

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2578) TO AMEND THE  
WILD AND SCENIC RIVERS ACT RELATED TO A SEGMENT OF THE  
LOWER MERCED RIVER IN CALIFORNIA, AND FOR OTHER PURPOSES

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JUNE 18, 2012.—Referred to the House Calendar and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 688]

The Committee on Rules, having had under consideration House Resolution 688, by a record vote of 7-3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, under a structured rule. The resolution provides 90 minutes of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-25 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

## EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 7 of rule XVI, prohibiting the consideration of non-germane amendments, because the amendment in the nature of a substitute contains provisions not germane to the bill.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

## COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 317*

Motion by Mr. Hastings of Florida to report an open rule. Defeated: 3–7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions .....	Nay	Ms. Slaughter .....	Yea
Ms. Foxx .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. Polis .....	Yea
Mr. Woodall .....	Nay		
Mr. Nugent .....	Nay		
Mr. Scott of South Carolina .....	Nay		
Mr. Webster .....	Nay		

*Rules Committee record vote No. 318*

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #2, offered by Rep. King (IA), which would require the Corps of Engineers to increase the amount of flood storage capacity in the Missouri River's reservoir system so that it is sufficient to control the runoff associated with the largest flood experienced in the Missouri River. As of now, that is the historic flood of last year, 2011. Defeated: 3–7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions .....	Nay	Ms. Slaughter .....	Yea
Ms. Foxx .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. Polis .....	Yea
Mr. Woodall .....	Nay		
Mr. Nugent .....	Nay		
Mr. Scott of South Carolina .....	Nay		
Mr. Webster .....	Nay		

*Rules Committee record vote No. 319***Motion by Ms. Foxx to report the rule. Adopted: 7–3.**

Majority Members	Vote	Minority Members	Vote
Mr. Sessions .....	Yea	Ms. Slaughter .....	Nay
Ms. Foxx .....	Yea	Mr. Hastings of Florida .....	Nay
Mr. Bishop of Utah .....	Yea	Mr. Polis .....	Nay
Mr. Woodall .....	Yea		
Mr. Nugent .....	Yea		
Mr. Scott of South Carolina .....	Yea		
Mr. Webster .....	Yea		

## SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Hastings, Doc (WA): MANAGERS Would make technical and clarifying changes; reduce the size of the land conveyance in Title IV; conform the text of Title VI to the House-passed version of the bill from the 111th Congress; and reduce the authorization of Title VIII to conform with Leadership protocols. (10 minutes)

2. DeFazio (OR): Would ensure that if the SEAlaska Native Corporation is allowed to clear-cut new areas of the Tongass National Forest in Alaska, it is subject to the same limitation on the export of unprocessed timber that applies to other national forests in the lower 48. (10 minutes)

3. Markey, Edward (MA): Would authorize a pilot project to test a small increase in federal grazing fees. (10 minutes)

4. Bishop, Rob (UT): Would clarify the intent of the legislation and narrow the list of laws which may be waived for border security activities. It also would add provisions protecting private property and tribal sovereignty. (10 minutes)

5. Grijalva, Raúl (AZ): Would strike Title XIV which creates a 100-mile operation control zone for the Department of Homeland Security along the northern and southern borders of the United States. (10 minutes)

6. Hanabusa (HI): Would exclude the state of Hawaii from the provisions of the bill that exempt the Department of Homeland Security from dozens of conservation laws within 100 miles of the nation's borders. (10 minutes)

7. Cravaack (MN): Would direct the Forest Service to allow ATV's access to forest roads when not in use by loggers in the Superior and Chippewa National Forests. (10 minutes)

## TEXT OF AMENDMENTS MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 52, line 13, strike "151" and insert "137".

Page 52, line 15, strike "2009".

Page 52, strike line 16 and insert "numbered 472/113,006A, and dated June 2012."

Page 52, strike line 25, and insert "(3) by donation or exchange only (and in the case of an exchange, no payment may be made by the Secretary to any landowner). No private property or non-".

Page 53, line 4, insert "to" after "construed".

Page 60, beginning on line 22, strike "100-foot-wide corridor" and insert "corridor of not more than 100 feet in width".

Page 61, after line 2, insert the following (and redesignate the subsequent paragraphs accordingly):

“(2) within one mile of the route, on the date of the enactment of this section, of the Stehekin Valley Road;”.

Page 61, strike lines 7 through 13 and insert the following:

“(b) NO NET LOSS OF LANDS.—

“(1) IN GENERAL.—The boundary adjustments made under this section shall be such that equal amounts of federally owned acreage are exchanged between the Stephen Mather Wilderness and the North Cascades National Park, resulting in no net loss of acreage to either the Stephen Mather Wilderness or the North Cascades National Park.

“(2) STEHEKIN VALLEY ROAD LANDS.—The newly designated wilderness shall include the lands along the route of the Stehekin Valley Road that are replaced by the reconstruction.

“(3) EQUALIZATION OF LAND.—If the lands described in paragraph (2) contain fewer acres than the corridor described in subsection (a), the Secretary may designate additional Federal lands in the North Cascades National Park as wilderness, but such designation may not exceed the amount needed to equalize the exchange and these additional lands must be selected from lands that qualify as wilderness under section 2(c) of the Wilderness Act (16 U.S.C. 1131(c)).

“(c) NO SALE OR ACQUISITION AUTHORIZED.—Nothing in this title authorizes the sale or acquisition of any land or interest in land.

“(d) NO PRIORITY REQUIRED.—Nothing in this title shall be construed as requiring the Secretary to give this project precedence over the construction or repair of other similarly damaged roads in units of the National Park System.”.

Page 69, line 17, strike “2022” and insert “2019”.

Page 71, after line 13, insert the following:

(e) FUNDING.—Subsection (f) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

Page 87, strike lines 22 and 23 and insert “to 90 percent of the funds apportioned to it under section 669c(c) of this title to acquire land for, expand, or construct a public target range.”.

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## 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFAZIO OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 47, after line 16, insert the following new subsection:

(k) CONDITION ON SEALASKA EXPORT OF UNPROCESSED TIMBER.—The conveyance to Sealaska of Federal land under this title shall be subject to an additional covenant that Sealaska comply with the export restrictions on unprocessed timber contained in the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 et seq.) regarding any timber removed from the conveyed land notwithstanding the geographical limitation on the applicability of such Act only to timber originating from lands west of the 100th meridian in the contiguous 48 States.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 83, after line 21, insert the following new section:

**SEC. 1104. GRAZING FEE PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary is authorized to conduct a pilot program in fiscal years 2013 through 2016 to collect an administrative fee to offset the increased cost of administering the livestock grazing program on public lands managed by the Bureau of Land Management.

(b) FEE AMOUNT AND COLLECTION.—

(1) AMOUNT.—The fee authorized by this section shall be in the amount of \$1 per Animal Unit Month, and shall be billed, collected, and subject to the penalties using the same process as the annual grazing fee under section 4130.8–1 of title 43, Code of Federal Regulations.

(2) DEPOSIT OF PENALTIES.—Penalties assessed under this subsection shall be deposited in the general fund of the Treasury.

(3) APPLICABILITY.—Nothing in this section affects the calculation, collection, distribution, or use of the grazing fee under 43 U.S.C. 315 et seq., section 205(b) of Public Law 94–579 (43 U.S.C. 1751(b)), section 6(a) of Public Law 95–514 (43 U.S.C. 1905), Executive Order 12548, or any administrative regulation.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike sections 1401, 1402, and 1403, and insert the following:

**SEC. 1401. WAIVER OF FEDERAL LAWS WITH RESPECT TO BORDER SECURITY ACTIONS ON DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF AGRICULTURE LANDS.**

(a) SHORT TITLE.—This section may be cited as the “National Security and Federal Lands Protection Act”.

(b) PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on Federal land located within 100 miles of an international land border, that is under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the international land borders of the United States.

(c) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—U.S. Customs and Border Protection shall have access to Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for purposes of conducting the following activities on such land that assist in securing the international land borders of the United States:

- (1) Construction and maintenance of roads.
- (2) Construction and maintenance of fences.
- (3) Use of vehicles to patrol.

(4) Installation, maintenance, and operation of surveillance equipment and sensors.

(5) Use of aircraft.

(6) Deployment of temporary tactical infrastructure, including forward operating bases.

(d) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104–208) of the laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (c).

(2) DESCRIPTION OF LAWS WAIVED.—The laws referred to in paragraph (1) are limited to the Wilderness Act (16 U.S.C. 1131 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), Public Law 86–523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), the National Park Service Organic Act (16 U.S.C. 1 et seq.), the General Authorities Act of 1970 (Public Law 91–383) (16 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625, 92 Stat. 3467), and the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628).

(e) PROTECTION OF LEGAL USES.—This section shall not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or public-use recreational and backcountry airstrips on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture;

(2) any additional authority to restrict legal access to such land; or

(3) any additional authority or access to private or State land.

(f) TRIBAL SOVEREIGNTY.—Nothing in this section supersedes, replaces, negates, or diminishes treaties or other agreements between the United States and Indian tribes

(g) SUNSET.—This section shall have no force or effect after the end of the 5-year period beginning on the date of enactment of this Act.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike title XIV.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 104, after line 8, insert the following new subsection:

(e) LIMITATION ON APPLICATION WITH RESPECT TO HAWAII.—Subsections (a) and (b) shall not apply with respect to activities by U.S. Customs and Border Protection on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture in Hawaii.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAVAACK OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

## **TITLE XV—ATV USE IN SUPERIOR AND CHIPPEWA NATIONAL FORESTS**

### **SEC. 1501. GUARANTEE OF ATV ACCESS TO FOREST ROADS IN SUPERIOR AND CHIPPEWA NATIONAL FORESTS.**

The Chief of the Forest Service shall ensure that users of all-terrain vehicles have access to forest roads in Superior and Chippewa National Forests, subject to reasonable road closures to prevent interference with ongoing activities related to the extraction and transport of national forest materials.