

116TH CONGRESS
1ST SESSION

H. R. 580

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

JANUARY 15, 2019

Mr. TIPTON (for himself, Mr. LAMBORN, and Mr. YOUNG) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protection and Trans-
3 parency for Adjacent Landowners Act”.

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

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

12 (a) NOTICE TO ADJACENT LANDOWNERS.—

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

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

1 retary concerned should use the most recently available
2 property tax records.”.

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

6 (A) by inserting “(a) ISSUANCE OF PAT-
7 ENT AND OTHER CONVEYANCE DOCUMENTS.—
8 ” before the first sentence and “(b) OTHER
9 TERMS AND CONDITIONS.—” before the second
10 sentence; and

11 (B) by adding at the end the following new
12 subsection:

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

24 (b) OVERSIGHT OF USE OF THIRD-PARTY
25 FACILITATORS.—

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

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

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

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

22 “(C) a clear statement to Bureau of Land Man-
23 agement and United States Forest Service employ-
24 ees that the Secretary or the Secretary of Agri-
25 culture, as the case may be, has determined that all

1 business information submitted under paragraphs
2 (A), (B), and (C) of subsection (d) is confidential
3 and all information covered by the Privacy Act of
4 1974 (5 U.S.C. 552a) will be protected to the extent
5 allowed by law.

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

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

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

24 “(A) submission of all purchase contracts and
25 related agreements held by the third-party facilitator

1 related to the Federal land to be conveyed on writ-
2 ten request by the appropriate official;

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

6 “(C) supervisor review of such purchase con-
7 tracts and related agreements, the purpose of the
8 conveyance, and other terms and conditions of the
9 conveyance; and

10 “(D) a clear statement to Bureau of Land
11 Management and United States Forest Service em-
12 ployees that the Secretary or the Secretary of Agri-
13 culture, as the case may be, has determined that all
14 business information submitted under paragraphs
15 (A), (B), and (C) of this subsection is confidential
16 and all information covered by the Privacy Act of
17 1974 (5 U.S.C. 552a) will be protected to the extent
18 allowed by law.

19 “(2) In this subsection, the term ‘third-party
20 facilitator’ means any entity (other than an agent of the
21 United States) whose role in a real estate transaction is
22 to assist the buyer or seller, or both, in reaching agree-
23 ment 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 be-
8 fore the commencement of a resurvey of Federal
9 land under the administrative jurisdiction of the Bu-
10 reau of Land Management, the Secretary shall no-
11 tify all property owners with land abutting or adja-
12 cent to the Federal land being resurveyed of the
13 pending resurvey. If a resurvey extends the bound-
14 aries of Federal land, the Secretary shall notify af-
15 fected landowners of the results of the resurvey not
16 later than 30 days after the completion of the sur-
17 vey.

18 (2) NOTIFICATION.—The Secretary shall use
19 certified or registered mail to notify landowners
20 under this subsection.

21 (3) IDENTIFICATION OF LANDOWNERS.—When
22 identifying affected landowners for the purpose of
23 notification under this subsection, the Secretary
24 shall use the most recently available property tax
25 records.

1 (b) PUBLIC COMMENT.—Not later than 30 days after
2 completing a resurvey, the Secretary shall publish a notice
3 in the Federal Register. Affected landowners may com-
4 ment to the Secretary and by submitting formal comments
5 to the Federal Register notice.

6 **SEC. 202. PROTECTION OF PERSONS.**

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

10 (1) shall—

11 (A) be given the right of first refusal to
12 purchase the land for fair market value minus
13 the value of any significant improvements made
14 to such lands; or

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

18 (2) may not be charged with willful trespass
19 onto such land unless the person used such lands
20 with the knowledge that the lands should be classi-
21 fied as Federal land.

22 **SEC. 203. DEFINITIONS.**

23 For the purposes of this title:

1 (1) RESURVEY.—The term “resurvey” means
2 an official rerunning and remarking intended to su-
3 persede the records of the original survey.

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

