

AMENDMENT TO H.R. 701
OFFERED BY MR. GIBBONS OF NEVADA

At the end of the bill add the following:

1 **TITLE —PUBLIC LAND**
2 **MANAGEMENT**

3 **SEC. ___ 01. SHORT TITLE.**

4 This title may be cited as the “Public Land Manage-
5 ment Act of 2000”.

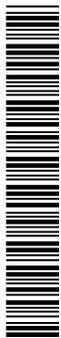
6 **SEC. ___ 02. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) the large amount of federally controlled
9 land in the United States and the lack of an ade-
10 quate private land ownership base has had a nega-
11 tive impact on the overall economic development of
12 rural counties and communities and severely de-
13 graded the ability of local governments to provide
14 necessary services;

15 (2) in resource management plans, the Bureau
16 of Land Management has identified for disposal land
17 that is difficult and costly to manage and that would
18 more appropriately be in non-Federal ownership;

19 (3) implementation of Federal land manage-
20 ment plans has been impaired by the lack of nec-
21 essary funding to provide the needed improvements



1 and the lack of land management programs to ac-
2 complish the goals and standards set out in the
3 plans; and

4 (4) the lack of a private land tax base prevents
5 most local governments from providing the appro-
6 priate infrastructure to allow timely development of
7 land that is disposed of by the Federal Government
8 for community expansion and economic growth.

9 (b) PURPOSES.—The purposes of this title are to pro-
10 vide for—

11 (1) the orderly disposal and use of public land;
12 and

13 (2) the maintenance and repair of Federal fa-
14 cilities on public land.

15 **SEC. ___ 03. DEFINITIONS.**

16 In this title:

17 (1) CURRENT LAND USE PLAN.—The term
18 “current land use plan”, with respect to an adminis-
19 trative unit of the Bureau of Land Management,
20 means the management framework plan or resource
21 management plan applicable to the unit that was ap-
22 proved most recently before the date of enactment of
23 this Act.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.



1 (3) SPECIAL ACCOUNT.—The term “Special Ac-
2 count” means the account established by section
3 ____ 06.

4 (4) UNIT OF LOCAL GOVERNMENT.—The term
5 “unit of local government” means the elected gov-
6 erning body of any city or county in a State.

7 **SEC. ____ 04. DISPOSAL AND EXCHANGE.**

8 (a) DISPOSAL.—In accordance with this title, the
9 Federal Land Policy and Management Act of 1976 (43
10 U.S.C. 1701 et seq.), and other applicable law and subject
11 to valid existing rights, the Secretary may dispose of pub-
12 lic land under current land use plans maintained under
13 section 202 of the Federal Land Policy and Management
14 Act of 1976 (43 U.S.C. 1713)

15 (b) RECREATION AND PUBLIC PURPOSE CONVEY-
16 ANCES.—

17 (1) IN GENERAL.—Not less than 30 days before
18 offering land for sale or exchange under subsection
19 (a), the State or the unit of local government in the
20 jurisdiction of which the land is located may elect to
21 obtain the land for local public purposes under the
22 Act entitled “An Act to authorize acquisition or use
23 of public lands by States, counties, or municipalities
24 for recreational purposes”, approved June 14, 1926



1 (commonly known as the “Recreation and Public
2 Purposes Act”) (43 U.S.C. 869 et seq.).

3 (2) RETENTION BY SECRETARY.—If the State
4 or unit of local government elects to obtain the land,
5 the Secretary shall retain the land for conveyance to
6 the State or unit of local government in accordance
7 with that Act.

8 (c) WITHDRAWAL.—Subject to valid existing rights,
9 all Federal land selected for disposal under subsection
10 (d)(1) is withdrawn from location and entry under the
11 mining laws and from operation under the mineral leasing
12 and geothermal leasing laws until the Secretary termi-
13 nates the withdrawal or the land is patented.

14 (d) SELECTION.—

15 (1) IN GENERAL.—The Secretary and the State
16 and unit of local government that has jurisdiction
17 over land identified for disposal under subsection (a)
18 shall jointly select land to be offered for sale or ex-
19 change under this section.

20 (2) COORDINATION.—The Secretary shall co-
21 ordinate land disposal activities with the unit of local
22 government under the jurisdiction of which the land
23 is located.

24 (3) LOCAL LAND USE PLANNING AND ZONING
25 REQUIREMENTS.—The Secretary shall dispose of



1 land under this section in a manner that is con-
2 sistent with local land use planning and zoning re-
3 quirements and recommendations.

4 (e) SALES OFFERING, PRICE, PROCEDURES, AND
5 PROHIBITIONS.—

6 (1) OFFERING.—The Secretary shall make the
7 first offering of land as soon as practicable after
8 land has been selected under subsection (d).

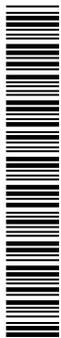
9 (2) SALE PRICE.—

10 (A) IN GENERAL.—The Secretary shall
11 make all sales of land under this section at a
12 price that is not less than the fair market value
13 of the land, as determined by the Secretary.

14 (B) AFFORDABLE HOUSING.—Subpara-
15 graph (A) does not affect any authority of the
16 Secretary to make land available at less than
17 fair market value for affordable housing pur-
18 poses under any other provision of law.

19 (3) COMPETITIVE BIDDING.—

20 (A) IN GENERAL.—The sale of public land
21 selected under subsection (d) shall be conducted
22 in accordance with sections 203 and 209 of the
23 Federal Land Policy and Management Act of
24 1976 (43 U.S.C. 1713, 1719).



1 (B) EXCEPTIONS.—The exceptions to com-
2 petitive bidding requirements under section
3 203(f) of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1713(f)) shall
5 apply to sales under this title in cases in which
6 the Secretary determines that application of an
7 exception is necessary and proper.

8 (C) NOTICE OF COMPETITIVE BIDDING
9 PROCEDURES.—The Secretary shall also ensure
10 adequate notice of competitive bidding proce-
11 dures to—

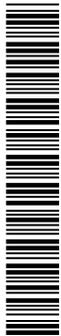
12 (i) owners of land adjoining the land
13 proposed for sale;

14 (ii) local governments in the vicinity
15 of the land proposed for sale; and

16 (iii) the State in which the land is lo-
17 cated.

18 (4) PROHIBITIONS.—A sale of a tract of land
19 selected under subsection (d) shall not be under-
20 taken if the Federal costs of sale preparation and
21 processing are estimated to exceed the proceeds of
22 the sale.

23 (f) DISPOSITION OF PROCEEDS.—



1 (1) LAND SALES.—Of the gross proceeds of
2 sales of land under this section during a fiscal
3 year—

4 (A) 5 percent shall be paid to the State in
5 which the land is located for use in the general
6 education program of the State;

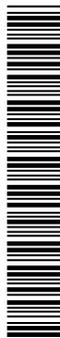
7 (B) 45 percent shall be paid directly to the
8 local unit of government in the jurisdiction of
9 which the land is located for use as determined
10 by the unit of local government, with consider-
11 ation given to use for support of health care de-
12 livery, law enforcement, and schools; and

13 (C) 50 percent shall be deposited in the
14 Special Account.

15 (2) LAND EXCHANGES.—

16 (A) IN GENERAL.—In a land exchange
17 under this section, the non-Federal party shall
18 provide direct payment to the unit of local gov-
19 ernment in the jurisdiction of which the land is
20 located in an amount equal to 15 percent of the
21 fair market value of the Federal land conveyed
22 in the exchange.

23 (B) TREATMENT OF PAYMENTS AS COST
24 INCURRED.—If any agreement to initiate the
25 exchange so provides, a payment under sub-



1 paragraph (A) shall be considered to be a cost
2 incurred by the non-Federal party that shall be
3 compensated by the Secretary.

4 (C) PENDING EXCHANGES.—This title,
5 other than subsections (a) and (b) and this sec-
6 tion, shall not apply to any land exchange for
7 which an initial agreement to initiate an ex-
8 change was signed by an authorized representa-
9 tive of the exchange proponent and an author-
10 ized officer of the Bureau of Land Management
11 before the date of enactment of this Act.

12 (g) ADDITIONAL DISPOSAL LAND.—Public land iden-
13 tified for disposal under a replacement of or amendment
14 to a current land use plan shall be subject to this title.

15 **SEC. ___05. MAINTENANCE AND REPAIR ON FEDERAL**
16 **LANDS.**

17 The Secretary shall use amounts available under sec-
18 tion ___06(c)(1)(B) for repair and maintenance on Fed-
19 eral lands managed by the Secretary of Agriculture or the
20 Secretary of the Interior.

21 **SEC. ___06. SPECIAL ACCOUNT.**

22 (a) ESTABLISHMENT.—There is established in the
23 Treasury of the United States a separate account to be
24 used in carrying out this title.



1 (b) CONTENTS.—The Special Account shall consist
2 of—

- 3 (1) amounts deposited in the Special Account
4 under section ____04(f)(1)(B);
5 (2) donations to the Special Account; and
6 (3) appropriations to the Special Account.

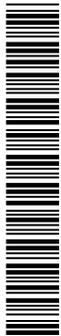
7 (c) USE.—

8 (1) IN GENERAL.—Amounts in the Special Ac-
9 count shall be available to the Secretary until ex-
10 pended, without further Act of appropriation, to
11 pay—

12 (A) subject to paragraph (2), costs in-
13 curred by the Bureau of Land Management in
14 arranging sales or exchanges under this title,
15 including the costs of land boundary surveys,
16 compliance with the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.),
18 appraisals, environmental and cultural clear-
19 ances, and public notice;

20 (B) costs incurred in carrying out section
21 ____05;

22 (C) the cost of carrying out any necessary
23 revision or amendment of a current land use
24 plan of the Bureau of Land Management that



1 relates to land sold, exchanged, or acquired
2 under this title; and

3 (D) related costs determined by the Sec-
4 retary.

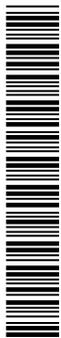
5 (2) LIMITATIONS.—

6 (A) COSTS IN ARRANGING SALES OR EX-
7 CHANGES.—Costs charged against the Special
8 Account for the purposes described in para-
9 graph (1)(A) shall not exceed the minimum
10 amount practicable in view of the fair market
11 value of the Federal land to be sold or ex-
12 changed.

13 (B) ACQUISITION.—Not more than 50 per-
14 cent of the amounts deposited in the Special
15 Account in any fiscal year may be used in that
16 fiscal year or any subsequent fiscal year for the
17 purpose described in paragraph (1)(B).

18 (3) PLAN REVISIONS AND AMENDMENTS.—The
19 process of revising or amending a land use plan shall
20 not cause delay or postponement in the implementa-
21 tion of this title.

22 (d) INTEREST.—All funds deposited in the Special
23 Account shall earn interest in the amount determined by
24 the Secretary of the Treasury on the basis of the current
25 average market yield on outstanding marketable obliga-



1 tions of the United States of comparable maturities. Such
2 interest shall be added to the principal of the account and
3 expended in accordance with subsection (c).

4 (e) COORDINATION.—The Secretary shall coordinate
5 the use of the Special Account with the Secretary of Agri-
6 culture, the States, and units of local government in which
7 land or an interest in land may be acquired, to ensure
8 accountability and demonstrated results.

9 **SEC. ___ 07. REPORT.**

10 The Secretary, in cooperation with the Secretary of
11 Agriculture, shall submit to the Committee on Energy and
12 Natural Resources of the Senate and the Committee on
13 Resources of the House of Representatives a biennial re-
14 port that describes each transaction that is carried out
15 under this title.

