

108TH CONGRESS  
1ST SESSION

# H. R. 2776

To help ensure general aviation aircraft access to Federal land and to the  
airspace over that land.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2003

Mr. OTTER (for himself, Mr. SIMPSON, Mr. BOSWELL, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. FLAKE, and Mr. NETHERCUTT) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, 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 help ensure general aviation aircraft access to Federal  
land and to the airspace over that land.

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 “Backcountry Landing  
5       Strip Access Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

1           (1) Aircraft landing strips serve an essential  
2       safety role as emergency landing areas.

3           (2) Aircraft landing strips provide access to  
4       people who would otherwise be physically unable to  
5       enjoy national parks, national forests, and other  
6       Federal lands.

7           (3) Aircraft landing strips serve an essential  
8       purpose in search and rescue, forest and ecological  
9       management, research, and aerial mapping.

10          (4) Aircraft landing strips serve an essential  
11       role in firefighting and disaster relief.

12          (5) The Secretary of the Interior and the Sec-  
13       retary of Agriculture should adopt a nationwide pol-  
14       icy for governing backcountry aviation issues related  
15       to the management of Federal land under the juris-  
16       diction of those Secretaries and should require re-  
17       gional managers to adhere to that policy.

18   **SEC. 3. PROCEDURE FOR CONSIDERATION OF ACTIONS AF-**  
19                           **FFECTING AIRCRAFT LANDING STRIPS.**

20          (a) IN GENERAL.—Neither the Secretary of the Inte-  
21       rior nor the Secretary of Agriculture shall take any action  
22       which would permanently close or render or declare as un-  
23       serviceable any aircraft landing strip located on Federal  
24       land under the administrative jurisdiction of either Sec-  
25       retary unless—

1           (1) the head of the aviation department of each  
2       State in which the aircraft landing strip is located  
3       has approved the action;

4           (2) notice of the proposed action and the fact  
5       that the action would permanently close or render or  
6       declare as unserviceable the aircraft landing strip  
7       has been published in the Federal Register;

8           (3) a 90-day public comment period on the ac-  
9       tion has been provided after the publication under  
10      paragraph (2); and

11          (4) any comments received during the comment  
12      period provided under paragraph (3) have been  
13      taken into consideration by the Secretary of the In-  
14      terior or the Secretary of Agriculture, as the case  
15      may be, and the head of the aviation department of  
16      each State in which the affected aircraft landing  
17      strip is located.

18      (b) NATIONAL POLICY.—Not later than 2 years after  
19      the date of the enactment of this Act, the Secretary of  
20      the Interior and the Secretary of Agriculture shall—

21          (1) adopt a nationwide policy that is in accord-  
22      ance with this Act for governing backcountry avia-  
23      tion issues related to the management of Federal  
24      land under the jurisdiction of those Secretaries; and

1           (2) require regional managers to adhere to that  
2       policy.

3       (c) REQUIREMENTS FOR POLICIES.—A policy affect-  
4       ing air access to an aircraft landing strip located on Fed-  
5       eral land under the jurisdiction of the Secretary of the  
6       Interior or the Secretary of Agriculture, including the pol-  
7       icy required by subsection (b), shall not take effect unless  
8       the policy—

9           (1) states that the Federal Aviation Adminis-  
10       tration has the sole authority to control aviation and  
11       airspace over the United States; and

12          (2) seeks and considers comments from State  
13       governments and the public.

14       (d) MAINTENANCE OF AIRSTRIPS.—

15          (1) IN GENERAL.—The Secretary of the Inte-  
16       rior and the Secretary of Agriculture shall consult  
17       with—

18               (A) the head of the aviation department of  
19               each State in which an aircraft landing strip on  
20               Federal land under the jurisdiction of that Sec-  
21               retary is located; and

22               (B) other interested parties,  
23       to ensure that such aircraft landing strips are main-  
24       tained in a manner that is consistent with the re-  
25       source values of the adjacent area.

1           (2) COOPERATIVE AGREEMENTS.—The Sec-  
2       retary of the Interior and the Secretary of Agri-  
3       culture may enter into cooperative agreements with  
4       interested parties for the maintenance of aircraft  
5       landing strips located on Federal land.

6       (e) EXCHANGES OR ACQUISITIONS.—Closure or pur-  
7       poseful neglect of any aircraft landing strip, or any other  
8       action which would render any aircraft landing strip un-  
9       serviceable, shall not be a condition of any Federal acquisi-  
10      tion of or exchange involving private property upon which  
11      the aircraft landing strip is located.

12      (f) NEW AIRCRAFT LANDING STRIPS NOT CRE-  
13      ATED.—Nothing in this Act shall be construed to create  
14      or authorize additional aircraft landing strips.

15      (g) PERMANENTLY CLOSE.—For the purposes of this  
16      Act, the term “permanently close” means any closure the  
17      duration of which is more than 180 days in any calendar  
18      year.

19      (h) APPLICABILITY.—

20           (1) AIRCRAFT LANDING STRIPS.—This Act shall  
21      apply only to established aircraft landing strips on  
22      Federal lands administered by the Secretary of the  
23      Interior or the Secretary of Agriculture that are  
24      commonly known and have been or are consistently  
25      used for aircraft landing and departure activities.

1           (2) ACTIONS, POLICIES, EXCHANGES, AND AC-  
2           QUISITIONS.—Subsections (a), (c), and (e) shall  
3           apply to any action, policy, exchange, or acquisition,  
4           respectively, that is not final on the date of the en-  
5           actment of this Act.

6           (i) FAA AUTHORITY NOT AFFECTED.—Nothing in  
7           this Act shall be construed to affect the authority of the  
8           Federal Aviation Administration over aviation or airspace.

○