

Public Lands. For complete classification of this Act to the Code, see Tables.

Act February 11, 1920, referred to in text, related to exchanges of lands in or adjacent to Siuslaw National Forest and was not classified to the Code. See Codification note set out under sections 486a to 486w of this title.

Act September 22, 1922, referred to in text, is classified to section 487 of this title.

Act June 4, 1936, referred to in text, is classified to section 487a of this title.

§ 521b. Report of Secretary of Agriculture prior to purchase or exchange of land; contents; waiting period

For purposes of providing information that will aid the Congress in its oversight responsibilities and improve the accountability of expenditures for the acquisition of forest land, the Secretary of Agriculture may not hereafter enter into any land purchase or exchange relating to the National Forest System of \$150,000 or more for the types of lands which have been heretofore approved by the National Forest Reservation Commission until after 30 days from the date upon which a detailed report of the facts concerning such proposed purchase or transfer is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate or such earlier time as may be approved by both such committees. Such report shall contain at least the following:

- (1) guidelines utilized by the Secretary in determining that the land should be acquired;
- (2) the location and size of the land;
- (3) the purchase price of the land and the criteria used by the Secretary in determining such price;
- (4) the person from whom the land is being acquired; and
- (5) any adjustment made by the Secretary of relative value pursuant to section 1716(f)(2)(B)(i) of title 43.

(Pub. L. 94-588, §17(b), Oct. 22, 1976, 90 Stat. 2962; Pub. L. 100-409, §6, Aug. 20, 1988, 102 Stat. 1090; Pub. L. 103-437, §6(r), Nov. 2, 1994, 108 Stat. 4587.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was abolished and the functions thereof were transferred to the Secretary of Agriculture by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

AMENDMENTS

1994—Pub. L. 103-437 in introductory provisions substituted “Agriculture, Nutrition, and Forestry of the Senate” for “Agriculture and Forestry of the Senate”.

1988—Pub. L. 100-409 substituted “\$150,000” for “\$25,000” in introductory provisions and added par. (5).

§ 521c. Definitions

For purposes of sections 521c to 521i of this title—

- (1) the term “person” includes any State or any political subdivision or entity thereof;
- (2) the term “interchange” means a land transfer in which the Secretary and another person exchange titles to lands or interests in lands of approximately equal value where the Secretary finds that such a value determina-

tion can be made without a formal appraisal and under such regulations as the Secretary may prescribe; and

(3) the term “Secretary” means the Secretary of Agriculture of the United States.

(Pub. L. 97-465, §1, Jan. 12, 1983, 96 Stat. 2535.)

§ 521d. Sale, exchange, or interchange of National Forest System land

(a) Conveyance authority; consideration

The Secretary is authorized, when the Secretary determines it to be in the public interest—

(1) to sell, exchange, or interchange by quitclaim deed, all right, title, and interest, including the mineral estate, of the United States in and to National Forest System lands described in section 521e of this title; and

(2) to accept as consideration for the lands sold, exchanged, or interchanged other lands, interests in lands, or cash payment, or any combination of such forms of consideration, which, in the case of conveyance by sale or exchange, is at least equal in value, including the mineral estate, or, in the case of conveyance by interchange, is of approximately equal value, including the mineral estate, to the lands being conveyed by the Secretary.

(b) Inclusion of terms, covenants, conditions, and reservations

(1) In general

The Secretary shall insert in any such quitclaim deed such terms, covenants, conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife, and recreation values of the National Forest System and provision for appropriate public access to and use of lands within the System.

(2) Limitation

Paragraph (1) shall not be applicable to deeds issued by the Secretary to lands outside the boundary of units of the National Forest System.

(c) Disposition of proceeds

(1) Deposit in Sisk fund

The net proceeds derived from any sale or exchange conducted under paragraph (4), (5), or (6) of section 521e of this title shall be deposited in the fund established under section 484a of this title.

(2) Use

Amounts deposited under paragraph (1) shall be available to the Secretary until expended for—

(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land that enhance opportunities for recreational access; or

(C) the reimbursement of the Secretary for costs incurred in preparing a sale conducted

under the authority of section 521e of this title if the sale is a competitive sale.

(Pub. L. 97-465, § 2, Jan. 12, 1983, 96 Stat. 2535; Pub. L. 115-334, title VIII, § 8621(c), Dec. 20, 2018, 132 Stat. 4852.)

AMENDMENTS

2018—Pub. L. 115-334, § 8621(c)(1)–(3), designated first sentence as subsec. (a) and inserted subsec. heading, designated second sentence as par. (1) of subsec. (b), inserted subsec. and par. headings, and substituted “covenants” for “convenants”, and designated third sentence as par. (2) of subsec. (b), inserted par. heading, and substituted “Paragraph (1) shall not” for “The preceding sentence shall not”.

Subsec. (c). Pub. L. 115-334, § 8621(c)(4), added subsec. (c).

§ 521e. Small parcels and road rights-of-way

The National Forest System lands which may be sold, exchanged, or interchanged under sections 521c to 521i of this title are those the sale or exchange of which is not practicable under any other authority of the Secretary, which have a value as determined by the Secretary of not more than \$500,000, and which are—

(1) parcels of forty acres or less which are interspersed with or adjacent to lands which have been transferred out of Federal ownership under the mining laws and which are determined by the Secretary, because of location or size, not to be subject to efficient administration;

(2) parcels of ten acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was not such encroachment;

(3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States, subject to the first right of abutting landowners to acquire such rights-of-way;

(4) parcels of 40 acres or less that are determined by the Secretary—

- (A) to be physically isolated from other Federal land;
- (B) to be inaccessible; or
- (C) to have lost National Forest character;

(5) parcels of 10 acres or less that are not eligible for conveyance under paragraph (2) but are encroached on by a permanent habitable improvement for which there is no evidence that the encroachment was intentional or negligent; or

(6) parcels used as a cemetery (including a parcel of not more than 1 acre adjacent to the parcel used as a cemetery), a landfill, or a sewage treatment plant under a special use authorization issued or otherwise authorized by the Secretary.

(Pub. L. 97-465, § 3, Jan. 12, 1983, 96 Stat. 2535; Pub. L. 115-334, title VIII, § 8621(a), (b), Dec. 20, 2018, 132 Stat. 4852.)

AMENDMENTS

2018—Pub. L. 115-334, § 8621(a), substituted “\$500,000” for “\$150,000” in introductory provisions.

Pars. (4) to (6). Pub. L. 115-334, § 8621(b), added pars. (4) to (6).

§ 521f. Costs of conveyance and value of improvements

Any person to whom lands are conveyed under sections 521c to 521i of this title shall bear all reasonable costs of administration, survey, and appraisal incidental to such conveyance, as determined by the Secretary. In determining the value of any lands or interest in lands to be conveyed under sections 521c to 521i of this title, the Secretary may, in those cases in which the Secretary determines it would be in the public interest, exclude from such determination the value of any improvements to the lands made by any person other than the Government. In the case of road rights-of-way conveyed under sections 521c to 521i of this title, the person to whom the right-of-way is conveyed shall reimburse the United States for the value of any improvements to such right-of-way which may have been made by the United States. The Secretary may, in those cases in which the Secretary determines that it would be in the public interest, waive payment by any person of costs incidental to any conveyance authorized by sections 521c to 521i of this title or reimbursement by any person for the value of improvements to rights-of-way otherwise required by this section.

(Pub. L. 97-465, § 4, Jan. 12, 1983, 96 Stat. 2536.)

§ 521g. Road rights-of-way subject to State or local law

Conveyance of any road rights-of-way under sections 521c to 521i of this title shall not be construed as permitting any designation, maintenance, or use of such rights-of-way for road or other purposes except to the extent permitted by State or local law and under conditions imposed by such law.

(Pub. L. 97-465, § 5, Jan. 12, 1983, 96 Stat. 2536.)

§ 521h. Regulations; contents

The Secretary shall issue regulations to carry out the provisions of sections 521c to 521i of this title, including specification of—

(1) criteria which shall be used in making the determination as to what constitutes the public interest;

(2) the definition of and the procedure for determining “approximately equal value”; and

(3) factors relating to location or size which shall be considered in connection with determining the lands to be sold, exchanged, or interchanged under clause (1) of section 521e of this title.

(Pub. L. 97-465, § 6, Jan. 12, 1983, 96 Stat. 2536.)

§ 521i. Unaffected lands

Nothing in sections 521c to 521i of this title shall authorize conveyance of Federal lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, or National Monuments. Nothing in sections 521c to 521i of this title shall authorize sale of Federal lands, within National Recreation Areas.

(Pub. L. 97-465, § 7, Jan. 12, 1983, 96 Stat. 2536.)