
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

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

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

R E P O R T

[To accompany H. Res.]

The Committee on Rules, having had under consideration House Resolution____, 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, Raul (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

10 R

**AMENDMENT TO THE RULES COMMITTEE PRINT
112-25 FOR H.R. 2578
OFFERED BY MR. HASTINGS OF WASHINGTON**

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 land-
owner). 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 re-
designate the subsequent paragraphs accordingly):

1 “(2) within one mile of the route, on the date
2 of the enactment of this section, of the Stehekin Val-
3 ley Road;”.

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

1 “(b) NO NET LOSS OF LANDS.—

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

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

13 “(3) EQUALIZATION OF LAND.—If the lands de-
14 scribed in paragraph (2) contain fewer acres than
15 the corridor described in subsection (a), the Sec-
16 retary may designate additional Federal lands in the
17 North Cascades National Park as wilderness, but
18 such designation may not exceed the amount needed
19 to equalize the exchange and these additional lands
20 must be selected from lands that qualify as wilder-
21 ness under section 2(c) of the Wilderness Act (16
22 U.S.C. 1131(c)).

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

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

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

Page 71, after line 13, insert the following:

9 (e) FUNDING.—Subsection (f) of the Herger-Fein-
10 stein Quincy Library Group Forest Recovery Act is
11 amended by striking paragraph (6) and redesignating
12 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(e) of this title to acquire land for, expand, or con-
struct a public target range.”.



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

#6 (Revised)

**AMENDMENT TO THE RULES COMMITTEE PRINT
112-25 FOR H.R. 2578
OFFERED BY MR. DEFAZIO OF OREGON**

Page 47, after line 16, insert the following new sub-section:

1 (k) CONDITION ON SEALASKA EXPORT OF UNPROC-
2 ESSED TIMBER.—The conveyance to Sealaska of Federal
3 land under this title shall be subject to an additional cov-
4 enant that Sealaska comply with the export restrictions
5 on unprocessed timber contained in the Forest Resources
6 Conservation and Shortage Relief Act of 1990 (16 U.S.C.
7 620 et seq.) regarding any timber removed from the con-
8 veyed land notwithstanding the geographical limitation on
9 the applicability of such Act only to timber originating
10 from lands west of the 100th meridian in the contiguous
11 48 States.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
112-25 FOR H.R. 2578
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

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

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

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

7 (b) FEE AMOUNT AND COLLECTION.—

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

14 (2) DEPOSIT OF PENALTIES.—Penalties assessed under this subsection shall be deposited in the
15 general fund of the Treasury.
16

17 (3) APPLICABILITY.—Nothing in this section
18 affects the calculation, collection, distribution, or use

1 of the grazing fee under 43 U.S.C. 315 et seq., sec-
2 tion 205(b) of Public Law 94-579 (43 U.S.C.
3 1751(b)), section 6(a) of Public Law 95-514 (43
4 U.S.C. 1905), Executive Order 12548, or any ad-
5 ministrative regulation.



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 2578
OFFERED BY MR. BISHOP OF UTAH**

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

1 **SEC. 1401. WAIVER OF FEDERAL LAWS WITH RESPECT TO**
2 **BORDER SECURITY ACTIONS ON DEPART-**
3 **MENT OF THE INTERIOR AND DEPARTMENT**
4 **OF AGRICULTURE LANDS.**

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

7 (b) **PROHIBITION ON SECRETARIES OF THE INTE-**
8 **RIOR AND AGRICULTURE.**—The Secretary of the Interior
9 or the Secretary of Agriculture shall not impede, prohibit,
10 or restrict activities of U.S. Customs and Border Protec-
11 tion on Federal land located within 100 miles of an inter-
12 national land border, that is under the jurisdiction of the
13 Secretary of the Interior or the Secretary of Agriculture
14 to prevent all unlawful entries into the United States, in-
15 cluding entries by terrorists, other unlawful aliens, instru-
16 ments of terrorism, narcotics, and other contraband
17 through the international land borders of the United
18 States.

1 (c) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
2 BORDER PROTECTION.—U.S. Customs and Border Pro-
3 tection shall have access to Federal land under the juris-
4 diction of the Secretary of the Interior or the Secretary
5 of Agriculture for purposes of conducting the following ac-
6 tivities on such land that assist in securing the inter-
7 national land borders of the United States:

8 (1) Construction and maintenance of roads.

9 (2) Construction and maintenance of fences.

10 (3) Use of vehicles to patrol.

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

13 (5) Use of aircraft.

14 (6) Deployment of temporary tactical infra-
15 structure, including forward operating bases.

16 (d) CLARIFICATION RELATING TO WAIVER AUTHOR-
17 ITY.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law (including any termination date re-
20 lating to the waiver referred to in this subsection),
21 the waiver by the Secretary of Homeland Security
22 on April 1, 2008, under section 102(c)(1) of the Ille-
23 gal Immigration Reform and Immigrant Responsi-
24 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
25 104–208) of the laws described in paragraph (2)

1 with respect to certain sections of the international
2 border between the United States and Mexico and
3 between the United States and Canada shall be con-
4 sidered to apply to all Federal land under the juris-
5 diction of the Secretary of the Interior or the Sec-
6 retary of Agriculture within 100 miles of the inter-
7 national land borders of the United States for the
8 activities of U.S. Customs and Border Protection de-
9 scribed in subsection (c).

10 (2) DESCRIPTION OF LAWS WAIVED.—The laws
11 referred to in paragraph (1) are limited to the Wil-
12 derness Act (16 U.S.C. 1131 et seq.), the National
13 Environmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.), the Endangered Species Act of 1973 (16
15 U.S.C. 1531 et seq.), the National Historic Preser-
16 vation Act (16 U.S.C. 470 et seq.), Public Law 86-
17 523 (16 U.S.C. 469 et seq.), the Act of June 8,
18 1906 (commonly known as the “Antiquities Act of
19 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
20 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1701 et seq.), the National Wildlife Refuge
23 System Administration Act of 1966 (16 U.S.C.
24 668dd et seq.), the Fish and Wildlife Act of 1956
25 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-

1 ordination Act (16 U.S.C. 661 et seq.), subchapter
2 II of chapter 5, and chapter 7, of title 5, United
3 States Code (commonly known as the “Administra-
4 tive Procedure Act”), the National Park Service Or-
5 ganic Act (16 U.S.C. 1 et seq.), the General Au-
6 thorities Act of 1970 (Public Law 91–383) (16
7 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404
8 of the National Parks and Recreation Act of 1978
9 (Public Law 95–625, 92 Stat. 3467), and the Ari-
10 zona Desert Wilderness Act of 1990 (16 U.S.C.
11 1132 note; Public Law 101–628).

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

14 (1) authority to restrict legal uses, such as
15 grazing, hunting, mining, or public-use recreational
16 and backcountry airstrips on land under the jurisdic-
17 tion of the Secretary of the Interior or the Secretary
18 of Agriculture;

19 (2) any additional authority to restrict legal ac-
20 cess to such land; or

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

23 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
24 supersedes, replaces, negates, or diminishes treaties or

1 other agreements between the United States and Indian
2 tribes

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



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

**AMENDMENT TO THE RULES COMMITTEE PRINT
112-25 FOR H.R. 2578
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike title XIV.



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

AMENDMENT TO THE RULES COMMITTEE PRINT
112-25 FOR H.R. 2578
OFFERED BY MS. HANABUSA OF HAWAII

Page 104, after line 8, insert the following new sub-
section:

- 1 (e) LIMITATION ON APPLICATION WITH RESPECT TO
- 2 HAWAII.—Subsections (a) and (b) shall not apply with re-
- 3 spect to activities by U.S. Customs and Border Protection
- 4 on land under the jurisdiction of the Secretary of the Inte-
- 5 rior or the Secretary of Agriculture in Hawaii.



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

122

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 2578
OFFERED BY MR. CRAVAACK OF MINNESOTA**

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

1 **TITLE XV—ATV USE IN SUPE-**
2 **RIOR AND CHIPPEWA NA-**
3 **TIONAL FORESTS**

4 **SEC. 1501. GUARANTEE OF ATV ACCESS TO FOREST ROADS**
5 **IN SUPERIOR AND CHIPPEWA NATIONAL FOR-**
6 **ESTS.**

7 The Chief of the Forest Service shall ensure that
8 users of all-terrain vehicles have access to forest roads in
9 Superior and Chippewa National Forests, subject to rea-
10 sonable road closures to prevent interference with ongoing
11 activities related to the extraction and transport of na-
12 tional forest materials.



House Calendar No. _____

112TH CONGRESS
2D SESSION

H. RES. _____

Report No. 112-_____

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2012

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

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.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 2(b) of
3 rule XVIII, declare the House resolved into the Committee
4 of the Whole House on the state of the Union for consider-
5 ation of the bill (H.R. 2578) to amend the Wild and Sce-

1 nic Rivers Act related to a segment of the Lower Merced
2 River in California, and for other purposes. The first read-
3 ing of the bill shall be dispensed with. All points of order
4 against consideration of the bill are waived. General de-
5 bate shall be confined to the bill and amendments specified
6 in this resolution and shall not exceed 90 minutes equally
7 divided and controlled by the chair and ranking minority
8 member of the Committee on Natural Resources. After
9 general debate the bill shall be considered for amendment
10 under the five-minute rule. It shall be in order to consider
11 as an original bill for the purpose of amendment under
12 the five-minute rule an amendment in the nature of a sub-
13 stitute consisting of the text of Rules Committee Print
14 112-25. That amendment in the nature of a substitute
15 shall be considered as read. All points of order against
16 that amendment in the nature of a substitute are waived.
17 No amendment to that amendment in the nature of a sub-
18 stitute shall be in order except those printed in the report
19 of the Committee on Rules accompanying this resolution.
20 Each such amendment may be offered only in the order
21 printed in the report, may be offered only by a Member
22 designated in the report, shall be considered as read, shall
23 be debatable for the time specified in the report equally
24 divided and controlled by the proponent and an opponent,
25 shall not be subject to amendment, and shall not be sub-

1 ject to a demand for division of the question in the House
2 or in the Committee of the Whole. All points of order
3 against such amendments are waived. At the conclusion
4 of consideration of the bill for amendment the Committee
5 shall rise and report the bill to the House with such
6 amendments as may have been adopted. Any Member may
7 demand a separate vote in the House on any amendment
8 adopted in the Committee of the Whole to the bill or to
9 the amendment in the nature of a substitute made in order
10 as original text. The previous question shall be considered
11 as ordered on the bill and amendments thereto to final
12 passage without intervening motion except one motion to
13 recommit with or without instructions.