

**AMENDMENT TO H.R. 5780****OFFERED BY MS. TSONGAS OF MASSACHUSETTS**

Page 17, beginning line 19, strike section 103 and all that follows through section 110 of division A, and insert the following new section 103:

**1 SEC. 103. WILDERNESS ADMINISTRATION.**

2 (a) ADMINISTRATION OF WILDERNESS AREAS.—

3 (1) MANAGEMENT.—Subject to valid existing  
4 rights, each area designated as wilderness by section  
5 101 shall be administered by the Secretary of the  
6 Interior or the Secretary of Agriculture as appropriate in accordance with the Wilderness Act (16  
7 U.S.C. 1131 et seq.), except that—

9 (A) any reference in the Wilderness Act to  
10 the effective date of that Act shall be considered  
11 to be a reference to the date of enactment  
12 of this Act; and

13 (B) any reference in the Wilderness Act to  
14 the Secretary of Agriculture shall be considered  
15 to be a reference to the Secretary that has jurisdiction over the land.

17 (2) LIVESTOCK.—The grazing of livestock in  
18 each area designated as wilderness by section 101,

1 where established before the date of enactment of  
2 this Act, shall be permitted to continue—

3 (A) subject to such reasonable regulations,  
4 policies, and practices that the Secretary con-  
5 cerned considers necessary; and

6 (B) in accordance with—

7 (i) section 4(d)(4) of the Wilderness  
8 Act (16 U.S.C. 1133(d)(4)); and

9 (ii) the guidelines set forth in Appen-  
10 dix A of the report of the Committee on  
11 Interior and Insular Affairs of the House  
12 of Representatives accompanying H.R.  
13 2570 of the 101st Congress (House Report  
14 101–405) and H.R. 5487 of the 96th Con-  
15 gress (House Report. 96–617).

16 (3) WILDFIRE, INSECT, AND DISEASE MANAGE-  
17 MENT.—In accordance with section 4(d)(1) of the  
18 Wilderness Act (16 U.S.C. 1133(d)(1)), the Sec-  
19 retary concerned may take such measures in each  
20 area designated as wilderness by section 101 as the  
21 Secretary concerned determines to be necessary for  
22 the control of fire, insects, and diseases (including,  
23 as the Secretary concerned determines to be appro-  
24 priate, the coordination of those activities with a  
25 State or local agency).

1 (4) BUFFER ZONES.—

2 (A) IN GENERAL.—Nothing in this section  
3 creates a protective perimeter or buffer zone  
4 around any area designated as wilderness by  
5 section 101.

6 (B) ACTIVITIES OUTSIDE WILDERNESS.—

7 The fact that an activity or use on land outside  
8 any area designated as wilderness by section  
9 101 can be seen or heard within the wilderness  
10 shall not preclude the activity or use outside the  
11 boundary of the wilderness.

12 (5) MILITARY OVERFLIGHTS.—Nothing in this  
13 section restricts or precludes—

14 (A) low-level overflights of military aircraft  
15 over any area designated as wilderness by sec-  
16 tion 101, including military overflights that can  
17 be seen or heard within any wilderness area;

18 (B) flight testing and evaluation; or

19 (C) the designation or creation of new  
20 units of special use airspace, or the establish-  
21 ment of military flight training routes over any  
22 wilderness area.

23 (6) ACQUISITION AND INCORPORATION OF LAND  
24 AND INTERESTS IN LAND.—

1           (A) ACQUISITION AUTHORITY.—In accord-  
2           ance with applicable laws (including regula-  
3           tions), the Secretary concerned may acquire any  
4           land or interest in land within the boundaries  
5           of the wilderness areas designated by section  
6           101 by purchase from willing sellers, donation,  
7           or exchange.

8           (B) INCORPORATION.—Any land or inter-  
9           est in land acquired by the Secretary concerned  
10          under subparagraph (A) shall be incorporated  
11          into, and administered as a part of, the wilder-  
12          ness area in which the land or interest in land  
13          is located.

14          (7) NATIVE AMERICAN CULTURAL AND RELI-  
15          GIOUS USES.—Nothing in this section diminishes—

16                (A) the rights of any Indian tribe; or

17                (B) any tribal rights regarding access to  
18          Federal land for tribal activities, including spir-  
19          itual, cultural, and traditional food-gathering  
20          activities.

21          (8) CLIMATOLOGICAL DATA COLLECTION.—In  
22          accordance with the Wilderness Act (16 U.S.C. 1131  
23          et seq.) and subject to such terms and conditions as  
24          the Secretary concerned may prescribe, the Sec-  
25          retary concerned may authorize the installation and

1 maintenance of hydrologic, meteorologic, or climato-  
2 logical collection devices in the wilderness areas des-  
3 igned by section 101 if the Secretary concerned  
4 determines that the facilities and access to the facili-  
5 ties are essential to flood warning, flood control, or  
6 water reservoir operation activities.

7 (9) WATER RIGHTS.—

8 (A) STATUTORY CONSTRUCTION.—Nothing  
9 in this section—

10 (i) shall constitute or be construed to  
11 constitute either an express or implied res-  
12 ervation by the United States of any water  
13 or water rights with respect to the land  
14 designated as wilderness by section 101;

15 (ii) shall affect any water rights in the  
16 State existing on the date of enactment of  
17 this Act, including any water rights held  
18 by the United States;

19 (iii) shall be construed as establishing  
20 a precedent with regard to any future wil-  
21 derness designations;

22 (iv) shall affect the interpretation of,  
23 or any designation made pursuant to, any  
24 other Act; or

1 (v) shall be construed as limiting, al-  
2 tering, modifying, or amending any of the  
3 interstate compacts or equitable apportion-  
4 ment decrees that apportion water among  
5 and between the State and other States.

6 (B) STATE WATER LAW.—The Secretary  
7 concerned shall follow the procedural and sub-  
8 stantive requirements of the law of the State in  
9 order to obtain and hold any water rights not  
10 in existence on the date of enactment of this  
11 Act with respect to the wilderness areas des-  
12 ignated by section 101.

13 (10) FISH AND WILDLIFE.—

14 (A) JURISDICTION OF STATE.—Nothing in  
15 this section affects the jurisdiction of the State  
16 with respect to fish and wildlife on public land  
17 located in the State.

18 (B) AUTHORITY OF SECRETARY.—In fur-  
19 therance of the purposes and principles of the  
20 Wilderness Act (16 U.S.C. 1131 et seq.), the  
21 Secretary concerned may carry out management  
22 activities to maintain or restore fish and wildlife  
23 populations (including activities to maintain  
24 and restore fish and wildlife habitats to support

1 the populations) in any wilderness area des-  
2 ignated by section 101 if the activities are—

3 (i) consistent with applicable wilder-  
4 ness management plans; and

5 (ii) carried out in accordance with—

6 (I) the Wilderness Act (16  
7 U.S.C. 1131 et seq.); and

8 (II) applicable guidelines and  
9 policies, including applicable policies  
10 described in Appendix B of House Re-  
11 port 101–405.

12 (11) WILDLIFE WATER DEVELOPMENT  
13 PROJECTS.—Subject to paragraph (12), the Sec-  
14 retary concerned may authorize structures and fa-  
15 cilities, including existing structures and facilities,  
16 for wildlife water development projects, including  
17 guzzlers, in the wilderness areas designated by sec-  
18 tion 101 if—

19 (A) the structures and facilities will, as de-  
20 termined by the Secretary concerned, enhance  
21 wilderness values by promoting healthy, viable,  
22 and more naturally distributed wildlife popu-  
23 lations; and

1 (B) the visual impacts of the structures  
2 and facilities on the wilderness areas can rea-  
3 sonably be minimized.

4 (12) COOPERATIVE AGREEMENT.—Not later  
5 than 1 year after the date of enactment of this Act,  
6 the Secretary concerned shall enter into a coopera-  
7 tive agreement with the State that specifies the  
8 terms and conditions under which wildlife manage-  
9 ment activities in the wilderness areas designated by  
10 section 101 may be carried out.

Page 31, beginning line 1, strike subsection (b) of  
section 203 of division A, and insert the following new  
subsections:

11 (b) MANAGEMENT.—

12 (1) IN GENERAL.—The relevant Secretary shall  
13 manage each Conservation Area established by sec-  
14 tion 201—

15 (A) in a manner that conserves, protects,  
16 and enhances the resources of the Conservation  
17 Area; and

18 (B) in accordance with—

19 (i) the Federal Land Policy and Man-  
20 agement Act of 1976 (43 U.S.C. 1701 et  
21 seq.) or the Forest and Rangeland Renew-



1                   able Resources Planning Act of 1974 (16  
2                   U.S.C. 1600 et seq.), as applicable;

3                   (ii) this section; and

4                   (iii) any other applicable law (includ-  
5                   ing regulations).

6                   (2) USES.—The relevant Secretary shall only  
7                   allow uses of the Conservation Area that the Sec-  
8                   retary determines would further a purpose described  
9                   in subsection (a).

10                  (3) MOTORIZED VEHICLES.—Except in cases in  
11                  which motorized vehicles are needed for administra-  
12                  tive purposes, or to respond to an emergency, the  
13                  use of motorized vehicles in the Conservation Area  
14                  shall be permitted only on roads designated by the  
15                  management plan for the use of motorized vehicles.

16                  (4) GRAZING.—The grazing of livestock in the  
17                  Conservation Area, where established before the date  
18                  of enactment of this Act, shall be permitted to con-  
19                  tinue—

20                         (A) subject to—

21                                 (i) such reasonable regulations, poli-  
22                                 cies, and practices as the relevant Sec-  
23                                 retary considers necessary; and

24                                 (ii) applicable law; and

1 (B) in a manner consistent with the pur-  
2 poses described in subsection (a).

3 (5) WILDLAND FIRE OPERATIONS.—Nothing in  
4 this section prohibits the relevant Secretary, in co-  
5 operation with other Federal, State, and local agen-  
6 cies, as appropriate, from conducting wildland fire  
7 operations in the Conservation Area, consistent with  
8 the purposes of this section.

9 (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
10 ESTS.—Any land or interest in land that is located in a  
11 Conservation Area established by section 201 that is ac-  
12 quired by the United States shall—

13 (1) become part of the Conservation Area; and  
14 (2) be managed in accordance with—

15 (A) the Federal Land Policy and Manage-  
16 ment Act of 1976 (43 U.S.C. 1701 et seq.) or  
17 the Forest and Rangeland Renewable Resources  
18 Planning Act of 1974 (16 U.S.C. 1600 et seq.),  
19 as applicable;

20 (B) this section; and

21 (C) any other applicable law (including  
22 regulations).

23 (d) WITHDRAWAL.—

24 (1) IN GENERAL.—Subject to valid existing  
25 rights, all Federal land located in each Conservation

1 Area established by section 201 are withdrawn  
2 from—

3 (A) all forms of entry, appropriation, and  
4 disposal under the public land laws;

5 (B) location, entry, and patenting under  
6 the mining laws; and

7 (C) operation of the mineral leasing, min-  
8 eral materials, and geothermal leasing laws.

9 (2) ADDITIONAL LAND.—If the relevant Sec-  
10 retary acquires additional land that is located in a  
11 Conservation Area established by section 201 after  
12 the date of enactment of this Act, the land is with-  
13 drawn from operation of the laws referred to in  
14 paragraph (1) on the date of acquisition of the land.

Page 31, beginning line 21, strike section 204 and  
all that follows through section 206 of division A.

