

Current Status Chart – 110th Congress, 2nd Session
June 6, 2008
New material is posted in VIOLET

Follow the Money

Bill	Status	Additional Information and Upcoming Action
FY 09 Budget	<p>Congress has reached agreement on the FY 2009 Cong. Budget Resolution, S.Con.Res. 70, opening the way for FY 2008 appropriations to proceed. House approved conference agreement 6/5/08 on party-line 214-210 vote. Senate expected to follow suit.</p> <p>➤ For FY 2009 discretionary domestic spending, the Budget Resolution allows \$38.6 billion, compared to \$31.7 appropriated for FY 2008. However, at the end of the appropriations process, it is unlikely that this \$7 billion funding increase will materialize—if previous appropriations battles are any guide. (See the appropriations portions of Updates #11, 12 and 13 to get a feel for what lies ahead.)</p>	<p>➤ Function 300 of the federal budget includes most environmental programs (regardless of which federal agency administers them or which congressional committee has jurisdiction over them).</p> <p>➤ Budget Resolution is an internal Congressional document and does not require President's signature.</p> <p>➤ As in the last two years, the FY 09 Congressional Budget Resolution sets up a train wreck down the track by allowing Congress to appropriate more than the Administration's budget requested for non-defense discretionary programs—the difference is \$21 billion.</p>
FY 08 Appropriations PL – 110-161	<p>FY 2008 appropriations were part of the Continuing Resolution (CR) signed on 12/26/07 after protracted conflict between the administration and the congress over funding levels.</p>	<p>➤ A few programs got increases over FY 07 levels: National Park Service – up 3.9% to \$2.39 billion; Fish & Wildlife Service – up 2.1% to \$1.36 billion. Bureau of Land Management – up 9.9% to \$2.06 billion.</p> <p>➤ Among the FY 2008 decreases from FY 2007 were: Land & Water Conservation Fund – down 31% to \$255.5 million. EPA – down 3.4% to \$7.46 billion (high point was \$8.4 billion in FY 04); Endangered Species & related programs – down 13% to \$224.3 million Office of Surface Mining Reclamation – down 42.2% to \$170.4 million.</p>
FY 09 Appropriations	<p>➤ Just as soon as the FY 2009 Congressional Budget Resolution has been agreed to (see above), the House can act on appropriations bills. (For background on budget process, see 2006 Legislative Update #68.)</p> <p>➤ The White House has already issued veto threats against any appropriations bill that exceeds the amount requested by the President.</p> <p>➤ House Interior Appropriations Subcommittee has not set its schedule yet for mark-up but says it could occur in "early June." Senate is not expected to act until July at the soonest.</p> <p>➤ House/Senate Interior Appropriations bills will be "symbolic" since they will most likely end up in a CR. However, they could set the benchmark for the 111th Congress to rewrite them or for the FY 10 budget proposals under a new administration and new Congress.</p> <p>➤</p>	<p>In light of what happened to the FY 2007 and FY 2008 appropriations process, expect the FY 2009 appropriations to be a replay. This means that rather than Congress sending separate appropriations bills to the president for signature or veto, 8 or 9 domestic appropriations bills will be rolled into a series of omnibus continuing resolutions (CRs) to continue funding the executive branch at roughly FY 08 levels after the end of FY 2008. Look for a CR to extend past the November election until Congress returns for a lame-duck session. Then look for a "final" CR to extend funding into approximately mid-February 2009, when the 111th Congress can put a final bill in place.</p>

Programs and Issues

Bill	Status	Additional Information and Upcoming Action
<p>Agriculture Reauthorization HR 2419, P. L. 110-XXX?</p>	<p>A protracted House-Senate conference on the farm bill finally reached an agreement that satisfied no one but which was marginally agree-able to enough legislators to be passed.</p> <p>Final bill provided for a two-year extension of the liberalized tax deduction for contributions of conservation easements. The bill did not significantly trim the payment of large subsidies to wealthy landowners and agribusiness operations, and new subsidies created in the bill might even result in higher payments than before. Conservation programs were increased by 13% overall. This category includes the CRP, WRP, EQIP, CSP. Funding also provided for Chesapeake Bay Region. For the first time, there is a title devoted for fruit and vegetable production and encouraging farmers' markets. Biofuels received \$1B in assistance although corn was downplayed in favor of other biomass options.</p>	<p>After the House and Senate voted for the conference agreement, the final bill, printed on special parchment, was sent to the President who vetoed it, as promised. The House voted to override the veto 316-108 on May 21 and the Senate voted to override 82-13 on May 22. Because more than two-thirds of each body voted to pass the bill, the President's veto notwithstanding, it became law—Or so they thought.</p> <p>The parchment version of the bill sent to the President omitted the 34-page international trade title. Thus, the bill he vetoed contained only 14 of the 15 titles</p> <p>The House voted on May 22 306-110 to re-pass the <i>entire</i> 15 titles. The Senate voted 77-15 on June 5 to re-pass the entire bill. When it reaches the President's desk, it will be re-vetoed. Then Congress will re-override it and the entire 15 titles will become law.</p>
<p>Beach Protection Act – HR 2537, S.2844</p>	<p>A bill to increase the authorization for state water quality grants for identifying and cleaning up beach water pollution was passed by the House on April 16, 2008 on a voice vote. The companion Senate legislation was approved by Senate Environment & Public Works Committee on 5/21/08.</p>	<p>Bill would require grant recipients to use the latest technology to test for contaminated beach waters. Inslee (D-WA) amendment would require EPA to conduct a study on the long-term effects of climate change on the pollution of coastal recreation waters. Senate bill authorizes \$60 billion/year for 2008-2013 period for state water quality grants. House bill authorizes \$40 B/yr through 2012.</p>
<p>Raw Sewage Community Right-to-Know Act, H.R. 2452, S. 2080.</p>	<p>The House Transportation and Infrastructure Committee approved this bill on May 15 to amend the Clean Water Act to provide stricter standards for public notification of sewage overflows. It is intended to let the public know when it is safe to swim in local waters.</p>	
<p>Clean Water Authority Restoration Act (CWARA) – HR 2421 & S 1870</p> <p>For background, see Updates #13 #14.</p>	<p>Supreme Court 4-1-4 split decision 9/16/06 on <i>Rapanos v. U.S. et al</i> and the <i>SWANCC</i> case left wetlands enforcement issues unresolved.</p> <p>House and Senate bills to clarify the protections for wetlands have run into substantial opposition from farmers, developers, states' rights advocates and others. It is no longer expected that legislation will be enacted in the 110th Congress.</p>	<p>Hearings were held in both the House (where GCA members offered support) and Senate, and Rep. Oberstar (D-MN) and Sen. Feingold (D-WI) gave the issue high priority. However, there is no viable consensus on how best to untangle the policy regarding definition of "tributary" and "navigable waters." Rep. Oberstar asked witnesses critical of his bill to submit specific suggestions for improving the bill.</p> <p>Neither chairman is willing to move legislation out of committee until there is sufficient support for floor passage. Efforts to attract substantial numbers of additional co-sponsors did not succeed—House sponsors still locked at 176 and Senate sponsors remain frozen at 20.</p>
<p>National Landscape Conservation System HR 2016, S. 1139</p>	<p>The House passed HR 2016 by 278-140 on April 9, 2008. It would make permanent the 26-million-acre National Landscape Conservation System within the BLS. Amendments preserved grazing, energy development, hunting and recreational shooting on these lands. S/1139 was reported from Committee on Energy and Natural Resources in June, 2007 and still awaits floor action.</p>	<p>Administration supports this legislation.</p>

<p>National Park Centennial Fund, HR 3094, S.2817</p> <p>For more information, see Update #11, item 10 and June, 2008 report by Carole Hunter.</p>	<ul style="list-style-type: none"> ➤ House Natural Resources Committee held a mark-up on May 7, 2008 and ordered reported a scaled-down version of the Centennial Fund legislation, HR 3094. It has not actually been sent out of committee yet—supporters are trying to round up more co-sponsors and supporters so they can be sure of House passage when it gets to the Floor. ➤ SUPPORT IS NEEDED from the grass roots to encourage more Representatives to push for the bill. When there is sufficient support to be sure that it will pass, it will be scheduled for debate on the Floor of the House of Representatives. ➤ GCA position paper on National Parks supports fully funding the operations of the entire park system, and placing a priority on conservation, preservation, education and diversity. ➤ .Maryjo Garre, GCA President, will be sending a letter to all members of the House of Representatives in June thanking the cosponsors of the bill and urging others to become cosponsors. 	<ul style="list-style-type: none"> ➤ <u>Reported House bill creates a 10-year entitlement of \$300 million.</u> It directs the Sec. of Treasury to deposit \$30 million/year over the 2009-2018 period into a new National Park Centennial Fund, to be available without further appropriation. Funds would be used to carry out centennial projects at National Parks focused on themes specified by the bill and could involve developing new interpretive programs, constructing new facilities, or improving park practices and operations. Park Centennial year is 2016. ➤ <u>Bill is budget-neutral,</u> at least on paper. To pay for the \$300 million, unused contract authority provided each year for land acquisition by the Land and Water Conservation Fund Act would be repealed. (This provision is a “placeholder.” Reportedly the White House has alternative provisions that would achieve “real world” savings. These will be revealed if/when the bill begins to move.) ➤ Senator Salazar has identified the funding as new royalties on unanticipated off-shore oil and gas from the Gulf of Mexico. ➤ Supporters of the bill, including the National Parks Conservation Association, say that while they are disappointed that the full \$1 billion they were seeking was not authorized, this bill nevertheless represents “a good start.” ➤ Supporters are striving for bipartisanship. Centennial initiative was proposed by the Administration, which still supports it. Rep. Rahall (D-WV), Chair of the Natural Resources Comm., and other House Democrats, oppose the matching requirement, in part because fundraising to support Centennial projects might lead to commercialization at the parks. Rep. Grijalva, Chair of the Parks Subcommittee, defends his scaled-down bill, saying the Centennial is “too important to get bogged down in partisan politics.”
<p>Oceans – UN Law of the Sea (UNCLOS)</p> <p>For more information, see Update #13.</p>	<ul style="list-style-type: none"> ➤ Push to get the Senate to ratify the Law of the Sea treaty seems to have stalled out. ➤ Even though the two-thirds Senate vote required for ratification appears attainable, opponents have promised to mount a time-consuming stalling effort on the Senate Floor and floor time is at a premium as the 110th Congress heads into the home stretch. <u>Unless there is a strong outpouring of pro-treaty sentiment from supporters demanding ratification this year, it is doubtful that a vote will be scheduled.</u> 	<ul style="list-style-type: none"> ➤ United States signed the UN Law of the Sea implementing agreement in October 1994 and submitted it to the US Senate. Thirteen years later, it still has not been ratified. ➤ The Administration has urged the Senate to agree to this treaty. President Bush sent letter to the Senate on May 16, 2007 urging Senate agreement to UNCLOS. Supportive reply sent on May 17 from Panetta and Watkins, co-chairs of the Joint Oceans Commission Initiative. However, the Administration has failed to wage the full campaign that would be required to quiet conservative Republican opposition in the Senate. ➤ Conservative Republicans led by Sen. Inhofe (R-OK) oppose ratification, saying it would impinge on U.S. sovereignty.
<p>Polar Bears</p> <p>For more information, see Ann Coburn’s February 2008 report.</p>	<ul style="list-style-type: none"> ➤ Administration was forced on May 14, 2008 to list the polar bear as a threatened species because of loss of sea ice. ➤ Actual impact of the listing on bears or on anti-global warming efforts is likely to be minimal. 	<ul style="list-style-type: none"> ➤ Interior Sec. Kempthorne stalled on listing the bears, even after several environmental groups filed a suit in 2005 to force a listing. He finally ruled only after a federal judge imposed a two-week decision deadline. ➤ DOI is using the so-called “f(d) rule” to lighten the regulatory burden that the listing imposes on the oil and gas industry. The delayed ruling permitted a oil-and-gas lease sale in the Chukchi Sea basin in February.

Global Warming Issues

<p>SENATE Climate Security Act, S. 3036.</p> <p>For more information, see Updates # 13, 14, 16 and June report by Diane Stoner</p>	<ul style="list-style-type: none"> ➤ Senate debate on Boxer-Lieberman-Warner manager's amendment ignominiously fizzled when Republican leaders required a 9-hr. reading of the 492-page bill and used other parliamentary delaying tactics to prevent and snarl substantive debate. ➤ Second cloture vote is anticipated, possibly for 6/6—not expected to get necessary 60 votes due to opposition for most Republicans and coal-region Democrats. After cloture fails, the bill will be taken off the schedule for the rest of 2008. 	<ul style="list-style-type: none"> ➤ Premature ending of Senate debate cut short the amendment process that had been expected to explore policy proposals aimed at making the bill palatable to a wide variety of interests, including nuclear power, drilling for offshore oil/gas, tightening the caps, reducing the giveaways, increasing help for consumers, protecting forestry, farming and endangered species, imposing tariffs on goods imported for nations that do not curb emissions, and Administration authority to suspend cap-and-trade if gasoline prices rose too high.
<p>HOUSE – GHG emission limits</p>	<p>Rep. Dingell has planned hearings later in June on three bills:</p> <ul style="list-style-type: none"> --Senate-debated bill, S. 3036 (approx 2/3s emission cut by 2050), --Rep. Markey's H.R. 6186 (80% reduction by 2050), and --Rep. Waxman's HR 1590 (85% reduction by 2050). Bill instructs EPA to set up a cap-and-trade system. 	<p>Rep. Boucher (D-VA), Subcom. Chair and Dingell's lieutenant on climate issue, has abandoned his effort to draft a bipartisan bill because top GOP Rep. Barton (R-TX) doubts human activities contribute to global warming.</p> <p>Sacramento Rep. Doris Matsui (D-CA) appointed to Energy & Commerce Committee to replace the more conservative Rep. Wynn (D-MD) who resigned.</p>
<p>International treaty post-Kyoto</p>	<ul style="list-style-type: none"> ➤ International talks were held in April in Paris to begin setting the stage for negotiating the post-Kyoto system. ➤ Pres. Bush inched closer to the issue by calling for a stop to increases in GHG emissions in the US by 2025. He continues to advocate voluntary, nonbinding targets. 	<ul style="list-style-type: none"> ➤ Kyoto agreement expires in 2012. It called for reducing GHGs to 5% below 1990 levels by 2012. Developing nations were not included. ➤ UN is now working to get a post-Kyoto plan ready by the end of 2009 to allow nations to ratify it by 2012. ➤ In June, 2007, Pres. Bush proposed a voluntary plan for major emitters, a position that many felt undermined efforts to curb world GHG increases. ➤ At 190-nation talks in Bali in December 2007, delegates agreed to keep working. US rejected setting even provisional targets and refused to commit to reducing its own emissions. ➤ At 16-nation "Major Economies Meeting" in Paris, in April Administration continued to oppose carbon caps and supported only leveling off by 2025. ➤ After July 7-9 "Group of Eight" nations summit in Hokkaido, representatives of 17 nations will remain for a climate summit. Possible outcome: a voluntary mid-century goal for all countries to reduce emissions, with pledges for more immediate reductions over 20-30 yrs.
<p>GHG issues in the Defense bill – HR 5658</p>	<p>A huge (approx. \$600 B) bill authorizing defense programs passed 384-23 in the House with several environmental amendments.</p> <p>Next stop: Senate.</p> <p>Veto threat issued.</p>	<ul style="list-style-type: none"> ➤ Last year's energy bill said federal agencies cannot buy alternative/synthetic fuels that have higher lifecycle GHG emissions than conventional petroleum fuels. Rep. Boren (D-OK) amendment modified that for the military, which has plans to buy domestic coal-to-liquids fuels. ➤ Inslee amendment approved. It requires Dept of Defense to study ways to consider GHG emissions in acquisitions and planning processes.
<p>Tax bill - HR 6049</p>	<p>House passed the "Renewable Energy and Job Creation Act of 2008" by 263-160 on May 21, 2008.</p>	<p>Bill has 6-yr extension of solar energy investment tax credit; 3-yr extensions of production tax credits (PTC) for energy from biomass, geothermal, hydropower, landfill gas & solid waste; 1-yr extension of PTC for wind energy; tax incentives for carbon capture/sequestration demo projects; incentives for renewable fuels such as biodiesel and renewable diesel; incentives to encourage energy efficient products such as plug-in hybrids, and tax credit bonds for State/local governments to make energy conservation investments in public infrastructure.</p>

