

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2546) TO DESIGNATE CERTAIN LANDS IN THE STATE OF COLORADO AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 79) REMOVING THE DEADLINE FOR THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT; AND FOR OTHER PURPOSES

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FEBRUARY 10, 2020.—Referred to the House Calendar and ordered to be printed

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Ms. SCANLON, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 844]

The Committee on Rules, having had under consideration House Resolution 844, by a record vote of 9 to 4, 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. 2546, the Colorado Wilderness Act of 2019, under a structured rule. The resolution provides one hour of general debate on the bill 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 the amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-50 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in H.R. 2546, as amended. The resolution makes in order only those further 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. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions. The resolution provides for consideration of H.J. Res. 79, Removing the deadline for the ratification of the equal rights amendment, under

a closed rule. The resolution provides one hour of debate on the joint resolution equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the joint resolution. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the joint resolution shall be considered as adopted and the joint resolution, as amended, shall be considered as read. The resolution waives all points of order against provisions in the joint resolution, as amended. The resolution provides one motion to recommit with or without instructions. The resolution provides that House Resolution 842 is hereby adopted. Section 4 of the resolution provides that on any legislative day during the period from February 14, 2020, through February 24, 2020: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. Section 5 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of the resolution as though under clause 8(a) of rule I.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2546 includes waivers of the following:

- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.
- Clause 12(b) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the text of the bill as proposed to be considered differs from the text of the bill as reported.

The waiver of all points of order against provisions in H.R. 2546, as amended, includes a waiver of the following:

- Clause 4 of rule XXI, which prohibits reporting a bill carrying an appropriation from a committee not having jurisdiction to report an appropriation.

Although the resolution waives all points of order against amendments printed in this report, 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 consideration of H.J. Res. 79, 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 provisions in H.J. Res. 79, as amended, 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. 244*

Motion by Mr. Cole to report an open rule for H.R. 2546. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	Nay	Mr. Cole .....	Yea
Mrs. Torres .....	Nay	Mr. Woodall .....	Yea
Mr. Perlmutter .....	Nay	Mr. Burgess .....	Yea
Mr. Raskin .....	Nay	Mrs. Lesko .....	Yea
Ms. Scanlon .....	Nay		
Mr. Morelle .....	Nay		
Ms. Shalala .....	Nay		
Mr. DeSaulnier .....	Nay		
Mr. McGovern, Chairman .....	Nay		

*Rules Committee record vote No. 245*

Motion by Mr. Woodall to strike Section 3 of the rule. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	Nay	Mr. Cole .....	Yea
Mrs. Torres .....	Nay	Mr. Woodall .....	Yea
Mr. Perlmutter .....	Nay	Mr. Burgess .....	Yea
Mr. Raskin .....	Nay	Mrs. Lesko .....	Yea
Ms. Scanlon .....	Nay		
Mr. Morelle .....	Nay		
Ms. Shalala .....	Nay		
Mr. DeSaulnier .....	Nay		
Mr. McGovern, Chairman .....	Nay		

*Rules Committee record vote No. 246*

Motion by Mr. Woodall to amend Section 3 of the rule to provide for consideration of H. Res. 842 under a closed rule. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	Nay	Mr. Cole .....	Yea
Mrs. Torres .....	Nay	Mr. Woodall .....	Yea
Mr. Perlmutter .....	Nay	Mr. Burgess .....	Yea
Mr. Raskin .....	Nay	Mrs. Lesko .....	Yea
Ms. Scanlon .....	Nay		
Mr. Morelle .....	Nay		
Ms. Shalala .....	Nay		
Mr. DeSaulnier .....	Nay		
Mr. McGovern, Chairman .....	Nay		

*Rules Committee record vote No. 247*

Motion by Ms. Scanlon to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	Yea	Mr. Cole .....	Nay
Mrs. Torres .....	Yea	Mr. Woodall .....	Nay
Mr. Perlmutter .....	Yea	Mr. Burgess .....	Nay
Mr. Raskin .....	Yea	Mrs. Lesko .....	Nay
Ms. Scanlon .....	Yea		
Mr. Morelle .....	Yea		
Ms. Shalala .....	Yea		
Mr. DeSaulnier .....	Yea		
Mr. McGovern, Chairman .....	Yea		

## SUMMARY OF THE AMENDMENTS TO H.R. 2546 MADE IN ORDER

1. DeGette (CO): Makes changes to Title I—Colorado Wilderness and amounts to an approximate 60,000 acres of additional wilderness designations under Title I. (10 minutes)
2. McClintock (CA): Delays wilderness designations under the Act until the affected county formally approves such designation. (10 minutes)
3. McClintock (CA): Allows the Secretary of Agriculture or the Secretary of the Interior, as appropriate, to exclude from wilderness designations under this Act any areas that do not meet the definition of wilderness in the Wilderness Act. Allows the same for river segments that do not meet the criteria for designation under the Wild and Scenic Rivers Act. (10 minutes)
4. Brown (MD): Encourages the Secretary of Interior and Secretary of Agriculture to ensure servicemember and veteran access to public lands. (10 minutes)
5. Panetta (CA): States that the Secretary of the Interior or the Secretary of Agriculture may manage for fire, insects, and diseases in wilderness areas designated by this Act. (10 minutes)
6. Westerman (AR): Allows the Secretary of Agriculture or Secretary of the Interior, as appropriate, to exempt from wilderness designations under the Act any area determined by the Secretary to be at high risk of wildfire. (10 minutes)
7. Westerman (AR): Strikes all designations of “potential” wilderness under the bill. (10 minutes)
8. Cunningham (SC), Tipton (CO): Ensures that military aircraft overflights, units of special air space, and flight training routes are allowed over wilderness areas designated by this Act. (10 minutes)
9. Tipton (CO): Strikes wilderness additions in the 3rd Congressional District. (10 minutes)
10. Tipton (CO): Requires the Department of Defense to conduct a study on the impacts that the expansion of wilderness designations in the Western United States would have on the readiness of our armed forces with respect to aviation training. (10 minutes)
11. Kilmer (WA): Clarifies that the Washington State Department of Natural Resources retains the authority to manage all lands currently owned by the state of Washington. Directs the Secretary of Agriculture to satisfy the requirements of section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)) for new Wild and Scenic Rivers designated on the Olympic Peninsula through an updated land management plan for the Olympic National Forest. (10 minutes)
12. Schrier (WA): Requires GAO conduct a study on how the preservation of wilderness lands can help reduce the risk of flooding in residential areas. (10 minutes)

## TEXT OF AMENDMENTS TO H.R. 2546 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEGETTE OF COLORADO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, lines 18 and 19, strike “‘Cross Canyon Proposed Wilderness’, dated October 9, 2019” and insert “‘Papoose & Cross Canyon Proposed Wilderness’, and dated January 29, 2020”.

Page 12, after line 13, insert the following:

(20) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management or located in the San Juan National Forest, which comprise approximately 10,844 acres, as generally depicted on a map titled “North & South Ponderosa Gorge Proposed Wilderness”, and dated January 31, 2020, which shall be known as the North Ponderosa Gorge Wilderness.

(21) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management or located in the San Juan National Forest, which comprise approximately 12,393 acres, as generally depicted on a map titled “North & South Ponderosa Gorge Proposed Wilderness”, and dated January 31, 2020 which shall be known as the South Ponderosa Gorge Wilderness.

(22) Certain lands managed by the Little Snake Field Office of the Bureau of Land Management which comprise approximately 33,168 acres, as generally depicted on a map titled “Diamond Breaks Proposed Wilderness”, and dated January 31, 2020 which shall be known as the Diamond Breaks Wilderness.

(23) Certain lands managed by the Tres Rios Field Office of the Bureau of Land Management which comprises approximately 4,782 acres, as generally depicted on the map titled “Papoose & Cross Canyon Proposed Wilderness’”, and dated January 29, 2020 which shall be known as the Papoose Canyon Wilderness.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCLINTOCK OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 234, after line 21, insert the following (and redesignate subsequent provisions accordingly):

**TITLE VII—COUNTY APPROVAL OF  
WILDERNESS DESIGNATIONS**

**SEC. 701. COUNTY APPROVAL.**

No wilderness designation under this Act shall be effective in any county until the county formally approves such designation.

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

Page 234, after line 21, insert the following (and redesignate subsequent provisions accordingly):

## **TITLE VII—PRESERVING WILDERNESS CHARACTER AND WILD AND SCENIC RIVER CHARACTER**

### **SEC. 701. PRESERVING WILDERNESS AND WILD AND SCENIC RIVER CHARACTER.**

(a) WILDERNESS.—The Secretary of Agriculture or the Secretary of the Interior, as appropriate, may exempt from any wilderness designated under this Act any area determined by that Secretary not to meet the definition of wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) WILD AND SCENIC RIVERS.—The Secretary of Agriculture or the Secretary of the Interior, as appropriate, may exempt from any wild and scenic river designated by an amendment in this Act any area determined by that Secretary not to meet the qualifications for a wild, scenic, or recreational river under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

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

At the end of the bill insert the following:

### **TITLE VIII—MISCELLANEOUS**

#### **SEC. 801. PROMOTING HEALTH AND WELLNESS FOR VETERANS AND SERVICEMEMBERS.**

The Secretary of Interior and the Secretary of Agriculture are encouraged to ensure servicemember and veteran access to public lands designed by this Act for the purposes of outdoor recreation and to participate in outdoor-related volunteer and wellness programs.

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#### 5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PANETTA OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill insert the following:

### **TITLE VIII—MISCELLANEOUS**

#### **SEC. 801. FIRE, INSECTS, AND DISEASES.**

Nothing in this Act may be construed to limit the authority of the Secretary of the Interior or the Secretary of Agriculture under section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), in accordance with existing laws (including regulations).

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#### 6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WESTERMAN OF ARKANSAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 234, after line 21, insert the following (and redesignate subsequent provisions accordingly):

## **TITLE VII—PROTECTION FROM HIGH RISK OF WILDFIRE**

### **SEC. 701. PROTECTION FROM HIGH RISK OF WILDFIRE.**

The Secretary of Agriculture or the Secretary of the Interior, as appropriate, may exempt from any wilderness designated under this Act any area determined by that Secretary to be at high risk for wildfire.

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

Page 17, strike line 17 and all that follows through page 19, line 20.

Strike section 233.

Strike section 304.

Strike section 307.

Page 220, strike line 11 and all that follows through page 221, line 2.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUNNINGHAM OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill insert the following:

## **TITLE VIII—MISCELLANEOUS**

### **SEC. 801. MILITARY ACTIVITIES.**

Nothing in this Act precludes—

(1) low-level overflights of military aircraft over wilderness areas;

(2) the designation of new units of special airspace over wilderness areas; or

(3) the establishment of military flight training routes over wilderness areas.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIPTON OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, strike lines 15 through 20.

Page 11, strike lines 3 through 9.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIPTON OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 105, insert the following:

**SEC. 106. DEPARTMENT OF DEFENSE STUDY ON IMPACTS THAT THE EXPANSION OF WILDERNESS DESIGNATIONS IN THE WESTERN UNITED STATES WOULD HAVE ON THE READINESS OF THE ARMED FORCES OF THE UNITED STATES WITH RESPECT TO AVIATION TRAINING.**

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study on the impacts that the expansion of wilderness designations in the Western United States would have on the readiness of the Armed Forces of the United States with respect to aviation training.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a).

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**11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KILMER OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 223, line 9, strike “as a recreational river” and insert “to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture as provided in section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e))”.

Page 226, lines 6 and 7, strike “as a recreational river” and insert “to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture as provided in section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e))”.

Page 230, lines 7 and 8, strike “as a scenic river” and insert “to be administered as a scenic river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture as provided in section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e))”.

Page 231, lines 5 and 6, strike “as a recreational river” and insert “to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture as provided in section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e))”.

On page 233, after line 20, insert the following:

**(c) UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.—**

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of Agriculture shall, with respect to the designations made under subsection (a) on lands under the jurisdiction of the Secretary, incorporate such designations into updated management plans for units of the National Forest System in accordance with applicable laws (including regulations).

(2) **EXCEPTION.**—The date specified in paragraph (1) shall be 5 years after the date of the enactment of this Act if the Secretary of Agriculture—

(A) is unable to meet the requirement under such paragraph by the date specified in such paragraph; and

(B) not later than 3 years after the date of the enactment of this Act, includes in the Department of Agriculture annual budget submission to Congress a request



for additional sums as may be necessary to meet the requirement of such paragraph.

(3) COMPREHENSIVE MANAGEMENT PLAN REQUIREMENTS.—Updated management plans under paragraph (1) or (2) satisfy the requirements under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHRIER OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 234, after line 21, insert the following (and redesignate subsequent provisions accordingly):

**TITLE VII—STUDY ON FLOOD RISK  
MITIGATION**

**SEC. 701. STUDY ON FLOOD RISK MITIGATION.**

The Comptroller General shall conduct a study to determine the contributions of wilderness designations under this Act to protections to flood risk mitigation in residential areas.