

Union Calendar No. 826

115TH CONGRESS
2D SESSION

H. R. 6682

[Report No. 115–1060, Part I]

To amend the Federal Land Policy and Management Act of 1976 to improve the transparency and oversight of land conveyances involving disposal or acquisition of National Forest System lands or Bureau of Land Management public lands, to provide protections and certainty for private landowners related to resurveying such public lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 28, 2018

Mr. TIPTON 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

DECEMBER 3, 2018

Reported by the Committee on Natural Resources with an amendment

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

DECEMBER 3, 2018

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on August 28, 2018]

A BILL

To amend the Federal Land Policy and Management Act of 1976 to improve the transparency and oversight of land conveyances involving disposal or acquisition of National Forest System lands or Bureau of Land Management public lands, to provide protections and certainty for private landowners related to resurveying such public lands, 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 “Protection and Trans-*
 5 *parency for Adjacent Landowners Act”.*

6 **TITLE I—REQUIREMENTS FOR**
 7 **FOREST SERVICE AND BU-**
 8 **REAU OF LAND MANAGEMENT**
 9 **LAND ACQUISITIONS AND**
 10 **CONVEYANCES**

11 **SEC. 101. ADDITIONAL REQUIREMENTS FOR FOREST SERV-**
 12 **ICE AND BUREAU OF LAND MANAGEMENT**
 13 **LAND ACQUISITIONS AND CONVEYANCES.**

14 *(a) NOTICE TO ADJACENT LANDOWNERS.—*

15 *(1) LAND ACQUISITIONS.—Section 205 of the*
 16 *Federal Land Policy and Management Act of 1976*
 17 *(43 U.S.C. 1715) is amended by adding at the end the*
 18 *following new subsection:*

19 *“(f) NOTICE TO ADJACENT LANDOWNERS.—As part of*
 20 *the acquisition of a parcel of non-Federal lands under this*
 21 *section, section 206, or other applicable law that will be-*
 22 *come public lands or National Forest System lands, the Sec-*
 23 *retary or the Secretary of Agriculture, as the case may be,*
 24 *shall provide advance written notification to each owner of*
 25 *land that is adjacent to the parcel of land to be acquired.*

1 *To assist in identifying adjacent landowners, and to meet*
 2 *the requirements of this subsection, the Secretary concerned*
 3 *should use the most recently available property tax*
 4 *records.”.*

5 (2) *LAND CONVEYANCES.—Section 208 of the*
 6 *Federal Land Policy and Management Act of 1976*
 7 *(43 U.S.C. 1718) is amended—*

8 (A) *by inserting “(a) ISSUANCE OF PATENT*
 9 *AND OTHER CONVEYANCE DOCUMENTS.—” be-*
 10 *fore the first sentence and “(b) OTHER TERMS*
 11 *AND CONDITIONS.—” before the second sentence;*
 12 *and*

13 (B) *by adding at the end the following new*
 14 *subsection:*

15 “(c) *NOTICE TO ADJACENT LANDOWNERS.—As part of*
 16 *the conveyance of a parcel of public lands or National For-*
 17 *est System lands by sale, exchange, or other disposal method*
 18 *under section 203 or 206 or other applicable law, the Sec-*
 19 *retary or the Secretary of Agriculture, as the case may be,*
 20 *shall provide advance written notification to each owner of*
 21 *land that is adjacent to the parcel of land to be conveyed.*
 22 *To assist in identifying adjacent landowners, and to meet*
 23 *the requirements of this subsection, the Secretary concerned*
 24 *should use the most recently available property tax*
 25 *records.”.*

1 (b) OVERSIGHT OF USE OF THIRD-PARTY
2 FACILITATORS.—

3 (1) ACQUISITION.—Section 205 of the Federal
4 Land Policy and Management Act of 1976 (43 U.S.C.
5 1715) is amended by inserting after subsection (f), as
6 added by subsection (a)(1), the following new sub-
7 section:

8 “(g) OVERSIGHT OF USE OF THIRD-PARTY
9 FACILITATORS.—(1) If the acquisition process for a parcel
10 of non-Federal lands under this section, section 206, or
11 other applicable law that will become public lands or Na-
12 tional Forest System lands involves the use of a third-party
13 facilitator, the Secretary or the Secretary of Agriculture,
14 as the case may be, shall require, as a condition of the ap-
15 proval of the acquisition—

16 “(A) submission of all purchase contracts and re-
17 lated agreements held by the third-party facilitator
18 related to the parcel to be acquired on written request
19 by the appropriate official;

20 “(B) supervisor review of such purchase con-
21 tracts and related agreements, the purpose of the ac-
22 quisition, and other terms and conditions of the ac-
23 quisition; and

24 “(C) a clear statement to Bureau of Land Man-
25 agement and United States Forest Service employees

1 *that the Secretary or the Secretary of Agriculture, as*
 2 *the case may be, has determined that all business in-*
 3 *formation submitted under paragraphs (A), (B), and*
 4 *(C) of subsection (d) is confidential and all informa-*
 5 *tion covered by the Privacy Act of 1974 (5 U.S.C.*
 6 *552a) will be protected to the extent allowed by law.*

7 *“(2) In this subsection, the term ‘third-party*
 8 *facilitator’ means any entity (other than an agent of the*
 9 *United States) whose role in a real estate transaction is*
 10 *to assist the buyer or seller, or both, in reaching agreement*
 11 *in the transaction.”.*

12 *(2) LAND CONVEYANCES.—Section 208 of the*
 13 *Federal Land Policy and Management Act of 1976*
 14 *(43 U.S.C. 1718) is amended by inserting after sub-*
 15 *section (c), as added by subsection (a)(2), the fol-*
 16 *lowing new subsection:*

17 *“(d) OVERSIGHT OF USE OF THIRD-PARTY*
 18 *FACILITATORS.—(1) If the process by which a parcel of*
 19 *public lands or National Forest System lands will be con-*
 20 *veyed by sale, exchange, or other disposal method under sec-*
 21 *tion 203 or 206 or other applicable law, involves the use*
 22 *of a third-party facilitator, the Secretary or the Secretary*
 23 *of Agriculture, as the case may be, shall require, as a condi-*
 24 *tion of the approval of the conveyance—*

1 “(A) submission of all purchase contracts and re-
2 lated agreements held by the third-party facilitator
3 related to the Federal land to be conveyed on written
4 request by the appropriate official;

5 “(B) submission to appraisers of contact infor-
6 mation for prospective end owners of the Federal land
7 to be conveyed;

8 “(C) supervisor review of such purchase contracts
9 and related agreements, the purpose of the convey-
10 ance, and other terms and conditions of the convey-
11 ance; and

12 “(D) a clear statement to Bureau of Land Man-
13 agement and United States Forest Service employees
14 that the Secretary or the Secretary of Agriculture, as
15 the case may be, has determined that all business in-
16 formation submitted under paragraphs (A), (B), and
17 (C) of this subsection is confidential and all informa-
18 tion covered by the Privacy Act of 1974 (5 U.S.C.
19 552a) will be protected to the extent allowed by law.

20 “(2) In this subsection, the term ‘third-party
21 facilitator’ means any entity (other than an agent of the
22 United States) whose role in a real estate transaction is
23 to assist the buyer or seller, or both, in reaching agreement
24 in the transaction.”.

1 **TITLE II—BUREAU OF LAND**
 2 **MANAGEMENT RESURVEY RE-**
 3 **QUIREMENTS**

4 **SEC. 201. BUREAU RESURVEY TRANSPARENCY; NOTICE RE-**
 5 **QUIREMENTS.**

6 (a) NOTICE.—

7 (1) *IN GENERAL.*—Not later than 30 days before
 8 the commencement of a resurvey of Federal land
 9 under the administrative jurisdiction of the Bureau of
 10 Land Management, the Secretary shall notify all
 11 property owners with land abutting or adjacent to the
 12 Federal land being resurveyed of the pending resur-
 13 vey. If a resurvey extends the boundaries of Federal
 14 land, the Secretary shall notify affected landowners of
 15 the results of the resurvey not later than 30 days after
 16 the completion of the survey.

17 (2) *NOTIFICATION.*—The Secretary shall use cer-
 18 tified or registered mail to notify landowners under
 19 this subsection.

20 (3) *IDENTIFICATION OF LANDOWNERS.*—When
 21 identifying affected landowners for the purpose of no-
 22 tification under this subsection, the Secretary shall
 23 use the most recently available property tax records.

24 (b) *PUBLIC COMMENT.*—Not later than 30 days after
 25 completing a resurvey, the Secretary shall publish a notice

1 *in the Federal Register. Affected landowners may comment*
2 *to the Secretary and by submitting formal comments to the*
3 *Federal Register notice.*

4 **SEC. 202. PROTECTION OF PERSONS.**

5 *If a resurvey results in land previously thought to be*
6 *privately owned to be reclassified as Federal land, the per-*
7 *sons thought to be a private owner of such land—*

8 *(1) shall—*

9 *(A) be given the right of first refusal to pur-*
10 *chase the land for fair market value minus the*
11 *value of any significant improvements made to*
12 *such lands; or*

13 *(B) be reimbursed for the fair market value*
14 *of any significant improvements made to such*
15 *lands; and*

16 *(2) may not be charged with willful trespass onto*
17 *such land unless the person used such lands with the*
18 *knowledge that the lands should be classified as Fed-*
19 *eral land.*

20 **SEC. 203. DEFINITIONS.**

21 *For the purposes of this title:*

22 *(1) RESURVEY.—The term “resurvey” means an*
23 *official rerunning and remarking intended to super-*
24 *sede the records of the original survey.*

1 (2) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the Interior, acting through the Di-*
3 *rector of the Bureau of Land Management.*

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