

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 687) TO FACILITATE THE EFFICIENT EXTRACTION OF MINERAL RESOURCES IN SOUTHEAST ARIZONA BY AUTHORIZING AND DIRECTING AN EXCHANGE OF FEDERAL AND NON-FEDERAL LAND, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1526) TO RESTORE EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES IN, AND IMPROVE THE ECONOMIC STABILITY OF, COUNTIES CONTAINING NATIONAL FOREST SYSTEM LAND, WHILE ALSO REDUCING FOREST SERVICE MANAGEMENT COSTS, BY ENSURING THAT SUCH COUNTIES HAVE A DEPENDABLE SOURCE OF REVENUE FROM NATIONAL FOREST SYSTEM LAND, TO PROVIDE A TEMPORARY EXTENSION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3102) TO AMEND THE FOOD AND NUTRITION ACT OF 2008; AND FOR OTHER PURPOSES

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SEPTEMBER 18, 2013.—Referred to the House Calendar and ordered to be printed

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

## R E P O R T

[To accompany H. Res. 351]

The Committee on Rules, having had under consideration House Resolution 351, by a nonrecord vote, 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. 687, the Southeast Arizona Land Exchange and Conservation Act of 2013, 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 makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill 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 further amendments printed in part A 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 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 part A 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. 1526, the Restoring Healthy Forests for Healthy Communities 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 113–21, modified by the amendment printed in part B of the Rules Committee report, 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 the bill, as amended. The resolution makes in order only those further amendments printed in part C 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 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 part C of this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 3102, the Nutrition Reform and Work Opportunity Act of 2013, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture. The resolution waives all points of order against consideration of the bill. The resolution waives all points of order against provisions in the bill. The resolution provides for one motion to recommit.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 687, 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 amendment in the nature of a substitute to H.R. 687 made in order as original text, 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 A of 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.R. 1526, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against provisions in H.R. 1526, as amended, includes a waiver of clause 4 of rule XXI, which prohibits a bill or joint resolution carrying an appropriation from being reported by a committee not having jurisdiction to report appropriations. Provisions contained in section 501 of the bill as reported by the Committee on Natural Resources fall within the jurisdiction of the Committee on Appropriations.

Although the resolution waives all points of order against the amendments printed in part C of 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.R. 3102, 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.R. 3102, 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. 69*

Motion by Mr. McGovern to report H.R. 687, H.R. 1526, and H.R. 3102 each an open rule. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	Nay	Ms. Slaughter .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. McGovern .....	Yea
Mr. Cole .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Woodall .....	Nay	Mr. Polis .....	.....
Mr. Nugent .....	Nay		
Mr. Webster .....	Nay		
Ms. Ros-Lehtinen .....	Nay		
Mr. Burgess .....	Nay		
Mr. Sessions, Chairman .....	Nay		

##### *Rules Committee record vote No. 70*

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #2 to H.R. 3102, offered by Representative Connolly (VA), which prohibits Members of Congress or their spouses from receiving benefits or subsidies from any agricultural program. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	Nay	Ms. Slaughter .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. McGovern .....	Yea
Mr. Cole .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Woodall .....	Nay	Mr. Polis .....	.....
Mr. Nugent .....	Nay		
Mr. Webster .....	Nay		
Ms. Ros-Lehtinen .....	Nay		
Mr. Burgess .....	Nay		
Mr. Sessions, Chairman .....	Nay		

*Rules Committee record vote No. 71*

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #4 to H.R. 3102, offered by Representative Conyers Jr. (MI) and Representative Lee (CA), which provides a one year extension of the thirteen percent benefits increase from the 2009 American Recovery and Restoration Act through the 2014 Fiscal Year. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	Nay	Ms. Slaughter .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. McGovern .....	Yea
Mr. Cole .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Woodall .....	Nay	Mr. Polis .....	
Mr. Nugent .....	Nay		
Mr. Webster .....	Nay		
Ms. Ros-Lehtinen .....	Nay		
Mr. Burgess .....	Nay		
Mr. Sessions, Chairman .....	Nay		

SUMMARY OF THE AMENDMENTS TO H.R. 687 IN PART A MADE IN ORDER

1. Grijalva (AZ): Guarantees the jobs this mine does create benefit the local community by requiring that the Remote Operating Center be located in the town of Superior, Arizona or an adjacent mining community. (10 minutes)

2. Luján (NM): Requires the Secretary to remove Native American sacred and cultural sites from the conveyance in consultation with affected Indian Tribes. (10 minutes)

3. Napolitano (CA): Protects water quality and water quantity for the people living and working near this proposed mine, given estimates that mining operations will consume the equivalent of the annual water supply for 20,000 homes. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 1526 IN PART B CONSIDERED AS ADOPTED

Hastings, Doc (WA): Makes a number of technical corrections throughout the legislation and addresses a number of issues with the implementation of community forest demonstration areas.

SUMMARY OF THE AMENDMENTS TO H.R. 1526 IN PART C MADE IN ORDER

1. Daines (MT): Protect forest reserve projects from delay by precluding Court-issued injunctions based on alleged violations of procedural requirements in selecting, planning, or analyzing the project. (10 minutes)

2. Daines (MT): Requires the Secretary to submit to Congress an annual report specifying for each Forest Reserve Revenue Area the annual volume requirement in effect for that fiscal year, the volume of board feet actually harvested, the average cost of preparation of timber sales, the revenues generated from such sales, the amount of receipts distributed to each beneficiary county. Restricts the length of this report to one page. (10 minutes)

3. McClintock (CA), McCarthy, Kevin (CA), LaMalfa (CA), Denham (CA): Waives judicial review on any timber salvage project resulting from a wildfire occurring in 2013. (10 minutes)

4. Smith, Jason (MO), Luetkemeyer (MO), Long (MO): Puts a moratorium on the use of prescribed fires in the Mark Twain National Forest until the Secretary of Agriculture submits a report to Congress on the economic impacts of these fires. The amendment does not prohibit the use of prescribed fire as part of wildfire suppression activities. (10 minutes)

5. McClintock (CA): Prohibits the U.S. Forest Service from removing any roads or trails unless there has been a specific decision, which included adequate and appropriate public involvement, to decommission the specific road or trail in question. (10 minutes)

6. LaMalfa (CA): Limits the Department of Justice efforts to seek damages beyond actual damage to property, public lands and fire-fighting and restoration costs in states with laws limiting such damages. (10 minutes)

7. LaMalfa (CA): Streamlines the U.S. Forest Service's post-wildfire efforts by including reforestation, site rehabilitation and salvage operations as eligible to be conducted as a part of suppression efforts and adds funding flexibility for such work. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 687 MADE IN ORDER

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

At the end of section 4 (page 14, after line 14), add the following new subsection:

(k) **REQUIRING MINING PLAN FOR CONVEYED FEDERAL LANDS TO SUPPORT LOCAL WORKFORCE.**—As an additional condition of the land exchange under this Act, and to ensure compliance with the findings and purpose of this Act specified in section 2, Resolution Copper shall agree—

(1) to locate in the town of Superior, Arizona, or a contiguous, neighboring mining community the remote operation center for mining operations on the Federal land; and

(2) to maintain such remote operation center for the duration of the mining operations on the Federal land.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJÁN OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, after line 14, insert the following new subsection:

(k) **EXCLUSION OF NATIVE AMERICAN SACRED AND CULTURAL SITES.**—The Federal land to be conveyed under this section shall not include any Native American sacred or cultural site, whether surface or subsurface, and the Secretary shall modify the map referred to in section 3(2) to exclude all such sacred and cultural sites, as identified by the Secretary in consultation with affected Indian tribes to determine appropriate measures necessary to protect and preserve sacred and cultural sites. Nothing in this Act shall limit access of affected tribes to these sacred and cultural sites.

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

At the end of the bill (page 25, after line 12), add the following new section:

**SEC. 10. SAVINGS CLAUSE.**

Nothing in this Act shall be construed to affect any other provision of law protecting water quality and availability.

PART B—TEXT OF AMENDMENT TO H.R. 1526 CONSIDERED AS ADOPTED

Page 13, strike lines 14 through 19, and insert the following:

(d) APPLICATION OF LAND AND RESOURCE MANAGEMENT PLAN.—The Secretary may modify the standards and guidelines contained in the land and resource management plan for the unit of the National Forest System in which the covered forest reserve project will be carried out as necessary to achieve the requirements of

Page 44, line 2, strike “60 days” and insert “90 days”.

Page 104, line 23, strike “title” and insert “subtitle”.

Page 107, line 2, strike “Council Creek Land Conveyance” and insert “Canyon Mountain Land Conveyance”.

Page 107, line 16, strike “180 days” and insert “one year”.

Page 109, lines 6 and 7, strike “commercial forestry activity” and insert “forest management activity”.

Page 110, line 7, strike “180 days” and insert “one year”.

Page 111, lines 21 and 22, strike “commercial forestry activity” and insert “forest management activity”.

Page 114, line 4, strike “law” and insert “statute”.

Page 114, line 12, insert after the period the following: “If the unit of the National Forest System in which a community forest demonstration area is being established contains more than 5,000,000 acres, the community forest demonstration area may include 900,000 or more acres of National Forest System land.”

Page 114, strike lines 13 through 17, and insert the following:

(2) MANAGEMENT LAW OR BEST MANAGEMENT PRACTICES REQUIREMENT.—A community forest demonstration area may be established in a State only if the State—

(A) has a forest practices law applicable to State or privately owned forest land in the State; or

(B) has established silvicultural best management practices or other regulations for forest management practices related to clean water, soil quality, wildlife or forest health.

Page 115, line 19, strike “2,000,000 acres” and insert “4,000,000 acres”.

Page 121, line 21, strike “223.48 of title 36” and insert “subpart F of part 223 of title 36”.

Page 125, lines 9 and 10, strike “No later than February 2014” and insert “During the month of February 2015”.

Page 125, strike lines 16 through 25, and insert the following:

(b) COUNTIES THAT WERE ELIGIBLE FOR DIRECT COUNTY PAYMENTS.—

(1) TOTAL AMOUNT AVAILABLE FOR PAYMENTS.—During the month of February 2015, the Secretary of the Interior shall dis-

tribute to all counties that received a payment for fiscal year 2010 under subsection (a)(2) of section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) payments in a total amount equal to the difference between—

(A) the total amount distributed to all such counties for fiscal year 2010 under subsection (c)(1) of such section; and  
(B) \$27,000,000.

(2) COUNTY SHARE.—From the total amount determined under paragraph (1), each county described in such paragraph shall receive, during the month of February 2015, an amount that bears the same proportion to the total amount made available under such paragraph as that county's payment for fiscal year 2010 under subsection (c)(1) of section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) bears to the total amount distributed to all such counties for fiscal year 2010 under such subsection.

Page 125, after line 25, add the following:

(c) EFFECT ON 25-PERCENT AND 50-PERCENT PAYMENTS.—A county that receives a payment made under subsection (a) or (b) may not receive a 25-percent payment or 50-percent payment (as those terms are defined in section 3 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102)) for fiscal year 2015.

Page 129, line 22, strike “Section” and insert “Effective October 1, 2014, section”.

PART C—TEXT OF AMENDMENTS TO H.R. 1526 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAINES OF MONTANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, line 7, insert before the period the following: “, except that a court of the United States may not issue a restraining order, preliminary injunction, or injunction pending appeal covering a covered forest reserve project in response to an allegation that the Secretary violated any procedural requirement applicable to how the project was selected, planned, or analyzed”.

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

At the end of title I, page 17, after line 23, add the following new section:

**SEC. 106. ANNUAL REPORT.**

(a) REPORT REQUIRED.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to Congress an annual report specifying the annual volume requirement in effect for that fiscal year for each Forest Reserve Revenue Area, the volume of board feet actually harvested for each Forest Reserve Revenue Area, the average cost of preparation for timber sales, the forest reserve revenues generated from such sales, and the amount of receipts distributed to each beneficiary county.

(b) FORM OF REPORT.—The information required by subsection (a) to be provided with respect to a Forest Reserve Revenue Area

shall be presented on a single page. In addition to submitting each report to Congress, the Secretary shall also make the report available on the website of the Forest Service.

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

Page 23, line 10, add after the period the following new sentence: “In addition, if the primary purpose of a hazardous fuel reduction project or a forest health project under this title is the salvage of dead, damaged, or down timber resulting from wildfire occurring in 2013, the hazardous fuel reduction project or forest health project, and any decision of the Secretary concerned in connection with the project, shall not be subject to judicial review or to any restraining order or injunction issued by a United States court.”.

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

At the end of title II (page 26, after line 22), add the following new section:

**SEC. 207. MORATORIUM ON USE OF PRESCRIBED FIRE IN MARK TWAIN NATIONAL FOREST, MISSOURI, PENDING REPORT.**

(a) MORATORIUM.—Except as provided in subsection (b), the Secretary of Agriculture may not conduct any prescribed fire in Mark Twain National Forest, Missouri, under the Collaborative Forest Landscape Restoration Project until the report required by subsection (c) is submitted to Congress.

(b) EXCEPTION FOR WILDFIRE SUPPRESSION.—Subsection (a) does not prohibit the use of prescribed fire as part of wildfire suppression activities.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report containing an evaluation of recent and current Forest Service management practices for Mark Twain National Forest, including lands in the National Forest enrolled, or under consideration for enrollment, in the Collaborative Forest Landscape Restoration Project to convert certain lands into shortleaf pine-oak woodlands, to determine the impact of such management practices on forest health and tree mortality. The report shall specifically address—

(1) the economic costs associated with the failure to utilize hardwoods cut as part of the Collaborative Forest Landscape Restoration Project and the subsequent loss of hardwood production from the treated lands in the long term;

(2) the extent of increased tree mortality due to excessive heat generated by prescribed fires;

(3) the impacts to water quality and rate of water run off due to erosion of the scorched earth left in the aftermath of the prescribed fires; and

(4) a long-term plan for evaluation of the impacts of prescribed fires on lands previously burned within the Eleven Point Ranger District.



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

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

**SEC. 508. PROHIBITION ON CERTAIN ACTIONS REGARDING FOREST SERVICE ROADS AND TRAILS.**

The Forest Service shall not remove or otherwise eliminate or obliterate any legally created road or trail unless there has been a specific decision, which included adequate and appropriate public involvement, to decommission the specific road or trail in question. The fact that any road or trail is not a Forest System road or trail, or does not appear on a Motor Vehicle Use Map, shall not constitute a decision.

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

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

**SEC. 508. LIMITATIONS ON TYPES OF DAMAGES THE FEDERAL GOVERNMENT MAY SEEK ARISING FROM WILDFIRES.**

The Attorney General, acting on behalf of the United States, may not seek intangible damages from a landowner from whose land wildfire escaped to Federal land when such intangible damages are not permitted by the law of the State in which the landowner's land is located.

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

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

**SEC. 508. DEFINITION OF FIRE SUPPRESSION TO INCLUDE CERTAIN RELATED ACTIVITIES.**

For purposes of utilizing amounts made available to the Secretary of Agriculture or the Secretary of the Interior for fire suppression activities, including funds made available from the FLAME Fund, the term "fire suppression" includes reforestation, site rehabilitation, salvage operations, and replanting occurring following fire damage on lands under the jurisdiction of the Secretary concerned or following fire suppression efforts on such lands by the Secretary concerned.