

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 3080
OFFERED BY MR. LANKFORD OF OKLAHOMA**

Page 140, strike line 15 and all that follows through line 2 on page 141 and insert the following:

1 (c) NOTIFICATION.—As soon as practicable following
2 the completion of the inventory of properties under sub-
3 section (a), the Secretary shall submit the inventory to
4 Congress and make the inventory available to the public,
5 including through publication in the Federal Register.

6 (d) CONVEYANCES.—

7 (1) IN GENERAL.—Subject to the requirements
8 of this subsection, the Secretary upon application
9 filed by an applicant may convey, at adjusted fair
10 market value, all right, title, and interest of the
11 United States in and to a property listed in the in-
12 ventory required under subsection (a).

13 (2) ADJUSTED FAIR MARKET VALUE.—

14 (A) IN GENERAL.—In paragraph (1), the
15 term “adjusted fair market value”, with respect
16 to any property to be conveyed, means (i) the
17 amount determined by subtracting the mainte-
18 nance costs of the property from the sum of the

1 fair market value of the property plus any re-
2 cepts attributable to the property; or (ii) \$1,
3 whichever amount is greater.

4 (B) MAINTENANCE COSTS.—In subpara-
5 graph (A), the term “maintenance costs”, with
6 respect to any property to be conveyed, means
7 the estimated costs that would have been in-
8 curred by the United States (but for the con-
9 veyance) to maintain the property during the
10 succeeding 10-year period, as determined by the
11 Secretary.

12 (C) RECEIPTS ATTRIBUTABLE TO THE
13 PROPERTY.—In subparagraph (A), the term
14 “receipts attributable to the property”, with re-
15 spect to any property to be conveyed, means the
16 estimated receipts that would have been col-
17 lected by the United States (but for the convey-
18 ance) in connection with the property during
19 the succeeding 10-year period, as determined by
20 the Secretary.

21 (3) APPLICATIONS.—

22 (A) SUBMISSION.—To receive a conveyance
23 of property under this subsection, an applicant
24 shall submit to the Secretary an application at

1 such time and containing such information as
2 the Secretary may prescribe.

3 (B) SELECTION.—

4 (i) IN GENERAL.—In selecting an ap-
5 plicant to receive a conveyance of property
6 under this subsection, the Secretary shall
7 give priority to the following entities, in de-
8 scending order of priority:

9 (I) The State or tribal govern-
10 ment having jurisdiction over the geo-
11 graphic area in which the property is
12 located, or a unit of local government
13 having jurisdiction over the geo-
14 graphic area in which the property is
15 located or physically borders.

16 (II) Any other public or private
17 entity.

18 (ii) PARTICIPATION OF DIVISIONS.—
19 The Secretary may select applicants to re-
20 ceive conveyances of parcels of property
21 under this subsection acting through the
22 divisions of the Corps of Engineers in
23 which the parcels are located.

24 (iii) APPLICATION PERIOD.—The Sec-
25 retary shall accept applications to receive a

1 conveyance of property under this sub-
2 section during the 1-year period beginning
3 on the date the Secretary first receives an
4 application for the conveyance, except that
5 the Secretary may close the application pe-
6 riod before the expiration of the 1-year pe-
7 riod if an applicant described in subpara-
8 graph (B)(i)(I) submits an application for
9 the conveyance.

10 (iv) PRIORITY.—

11 (I) PRIORITY AMONG UNITS OF
12 GOVERNMENTS.—In selecting appli-
13 cants among units of government re-
14 ferred to in clause (i)(I), the Sec-
15 retary shall give priority to the unit of
16 government that has jurisdiction over
17 the largest geographic area.

18 (II) PRIORITY AMONG OTHER
19 PUBLIC AND PRIVATE ENTITIES.—In
20 selecting applicants among public and
21 private entities referred to in clause
22 (i)(II), the Secretary shall give pri-
23 ority in the order in which applica-
24 tions for a conveyance are received by
25 the Secretary from the applicants.

1 (III) LESSEES.—Notwith-
2 standing subclause (II), if a person
3 (including a government entity) is
4 leasing a parcel of property that is
5 being conveyed under this subsection,
6 the Secretary shall give priority to
7 that person over any public and pri-
8 vate entity referred to in clause
9 (i)(II).

10 (4) PUBLIC PARTICIPATION.—Before making a
11 conveyance of property under this subsection, the
12 Secretary shall provide notice and an opportunity for
13 public comment.

14 (5) DEADLINE.—The Secretary shall make a
15 conveyance under this subsection or publish a writ-
16 ten explanation for not making the conveyance not
17 later than 18 months after the last day of the appli-
18 cation period for the conveyance, as described in
19 paragraph (3)(B)(iii).

20 (6) TERMS AND CONDITIONS.—

21 (A) SURVEY TO OBTAIN LEGAL DESCRIP-
22 TION.—The exact acreage and the legal descrip-
23 tion of any property to be conveyed under this
24 subsection shall be determined by a survey that
25 is satisfactory to the Secretary and the appli-

1 cant. Such survey may be provided by the appli-
2 cant.

3 (B) DETERMINATION OF FAIR MARKET
4 VALUE.—The fair market value of any property
5 to be conveyed under this subsection shall be
6 determined by an appraisal that is satisfactory
7 to the Secretary and the applicant. Such ap-
8 praisal may be provided by the applicant.

9 (C) APPLICABILITY OF PROPERTY SCREEN-
10 ING PROVISIONS.—Section 2696 of title 10,
11 United States Code, shall not apply to any con-
12 veyance under this subsection.

13 (D) LESSEES.—If a person (including a
14 government entity) is leasing a parcel of prop-
15 erty that is conveyed to a unit of government
16 under this subsection, the Secretary shall re-
17 quire the unit of government to continue to
18 lease the parcel to that person subject to the
19 terms of the existing lease.

20 (E) ADDITIONAL TERMS AND CONDI-
21 TIONS.—The Secretary may require that any
22 conveyance under this subsection be subject to
23 such additional terms and conditions as the
24 Secretary considers necessary and appropriate
25 to protect the interests of the United States.

1 (F) COSTS OF CONVEYANCE.—An entity to
2 which a conveyance is made under this sub-
3 section shall be responsible for all reasonable
4 and necessary costs, including real estate trans-
5 action and environmental documentation costs,
6 associated with the conveyance.

7 (G) LIABILITY.—An entity to which a con-
8 veyance is made under this subsection shall
9 hold the United States harmless from any li-
10 ability with respect to activities carried out, on
11 or after the date of the conveyance, on the
12 property conveyed. The United States shall re-
13 main responsible for any liability with respect
14 to activities carried out, before such date, on
15 the property conveyed.

16 (7) USE OF PROCEEDS.—The funds derived
17 from a conveyance under this subsection shall be de-
18 posited in the operations and maintenance account
19 of the Corps of Engineers and shall be available to
20 the Secretary, subject to appropriations Acts, for use
21 on high priority projects in the regional division of
22 the Corps of Engineers in which the conveyance is
23 located. To the extent appropriated sums remain
24 available after carrying out such projects, the Sec-
25 retary shall transfer the sums to the general fund of

1 the Treasury and the sums shall be applied to re-
2 duce the annual Federal budget deficit.

3 (8) CATEGORICAL EXCLUSION.—A conveyance
4 of property under this subsection involving 100 or
5 fewer acres is categorically excluded from any re-
6 quirement to prepare an environmental assessment
7 or an environmental impact statement under the Na-
8 tional Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.).

10 (9) CONSULTATION.—The Secretary may con-
11 sult with the Administrator of General Services in
12 making conveyances of property under this sub-
13 section.

14 (10) SUNSET.—On the last day of the 15-year
15 period beginning on the date of submission of the in-
16 ventory under subsection (c), the authority of the
17 Secretary to convey properties under this subsection
18 shall expire.

19 (e) REPORTING REQUIREMENTS.—As soon as prac-
20 ticable after the last day referred to in subsection (d)(10),
21 the Secretary shall—

22 (1) provide to the Administrator of General
23 Services a list of the properties in the inventory re-
24 quired under subsection (a) that were not conveyed
25 under subsection (d); and

1 (2) submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 and the Committee on Environment and Public
4 Works of the Senate a report containing the findings
5 of the Secretary with respect to the properties listed
6 in the inventory required under subsection (a) and
7 the conveyances made under subsection (d).

