

115TH CONGRESS
1ST SESSION

H. R. 3333

To provide for the orderly disposal of certain Federal lands, to benefit education and other purposes through the sales of such lands, to consolidate Federal lands to improve management, to provide for the acquisition of lands for recreational and other opportunities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2017

Mr. GOSAR (for himself, Mr. AMODEI, Mr. FRANKS of Arizona, Mr. SCHWEIKERT, Mr. SESSIONS, and Mr. YOUNG of Alaska) 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 provide for the orderly disposal of certain Federal lands, to benefit education and other purposes through the sales of such lands, to consolidate Federal lands to improve management, to provide for the acquisition of lands for recreational and other opportunities, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Hunting, Education, And Recreational Development
4 Act” or the “HEARD Act”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Disposal.
- Sec. 5. Lands to provide or increase recreational and other opportunities.
- Sec. 6. Public availability of information on land potentially available for disposal.
- Sec. 7. Recreation and Public Purposes Act.
- Sec. 8. Limitations for administrative costs.
- Sec. 9. Recording.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The total Federal estate exceeds more than
10 635,000,000 acres.

11 (2) The Federal Government owns parcels of
12 varying size interspersed with or adjacent to private,
13 State, and tribal lands throughout the United
14 States, making many of these parcels difficult to
15 manage and more appropriate for disposal.

16 (3) The Bureau of Land Management identifies
17 certain lands potentially available for disposal in re-
18 visions to resource management plans.

19 (4) Existing law does not require the Bureau of
20 Land Management to dispose of identified lands on
21 a regular or frequent basis. As a result, lands identi-

1 fied as potentially available for disposal under valid
2 resource management plans are rarely disposed of by
3 the Bureau of Land Management.

4 (5) The Forest Service has several authorities
5 to dispose of Federal lands, but such authorities are
6 rarely used.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to provide for the orderly disposal of certain
9 Federal lands;

10 (2) to benefit education through the sales of
11 such lands and research focused on natural resource
12 issues at educational institutions;

13 (3) to consolidate Federal lands to achieve bet-
14 ter management; and

15 (4) to provide for the acquisition of certain
16 lands to provide or increase recreational and other
17 purposes.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) HUNTING.—The term “hunting” means use
21 of a firearm, bow, or other authorized means in the
22 lawful—

23 (A) pursuit, shooting, capture, collection,
24 trapping, or killing of wildlife; or

1 (B) attempt to pursue, shoot, capture, col-
2 lect, trap, or kill wildlife.

3 (2) LAND GRANT UNIVERSITY.—The term
4 “land grant university” means a land grant univer-
5 sity—

6 (A) established under the Act of July 2,
7 1862 (known as the “First Morrill Act”; 12
8 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

9 (B) established under the Act of August
10 30, 1890 (known as the “Second Morrill Act”;
11 26 Stat. 419, chapter 841; 7 U.S.C. 321 et
12 seq.); or

13 (C) described in section 533(a)(1) of the
14 Equity in Educational Land-Grant Status Act
15 of 1994 (part C of title V of Public Law 103–
16 382).

17 (3) RECREATIONAL FISHING.—The term “rec-
18 reational fishing” means the lawful—

19 (A) pursuit, capture, collection, or killing
20 of fish; or

21 (B) attempt to pursue, capture, collect, or
22 kill fish.

23 (4) RECREATIONAL OFF-HIGHWAY VEHICLES.—
24 The term “recreational off-highway vehicle” means a
25 motorized off-highway vehicle designed to travel on

1 four or more tires, intended by the manufacturer for
2 recreational use by one or more persons and having
3 all of the following characteristics:

4 (A) A steering wheel for steering control.

5 (B) Foot controls for throttle and service
6 brake.

7 (C) Non-straddle seating.

8 (D) Maximum speed capability greater
9 than 30 miles per hour.

10 (E) Gross vehicle weight rating no greater
11 than 3,750 pounds.

12 (F) Less than 80 inches in overall width,
13 exclusive of accessories.

14 (G) Engine displacement equal to or less
15 than 61 cubic inches for gasoline fueled en-
16 gines.

17 (H) Identification by means of a 17-char-
18 acter personal or vehicle information number.

19 (5) RECREATION AND PUBLIC PURPOSES
20 ACT.—The term “Recreation and Public Purposes
21 Act” means the Act entitled “An Act to authorize
22 acquisition or use of public lands by States, counties,
23 or municipalities for recreational purposes”, ap-
24 proved June 14, 1926 (43 U.S.C. 869 et seq.).

1 (6) RECREATIONAL SHOOTING.—The term
2 “recreational shooting” means any form of sport,
3 training, competition, or pastime, whether formal or
4 informal, that involves the discharge of a rifle, hand-
5 gun, or shotgun, or the use of a bow.

6 (7) SECRETARY CONCERNED.—The term “Sec-
7 retary concerned” means—

8 (A) the Secretary of the Interior, in ref-
9 erence to lands under the jurisdiction of that
10 Secretary; and

11 (B) the Secretary of Agriculture, in ref-
12 erence to lands under the jurisdiction of that
13 Secretary.

14 (8) SPECIAL ACCOUNT.—The term “special ac-
15 count” means the account in the Treasury of the
16 United States established under this Act.

17 (9) UNIT OF LOCAL GOVERNMENT.—The term
18 “unit of local government” means the governing
19 body of each, community, county, municipality, city,
20 town, or township created pursuant to State law
21 with boundaries interspersed with or adjacent to
22 Federal lands.

23 **SEC. 4. DISPOSAL.**

24 (a) DISPOSAL.—In accordance with this Act, and
25 other applicable law, and subject to valid existing rights,

1 the Secretary concerned is authorized to dispose of Fed-
2 eral land.

3 (b) SELECTION.—

4 (1) JOINT SELECTION REQUIRED.—The Sec-
5 retary concerned and the unit of local government in
6 whose jurisdiction lands referred to in subsection (a)
7 are located shall jointly select lands to be offered for
8 sale or exchange under this section. The Secretary
9 concerned shall coordinate land disposal activities
10 with the unit of local government concerned. Land
11 disposal activities of the Secretary concerned shall
12 be consistent with local land use planning and zon-
13 ing requirements and recommendations. There may
14 be no net loss of Animal Unit Months within grazing
15 allotments where lands are disposed.

16 (2) OFFERING.—(A) The Secretary concerned
17 shall make the first offering of land as soon as prac-
18 ticable after land has been selected in accordance
19 with this subsection.

20 (B) The Secretary of the Interior shall dispose
21 of not less than 10 percent of lands currently identi-
22 fied by the Bureau of Land Management for dis-
23 posal as of the date of the enactment of this Act in
24 each of the first 8 years after the date of the enact-
25 ment of this Act, for a total of 80 percent of such

1 lands by the end of the eighth year after the date
2 of the enactment of this Act.

3 (C) The Secretary of the Interior shall dispose
4 of not less than 20 percent of lands identified by the
5 Bureau of Land Management for disposal in any re-
6 source management plan amendment made after the
7 date of the enactment of this Act in each of the 4
8 years after such an amendment is made, for a total
9 of 80 percent of such lands by the end of the fourth
10 year after the date of such amendment.

11 (D) The Secretary of Agriculture shall dispose
12 of not less than 10 percent of lands currently identi-
13 fied by the Forest Service for disposal as of the date
14 of the enactment of this Act in each of the first 8
15 years after the date of the enactment of this Act, for
16 a total of 80 percent of such lands by the end of the
17 eighth year after the date of the enactment of this
18 Act.

19 (E) The Secretary of Agriculture shall dispose
20 of not less than 20 percent of lands identified by the
21 Forest Service for disposal in any resource manage-
22 ment plan amendment made after the date of the
23 enactment of this Act in each of the 4 years after
24 such an amendment is made, for a total of 80 per-

1 cent of such lands by the end of the fourth year
2 after the date of such amendment.

3 (F) Private landowners with inholdings inter-
4 spersed with or adjacent to Federal land being dis-
5 posed of shall have the first right of refusal for the
6 purchase of land sold or exchanged under this Act.

7 (c) DISPOSITION OF PROCEEDS.—

8 (1) LAND SALES.—Of the gross proceeds of
9 sales of land under this subsection in a fiscal year
10 shall be made available as follows:

11 (A) Fifteen percent shall be paid directly
12 to the State where the sale takes place for use
13 to supplement the education of students in kin-
14 dergarten through grade 12, to supplement
15 public support of institutions of public higher
16 education, and to supplement State agricultural
17 and natural resource agencies.

18 (B) Fifteen percent shall be paid directly
19 to the one or more land grant universities with-
20 in the boundaries of the State of which the rev-
21 enue is derived for the purposes of providing
22 agricultural and natural resources research, ex-
23 tension, teaching and infrastructure.

24 (C) Ten percent shall be paid directly to
25 the one or more counties within the boundaries

1 of which the revenue is derived with 50 percent
2 of those revenues going to a county extension
3 office.

4 (D) Ten percent shall be deposited in a
5 special account created in the Treasury of the
6 United States for use pursuant to the provi-
7 sions of paragraph (3).

8 (E) The remainder shall be deposited into
9 the General Fund of the Treasury.

10 (2) PAYMENTS.—

11 (A) IN GENERAL.—Amounts paid to land
12 grant universities under subsection (B) shall be
13 in addition to any other payments of public
14 support.

15 (B) PAYMENTS IN LIEU OF TAXES.—A
16 payment to a county under subsection (C) shall
17 be in addition to a payment in lieu of taxes re-
18 ceived by the county under chapter 69 of title
19 31, United States Code.

20 (3) AVAILABILITY OF SPECIAL ACCOUNT.—

21 (A) IN GENERAL.—Amounts deposited in
22 the special account may be expended by the
23 Secretary concerned for—

24 (i) any of the purposes described in
25 section 5; and

1 (ii) deferred maintenance, repairs, and
2 capital improvements.

3 (B) PROCEDURES.—The Secretary con-
4 cerned shall coordinate the use of the special
5 account with States, the unit of local govern-
6 ment in whose jurisdiction the lands are lo-
7 cated, and other interested persons, to ensure
8 accountability and demonstrated results.

9 (C) INVESTMENT OF SPECIAL ACCOUNT.—
10 All funds deposited as principal in the special
11 account shall earn interest in the amount deter-
12 mined by the Secretary of the Treasury on the
13 basis of the current average market yield on
14 outstanding marketable obligations of the
15 United States of comparable maturities. Such
16 interest shall be added to the principal of the
17 account and expended according to the provi-
18 sions of paragraph (3).

19 **SEC. 5. LANDS TO PROVIDE OR INCREASE RECREATIONAL**
20 **AND OTHER OPPORTUNITIES.**

21 (a) ACQUISITIONS.—

22 (1) DEFINITION.—For purposes of this sub-
23 section, the term “recreational beneficial land”
24 means land or an interest in land, the acquisition of

1 which the United States would, in the judgment of
2 the Secretary concerned provide an opportunity—

3 (A) for hunting, recreational fishing, rec-
4 reational shooting, recreational off-highway ve-
5 hicles, or other recreational purposes; or

6 (B) to achieve better management of pub-
7 lic land through consolidation of Federal owner-
8 ship.

9 (2) CONCURRENCE.—Before initiating efforts to
10 acquire land under this subsection, the Secretary
11 concerned shall obtain the concurrence of each af-
12 fected State and unit of local government within
13 whose jurisdiction the lands are located, including
14 appropriate planning and regulatory agencies, and
15 with other interested persons, concerning the neces-
16 sity of making the acquisition, the potential impacts
17 on State and local government, and other appro-
18 priate aspects of the acquisition. Concurrence under
19 this paragraph is in addition to any other consulta-
20 tion required by law.

21 (3) IN GENERAL.—After the consultation proc-
22 ess has been completed in accordance with para-
23 graph (3), the Secretary concerned may acquire,
24 with the proceeds of the special account, recreational
25 beneficial land and interests in recreational bene-

1 ficial land. Lands may not be acquired by eminent
2 domain or condemnation or without the consent of
3 the owner thereof. Funds made available from the
4 special account may be used with any other funds
5 made available under any other provision of law or
6 any other non-Federal matching funds provided by
7 a nongovernmental organization.

8 (b) DETERMINATION OF FAIR MARKET VALUE.—

9 The fair market value of land or an interest in land to
10 be acquired by the Secretary concerned under this section
11 shall be determined pursuant to section 206 of the Federal
12 Land Policy and Management Act of 1976 and shall be
13 consistent with other applicable requirements and stand-
14 ards. Fair market value shall be determined without re-
15 gard to the presence of a species listed as threatened or
16 endangered under the Endangered Species Act of 1973
17 (16 U.S.C. 1531 et seq.).

18 (c) PAYMENTS IN LIEU OF TAXES.—Subparagraph
19 (H) of section 6901(1) of title 31, United States Code,
20 is amended by inserting “or the Hunting, Education, and
21 Recreational Development Act” after “the Southern Ne-
22 vada Public Land Management Act of 1998”.

23 (d) LIMITATION.—The total land acreage acquired
24 annually under this Act shall not exceed the total Federal
25 land acreage disposed of annually under this Act.

1 **SEC. 6. PUBLIC AVAILABILITY OF INFORMATION ON LAND**
2 **POTENTIALLY AVAILABLE FOR DISPOSAL.**

3 (a) BUREAU OF LAND MANAGEMENT.—The Bureau
4 of Land Management, shall make publicly available, in-
5 cluding on the Internet at [http://www.blm.gov/wo/st/](http://www.blm.gov/wo/st/en/prog/planning/planning__overview/lands__potentially0.html)
6 [en/prog/planning/planning__overview/lands__potentially0](http://www.blm.gov/wo/st/en/prog/planning/planning__overview/lands__potentially0.html)
7 [.html](http://www.blm.gov/wo/st/en/prog/planning/planning__overview/lands__potentially0.html), or any successor website, all public lands managed
8 by the agency potentially available for disposal as identi-
9 fied in agency resource management plans.

10 (b) FOREST SERVICE.—The Forest Service, shall
11 make publicly available, including on the Internet, all pub-
12 lic lands managed by the agency identified for disposal as
13 identified in agency land and resource management plans.

14 **SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.**

15 (a) IN GENERAL.—Upon request by a grantee of
16 lands within a local county that are subject to a lease or
17 patent issued under the Recreation and Public Purposes
18 Act, the Secretary concerned may transfer the rever-
19 sionary interest in such lands to other non-Federal lands.
20 The transfer of the reversionary interest under this section
21 shall only be made to lands of equal value, except that
22 with respect to States or a unit of local government an
23 amount equal to the excess (if any) of the fair market
24 value of lands received by the unit of local government
25 over the fair market value of lands transferred by the unit
26 of local government shall be paid to the Secretary con-

1 cerned and shall be treated under subsection (d)(1) of sec-
2 tion 4 as proceeds from the sale of land. For purposes
3 of this subsection, the fair market value of lands to be
4 transferred by States or a unit of local government may
5 be based upon a statement of value prepared by a qualified
6 appraiser.

7 (b) **TERMS AND CONDITIONS APPLICABLE TO RE-**
8 **VERSIONARY INTEREST.**—Other non-Federal lands se-
9 lected under this subsection by a grantee described in sub-
10 section (a) shall be subject to the activities defined as per-
11 missible under parts 2920 and 2930 of title 43, Code of
12 Federal Regulations, shall be permissible.

13 **SEC. 8. LIMITATIONS FOR ADMINISTRATIVE COSTS.**

14 Amounts deposited in the special account created by
15 this Act shall be expended by the Secretary concerned for
16 reimbursement of—

17 (1) costs incurred by the local offices of the Bu-
18 reau of Land Management and the Forest Service in
19 arranging sales, conveyances, or exchanges under
20 this Act; and

21 (2) reimbursement of any other costs associated
22 with this Act including investigations, reports, ap-
23 praisals, surveys, and clearances.

1 **SEC. 9. RECORDING.**

2 The Secretary concerned shall record all final sales,
3 conveyances and exchanges under this Act with the county
4 within whose jurisdiction the lands are located.

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