Cartwright (D-PA), Lowenthal (D-CA), Sarbanes (D-MD), Huffman (D-CA), and Lujan Grisham (D-NM) offered an amendment to strike this provision on the House floor. On July 13, 2016, the amendment failed 187-240.

20) Section 440: Blocking Common Sense Oil and Gas Royalty Rates – This provision would prevent the Obama Administration from using its executive authority to raise the royalty rate charged for oil, gas or coal produced from our nation's public lands. Specifically, it would block a recently-finalized rule from the Office of Natural Resources Revenue that would ultimately stop practices that allow the predatory undervaluing of coal, oil and gas extracted from public lands and the resulting loss of royalties. The federal government currently charges a royalty rate of 12.5 percent on onshore oil and gas from public lands, which has not been changed since the 1920's. The federal onshore royalty is lower than royalty rates in Western states, which charge between 16.67 and 25 percent. Offshore oil companies generally pay a rate of 18.75 percent. This gap between the federal and state royalty rate shortchanges American taxpayers \$500 million per year. Royalty rates in the U.S. remain among the lowest in the world.

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

21) Section 441: Blocking Common Sense Coal Reforms – This provision terminates Secretarial Order 3338 that initiated a programmatic review of the federal coal program by the end of FY 2017 initiated by Secretary Sally Jewell in 2016. The programmatic review is intended to identify and evaluate potential reforms to the federal coal program to ensure that it is properly structured to provide a fair return to taxpayers and reflect its impacts on the environment, while continuing to help meet our energy needs. The federal coal program faces systemic problems that fail to generate a fair return for taxpayers or provide an efficient, transparent process for coal leasing. The broken federal coal program needs a complete overhaul but instead, this rider short circuits the reform process by placing an unnecessary and arbitrary deadline for its completion. Coal companies have already stockpiled enough unmined coal on existing leases to continue current production levels for at least 20 years, making this rider completely unwarranted.

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

22) Section 443: BLM Planning 2.0 Rulemaking On Land Use Planning Procedures – This provision is a thinly-veiled attempt to delay finalization of a new planning rule to improve conservation and management on BLM lands based on the unfounded claim that the agency has not properly considered public input on the regulation. In fact, the BLM has spent years developing the new rule, meeting with stakeholders across the country, hosting multiple public listening sessions and webinars, publicly posting information and updates throughout the process, offering an extended comment period, and incorporating input from more than six thousand organizations and individuals into the proposed rule. Congress should reject this unnecessary and underhanded intrusion into an important administrative rule-making process.

Status: This provision was added by Rep. Mike Simpson (R-ID) in the full Committee markup.

23) Section 445: Block ESA Protections for the Lesser Prairie Chicken – This provision would prohibit the use of funds to implement or enforce a threatened or endangered listing of the 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. It would thwart recovery efforts for the imperiled lesser prairie-chicken by cutting off all funding to the species if it regains protections under the Endangered Species Act.

STATUS: This provision was added in full Committee by Rep. Kevin Yoder (R-KS). This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

24) Section 447: Undermines the ESA – This provision would restrict implementation of two Endangered Species Act biological opinions regarding management of the state and federal water projects in California's Bay-Delta estuary, making it harder to reduce water pumping to protect salmon and other endangered species under those biological opinions.

STATUS: This provision was added in full Committee by Rep. David Valadao (R-CA). Rep. Jerry McNerney (D-CA) offered amendments to strike Sections 447, 448, 449, 450, and 452. On July 13, 2016, these amendments failed in a single vote 181-248.

25) Section 448: Undermines the ESA – This provision would override protections required under two Endangered Species Act biological opinions regarding management of the state and federal water projects in California's Bay-Delta estuary. The rider mandates pumping levels outside of the Delta far in excess of the maximum limits permitted under those biological opinions, prohibits re-initiation of consultation under the Endangered Species Act, and prohibits implementation of the biological opinions if doing so would reduce water supply.

STATUS: This provision was added in full Committee by Rep. David Valadao (R-CA). Rep. Jerry McNerney (D-CA) offered amendments to strike Sections 447, 448, 449, 450, and 452. On July 13, 2016, these amendments failed in a single vote 181-248.

26) Section 449: Promote Unsustainable Water Use – This provision would require the Department of the Interior to attempt to increase unsustainable water supply allocations to certain Central Valley Project contractors north of the Delta.

STATUS: This provision was added in full Committee by Rep. David Valadao (R-CA). Rep. Jerry McNerney (D-CA) offered amendments to strike Sections 447, 448, 449, 450, and 452. On July 13, 2016, these amendments failed in a single vote 181-248.

27) Section 450: Stop San Joaquin River Restoration – This provision would prohibit implementation of the San Joaquin River Restoration settlement between the United States, Friant Water Authority, and conservation and fishing groups to restore the river as required under state and federal law. This would prevent funding for water supply and flood control projects that benefit local farmers, and likely lead the parties back to court because it would allow some 60 miles of California's second longest river to remain completely dry in violation of state law.

STATUS: This provision was added in full Committee by Rep. David Valadao (R-CA). Rep. Jerry McNerney (D-CA) offered amendments to strike Sections 447, 448, 449, 450, and 452. On July 13, 2016, these amendments failed in a single vote 181-248.

28) Section 452: Undermine Stanislaus River Protections – This provision would attempt to undermine environmental protections for salmon and water quality on the Stanislaus River, reducing reservoir releases in order to provide greater water supply to certain Central Valley Project contractors at the expense of the environment and water deliveries to Southern California.

STATUS: This provision was added in full Committee by Rep. David Valadao (R-CA). Rep. Jerry McNerney (D-CA) offered amendments to strike Sections 447, 448, 449, 450, and 452. On July 13, 2016, these amendments failed in a single vote 181-248.

29) Section 453: Block New Parks and Monuments – This provision would undermine one of our nation’s most important conservation tools, the Antiquities Act, which originally protected nearly half of our national parks. This rider is neither in line with public input or narrowly tailored. It would prohibit monument designation in 48 counties covering over 160 million acres, and since the Antiquities Act applies only to federal lands and waters, it would block new monuments on over 26% of all federal lands in the continental U.S.

STATUS: This provision was added in full Committee by Rep. Chris Stewart (R-UT). Rep. Raul Grijalva (D-AZ) offered an amendment to strike this provision. On July 13, 2016, the amendment failed 202-225.

30) Section 455: Block Vehicle Efficiency Standards – 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 added on the House floor by Rep. Diane Black (R-TN). On July 12, 2016, the amendment passed by voice vote.

31) Section 456: Prohibit BOEM Guidelines – This provision would prohibit the Bureau of Ocean Energy Management (BOEM) from putting into effect its proposed guidelines to determine a lessee’s financial ability to carry out its obligations, primarily the decommissioning of Outer Continental Shelf facilities, and the potential need for additional security. Prohibiting funds would undermine BOEM’s Risk Management Program and its ability to make informed decisions to reduce the potential risk of financial loss faced by U.S. taxpayers.

STATUS: This provision was added on the House floor by Rep. Charles Boustany, Jr (R-LA). On July 12, 2016, the amendment passed by voice vote.

32) Section 457: Punitive Elimination of Authority to Designate New National Heritage Areas – Colorado’s three existing National Heritage Areas, Cache la Poudre, South Park and Sangre de Cristo, protect a variety of cultural, historic, natural, scenic and recreational resources. They work in partnership with the National Park Service and other state and local partners to provide public access to those resources and an enhanced public awareness of their value. It is the purview of Congress, moved by the will of the public, to designate new National Heritage Areas. The Buck amendment would eliminate the authority to establish new NHAs anywhere in the State of Colorado based upon the whim of one member of Congress.

STATUS: This provision was added on the House floor by Rep. Ken Buck (R-CO). On July 12, 2016, the amendment passed by voice vote.

33) Section 458: Block Needed Pay Flexibility to Attract the Best Talent – This provision would block EPA from utilizing the Title 42 Special Pay Program – an important program that allows agencies to offer higher pay in certain specialized fields and provide recruitment and retention bonuses. It is important for agencies to have pay flexibilities and other tools and incentives available so that they are able to compete in the labor market for top-notch talent. Taking this authority away from EPA is yet another attempt to weaken the effectiveness of our environmental laws by preventing EPA from meeting its staffing needs.

STATUS: This provision was added on the House floor by Rep. Michael Burgess (R-TX). On July 12, 2016, the amendment passed by voice vote.

34) Section 460: Block Oil and Gas Regulations on National Wildlife Refuges – This harmful provision would block a vital new rule for managing non-federal oil and gas development on the National Wildlife Refuge System. The rule updates inadequate 50-year old regulations to facilitate responsible oil and gas operations on refuges, while conserving wildlife and ecosystems, enhancing public enjoyment of refuge resources and reducing the costs of oil-spill clean-up for American taxpayers. The misguided amendment would bar these common-sense measures intended to prevent avoidable damage to some of our nation’s most sensitive wildlife habitat.

STATUS: This provision was added on the House floor by Rep. Kevin Cramer (R-ND). On July 12, 2016, the amendment passed by voice vote.

35) Section 461: Block Oil Spill Prevention Requirements on Farms – This provision would prevent EPA from enforcing or implementing oil spill prevention requirements on farms, irrespective of the amount of oil they store. This approach is nonsensical, in view of the fact that oil spills are no less dangerous to waterways when they come from agricultural operations. The amendment also ignores a study Congress directed EPA to undertake, which identified a “lack of evidence that farms are inherently safer than other types of facilities,” and it ignores the fact that farms already are treated more leniently than other facilities under this program.

STATUS: This provision was added on the House floor by Rep. Rick Cranford (R-AR). On July 13, 2016, the amendment passed by voice vote.

36) Section 462: Prohibit Agency Actions that Assist the Public – This vaguely written provision would prohibit agency actions that “assist” the public in weighing in on pending regulatory matters, unless authorized by Congress. That restriction potentially could be understood to apply to efforts to streamline the mechanisms that business groups, state stakeholders, and concerned citizens use to express their views on proposed rules, environmental permits, and more.

STATUS: This provision was added on the House floor by Rep. Rick Cranford (R-AR). On July 13, 2016, the amendment passed by voice vote.

37) Section 463: Hamstring EPA’s Ability to Respond to Congress – This amendment effectively stops work by EPA’s Office of Congressional and Intergovernmental Relations and reduces EPA’s core air and water program budgets by \$4.2 million. Members of Congress are commonly critical of EPA for being slow in responding to their requests and being insufficiently engaged with state governments on policy development. This amendment would only worsen those relationships. Because OCIR acts as the liaison to the rest of EPA for Congress, the amendment would also undermine Congressional offices’ ability to get technical assistance on legislative

proposals and likely to get information regarding constituent questions or concerns about EPA programs.

STATUS: This provision was added on the House floor by Rep. Rodney Davis (R-IL). On July 13, 2016, the amendment passed by voice vote.

38) Section 464: Block Research Needed to Better Protect Aquatic Life – This provision would block finalization of the draft EPA-USGS Technical Report entitled “Protecting Aquatic Life from Effects of Hydrologic Alteration,” which explains and documents the effects of water flow alteration on physical, chemical and biological integrity and providing examples of how states are already addressing flow alteration under existing authorities and programs. This report is a scientifically sound and much-needed compendium on opportunities to better protect aquatic life for our nation’s rivers and streams and should be finalized.

STATUS: This provision was added on the House floor by Rep. Paul Gosar (R-AZ). On July 13, 2016, the amendment passed by voice vote.

39) Section 465: Blocks Protections from Toxics at Art Glass Factories – This provision blocks rules under section 112 of the Clean Air Act that would reduce toxic air emissions at art glass factories. Early in 2016 the Oregon Department of Environmental Quality found high levels of lead, cadmium, arsenic and hexavalent chromium in Portland Oregon above environmental risk thresholds. These metals were linked to emissions at two local glass factories, one of which produces 3,000 tons of glass per year. This provision would threaten ongoing emission reductions, monitoring and updating of safety standards for these glass factories.

STATUS: This provision was added on the House floor by Rep. Evan Jenkins (R-WV). On July 13, 2016, the amendment passed by voice vote.

40) Section 466: Block Rule to Make Needed Improvements to Hydraulic Fracturing Practices – This provision seeks to stop the implementation of BLM's common-sense hydraulic fracturing rule. BLM's rule takes modest steps to improve well integrity, reduce the impact of toxic wastewater, and increase transparency around chemicals used in the fracking process.

STATUS: This provision was added on the House floor by Rep. Doug Lamborn (R-CO). On July 13, 2016, the amendment passed by voice vote.

41) Section 467: Block Regulation of Greenhouse Gas Emissions for Truck Trailers – This provision prevents EPA from regulating greenhouse gas emissions from heavy duty truck trailers. Medium and heavy duty vehicles represent a disproportionate share of transportation emissions. New EPA-NHTSA standards for medium and heavy duty vehicles can reduce these emissions with known and available technology, including efficiency improvements to trailers. These measures will help the nation slow climate change and reduce its reliance on oil. Congress should reduce our oil dependency rather than perpetuate it.

STATUS: This provision was added on the House floor by Rep. Barry Loudermilk (R-GA). On July 13, 2016, the amendment passed by voice vote.

42) Section 468: Block Monitoring of Groundwater Contamination – This dangerous provision prevents EPA’s common sense proposal to monitor groundwater where in-situ uranium mining takes place. These increasingly common mining activities threaten to contaminate groundwater resources with uranium and other harmful pollutants like arsenic. Groundwater that is

contaminated by these activities cannot be restored to pre-mining conditions. These long lived contaminants can also migrate to other water sources, demanding that we carefully monitor their movements at a very minimum. This amendment is an affront to public health and safety.

STATUS: This provision was added on the House floor by Rep. Cynthia Lummis (R-WY). On July 13, 2016, the amendment passed by voice vote.

43) Section 470: Prohibit Proper Management of Dangerous Industrial Farm Waste – This amendment would prohibit EPA from writing any rule that would require the largest industrial animal farms (Concentrated Animal Feeding Operations, or CAFOs) to properly store, transport, or dispose of their wastes, including the hundreds of millions of tons of manure they generate annually. CAFO wastes contain dangerous pollutants that can increase the risk of birth defects, infant deaths, diabetes, and cancer. When not handled properly, CAFO wastes endanger drinking water sources and pose a particularly severe risk to rural communities reliant on well water.

STATUS: This provision was added on the House floor by Rep. Dan Newhouse (R-WA). On July 13, 2016, the amendment passed by voice vote.

44) Section 472: Block Rule to Implement Needed Safety Upgrades for Offshore Oil and Gas Drilling – This provision would block the new rule on “Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Blowout Preventer Systems and Well Control,” also known as the “Well Control Rule,” which strengthens safety in offshore oil and gas operations. This rule includes more stringent design requirements and operational procedures for critical well control equipment used in offshore oil and gas operations. Many of these actions relate to the design, certification, and maintenance of blowout preventers. The rule was finalized and published in the Federal Register on April 29, 2016 by the Bureau of Safety and Environmental Enforcement—more than six years after the Deepwater Horizon disaster in the Gulf of Mexico that was linked to failure of a blowout preventer. Although the rule is not sufficiently robust, it is a significant improvement over the status quo and addresses many blowout-related concerns raised by various commissions following the Deepwater Horizon disaster in 2010.

STATUS: This provision was added on the House floor by Rep. Charles Boustany (R-LA). On July 13, 2016, the amendment passed 234-195.

45) Section 473: 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 added on the House floor by Rep. Bradley Byrne (R-AL). On July 13, 2016, the amendment passed 237-189.

46) Section 474: Undermines CWA Protections for Chesapeake Bay – This amendment limits EPA’s key authority to protect clean water in the 64,000 square mile Chesapeake Bay watershed which spans 6 states and the District of Columbia. This authority is critical to ensure full Clean Water Act protections for over 18 million residents and to the success of the historic federal-state collaboration to restore the Chesapeake Bay.

STATUS: This provision was added on the House floor by Rep. Robert Goodlatte (R-VA). On July 13, 2016, the amendment passed 231-197.

47) Section 475: Block ESA Protections for Numerous Species – This provision would devastate conservation and recovery efforts for listed species any time the U.S. Fish and Wildlife Service fails to meet its obligation to complete a 5-year review of the species' status as required by the Endangered Species Act (ESA). The agencies are often prevented from completing these reviews on time due to lack of funding, or due to competing priorities. This amendment would inevitably leave many species in a state of limbo, because they would retain their ESA status, but all federal funding for recovery efforts, law enforcement efforts, and consultations would be blocked.

STATUS: This provision was added on the House floor by Rep. Doug Lamborn (R-CO). On July 13, 2016, the amendment passed 238-190. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

48) Section 476: Block ESA Protections for Preble's Meadow Jumping Mouse – This provision would block federal funding for the threatened Preble's Meadow Jumping Mouse under the Endangered Species Act (ESA), thwarting recovery efforts for this western species, which continues to experience habitat loss and face other threats throughout its range. It would eliminate crucial recovery programs for the mouse that require federal funding, such as development and approval of Habitat Conservation Plans, and leave stakeholders uncertain about whether projects can go forward without violating the ESA.

STATUS: This provision was added on the House floor by Rep. Doug Lamborn (R-CO). On July 13, 2016, the amendment passed 228-199. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

49) Section 477: Block ESA Protections for Gray Wolves in Continental U.S. – This provision would block all Endangered Species Act (ESA) protections for gray wolves in the continental United States by 2017. This species is currently listed as endangered in most of the lower-48 states. While the return of gray wolves in the northern Rocky Mountains and the Great Lakes has been an incredible success story, this iconic American species still only occupies a small portion of its former range and wolves have only just started to re-enter areas like northern California, where there are large swaths of suitable habitat. A national delisting for wolves would reverse the incredible progress that the ESA has achieved for this species over the past few decades and once again put the gray wolf at risk of extinction.

STATUS: This provision was added on the House floor by Rep. Dan Newhouse (R-WA). On July 13, 2016, the amendment passed 223-201.

50) Section 478: Block ESA Protections for Endangered New Mexico Meadow Jumping Mouse – This provision would block federal funding for the endangered New Mexico Meadow Jumping Mouse under the Endangered Species Act (ESA), thwarting recovery efforts for the rare southwestern subspecies, which has suffered a significant reduction in occupied localities due to habitat loss and fragmentation throughout its range. It would eliminate crucial recovery programs for the mouse that require federal funding, such as development and approval of Habitat Conservation Plans, and leave stakeholders uncertain about whether projects can go forward without violating the ESA.

STATUS: This provision was added on the House floor by Rep. Cynthia Lummis (R-WY) for Rep. Steve Pearce (R-NM). On July 13, 2016, the amendment passed by voice vote.

51) Section 479: Block Any Climate Change Plan – This provision is just another attempt to roll back the Clean Air Act and block any potential plan to address climate change. Instead of listening to the national security experts, faith leaders, scientists, energy innovators, health professionals and many others who are sounding the alarm on climate change and have implored our nation’s elected officials to support action, this amendment simply seeks another way to say “no.”

STATUS: This provision was added on the House floor by Rep. Scott Perry (R-PA). On July 13, 2016, the amendment passed by voice vote.

52) Section 480: Block Rule to Modernize Chemical Safety Safeguards – In response to West, Texas and countless other chemical plant disasters, President Obama asked the Environmental Protection Agency (EPA) to revise its Risk Management Program (RMP) rule, our nation's major defense against catastrophic chemical disasters. This provision would prevent the EPA from finalizing and implementing the recently proposed rule to modernize our chemical safety safeguards. The revisions to the RMP include requirements for chemical facilities to identify safer alternative chemicals or processes that can eliminate the possibility of a chemical facility disaster. The public, particularly fence-line communities - often poorer neighborhoods and communities of color who already bear the greatest burden of living next to these polluting and high-risk facilities - look to the EPA to protect their health and safety. This undermines that.

STATUS: This provision was added on the House floor by Rep. Mike Pompeo (R-KS). On July 13, 2016, the amendment passed by voice vote.

53) Section 481: Block Implementation of Any “Major” Rule or Regulation – This provision would block implementation of any rule or regulation that is considered “major.” Official analyses from administrations of both political parties consistently find that such regulations often provide far greater benefits than costs. Yet under this amendment, a rule that brings billions in benefits and a rule that saves human lives will still be barred as long as it has impacts of more than \$100 million.

STATUS: This provision was added on the House floor by Rep. Tom Price (R-GA). On July 13, 2016, the amendment passed by voice vote as part of an en bloc amendment.

54) Section 482: Undermine the National Environmental Education Act – This provision would severely undermine the National Environmental Education Act by prohibiting all funding for environmental education grants to elementary and high schools, colleges and universities and state education and environmental agencies under this law. These grants help state and local educators develop curricula for America’s school children; train teachers, state and local officials, and not-for-profit organizations; and advance environmental education, science and research. The amendment would cripple valuable federal support for environmental education under a law adopted during the first Bush administration.

STATUS: This provision was added on the House floor by Rep. Jason Smith (R-MO). On July 13, 2016, the amendment passed by voice vote as part of an en bloc amendment.

55) Section 483: Prevent Removal of Unsafe and Environmentally Harmful Structures on Midway Atoll Refuge – This provision would prevent the U.S. Fish and Wildlife Service from removing unsafe structures on Midway Atoll National Wildlife Refuge as a part of their FY17

Deferred Maintenance Plan. Midway Refuge is home to the world's largest population of albatross, and removing defunct structures would provide essential nesting area for these birds. Lead-based paint on the island's old, decrepit buildings poses a severe threat to the resident Laysan albatross colony, with up to 10,000 chicks perishing from lead poisoning annually. This provision would prevent basic, yet critical efforts to demolish harmful abandoned structures in compliance with the National Historic Preservation Act.

STATUS: This provision was added on the House floor by Rep. John Duncan (R-TN). On July 13, 2016, the amendment passed by voice vote as part of an en bloc amendment.

56) Section 486: Block Enforcement of Court Decision – This provision would block enforcement of a federal court decision that found that the U.S. Fish and Wildlife Service (FWS) violated the National Environmental Policy Act (NEPA) when it authorized the killing of double crested cormorants in 24 states east of the Mississippi without current data or adequate scientific analysis. The court determined that FWS violated NEPA by failing to take the required “hard look” at the consequences of its actions and ignoring a range of reasonable non-lethal alternatives. The provision would inappropriately block the enforcement of the court order and allow an ill-informed lethal practice to continue.

STATUS: This provision was added on the House floor by Rep. Bruce Westerman (R-AR). On July 13, 2016, the amendment passed by voice vote. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

57) Section 487: Blocks oil and gas regulations in the Arctic – This provision prohibits funding for any new regulation connected to offshore oil and gas exploration and development in the Arctic Ocean. DOI has proposed and/or enacted important improvements to the rules that govern offshore drilling, but it has not modernized the regulations that govern offshore oil and gas planning, lease sales, or the review and permitting of exploratory drilling. This provision undermines future efforts to ensure that if and when any development were to occur in the Arctic Ocean, the strictest regulations would be in place for these risky offshore drilling activities.

STATUS: This provision was offered as an amendment on the floor by Rep. Don Young (R-AK) on June 15, 2016. On July 13, 2016, the amendment passed by voice vote.

58) Section 488: Block Wildlife Conservation Rules on National Wildlife Refuges and Preserves in Alaska – This provision would block the U.S. Fish and Wildlife Service (FWS) rule to conserve wolves, bears and other iconic carnivores on national wildlife refuges in Alaska and withdraw the National Park Service's (NPS) authority to implement similar protections on Alaska national preserves. It would bar the agencies from prohibiting the state's scientifically indefensible “predator control” program on our federal public lands that allows extreme non-subsistence hunting aimed at reducing native carnivore populations through trapping, baiting, aerial gunning, killing at den sites and killing mothers and young. This harmful provision would prevent FWS and NPS from managing as many as 100 million acres of federal land in Alaska in accordance with bedrock conservation laws.

STATUS: This provision was added on the House floor by Rep. Don Young (R-AK). On July 13, 2016, the amendment passed by voice vote.

59) Section 494: Send Mexican Gray Wolves to Extinction – This provision would block federal funding for the endangered Mexican gray wolf under the Endangered Species Act (ESA) even though there are fewer than 100 of these rare wolves left in the United States and fewer than 25 in Mexico. It would also limit recovery to “historic range,” even though the extent of that range is far from clear, and scientists say the wolves must be restored to new habitats to recover. Blocking federal funding to help recover these wolves and keeping them out of suitable habitats they need to recover is a recipe for extinction.

STATUS: This provision was added on the House floor by Rep. Paul Gosar (R-AZ). On July 13, 2016, the amendment passed 219-203.

60) Section 495: Block Clean Energy Incentive Program Proposed Rule – This provision would block a proposed, voluntary program that encourages and rewards early action to reduce carbon pollution, something many states and power companies have asked for as EPA developed the Clean Power Plan. In addition to providing incentives for clean energy technologies like wind and solar, the program would provide a double credit for energy efficiency investments in low-income communities. By releasing the Clean Energy Incentive Program proposed rule and taking public comment, EPA is doing the prudent thing by continuing to work with those states, power companies, and stakeholders that are continuing to plan for future Clean Power Plan implementation. EPA’s work to develop this voluntary program imposes no planning or compliance obligations on states or the regulated community. Blocking this effort could harm clean energy development and energy efficiency investments in low income communities.

STATUS: This provision was added as an amendment on the House floor by Rep. John Ratcliffe (R-TX). On July 13, 2016, the amendment passed 231-197.

61) Section 496: Undermine Citizen Enforcement of Environmental Laws – This provision seeks to discourage citizens from enforcing essential protections of the Endangered Species Act, the Clean Air Act, and the Clean Water Act and targets settlements involving congressionally mandated federal agency actions, including requirements to protect public health and the environment. Congress long ago recognized that the government needs citizens to be partners in enforcing all manner of America’s laws, including environmental protection laws, and this principle is enshrined in the numerous federal laws that provide reasonable fee recovery for successful plaintiffs. This nonsensical provision would change this by barring payment of citizens’ legal fees whenever parties avoid costly litigation by agreeing to a settlement.

STATUS: This provision was added on the House floor by Rep. Jason Smith (R-MO). On July 13, 2016, the amendment passed 226-202.

62) Section 497: Override the Conservation Plan for Arctic National Wildlife Refuge – This provision would block the implementation of the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge, which guides management of wildlife and natural resources on more than 19 million acres of iconic wildlands in Alaska. The Refuge is home to polar bears, over 135 species of migratory birds from every state and around the world, and the Porcupine Caribou Herd that sustains the Gwich’in Nation. The Plan, which was developed with significant public input, using the best available science, and following a lengthy environmental impact analysis, recommends wilderness designation to permanently protect vital habitat on the Coastal Plain and other core areas of this crown jewel refuge. The Plan was completed more than a year ago and this pernicious amendment is a last minute attempt to override a thorough, collaborative public process.

STATUS: This provision was added on the House floor by Rep. Don Young (R-AK). On July 13, 2016, the amendment passed 237-191.

63) Section 498: Block Removal of Lease Sales in Arctic Ocean – This provision would block the removal of three lease sales in the Arctic Ocean. Shell showed in 2012 that Arctic Ocean drilling cannot be done safely, and the government’s own estimate on one lease sale alone is that there is a 75 percent chance of a major spill over the life of the operations. The Arctic Ocean thrives with sea life and is a fragile marine ecosystem. Native communities on Alaska’s northern coast depend on Arctic Ocean sea life to sustain their way of life, yet the Chukchi and Beaufort seas have no U.S. Coast Guard facilities or infrastructure to support a major oil-spill response. The industry isn’t ready to drill safely in the Arctic Ocean, yet this amendment is attempting to force unsafe leases to move forward.

STATUS: This provision was added on the House floor by Rep. Don Young (R-AK). On July 13, 2016, the amendment passed 242-185.

64) Section 499: Block New Marine Monuments – This section would block new marine monuments and undermine the Antiquities Act, the tool that protected nearly half of our national parks. An incredibly broad and damaging provision for oceans conservation, this amendment would prohibit designation of new marine monuments in the entire Exclusive Economic Zone – an area of over 4.5 million square miles that represents nearly all U.S. oceans. In order for the U.S. to maintain its role as a global leader in ocean conservation, we must not hamstring our ability to protect critical habitat for marine mammals, seabirds, and other vital resources off our shores.

STATUS: This provision was added on the House floor by Rep. Lee Zeldin (R-NY). On July 13, 2016 this amendment passed 225-202.

65) Section 501: Upends 15-year Planning Process on New Plan for Dog Management in Golden Gate National Recreation Area – This provision would discard a 15-year planning process by the National Park Service to ensure all recreationists can enjoy the Golden Gate National Recreation Area (GGNRA). GGNRA is the only national park site to allow off-leash dog walking and the new plan would limit off-leash dog walking to specific areas to ensure recreation opportunities for all visitors. Preventing the implementation of this plan will cast aside over a decade of public input.

STATUS: This provision was added on the House floor by Rep. Jackie Speier (D-CA). The amendment passed by voice vote.

66) Section 502: Undermine Management of Havasu National Wildlife Refuge and the Refuge System – This provision would threaten wildlife and risk public safety at Havasu National Wildlife Refuge in Arizona. It would obstruct the U.S. Fish and Wildlife Service and stakeholders from addressing recreational use on the refuge that is creating dangerous conditions for visitors and impairing natural resource conservation, including protection for several endangered migratory bird species. This damaging provision would circumvent cornerstone laws guiding wildlife conservation on more than 560 refuges across the country, including the National Wildlife Refuge System Improvement Act, setting a dangerous precedent for the entire Refuge System.

STATUS: This provision was added on the House floor by Rep. Paul Gosar (R-AZ). On July 13, 2016, the amendment passed by voice vote.

In House Interior Appropriations Committee Report (House Report 114-632)

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 has been included since FY 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 has been included since FY 2015.

3) Delaying Implementation of Needed Marine Reserve in Biscayne National Park – Language in the report would direct the National Park Service to delay implementation of a marine reserve and related fishing restrictions in Biscayne National Park while the Park Service prepares baseline reports and performance evaluations. The marine reserve is desperately needed to recover the coral reef ecosystem and the reef fish populations that have been decimated over recent decades. The Park Service is currently preparing baseline reports that would be used to measure the efficacy of the marine reserve once it’s implemented – an additional five-year delay in the implementation of the reserve and additional reporting is unnecessary. The language also directs the National Park Service to develop a plan that balances resource conservation with public access. The proposed marine reserve would only cover about six percent of the waters of the national park; approximately 70 percent of park coral reef areas would remain open to fishing outside of the marine reserve. The

Park Service is required by Biscayne National Park's enabling legislation to regulate fishing in the interest of sound conservation, not necessarily for recreational purposes.

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

4) Pressuring BLM to Allow Oil and Gas Development in Sensitive and Unique Habitats –

Language in the report would pressure the Bureau of Land Management to allow oil and gas development in sensitive and unique habitats. The BLM is currently deciding the fate of oil and gas leasing in pristine roadless areas of the White River National Forest in Colorado, the most visited national forest in the country. The WRNF is home to priceless outdoor recreational opportunities and essential wildlife habitat and is the source of much-needed tourism dollars and clean drinking water for numerous communities. More than 50,000 members of the public commented on BLM's Draft Environmental Impact Statement, with the vast majority asking BLM to cancel illegal oil and gas leases and ensure that roadless areas and all their ecological values are fully protected. Congress should not try to politicize the process and intimidate BLM into changing course.

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

5) Attempting to Block Rule to Protect Groundwater from Uranium – Language in the report would direct the Environmental Protection Agency to withdraw a rulemaking that protects groundwater from uranium contamination.

STATUS: This language was included in the Committee report accompanying the legislation. A similar provision was included in the Senate committee report.

6) Continuing Exemptions for Groundwater Under the Safe Drinking Water Act – Language in the report would force EPA to continue using Safe Drinking Water Act aquifer exemption rules that have allowed for the contamination of underground sources of drinking water. These rules are used to exempt underground sources of drinking water from the protections of the Act, and have led to approval of aquifer exemptions without scientifically-defensible evidence about water quality, demand for groundwater, the rapid depletion of aquifers in many states, the extent to which climate change is likely to exacerbate these problems, improved technologies for water treatment to use brackish groundwater as a drinking water source, and advances in our scientific and technical understanding of groundwater contaminant fate and transport.

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

7) Requiring Biomass Burned for Electricity to be Considered Zero Carbon Pollution -

Language in the report would require all biomass burned for electricity production to be considered to have zero carbon pollution despite the fact that emissions from wood biomass are often higher than those from coal. This language threatens the long term health of forests by encouraging the burning of trees to generate electricity, and worsens climate change by pretending climate-changing emissions don't exist.

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

Department of the Interior, Environment, and Related Agencies Appropriations Act (S. 3068)

Title I – General Provisions – Department of the Interior

1) Section 111: Block ESA Protections for the Lesser Prairie Chicken – This provision would prohibit the use of funds to implement or enforce a threatened or endangered listing of the 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. It would thwart recovery efforts for the imperiled lesser prairie-chicken by cutting off all funding to the species if it regains protections under the ESA.

STATUS: This provision was included in the Chairman’s mark. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed from HR 2029, The Consolidated Appropriations Act, 2016.

2) Section 113: 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.

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 115: 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 a year.

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

4) Section 117: Block Wildlife Conservation Rules on National Wildlife Refuges in Alaska – This provision would block the U.S. Fish and Wildlife Service (FWS) rule to conserve wolves, grizzly bears and other native carnivores on national wildlife refuges in Alaska. It would bar FWS from prohibiting the state’s scientifically indefensible “predator control” program on our federal wildlife refuges that allows extreme non-subsistence hunting aimed at reducing native carnivore populations through trapping, baiting, aerial gunning, killing at den sites and killing mothers and young. This harmful provision would prevent FWS from managing over 76 million acres of federal public lands in Alaska in accordance with bedrock conservation laws.

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

5) Section 119: 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 was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

6) Section 121: Defunds Finalization and Implementation of the Stream Protection Rule

– This provision would legislatively prevent the Secretary of the Interior from finalizing and implementing much-needed revisions to regulations for coal mining operations under the Surface Mining Control and Reclamation Act. The final rule would significantly benefit public health, rivers and streams, national parks, and communities impacted by mountaintop removal mining.

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

7) Section 122: Force Construction of a Road through Izembek National Wildlife Refuge –

This provision would force construction of a destructive 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 wildlife refuges and wilderness protections on public lands across the country. Izembek is an internationally recognized wetland and world class habitat for migratory birds, marine life and mammals. One of America's most ecologically significant wildlife refuges, this extraordinary landscape in Alaska is almost entirely designated wilderness. The road would cause irreparable damage to this treasured ecosystem, threaten the survival of imperiled species and create a precedent that undermines the integrity of the National Wildlife Refuge System. A legislated road would also violate the very purpose of the Wilderness Act, creating dangerous national policy implications for wild places throughout the nation. The Izembek road controversy was already addressed during the Clinton Administration, and American taxpayers have already spent more than \$50 million to provide access to quality medical care for the King Cove community in lieu of building the ill-advised road. This harmful rider is an underhanded attempt to bypass the Interior Department's sound, science-based management of this unique area, circumvent the environmental laws protecting the refuge, and force through a road despite broad opposition.

STATUS: This provision was included in the Chairman's mark. This provision was also originally included in the FY 2016 Interior and Environment bill but was removed in HR 2029, The Consolidated Appropriations Act, 2016.

Title IV – General Provisions

1) Section 411: 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.

2) Section 414: Create a Carbon Accounting Loophole for Biomass Power Plants - This provision would undermine efforts to address climate change by mandating policies that fail to account for the carbon pollution emitted by biomass power facilities. Instead of allowing the EPA's science based process for assessing the carbon impact of various forms of biomass fuels, this provisions pre-empts that process and undermines the agency's authority by giving biomass power plants a free pass based on out of date assumptions.

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

3) Section 417: 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.

4) Section 419: 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 2016 and 2017" 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. This provision was also originally included in the FY 2016 Interior and Environment bill and was retained in HR 2029, The Consolidated Appropriations Act, 2016.

5) Section 420: 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.

6) Section 421: 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.

7) Section 423: 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: This provision was included in the Chairman’s mark. The same provision has been included in the final appropriations bills since FY 2015.

8) Section 424: Prolongs Livestock Grazing on National Grasslands without Environmental Review and Public Input – This provision would continue grazing under certain grazing permits on public lands without any assessment or accounting for current range condition, impacts on wildlife, watersheds and other public values, or complicating factors such as drought or invasive species that may advise a change in management.

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

Title V – Wildfire Disaster Funding

Title V Fails in Its Stated Purpose to Address Fire Funding and Instead Undermines Forest Management and Healthy Forests – This language mimics harmful provisions in the proposed

Wildfire Budgeting, Response, and Forest Management Act. The language fails to effectively resolve wildfire budget problems and includes provisions that threaten the conservation and management integrity of our public forests and bedrock environmental laws.

STATUS: This entire title is extensive legislation that was included in the Chairman's mark.

The following sections in Title V are the most problematic:

1) Section 501: Fails to Adequately Address Severe Fire Funding Problems – This provision fails to address the largest fire funding problem: the chronic lack of funding for non-fire programs due to unsustainable growth in fire programs associated with rapidly increasing average costs for firefighting. While this provision may reduce the short term impact of fire borrowing, its failure to address or fix the larger funding problem makes it insufficient at best.

2) Section 505: Weakens Environmental Review and Public Engagement in Certain Major Federal Decisions Impacting Health of National Forests – Among other things, the language prohibits agencies from considering reasonable alternatives when assessing the impacts of certain projects. Limiting review to only a single proposal or no action will result in the agency making less informed and less defensible decisions, including in critical areas, like community drinking watersheds, where the risks of making bad decisions cannot be tolerated. Some of the provisions also risk discounting or ignoring input brought forward by the public. The provision therefore has the effect of undermining citizen engagement and trust in public land management decisions while simultaneously increasing the likelihood of an agency making bad management decisions.

3) Section 506: Delays Transition Out of Old-Growth Logging in the Tongass National Forest – This provision would block the United States Forest Service from finalizing its updated land management plan for the Tongass National Forest in Southeast Alaska. This plan would begin the transition out of destructive old-growth clearcuts in the Tongass, and help ensure that the region's wildlife and thriving sustainable industries are able to rely on an intact forest.

STATUS: Sen. Tom Udall (D-NM) introduced an amendment during full Committee markup that would strike this rider, as well as many more anti-environmental riders. The amendment failed on June 16, 2016 by a vote of 16-14.

Title VI – Alaska Land Use Council Act

1) Title VI: Reestablishes the Alaska Land Use Council – This provision would reestablish the Alaska Land Use Council, which was originally created in 1980 to assist with the transition of land management brought about through passage of the Alaska National Interest Lands Conservation Act, and not renewed upon reaching its ten-year sunset limit. While the original Council was meant to encourage dialog between federal, state and Alaska Native entities, the new Council would have several significant differences that would weaken federal management of public lands in Alaska. These changes include a decrease in federal representation on the Council while increasing the scope of federal decisions the Council would review; as well as onerous reporting requirements imposed on federal agencies that disagree with the Council.

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

In Senate Interior Appropriations Committee Report (Senate Report 114-281)

1) Accelerating American Burying Beetle Delisting – Language in the report would direct the Fish & Wildlife Service to use allocated funds to propose a rule by the end of the fiscal year to delist or downlist the American Burying Beetle should the status review the Service is currently undertaking make a finding that delisting or downlisting is warranted. This language improperly accelerates a status review determination and possible delisting or downlisting for an important indicator species that has not yet fully recovered.

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

2) Urging the Termination of the Red Wolf Recovery Program – Language in the report would encourage the Fish & Wildlife Service to “coordinate closely” with the North Carolina Wildlife Resources Committee – which has already requested that the Service end the red wolf recovery program and declare the red wolf extinct – on decisions related to the future of the recovery program. The Service has suspended work on the program, allowing North Carolina’s red wolf population to decline to fewer than 45 wolves, down from 130 just two years ago. On September 12, the Service announced that it intends to remove from private lands most of the world’s only remaining population of red wolves in the wild, threatening the continued existence of the species. Opponents of the recovery program claim that it is destined to fail. However, the real reason that red wolf numbers are steadily declining is because the agency has discontinued vital elements of the program and allowed for removal of red wolves from the wild, including issuing permits to private landowners to kill non-problem wolves. There are currently fewer than 45 wild red wolves left. This unwise directive in the Senate report language would doom the rarest wolf to extinction.

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

3) Threatening Wildlife Conservation and Management on Currituck National Wildlife Refuge – Language in the report pressures the U.S. Fish and Wildlife Service (FWS) to enter into an ill-advised management plan with the State of North Carolina, Currituck County and the Corolla Wild Horse Fund that specifies a minimum number of non-native horses to roam in and around Currituck National Wildlife Refuge. This misguided instruction threatens to obstruct science-based management of wildlife and fragile coastal habitats and could compromise protections for endangered shorebirds such as the piping plover and other imperiled species that depend on the refuge. Moreover, Congressional micro-management of individual refuges effectively undermines the National Wildlife Refuge System Improvement Act and other cornerstone laws that guide conservation on more than 560 refuges nationwide. Finally, this Congressional incursion could upset current, ecologically responsible efforts already underway by FWS and stakeholders to address free-roaming horse management and maintain a sustainable herd in the Currituck Outer Banks area.

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

4) Undermining Management of Alaska Maritime National Wildlife Refuge – Language in the report would continue a damaging directive from FY16, prohibiting the U.S. Fish and Wildlife Service (FWS) from removing invasive species that are degrading habitat on Alaska Maritime National Wildlife Refuge. It prevents the agency from removing non-native caribou from Kagalaska

Island and feral cattle from Chirikof and Wosnesenski Islands in the refuge. These invasives are having a devastating impact on fragile refuge ecosystems, eliminating native vegetation, decimating riparian habitat and threatening sensitive wildlife, including nesting shorebirds and waterfowl. This provision would block FWS from managing Alaska Maritime Refuge to protect and restore its natural biodiversity.

STATUS: This language was included in the Committee report accompanying the legislation. Similar language was also included in the FY 2016 Senate committee report and enacted by the Consolidated Appropriations Act of 2016.

5) Declaring Glyphosate Safe for Humans and Wildlife – Language in the report declares glyphosate safe for humans and wildlife and urges EPA to rush completion of its registration. Glyphosate is linked to the dramatic decline in pollinator habitat and potentially poses risks to human health. EPA should expeditiously complete its review but only on the basis of sound science rather than political pressure from Congress.

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

6) Attempts to Block Rule to Protect Groundwater from Uranium – Language in the report encourages EPA to withdraw a rulemaking that protects groundwater from uranium contamination.

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

7) Overrides Agency Management and Threatens Public Resources by Requiring that All Vacant Grazing Allotments be made Available for Livestock Use – Language in the report orders BLM and Forest Service to reopen lands damaged by drought, wildfire or other factors to livestock grazing again. These provisions would also reverse public, science-based decision-making to close allotments to protect fish and wildlife, watersheds and other public values, including bighorn sheep—a priority species for western states and communities that is threatened by public lands grazing. This congressional intrusion into agency management is unwarranted and ill-advised, and undermines collaborative processes increasingly favored by livestock operators, agencies and other stakeholders to resolve grazing conflicts on public lands.

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

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (H.R. 5912)

Title VII – General Provisions

1) Section 7034: A complete ban on all funding going to the GCF – This provision includes language that imposes a ban on all funding going to the Green Climate Fund (GCF). The GCF builds on lessons learned from the World Bank’s Climate Investment Funds, the Global Environment Facility, and other international funds that have supported clean energy development and climate-compatible development. Unlike other institutions, the GCF has climate action as its central and exclusive objective. Its framework focuses on the development and implementation of country-level strategies and plans for climate resilience and low-carbon development, coupled with

robust monitoring and evaluation. Importantly, the GCF's framework also includes social and environmental safeguards, civil society participation, best practice fiduciary standards and gender inclusion. The GCF is essential to fulfill a promise made by developed countries in 2009 to mobilize \$100 billion annually for climate solutions by 2020. While the \$100 billion is intended to come from a wide range of public and private sources, the GCF is a critical component of the finance landscape, and is instrumental in ensuring developing countries come to the table for an international agreement on climate change in 2015.

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

2) Section 7079: Continue Public Funding for Overseas Coal Plants – This provision includes language that 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.

**Alaska Wilderness League * American Forests * American Rivers * Born Free USA
Californians for Western Wilderness * California Wolf Center * Center for Biological
Diversity * Clean Water Action * Conservation Colorado * Defenders of Wildlife
Earthjustice * Earthworks * Endangered Species Coalition * Environment America
Environmental Investigation Agency * Environmental Protection Information Center
Friends of the Clearwater * Friends of the Earth * Friends of Wisconsin Wolf and
Wildlife * Greenpeace * Howling for Wolves * Idaho Conservation League
Klamath Forest Alliance * League of Conservation Voters * League of Humane
Voters – Wisconsin Chapter * Los Padres ForestWatch * Marine Conservation
Institute * National Wolfwatcher Coalition * Natural Resources Defense Council
Oceana * Ocean Conservancy * Oregon Wild * Pacific Coast Federation of
Fishermen's Associations * Physicians for Social Responsibility * Predator Defense
Restore America's Estuaries * Rocky Mountain Wild * Sierra Club * Southern Utah
Wilderness Alliance * The Southwest Environmental Center * The Wildlands
Network * The Wilderness Society * Turtle Island Restoration Network * Upper
Peninsula Environmental Coalition * WildEarth Guardians * Wilderness Watch
Western Watersheds Project * Western Nebraska Resources Council * Wolf
Conservation Center**

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