

104TH CONGRESS
1ST SESSION

H. R. 2466

To improve the process for land exchanges with the Forest Service and
the Bureau of Land Management.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 1995

Mr. HANSEN introduced the following bill; which was referred to the Committee on 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 improve the process for land exchanges with the Forest
Service and the Bureau of Land Management.

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 “Federal Land Ex-
5 change Improvement Act of 1995”.

6 **SEC. 2. LANDS ELIGIBLE FOR APPROXIMATELY EQUAL**
7 **VALUE TREATMENT.**

8 Section 206(h)(1)(A) of the Federal Land Policy and
9 Management Act of 1976 (43 U.S.C. 1716(h)(1)(A)) is

1 amended by striking out “\$150,000” and inserting in lieu
2 thereof “\$500,000, adjusted annually on a fiscal year
3 basis commencing in fiscal year 1997 by the average
4 change over the previous fiscal year of the Consumer Price
5 Index (all items—United States city average) published
6 monthly by the Bureau of Labor Statistics”.

7 **SEC. 3. USE OF FUNDS.**

8 Section 206(b) of the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1716) is amended—

10 (1) by inserting “(1)” after “(b)”; and

11 (2) by adding at the end the following:

12 “(2)(A) Amounts received by the Secretary concerned
13 under paragraph (1) shall be deposited in a special fund
14 in the Treasury of the United States, subject to subpara-
15 graph (B). Such amounts shall, subject to the availability
16 of appropriations, be available to the Secretary concerned
17 for processing land exchanges.

18 “(B) Amounts in the fund referred to in subpara-
19 graph (A) may not exceed \$12,000,000 at any time.
20 Amounts received by the Secretary concerned under this
21 section which, but for this subparagraph, would be added
22 to such fund shall instead be covered over into the Treas-
23 ury of the United States as miscellaneous receipts.”.

1 **SEC. 4. EXCHANGE PROCESSING.**

2 Section 206(b) of the Federal Land Policy and Man-
3 agement Act of 1976 (43 U.S.C. 1716), as amended by
4 section 3, is further amended by adding at the end the
5 following paragraph:

6 “(3)(A)(i) An environmental assessment shall
7 be the document prepared for any exchange under
8 this Act pursuant to section 102(2) of the National
9 Environmental Policy Act of 1969 (42 U.S.C.
10 4332(2)).

11 “(ii) Any conferencing or consultation required
12 for an exchange under this Act pursuant to section
13 7(a) of the Endangered Species Act of 1973 (16
14 U.S.C. 1536(a)) shall be completed within 45 days
15 after the date on which the conferencing or consulta-
16 tion is initiated.

17 “(iii) After completion of an exchange under
18 this Act, no action may be taken on the non-Federal
19 land acquired in an exchange until the Secretary
20 concerned has complied with section 102(2) of the
21 National Environmental Policy Act of 1969 and sec-
22 tion 7(a) of the Endangered Species Act of 1973
23 concerning such action, and any necessary amend-
24 ment to the land management plan applicable to
25 such land and such action.

1 “(B) The Secretary shall complete processing,
2 and make a final decision, on any exchange under
3 this Act within one year from the date of submission
4 of the application for the exchange.

5 “(C) The non-Federal land to be included in
6 any exchange under this Act shall be valued without
7 the application of any Federal or State restriction
8 concerning an environmental value or resource the
9 protection of which is considered by the Secretary
10 concerned as a public benefit to be obtained by the
11 exchange.”.

12 **SEC. 5. MINOR BOUNDARY ADJUSTMENTS.**

13 Section 206 of the Federal Land Policy and Manage-
14 ment Act of 1976 (43 U.S.C. 1716) is amended by adding
15 at the end thereof the following:

16 “(j) Notwithstanding the other provisions of this Act
17 and other applicable laws which require that exchanges of
18 land or interests therein be for equal or approximately
19 equal value, the Secretary concerned may dispose of lands
20 by exchange to make such minor adjustments to the
21 boundary of a unit of the public lands or the National
22 Forest System as may be necessary to reflect actual condi-
23 tions in the unit which are not of comparable character
24 to the unit. In making such adjustments, the amount of

1 land added to the unit may not exceed the amount of land
2 removed from the unit.”.

3 **SEC. 6. REMOVAL ON RESTRICTION ON EXCHANGE OF OR-**
4 **EGON AND CALIFORNIA RAILROAD GRANT**
5 **LANDS ADMINISTERED BY THE SECRETARY**
6 **OF AGRICULTURE.**

7 Subsection (a) of the first section of the Act entitled
8 “An Act relating to the administrative jurisdiction of cer-
9 tain public lands in the State of Oregon, and for other
10 purposes”, approved June 24, 1954 (43 U.S.C. 1181g(a)),
11 is amended by striking out the last sentence.

12 **SEC. 7. AMENDMENT TO SISK ACT RELATING TO PRIOR USE**
13 **OF LANDS TO BE CONVEYED.**

14 The first section of the Act entitled “An Act to facili-
15 tate exchanges of land under the Act of March 20,
16 1922(42 Stat. 465), for use for public schools, and for
17 other purposes”, approved December 4, 1967 (16 U.S.C.
18 484a), is amended by striking out “on the date of enact-
19 ment of this sentence” and inserting in lieu thereof “for
20 the five-year period ending on the date of conveyance”.

21 **SEC. 8. WAIVER OF PUBLIC USE REQUIREMENT FOR LANDS**
22 **UNDER BANKHEAD-JONES FARM TENANT**
23 **ACT.**

24 The Bankhead-Jones Farm Tenant Act is amended
25 in section 32(c) (7 U.S.C. 1011(c)) by adding at the end

1 the following: “The Secretary may waive the requirements
2 of this paragraph that lands be sold, exchanged, or grant-
3 ed only to public authorities and agencies and only on con-
4 dition that the property is used for public purposes after
5 the Secretary consults with the head of any other Federal
6 agency that has a property interest in the lands, such as
7 a federally-owned building or other improvements.”.

