

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5544) TO AUTHORIZE AND EXPEDITE A LAND EXCHANGE INVOLVING NATIONAL FOREST SYSTEM LAND IN THE LAURENTIAN DISTRICT OF THE SUPERIOR NATIONAL FOREST AND CERTAIN OTHER NATIONAL FOREST SYSTEM LAND IN THE STATE OF MINNESOTA THAT HAS LIMITED RECREATIONAL AND CONSERVATION RESOURCES AND LANDS OWNED BY THE STATE OF MINNESOTA IN TRUST FOR THE PUBLIC SCHOOL SYSTEM THAT ARE LARGELY SCATTERED IN CHECKERBOARD FASHION WITHIN THE BOUNDARY WATERS CANOE AREA WILDERNESS AND HAVE IMPORTANT RECREATIONAL, SCENIC, AND CONSERVATION RESOURCES, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5949) TO EXTEND THE FISA AMENDMENTS ACT OF 2008 FOR FIVE YEARS

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SEPTEMBER 10, 2012.—Referred to the House Calendar and ordered to be printed

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Mr. NUGENT, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 773]

The Committee on Rules, having had under consideration House Resolution 773, by a record vote of 8 to 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. 5544, the Minnesota Education Investment and Employment Act, under a structured rule. The resolution provides one hour 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 provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-30, as modified by the amendment printed in Part A of this report, shall be considered as adopted. The bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in Part B of 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 re-

port 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 Part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012, under a closed rule. The resolution provides one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

If H.R. 5544 is considered in the House before Wednesday, September 12, 2012, the waiver of all points of order against consideration of the bill will include a waiver of clause 4(a) of rule XIII, requiring the three day layover of the committee report. While the text of Rules Committee Print 112-30 is identical to the text of the bill as ordered reported by the Committee on Natural Resources and has been available since Wednesday, September 5, 2012, the Committee on Natural Resources was not able to file its report until September 10, 2012 when the House came back into session following the August District Work Period.

Although the resolution waives all points of order against provisions in H.R. 5544, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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

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It is important to note that the estimate provided by the Congressional Budget Office (CBO) to the Permanent Select Committee on Intelligence and the Committee on the Budget for H.R. 5949 is incomplete due to the fact that CBO does not provide cost estimates for classified programs. Because the estimate is incomplete, the Chairman of the Committee on the Budget is unable to accurately advise the Chair on budget related points of order.

## 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. 347*

Motion by Mr. Sessions to report the rule. Adopted: 8–3.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions .....	Yea	Mr. McGovern .....	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		
Mr. Dreier, Chairman .....	Yea		

## SUMMARY OF THE AMENDMENT IN PART A CONSIDERED AS ADOPTED

Hastings, Doc (WA): Manager's Amendment. Would make technical changes to correct a direct spending issue with the bill. Would ensure that the State school trust lands located within the Boundary Waters Canoe Area Wilderness traded for equal-value federal lands within the Superior National Forest are not used to calculate payments to certain countries under the Thye-Blatnik and the Humphrey-Thye-Blatnik-Andresen Acts.

## SUMMARY OF THE AMENDMENTS TO H.R. 5544 IN PART B MADE IN ORDER

1. McCollum (MN): Would ensure tribal treaty rights are preserved and tribes are consulted. (10 minutes)
2. Holt (NJ): Would restore public participation in development of this proposed land exchange, which is prohibited under H.R. 5544. (10 minutes)
3. Ellison (MN): Would ensure that no National Forest System lands shall be included in the exchange where the inclusion or use of the lands is likely to have a negative impact on private property, property values, and small businesses. (10 minutes)
4. Grijalva, Raul (AZ): Would strike the unusual appraisal language from H.R. 5544 and replace it with standard appraisal provisions used in federal land exchanges. (10 minutes)

## PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

At the end of section 2(f) (page 6, after line 13), add the following new paragraph:

(3) **THYE-BLATNIK ACT.**—The Secretary shall not take into consideration the lands acquired by the United States under this Act in determining the appraised value of National Forest System lands in the State of Minnesota used for purposes of making payments to the State of Minnesota under the Act of June 22, 1948, and the Act of June 22, 1956 (commonly known as the Thye-Blatnik Act and Humphrey-Thye-Blatnik-Andresen Act; 16 U.S.C. 577c through 577h).

## PART B—TEXT OF AMENDMENTS MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOLLUM OF MINNESOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(a) (page 3, after line 2), insert the following new paragraph (and redesignate the subsequent paragraph accordingly):

(7) The proposed land exchanged would include land ceded or sold in the Treaty with the Chippewa of 1854, in which the signatory tribes reserved hunting, fishing, and gathering rights on the land ceded. Federal courts have affirmed the continuing existence of those rights. The Secretary of Agriculture shall consult on a government-to-government basis with potentially affected Indian tribes and ensure that the land exchange does not impinge upon treaty rights.

In section 2(e)(1)(B)(i) (page 5, line 7), strike “fishing and hunting rights” and insert “fishing, hunting, and gathering rights”.

In section 2(e)(2) (page 5, line 22), insert “gathering,” after “fishing,”.

In section 2(f) (page 6, after line 13), add the following new paragraph:

(3) NO IMPACT ON TREATY RIGHTS.—Nothing in this Act shall limit, alter, restrict, or abrogate, or be construed to have such effect, on rights to hunt, fish, and gather as reserved in Article 11 of the Treaty of September 30, 1854 (10 Stat. 1109).

## 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(b) (page 3, line 12), strike “shall” and insert “may”.

In section 2(f) (page 6, beginning line 3), strike “RELATION TO OTHER LAWS.—”, “(1)”, and paragraph (2) relating to an exception from NEPA requirements.

## 3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ELLISON OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2, insert after subsection (b) the following new subsection (and redesignate subsequent subsections accordingly):

(c) PROTECTING PRIVATE PROPERTY AND SMALL BUSINESSES WITHIN AND ADJACENT TO SUPERIOR NATIONAL FOREST.—In determining which National Forest System land to exchange under subsection (b), the Secretary shall not include a parcel of National Forest System land in the exchange if the Secretary determines that the inclusion of the parcel or subsequent use of the parcel is likely to have a negative impact on private property, private property values, or small businesses.

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

In section 2, strike subsection (c) (page 3, beginning line 21) and insert the following new subsection:

(c) VALUATION OF LANDS FOR EXCHANGE.—

(1) EQUAL VALUE EXCHANGE REQUIRED.—The fair market value of the land to be exchanged under subsection (b) shall be equal.

(2) APPRAISAL TO DETERMINE FAIR MARKET VALUE OF FEDERAL LAND.—The Secretary shall determine the fair market value of the National Forest System land to be conveyed under subsection (b)—

(A) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) based on an appraisal that is conducted in accordance with nationally recognized appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisition and the Uniform Standards of Professional Appraisal Practice.