

107TH CONGRESS
1ST SESSION

H. R. 880

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2001

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the acquisition of property in Washington
County, Utah, for implementation of a desert tortoise
habitat conservation plan.

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. ACQUISITION OF CERTAIN PROPERTY IN WASH-**
2 **INGTON COUNTY, UTAH.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, effective 30 days after the date of the enact-
5 ment of this Act, all right, title, and interest in and to,
6 and the right to immediate possession of, the 1,516 acres
7 of real property owned by Environmental Land Tech-
8 nology, Ltd. (ELT), within the Red Cliffs Reserve in
9 Washington County, Utah, and the 34 acres of real prop-
10 erty owned by ELT which is adjacent to the land within
11 the Reserve but is landlocked as a result of the creation
12 of the Reserve, is hereby vested in the United States.

13 (b) COMPENSATION FOR PROPERTY.—Subject to sec-
14 tion 309(f) of the Omnibus Parks and Public Lands Man-
15 agement of 1996 (Public Law 104–333), the United
16 States shall pay just compensation to the owner of any
17 real property taken pursuant to this section, determined
18 as of the date of the enactment of this Act. An initial pay-
19 ment of \$15,000,000 shall be made to the owner of such
20 real property not later than 30 days after the date of tak-
21 ing. The full faith and credit of the United States is here-
22 by pledged to the payment of any judgment entered
23 against the United States with respect to the taking of
24 such property. Payment shall be in the amount of—

25 (1) the appraised value of such real property as
26 agreed to by the land owner and the United States,

1 plus interest from the date of the enactment of this
2 Act; or

3 (2) the valuation of such real property awarded
4 by judgment, plus interest from the date of the en-
5 actment of this Act, reasonable costs and expenses
6 of holding such property from February 1990 to the
7 date of final payment, including damages, if any,
8 and reasonable costs and attorneys fees, as deter-
9 mined by the court. Payment shall be made from the
10 permanent judgment appropriation established pur-
11 suant to section 1304 of title 31, United States
12 Code, or from another appropriate Federal Govern-
13 ment fund.

14 Interest under this subsection shall be compounded in the
15 same manner as provided for in section 1(b)(2)(B) of the
16 Act entitled “An Act to preserve within Manassas Na-
17 tional Battlefield Park, Virginia, the most important prop-
18 erties relating to the battle of Manassas, and for other
19 purposes”, approved April 17, 1954 (16 U.S.C.
20 429b(b)(2)(B)), except that the reference in that provision
21 to “the date of the enactment of the Manassas National
22 Battlefield Park Amendments of 1988” shall be deemed
23 to be a reference to the date of the enactment of this Act.

24 (c) DETERMINATION BY COURT IN LIEU OF NEGO-
25 TIATED SETTLEMENT.—In the absence of a negotiated

1 settlement, or an action by the owner, the Secretary of
2 the Interior shall initiate within 90 days after the date
3 of the enactment of this section a proceeding in the United
4 States Federal District Court for the District of Utah,
5 seeking a determination, subject to section 309(f) of the
6 Omnibus Parks and Public Lands Management Act of
7 1996 (Public Law 104–333), of the value of the real prop-
8 erty, reasonable costs and expenses of holding such prop-
9 erty from February 1990 to the date of final payment,
10 including damages, if any, and reasonable costs and attor-
11 neys fees.

Passed the House of Representatives March 13,
2001.

Attest:

JEFF TRANDAHL,

Clerk.