

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3673

To minimize the impact of Federal acquisition of private lands on units of local government, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mr. HERGER introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To minimize the impact of Federal acquisition of private lands on units of local government, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Land Acquisi-  
5 tion Impact Relief Act of 1993.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) land that is held by agencies of the Federal  
9 Government does not fully contribute to the tax base  
10 of overburdened units of local government;

1           (2) further acquisitions of private lands by Fed-  
2           eral agencies have the potential to impose severe  
3           hardships on units of local government; and

4           (3) when it is clearly in the national interest for  
5           the Federal Government to acquire private lands,  
6           other than by a contemporaneous exchange involving  
7           Federal land, Federal agencies should minimize the  
8           impact of Federal acquisition on units of local  
9           government.

10 **SEC. 3. DECLARATION OF POLICY.**

11           It is the policy of Congress that—

12           (1) Federal agencies should not acquire private  
13           land, other than by exchange, unless the acquisition  
14           is clearly in the national interest;

15           (2) the acquisition of private land by a Federal  
16           agency should be based on a careful analysis of the  
17           full range of the benefits and costs of Federal acqui-  
18           sition; and

19           (3) the acquisition of private land by a Federal  
20           agency should not result in a net loss of local tax  
21           revenues to the relevant unit of local government.

22 **SEC. 4. DEFINITIONS.**

23           As used in this Act:

1           (1) AGENCY.—The term “agency” has the same  
2 meaning as is provided for “Executive agency” in  
3 section 105 of title 5, United States Code.

4           (2) UNIT OF LOCAL GOVERNMENT.—The term  
5 “unit of local government” means—

6                   (A) any county, municipality, or other po-  
7 litical subdivision of a State, having authority  
8 under the laws of the State to levy and collect  
9 taxes upon real property; or

10                   (B) the District of Columbia.

11           (3) REAL PROPERTY TAXES.—The term “real  
12 property taxes” means all taxes, whether ad valorem  
13 or otherwise, applicable with respect to real prop-  
14 erty, including special assessments, assessments for  
15 benefit, or other charges of general application  
16 against land in favor of a State or local govern-  
17 mental unit.

18           (4) STATE.—The term “State” means any of  
19 the several States, the Commonwealth of Puerto  
20 Rico, the Commonwealth of the Northern Mariana  
21 Islands, or any territory and possession of the  
22 United States.

23 **SEC. 5. ECONOMIC IMPACT ANALYSIS.**

24           (a) IN GENERAL.—Prior to each acquisition of pri-  
25 vate land by an agency, the head of the agency shall pre-

1 pare an economic impact analysis in accordance with this  
2 section.

3 (b) CONTENTS.—In preparing the economic impact  
4 analysis, the head of the agency shall, at a minimum, ana-  
5 lyze—

6 (1) the extent to which alternative means to  
7 Federal acquisition are available to serve the Federal  
8 resource management objectives at issue;

9 (2) any tax payment loss to the relevant unit of  
10 local government;

11 (3) the effects of the tax payment loss on the  
12 delivery of governmental services by the unit;

13 (4) the effects on local employment and income;  
14 and

15 (5) any potential limitations that the Federal  
16 acquisition would pose for future community expan-  
17 sion.

18 (c) CONSULTATION.—The agency shall consult with  
19 the relevant unit of local government during the prepara-  
20 tion of the economic impact analysis.

21 (d) NOTICE AND COMMENT.—The agency shall pro-  
22 vide an opportunity for notice and comment in connection  
23 with the preparation of the economic impact analysis.

24 **SEC. 6. TAX EQUIVALENCY PAYMENTS.**

25 (a) IN GENERAL.—

1           (1) IN GENERAL.—For each parcel of private  
2 land acquired by an agency after October 1, 1992,  
3 other than by contemporaneous land exchange, the  
4 head of the agency shall pay annually to the unit of  
5 local government in which the parcel is located an  
6 amount equal to the real property taxes computed  
7 on the current market value of the parcel, as deter-  
8 mined in accordance with paragraph (2).

9           (2) CURRENT MARKET VALUE.—

10           (A) INITIAL VALUE.—The initial current  
11 market value of a parcel shall be equal to the  
12 purchase price per acre multiplied by the num-  
13 ber of acres acquired by the Federal Govern-  
14 ment.

15           (B) ADJUSTMENTS.—The unit of local  
16 government may adjust the current market  
17 value of a parcel to reflect adjustments in the  
18 current market value of other lands within the  
19 jurisdiction.

20           (3) SPECIAL FORMULAS.—In computing a tax  
21 equivalency payment under this subsection, special  
22 farm or forest use formulas, which may vary from  
23 State to State, shall not be applied to the value of  
24 the parcel.

1 (b) FAILURE TO PAY.—If for any reason the head  
2 of an agency fails to make a payment required under sub-  
3 section (a), the unit of local government may file a civil  
4 action against the agency, and a district court of the  
5 United States shall have jurisdiction to enforce this  
6 section.

7 **SEC. 7. EFFECT OF OTHER LAWS.**

8 If for any fiscal year a payment described in section  
9 6(a) is made to a State or unit of local government with  
10 respect to a parcel of land described in section 6(a)(1),  
11 such payment shall be reduced in proportion to the pay-  
12 ment in lieu of real property taxes, if any, which is made  
13 with respect to the same parcel of land under any other  
14 Federal law.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 In each fiscal year, there are authorized to be appro-  
17 priated to each agency such sums as are necessary to carry  
18 out this Act.

19 **SEC. 9. EFFECTIVE DATE.**

20 This Act shall become effective on October 1, 1994.

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