

108TH CONGRESS
1ST SESSION

H. R. 701

To restore to the original owners certain lands that the Federal Government took for military purposes in 1940.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2003

Mr. PAUL introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore to the original owners certain lands that the Federal Government took for military purposes in 1940.

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 “1940 Takings Restora-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) In 1940, during a time of national emer-
9 gency and impending threat of war, the Federal

1 Government took for military purposes certain lands
2 owned by private citizens.

3 (2) Although many lands were restored to their
4 former owners when the lands were no longer needed
5 or used for the purposes for which the lands were
6 originally taken, some lands that are no longer so
7 needed or used have not been so restored.

8 (3) The failure of the Federal Government to
9 restore the lands so taken in a consistent manner
10 has caused longstanding and unjust hardship for the
11 families whose lands have not been so restored, and
12 this hardship should be corrected.

13 **SEC. 3. RESTORATION TO ORIGINAL OWNERS OF LANDS**
14 **TAKEN FOR MILITARY PURPOSES IN 1940.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law (including the Federal Property and Adminis-
17 trative Services Act of 1949 (40 U.S.C. 471 et seq.)), if
18 any 1940 taken land is under the control of an Executive
19 agency on the date of the enactment of this Act, the head
20 of the agency shall convey, without consideration, all right,
21 title, and interest of the United States in and to the taken
22 land to the original owner of the taken land.

23 (b) DEFINITIONS.—For purposes of this Act, the fol-
24 lowing definitions shall apply:

1 (1) 1940 TAKEN LAND.—The term “1940 taken
2 land” means an interest in surface rights to a parcel
3 of real property with the following characteristics:

4 (A) The surface rights were taken by the
5 Federal Government in 1940 for purposes of a
6 bombing or gunnery range for the training of
7 military pilots.

8 (B) The parcel was located in a State in
9 which a mineral estate was, by the laws in ef-
10 fect in 1940, superior and dominant to the cor-
11 responding surface estate.

12 (C) The taking severed the surface rights
13 to the parcel from the mineral rights to the
14 parcel.

15 (D) As of the date of the enactment of this
16 Act, the parcel—

17 (i) has no significant improvements;

18 (ii) is in a substantially undeveloped
19 natural state; and

20 (iii) has not been used for the pur-
21 poses described in paragraph (A) for at
22 least 20 years.

23 (2) EXECUTIVE AGENCY.—The term “Executive
24 agency” has the meaning given such term in section
25 105 of title 5, United States Code.

1 (3) ORIGINAL OWNER.—The term “original
2 owner” means the person from whom the 1940
3 taken land was taken or, if the person is deceased,
4 the heir of the person under the laws of the State
5 in which the 1940 taken land is located.

○