

Public Law 99-598
99th Congress

An Act

To amend title 28, United States Code, relating to quiet title actions against the United States, with respect to actions brought by States.

Nov. 4, 1986

[H.R. 2484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2409a of title 28, United States Code, is amended—

Claims.

(1) by redesignating subsection (g) as subsection (n);

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

“(c) No preliminary injunction shall issue in any action brought under this section.”;

(4) in subsection (g), as redesignated by paragraph (2), by inserting “, except for an action brought by a State,” after “this section”; and

(5) by inserting after subsection (g), as so redesignated, the following:

“(h) No civil action may be maintained under this section by a State with respect to defense facilities (including land) of the United States so long as the lands at issue are being used or required by the United States for national defense purposes as determined by the head of the Federal agency with jurisdiction over the lands involved, if it is determined that the State action was brought more than twelve years after the State knew or should have known of the claims of the United States. Upon cessation of such use or requirement, the State may dispute title to such lands pursuant to the provisions of this section. The decision of the head of the Federal agency is not subject to judicial review.

Defense and
national
security.

“(i) Any civil action brought by a State under this section with respect to lands, other than tide or submerged lands, on which the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial investments or on which the United States has conducted substantial activities pursuant to a management plan such as range improvement, timber harvest, tree planting, mineral activities, farming, wildlife habitat improvement, or other similar activities, shall be barred unless the action is commenced within twelve years after the date the State received notice of the Federal claims to the lands.

“(j) If a final determination in an action brought by a State under this section involving submerged or tide lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial investments is adverse to the United States and it is determined that the State's action was brought more than twelve years after the State received notice of the Federal claim to the lands, the State shall take title to the lands subject to any existing lease, easement, or right-of-way. Any com-

pensation due with respect to such lease, easement, or right-of-way shall be determined under existing law.

"(k) Notice for the purposes of the accrual of an action brought by a State under this section shall be—

"(1) by public communications with respect to the claimed lands which are sufficiently specific as to be reasonably calculated to put the claimant on notice of the Federal claim to the lands, or

"(2) by the use, occupancy, or improvement of the claimed lands which, in the circumstances, is open and notorious.

"(l) For purposes of this section, the term 'tide or submerged lands' means 'lands beneath navigable waters' as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

"(m) Not less than one hundred and eighty days before bringing any action under this section, a State shall notify the head of the Federal agency with jurisdiction over the lands in question of the State's intention to file suit, the basis therefor, and a description of the lands included in the suit."

Approved November 4, 1986.

LEGISLATIVE HISTORY—H.R. 2484:

HOUSE REPORTS: No. 99-924 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Sept. 30, considered and passed House.

Oct. 16, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):

Nov. 4, Presidential statement.