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113TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
113–340

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2954) TO AUTHORIZE ESCAMBIA COUNTY, FLORIDA, TO CONVEY CERTAIN PROPERTY THAT WAS FORMERLY PART OF SANTA ROSA ISLAND NATIONAL MONUMENT AND THAT WAS CONVEYED TO ESCAMBIA COUNTY SUBJECT TO RESTRICTIONS ON USE AND RECONVEYANCE, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3964) TO ADDRESS CERTAIN WATER-RELATED CONCERNS IN THE SACRAMENTO-SAN JOAQUIN VALLEY, AND FOR OTHER PURPOSES

FEBRUARY 4, 2014.—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. 472]

The Committee on Rules, having had under consideration House Resolution 472, by a record vote of 9 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. 2954, to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance, 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 an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–35 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments to H.R. 2954 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 rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery 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 makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–34 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments to H.R. 3964 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 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 B of this report. 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 H.R. 2954, 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 to H.R. 2954 made in order as original text, includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

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.

The waiver of all points of order against consideration of H.R. 3964 includes a waiver of section 303 of the Congressional Budget Act of 1974, which prohibits consideration of legislation providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to and section 311 of the Congressional Budget Act of 1974, which prohibits consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided. While the bill reduces net spending by $189 million over 10 years and the deficit by $162 million, the bill also reduces revenues over the same period.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 3964 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 B of 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. 107

Motion by Ms. Foxx to report the rule. Adopted: 9–3.

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

SUMMARY OF THE AMENDMENTS TO H.R. 2954 IN PART A MADE IN ORDER

1. Grijalva (AZ): Strikes the restriction on federal land acquisition. (10 minutes)

2. Lummis (WY), Labrador (ID): Conforms with Senate changes to FLPMA, allows the Secretary to consolidate environmental reviews, clarifies the definition of current grazing management, and ensures a timely response for temporary trailing and crossing applications. (10 minutes)

3. Labrador (ID): Requires the non-prevailing, not directly affected party in a challenge to the Secretary's final grazing decision to pay the directly affected prevailing party incurred fees and expenses, and clarifies the definition of a directly affected party. (10 minutes)

4. McClintock (CA): Amends Title IX of the bill to allow the Forest Service added flexibility to implement a salvage logging plan on lands affected by the Rim Fire while protecting sensitive areas and maximizing revenue to fund reforestation. (10 minutes)

5. Young, Don (AK): Would approve an Alaska Native Veterans land allotment application and convey the land associated with the application. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 3964 IN PART B MADE IN ORDER

1. Napolitano (CA): Removes the subsidy to agricultural loans and require that interest be repaid on the capital costs of a project. Currently, agriculture has 40 years to repay capital cost, interest free. Other constituencies, such as municipal entities, are required by law to pay interest. (10 minutes)

2. Matsui (CA): Section 107 will not suspend "b2" water (800,000 acre feet) that was allocated in the 1992 Central Valley Project Improvement Act. Senior water rights holders in the Delta or north of Delta shall not be responsible for the project yield allocation or B2 water. (10 minutes)

3. Bera (CA), McNerney (CA), Thompson, Mike (CA), Matsui (CA), Garamendi (CA), Swalwell (CA): Delays implementation of the act until it is determined that it will not have a negative impact on the quantity, quality, and safety of drinking water in the California Delta region. (10 minutes)

4. Capps (CA): Requires GAO to conduct a study on the resiliency and adaptability of all Bureau of Reclamation projects and facilities to any ongoing or forecasted changes to the quality, quantity, or reliability of water resources. (10 minutes)

5. DeFazio (OR), Huffman (CA), DelBene (WA), Speier (CA), Thompson, Mike (CA): Establishes the Governor of California's emergency drought declaration, issued January 17, 2014, as a formal request to the Secretary of Commerce to issue a determination, using her authority under Section 312 of the Magnuson-Stevens Act, that a fishery resource disaster has occurred for fisheries that originate in the State of California. (10 minutes)

6. Huffman (CA): Prevents provisions of the bill from taking effect until it has been determined that it will not interfere with the State of California's Delta and water management reform and funding Acts of 2009, including SB7x-1, SB7x-2, SB7x-6, and SB7x-7. (10 minutes)

7. McNerney (CA): Prevents several provisions of the Act from taking effect until it is determined that it will not harm water quality or water availability for agricultural producers in California's Delta region (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties). (10 minutes)

8. Peters, Scott (CA): Stipulates that the bill cannot go into effect until the Secretary confirms that the act does not adversely affect any community's water supply or water budget. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 2954 MADE IN ORDER

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

Strike title IV.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUMMIS OF WYOMING OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, strike lines 3 through 12.

Page 17, line 13, strike "(3)" and insert "(2)".

Page 17, line 14, strike "subsection" and insert "subsections".

Page 17, line 17, after "decision" insert "concerning renewal, transfer or reissuance of a grazing permit or lease".

Page 17, line 18, before the first period insert "or appeal officer as applicable".

Page 18, strike lines 7 through 10 and insert "existing permit or lease.".

Page 20, line 15, after "the" insert "applicable".

Page 20, line 15, strike "and" and insert "or".

Page 20, strike line 22 through page 21, line 4, and insert the following:

"(g) ENVIRONMENTAL REVIEWS.—

"(1) The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing required environmental reviews regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

"(2) The Secretary concerned shall seek to conduct environmental reviews on an allotment or multiple allotment basis, to the extent practicable, for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

Page 21, line 12, after the first period, insert the following:

"(i) TEMPORARY TRAILING AND CROSSING.—

"(1) Any application for temporary trailing or crossing that has been submitted in a timely manner or not less than 30 days prior to the anticipated trailing or crossing shall be granted, modified or denied not less than fifteen days prior to the date of requested crossing or trailing. The minimum times specified in this subsection shall not preclude the approval of an application in a shorter time where an immediate need exists.

"(2) Temporary trailing or crossing authorizations across lands administered by the Bureau of Land Management or the Forest Service system of lands shall not be subject to protest or appeal except by the applicant or an affected permittee or lessee.

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

Page 17, line 18, after the first period, insert the following:

"(j) LEGAL FEES.—

"(1) Any person, other than a directly affected party, challenging an action of the Secretary concerned regarding a final grazing decision in Federal court who is not a prevailing party shall pay to the prevailing parties (including a directly affected party who intervenes in such suit) fees and other expenses incurred by that party in connection with the challenge unless the Court finds that the position of the person was substantially justified.

"(2) For purposes of this subsection, the term "directly affected party" means any applicant, permittee, or lessee (or any organization representing applicants, permittees or lessees) whose interest in grazing livestock is directly affected by the final grazing decision.".

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

Strike title IX and insert the following new title:

TITLE IX—RIM FIRE EMERGENCY SALVAGE ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Rim Fire Emergency Salvage Act".

SEC. 902. EXPEDITED FOREST SERVICE TIMBER SALVAGE AND RESTORATION PILOT PROJECTS IN RESPONSE TO THE CALIFORNIA RIM FIRE.

(a) PILOT PROJECTS REQUIRED.—As part of the restoration and rehabilitation activities undertaken on the lands within the Stanislaus National Forest adversely impacted by the 2013 Rim Fire in California, the Secretary of Agriculture shall conduct a timber salvage and restoration pilot project on burned National Forest System land within the Rim Fire perimeter.

(b) MANAGEMENT PLAN.—

(1) USE OF EIS PROPOSED ALTERNATIVE.—The Secretary of Agriculture shall conduct the pilot project required by subsection (a) in the manner provided in the proposed alternative contained in the draft environmental impact statement noticed in the Federal Register on December 6, 2013, for Rim Fire recovery.

(2) MODIFICATION.—During the course of the pilot project, the Secretary may adopt such modifications to the management plan as the Secretary considers appropriate in response to public comment and consultation with interested Federal, State, and tribal agencies.

(c) LEGAL SUFFICIENCY.—The pilot project required by subsection (a), and activities conducted under the pilot project, are deemed to be in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) ADMINISTRATIVE AND JUDICIAL REVIEW AND ACTION.—The pilot project required by subsection (a), and activities conducted under the pilot project, are not subject to—

(1) administrative review;

(2) judicial review by any court of the United States; or

(3) a temporary restraining order or preliminary injunction based on environmental impacts in a case for which a final decision has not been issued.

SEC. 903. SENSE OF CONGRESS REGARDING USE OF FUNDS GENERATED FROM SALVAGE SALES CONDUCTED AFTER CATASTROPHIC WILD FIRES ON NATIONAL FOREST SYSTEM LAND OR BUREAU OF LAND MANAGEMENT LANDS.

It is the sense of Congress that the Secretary of Agriculture, with respect to National Forest System lands, and the Secretary of the Interior, with respect to Bureau of Land Management land, should use existing authorities available to the Secretary to retain revenues (other than revenues required to be deposited in the general fund of the Treasury) generated by salvage sales conducted in response to catastrophic wild fires on such land to cover the cost of restoration projects on such land.

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

At the end of the bill, add the following:

TITLE XI—ALASKA NATIVE VETERAN ALLOTMENT

SEC. 1101. ALASKA NATIVE VETERAN ALLOTMENT.

(a) DEFINITIONS.—In this section:

(1) APPLICATION.—The term "application" means the Alaska Native Veteran Allotment application numbered AA-084021-B.

(2) FEDERAL LAND.—The term "Federal land" means the 80 acres of Federal land that is—

(A) described in the application; and

(B) depicted as Lot 2 in U.S. Survey No. 13957, Alaska, that was officially filed on October 9, 2009.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) ISSUANCE OF PATENT.—Notwithstanding section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) and subject to subsection (c), the Secretary shall—

(1) approve the application; and

(2) issue a patent for the Federal land to the person that submitted the application.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The patent issued under subsection (b) shall—

(A) only be for the surface rights to the Federal land; and

(B) be subject to the terms and conditions of any certificate issued under section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g), including terms and conditions providing that—

(i) the patent is subject to valid existing rights, including any right of the United States to income derived, directly or indirectly, from a lease, license, permit, right-of-way, or easement on the Federal land; and

(ii) the United States shall reserve an interest in deposits of oil, gas, and coal on the Federal land, including the right to explore, mine, and remove the minerals on portions of the Federal land that the Secretary determines to be prospectively valuable for development.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for the issuance of the patent under subsection (a) that the Secretary determines to be appropriate to protect the interests of the United States.

PART B—TEXT OF AMENDMENTS TO H.R. 3964 MADE IN ORDER

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

Page 4, line 24, after the first period, insert the following: "Charges for all delivered water shall include interest, as determined by the Secretary of the Treasury, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest 1/8 of 1 percent on the underpaid balance of the allocable project cost.".

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

Page 18, line 24, strike "shall be" and all that follows through the first period on page 19, line 2, and insert the following: "shall not be suspended, but rather shall continue to be the responsibility of south of Delta CVP contractors.".

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

At the end of the bill, add the following:

SEC. 504. PROTECTIONS FOR DELTA COUNTIES.

This Act and the amendments made by this Act shall not have a harmful effect on the quality, quantity, or safety of drinking water supplies for residents of the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

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

At the end of the bill, add the following:

SEC. 504. STUDY ON WATER RESOURCES.

Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on the resiliency and adaptability of all Bureau of Reclamation projects and facilities in California to any ongoing or forecasted changes to the quality, quantity, or reliability of water resources. The study shall include recommendations on how to strengthen the resiliency and adaptability of the Bureau's projects and facilities in California.

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

Add at the end of the bill, the following:

SEC. 504. FISHERIES DISASTER DECLARATION.

The Proclamation of State Emergency and associated Executive Order issued by Governor Edmund G. Brown, Jr. on January 17, 2014, shall be considered a request by the Governor for purposes of section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) to determine that a fishery resource disaster exists for fisheries that originate in the State of California.

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

At the end of the bill, add the following:

SEC. 504. STATE OF CALIFORNIA WATER REFORM LAWS.

Nothing in this Act or the amendments made by this Act shall interfere with the State of California's Delta and water management reform and funding bills of 2009, including SB7x-1, SB7x-2, SB7x-6, and SB7x-7.

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

At the end of the bill, add the following:

SEC. 504. EFFECTIVE DATE CONDITIONS.

Nothing in this Act shall take effect until the Secretary of the Interior, in consultation with the Secretary of Agriculture, determines that carrying out this Act and the amendments made by this Act shall not have a harmful effect on water quality or water availability for agricultural producers in the five Delta Counties (Contra Costa County, Sacramento County, San Joaquin County, Solano County, and Yolo County, California).

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

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 504. COMMUNITY WATER SUPPLIES AND WATER BUDGETS NOT ADVERSELY AFFECTED.

This Act and the amendments made by this Act shall not adversely affect any community's water supply or water budget for future years, taking into account predicted dry years. For the purpose of this section, the term "water budget" means an accounting of the rates of water movement and the change in water storage in all or parts of the atmosphere, land surface, and subsurface of an area.

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