

108TH CONGRESS
1ST SESSION

S. 1038

To limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2003

Mr. THOMAS (for himself, Mr. ENZI, Mr. CRAIG, Mr. STEVENS and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States.

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 “No Net Loss of Private
5 Land Act”.

6 **SEC. 2. LIMITATION ON ACQUISITION OF LAND.**

7 (a) IN GENERAL.—Notwithstanding any other law,
8 the United States may acquire an interest in 100 or more
9 acres of land within a State described in subsection (c)

1 only if, before any such acquisition, the United States dis-
 2 poses of the surface estate to land in that State in accord-
 3 ance with subsection (b).

4 (b) DISPOSITION OF SURFACE ESTATE.—The dis-
 5 position of the surface estate in land by the United States
 6 qualifies for the purposes of this section if—

7 (1) the value of the surface estate of the land
 8 disposed of by the United States is approximately
 9 equal to the value of the interest in land subject to
 10 this section that is to be acquired by the United
 11 States, as determined by the head of the depart-
 12 ment, agency, or independent establishment con-
 13 cerned; and

14 (2) the head of the department, agency, or
 15 independent establishment concerned certifies that
 16 the United States has disposed of land for the pur-
 17 pose of this section.

18 (c) AFFECTED STATES.—A State is described in this
 19 section if—

20 (1) it is 1 of the States of the United States;
 21 and

22 (2) 25 percent or more of the land within that
 23 State is owned by the United States.

24 (d) ACQUISITION.—For the purpose of this section,
 25 the term “acquire” includes acquisition by donation, pur-

1 chase with donated or appropriated funds, exchange, de-
2 vise, and condemnation.

3 (e) APPLICABILITY.—This section does not apply
4 to—

5 (1) any land held in trust for the benefit of an
6 Indian tribe or individual or held by an Indian tribe
7 or individual subject to a restriction by the United
8 States against alienation;

9 (2) real property acquired pursuant to a fore-
10 closure under title 18, United States Code;

11 (3) real property acquired by any department,
12 agency, or independent establishment in its capacity
13 as a receiver, conservator, or liquidating agent which
14 is held by that department, agency, or independent
15 establishment in its capacity as a receiver, conservator,
16 or liquidating agent pending disposal;

17 (4) real property that is subject to seizure, levy,
18 or lien under the Internal Revenue Code of 1986; or

19 (5) real property that is securing a debt owed
20 to the United States.

21 (e) WAIVER.—The head of a department, agency, or
22 instrumentality of the United States may waive the re-
23 quirements of this section with respect to the acquisition
24 of land by that department, agency, or instrumentality

- 1 during any period in which there is in effect a declaration
- 2 of war or a national emergency declared by the President.

