

116TH CONGRESS
1ST SESSION

H. R. 5077

To provide protections and certainty for private landowners related to resurveying certain Federal land under the administrative jurisdiction of the Bureau of Land Management, the National Park Service, and the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2019

Mr. TIPTON 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 protections and certainty for private landowners related to resurveying certain Federal land under the administrative jurisdiction of the Bureau of Land Management, the National Park Service, and the Forest Service, 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 “Resurveys Entitle Ad-
5 jacent Landowners to Protection Act” or the “REAL Pro-
6 tection Act”.

1 **SEC. 2. RESURVEY TRANSPARENCY; NOTICE REQUIRE-**
2 **MENTS.**

3 (a) NOTICE.—

4 (1) IN GENERAL.—Not later than 30 days be-
5 fore the commencement of a resurvey of Federal
6 land under the administrative jurisdiction of the Bu-
7 reau of Land Management, the National Park Serv-
8 ice, or the Forest Service, the Secretary concerned
9 shall notify all property owners with land abutting
10 or adjacent to the Federal land being resurveyed of
11 the pending resurvey. If a resurvey extends the
12 boundaries of Federal land, the Secretary concerned
13 shall notify affected landowners of the results of the
14 resurvey not later than 30 days after the completion
15 of the survey.

16 (2) NOTIFICATION.—The Secretary concerned
17 shall use certified or registered mail to notify land-
18 owners under this subsection.

19 (3) IDENTIFICATION OF LANDOWNERS.—When
20 identifying affected landowners for the purpose of
21 notification under this subsection, the Secretary con-
22 cerned shall use the most recently available tax
23 records.

24 (b) PUBLIC COMMENT.—Not later than 30 days after
25 completing a resurvey, the Secretary concerned shall pub-
26 lish a notice in the Federal Register. Affected landowners

1 may comment to the Secretary concerned and by submit-
2 ting formal comments to the Federal Register notice.

3 **SEC. 3. PROTECTION OF PERSONS.**

4 If a resurvey results in land previously thought to be
5 privately owned to be reclassified as Federal land, the per-
6 sons thought to be a private owner of such land—

7 (1) shall—

8 (A) be given the right of first refusal to
9 purchase the land for fair market value minus
10 the value of any significant improvements made
11 to such lands; or

12 (B) be reimbursed for the fair market
13 value of any significant improvements made to
14 such lands; and

15 (2) may not be charged with willful trespass
16 onto such land unless the person used such lands
17 with the knowledge that the lands should be classi-
18 fied as Federal land.

19 **SEC. 4. DEFINITIONS.**

20 For the purposes of this Act:

21 (1) RESURVEY.—The term “resurvey” means
22 an official rerunning and remarking intended to su-
23 percede the records of the original survey.

24 (2) SECRETARY CONCERNED.—The term “Sec-
25 retary concerned” means—

1 (A) the Secretary of the Interior, when re-
2 ferring Federal land under the administrative
3 jurisdiction of the Bureau of Land Management
4 or the National Park Service; and

5 (B) the Secretary of Agriculture, when re-
6 ferring to Federal land under the administra-
7 tive jurisdiction of the Forest Service.

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