

Union Calendar No. 458

108TH CONGRESS
2D SESSION

S. 434

[Report No. 108-740]

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 25, 2003

Referred to the Committee on Resources

OCTOBER 6, 2004

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

AN ACT

To authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System 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. SHORT TITLE.**

4 This Act may be cited as the “Idaho Panhandle Na-
5 tional Forest Improvement Act of 2003”.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

4 **SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.**

5 (a) IN GENERAL.—The Secretary may, under such
6 terms and conditions as the Secretary may prescribe, sell
7 or exchange any or all right, title, and interest of the
8 United States in and to the following National Forest Sys-
9 tem land and improvements:

10 (1) Granite/Reeder Bay, Priest Lake Parcel,
11 T61N, R4E, Boise Principal Meridian, section 17,
12 S $\frac{1}{2}$ NE $\frac{1}{4}$ (80 acres, more or less).

13 (2) North South Ski area, T43N, R3W, Boise
14 Principal Meridian, section 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
15 S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and
16 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ (50 acres, more or less).

17 (3) Shoshone work camp (including easements
18 for utilities), T50N, R4E, Boise Principal Meridian,
19 section 5, a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ (19 acres, more
20 or less).

21 (b) DESCRIPTIONS.—The Secretary may modify the
22 descriptions in subsection (a) to correct errors or to make
23 minor adjustments to the parcels in order to facilitate the
24 conveyance of the parcels.

25 (c) CONSIDERATION.—Consideration for a sale or ex-
26 change of land under subsection (a)—

1 (1) shall be equal to the fair market value of
2 the land; and

3 (2) may include cash or improved or unim-
4 proved land.

5 (d) APPLICABLE LAW.—Except as otherwise provided
6 in this Act, any sale or exchange of National Forest Sys-
7 tem land under subsection (a) shall be subject to the laws
8 applicable to the conveyance and acquisition of land for
9 the National Forest System.

10 (e) VALUATION.—The market value of the land and
11 the improvements to be sold or exchanged under this Act
12 shall be determined by an appraisal that is acceptable to
13 the Secretary and conforms with the Uniform Appraisal
14 Standards for Federal Land Acquisitions.

15 (f) CASH EQUALIZATION.—Notwithstanding section
16 206(b) of the Federal Land Policy and Management Act
17 of 1976 (43 U.S.C. 1716(b)), the Secretary may accept
18 a cash equalization payment in excess of 25 percent of
19 the value of land exchanged under subsection (a).

20 (g) SOLICITATIONS OF OFFERS.—

21 (1) IN GENERAL.—The Secretary may solicit
22 offers for the sale or exchange of land under this
23 section on such terms and conditions as the Sec-
24 retary may prescribe.

1 (2) REJECTION OF OFFERS.—The Secretary
 2 may reject any offer made under this section if the
 3 Secretary determines that the offer is not adequate
 4 or not in the public interest.

5 (h) METHODS OF SALE.—The Secretary may sell
 6 land under subsection (a) at public or private sale (includ-
 7 ing at auction), in accordance with any terms, conditions,
 8 and procedures that the Secretary determines to be in the
 9 best interests of the United States.

10 **SEC. 4. DISPOSITION OF FUNDS.**

11 (a) DEPOSIT OF PROCEEDS.—The Secretary shall de-
 12 posit the proceeds of a sale or the cash equalization pro-
 13 ceeds, if any, from an exchange under section 3(a) in the
 14 fund established under Public Law 90–171 (commonly
 15 known as the “Sisk Act”) (16 U.S.C. 484a).

16 (b) USE OF PROCEEDS.—Amounts deposited under
 17 subsection (a) shall be available to the Secretary, without
 18 further appropriation—

19 (1) for the acquisition of, construction of, or re-
 20 habilitation of existing facilities for, a new ranger
 21 station in the Silver Valley portion of the Panhandle
 22 National Forest; or

23 (2) to the extent that the amount of funds de-
 24 posited exceeds the amount needed for the purpose
 25 described in paragraph (1), for the acquisition, con-

1 struction, or rehabilitation of other facilities in the
2 Panhandle National Forest.

3 (c) NONDISTRIBUTION OF PROCEEDS.—Proceeds
4 from the sale or exchange of land under this Act shall
5 not be paid or distributed to States or counties under any
6 provision of law, or otherwise treated as money received
7 from a national forest, for purposes of—

8 (1) the Act of May 23, 1908 (16 U.S.C. 500);

9 (2) section 13 of the Act of March 1, 1911
10 (commonly known as the “Weeks Law”) (16 U.S.C.
11 500); or

12 (3) the Act of March 4, 1913 (16 U.S.C. 501).

13 **SEC. 5. ADMINISTRATION.**

14 (a) IN GENERAL.—Land transferred to or otherwise
15 acquired by the Secretary under this Act shall be managed
16 in accordance with—

17 (1) the Act of March 1, 1911 (commonly known
18 as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

19 (2) other laws relating to the National Forest
20 System.

21 (b) EXEMPTION FROM PROPERTY MANAGEMENT
22 REGULATIONS.—Part 1955 of title 7, Code of Federal
23 Regulations (or any successor regulation), shall not apply
24 to any actions taken under this Act.

25 (c) WITHDRAWALS AND REVOCATIONS.—

1 (1) WITHDRAWAL.—Subject to valid existing
2 rights, all land described in section 3(a) is with-
3 drawn from—

4 (A) location, entry, and patent under the
5 mining laws; and

6 (B) the operation of the mineral leasing,
7 mineral materials, and geothermal leasing laws.

8 (2) REVOCATION OF PUBLIC LAND ORDERS.—

9 As of the date of this Act, any public land order
10 withdrawing land described in section 3(a) from all
11 forms of appropriation under the public land laws is
12 revoked with respect to any portion of the land con-
13 veyed by the Secretary under this section.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as are necessary to carry out this Act.

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