

103^D CONGRESS
1ST SESSION

H. R. 765

To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. DOOLEY (for himself, Mr. VENTO, Mr. HANSEN, and Mr. HERGER) introduced the following bill; which was referred jointly to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture

A BILL

To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), 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. FINDINGS AND PURPOSE.**

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

5 (1) Pursuant to the invitation and requirements
6 contained in the 15th paragraph under the heading
7 “Surveying the Public Lands” in the Act of June 4,
8 1897 (30 Stat. 11, 36), as amended or supple-
9 mented by the Acts of June 6, 1900 (31 Stat. 588,

1 614), March 4, 1901 (31 Stat. 1010, 1037), and
2 September 22, 1922 (42 Stat. 1067), certain land-
3 owners or entrymen within forest reserves acted to
4 transfer their lands to the United States as the basis
5 for an in lieu selection of other Federal lands (here-
6 after in this Act referred to as “lieu lands”) in ex-
7 change for such lands within such reserves (here-
8 after in this Act referred to as “base lands”).

9 (2) By the Act of March 3, 1905 (33 Stat.
10 1264), Congress repealed the in lieu selection provi-
11 sions of the Act of June 4, 1897, as amended, and
12 terminated the right to select lieu lands, but ex-
13 pressly preserved the rights of land owners who had
14 valid pending applications for in lieu selections, most
15 of which have subsequently been granted.

16 (3) Other persons affected by the Acts cited in
17 paragraphs (1) and (2) who acted to transfer base
18 lands, or their successors in interest, have never ob-
19 tained either (A) a patent to the lieu lands or any
20 other consideration for their relinquishment, or (B)
21 a quitclaim of their base lands, notwithstanding re-
22 lief legislation enacted in 1922 and 1930.

23 (4) By the Act of July 6, 1960 (74 Stat. 334),
24 Congress established a procedure to compensate per-
25 sons affected by the Acts cited in paragraphs (1)

1 and (2) who had not received appropriate relief
2 under prior legislation. However, no payments of
3 such compensation were made under that Act.

4 (5) Section 4 of the Act of July 6, 1960, fur-
5 ther provided that lands with respect to which com-
6 pensation under that Act were or could have been
7 made, and not previously disposed of by the United
8 States, shall be a part of any national forest, na-
9 tional park, or other area withdrawn from the public
10 domain wherein they are located.

11 (6) Absent further legislation, lengthy and ex-
12 pensive litigation will be required to resolve existing
13 questions about the title to lands covered by section
14 4 of the 1960 Act.

15 (b) PURPOSE.—The purpose of this Act is to resolve
16 the status of the title to base lands affected by the past
17 legislation cited in subsection (a).

18 **SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL IN-**
19 **TEREST IN BASE LANDS.**

20 (a) QUITCLAIM.—Except as otherwise provided by
21 this Act, and subject to valid existing rights, but notwith-
22 standing any other provision of law, the United States
23 hereby quitclaims to the listed owner or entryman, his
24 heirs, devisees, successors, and assigns, all right, title, and
25 interest of the United States in and to the base lands de-

1 scribed on a final list published pursuant to subsection
2 (d)(1), effective on the date of publication of such list.

3 (b) PREPARATION OF INITIAL LISTS.—(1) Not later
4 than 6 months after the date of enactment of this Act,
5 the Secretary of the Interior, with respect to lands under
6 such Secretary's jurisdiction, and the Secretary of Agri-
7 culture with respect to National Forest System lands,
8 shall each prepare an initial list of all parcels of base lands
9 that were relinquished to the United States pursuant to
10 the Act of June 4, 1897 (as amended), and for which se-
11 lection or other rights under that Act or supplemental leg-
12 islation were not realized or exercised.

13 (2) The initial lists prepared under paragraph (1)
14 shall be based on information in the actual possession of
15 the Secretaries of the Interior and Agriculture on the date
16 of enactment of this Act, including information submitted
17 to Congress pursuant to the directive contained in Senate
18 Report No. 98-578, issued for the Fiscal Year 1985 Inte-
19 rior and Related Agencies Appropriation, as revised and
20 updated. The initial lists shall be published and distrib-
21 uted for public review in accordance with procedures
22 adopted by the Secretary concerned.

23 (3) For a period of 180 days after publication of a
24 list pursuant to paragraph (2), persons asserting that par-
25 ticular parcels omitted from such a list should have been

1 included may request the Secretary concerned to add such
2 parcels to the appropriate list. The Secretary concerned
3 shall add to the list any such parcels which the Secretary
4 determines meet the conditions specified in paragraph (1).

5 (c) **NATIONALLY SIGNIFICANT LANDS.**—(1) During
6 preparation or revision of an initial list under subsection
7 (b), the Secretary concerned shall identify those listed
8 lands which are located wholly or partially within any con-
9 servation system unit and all other listed lands which Con-
10 gress has designated for specific management or which the
11 Secretary concerned decides, in the concerned Secretary’s
12 discretion, should be retained in order to meet public, re-
13 source protection, or administrative needs. For purposes
14 of this paragraph, the term “conservation system unit”
15 means any unit of the National Park System, National
16 Wildlife Refuge System, National Wild and Scenic Rivers
17 System, National Trails System, or National Wilderness
18 Preservation System, a national forest monument, or a na-
19 tional conservation area, a national recreation area, or any
20 lands being studied for possible designation as part of
21 such a system or unit.

22 (2) The provisions of subsection (a) shall not apply
23 to any lands identified by the Secretary concerned pursu-
24 ant to paragraph (1). The Secretary concerned shall not
25 include any such lands on any list prepared pursuant to

1 subsection (d). Subject to valid existing rights arising
2 from factors other than those described in subsection
3 (b)(1), any right, title, and interest in and to lands identi-
4 fied pursuant to paragraph (1) and not previously vested
5 in the United States is hereby vested and confirmed in
6 the United States.

7 (3) In the same manner as the initial list was pub-
8 lished and distributed pursuant to subsection (b)(2), the
9 Secretary concerned shall publish and distribute an identi-
10 fication of all lands in which right, title, and interest is
11 vested and confirmed in the United States by paragraph
12 (2).

13 (d) FINAL LISTS.—(1) As soon as possible after con-
14 sidering any requests made pursuant to subsection (b)(3)
15 and the identification of lands pursuant to subsection (c),
16 the Secretary of the Interior and the Secretary of Agri-
17 culture shall each publish a final list, consisting of lands
18 included on each Secretary's initial list not identified pur-
19 suant to subsection (c)(1). Unless a Secretary has pub-
20 lished a final list on or before the date 18 months after
21 the date of publication, pursuant to subsection (b)(2), of
22 such Secretary's initial list, the initial list prepared by
23 such Secretary shall be deemed on such date to be the
24 final list required to be published by such Secretary, and

1 thereafter no lands included on such initial list shall be
2 excluded from operation of subsection (a).

3 (2) If a court makes a final decision that a parcel
4 of land was arbitrarily and capriciously excluded from op-
5 eration of subsection (a), such parcel shall be deemed to
6 have been included on a final list published pursuant to
7 paragraph (1), unless such parcel is located wholly or par-
8 tially inside a conservation system unit or any other area
9 which Congress has designated for specific management,
10 in which case such parcel shall be subject to the provisions
11 of subsection (c)(2).

12 (e) ISSUANCE OF INSTRUMENTS.—(1) Except as oth-
13 erwise provided in this Act, no later than 6 months after
14 the date on which the Secretary concerned publishes a
15 final list of lands pursuant to subsection (d), the Secretary
16 concerned shall issue deeds confirming the quitclaim made
17 by subsection (a) of this section of all right, title, and in-
18 terest of the United States in and to the lands included
19 on such final list, subject to valid existing rights arising
20 from factors other than a relinquishment to the United
21 States of the type described in subsection (b). Each such
22 confirmatory deed shall operate to estop the United States
23 from making any claim of right, title, or interest of the
24 United States in and to the base lands described in the
25 deed, shall be made in the name of the listed owner or

1 entryman, his heirs, devisees, successors, and assigns, and
2 shall be in a form suitable for recordation and shall be
3 filed and recorded by the United States with the recorder
4 of deeds or other like official of the county or counties
5 within which the lands covered by such confirmatory deed
6 are located so that the title to such lands may be deter-
7 mined in accordance with applicable State law.

8 (2) The United States shall not adjudicate and, not-
9 withstanding any provision of law to the contrary, does
10 not consent to be sued in any suit instituted to adjudicate
11 the ownership of, or to quiet title to, any base land in-
12 cluded in a final list and described in a confirmatory deed.

13 (3) Neither the Secretary of the Interior nor the Sec-
14 retary of Agriculture shall be required to inspect any lands
15 included on a final list nor to inform any member of the
16 public regarding the condition of such lands prior to the
17 issuance of the confirmatory deeds required by this sub-
18 section, and nothing in this Act shall be construed as af-
19 fecting any valid rights with respect to lands covered by
20 a confirmatory deed issued pursuant to this subsection
21 that were in existence on the date of issuance of such con-
22 firmatory deed.

23 (f) WAIVER OF CERTAIN CLAIMS AGAINST THE
24 UNITED STATES.—Any person or entity accepting the
25 benefits of this Act or failing to act to seek such benefits

1 within the time allotted by this Act with respect to any
2 base or other lands shall be deemed to have waived any
3 claims against the United States, its agents or contrac-
4 tors, with respect to such lands, or with respect to any
5 revenues received by the United States from such lands
6 prior to the date of enactment of this Act. All non-Federal,
7 third party rights granted by the United States with re-
8 spect to base lands shall remain effective subject to the
9 terms and conditions of the authorizing document. The
10 United States may reserve any rights-of-way currently oc-
11 cupied or used for Government purposes.

12 **SEC. 3. OTHER CLAIMS.**

13 (a) JURISDICTION AND DEADLINE.—(1) Subject to
14 the requirements and limitations of this section, a party
15 claiming right, title, or interest in or to land vested in the
16 United States by section 2(c)(2) of this Act may file in
17 the United States Claims Court a claim against the United
18 States seeking compensation based on such vesting. Not-
19 withstanding any other provision of law, the Claims Court
20 shall have exclusive jurisdiction over such claim.

21 (2) A claim described in paragraph (1) shall be
22 barred unless the petition thereon is filed within 1 year
23 after the date of publication of a final list pursuant to
24 section 2(d) of this Act.

1 (3) Nothing in this Act shall be construed as author-
2 izing any claim to be brought in any court other than a
3 claim brought in the United States Claims Court based
4 upon the vesting of right, title, and interest in and to the
5 United States made by section 2(c)(2) of this Act.

6 (b) LIMITATIONS, DEFENSES, AND AWARDS.—(1)
7 Nothing in this Act shall be construed as diminishing any
8 existing right, title, or interest of the United States in any
9 lands covered by section 2(c), including but not limited
10 to any such right, title, or interest established by the Act
11 of July 6, 1960 (74 Stat. 334).

12 (2) Nothing in this Act shall be construed as preclud-
13 ing or limiting any defenses or claims (including but not
14 limited to defenses based on applicable statutes of limita-
15 tions, affirmative defenses relating to fraud or speculative
16 practices, or claims by the United States based on adverse
17 possession) otherwise available to the United States.

18 (3) Nothing in this Act shall be construed as entitling
19 any party to compensation from the United States. How-
20 ever, in the event of a final judgment of the United States
21 Claims Court in favor of a party seeking such compensa-
22 tion, or in the event of a negotiated settlement agreement
23 made between such a party and the Attorney General of
24 the United States, the United States shall pay such com-
25 pensation from the permanent judgment appropriation es-

1 tablished pursuant to section 1304 of title 31, United
2 States Code.

3 (c) SAVINGS CLAUSE.—This Act does not include
4 within its scope selection rights required to be recorded
5 under the Act of August 5, 1955 (69 Stat. 534), regard-
6 less of whether compensation authorized by the Act of Au-
7 gust 31, 1964 (78 Stat. 751) was or was not received.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out this Act.

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