

106TH CONGRESS
2D SESSION

H. R. 4135

To facilitate the acquisition of inholdings in Federal land management units
and the disposal of surplus public land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2000

Mr. HEFLEY introduced the following bill; which was referred to the
Committee on Resources

A BILL

To facilitate the acquisition of inholdings in Federal land
management units and the disposal of surplus 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. SHORT TITLE.**

4 This Act may be cited as the “Federal Land Trans-
5 action Facilitation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Bureau of Land Management has au-
9 thority under the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1701 et seq.) to sell

1 land identified for disposal under its land use plan-
2 ning;

3 (2) the Bureau of Land Management has au-
4 thority under that Act to exchange Federal land for
5 non-Federal land if the exchange would be in the
6 public interest;

7 (3) through land use planning under that Act,
8 the Bureau of Land Management has identified cer-
9 tain tracts of public land for disposal;

10 (4) the Federal land management agencies of
11 the Departments of the Interior and Agriculture
12 have authority under existing law to acquire land
13 consistent with the mission of each agency;

14 (5) the sale or exchange of land identified for
15 disposal and the acquisition of certain non-Federal
16 land from willing landowners would—

17 (A) allow for the reconfiguration of land
18 ownership patterns to better facilitate resource
19 management;

20 (B) contribute to administrative efficiency
21 within Federal land management units; and

22 (C) allow for increased effectiveness of the
23 allocation of fiscal and human resources within
24 the Federal land management agencies;

1 (6) a more expeditious process for disposal and
2 acquisition of land, established to facilitate a more
3 effective configuration of land ownership patterns,
4 would benefit the public interest;

5 (7) many private individuals own land within
6 the boundaries of Federal land management units
7 and desire to sell the land to the Federal Govern-
8 ment;

9 (8) such land lies within national parks, na-
10 tional monuments, national wildlife refuges, national
11 forests, and other areas designated for special man-
12 agement;

13 (9) Federal land management agencies are fac-
14 ing increased workloads from rapidly growing public
15 demand for the use of public land, making it dif-
16 ficult for Federal managers to address problems cre-
17 ated by the existence of inholdings in many areas;

18 (10) in many cases, inholders and the Federal
19 Government would mutually benefit from Federal
20 acquisition of the land on a priority basis;

21 (11) proceeds generated from the disposal of
22 public land may be properly dedicated to the acqui-
23 sition of inholdings and other land that will improve
24 the resource management ability of the Federal land
25 management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 3. DEFINITIONS.

In this Act:

(1) **EXCEPTIONAL RESOURCE.**—The term “exceptional resource” means a resource of scientific,

1 historic, cultural, or recreational value that has been
2 documented by a Federal, State, or local govern-
3 mental authority, and for which extraordinary con-
4 servation and protection is required to maintain the
5 resource for the benefit of the public.

6 (2) FEDERALLY DESIGNATED AREA.—The term
7 “federally designated area” means land in Alaska
8 and the eleven contiguous Western States (as de-
9 fined in section 103 of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1702)) that on
11 the date of enactment of this Act was within the
12 boundary of—

13 (A) a national monument, area of critical
14 environmental concern, national conservation
15 area, national riparian conservation area, na-
16 tional recreation area, national scenic area, na-
17 tional volcanic area, research natural area, na-
18 tional outstanding natural area, or a national
19 natural landmark managed by the Bureau of
20 Land Management or under the National For-
21 est System;

22 (B) a unit of the National Park System;

23 (C) a unit of the National Wildlife Refuge
24 System; or

1 (D) a wilderness area designated under the
2 Wilderness Act (16 U.S.C. 1131 et seq.), the
3 Wild and Scenic Rivers Act (16 U.S.C. 1271 et
4 seq.), or the National Trails System Act (16
5 U.S.C. 1241 et seq.), or areas of the National
6 Forest System designated for special manage-
7 ment by an Act of Congress,

8 (3) INHOLDING.—The term “inholding” means
9 any right, title, or interest, held by a non-Federal
10 entity, in or to a tract of land that lies within the
11 boundary of a federally designated area.

12 (4) PUBLIC LAND.—The term “public land”
13 means public lands (as defined in section 103 of the
14 Federal Land Policy and Management Act of 1976
15 (43 U.S.C. 1702)).

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 4. IDENTIFICATION OF INHOLDINGS.**

19 (a) IN GENERAL.—The Secretary and the Secretary
20 of Agriculture shall establish a procedure to—

- 21 (1) identify, by State, inholdings for which the
22 landowner has indicated a desire to sell the land or
23 an interest in land to the Federal Government; and
24 (2) establish the date on which the land or in-
25 terest in land identified became an inholding.

1 (b) NOTICE OF POLICY.—The Secretary and the Sec-
2 retary of Agriculture shall provide, in the Federal Register
3 and through such other means as the Secretaries may de-
4 termine to be appropriate, periodic notice to the public of
5 the policy under subsection (a), including any information
6 required to consider an inholding for acquisition under
7 section 6.

8 (c) IDENTIFICATION.—An inholding—

9 (1) shall be considered for identification under
10 this section only if the Secretary or the Secretary of
11 Agriculture receive notification of a desire to sell
12 from the landowner in response to public notice
13 given under subsection (b); and

14 (2) shall be deemed to have been established as
15 of the later of—

16 (A) the earlier of—

17 (i) the date on which the land was
18 withdrawn from the public domain; or

19 (ii) the date on which the land was es-
20 tablished or designated for special manage-
21 ment; or

22 (B) the date on which the inholding was
23 acquired by the current owner.

24 (d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The
25 identification of an inholding under this section creates no

1 obligation on the part of a landowner to convey the
2 inholding or any obligation on the part of the United
3 States to acquire the inholding.

4 **SEC. 5. DISPOSAL OF PUBLIC LAND.**

5 (a) IN GENERAL.—The Secretary shall establish a
6 program, using funds made available under section 6, to
7 complete appraisals and satisfy other legal requirements
8 for the sale or exchange of public land identified for dis-
9 posal under approved land use plans (as in effect on the
10 date of enactment of this Act) under section 202 of the
11 Federal Land Policy and Management Act of 1976 (43
12 U.S.C. 1712).

13 (b) SALE OF PUBLIC LAND.—

14 (1) IN GENERAL.—The sale of public land so
15 identified shall be conducted in accordance with sec-
16 tions 203 and 209 of the Federal Land Policy and
17 Management Act of 1976 (43 U.S.C. 1713, 1719).

18 (2) EXCEPTIONS TO COMPETITIVE BIDDING RE-
19 QUIREMENTS.—The exceptions to competitive bid-
20 ding requirements under section 203(f) of the Fed-
21 eral Land Policy and Management Act of 1976 (43
22 U.S.C. 1713(f)) shall apply to this section in cases
23 in which the Secretary determines it to be necessary.

1 (c) REPORT IN PUBLIC LAND STATISTICS.—The Sec-
2 retary shall provide in the annual publication of Public
3 Land Statistics, a report of activities under this section.

4 (d) TERMINATION OF AUTHORITY.—The authority
5 provided under this section shall terminate 10 years after
6 the date of enactment of this Act.

7 **SEC. 6. FEDERAL LAND DISPOSAL ACCOUNT.**

8 (a) DEPOSIT OF PROCEEDS.—Notwithstanding any
9 other law (except a law that specifically provides for a pro-
10 portion of the proceeds to be distributed to any trust funds
11 of any States), the gross proceeds of the sale or exchange
12 of public land under this Act shall be deposited in a sepa-
13 rate account in the Treasury of the United States to be
14 known as the “Federal Land Disposal Account”.

15 (b) AVAILABILITY.—Amounts in the Federal Land
16 Disposal Account shall be available to the Secretary and
17 the Secretary of Agriculture, without further Act of appro-
18 priation, to carry out this Act.

19 (c) USE OF THE FEDERAL LAND DISPOSAL AC-
20 COUNT.—

21 (1) IN GENERAL.—Funds in the Federal Land
22 Disposal Account shall be expended in accordance
23 with this subsection.

24 (2) FUND ALLOCATION.—

1 (A) PURCHASE OF LAND.—Except as au-
2 thorized under subparagraph (C), funds shall
3 be used to purchase—

4 (i) inholdings; and

5 (ii) land that is adjacent to federally
6 designated areas and contains exceptional
7 resources.

8 (B) INHOLDINGS.—Not less than 80 per-
9 cent of the funds allocated for the purchase of
10 land within each State shall be used to acquire
11 inholdings identified under section 4.

12 (C) ADMINISTRATIVE AND OTHER EX-
13 PENSES.—An amount not to exceed 20 percent
14 of the funds in the Federal Land Disposal Ac-
15 count shall be used by the Secretary for admin-
16 istrative and other expenses necessary to carry
17 out the land disposal program under section 5.

18 (D) SAME STATE PURCHASES.—Of the
19 amounts not used under subparagraph (C), not
20 less than 80 percent shall be expended within
21 the State in which the funds were generated.
22 Any remaining funds may be expended in any
23 other State.

1 (3) PRIORITY.—The Secretary and the Sec-
2 retary of Agriculture may each develop and use cri-
3 teria for priority of acquisition that are based on—

4 (A) the date on which land or interest in
5 land became an inholding;

6 (B) the existence of exceptional resources
7 on the land; and

8 (C) management efficiency.

9 (4) BASIS OF SALE.—Any acquisition of land
10 under this section shall be—

11 (A) from a willing seller;

12 (B) contingent on the conveyance of title
13 acceptable to the Secretary, or the Secretary of
14 Agriculture in the case of an acquisition of Na-
15 tional Forest System land, using title standards
16 of the Attorney General; and

17 (C) at a price not to exceed fair market
18 value consistent with applicable provisions of
19 the Uniform Appraisal Standards for Federal
20 Land Acquisitions.

21 (d) CONTAMINATED SITES AND SITES DIFFICULT
22 AND UNECONOMIC TO MANAGE.—Funds in the Federal
23 Land Disposal Account shall not be used to purchase land
24 or an interest in land that, as determined by the Secretary
25 or the Secretary of Agriculture—

1 (1) contains a hazardous substance or is other-
2 wise contaminated; or

3 (2) because of the location or other characteris-
4 tics of the land, would be difficult or uneconomic to
5 manage as Federal land.

6 (e) LAND AND WATER CONSERVATION FUND ACT.—
7 Funds made available under this section shall be supple-
8 mental to any funds appropriated under the Land and
9 Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.).

10 (f) TERMINATION.—On termination of activities
11 under section 5—

12 (1) the Federal Land Disposal Account shall be
13 terminated; and

14 (2) any remaining balance in the account shall
15 become available for appropriation under section 3
16 of the Land and Water Conservation Fund Act (16
17 U.S.C. 460l–6).

18 **SEC. 7. SPECIAL PROVISIONS.**

19 (a) IN GENERAL.—Nothing in this Act provides an
20 exemption from any limitation on the acquisition of land
21 or interest in land under any Federal Law in effect on
22 the date of enactment of this Act.

23 (b) OTHER LAW.—This Act shall not apply to land
24 eligible for sale under—

1 (1) Public Law 96–568 (commonly known as
2 the “Santini-Burton Act”) (94 Stat. 3381); or

3 (2) the Southern Nevada Public Land Manage-
4 ment Act of 1998 (112 Stat. 2343).

5 (c) EXCHANGES.—Nothing in this Act precludes, pre-
6 empts, or limits the authority to exchange land under au-
7 thorities providing for the exchange of Federal lands, in-
8 cluding but not limited to—

9 (1) the Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1701 et seq.); or

11 (2) the Federal Land Exchange Facilitation Act
12 of 1988 (102 Stat. 1086) or the amendments made
13 by that Act.

14 (d) NO NEW RIGHT OR BENEFIT.—Nothing in this
15 Act creates a right or benefit, substantive or procedural,
16 enforceable at law or in equity by a party against the
17 United States, its agencies, its officers, or any other per-
18 son.

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