

Mr. ROMERO-BARCELO. Mr. Speaker, as currently written, the National Trails Systems Act authorizes the Federal Government to acquire property for use as part of a national trail in some cases and not in others. Still in other instances, Federal authority regarding land purchases under the act is simply unclear. The development of a system of trails that is truly national in scope has been slower than supporters of the program had hoped, and we fear that this inconsistency regarding Federal land acquisition may be a contributing factor.

H.R. 2267 has strong bipartisan support, and it will amend the act to specify that as long as there is a willing seller, the Federal Government may acquire land under the Trails Act. We support such a change in the hope that clarity on this issue will allow the development of a national trails system to progress more quickly. We urge our colleagues to support H.R. 2267.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS), the author of this legislation.

Mr. MCINNIS. Mr. Speaker, first of all, I would like to extend special recognition to two individuals in Colorado, Bruce and Paula Ward, who have given deep devotion to the Continental Divide Trail; and without their efforts, we would not be able to see progress like we have seen.

With that said, I want to thank the chairman, the gentleman from Utah (Mr. HANSEN). I also want to thank Tod and Allen for their efforts in regard to this. And last, but not least, I also want to thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

Mr. Speaker, I think that the chairman of the committee, the gentleman from Utah, has adequately explained the bill in its fullness and within all four corners.

Mr. ROMERO-BARCELO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2267, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LINCOLN COUNTY LAND ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2752) to give Lincoln County, Nevada, the right to purchase at fair mar-

ket value certain public land located within that county, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first would like to thank my colleague, the gentleman from Nevada (Mr. GIBBONS), for his efforts in introducing this bill. He has worked diligently in preparing this legislation, and I urge the Members' consideration and support of H.R. 2752.

This bill would grant Lincoln County, Nevada, the exclusive right to purchase pieces of public land at fair market value for a 10-year period. The bill would also withdraw such lands from all forms of entry and appropriations under public land laws, including the mining law, and from operation of the mineral leasing and geothermal laws during the 10-year period.

Located in southeastern Nevada, Lincoln County encompasses 6.8 million acres, making it the third largest county in the State. Despite its large size, Lincoln County remains lightly populated and nearly 90 percent of the land is under Federal ownership. This pat-

tern of private ownership mixed with public lands poses many problems for Federal 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 on county tax rolls, thereby providing much needed resources for Lincoln County schoolchildren.

Mr. Speaker, I reiterate my support for H.R. 2752 and ask for my colleagues' endorsement to grant Lincoln County the right to purchase pieces of public land at a fair market price. I urge all my colleagues to support H.R. 2752, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, H.R. 2752, introduced by the gentleman from Nevada (Mr. GIBBONS), directs the Secretary of the Interior to provide for the sale of nearly 5,000 acres of public land in Lincoln County, Nevada. The bill, as amended, directs that the proceeds from any such sales be distributed on the basis of 5 percent to the State of Nevada, 10 percent to Lincoln County, with the remainder of the funds deposited in a newly created special account and available without further appropriation to reimburse the Bureau of Land Mines for land sale costs, development of a multispecies habitat conservation plan, and the purchase of conservation lands in Lincoln County.

The bill, as introduced, had a number of serious problems; and at the hearing of the Committee on Resources on H.R. 2752, the administration testified in opposition to the legislation. Subsequent to that hearing, discussions were held in an attempt to address the problems with the bill, and an agreement was worked out on all issues except the distribution of the land sale receipts.

Under current law, 95 percent of these sale receipts would go to the Federal Government for deposit into the Land and Water Conservation Fund, with the remaining 5 percent distributed to the State. The lands identified for sale by this bill are already being sold for the purpose of expanding the local tax base and generating local revenues. Thus, we must question whether a specific revenue-sharing provision for Lincoln County is justified. It is a benefit that is not being provided to other counties. This is not the southern Nevada situation, where Clark County was providing utilities that significantly enhanced the value of public lands being sold.

Mr. Speaker, the proposed distribution of land sale receipts by H.R. 2752 runs counter to what the Congress did just 3 months ago in passing as part of the Baca Ranch legislation, a national public land sale program.

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We believe H.R. 2752 should be consistent with existing law. And although we hope that this matter would be addressed before final action is taken on the measure, we will not object to passage today of H.R. 2752.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) the author of this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the chairman for yielding me the time to speak on this important piece of legislation for the Second District of Nevada.

Mr. Speaker, although America is enduring what I believe to be one of the most unprecedented economic boom times of all, not every American is benefitting from these most economic prosperity times. And that is certainly the concern in Nevada, because some of the constituents in Lincoln County believe that this economic boom has passed them by.

Mr. Speaker, since Nevada's historic inclusion as a State to this Nation, the Federal Government has laid claim to a very large percentage of the land within the State boundaries and Nevada counties are in a catch-22 because they are land locked in Federal property, unable to progress and grow and generate taxes. And to top it all off, the Federal Government has not ever completely funded their payment in lieu of taxes as a property owner in our State.

This is a time when Congress must fight for working families, our counties and our communities that are barely surviving. To help to rectify this difficult situation, I have introduced this bill before us today.

Lincoln County, Mr. Speaker, encompasses about 10,132 square miles of the State of Nevada, which is larger, by the way, than the State of Maryland, 98 percent of which is owned by the Federal Government.

With only 2 percent of the property for a tax base, the revenues that that county is able to generate for their highways and roads, schools, and infrastructure is about \$1.1 million; and that is not enough to even provide the basic services needed and mandated by laws to the citizens of that county.

Lincoln County School District is in a critical situation, as its elementary and high schools are literally uninhabitable because of the lack of private property tax funds necessary to maintain them. And I know because I have had the opportunity to visit them and see for myself what is going on there.

If Lincoln County is unable to provide an adequate education to its young people, its future is in serious jeopardy. So by allowing the BLM the opportunity to sell land that it wants to divest itself of, a set amount of Federally owned land, it will increase Lincoln County's annual property tax base

by more than 10 times once it is fully put to use.

In fact, when the land is simply purchased by private individuals, it will immediately double the tax base of Lincoln County.

H.R. 2752 stipulates that a small portion of the money derived by the sale will stay in Nevada to benefit Nevada's students, its infrastructure, and the environment. Five percent of this money will go directly to the State education fund. That is a common practice that we have done in the past. Ten percent, however, of the money will go to Lincoln County to rebuild these condemned schools.

The remaining bulk of the money will be used by the BLM in our State to protect archaeological resources, develop a multi-species habitat conservation plan and cover the costs associated with these land sales, among other things.

Under this legislation, the children of Lincoln County will be able to attend school in a safe structure with an environment aimed toward a good education.

Lincoln County and its school district will gain badly needed property tax revenues, the City of Mesquite will gain much needed room for expansion that is consistent with its master plan for growth, and the Federal Government will be fairly compensated for the sale of public lands.

H.R. 2752 will give this rural county the vital economic infusion they are going to need to survive and grow and allows the affected parties to control their own growth and make their own land use decisions.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. ROMERO-BARCELO. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2752, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Interior to sell certain public land in Lincoln County through a competitive process."

A motion to reconsider was laid on the table.

#### DAYTON AVIATION HERITAGE PRESERVATION AMENDMENT ACTS OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the

Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park, as amended.

The Clerk read as follows:

H.R. 5036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dayton Aviation Heritage Preservation Amendments Act of 2000".

#### SEC. 2. REVISION OF DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992.

(a) AREAS INCLUDED IN PARK.—Section 101(b) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww(b)) is amended to read as follows:

"(b) AREAS INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled 'Dayton Aviation Heritage National Historical Park', numbered 362-80,010 and dated September 1, 2000:

"(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company building, Hoover Block, and lands between.

"(2) The Setzer building property (also known as the Aviation Trail building property), Dayton, Ohio.

"(3) The residential properties at 26 South Williams Street and at 30 South Williams Street, Dayton, Ohio.

"(4) Huffman Prairie Flying Field, located at Wright-Patterson Air Force Base, Ohio.

"(5) The Wright 1905 Flyer III and Wright Hall, including constructed additions and attached structures, known collectively as the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio.

"(6) The Paul Laurence Dunbar State Memorial, Dayton, Ohio."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 109 of such Act (16 U.S.C. 410ww-8) is amended by striking the colon after "title" and all that follows through the end of the sentence and inserting a period.

(c) TECHNICAL CORRECTION.—Section 107 of such Act (16 U.S.C. 410ww-6) is amended by striking "Secretary of Interior" and inserting "Secretary of the Interior".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5036 was introduced by the gentleman from Ohio (Mr. HALL) and amends the 1992 Dayton Aviation Heritage Preservation Act by adding three properties to the Dayton Aviation Heritage National Historical Park.

The Historical Park was originally created and authorized in 1992, which preserves sites associated with Wilbur and Orville Wright and the early development of aviation.

Yesterday I went to that site and looked at this spot.

The bill also removes a provision in the current law which contains a limit of \$200,000 on appropriated funds for use on non-federally owned properties within the boundaries of the historical park. The cap on this appropriation has caused concern for interpretive functions, funding from other sources, and for a construction project which has a

small amount of non-Federal land within it.

Mr. Speaker, we request that this bill pass with an amendment which is purely technical in nature. In the introduced bill, the map for the land parcels to be included in this legislation was not numbered or dated. Since that time, we have the information and this is reflected in the amendment. This is a bipartisan measure, has support from the National Park Service, and I urge my colleagues for their support on H.R. 5036, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELO asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELO. Mr. Speaker, H.R. 5036, introduced by our friend the gentleman from Ohio (Mr. HALL), amends the Dayton Aviation Heritage Preservation Act of 1992 to authorize the inclusion of several structures within the boundaries of the Dayton Aviation Heritage National Historical Park and to remove a limitation on appropriations.

The park was established by Public Law 102-419 and preserves and interprets resources associated with the Wright Brothers and the early days of aviation. The park is managed under a public-private partnership between the National Park Service, the Ohio Historical Society, and local aviation history organizations.

The National Park Service has identified four structures that they believe would enhance the preservation, development, and operation of the park.

In addition, the National Park Service has expressed concern that the current cap on appropriations to non-federally owned properties within the boundaries of the park is overly restrictive and severely limits the ability of the National Park Service to achieve the management objectives of the park.

At the hearing before the Committee on Resources on H.R. 5036, the National Park Service testified in favor of this legislation. We also support the bill, as well, and we urge our colleagues to vote for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, this bill was introduced by the gentlemen from Ohio (Mr. HALL) and (Mr. HOBSON), and I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, I rise in support of this piece of legislation. The gentleman from Ohio (Mr. HALL) and myself introduced this back in 1992, the original legislation. As stated, it is a bipartisan piece of legislation.

We think the park has progressed very well working together today. The