

104TH CONGRESS
1ST SESSION

S. 1151

To establish a National Land and Resources Management Commission to review and make recommendations for reforming management of the public land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. BURNS (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a National Land and Resources Management Commission to review and make recommendations for reforming management of the public land, 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. DEFINITIONS.**

4 In this Act:

5 (1) COMMISSION.—The term “Commission”
6 means the National Land and Resources Manage-
7 ment Commission established by section 2.

1 (2) IMPLEMENTING BILL.—The term “imple-
2 menting bill” means a bill accompanying a report
3 submitted to Congress by the President under sec-
4 tion 4(a).

5 (3) LAND MANAGEMENT AGENCY.—The term
6 “land management agency” means—

7 (A) the Bureau of Land Management and
8 Bureau of Reclamation (with respect to land
9 that has been withdrawn from the public do-
10 main for use in connection with water projects
11 that have not been constructed as of the date
12 of enactment of this Act) of the Department of
13 the Interior; and

14 (B) the Forest Service of the Department
15 of Agriculture.

16 **SEC. 2. NATIONAL LAND AND RESOURCES MANAGEMENT**
17 **COMMISSION.**

18 (a) ESTABLISHMENT.—There is established the Na-
19 tional Land and Resources Management Commission.

20 (b) MEMBERSHIP.—

21 (1) APPOINTMENT.—The Commission shall be
22 composed of 9 members, of whom—

23 (A) 3 shall be appointed by the President;

24 (B) 3 shall be appointed by Speaker of the

25 House of Representatives; and

1 (C) 3 shall be appointed by the President
2 pro tempore of the Senate.

3 (2) DISQUALIFICATION.—No person who is em-
4 ployed as an officer or employee of a land manage-
5 ment agency may serve on the Commission while so
6 employed.

7 (3) TERM.—A member of the Commission shall
8 be appointed for the life of the Commission.

9 (4) VACANCIES.—A vacancy in the Commission
10 shall not affect its powers, but shall be filled in the
11 same manner as the original appointment.

12 (5) COMPENSATION.—

13 (A) IN GENERAL.—A member of the Com-
14 mission who is not an officer or employee of the
15 United States shall be compensated at a rate
16 equal to the daily equivalent of the annual rate
17 of basic pay prescribed for level ES5 of the
18 Senior Executive Schedule under section 5332
19 of title 5, United States Code, for each day (in-
20 cluding travel time) during which the member is
21 engaged in the performance of the duties of the
22 Commission.

23 (B) FEDERAL EMPLOYEES.—A member of
24 the Commission who is an officer or employee
25 of the United States shall serve without com-

1 pensation in addition to that received for the
2 member's service as an officer or employee of
3 the United States.

4 (6) TRAVEL EXPENSES.—A member of the
5 Commission shall be allowed travel expenses, includ-
6 ing per diem in lieu of subsistence, at rates author-
7 ized for employees of agencies under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from the member's home or regular place of
10 business in the performance of services for the Com-
11 mission.

12 (c) QUORUM.—A majority of the members of the
13 Commission shall constitute a quorum, but a lesser num-
14 ber of members may hold hearings.

15 (d) CHAIRPERSON.—The Commission shall select a
16 Chairperson from among its members.

17 (e) STAFF.—At the request of the Commission, the
18 head of any Federal department or agency may detail any
19 of the personnel of the department or agency to the Com-
20 mission to assist the Commission in carrying out its duties
21 under this Act.

22 **SEC. 3. DUTIES OF THE COMMISSION.**

23 (a) REVIEW AND REPORT.—Not later than 2 years
24 after the date on which all of the members of the Commis-
25 sion have been appointed, the Commission shall review,

1 and submit to the President and Congress a report mak-
2 ing recommendations for reforming, management of the
3 public land by the land management agencies.

4 (b) MATTERS TO BE ADDRESSED.—In the review
5 and report under subsection (a), the Commission shall—

6 (1) examine changes in law and management
7 practices and policies that should be adopted to—

8 (A) reduce administration and manage-
9 ment overhead costs by 50 percent and the
10 overall costs of land management by a mini-
11 mum of 30 percent;

12 (B) devote a greater proportion of the land
13 management agencies' resources to the provi-
14 sion of services in the field and a lesser propor-
15 tion to procedural and administrative matters;

16 (C) improve service to land and resource
17 users;

18 (D) simplify land use planning require-
19 ments, including the provision that any chal-
20 lenge to a land use plan be made in the context
21 of a challenge to a specific action proposed to
22 be taken under the plan and not as a challenge
23 to the plan on its face;

24 (E) simplify the administrative appeals
25 process, providing for no more than 1 level of

1 intermediate appeal of an initial land manage-
2 ment agency's decision before appeal to the
3 head of the agency;

4 (F) provide that an administrative with-
5 drawal of public land from multiple use will ex-
6 pire after 5 years subject to renewal only if the
7 land management agency makes appropriate
8 findings justifying renewal of the withdrawal;
9 and

10 (G) consolidate the laws that apply specifi-
11 cally to management of the public land and en-
12 sure that other laws of general application are
13 not applied with respect to public land manage-
14 ment in such a manner as to impede the ability
15 of the land management agencies to achieve the
16 objectives of the land management laws;

17 (2) review the patterns of Federal, State, and
18 local public and private ownership and control of
19 land and consider possible transfers of land (includ-
20 ing transfers of ownership through sales or ex-
21 changes of land between government entities and
22 private persons and transfers of administrative juris-
23 diction between government entities) for the purpose
24 of allowing the most efficient and consistent man-
25 agement of the land and its resources;

1 (3) propose the establishment of a single land
2 management agency in 1 of the executive depart-
3 ments or as an independent agency to manage all of
4 the land managed by the land management agencies
5 on the date of enactment of this Act, including—

6 (A) a recommended structure of such an
7 agency with regions or other subdivisions that
8 recognize, to the extent feasible, State bound-
9 aries and other boundaries as appropriate;

10 (B) adjustment of the boundaries of spe-
11 cial management areas that preclude multiple
12 use management, but without any net loss of
13 acreage that will remain available for multiple
14 use; and

15 (C) identification of matters that will need
16 to be addressed, such as maintenance of prior
17 existing rights, contracts, permits, and the like,
18 to allow for a smooth transition over a period
19 of approximately 3 years; and

20 (4) include a draft implementing bill proposing
21 such amendments of the law as the Commission rec-
22 ommends.

23 (c) HEARINGS AND PUBLIC PARTICIPATION.—The
24 Commission shall—

1 (1) hold hearings in all regions of the country
2 in which public land is situated; and

3 (2) solicit written public comment early in the
4 proceedings to learn the concerns of, and receive the
5 benefit of ideas from, the public.

6 **SEC. 4. CONSIDERATION BY THE PRESIDENT AND CON-**
7 **GRESS.**

8 (a) CONSIDERATION BY THE PRESIDENT.—Not later
9 than 180 days after receiving the report under section 3,
10 the President shall—

11 (1) consider the report and make such modi-
12 fications to the report as the President considers to
13 be necessary or appropriate; and

14 (2) submit the report to Congress.

15 (b) CONSIDERATION BY CONGRESS.—

16 (1) INTRODUCTION.—Any member of the
17 House of Representatives or Senate may introduce
18 an implementing bill in the House of Representa-
19 tives or Senate, respectively.

20 (2) REFERRAL.—

21 (A) HOUSE.—An implementing bill that is
22 introduced in the House of Representatives
23 shall be referred to the Committee on Resources
24 of the House of Representatives.

1 (B) SENATE.—An implementing bill that
2 is introduced in the Senate shall be referred to
3 the Committee on Energy and Natural Re-
4 sources of the Senate.

5 (3) DISCHARGE.—If the committee to which an
6 implementing bill is referred has not reported the
7 implementing bill by the end of the 20-day period
8 beginning on the date on which the President sub-
9 mits the report to Congress under subsection (a),
10 the committee shall, at the end of that period, be
11 discharged from further consideration of the imple-
12 menting bill, and the implementing bill shall be
13 placed on the appropriate calendar of the House of
14 Representatives or the Senate, as the case may be.

15 (4) CONSIDERATION.—

16 (A) MOTION TO PROCEED TO CONSIDER-
17 ATION.—

18 (i) MOTION IN ORDER.—On or after
19 the third day after the date on which the
20 committee to which an implementing bill is
21 referred has reported, or has been dis-
22 charged (under paragraph (3)) from fur-
23 ther consideration of, the implementing
24 bill, it is in order (even though a previous
25 motion to the same effect has been dis-

1 agreed to) for any member of the House of
2 Representatives or the Senate, respectively,
3 to move to proceed to the consideration of
4 the implementing bill (but only on the date
5 after the calendar day on which the mem-
6 ber announces to the House of Congress
7 concerned the member's intention to do
8 so).

9 (ii) WAIVER OF POINTS OF ORDER.—

10 All points of order against an implement-
11 ing bill (and against consideration of the
12 implementing bill) are waived.

13 (iii) PRIVILEGE.—A motion to proceed

14 to the consideration of an implementing
15 bill is highly privileged in the House of
16 Representatives and is privileged in the
17 Senate and is not debatable.

18 (iv) NO AMENDMENT OR POSTPONE-

19 MENT.—A motion described in clause (iii)
20 is not subject to amendment, to a motion
21 to postpone consideration of the imple-
22 menting bill, or to a motion to proceed to
23 the consideration of other business.

24 (v) NO MOTION TO RECONSIDER.—A

25 motion to reconsider the vote by which a

1 motion described in clause (iii) is agreed
2 to or not agreed to shall not be in order.

3 (vi) CONSIDERATION.—If a motion
4 described in clause (iii) is agreed to, the
5 House of Representatives or the Senate, as
6 the case may be, shall immediately proceed
7 to consideration of the implementing bill
8 without intervening motion, order, or other
9 business, and the implementing bill shall
10 remain the unfinished business of the
11 House of Representatives or the Senate, as
12 the case may be, until disposed of.

13 (B) DEBATE.—

14 (i) TIME.—Debate on an implement-
15 ing bill and on all debatable motions and
16 appeals in connection with an implement-
17 ing bill shall be limited to not more than
18 5 hours, which shall be divided equally be-
19 tween those favoring and those opposing
20 the implementing bill.

21 (ii) NO AMENDMENT.—An amend-
22 ment to an implementing bill is not in
23 order.

1 (iii) MOTION TO LIMIT DEBATE.—A
2 motion further to limit debate on an imple-
3 menting bill is in order and not debatable.

4 (iv) NO MOTION TO POSTPONE.—A
5 motion to postpone consideration of an im-
6 plementing bill, a motion to proceed to the
7 consideration of other business, or a mo-
8 tion to recommit the implementing bill is
9 not in order.

10 (v) NO MOTION TO RECONSIDER.—A
11 motion to reconsider the vote by which an
12 implementing bill is agreed to or not
13 agreed to is not in order.

14 (C) VOTE ON FINAL PASSAGE.—Imme-
15 diately following the conclusion of the debate on
16 an implementing bill and a single quorum call
17 at the conclusion of the debate if requested in
18 accordance with the rules of the House of Rep-
19 resentatives or the Senate, as the case may be,
20 the vote on final passage of the implementing
21 bill shall occur.

22 (D) RULINGS.—Appeals from the decisions
23 of the Chair relating to the application of the
24 rules of the House of Representatives or of the
25 Senate, as the case may be, to the procedure re-

1 lating to an implementing bill shall be decided
2 without debate.

3 (5) CONSIDERATION BY OTHER HOUSE.—

4 (A) PROCEDURE.—If, before the passage
5 by 1 House of Congress of an implementing bill
6 that was introduced in that House, that House
7 receives from the other House an implementing
8 bill—

9 (i) the implementing bill of the other
10 House shall not be referred to a committee
11 and may not be considered in the House
12 that receives it otherwise than on final pas-
13 sage under clause (ii)(II); and

14 (ii)(I) the procedure in the House that
15 receives such an implementing bill with re-
16 spect to the implementing bill that was in-
17 troduced in that House shall be the same
18 as if no implementing bill had been re-
19 ceived from the other House; but

20 (II) the vote on final passage shall be
21 on the implementing bill of the other
22 House.

23 (B) NO CONSIDERATION.—On disposition
24 of an implementing bill that is received by 1
25 House from the other House, it shall no longer

1 be in order to consider such an implementing
2 bill that was introduced in the receiving House.

3 (6) RULES OF THE HOUSE OF REPRESENTA-
4 TIVES AND SENATE.—This subsection is enacted by
5 Congress—

6 (A) as an exercise of the rulemaking power
7 of the House of Representatives and Senate, re-
8 spectively, and is deemed to be part of the rules
9 of each House, respectively, but applicable only
10 with respect to the procedure to be followed in
11 that House in the case of an implementing bill,
12 and it supersedes other rules only to the extent
13 that it is inconsistent with such rules; and

14 (B) with full recognition of the constitu-
15 tional right of either House to change the rules
16 (so far as they relate to the procedure of that
17 House) at any time, in the same manner, and
18 to the same extent as in the case of any other
19 rule of that House.

20 **SEC. 5. AUTHORIZATION OF APROPRIATIONS.**

21 There is authorized to be appropriated \$600,000 to
22 carry out this Act.

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