

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1286) TO AMEND THE
NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE WASHINGTON-RO-
CHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL

JULY 8, 2008.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 1317]

The Committee on Rules, having had under consideration House Resolution 1317, 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. 1286, the “Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act,” under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in part B of this report. The amendments made in order 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 a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for

clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII, requiring a three-day layover of the committee report. Although the rule waives all points of order against the amendment in the nature of a substitute (except clause 10 of rule XXI), the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

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. 552

Date: July 8, 2008.

Measure: H.R. 1286.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea.

Rules Committee Record Vote No. 553

Date: July 8, 2008.

Measure: H.R. 1286.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop, Rob (UT), #2, which would require that land within the trail shall be governed by State and local hunting, fishing, trapping and weapons laws.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea.

Rules Committee Record Vote No. 554

Date: July 8, 2008.

Measure: H.R. 1286.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop, Rob (UT), #3, which would make the provision concerning hindrance of energy activities applicable to all land in the National Trails System.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea.

Rules Committee Record Vote No. 555

Date: July 8, 2008.

Measure: H.R. 1286.

Motion by: Mr. Hastings (FL).

Summary of motion: To report the rule.

Results: Adopted 8–3.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay.

SUMMARY OF AMENDMENT CONSIDERED AS ADOPTED

The amendment provides that the bill does not in any way limit access for hunting, fishing, trapping or recreational shooting. It also provides that the bill does not in any way infringe on a State's right to manage, control or regulate its hunting, fishing, trapping and recreational shooting activities on these lands.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Bishop, Rob (UT): Would amend the language in the bill prohibiting the use of eminent domain by the Federal government to specifically prohibit the Federal government from acquiring, for the trail, from State or local governments, land acquired by a State or local government through its own use of eminent domain. (10 minutes)

2. Pearce (NM): Would require the Secretary to complete and submit to Congress a report on the energy resources included in the Washington-Rochambeau Revolutionary Route National Historic Trail. (10 minutes)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

At the end of the bill, add the following:

SEC. 4. HUNTING, FISHING, TRAPPING, AND RECREATIONAL SHOOTING.

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

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

Strike the new subparagraph (D) added by the amendment in section 2, and insert the following:

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land—

“(i) outside the exterior boundary of any federally managed area without the consent of the owner of the land or interest in land; and

“(ii) acquired from a State or local government if that land was acquired by such government through eminent domain.”.

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

At the end of the bill, add the following:

SEC. 4. ENERGY AND CONGRESSIONAL REVIEW.

The Secretary of Interior, in consultation with the Secretary of Energy and private industry, shall complete and submit to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and Senators and Representatives from the States affected by the designation, a report using the best available data and regarding the energy resources available on the lands and waters included in the Washington-Rochambeau Revolutionary Route National Historic Trail. The report shall—

(1) contain the best available description of the energy resources available on the land and report on the specific amount of energy withdrawn from possible development; and

(2) identify barrels of oil, cubic feet of natural gas, megawatts of geothermal, wind and solar energy that could be commercially produced, annual available biomass for energy production, and any megawatts of hydropower resources available, including tidal, traditional dams, and in-stream flow turbines, and any impact on electricity transmission.