

LINCOLN COUNTY LAND ACT OF 2000

SEPTEMBER 14, 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

R E P O R T

[To accompany H.R. 2752]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2752) to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lincoln County Land Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Lincoln County, Nevada, encompasses an area of 10,132 square miles of the State of Nevada;

(2) approximately 98 percent of the County is owned by the Federal Government;

(3) the city of Mesquite, Nevada, needs land for an organized approach for expansion to the north;

(4) citizens of the County would benefit through enhanced county services and schools from the increased private property tax base due to commercial and residential development;

(5) the County would see improvement to the budget for the county and school services through the immediate distribution of sale receipts from the Secretary selling land through a competitive bidding process;

(6) a cooperative approach among the Bureau of Land Management, the County, the City, and other local government entities will ensure continuing communication between those entities;

(7) the Federal Government will be fairly compensated for the sale of public land; and

(8) the proposed Caliente Management Framework Amendment and Environmental Impact Statement for the Management of Desert Tortoise Habitat Plan identify specific public land as being suitable for disposal.

(b) PURPOSES.—The purposes of this Act are—

- (1) to provide for the orderly disposal of certain public land in the County; and
- (2) to provide for the acquisition of environmentally sensitive land in the State of Nevada.

SEC. 3. DEFINITIONS.

In this Act:

- (1) CITY.—The term “City” means the city of Mesquite, Nevada.
- (2) COUNTY.—The term “County” means Lincoln County, Nevada.
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (4) SPECIAL ACCOUNT.—The term “special account” means the account in the Treasury of the United States established under section 5.

SEC. 4. DISPOSAL OF LAND.

(a) DISPOSAL.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, notwithstanding the land use planning and land sale requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County and the City, in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law, and subject to valid existing rights, shall dispose of the land described in subsection (b) in a competitive bidding process, at a minimum, for fair market value.

(2) TIMING.—The Secretary shall dispose of—

- (A) the land described in subsection (b)(1)(A) not later than 1 year after the date of enactment of this Act; and
- (B) the land described in subsection (b)(1)(B) not later than 5 years after the date of enactment of this Act.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the land depicted on the map entitled “Public Lands Identified for Disposal in Lincoln County, Nevada” and dated July 24, 2000, consisting of—

- (A) the land identified on the map for disposal within 1 year, comprising approximately 4,817 acres; and
- (B) the land identified on the map for disposal within 5 years, comprising approximately 8,683 acres.

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Ely Field Office of the Bureau of Land Management.

(c) SEGREGATION.—Subject to valid existing rights, the land described in subsection (b) is segregated from all forms of entry and appropriation (except for competitive sale) under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(d) COMPLIANCE WITH LOCAL PLANNING AND ZONING.—The Secretary shall ensure that qualified bidders intend to comply with—

- (1) County and City zoning ordinances; and
- (2) any master plan for the area developed and approved by the County and City.

SEC. 5. DISPOSITION OF PROCEEDS.

(a) LAND SALES.—Of the gross proceeds of sales of land under this Act in a fiscal year—

(1) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(2) 10 percent shall be returned to the County for use as determined through normal county budgeting procedures, with emphasis given to support of schools, of which no amount may be used in support of litigation against the Federal Government; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States (referred to in this section as the “special account”) for use as provided in subsection (b).

(b) AVAILABILITY OF SPECIAL ACCOUNT.—

(1) IN GENERAL.—Amounts in the special account (including amounts earned as interest under paragraph (3)) shall be available to the Secretary of the Interior, without further Act of appropriation, and shall remain available until expended, for—

(A) inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) in the County;

(B) development of a multispecies habitat conservation plan in the County;

(C)(i) reimbursement of costs incurred by the Nevada State Office and the Ely Field Office of the Bureau of Land Management in preparing sales under this Act, or other authorized land sales within the County, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice; and

(ii) processing public land use authorizations and rights-of-way stemming from development of the conveyed land; and

(D) the cost of acquisition of environmentally sensitive land or interests in such land in the State of Nevada, with priority given to land outside Clark County.

(2) ACQUISITION FROM WILLING SELLERS.—An acquisition under paragraph (1)(D) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.

(c) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

SEC. 6. ACQUISITIONS.

(a) DEFINITION OF ENVIRONMENTALLY SENSITIVE LAND.—In this section, the term “environmentally sensitive land” means land or an interest in land, the acquisition of which by the United States would, in the judgment of the Secretary—

(1) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(2) enhance recreational opportunities and public access;

(3) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(4) otherwise serve the public interest.

(b) ACQUISITIONS.—

(1) IN GENERAL.—After the consultation process has been completed in accordance with subsection (c), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Land may not be acquired under this section without the consent of the landowner.

(2) USE OF OTHER FUNDS.—Funds made available from the special account may be used with any other funds made available under any other provision of law.

(c) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary shall consult with the State of Nevada and with local government within whose jurisdiction the land is located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.

(d) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

Amend the title so as to read:

A bill to direct the Secretary of Interior to sell certain public land in Lincoln County through a competitive process.

PURPOSE OF THE BILL

The purpose of H.R. 2752 is to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2752 would grant Lincoln County, Nevada, the exclusive right to purchase pieces of public land, at fair market value, for a ten-year period. The bill would also withdraw such land from all forms of entry and appropriation under public land laws, including the mining laws, and from operation of the mineral leasing and geothermal laws during the ten years.

The gross proceeds of these sales would then be placed in several funds to be used for a number of purposes: (1) five percent of the proceeds would be paid directly to the State of Nevada for use in the general education program of the State; (2) ten percent shall be returned to Lincoln County to be used for normal budgeting procedures, with emphasis given to supporting public schools; and (3) the remainder shall be deposited in a special account in the Treasury of the United States.

Located in southeastern Nevada, Lincoln County encompasses 6.8 million acres, making it the third largest in the State. Despite its size, Lincoln County remains sparsely populated, and nearly 90 percent of the land is under federal ownership. This pattern of private ownership mixed with public lands poses many problems for land managers. H.R. 2752 would help resolve this problem by allowing some of these lands to be made available to the private sector. The increase of private lands would also increase the revenue for county tax rolls, thereby providing much needed resources to Lincoln County's schoolchildren.

COMMITTEE ACTION

H.R. 2752 was introduced by Congressman Jim Gibbons (R-NV) on August 5, 1999. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands and the Subcommittee on Energy and Mineral Resources. On July 13, 2000, the Subcommittee on National Parks and Public Lands held a hearing on the bill. On July 26, 2000, the Resources Committee met to consider the bill. Both Subcommittees were discharged from further consideration of the bill by unanimous consent. Mr. Gibbons offered an amendment in the nature of a substitute that expands the amount of land available for sale and requires the Bureau of Land Management to sell the land to the highest bidder, not necessarily the Lincoln County government. The amendment was adopted by voice vote. No further amendments were offered and the bill, as amended 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 will yield offsetting receipts over the 2001–2005 time period, and increase net direct spending over the 2001–2010 time period.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 31, 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. 2752, the Lincoln County Land Act of 2000.

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. 2752—Lincoln County Land Act of 2000

Summary: H.R. 2752 would accelerate the timing of certain land sales in Nevada and would allow the proceeds to be spent without further appropriation. CBO estimates that enacting this bill would increase net direct spending by \$2 million over the 2001–2005 period and by a total of \$16 million over the next 15 years. Because the bill would affect direct spending, pay-as-you-go procedures

would apply. We estimate that implementing H.R. 2752 would not have a significant impact on discretionary spending.

H.R. 2752 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: For this estimate, CBO assumes that H.R. 2752 will be enacted near the start of fiscal year 2001. The estimated budgetary impact of H.R. 2752 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and environment) and 800 (general government).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING					
Net receipts from sale of Federal lands: ¹					
Estimated budget authority	-4	-1	-2	-1	-1
Estimated outlays	-4	-1	-2	-1	-1
New direct spending:					
Estimated budget authority	1	2	2	3	3
Estimated outlays	1	2	2	3	3
Net change in direct spending:					
Estimated budget authority	-3	1	0	2	2
Estimated outlays	-3	1	0	2	2

¹ Estimates of net receipts include payments to the state of Nevada as authorized under current law.

Basis of estimate

H.R. 2752 would direct the Secretary of the Interior to sell, for fair market value through a competitive bidding process, approximately 13,500 acres of federal lands located within Lincoln County, Nevada, and administered by the Bureau of Land Management (BLM). The bill would require the Secretary to sell 4,817 acres of those lands within one year and the rest within five years. The bill would direct the Secretary to pay 5 percent of the proceeds from those sales to the state of Nevada (as provided under current law) and another 10 percent to Lincoln County. The rest would be deposited in an interest-bearing account and could be spent by the Secretary, without further appropriation, for acquiring environmentally sensitive lands in Nevada and other resource management activities.

Based on information from BLM, CBO estimates that enacting H.R. 2752 would increase net direct spending by \$2 million over the 2001–2005 period and by a total of \$16 million over the next 15 years. This estimate includes the impact of provisions that would accelerate land sales that otherwise would occur over a longer period, as well as the cost of provisions that would result in new direct spending. In particular, the bill would incur net direct spending costs because it would allow the Secretary of the Interior to spend receipts from land sales that could not be spent under current law.

Acceleration of land sales

According to BLM, the lands that would be sold under this bill already have been identified for disposal under current law, and the agency plans to sell those lands over the next 15 years. Based on information from BLM, we estimate that, under current law, net

proceeds from the sale of those lands would total about \$15 million, of which about \$5 million would be collected over the 2001–2005 period and \$10 million in later years.

By directing the Secretary to sell all the lands within five years, H.R. 2752 would accelerate the collection of those proceeds and subsequent payments to Nevada. Based on information from BLM, we estimate that the sales would yield net offsetting receipts totaling about \$14 million over the 2001–2005 period. (That amount is lower than our estimate of receipts under current law because we expect that the sales price of the lands would increase in future years due to inflation and appreciation.) Thus, we estimate that enacting this bill would result in a near-term increase in offsetting receipts of \$9 million, which would be more than offset by forgone receipts of \$10 million over the 2006–2015 period. CBO's estimate of the annual change in net proceeds reflects the timing of the sales outline in the bill.

New direct spending

CBO estimates that spending the proceeds from the accelerated land sales (plus interest) would cost about \$15 million over the 2001–2010 period. Under current law, net proceeds from the sale of federal lands are deposited in the Treasury and are unavailable for spending. H.R. 2752 contains two provisions that would increase direct spending of those net receipts. First, the bill would require that 10 percent of the gross proceeds from the sale of land under the bill be paid to Lincoln County. CBO estimates that such payments would total about \$1 million over the 2001–2005 period. Second, under H.R. 2752, the remaining sale proceeds would be deposited in an interest-bearing account and could be spent by the Secretary, without further appropriation. The Secretary could use this money to cover certain administrative costs, support activities related to archaeological resources and habitat conservation in the county, and acquire environmentally sensitive land in Nevada. Based on information from BLM, CBO estimates that the agency would spend a total of \$14 million over the 2001–2010 period for those activities.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The new changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars—										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	-3	1	0	2	2	3	2	2	1	1
Changes in receipts											Not applicable

Intergovernmental and private-sector impact: H.R. 2752 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Lincoln County would benefit from enactment of this bill, because it would receive a portion of the proceeds from the land

sales, and because the land, if sold to private parties, would be added to the county's tax base.

Estimate prepared by: Federal costs: Megan Carroll; Impact on State, local, and tribal governments: Marjorie Miller; Impact on the private sector; Lauren Marks.

Estimate 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 State, local, or tribal law.

CHANGES IN EXISTING LAW

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