

Union Calendar No. 377

117TH CONGRESS
2^D SESSION

H. R. 1638

[Report No. 117-502]

To direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. JOHNSON of South Dakota introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 28, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 8, 2021]

A BILL

To direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, 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. SHORT TITLE.**

4 *This Act may be cited as the “Gilt Edge Mine Convey-*
 5 *ance Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *FEDERAL LAND.*—*The term “Federal land”*
 9 *means all right, title, and interest of the United*
 10 *States in and to approximately 266 acres of National*
 11 *Forest System land within the Gilt Edge Mine Super-*
 12 *fund Boundary, as generally depicted on the map.*

13 (2) *MAP.*—*The term “map” means the map enti-*
 14 *tled “Gilt Edge Mine Conveyance Act” and dated Au-*
 15 *gust 20, 2020.*

16 (3) *SECRETARY.*—*The term “Secretary” means*
 17 *the Secretary of Agriculture, acting through the Chief*
 18 *of the Forest Service.*

19 (4) *STATE.*—*The term “State” means State of*
 20 *South Dakota.*

21 **SEC. 3. LAND CONVEYANCE.**

22 (a) *IN GENERAL.*—*Subject to the terms and conditions*
 23 *described in this Act, if the State submits to the Secretary*
 24 *an offer to acquire the Federal land for the market value,*

1 *as determined by the appraisal under subsection (c), the*
 2 *Secretary shall convey the Federal land to the State.*

3 *(b) TERMS AND CONDITIONS.—The conveyance under*
 4 *subsection (a) shall be—*

5 *(1) subject to valid existing rights;*

6 *(2) made by quitclaim deed; and*

7 *(3) subject to any other terms and conditions as*
 8 *the Secretary considers appropriate to protect the in-*
 9 *terests of the United States.*

10 *(c) APPRAISAL.—*

11 *(1) IN GENERAL.—After the State submits an*
 12 *offer under subsection (a), the Secretary shall com-*
 13 *plete an appraisal to determine the market value of*
 14 *the Federal land.*

15 *(2) STANDARDS.—The appraisal under para-*
 16 *graph (1) shall be conducted in accordance with—*

17 *(A) the Uniform Appraisal Standards for*
 18 *Federal Land Acquisitions; and*

19 *(B) the Uniform Standards of Professional*
 20 *Appraisal Practice.*

21 *(d) MAP.—*

22 *(1) AVAILABILITY OF MAP.—The map shall be*
 23 *kept on file and available for public inspection in the*
 24 *appropriate office of the Forest Service.*

1 (2) *CORRECTION OF ERRORS.*—*The Secretary*
2 *may correct any errors in the map.*

3 (e) *CONSIDERATION.*—*As consideration for the convey-*
4 *ance under subsection (a), the State shall pay to the Sec-*
5 *retary an amount equal to the market value of the Federal*
6 *land, as determined by the appraisal under subsection (c).*

7 (f) *SURVEY.*—*The State shall prepare a survey that*
8 *is satisfactory to the Secretary of the exact acreage and legal*
9 *description of the Federal land to be conveyed under sub-*
10 *section (a).*

11 (g) *COSTS OF CONVEYANCE.*—*As a condition on the*
12 *conveyance under subsection (a), the State shall pay all*
13 *costs associated with the conveyance, including the cost of—*

14 (1) *the appraisal under subsection (c); and*

15 (2) *the survey under subsection (f).*

16 (h) *PROCEEDS FROM THE SALE OF LAND.*—*Any pro-*
17 *ceeds received by the Secretary from the conveyance under*
18 *subsection (a) shall be—*

19 (1) *deposited in the fund established under Pub-*
20 *lic Law 90–171 (commonly known as the “Sisk Act”)*
21 *(16 U.S.C. 484a); and*

22 (2) *available to the Secretary until expended,*
23 *without further appropriation, for the maintenance*
24 *and improvement of land or administration facilities*
25 *in the Black Hills National Forest in the State.*

1 (i) *ENVIRONMENTAL CONDITIONS.*—*Notwithstanding*
2 *section 120(h)(3)(A) of the Comprehensive Environmental*
3 *Response, Compensation, and Liability Act of 1980 (42*
4 *U.S.C. 9620(h)(3)(A)), the Secretary shall not be required*
5 *to provide any covenant or warranty for the Federal land*
6 *conveyed to the State under this Act.*

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