

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Federal Land Policy and Management Act of 1976 to authorize the sale of certain Federal land to States and units of local government to address housing shortages, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Federal Land Policy and Management Act of 1976 to authorize the sale of certain Federal land to States and units of local government to address housing shortages, 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 “Helping Open Under-  
5 utilized Space to Ensure Shelter Act of 2023” or the  
6 “HOUSE Act of 2023”.

1 **SEC. 2. SALES OF FEDERAL LAND TO ADDRESS HOUSING**  
2 **SHORTAGES.**

3 Section 203 of the Federal Land Policy and Manage-  
4 ment Act of 1976 (43 U.S.C. 1713) is amended by adding  
5 at the end the following:

6 “(h) SALES OF PUBLIC LANDS TO ADDRESS HOUS-  
7 ING SHORTAGES.—

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) ALLOWABLE COMMUNITY AMENITY.—

10 The term ‘allowable community amenity’ means  
11 a community assembly facility, firefighting fa-  
12 cility, grocery store, health clinic, hospital (in-  
13 cluding associated lodging), library, place of  
14 worship, police facility, recreational facility, pri-  
15 mary school, or secondary school.

16 “(B) COMMUNICATIONS INFRASTRUC-  
17 TURE.—The term ‘communications infrastruc-  
18 ture’ means the infrastructure or equipment  
19 necessary in the provision of—

20 “(i) cable service;

21 “(ii) broadband internet access serv-  
22 ice;

23 “(iii) video service;

24 “(iv) voice service; or

25 “(v) wireless service.

1                   “(C) FEDERALLY PROTECTED LAND.—The  
2                   term ‘federally protected land’ means—  
3                   “(i) a National Monument;  
4                   “(ii) a National Recreation Area;  
5                   “(iii) a component of the National  
6                   Wilderness Preservation System;  
7                   “(iv) a component of the National  
8                   Wild and Scenic Rivers System;  
9                   “(v) a component of the National  
10                  Trails System;  
11                  “(vi) a National Conservation Area;  
12                  “(vii) a unit of the National Wildlife  
13                  Refuge System;  
14                  “(viii) a unit of the National Fish  
15                  Hatchery System;  
16                  “(ix) a National Park;  
17                  “(x) a National Preserve;  
18                  “(xi) a National Seashore or National  
19                  Lakeshore;  
20                  “(xii) a National Historic Site;  
21                  “(xiii) a National Memorial;  
22                  “(xiv) a National Battlefield, National  
23                  Battlefield Park, National Battlefield Site,  
24                  or National Military Park; and  
25                  “(xv) a National Historic Park.

1 “(D) GREEN SPACE.—

2 “(i) IN GENERAL.—The term ‘green  
3 space’ means land that is—

4 “(I) partly or completely covered  
5 with grass, trees, shrubs, or other  
6 vegetation; and

7 “(II) accessible to the public at  
8 no cost.

9 “(ii) INCLUSIONS.—The term ‘green  
10 space’ includes parks and community gar-  
11 dens.

12 “(iii) EXCLUSION.—The term ‘green  
13 space’ does not include an area used for a  
14 commercial use.

15 “(E) INDUSTRIAL AREA.—The term ‘in-  
16 dustrial area’ means—

17 “(i) an area occupied by land uses or  
18 facilities, the primary operation of which  
19 involves manufacturing, assembling, proc-  
20 essing, extracting, or otherwise treating  
21 raw materials, semifinished products, or  
22 finished products for distribution to whole-  
23 sale or retail markets; or

24 “(ii) a tract of public lands conveyed  
25 under this subsection on which there is lo-

1 cated a utility that serves utility customers  
2 that do not reside on the tract.

3 “(F) OPEN SPACE.—

4 “(i) IN GENERAL.—The term ‘open  
5 space’ means any open piece of land that—

6 “(I) is accessible to the public at  
7 no cost; and

8 “(II)(aa) provides recreational  
9 areas for residents; or

10 “(bb) helps to enhance the beau-  
11 ty or environmental quality of an eli-  
12 gible project described in paragraph  
13 (2)(C).

14 “(ii) INCLUSIONS.—The term ‘open  
15 space’ includes—

16 “(I) schoolyards;

17 “(II) playgrounds;

18 “(III) public seating areas; and

19 “(IV) public plazas.

20 “(iii) EXCLUSION.—The term ‘open  
21 space’ does not include an area used for a  
22 commercial use.

23 “(G) RESIDENTIAL DEVELOPMENT.—

24 “(i) IN GENERAL.—The term ‘residen-  
25 tial development’ means 1 or more build-

1           ings, structures, or portions of a building  
2           or structure that are designed for human  
3           habitation and used as a primary resi-  
4           dence.

5           “(ii) INCLUSIONS.—The term ‘resi-  
6           dential development’ includes standard resi-  
7           dential amenities (including driveways and  
8           parking structures) that are related to an  
9           eligible project described in paragraph  
10          (2)(C).

11          “(H) TRANSIT HUB.—The term ‘transit  
12          hub’ means a rail, light rail, rapid transit, or  
13          commuter rail station, ferry terminal, or bus  
14          transfer station.

15          “(I) UTILITY.—The term ‘utility’ means a  
16          common commodity or service (including water,  
17          sewage, or electricity) that is provided to the  
18          public by a public or private entity for safe and  
19          sanitary living accommodations, including asso-  
20          ciated water storage infrastructure.

21          “(2) NOMINATION BY STATE OR UNIT OF  
22          LOCAL GOVERNMENT.—

23          “(A) IN GENERAL.—A State or unit of  
24          local government may nominate for consider-  
25          ation for conveyance by the Secretary under

1 subsection (a)(3) to the State or unit of local  
2 government 1 or more tracts of public lands  
3 within the boundary of the State or unit of local  
4 government for the purpose of carrying out an  
5 eligible project described in subparagraph (C)  
6 to provide housing in the State or unit of local  
7 government—

8 “(i) in accordance with a nomination  
9 process established by the Secretary in reg-  
10 ulations proposed not later than 180 days  
11 after the date of enactment of this sub-  
12 section and finalized not later than 1 year  
13 after the date of enactment of this sub-  
14 section; and

15 “(ii) subject to subparagraph (B).

16 “(B) NOMINATION REQUIREMENTS.—To  
17 be eligible for consideration by the Secretary, a  
18 nomination submitted by a State or unit of  
19 local government under subparagraph (A)—

20 “(i) shall not include federally pro-  
21 tected land; and

22 “(ii) shall include—

23 “(I) a map provided by the State  
24 or unit of local government of the 1 or

1 more tracts of public lands nominated;  
2 and

3 “(II) a proposal that describes  
4 the manner in which the 1 or more  
5 tracts of public lands nominated  
6 would be used for an eligible project  
7 described in subparagraph (C) to pro-  
8 vide housing in the State or unit of  
9 local government.

10 “(C) ELIGIBLE PROJECTS.—An eligible  
11 project to provide housing referred to in sub-  
12 paragraphs (A) and (B)(ii)(II) is a project—

13 “(i) for which not less than 85 per-  
14 cent of the land for the project shall be  
15 used for residential development, open  
16 space, green space, or allowable community  
17 amenities;

18 “(ii) that provides that the density of  
19 the land for the project dedicated to resi-  
20 dential development under clause (i) shall  
21 be not less dense than 4 residences per  
22 acre;

23 “(iii) that provides that no tract of  
24 land dedicated to residential development



1 under clause (i) on which a single resi-  
2 dence is located may exceed  $\frac{1}{2}$  acre;

3 “(iv) for which not more than 15 per-  
4 cent of the land for the project may be  
5 used for a commercial use project, subject  
6 to the conditions that—

7 “(I) a mixed-use residential de-  
8 velopment property shall not be con-  
9 sidered to be a commercial use project  
10 for purposes of this clause if at least  
11 50 percent of the total floor space of  
12 the property is residential; and

13 “(II) not more than  $\frac{1}{3}$  of the  
14 land identified under this clause may  
15 be used for a commercial use project  
16 to develop an industrial area;

17 “(v) that provides that the develop-  
18 ment of roads, communications infrastruc-  
19 ture, transit hubs, and utilities and the  
20 distribution of utilities to serve the resi-  
21 dences to be developed on the land for the  
22 project shall not—

23 “(I) be inhibited; or

1                   “(II) contribute to the apportion-  
2                   ment of residential or commercial de-  
3                   velopments; and

4                   “(vi) that provides that—

5                   “(I) a utility facility on the land  
6                   may generate enough power, collect  
7                   enough sewage, treat enough water, or  
8                   provide other commodities or services  
9                   sufficient to meet the needs of the  
10                  residences developed on the land; and

11                  “(II) if a utility facility on the  
12                  land is built to have excess capacity  
13                  that is intended to be sold to users or  
14                  residences not on the tract of land,  
15                  the facility shall be—

16                         “(aa) classified as an indus-  
17                         trial area; and

18                         “(bb) subject to the limita-  
19                         tion under clause (iv)(II).

20                   “(D) MODIFICATION OF PROPOSAL.—A  
21                   proposal for an eligible project under subpara-  
22                   graph (B)(ii)(II) may be subsequently modified  
23                   if, after modification, the eligible project would  
24                   still comply with the requirements of subpara-  
25                   graph (C), as determined by the Secretary.



1 spect to the approval or disapproval of  
2 the conveyance of the tract—

3 “(aa) by not later than 1  
4 year after the date on which the  
5 tract was nominated under para-  
6 graph (2); and

7 “(bb) that includes, in the  
8 case of disapproval, an expla-  
9 nation of any reasons for the dis-  
10 approval; or

11 “(II) if the Secretary fails to  
12 complete the review process and issue  
13 a determination by the deadline estab-  
14 lished under subclause (I)(aa), con-  
15 sider the conveyance approved.

16 “(4) SALE PRICE.—Notwithstanding sub-  
17 sections (d), (f), and (g) and subject to paragraphs  
18 (5) and (6), the Secretary shall offer for sale to the  
19 nominating State or unit of local government the  
20 tract of public lands approved for conveyance under  
21 paragraph (3)(C) in exchange for an amount equal  
22 to the quotient obtained by dividing—

23 “(A) the amount equal to the product ob-  
24 tained by multiplying—

1                   “(i) the amount of the estimated fair  
2                   market value of the tract, as determined  
3                   by the Secretary; and

4                   “(ii) the amount of the payment that  
5                   would otherwise be made to the unit of  
6                   local government for the tract for the prior  
7                   fiscal year under chapter 69 of title 31,  
8                   United States Code; by

9                   “(B) the estimated amount of tax revenue  
10                  that would have been due to the State or unit  
11                  of local government for the prior fiscal year if  
12                  the tract had been sold for the amount deter-  
13                  mined under subparagraph (A)(i).

14                  “(5) APPROVAL OF GOVERNOR REQUIRED.—  
15                  The Secretary may not offer to convey to a unit of  
16                  local government a tract of public lands approved for  
17                  conveyance by the Secretary until the date on which  
18                  the Secretary receives from the Governor of the  
19                  State in which the tract is located written notice  
20                  specifying that the Governor of the State approves  
21                  of the conveyance to the unit of local government.

22                  “(6) COMPLIANCE WITH PROPOSAL.—

23                  “(A) IN GENERAL.—The Secretary may  
24                  not convey to a State or unit of local govern-  
25                  ment a tract of public lands approved for con-

1           veyance under this subsection until the date on  
2           which the Secretary confirms that the State or  
3           unit of local government has in effect any ordi-  
4           nances, statutes, or regulations, as applicable,  
5           that are necessary to ensure compliance by the  
6           State or unit of local government with the ap-  
7           plicable proposal submitted under paragraph  
8           (2)(B)(ii)(II).

9           “(B) PROHIBITION OF CERTAIN FUND-  
10          ING.—

11           “(i) IN GENERAL.—Notwithstanding  
12          any other provision of law, if, during the  
13          15-year period beginning on the date of  
14          the conveyance to a State or unit of local  
15          government of a tract of public lands ap-  
16          proved for conveyance under this sub-  
17          section, the Secretary determines that the  
18          State or unit of local government is not in  
19          compliance with the applicable proposal  
20          submitted under paragraph (2)(B)(ii)(II)  
21          or a modified proposal under paragraph  
22          (2)(D), as applicable, the State or unit of  
23          local government shall not be considered to  
24          be eligible to receive funds from any of the  
25          programs described in clause (ii) until the

1 date on which the Secretary certifies that  
2 the State or unit of local government is in  
3 compliance with the applicable proposal or  
4 modified proposal.

5 “(ii) DESCRIPTION OF PROGRAMS.—  
6 The programs referred to in clause (i) are  
7 the following:

8 “(I) Any program carried out by  
9 the Economic Development Adminis-  
10 tration.

11 “(II) The community develop-  
12 ment block grant program under title  
13 I of the Housing and Community De-  
14 velopment Act of 1974 (42 U.S.C.  
15 5301 et seq.).

16 “(III) The community services  
17 block grant program carried out  
18 under the Community Services Block  
19 Grant Act (42 U.S.C. 9901 et seq.).

20 “(7) DISPOSITION OF PROCEEDS.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), the gross proceeds of a sale of a  
23 tract of public lands under this subsection shall  
24 be—

25 “(i) deposited in the Treasury; and

1                   “(ii) available to the Secretary, sub-  
2                   ject to appropriations, for—

3                   “(I) capital improvements in  
4                   units of the National Park System;

5                   “(II) the development and imple-  
6                   mentation of comprehensive, cost-ef-  
7                   fective, and multijurisdictional haz-  
8                   ardous fuels reduction and wildfire  
9                   prevention plans to be carried out;

10                  “(III) the development of public  
11                  water infrastructure on Federal land;  
12                  and

13                  “(IV) the restoration or preserva-  
14                  tion of a critical habitat.

15                  “(B) APPLICABILITY OF STATE ENABLING  
16                  ACTS.—If there is a provision of an applicable  
17                  State enabling Act that would otherwise apply  
18                  to the disposition of the gross proceeds of a sale  
19                  of a tract of public lands under this subsection,  
20                  before applying the requirements of subpara-  
21                  graph (A) to the disposition of the gross pro-  
22                  ceeds of the sale, the provision of the applicable  
23                  State enabling Act shall apply.”.