

104TH CONGRESS
1ST SESSION

S. 1031

To transfer the lands administered by the Bureau of Land Management
to the State in which the lands are located.

IN THE SENATE OF THE UNITED STATES

JULY 13 (legislative day, JULY 10), 1995

Mr. THOMAS (for himself, Mr. SIMPSON, Mr. BURNS, Mr. CRAIG, Mr. STEVENS, Mr. KEMPTHORNE, and Mr. HELMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To transfer the lands administered by the Bureau of Land
Management to the State in which the lands are located.

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. TRANSFER OF BUREAU OF LAND MANAGEMENT**

4 **LANDS.**

5 (a) REQUIRED OFFER.—

6 (1) IN GENERAL.—Subject to valid existing
7 rights and except as otherwise provided in this Act,
8 the Secretary of the Interior shall offer to transfer
9 all right, title, and interest of the United States in

1 and to all lands and interests in lands administered
2 by the Bureau of Land Management to the State in
3 which such lands and interests are located.

4 (2) LANDS AND INTERESTS INCLUDED.—The
5 lands and interests in lands referred to in paragraph
6 (1) include—

7 (A) the fee simple interest where the Unit-
8 ed States owns both the surface and mineral
9 rights;

10 (B) the mineral rights where the surface
11 estate is owned by a non-Federal person, in-
12 cluding a State or political subdivision thereof;
13 and

14 (C) water rights related to such lands or
15 interests.

16 (3) EXCLUSION OF MINERAL INTERESTS UN-
17 DERLYING INDIAN RESERVATIONS.—Paragraph (1)
18 does not apply with respect to the mineral interests
19 underlying a surface estate held by the United
20 States in trust for an Indian tribe.

21 (b) TWO-YEAR PERIOD TO MAKE OFFER TO GOV-
22 ERNOR.—The offer required by subsection (a) with respect
23 to a State shall be made to the Governor within two years
24 after the date of the enactment of this Act.

1 (c) ACCEPTANCE OF OFFER.—A State may only ac-
2 cept the offer of all such lands or reject such offer. Accept-
3 ance of an offer under subsection (a) may only be made
4 by the Governor, in writing to the Secretary.

5 (d) EFFECTIVE DATE OF TRANSFER.—Any transfer
6 of lands under this Act shall be effective with respect to
7 a State on the date which is ten years after the date on
8 which the offer to the Governor is accepted.

9 (e) SURVEYS.—The Secretary is not required to con-
10 duct a survey of any lands prior to transferring such lands
11 under this Act.

12 **SEC. 2. LEASES, PERMITS, AND UNPATENTED MINING**
13 **CLAIMS.**

14 (a) VALID LEASES AND PERMITS.—Each State re-
15 ceiving lands under this Act shall honor valid existing
16 leases and permits on such lands for the term of such lease
17 or permit and shall manage such leases and permits in
18 accordance with their other terms and conditions.

19 (b) MINING CLAIMS.—(1) Except for those mining
20 claims for which the holder is entitled to a patent as pro-
21 vided in paragraph (2), after the date on which lands sub-
22 ject to a mining claim are transferred to a State under
23 this Act, the validity and continued existence of the mining
24 claim shall be determined under the laws of the State to

1 which the lands were transferred and shall be adminis-
2 tered in accordance with such laws.

3 (2) The holder of a mining claim is entitled to the
4 issuance of a patent in the case of a mining claim on lands
5 transferred to a State under this Act in the same manner
6 and degree to which such holder would have been entitled
7 to prior to the date of such transfer if, as of the date
8 of the transfer a patent application was filed with the Sec-
9 retary and all requirements—

10 (A) under sections 2325 and 2326 of the Re-
11 vised Statutes (30 U.S.C. 29 and 30) for vein or
12 lode claims;

13 (B) under sections 2329, 2330, 2331, and 2333
14 of the Revised Statutes (30 U.S.C. 35, 36, 37) for
15 placer claims; and

16 (C) applicable to such patent application for
17 mill site claims,
18 were fully complied with.

19 (c) RIGHTS-OF-WAY.—Each State receiving lands
20 under this Act shall respect all rights-of-way granted by
21 the United States on such lands in accordance with the
22 terms and conditions of the rights-of-way.

1 **SEC. 3. MANAGEMENT OF LANDS TRANSFERRED UNDER**
2 **THIS ACT.**

3 (a) WILDERNESS.—Lands transferred under this Act
4 which have been designated by an Act of Congress as wil-
5 derness shall be managed by the State as wilderness in
6 accordance with the requirements specified in the Wilder-
7 ness Act, the Act of Congress which designated the lands
8 as wilderness, and any other Act of Congress which spe-
9 cifically provides for the management of such lands, except
10 that the State shall be substituted for the Secretary of
11 the Interior.

12 (b) MILITARY USES.—(1) Lands transferred by this
13 Act which on the date of such transfer are subject to use
14 for military purposes shall continue to be subject to the
15 same military uses.

16 (2) In the case of lands transferred to a State under
17 this Act which are subject to a withdrawal from public
18 use for military purposes, the State shall respect the with-
19 drawal and military use for the term of the withdrawal
20 and may not impose any fee or other charge on the United
21 States with respect to the military purpose. At the end
22 of such term, the Secretary of the military department
23 concerned, or the Secretary of Defense, may negotiate
24 with the Governor of the State for the continued use of
25 such lands. Lands for which there is not a continued mili-
26 tary use shall be decontaminated by the appropriate Sec-

1 retary in accordance with the Act of Congress which with-
2 drew such lands for military purposes or the withdrawal
3 order, if any.

4 (c) RECORDS.—The Secretary of the Interior shall
5 continue to hold all land records of the Secretary with re-
6 spect to the lands transferred to a State under this Act.
7 The Secretary shall provide to the State full copies of all
8 applicable land records relating to lands which are trans-
9 ferred under this Act. The Secretary shall make such
10 records available for public use as the Secretary deter-
11 mines appropriate.

12 (d) INDIAN LANDS.—The mineral interests described
13 in section 1(a)(3) shall be transferred from the adminis-
14 trative jurisdiction of the Bureau of Land Management
15 and shall be held in trust for the Indian tribe for which
16 the overlying surface estate is held in trust.

17 **SEC. 4. WATER RIGHTS.**

18 (a) IN GENERAL.—The Secretary shall transfer to a
19 State receiving lands under this Act all water rights of
20 the United States associated with the lands.

21 (b) CERTAIN RIGHTS NOT AFFECTED.—A transfer
22 of water rights under subsection (a) shall not be construed
23 as—

24 (1) affecting, impairing, diminishing, subordi-
25 nating, or enlarging—

1 (A) the rights of the United States or any
2 State to water under any international treaty,
3 interstate compact, or existing judicial decree;

4 (B) any obligation of the United States to
5 Indians or Indian tribes or any claim or right
6 owned or held by or for Indians or Indian
7 tribes, including with respect to any Indian
8 water compact;

9 (C) any right to any quantity of water re-
10 served or used for governmental purposes or
11 programs of the United States at any time
12 prior to the date of the enactment of this Act;
13 or

14 (D) any license or permit issued before the
15 date of the enactment of this Act; or

16 (2) as a recognition, disclaimer, relinquishment,
17 or reduction of any water right of the United States
18 reserved or appropriated before the date of the en-
19 actment of this Act.

20 **SEC. 5. REDUCTION IN BUDGET AUTHORITY FOR THE BU-**
21 **REAU OF LAND MANAGEMENT.**

22 (a) CAP ON OBLIGATIONS AND EXPENDITURES.—Be-
23 ginning with the fiscal year in which this Act is enacted,
24 not more than \$800,000,000 may be obligated or ex-
25 pended in any fiscal year by the Bureau of Land Manage-

1 ment in carrying out its duties, functions, and responsibil-
2 ities under any provision of law.

3 (b) PRIORITY FOR USE OF FISCAL RESOURCES.—

4 The Secretary shall give priority to expending amounts
5 available to the Bureau of Land Management to land
6 management activities and to carrying out this Act.

7 **SEC. 6. DEFINITIONS.**

8 As used in this Act—

9 (1) the term “Indian tribe” means any Indian
10 tribe, band, nation, pueblo, or other organized group
11 or community, including any Alaska Native village
12 or regional corporation as defined in or established
13 pursuant to the Alaska Native Claims Settlement
14 Act, which is recognized as eligible for the special
15 programs and services provided by the United States
16 to Indians because of their status as Indians; and

17 (2) the term “Secretary” means the Secretary
18 of the Interior.

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