

## **A BILL**

To authorize the Secretary of Agriculture to dispose of certain National Forest System lands and retain receipts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SEC. 1. SHORT TITLE.**

This Act may be cited as the “National Forest Land Conveyance for Rural Communities Act”

### **SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Certain National Forest System land is interspersed with or adjacent to non-Federal land and because of location and size is not subject to efficient or effective management and administration.

(2) Disposal of such land will save Federal expenditures necessary for management and will provide revenues to offset a temporary extension of certain payments to State and local jurisdictions that have been impacted by reduced revenues from timber production on Federal lands.

(3) The Secretary of Agriculture should accelerate the disposal of such land within the five year period following enactment of this Act.

### **SEC. 3. DEFINITIONS.**

In this Act:

(1) APPRAISAL.—The term “appraisal” means an appraisal conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the

Uniform Standards of Professional Appraisal Practice.

(2) ELIGIBLE ENTITY.-The term “eligible entity” means a State or local government, an Indian tribe, or a non-profit organization.

(3) INDIAN TRIBE.-The term “Indian Tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village or community that is listed by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(4) LAND.-The term “land” means lands, water, and interests therein.

(5) NATIONAL FOREST SYSTEM.-The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) NON-PROFIT ORGANIZATION.-The term “non-profit organization” means an organization qualified under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)).

(7) SECRETARY.-The term “Secretary” means the Secretary of Agriculture.

#### **SEC. 4. DISPOSITION OF CERTAIN LAND.**

(a) IN GENERAL.-Subject to valid existing rights and amounts specified in subsection (b), when the Secretary determines it to be in the public interest, the Secretary is authorized—

(1) to sell all right, title, and interest of the United States in and to National Forest System land the Secretary determines to be eligible for disposal under section 5;

(2) to determine the value of the land to be sold, except as provided in subsection

(f),—

(A) by conducting an appraisal that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions, established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(ii) the Uniform Standards of Professional Appraisal Practice; or

(B) by competitive sale; and

(3) to accept cash consideration for the land sold.

(b) AUTHORIZATION.—The total proceeds received from the sale of land under subsection (a) shall not exceed \$800,000,000.

(c) LIMITATION. - The Secretary shall offer for sale under this Act lands the proceeds for which shall not to exceed-

(A)\$320,000,000 for fiscal years 2007 through 2011;

(B) an additional \$250,000,000 for fiscal years 2008 through 2011;

(C) an additional \$125,000,000 for fiscal years 2009 through 2011;

(D) an additional \$65,000,000 for fiscal years 2011; and

(E) an additional \$40,000,000 for fiscal years 2011. and thereafter, as necessary.

(d) RESERVATIONS.—In disposing of National Forest System land under this Act, the Secretary may reserve rights-of-way, water rights, or other interests in land determined to be necessary or desirable for public purposes.

(e) NOTICE OF LAND FOR SALE.—The Secretary shall give notice of the availability of land for sale by publication in a newspaper of general circulation in the county or counties in which the land is located.

(f) PREFERENTIAL SALES.

(1) IN GENERAL.—Under such terms, conditions, and procedures as the Secretary may prescribe and in accordance with this subsection, the Secretary shall offer for sale land authorized for disposal under this Act first to eligible entities before such land is offered for sale to the general public.

(2) INTEREST IN ACQUISITION.—An eligible entity shall have 30 days from the date of the publication of a notice under subsection (c) to submit to the Secretary a written notice of interest in acquiring the land. If no notice of interest is submitted within the 30-day period, the preferential right in paragraph (1) shall not apply to the sale of the land.

(3) SINGLE NOTICE OF INTEREST.—If one eligible entity submits a notice of interest within the 30-day period in paragraph (2)—

(A) the Secretary shall determine market value for the land based on an

appraisal;

(B) the Secretary may offer the land for sale at market value to the eligible entity; and

(C) the eligible entity shall have 90 days from the date of offer to enter into a purchase agreement with the Secretary.

(4) MULTIPLE NOTICES OF INTEREST.—If more than one eligible entity submits a notice of interest within the 30-day period in paragraph (2), the Secretary—

(A) shall determine market value for the land based on an appraisal;

(B) may offer the land for sale utilizing procedures, including closed bids, as the Secretary may establish that are in the public interest to maximize sale at the highest price but not less than market value; and

(C) the eligible entity shall have 90 days from the date of offer to enter into a purchase agreement with the Secretary.

(g) REVERTER.—Except as provided by subsection (h), no deed conveying land to an eligible entity under this Act shall contain a reverter to the United States.

(h) ELIGIBLE ENTITIES REVERSION.—If at any time after National Forest System land is conveyed to an eligible entity under this Act and any such eligible entity attempts to transfer title to or control over these lands to another or the lands are devoted to a use other than for significant conservation values, including the scenic, cultural, rural, agricultural, wildlife, woodland, or wetland values without the consent of the Secretary, title to the lands shall revert to the United States.

(i) REGIONAL EQUITY.—The Secretary, to the maximum extent feasible, will consider regional equity in the selection of any National Forest System land that may be selected for disposal.

## **SEC. 5. ELIGIBILITY OF LAND.**

(a) ELIGIBLE LAND.—National Forest System land eligible for sale under this title is land that—

(1) is on the list required under subsection (b);

(2) is interspersed with, or adjacent to, non-Federal land; and

(3) the Secretary determines is not subject to efficient or effective management and administration due to its location, shape, configuration, or size.

(b) LIST. The Secretary shall, based on public notice and comment, prepare and publish a list of eligible lands that the Secretary determines should be available for disposal under this Act.

(c) INELIGIBLE LAND.—Land not eligible for disposal under this Act is as follows:

(1) Land located within the boundaries of any component of the National Wilderness Preservation System, National Wild and Scenic Rivers System, or National Trails System, or within any National Recreation Area, National Monument, National Historic Site, National Preserve or similar Congressionally designated area.

(2) A research natural area, experimental forest or similar area designated by the Secretary for special management.

(3) An administrative site as defined by section 503 of the Department of the Interior, Environment, and Related Agencies Act, 2006, (Public Law. 109-54, 119 Stat. 559).

## **SEC. 6. CONVEYANCE OF ELIGIBLE LAND.**

(a) CONFIGURATION OF LANDS.—To facilitate the disposal of lands under this Act, the Secretary may configure those lands—

(1) to maximize the marketability of the lands; and

(2) to achieve management objectives on remaining National Forest System lands.

(b) CONSIDERATION.

(1) CONSIDERATION REQUIRED.—A person or entity acquiring lands under this Act shall provide to the Secretary consideration in an amount that is at least equal to the market value of the lands.

(2) FORM OF CONSIDERATION.—Consideration for National Forest System land disposed of by sale under this title shall be paid in cash on conveyance of the land.

(c) RELATION TO OTHER FEDERAL PROPERTY DISPOSAL LAWS. —Subchapter I of chapter 5 of title 40, United States Code, shall not apply to the disposal of National Forest Systems land under this Act.

(d) REJECTION OF OFFERS.—The Secretary shall reject any offer made for the disposal of National Forest System land under this Act if the Secretary determines that the offer is—

- (1) not adequate to cover the market value of the National Forest System land; or
- (2) not otherwise in the public interest.

## **SEC. 7. ENVIRONMENTAL REVIEW.**

(a) CATEGORICAL EXCLUSION.—A proposal to sell National Forest System land under this Act shall be categorically excluded from documentation in an environmental impact statement or an environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) subject to the extraordinary circumstances procedures established by the Forest Service pursuant to section 1508.4 of Title 40, Code of Federal Regulations.

(b) NOTICE AND COMMENT; ADMINISTRATIVE APPEAL.—A proposal to sell National Forest System land under this Act shall not be subject to the notice, comment, and administrative appeal requirements of section 322 of the Department of the Interior and Related Agencies Appropriations Act of 1993 (Public Law 102-381; 16 U.S.C. 1612 note) and Part 215 of title 36, Code of Federal Regulations.

## **SEC. 8. DISPOSITION OF PROCEEDS.**

(a) PROCEEDS.— There is established a special account entitled Forest County Safety Net Payments in the Treasury of the United States. Proceeds authorized to be collected pursuant to this Act shall be deposited in such account, to remain available until expended. Such amounts shall, subject to further enactment by the Congress to make such funds available, be used for certain payments to State and local jurisdictions that have been affected by reduced revenues from timber production on Federal lands.

(b) ADMINISTRATIVE COSTS.—In addition to the proceeds received from the sale of National Forest System land under this Act, the Secretary shall require a purchaser to cover administrative costs associated with the sale, which may include reasonable broker's fees or commission.

## **SEC. 9. DURATION.**

This Act shall be effective until fiscal year 2011, or until the dollar threshold in Section 4(b) is reached, whichever is later.

