106TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
106–1017

AMERICA'S WILDERNESS PROTECTION ACT

OCTOBER 30, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 1500]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1500) to accelerate the Wilderness designation process by establishing a timetable for the completion of wilderness studies on Federal Lands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1500 is to accelerate the wilderness designation process by establishing as timetable for the completion of wilderness studies on federal lands.

BACKGROUND AND NEED FOR LEGISLATION

The Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1976 authorize "wilderness study areas" and direct the Secretary of the Interior to study those areas for potential designation as wilderness. Once a wilderness study area is established by the Secretary, legislation is required to change the classification of the study area to either a wilderness or a non-wilderness area. Thus, absent Congressional action, they would be studied in perpetuity—even after the actual studies were long completed. The perpetual study of an area for wilderness suitability is clearly not in the public interest.

89–006

Of the 264 million acres administered by the Bureau of Land Management, the agency responsible for managing wilderness study areas, 18 million acres are included in more than 600 wilderness study areas.

Because wilderness study areas are managed almost as if they were already wilderness, there is no incentive to make the sometimes politically difficult decisions to actually make them wilderness. Also, because the Department of the Interior's wilderness studies invariably decide that certain parts of wilderness study areas do not qualify for wilderness, fringe environmental groups also oppose any resolution to the issue, preferring perpetual wilderness study area status over actual wilderness designation.

Areas that qualify deserve full wilderness protection. They should not be allowed to languish in "study" status indefinitely. We need to reach a conclusion on this issue by forcing Congress to make these difficult decisions or allow the land to return to a multiple use status.

H.R. 1500, America's Wilderness Protection Act, would provide that existing wilderness study areas be released ten years from the date of enactment of H.R. 1500 and that any new wilderness study areas be released ten years from their creation.

H.R. 1500 would help many States and counties by bringing the contentious wilderness debate to a conclusion.

COMMITTEE ACTION

Congressman James V. Hansen introduced H.R. 1500 on April 21, 1999. The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks and Public Lands. On October 28, 1999, the Subcommittee held a hearing on the bill. On March 23, 2000, the Subcommittee met to consider the bill. Congressman Mark Udall offered an amendment to change the short title of the bill. The amendment failed on a voice vote. Congressman Mark Udall offered a second amendment to exempt areas from the bill under certain conditions; the amendment failed on voice vote. The bill was then ordered favorably reported to the Full Resources Committee by voice vote. On September 13, 2000, the Full Resources Committee met to consider the bill. Congressman Mark Udall offered an amendment to provide a new short title for the bill; it failed by voice vote. Congressman Mark Udall offered an amendment to exempt areas from the bill under certain conditions; this amendment also failed by voice vote. Congressman Mark Udall offered a third amendment exempt the State of Colorado from the bill. The amendment failed on a roll call vote of 12 to 23, as follows:

Committee on Resources
U.S. House of Representatives
106th Congress

Full Committee

Date 9-13-00

Roll No. 1

Bill No. HR 1500 Short Title America's Wilderness Protection

Amendment or matter voted on: Mark Udall Amendment #.024

Member	Yea	Nay	Pass	Member	Yea	Nay	Pass
Mr. Young (Chairman)		X		*Mr. Miller*	X		
Mr. Tauzin				*Mr. Rahall*			
Mr. Hansen		X		*Mr. Vento*			
Mr. Saxton				*Mr. Kildee*	X		
Mr. Gallegly				*Mr. DeFazio*			
Mr. Duncan		X		*Mr. Faleomavaega*	X		
Mr. Hefley		X		*Mr. Abercrombie*		X	
Mr. Doolittle		X		*Mr. Ortiz*			
Mr. Gilchrest				*Mr. Pickett*			
Mr. Calvert		X		*Mr. Pallone*			
Mr. Pombo		X		*Mr. Dooley*			
Mrs. Cubin		X		*Mr. Romero-Barcelo*	X		
Mrs. Chenoweth-Hage		X		*Mr. Underwood*			
Mr. Radanovich		X		*Mr. Kennedy*			
Mr. Jones		X		*Mr. Smith*	X		
Mr. Thornberry		X		*Mr. John*			
Mr. Cannon				*Mrs. Christensen*			
Mr. Brady		X		*Mr. Kind*	X		
Mr. Peterson		X		*Mr. Inslee*	X		
Mr. Hill		X		*Mrs. Napolitano*	X		
Mr. Schaffer		X		*Mr. Tom Udall*	X		
Mr. Gibbons		X		*Mr. Mark Udall*	X		
Mr. Souder		X		*Mr. Crowley*	X		
Mr. Walden		X		*Mr. Holt*	X		
Mr. Sherwood		X					
Mr. Hayes							
Mr. Simpson		X					
Mr. Tancredo		X		**TOTAL**	12	23	

No further amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could affect direct spending (including offsetting receipts) beginning in 2011.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget office has prepared the enclosed cost estimate for H.R. 1500, the America's Wilderness Protection Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1500—AMERICA'S WILDERNESS PROTECTION ACT

H.R. 1500 would establish a 10-year deadline for completing wilderness studies on federal lands. CBO estimates that enacting this bill would have no significant impact on the federal budget over the next 10 years. H.R. 1500 could affect direct spending (including offsetting receipts), but pay-as-you-go procedures would not apply because any such changes would not occur before 2011. H.R. 1500 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The Wilderness Act and the Federal Land Policy and Management Act authorize wilderness study areas (WSAs) on federal lands and direct the Secretary of the Interior to study those areas for potential designation as wilderness. Once a WSA is established by the Secretary, legislation is required to change the classification of the study area to either a wilderness or non-wilderness area. Under H.R. 1500, 10 years after enactment, all current WSAs would be released from that status to non-wilderness uses. The bill also would require that any new WSAs established after H.R. 1500 could be studied for a maximum of 10 years before being released from that status.

Of the 264 million acres of land administered by the Bureau of Land Management (BLM), the agency responsible for managing WSAs, 18 million acres are currently included in more than 600 such areas. Based on information from BLM, CBO expects that many of those areas will remain WSAs 10 years from now. Releasing those lands from WSA status would open them to new income-generating activities, particularly new mineral leasing and development that otherwise would be prohibited under current law. Hence, we expect that H.R. 1500 could result in an increase in offsetting receipts from those activities, but we cannot estimate the amount of any such increase because we do not know which WSAs would be released under H.R. 1500 or the resource potential of those lands.

According to BLM, public lands with the highest leasing potential generally lie outside of WSAs. Thus, we expect that any increase in offsetting receipts from mineral leasing and development under H.R. 1500 would be small relative to the amounts generated from such activities across all BLM lands, which we estimate will total about $1.5 billion in 2000. Under the bill, no additional offsetting receipts could occur before fiscal year 2011.

The CBO staff contact is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

H.R. 1500 is a seriously flawed initiative that deserves to be defeated. The Secretary of the Interior has stated that if this legislation was presented to the President, he would recommend a veto. I wholeheartedly concur.

Despite overwhelming public support for wilderness, the majority has chosen to advance legislation to undercut the protection of wilderness quality public lands in the United States. H.R. 1500, the "America's Wilderness Protection Act" is in fact no such thing. This misnamed and misguided piece of legislation would virtually guarantee that future wilderness areas would not be designated. By providing for the release of all wilderness study areas within a ten-year period, the legislation would allow wilderness opponents, by blocking or stalling wilderness legislation, to open wilderness quality lands to development.

Given the majority's track record on wilderness over the past six years and their historical animosity to wilderness designations in general, it is easy to see how this legislation would be used to undercut wilderness protection. We owe it to present and future generations to strongly resist the Republican majority's attempt to use legislation, such a H.R. 1500, to diminish America's wilderness legacy.

GEORGE MILLER.

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