

108TH CONGRESS
1ST SESSION

H. R. 353

To direct the Secretary of the Interior to dispose of all public lands administered by the Bureau of Land Management that have been identified for disposal under the Federal land use planning process.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

Mr. DUNCAN introduced the following bill; which was referred to the
Committee on Resources

A BILL

To direct the Secretary of the Interior to dispose of all public lands administered by the Bureau of Land Management that have been identified for disposal under the Federal land use planning process.

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 “Federal Lands Im-
5 provement Act of 2003”.

6 **SEC. 2. PUBLIC LANDS DISPOSAL REQUIREMENT.**

7 (a) DISPOSAL REQUIREMENT.—

1 (1) IN GENERAL.—Not later than 7 years after
2 the date of the enactment of this Act, and subject
3 to paragraphs (2), (3), and (4), the Secretary of the
4 Interior shall dispose of all right, title, and interest
5 of the United States in and to all public lands ad-
6 ministered by the Bureau of Land Management
7 that, as of the date of the enactment of this Act,
8 have been identified for disposal under the land use
9 planning process under section 203 of the Federal
10 Land Policy and Management Act of 1976 (43
11 U.S.C. 1713).

12 (2) MILESTONES.—Of the lands referred to in
13 paragraph (1), the Secretary shall dispose of—

14 (A) at least $\frac{1}{3}$ before the end of the 3-year
15 period beginning on the date of the enactment
16 of this Act; and

17 (B) at least $\frac{2}{3}$ before the end of the 5-year
18 period beginning on such date.

19 (3) RETENTION OF WILDERNESS LANDS.—The
20 Secretary shall not under this section dispose of any
21 lands located in any wilderness area or wilderness
22 study area.

23 (4) NET COST LIMITATION.—The Secretary
24 shall not under this section dispose of a parcel of
25 land if cost to the United States of the disposal ex-

ceeds the amount that would be received by the United States for the parcel.

(b) MANNER OF DISPOSAL.—The Secretary shall dispose of public lands under this section—

(1) in accordance with the procedures that apply under subsection (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) to sales of public lands under that section; and

(2) in parcels of 160 acres or less.

(c) DETERMINATION OF LANDS FOR DISPOSAL.—The Secretary may determine the public lands to be disposed of under this section.

(d) USE OF PROCEEDS.—Of amounts received by the United States as proceeds of disposals of public lands under this section—

(1) $\frac{1}{3}$ shall be deposited in the account established by subsection (e);

(2) $\frac{1}{3}$ shall be paid to the county in which the lands are located for use by the county for any purpose, which may include education, transportation and infrastructure, or preservation of open spaces; and

(3) $\frac{1}{3}$ shall be deposited in the general fund of the Treasury and utilized to reduce the public debt.

1 (e) SPECIAL ACCOUNT.—

2 (1) ESTABLISHMENT.—There is established in
3 the Treasury of the United States a separate ac-
4 count to be used in carrying out this section.

5 (2) CONTENTS.—The account shall consist of—

6 (A) amounts deposited in the account
7 under subsection (d); and

8 (B) interest added to the account under
9 paragraph (4) of this subsection.

10 (3) USE.—

11 (A) IN GENERAL.—Amounts in the ac-
12 count shall be available to the Secretary until
13 expended, without further appropriation, to
14 pay—

15 (i) subject to subparagraph (B), costs
16 incurred by the Bureau of Land Manage-
17 ment in arranging disposals of public lands
18 under this section, including the costs of
19 land boundary surveys, compliance with
20 the National Environmental Policy Act of
21 1969 (42 U.S.C. 4321 et seq.), appraisals,
22 environmental and cultural clearances, and
23 public notice;

24 (ii) the cost of acquisition from a will-
25 ing seller of environmentally sensitive land

1 or interests in such land in States in which
2 are located public lands disposed of under
3 this section;

4 (iii) the cost of carrying out any nec-
5 essary revision or amendment of a current
6 land use plan of the Bureau of Land Man-
7 agement that relates to public lands dis-
8 posed of under this section;

9 (iv) the cost of projects or programs
10 to restore or protect wetlands, riparian
11 areas, or cultural, historic, prehistoric, or
12 paleontological resources on public lands,
13 including petroglyphs; and

14 (v) the cost of projects, programs, or
15 land acquisition to stabilize or restore
16 water quality for water located or used on
17 public lands.

18 (B) LIMITATIONS.—

19 (i) COSTS IN ARRANGING LAND DIS-
20 POSALS.—Costs charged against the ac-
21 count for the purposes described in sub-
22 paragraph (A)(i) shall not exceed the min-
23 imum amount practicable in view of the
24 fair market value of the public lands dis-
25 posed of.

1 (ii) ACQUISITION.—Not more than 50
2 percent of the amounts deposited in the ac-
3 count in any fiscal year may be used in
4 that fiscal year or any subsequent fiscal
5 year for the purpose described in subpara-
6 graph (A)(ii).

7 (C) PLAN REVISIONS AND AMEND-
8 MENTS.—The process of revising or amending a
9 land use plan shall not cause delay or postpone-
10 ment in the implementation of this section.

11 (f) ANNUAL REPORT.—Not later than October 31 of
12 each year, the Secretary shall report to the Congress de-
13 scribing in detail the use under subsection (d) during the
14 preceding fiscal year of proceeds of disposals of public
15 lands under this section, including the expenditures in
16 that fiscal year of amounts made available under sub-
17 section (e).

18 (g) DEFINITIONS.—In this section:

19 (1) PUBLIC LANDS.—The term “public lands”
20 has the meaning that term has under section 103(e)
21 of the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1702(e)).

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

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