

***In the Senate of the United States,***

*April 13, 2000.*

*Resolved,* That the bill from the House of Representatives (H.R. 150) entitled “An Act to authorize the Secretary of Agriculture to convey National Forest System lands for use for educational purposes, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*  
3 *tional Forest Education and Community Purpose Lands*  
4 *Act”.*

5 ***SEC. 2. FINDINGS.***

6       *Congress finds that—*

7               (1) *communities adjacent to and surrounded by*  
8 *National Forest System land have limited opportuni-*  
9 *ties to acquire land for recreational, educational and*  
10 *other public purposes;*

1           (2) *in many cases, such recreational, educational*  
2 *and other public purposes are not within the mission*  
3 *of the Forest Service, but would not be inconsistent*  
4 *with land and resource management plans developed*  
5 *for the adjacent national forest;*

6           (3) *such communities are often unable to acquire*  
7 *land for such recreational, educational and other pub-*  
8 *lic purposes due to extremely high market value of*  
9 *private land resulting from the predominance of Fed-*  
10 *eral land in the local area; and*

11           (4) *the national forests and adjacent commu-*  
12 *nities would mutually benefit from a process similar*  
13 *to that available to the Bureau of Land Management*  
14 *under the Act of June 14, 1926 (commonly known as*  
15 *the “Recreation and Public Purposes Act”)* (43  
16 *U.S.C. 869 et seq.).*

17 **SEC. 3. DEFINITIONS.**

18 *In this Act:*

19           (1) *HAZARDOUS SUBSTANCE.—The term “haz-*  
20 *ardous substance” has the meaning given the term in*  
21 *section 101 of the Comprehensive Environmental Re-*  
22 *sponse, Compensation, and Liability Act (42 U.S.C.*  
23 *9601).*

24           (2) *PARCEL.—*

1           (A) *IN GENERAL.*—The term “parcel”  
2           means a parcel of land under the jurisdiction of  
3           the Forest Service that has been withdrawn from  
4           the public domain.

5           (B) *EXCLUSION.*—The term “parcel” does  
6           not include land set aside or held for the benefit  
7           of Indians.

8           (3) *SECRETARY.*—The term “Secretary” means  
9           the Secretary of Agriculture, acting through the Chief  
10          of the Forest Service.

11 **SEC. 4. DISPOSAL OF NATIONAL FOREST SYSTEM LAND FOR**  
12 **PUBLIC PURPOSES.**

13          (a) *AUTHORITY.*—Upon receipt and approval of an  
14          application in writing, the Secretary may dispose of Na-  
15          tional Forest System land to a State or a political subdivi-  
16          sion of a State as provided in this section on the condition  
17          that the parcel be used for recreational, educational and  
18          other public purposes, as determined by the Secretary.

19          (b) *CONDITIONS OF DISPOSAL, TRANSFER OF TITLE,*  
20          *OR CHANGE IN USE.*—Before any parcel may be disposed  
21          of or any application for a transfer of title to or a change  
22          in use of a parcel is approved under this section, the Sec-  
23          retary shall determine that—

24                  (1) the parcel is to be used for an established or  
25                  proposed project that is described in detail in the ap-

1        *plication to the Secretary, and that would serve pub-*  
2        *lic objectives (either locally or at large) that outweigh*  
3        *the objectives and values which would be served by*  
4        *maintaining such parcel in Federal ownership;*

5            *(2) the applicant is financially and otherwise*  
6        *capable of implementing the proposed project; and*

7            *(3) the acreage is not more than is reasonably*  
8        *necessary for the proposed use.*

9        *(c) PUBLIC PARTICIPATION.—The Secretary shall pro-*  
10        *vide an opportunity for public participation in a disposal*  
11        *under this section, including at least one public hearing or*  
12        *meeting, to provide for public comments.*

13        *(d) REVIEW OF APPLICATIONS.—*

14            *(a) IN GENERAL.—When the Secretary receives*  
15        *an application under this section to convey a parcel*  
16        *for recreational, educational, or other public purposes*  
17        *related to emergency services, the Secretary shall—*

18            *(A) before the end of the 14-day period be-*  
19        *ginning on the date of the receipt of the applica-*  
20        *tion, provide notice of that receipt to the appli-*  
21        *cant; and*

22            *(B) before the end of the 120-day period be-*  
23        *ginning on that date—*

24            *(i) make a final determination whether*  
25        *or not to convey land pursuant to the appli-*

1                    *cation, and notify the applicant of that de-*  
2                    *termination; or*

3                    *(ii) submit written notice to the appli-*  
4                    *cant containing the reasons why a final de-*  
5                    *termination has not been made.*

6                    *(2) OTHER APPLICATIONS.—When the Secretary*  
7                    *receives an application under this section to convey*  
8                    *a parcel for any public purposes other than those*  
9                    *under paragraph (1), the Secretary shall—*

10                    *(A) before the end of the 14-day period be-*  
11                    *ginning on the date of the receipt of the applica-*  
12                    *tion, provide notice of that receipt to the appli-*  
13                    *cant; and*

14                    *(B) take reasonable actions necessary to*  
15                    *make a final determination whether or not to*  
16                    *convey land pursuant to the application, and*  
17                    *notify the applicant of that determination, to the*  
18                    *extent practicable, before the end of the 180-day*  
19                    *period beginning on that date.*

20                    *(e) PARCELS WITHDRAWN IN AID OF FUNCTIONS OF*  
21                    *FEDERAL AND STATE AGENCIES.—If a parcel has been*  
22                    *withdrawn in aid of a function of a Federal agency other*  
23                    *than the Department of Agriculture or of an agency of a*  
24                    *State or political subdivision of a State (including a water*

1 *district), the Secretary may dispose of the parcel under this*  
2 *section only with the consent of the agency.*

3 *(f) CONVEYANCES AND LEASES.—*

4 *(1) CONVEYANCES.—The Secretary may convey a*  
5 *parcel to the State or a political subdivision of a*  
6 *State in which the parcel is located if the proposed*  
7 *use is not inconsistent with the land allocations with-*  
8 *in applicable land and resource management plans*  
9 *under the Forest and Rangeland Renewable Resources*  
10 *Planning Act of 1974 (16 U.S.C. 1600 et seq.)*

11 *(2) LEASES.—The Secretary may lease a parcel*  
12 *to the State or a political subdivision of a State in*  
13 *which the parcel is located, at a reasonable annual*  
14 *rental, for a period up to 25 years, and, at the discre-*  
15 *tion of the Secretary, with a privilege of renewal for*  
16 *a like period, if the proposed use is not inconsistent*  
17 *with the land allocations within applicable land and*  
18 *resource management plans under the Forest and*  
19 *Rangeland Renewable Resources Planning Act of*  
20 *1974 (16 U.S.C. 1600 et seq.)*

21 *(3) CONSIDERATION.—The conveyance or lease of*  
22 *a parcel for purposes under this section shall be made*  
23 *at a price to be fixed by the Secretary, consistent with*  
24 *the pricing structure established by the Secretary of*

1       *the Interior under the Act of June 14, 1926 (43*  
2       *U.S.C. 869 et seq.).*

3       *(g) ACREAGE LIMITATIONS AND PROPERTY DESCRIP-*  
4       *TIONS.—*

5               (1) *ACREAGE LIMITATIONS.—A conveyance*  
6       *under this section may not exceed 100 acres, unless*  
7       *the parcel contains facilities that have been deter-*  
8       *mined by the Secretary to be suitable for disposal*  
9       *under the authority of the General Services Adminis-*  
10       *tration. This limitation shall not be construed to pre-*  
11       *clude an entity from submitting subsequent applica-*  
12       *tions under this section for additional land convey-*  
13       *ances if the entity can demonstrate to the Secretary*  
14       *a need for additional land.*

15              (2) *DESCRIPTION OF PROPERTY.—If necessary,*  
16       *the exact acreage and legal description the real prop-*  
17       *erty conveyed under this subsection shall be deter-*  
18       *mined by a survey satisfactory to the Secretary and*  
19       *the applicant. The cost of the survey shall be borne by*  
20       *the applicant.*

21              (3) *RECREATION AND PURPOSES ACT.—Section 1*  
22       *of the Act of June 14, 1926 (commonly known as the*  
23       *“Recreation and Public Purposes Act”; 43 U.S.C.*  
24       *869), as amended, is further amended by adding at*  
25       *the end the following:*

1       “(d) *DESCRIPTION OF PROPERTY.*—If necessary, the  
2 *exact acreage and legal description of the real property con-*  
3 *veyed under this section shall be determined by a survey*  
4 *satisfactory to the Secretary and the applicant. The cost*  
5 *of the survey shall be borne by the applicant.”*

6       (h) *RESERVATION OF MINERAL RIGHTS.*—Each con-  
7 *veyance or lease under this section shall contain a reserva-*  
8 *tion to the United States of all mineral deposits in the par-*  
9 *cel conveyed or leased and of the right to mine and remove*  
10 *the mineral deposits under applicable laws (including regu-*  
11 *lations).*

12       (i) *USE OF THE LEASED LAND FOR UNAUTHORIZED*  
13 *PURPOSES.*—Each lease under this section shall contain a  
14 *provision for termination of the lease on a finding by the*  
15 *Secretary that—*

16               (1) *the parcel has not been used by the lessee as*  
17 *specified in the lease of a period greater than 5 years;*  
18 *or*

19               (2) *the parcel or any part of the parcel is being*  
20 *devoted to a use other than that for which the lease*  
21 *was made.*

22       (j) *CONDITIONS OF CONVEYANCE; REVERSION FOR*  
23 *NONCOMPLIANCE.*—

24               (1) *CONDITIONS OF CONVEYANCE.*—

25                       (A) *TRANSFER OF TITLE.*—



1           (i) *IN GENERAL.*—*Except as provided*  
2           *in clause (ii), title to a parcel conveyed by*  
3           *the Secretary under this section may not be*  
4           *transferred by the grantee or a successor of*  
5           *the grantee.*

6           (ii) *EXCEPTION.*—*With the consent of*  
7           *the Secretary in accordance with this sec-*  
8           *tion, title to a parcel may be transferred to*  
9           *the State or a political subdivision of the*  
10           *State in which the parcel is located.*

11          (B) *USE.*—

12           (i) *IN GENERAL.*—*Except as provided*  
13           *in clause (ii), a grantee or a successor of the*  
14           *grantee may not change the use specified in*  
15           *the conveyance of a parcel under this sec-*  
16           *tion to another or additional use.*

17           (ii) *EXCEPTION.*—*Upon application*  
18           *and appropriate public participation, the*  
19           *Secretary may approve a change in use of*  
20           *a parcel to another recreational, educational*  
21           *or other public use, in accordance with this*  
22           *section.*

23           (2) *REVERSION FOR NONCOMPLIANCE.*—*If at any*  
24           *time after a parcel is conveyed by the Secretary, the*  
25           *grantee or a successor of the grantee, without the con-*

1        *sent of the Secretary, attempts to transfer title to or*  
2        *control over the parcel to another person or entity or*  
3        *to devote the parcel to a use other than that for which*  
4        *the parcel was conveyed, title to the parcel shall revert*  
5        *to the United States.*

6        *(k) PRIOR CONVEYANCES.—On application by the*  
7        *State or a political subdivision of the State in which the*  
8        *parcel is located, the Secretary may authorize a transfer*  
9        *of title or a change in use in accordance with subsection*  
10       *(j) with respect to any parcel conveyed under this section*  
11       *or any other law.*

12       *(l) SOLID WASTE DISPOSAL SITES.—*

13                *(1) CONVEYANCE FOR THE PURPOSES OF SOLID*  
14        *WASTE DISPOSAL.—If the Secretary receives an appli-*  
15        *cation for conveyance of a parcel under this section*  
16        *for the purpose of solid waste disposal or for another*  
17        *purpose that the Secretary finds may include the dis-*  
18        *posal, placement, or release of any hazardous sub-*  
19        *stance, the Secretary may convey the parcel subject*  
20        *only to this subsection.*

21                *(2) INVESTIGATION.—*

22                        *(A) IN GENERAL.—Before any conveyance*  
23        *of a parcel under this subsection, the Secretary*  
24        *shall investigate the parcel to determine whether*  
25        *any hazardous substance is present on the parcel.*

1                   (B) *ELEMENTS OF AN INVESTIGATION.*—An  
2                   investigation under subparagraph (A) shall  
3                   include—

4                           (i) a review of any available records of  
5                           the use of the parcel; and

6                           (ii) all appropriate analyses of the soil,  
7                           water and air associated with the parcel.

8                   (C) *PRESENCE OF A HAZARDOUS SUB-*  
9                   *STANCE.*—A parcel shall not be conveyed under  
10                   this subsection if the investigation indicates that  
11                   any hazardous substance is present on the parcel.

12                   (3) *SUBMISSION TO OTHER STATE AND FEDERAL*  
13                   *AGENCIES.*—No application for conveyance under this  
14                   subsection shall be acted on by the Secretary until the  
15                   applicant has furnished evidence, satisfactory to the  
16                   Secretary, that a copy of the application and infor-  
17                   mation concerning the proposed use of the parcel cov-  
18                   ered by the application has been provided to the En-  
19                   vironmental Protection Agency and to all other State  
20                   and Federal agencies with responsibility for enforce-  
21                   ment of Federal and State laws applicable to land  
22                   used for the disposal, placement, or release of solid  
23                   waste or any hazardous substance.

1           (4) *WARRANTY.*—*No application for conveyance*  
2 *under this subsection shall be acted on by the Sec-*  
3 *retary until the applicant gives a warranty that—*

4                   (A) *use of the parcel covered by the applica-*  
5 *tion will be consistent with all applicable Fed-*  
6 *eral and State laws, including laws dealing with*  
7 *the disposal, placement, or release of hazardous*  
8 *substances; and*

9                   (B) *the applicant will hold the United*  
10 *States harmless from any liability that may*  
11 *arise out of any violation of any such law.*

12           (5) *REQUIREMENTS.*—*A conveyance under this*  
13 *subsection shall be made to the extent that the appli-*  
14 *cant demonstrates to the Secretary that the parcel*  
15 *covered by an application meets all applicable State*  
16 *and local requirements and is appropriate in char-*  
17 *acter and reasonable in acreage in order to meet an*  
18 *existing or reasonably anticipated need for solid*  
19 *waste disposal or for another proposed use that the*  
20 *Secretary finds may include the disposal, placement,*  
21 *or release of any hazardous substance.*

22           (6) *CONDITIONS.*—

23                   (A) *IN GENERAL.*—*A conveyance of a parcel*  
24 *under this subsection shall be subject to the con-*  
25 *ditions stated in this paragraph.*

1 (B) *REVERTER.*—

2 (i) *IN GENERAL.*—*The instrument of*  
3 *conveyance shall provide that the parcel*  
4 *shall revert to the United States unless sub-*  
5 *stantially all of the parcel has been used, on*  
6 *or before the date that is 5 years after the*  
7 *date of conveyance, for the purpose specified*  
8 *in the application, or for other use or uses*  
9 *authorized under subsection (b) with the*  
10 *consent of the Secretary.*

11 (ii) *LIMITATION.*—*No portion of a par-*  
12 *cel that has been used for solid waste dis-*  
13 *posal or for any other purpose that the Sec-*  
14 *retary finds may result in the disposal,*  
15 *placement, or lease of a hazardous substance*  
16 *shall revert to the United States.*

17 (C) *PAYMENT TO THE SECRETARY ON FUR-*  
18 *THER CONVEYANCE.*—*If at any time after con-*  
19 *veyance any portion of a parcel has not been*  
20 *used for the purpose specified in the application,*  
21 *and the entity to which the parcel was conveyed*  
22 *by the Secretary transfers ownership of the un-*  
23 *used portion to any other person or entity,*  
24 *transferee shall be liable to pay the Secretary the*  
25 *fair market value of the transferred portion as of*

1           *the date of the transfer, including the value of*  
2           *any improvements thereon.*

3           *(D) USE OF PAYMENTS.—Subject to the*  
4           *availability of appropriations, all amounts re-*  
5           *ceived by the Secretary under subparagraph (C)*  
6           *shall be retained by the Secretary, shall be avail-*  
7           *able to the Secretary for use for the management*  
8           *of National Forest System land, and shall re-*  
9           *main available until expended.*

Attest:

*Secretary.*

106TH CONGRESS  
2D SESSION

**H. R. 150**

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**AMENDMENT**