

114TH CONGRESS
2D SESSION

H. R. 5836

To provide for the orderly disposal of certain Federal lands, to benefit education and other purposes through the sales of such lands, to consolidate Federal lands to improve management, to provide for the acquisition of lands for recreational and other opportunities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. GOSAR (for himself, Mr. AMODEI, Mr. BUCK, Mr. COOK, Mr. FRANKS of Arizona, Mr. HARDY, Mr. JODY B. HICE of Georgia, Mr. LABRADOR, Mr. MCCLINTOCK, Mr. NEWHOUSE, Mr. SCHWEIKERT, Mr. SESSIONS, Mr. STEWART, Mr. TIPTON, Mr. YOUNG of Alaska, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. NUNES, Mr. BABIN, and Mr. COFFMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 provide for the orderly disposal of certain Federal lands, to benefit education and other purposes through the sales of such lands, to consolidate Federal lands to improve management, to provide for the acquisition of lands for recreational and other opportunities, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Hunting, Education, and Recreational Development Act”
 4 or the “HEARD Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Disposal.
- Sec. 5. Lands to provide or increase recreational and other opportunities.
- Sec. 6. Public availability of information on land potentially available for disposal.
- Sec. 7. Recreation and Public Purposes Act.
- Sec. 8. Limitations for administrative costs.
- Sec. 9. Recording.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The total Federal estate exceeds more than
 10 635,000,000 acres.

11 (2) The Federal Government owns parcels of
 12 varying size interspersed with or adjacent to private,
 13 State, and tribal lands throughout the United
 14 States, making many of these parcels difficult to
 15 manage and more appropriate for disposal.

16 (3) The Bureau of Land Management identifies
 17 certain lands potentially available for disposal in re-
 18 visions to resource management plans.

19 (4) Existing law does not require the Bureau of
 20 Land Management to dispose of identified lands on
 21 a regular or frequent basis. As a result, lands identi-

1 fied as potentially available for disposal under valid
2 resource management plans are rarely disposed of by
3 the Bureau of Land Management.

4 (5) The Forest Service has several authorities
5 to dispose of Federal lands, but such authorities are
6 rarely used.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to provide for the orderly disposal of certain
9 Federal lands;

10 (2) to benefit education through the sales of
11 such lands and research focused on natural resource
12 issues at educational institutions;

13 (3) to consolidate Federal lands to achieve bet-
14 ter management; and

15 (4) to provide for the acquisition of certain
16 lands to provide or increase recreational and other
17 purposes.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) HUNTING.—The term “hunting” means use
21 of a firearm, bow, or other authorized means in the
22 lawful—

23 (A) pursuit, shooting, capture, collection,
24 trapping, or killing of wildlife; or

1 (B) attempt to pursue, shoot, capture, col-
2 lect, trap, or kill wildlife.

3 (2) LAND GRANT UNIVERSITY.—The term
4 “land grant university” means a land grant univer-
5 sity—

6 (A) established under the Act of July 2,
7 1862 (known as the “First Morrill Act”; 12
8 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

9 (B) established under the Act of August
10 30, 1890 (known as the “Second Morrill Act”;
11 26 Stat. 419, chapter 841; 7 U.S.C. 321 et
12 seq.); or

13 (C) described in section 533(a)(1) of the
14 Equity in Educational Land-Grant Status Act
15 of 1994 (part C of title V of Public Law 103–
16 382).

17 (3) RECREATIONAL FISHING.—The term “rec-
18 reational fishing” means the lawful—

19 (A) pursuit, capture, collection, or killing
20 of fish; or

21 (B) attempt to pursue, capture, collect, or
22 kill fish.

23 (4) RECREATIONAL OFF-HIGHWAY VEHICLES.—
24 The term “recreational off-highway vehicle” means a
25 motorized off-highway vehicle designed to travel on

1 four or more tires, intended by the manufacturer for
2 recreational use by one or more persons and having
3 all of the following characteristics:

4 (A) A steering wheel for steering control.

5 (B) Foot controls for throttle and service
6 brake.

7 (C) Non-straddle seating.

8 (D) Maximum speed capability greater
9 than 30 miles per hour.

10 (E) Gross vehicle weight rating no greater
11 than 3,750 pounds.

12 (F) Less than 80 inches in overall width,
13 exclusive of accessories.

14 (G) Engine displacement equal to or less
15 than 61 cubic inches for gasoline fueled en-
16 gines.

17 (H) Identification by means of a 17-char-
18 acter personal or vehicle information number.

19 (5) RECREATION AND PUBLIC PURPOSES
20 ACT.—The term “Recreation and Public Purposes
21 Act” means the Act entitled “An Act to authorize
22 acquisition or use of public lands by States, counties,
23 or municipalities for recreational purposes”, ap-
24 proved June 14, 1926 (43 U.S.C. 869 et seq.).

1 (6) RECREATIONAL SHOOTING.—The term
2 “recreational shooting” means any form of sport,
3 training, competition, or pastime, whether formal or
4 informal, that involves the discharge of a rifle, hand-
5 gun, or shotgun, or the use of a bow.

6 (7) SECRETARY CONCERNED.—The term “Sec-
7 retary concerned” means—

8 (A) the Secretary of the Interior, in ref-
9 erence to lands under the jurisdiction of that
10 Secretary; and

11 (B) the Secretary of Agriculture, in ref-
12 erence to lands under the jurisdiction of that
13 Secretary.

14 (8) SPECIAL ACCOUNT.—The term “special ac-
15 count” means the account in the Treasury of the
16 United States established under this Act.

17 (9) UNIT OF LOCAL GOVERNMENT.—The term
18 “unit of local government” means the governing
19 body of each, community, county, municipality, city,
20 town, or township created pursuant to State law
21 with boundaries interspersed with or adjacent to
22 Federal lands.

23 **SEC. 4. DISPOSAL.**

24 (a) DISPOSAL.—In accordance with this Act, and
25 other applicable law, and subject to valid existing rights,

1 the Secretary concerned is authorized to dispose of Fed-
2 eral land.

3 (b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

4 Not less than 30 days before the offering of lands for sale
5 or exchange pursuant to subsection (a), States or the unit
6 of local government in whose jurisdiction the lands are lo-
7 cated may elect to obtain any such lands for local public
8 purposes pursuant to the provisions of the Recreation and
9 Public Purposes Act. Pursuant to any such election, the
10 Secretary concerned shall retain the elected lands for con-
11 veyance to the States or such unit of the local government
12 in accordance with the provisions of the Recreation and
13 Public Purposes Act.

14 (c) SELECTION.—

15 (1) JOINT SELECTION REQUIRED.—The Sec-
16 retary concerned and the unit of local government in
17 whose jurisdiction lands referred to in subsection (a)
18 are located shall jointly select lands to be offered for
19 sale or exchange under this section. The Secretary
20 concerned shall coordinate land disposal activities
21 with the unit of local government concerned. Land
22 disposal activities of the Secretary concerned shall
23 be consistent with local land use planning and zon-
24 ing requirements and recommendations.

1 (2) OFFERING.—(A) The Secretary concerned
2 shall make the first offering of land as soon as prac-
3 ticable after land has been selected in accordance
4 with this subsection.

5 (B) The Secretary of the Interior shall dispose
6 of not less than 10 percent of lands currently identi-
7 fied by the Bureau of Land Management for dis-
8 posal as of the date of the enactment of this Act in
9 each of the first 8 years after the date of the enact-
10 ment of this Act, for a total of 80 percent of such
11 lands by the end of the eighth year after the date
12 of the enactment of this Act.

13 (C) The Secretary of the Interior shall dispose
14 of not less than 20 percent of lands identified by the
15 Bureau of Land Management for disposal in any re-
16 source management plan amendment made after the
17 date of the enactment of this Act in each of the 4
18 years after such an amendment is made, for a total
19 of 80 percent of such lands by the end of the fourth
20 year after the date of such amendment.

21 (D) The Secretary of Agriculture shall dispose
22 of not less than 10 percent of lands currently identi-
23 fied by the Forest Service for disposal as of the date
24 of the enactment of this Act in each of the first 8
25 years after the date of the enactment of this Act, for

1 a total of 80 percent of such lands by the end of the
2 eighth year after the date of the enactment of this
3 Act.

4 (E) The Secretary of Agriculture shall dispose
5 of not less than 20 percent of lands identified by the
6 Forest Service for disposal in any resource manage-
7 ment plan amendment made after the date of the
8 enactment of this Act in each of the 4 years after
9 such an amendment is made, for a total of 80 per-
10 cent of such lands by the end of the fourth year
11 after the date of such amendment.

12 (F) Private landowners with inholdings inter-
13 spersed with or adjacent to Federal land being dis-
14 posed of shall have the first right of refusal for the
15 purchase of land sold or exchanged under this Act.

16 (d) DISPOSITION OF PROCEEDS.—

17 (1) LAND SALES.—Of the gross proceeds of
18 sales of land under this subsection in a fiscal year
19 shall be made available as follows:

20 (A) Fifteen percent shall be paid directly
21 to the State where the sale takes place for use
22 to supplement the education of students in kin-
23 dergarten through grade 12, to supplement
24 public support of institutions of public higher

1 education, and to supplement State agricultural
2 and natural resource agencies.

3 (B) Fifteen percent shall be paid directly
4 to the one or more land grant universities with-
5 in the boundaries of the State of which the rev-
6 enue is derived for the purposes of providing
7 agricultural and natural resources research, ex-
8 tension, teaching and infrastructure.

9 (C) Ten percent shall be paid directly to
10 the one or more counties within the boundaries
11 of which the revenue is derived with 50 percent
12 of those revenues going to a county extension
13 office.

14 (D) Ten percent shall be deposited in a
15 special account created in the Treasury of the
16 United States for use pursuant to the provi-
17 sions of paragraph (3).

18 (E) The remainder shall be deposited into
19 the General Fund of the Treasury.

20 (2) PAYMENTS.—

21 (A) IN GENERAL.—Amounts paid to land
22 grant universities under subsection (B) shall be
23 in addition to any other payments of public
24 support.

1 (B) PAYMENTS IN LIEU OF TAXES.—A
2 payment to a county under subsection (C) shall
3 be in addition to a payment in lieu of taxes re-
4 ceived by the county under chapter 69 of title
5 31, United States Code.

6 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

7 (A) IN GENERAL.—Amounts deposited in
8 the special account may be expended by the
9 Secretary concerned for—

10 (i) any of the purposes described in
11 section 5; and

12 (ii) deferred maintenance, repairs, and
13 capital improvements.

14 (B) PROCEDURES.—The Secretary con-
15 cerned shall coordinate the use of the special
16 account with States, the unit of local govern-
17 ment in whose jurisdiction the lands are lo-
18 cated, and other interested persons, to ensure
19 accountability and demonstrated results.

20 (C) INVESTMENT OF SPECIAL ACCOUNT.—

21 All funds deposited as principal in the special
22 account shall earn interest in the amount deter-
23 mined by the Secretary of the Treasury on the
24 basis of the current average market yield on
25 outstanding marketable obligations of the

1 United States of comparable maturities. Such
 2 interest shall be added to the principal of the
 3 account and expended according to the provi-
 4 sions of paragraph (3).

5 **SEC. 5. LANDS TO PROVIDE OR INCREASE RECREATIONAL**
 6 **AND OTHER OPPORTUNITIES.**

7 (a) ACQUISITIONS.—

8 (1) DEFINITION.—For purposes of this sub-
 9 section, the term “recreational beneficial land”
 10 means land or an interest in land, the acquisition of
 11 which the United States would, in the judgment of
 12 the Secretary concerned provide an opportunity—

13 (A) for hunting, recreational fishing, rec-
 14 reational shooting, recreational off-highway ve-
 15 hicles, or other recreational purposes; or

16 (B) to achieve better management of pub-
 17 lic land through consolidation of Federal owner-
 18 ship.

19 (2) CONCURRENCE.—Before initiating efforts to
 20 acquire land under this subsection, the Secretary
 21 concerned shall obtain the concurrence of each af-
 22 fected State and unit of local government within
 23 whose jurisdiction the lands are located, including
 24 appropriate planning and regulatory agencies, and
 25 with other interested persons, concerning the neces-

1 sity of making the acquisition, the potential impacts
2 on State and local government, and other appro-
3 priate aspects of the acquisition. Concurrence under
4 this paragraph is in addition to any other consulta-
5 tion required by law.

6 (3) IN GENERAL.—After the consultation proc-
7 ess has been completed in accordance with para-
8 graph (3), the Secretary concerned may acquire,
9 with the proceeds of the special account, recreational
10 beneficial land and interests in recreational bene-
11 ficial land. Lands may not be acquired by eminent
12 domain or condemnation or without the consent of
13 the owner thereof. Funds made available from the
14 special account may be used with any other funds
15 made available under any other provision of law or
16 any other non-Federal matching funds provided by
17 a nongovernmental organization.

18 (b) DETERMINATION OF FAIR MARKET VALUE.—
19 The fair market value of land or an interest in land to
20 be acquired by the Secretary concerned under this section
21 shall be determined pursuant to section 206 of the Federal
22 Land Policy and Management Act of 1976 and shall be
23 consistent with other applicable requirements and stand-
24 ards. Fair market value shall be determined without re-
25 gard to the presence of a species listed as threatened or

1 endangered under the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.).

3 (c) PAYMENTS IN LIEU OF TAXES.—Subparagraph
4 (H) of section 6901(1) of title 31, United States Code,
5 is amended by inserting “or the Hunting, Education, and
6 Recreational Development Act” after “the Southern Ne-
7 vada Public Land Management Act of 1998”.

8 (d) LIMITATION.—The total land acreage acquired
9 annually under this Act shall not exceed the total Federal
10 land acreage disposed of annually under this Act.

11 **SEC. 6. PUBLIC AVAILABILITY OF INFORMATION ON LAND**
12 **POTENTIALLY AVAILABLE FOR DISPOSAL.**

13 (a) BUREAU OF LAND MANAGEMENT.—The Bureau
14 of Land Management, shall make publicly available, in-
15 cluding on the Internet at [http://www.blm.gov/wo/st/](http://www.blm.gov/wo/st/en/prog/planning/planning__overview/lands__potentially0.html)
16 [en/prog/planning/planning__overview/lands__potentially0](http://www.blm.gov/wo/st/en/prog/planning/planning__overview/lands__potentially0.html)
17 [.html](http://www.blm.gov/wo/st/en/prog/planning/planning__overview/lands__potentially0.html), or any successor website, all public lands managed
18 by the agency potentially available for disposal as identi-
19 fied in agency resource management plans.

20 (b) FOREST SERVICE.—The Forest Service, shall
21 make publicly available, including on the Internet, all pub-
22 lic lands managed by the agency identified for disposal as
23 identified in agency land and resource management plans.

1 **SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.**

2 (a) IN GENERAL.—Upon request by a grantee of
3 lands within a local county that are subject to a lease or
4 patent issued under the Recreation and Public Purposes
5 Act, the Secretary concerned may transfer the rever-
6 sionary interest in such lands to other non-Federal lands.
7 The transfer of the reversionary interest under this section
8 shall only be made to lands of equal value, except that
9 with respect to States or a unit of local government an
10 amount equal to the excess (if any) of the fair market
11 value of lands received by the unit of local government
12 over the fair market value of lands transferred by the unit
13 of local government shall be paid to the Secretary con-
14 cerned and shall be treated under subsection (d)(1) of sec-
15 tion 4 as proceeds from the sale of land. For purposes
16 of this subsection, the fair market value of lands to be
17 transferred by States or a unit of local government may
18 be based upon a statement of value prepared by a qualified
19 appraiser.

20 (b) TERMS AND CONDITIONS APPLICABLE TO RE-
21 VERSIONARY INTEREST.—Other non-Federal lands se-
22 lected under this subsection by a grantee described in sub-
23 section (a) shall be subject to the activities defined as per-
24 missible under parts 2920 and 2930 of title 43, Code of
25 Federal Regulations, shall be permissible.

1 **SEC. 8. LIMITATIONS FOR ADMINISTRATIVE COSTS.**

2 Amounts deposited in the special account created by
3 this Act shall be expended by the Secretary concerned for
4 reimbursement of—

5 (1) costs incurred by the local offices of the Bu-
6 reau of Land Management and the Forest Service in
7 arranging sales, conveyances, or exchanges under
8 this Act; and

9 (2) reimbursement of any other costs associated
10 with this Act including investigations, reports, ap-
11 praisals, surveys, and clearances.

12 **SEC. 9. RECORDING.**

13 The Secretary concerned shall record all final sales,
14 conveyances and exchanges under this Act with the county
15 within whose jurisdiction the lands are located.

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