

106TH CONGRESS
1ST SESSION

S. 719

To provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. REID introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nevada Public Land
5 Management Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) Federal holdings in the State of Nevada
2 constitute over 87 percent of the area of the State,
3 and in 10 of the 17 counties the Federal Govern-
4 ment controls at least 80 percent of the land;

5 (2) the large amount of federally controlled
6 land in Nevada and the lack of an adequate private
7 land ownership base has had a negative impact on
8 the overall economic development of rural counties
9 and communities and severely degraded the ability of
10 local governments to provide necessary services;

11 (3) under general land laws less than 3 percent
12 of the Federal land in Nevada has moved from Fed-
13 eral control to private ownership in the last 130
14 years;

15 (4) 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 (5) implementation of Federal land manage-
20 ment plans has been impaired by the lack of nec-
21 essary funding to provide the needed improvements
22 and the lack of land management programs to ac-
23 complish the goals and standards set out in the
24 plans; and

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

6 (b) PURPOSES.—The purposes of this Act are to pro-
7 vide for—

8 (1) the orderly disposal and use of certain Fed-
9 eral land in the State of Nevada that was not in-
10 cluded in the Southern Nevada Public Land Man-
11 agement Act of 1998 (Public Law 105–263; 112
12 Stat. 2343);

13 (2) the acquisition of environmentally sensitive
14 land in the State; and

15 (3) the implementation of projects and activities
16 in the State to protect or restore important environ-
17 mental and cultural resources.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) CURRENT LAND USE PLAN.—The term
21 “current land use plan”, with respect to an adminis-
22 trative unit of the Bureau of Land Management,
23 means the management framework plan or resource
24 management plan applicable to the unit that was ap-

1 proved most recently before the date of enactment of
2 this Act.

3 (2) ENVIRONMENTALLY SENSITIVE LAND.—The
4 term “environmentally sensitive land” means land or
5 an interest in land, the acquisition of which the
6 United States would, in the judgment of the Sec-
7 retary or the Secretary of Agriculture—

8 (A) promote the preservation of natural,
9 scientific, aesthetic, historical, cultural, water-
10 shed, wildlife, or other values that contribute to
11 public enjoyment or biological diversity;

12 (B) enhance recreational opportunities or
13 public access;

14 (C) provide the opportunity to achieve bet-
15 ter management of public land through consoli-
16 dation of Federal ownership; or

17 (D) otherwise serve the public interest.

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (4) SPECIAL ACCOUNT.—The term “Special Ac-
21 count” means the account established by section 6.

22 (5) STATE.—The term “State” means the State
23 of Nevada.

24 (6) UNIT OF LOCAL GOVERNMENT.—The term
25 “unit of local government” means the elected gov-

1 erning body of each city and county in the State ex-
2 cept the cities of Las Vegas, Henderson, and North
3 Las Vegas.

4 **SEC. 4. DISPOSAL AND EXCHANGE.**

5 (a) DISPOSAL.—In accordance with this Act, the
6 Federal Land Policy and Management Act of 1976 (43
7 U.S.C. 1701 et seq.), and other applicable law and subject
8 to valid existing rights, the Secretary may dispose of pub-
9 lic land within the State identified for disposal under cur-
10 rent land use plans maintained under section 202 of the
11 Federal Land Policy and Management Act of 1976 (43
12 U.S.C. 1713), other than land that is identified for dis-
13 posal under the Southern Nevada Public Land Manage-
14 ment Act of 1998 (Public Law 105–263; 112 Stat. 2343).

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, the unit of
16 local government that has jurisdiction over land
17 identified for disposal under subsection (a), and the
18 State shall jointly select land to be offered for sale
19 or exchange 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 the authority of the
 16 Secretary to make land available at less than
 17 fair market value for affordable housing pur-
 18 poses under section 7(b) of the Southern Ne-
 19 vada Public Land Management Act of 1998
 20 (Public Law 105–263; 112 Stat. 2349).

21 (3) COMPETITIVE BIDDING.—

22 (A) IN GENERAL.—The sale of public land
 23 selected under subsection (d) shall be conducted
 24 in accordance with sections 203 and 209 of the

1 Federal Land Policy and Management Act of
 2 1976 (43 U.S.C. 1713, 1719).

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

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

14 (i) owners of land adjoining the land
 15 proposed for sale;

16 (ii) local governments in the vicinity
 17 of the land proposed for sale; and

18 (iii) the State.

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

24 (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 for
5 use in the general education program of the
6 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 Act,
5 other than subsections (a) and (b) and this sub-
6 section, shall not apply to any land exchange
7 for 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 in the State under a replacement of or
14 amendment to a current land use plan shall be subject
15 to this Act.

16 **SEC. 5. ACQUISITION OF ENVIRONMENTALLY SENSITIVE**
17 **LAND.**

18 (a) IN GENERAL.—After consultation in accordance
19 with subsection (c), the Secretary may use funds in the
20 Special Account and any other funds that are made avail-
21 able by law to acquire environmentally sensitive land and
22 interests in environmentally sensitive land.

23 (b) CONSENT.—The Secretary may acquire environ-
24 mentally sensitive land under this section only from willing
25 sellers.

1 (c) CONSULTATION.—

2 (1) IN GENERAL.—Before initiating efforts to
3 acquire environmentally sensitive land under this
4 section, the Secretary or the Secretary of Agri-
5 culture shall consult with the State and units of
6 local government under the jurisdiction of which the
7 environmentally sensitive land is located (including
8 appropriate planning and regulatory agencies) and
9 with other interested persons concerning—

10 (A) the necessity of making the acqui-
11 sition;

12 (B) the potential impact of the acquisition
13 on State and local government; and

14 (C) other appropriate aspects of the acqui-
15 sition.

16 (2) ADDITIONAL CONSULTATION.—Consultation
17 under this paragraph shall be in addition to any
18 other consultation that is required by law.

19 (d) ADMINISTRATION.—On acceptance of title by the
20 United States, any environmentally sensitive land or inter-
21 est in environmentally sensitive land acquired under this
22 section that is within the boundaries of a unit of the Na-
23 tional Forest System, the National Park System, the Na-
24 tional Wildlife Refuge System, the National Wild and Sce-
25 nic Rivers System, the National Trails System, the Na-

1 tional Wilderness Preservation System, any other system
2 established by law, or any national conservation or recre-
3 ation area established by law—

4 (1) shall become part of the unit or area with-
5 out further action by the Secretary or Secretary of
6 Agriculture; and

7 (2) shall be managed in accordance with all
8 laws (including regulations) and land use plans ap-
9 plicable to the unit or area.

10 (e) FAIR MARKET VALUE.—The fair market value of
11 environmentally sensitive land or an interest in environ-
12 mentally sensitive land to be acquired by the Secretary
13 or the Secretary of Agriculture under this section shall
14 be determined—

15 (1) under section 206 of the Federal Land Pol-
16 icy and Management Act of 1976 (43 U.S.C. 1711)
17 and other applicable requirements and standards;
18 and

19 (2) without regard to the presence of a species
20 listed as a threatened species or endangered species
21 under the Endangered Species Act of 1973 (16
22 U.S.C. 1531 et seq.).

23 (f) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)
24 of title 31, United States Code, is amended—

1 (1) in subparagraph (G), by striking “or” at
2 the end;

3 (2) in subparagraph (H), by striking the period
4 at the end and inserting “; or ”; and

5 (3) by adding at the end the following:

6 “(I) acquired by the Secretary of the Inte-
7 rior or the Secretary of Agriculture under sec-
8 tion 5 of the Nevada Public Land Management
9 Act of 1999 that is not otherwise described in
10 subparagraphs (A) through (G).”.

11 **SEC. 6. SPECIAL ACCOUNT.**

12 (a) **ESTABLISHMENT.**—There is established in the
13 Treasury of the United States a separate account to be
14 used in carrying out this Act.

15 (b) **CONTENTS.**—The Special Account shall consist
16 of—

17 (1) amounts deposited in the Special Account
18 under section 4(f)(1)(B);

19 (2) donations to the Special Account; and

20 (3) appropriations to the Special Account.

21 (c) **USE.**—

22 (1) **IN GENERAL.**—Amounts in the Special Ac-
23 count shall be available to the Secretary until ex-
24 pended, without further Act of appropriation, to
25 pay—

1 (A) subject to paragraph (2), costs in-
2 curred by the Bureau of Land Management in
3 arranging sales or exchanges under this Act, in-
4 cluding the costs of land boundary surveys,
5 compliance with the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4321 et seq.),
7 appraisals, environmental and cultural clear-
8 ances, and public notice;

9 (B) the cost of acquisition of environ-
10 mentally sensitive land or interest in such land
11 in the State;

12 (C) the cost of carrying out any necessary
13 revision or amendment of a current land use
14 plan of the Bureau of Land Management that
15 relates to land sold, exchanged, or acquired
16 under this Act;

17 (D) the cost of projects or programs to re-
18 store or protect wetlands, riparian areas, or cul-
19 tural, historic, prehistoric, or paleontological re-
20 sources, including petroglyphs;

21 (E) the cost of projects, programs, or land
22 acquisition to stabilize or restore water quality
23 and lake levels in Walker Lake; and

24 (F) related costs determined by the Sec-
25 retary.

1 (2) LIMITATIONS.—

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

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

14 (3) PLAN REVISIONS AND AMENDMENTS.—The
15 process of revising or amending a land use plan shall
16 not cause delay or postponement in the implementa-
17 tion of this Act.

18 (d) INTEREST.—All funds deposited in the Special
19 Account shall earn interest in the amount determined by
20 the Secretary of the Treasury on the basis of the current
21 average market yield on outstanding marketable obliga-
22 tions of the United States of comparable maturities. Such
23 interest shall be added to the principal of the account and
24 expended in accordance with subsection 6(c).

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

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated such sums as are nec-
8 essary to carry out this section.

9 **SEC. 7. 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 Act.

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