

116TH CONGRESS  
1ST SESSION

# H. R. 244

To maximize land management efficiencies, promote land conservation,  
generate education funding, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2019

Mr. STEWART introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To maximize land management efficiencies, promote land  
conservation, generate education funding, 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 “Advancing Conserva-  
5 tion and Education Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) at statehood, Congress granted each of the  
9 western States land to be held in trust by the States

1 and used for the support of public schools and other  
2 public institutions;

3 (2) since the statehood land grants, Congress  
4 and the executive branch have created multiple Fed-  
5 eral conservation areas on Federal land within the  
6 western States, including National Parks, National  
7 Monuments, national conservation areas, national  
8 grassland, components of the National Wilderness  
9 Preservation System, wilderness study areas, and  
10 national wildlife refuges;

11 (3) since statehood land grant land owned by  
12 the western States are typically scattered across the  
13 public land, creation of Federal conservation areas  
14 often include State land grant parcels with substan-  
15 tially different management mandates, making land  
16 and resource management more difficult, expensive,  
17 and controversial for both Federal land managers  
18 and the western States; and

19 (4) allowing the western States to relinquish  
20 State trust land within Federal conservation areas  
21 and to select replacement land from the public land  
22 within the respective western States, would—

23 (A) enhance management of Federal con-  
24 servation areas by allowing unified management  
25 of those areas; and

1 (B) increase revenue from the statehood  
2 land grants for the support of public schools  
3 and other worthy public purposes.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) APPLICATION.—The term “application”  
7 means an application for State relinquishment and  
8 selection of land made under this Act in accordance  
9 with section 5.

10 (2) ELIGIBLE AREA.—The term “eligible area”  
11 means land within the outer boundary of—

12 (A) a unit of the National Park System;

13 (B) a component of the National Wilder-  
14 ness Preservation System;

15 (C) a unit of the National Wildlife Refuge  
16 System;

17 (D) a unit of the National Landscape Con-  
18 servation System;

19 (E) an area determined by the Bureau of  
20 Land Management, through an inventory car-  
21 ried out in accordance with FLPMA, to have  
22 wilderness characteristics—

23 (i) as of the date of enactment of this  
24 Act; or

1 (ii) in a land use plan finalized under  
2 FLPMA;

3 (F) National Forest System land and pub-  
4 lic land administered by the Bureau of Land  
5 Management that has been designated as a na-  
6 tional monument, national volcanic monument,  
7 national recreation area, national scenic area,  
8 inventoried roadless area, unit of the Wild and  
9 Scenic Rivers System, wilderness study area, or  
10 Land Use Designation II (as described by sec-  
11 tion 508 of the Alaska National Interest Lands  
12 Conservation Act (Public Law 101–626; 104  
13 Stat. 4428)); or

14 (G) a sentinel landscape designated by the  
15 Secretary of Agriculture, the Secretary of De-  
16 fense, and the Secretary of the Interior.

17 (3) FLPMA.—The term “FLPMA” means the  
18 Federal Land Policy and Management Act of 1976  
19 (43 U.S.C. 1701 et seq.).

20 (4) PRIORITY AREA.—The term “priority area”  
21 means land within the outer boundary of any—

22 (A) National Monument;

23 (B) national conservation area managed by  
24 the Bureau of Land Management;

1 (C) component of the National Wilderness  
2 Preservation System; or

3 (D) unit of the National Park System.

4 (5) PUBLIC LAND.—

5 (A) IN GENERAL.—The term “public land”  
6 has the meaning given the term “public lands”  
7 in section 103 of FLPMA (43 U.S.C. 1702).

8 (B) EXCLUSIONS.—The term “public  
9 land” does not include Federal land that—

10 (i) is within an eligible area;

11 (ii) is within an area of critical envi-  
12 ronmental concern established pursuant to  
13 section 202(c)(3) of FLPMA (43 U.S.C.  
14 1712(c)(3));

15 (iii) is within an area withdrawn or  
16 reserved by an Act of Congress, the Presi-  
17 dent, or public land order for a particular  
18 public purpose or program, including for  
19 the conservation of natural resources;

20 (iv) has been acquired using funds  
21 from the Land and Water Conservation  
22 Fund established under section 200302 of  
23 title 54, United States Code;

24 (v) is within the boundary of an In-  
25 dian reservation, pueblo, or rancheria; or

1 (vi) is within a special recreation man-  
2 agement area.

3 (6) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (7) STATE LAND GRANT PARCEL.—The term  
6 “State land grant parcel” means—

7 (A) any land granted to a western State by  
8 Congress through a statehood or territorial land  
9 grant for the support of public education or  
10 other public institutions, or subsequently ac-  
11 quired by the western State for that purpose; or

12 (B) land granted to the State of Alaska  
13 under subsections (a), (b), and (k) of section 6  
14 of the Act of July 7, 1958 (commonly known as  
15 the “Alaska Statehood Act”) (48 U.S.C. note  
16 prec. 21; Public Law 85–508).

17 (8) TRADITIONAL CULTURAL PROPERTY.—The  
18 term “traditional cultural property” has the mean-  
19 ing given the term—

20 (A) “historic property” in section 800.16  
21 of title 36, Code of Federal Regulations (as in  
22 effect on the date of enactment of this Act); or

23 (B) “sacred site” in section 1(b) of Execu-  
24 tive Order No. 13007 (42 U.S.C. 1996 note; re-  
25 lating to Indian sacred sites).

1           (9) WATER RIGHT.—The term “water right”  
 2       means any right in or to groundwater, surface  
 3       water, or effluent under Federal, State, or other law.

4           (10) WESTERN STATE.—The term “western  
 5       State” means any of the States of Alaska, Arizona,  
 6       California, Colorado, Idaho, Montana, New Mexico,  
 7       North Dakota, Oregon, South Dakota, Utah, Wash-  
 8       ington, and Wyoming.

9   **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PAR-**  
 10                   **CELS AND SELECTION OF REPLACEMENT**  
 11                   **LAND.**

12       (a) AUTHORITY TO SELECT.—In accordance with  
 13       this Act and in order to facilitate the fulfillment of the  
 14       mandates of State land grant parcels and Federal land  
 15       described in subparagraphs (A) through (G) of section  
 16       3(2), on approval by the Secretary of an application under  
 17       section 5, a western State may relinquish to the United  
 18       States State land grant parcels wholly or primarily within  
 19       eligible areas and select in exchange public land within the  
 20       western State.

21       (b) VALID EXISTING RIGHTS.—Land conveyed under  
 22       this Act shall be subject to valid existing rights.

23       (c) MANAGEMENT AFTER RELINQUISHMENT.—Any  
 24       portion of a State land grant parcel acquired by the

1 United States under this Act that is located within an eli-  
2 gible area shall—

3 (1) be incorporated in, and be managed as part  
4 of, the applicable unit described in subparagraphs  
5 (A) through (G) of section 3(2) in which the land is  
6 located without further action by the Secretary with  
7 jurisdiction over the unit; and

8 (2) if located within the National Forest Sys-  
9 tem, be administered by the Secretary of Agriculture  
10 in accordance with—

11 (A) the Act of March 1, 1911 (commonly  
12 known as the “Weeks Law”) (16 U.S.C. 552 et  
13 seq.); and

14 (B) any laws (including regulations) appli-  
15 cable to the National Forest System and the  
16 unit of the National Forest System in which the  
17 land is located.

18 (d) LIMITATION.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graphs (2) and (3), until a western State has relin-  
21 quished and conveyed to the United States substan-  
22 tially all of the State land grant parcels located in  
23 priority areas in the western State, the western  
24 State may not apply to relinquish State land grant  
25 parcels in other eligible areas in the western State.



1           (2) EXCEPTION.—The Secretary may waive the  
2           limitation in paragraph (1) on a determination that  
3           the relinquishment and conveyance to the United  
4           States of substantially all State land grant parcels  
5           located in priority areas in the western State is im-  
6           practical or infeasible.

7           (3) OTHER STATE LAND GRANT PARCELS.—The  
8           Secretary may accept an application from a western  
9           State to relinquish State land grant parcels within  
10          an eligible area in the western State if—

11                (A) the application is limited to relin-  
12                quishing one or more State land grant parcels  
13                within a single eligible area;

14                (B) the western State submitting the ap-  
15                plication is, as determined by the Secretary,  
16                making substantial progress in relinquishing  
17                State land grant parcels within priority areas in  
18                the western State; and

19                (C) the Secretary has not accepted any  
20                other applications from the western State under  
21                this paragraph during the 5-year period ending  
22                on the date of the application.

23 **SEC. 5. PROCESS.**

24           (a) PROCESS FOR APPLICATION.—

1           (1) IN GENERAL.—Not later than 540 days  
2           after the date of the enactment of this Act and in  
3           accordance with this section, the Secretary shall pro-  
4           mulgate regulations establishing a process by which  
5           the western States may request the relinquishment  
6           of State land grant parcels wholly or partially within  
7           eligible areas and select public land in exchange for  
8           the State land grant parcels.

9           (2) TIMING.—Except as provided in section  
10          8(c), the process established by the Secretary under  
11          this section shall ensure that the relinquishment of  
12          State land grant parcels and the conveyance of pub-  
13          lic land is concurrent.

14          (b) PUBLIC NOTICE.—Prior to accepting or con-  
15          veying any land under this Act, the Secretary shall provide  
16          public notice and an opportunity to comment on the pro-  
17          posed conveyances between the western State and the  
18          United States.

19          (c) ENVIRONMENTAL ANALYSIS.—

20               (1) IN GENERAL.—Except as otherwise pro-  
21               vided in this subsection, the Secretary shall acquire  
22               State land grant parcels and convey public land  
23               under this Act in accordance with—

24                       (A) the National Environmental Policy Act  
25                       of 1969 (42 U.S.C. 4321 et seq.); and

1 (B) other applicable laws.

2 (2) ENVIRONMENTAL ASSESSMENT OR ENVI-  
3 RONMENTAL IMPACT STATEMENT.—In preparing an  
4 environmental assessment or environmental impact  
5 statement pursuant to section 102(2) of the Na-  
6 tional Environmental Policy Act of 1969 (42 U.S.C.  
7 4332(2)) for the acquisition of State land grant par-  
8 cels and the conveyance of public land under this  
9 Act, if the western State has indicated an unwilling-  
10 ness to consider State land grant parcels for relin-  
11 quishment or public land for acquisition (other than  
12 the State land grant parcels and public land de-  
13 scribed in the proposed agency action), the Secretary  
14 is not required to study, develop, and describe more  
15 than—

16 (A) the proposed agency action; and

17 (B) the alternative of no action.

18 (d) AGREEMENTS WITH STATES.—

19 (1) IN GENERAL.—The Secretary is authorized  
20 to enter into agreements with any of the western  
21 States to facilitate processing of applications and  
22 conveyance of selected land.

23 (2) AGREEMENT.—On completion of a pre-  
24 application process that includes identification of  
25 land to be conveyed, the Secretary and the western

1 State may enter into a nonbinding agreement that  
2 includes—

3 (A) a time schedule for completing the con-  
4 veyances;

5 (B) an assignment of responsibility for  
6 performance of required functions and for costs  
7 associated with processing the conveyances; and

8 (C) a statement specifying whether as-  
9 sumption of costs will be allowed pursuant to  
10 section 8(d).

11 (e) APPROVAL OR REJECTION.—The Secretary—

12 (1) shall issue a final determination on an ap-  
13 plication not later than 3 years after the date a  
14 western State submits that application to the Sec-  
15 retary;

16 (2) may approve an application in whole or in  
17 part, or as modified by the Secretary as necessary  
18 to balance the equities of the States and interest of  
19 the public;

20 (3) shall not accept an application under this  
21 Act for selection of any parcel of public land that in  
22 the judgment of the Secretary—

23 (A) is not reasonably compact and consoli-  
24 dated;

1 (B) will create significant management  
2 conflicts with respect to the management of ad-  
3 jacent Federal land;

4 (C) will significantly adversely affect public  
5 use of a recreation site or recreation area eligi-  
6 ble for the collection of recreation fees under  
7 the Federal Lands Recreation Enhancement  
8 Act (16 U.S.C. 6801 et seq.) or other authority;

9 (D) will significantly adversely affect pub-  
10 lic access, hunting, fishing, recreational shoot-  
11 ing, outdoor recreation, or result in adverse im-  
12 pacts to critical fish and wildlife habitat; or

13 (E) is not in the public interest, as deter-  
14 mined under 43 Code of Federal Regulations  
15 2200.0–6(b), as in effect on the date of enact-  
16 ment of this Act;

17 (4) shall not accept any State land grant par-  
18 cels that, in the judgment of the Secretary, are not  
19 suitable for inclusion in the applicable unit described  
20 in subparagraphs (A) through (G) of section 3(2) in  
21 which the land is located;

22 (5) shall, prior to approving an application, con-  
23 sult with the head of any Federal agency with juris-  
24 diction over Federal land—

1 (A) within which a western State proposes  
2 to relinquish a State land grant parcel; or

3 (B) that is adjacent to public land pro-  
4 posed for conveyance to a western State;

5 (6) shall, prior to approving an application—

6 (A) consult, in accordance with Federal  
7 law, with any Indian tribe affected by the sub-  
8 ject of the application, including any Indian  
9 tribe that notifies the Secretary that there is  
10 traditional cultural property located within the  
11 public land proposed for conveyance to the  
12 western State; and

13 (B) if the Secretary determines that tradi-  
14 tional cultural property is located within the  
15 public land proposed for conveyance to the  
16 western State, consider the extent to which pro-  
17 tection would be available for the traditional  
18 cultural property after conveyance of the public  
19 land to the western State, including terms or  
20 conditions that the Secretary, with the agree-  
21 ment of the western State, may impose on the  
22 conveyance of the public land to the western  
23 State;

24 (7) may reject an application in whole or in  
25 part if the Secretary, after consideration of available

1 protection for traditional cultural property located  
2 within the public land proposed for conveyance to  
3 the western State pursuant to paragraph (6)(B), de-  
4 termines that insufficient protection would be avail-  
5 able for the traditional cultural property after con-  
6 veyance of the public land to the western State;

7 (8) shall, for applications by a western State for  
8 the conveyance of a parcel of public land that will  
9 result in significantly diminished public access to ad-  
10 jacent Federal land—

11 (A) reject that portion of the application;

12 or

13 (B) reserve a right-of-way through the  
14 public land to be conveyed ensuring continued  
15 public access to adjacent Federal land; and

16 (9) shall convey any public land approved for  
17 selection not later than 1 year after entering into a  
18 final agreement between the Secretary and the west-  
19 ern State on the land to be conveyed, subject to such  
20 other terms and conditions as may be appropriate.

21 (f) COSTS.—

22 (1) IN GENERAL.—All costs of conveyances  
23 under this Act, including appraisals, surveys, and re-  
24 lated costs, shall be paid equally by the Secretary  
25 and the western State.

1           (2) ALLOCATION.—The Federal agency that re-  
 2       ceives State land in a conveyance under this Act  
 3       shall assume the Federal share of administrative  
 4       costs, including appraisals, surveys, and related  
 5       costs, unless otherwise agreed to by the heads of the  
 6       respective agencies.

7       (g) CONVEYANCE BY WESTERN STATE.—

8           (1) IN GENERAL.—The conveyance of any State  
 9       land grant parcel under this Act shall—

10           (A) be by patent or deed acceptable to the  
 11       Secretary; and

12           (B) not be considered an exchange or ac-  
 13       quisition for purposes of sections 205 and 206  
 14       of FLPMA (43 U.S.C. 1715, 1716).

15       (2) CONCURRENCE.—The Secretary of Agri-  
 16       culture shall concur in any determination to accept  
 17       the conveyance of a State land grant parcel within  
 18       the boundaries of any unit of the National Forest  
 19       System.

20       (h) CONVEYANCE BY UNITED STATES.—The convey-  
 21       ance of public land by the United States shall—

22           (1) not be considered a sale, exchange, or con-  
 23       veyance under section 203, 206, or 209 of FLPMA  
 24       (43 U.S.C. 1713, 1716, and 1719); and



1           (2) include such terms or conditions as the Sec-  
2       retary may require.

3 **SEC. 6. MINERAL LAND.**

4       (a) SELECTION AND CONVEYANCE.—

5           (1) IN GENERAL.—Subject to this Act, a west-  
6       ern State may select, and the Secretary may convey,  
7       land that is mineral in character under this Act.

8           (2) EXCLUSION.—A western State may not se-  
9       lect, and the Secretary may not convey land that in-  
10      cludes only—

11                (A) a portion of a mineral lease or permit;

12                (B) the Federal mineral estate, unless the  
13       United States does not own the associated sur-  
14       face estate; or

15                (C) the Federal surface estate, unless the  
16       United States does not own the associated min-  
17       eral estate.

18       (b) MINING CLAIMS.—

19           (1) MINING CLAIMS UNAFFECTED.—Nothing in  
20       this Act alters, diminishes, or expands the existing  
21       rights of a mining claimant under applicable law.

22           (2) VALIDITY EXAMS.—Nothing in this Act re-  
23       quires the United States to carry out a mineral ex-  
24       amination for any mining claim located on public  
25       land to be conveyed under this Act.

1           (3) WITHDRAWAL.—Public land selected by a  
2       western State for acquisition under this Act is with-  
3       drawn, subject to valid existing rights, from location,  
4       entry, and patent under the mining laws until that  
5       date on which—

6                   (A) the land is conveyed by the Federal  
7       Government to the western State;

8                   (B) the Secretary makes a final determina-  
9       tion not accepting the selection of the land; or

10                  (C) the western State withdraws the selec-  
11       tion of the land.

12 **SEC. 7. CONSTRUCTION WITH OTHER LAWS.**

13       (a) CONSIDERATION.—In the application of laws, reg-  
14       ulations, and policies relating to selections made under  
15       this Act, the Secretary shall consider the equities of the  
16       western States and the interest of the public.

17       (b) LAND USE PLAN.—The Secretary may approve  
18       an application submitted in accordance with this Act even  
19       if—

20                  (1) the selected public land is not otherwise  
21       identified for disposal; or

22                  (2) the land to be acquired is not identified to  
23       be acquired in the applicable land use plan.

24 **SEC. 8. VALUATION.**

25       (a) EQUAL VALUE.—

1           (1) IN GENERAL.—The overall value of the  
2       State land grant parcels and the public land to be  
3       conveyed shall be—

4                   (A) equal; or

5                   (B) if the value is not equal—

6                         (i) equalized by the payment of funds  
7                         to the western State or to the Secretary as  
8                         the circumstances require; or

9                         (ii) reflected on the balance of a ledg-  
10                        er account established under subsection  
11                        (c).

12           (2) APPRAISAL REQUIRED.—Except as provided  
13       in subsection (b), the Secretary shall determine the  
14       value of a State land grant parcel and public land  
15       through an appraisal completed in accordance  
16       with—

17                   (A) the Uniform Appraisal Standards for  
18       Federal Land Acquisitions; and

19                   (B) the Uniform Standards for Profes-  
20       sional Appraisal Practice.

21           (3) EQUALIZATION.—For each transaction, an  
22       equalization payment described in paragraph  
23       (1)(B)(i) or a ledger entry described in paragraph  
24       (1)(B)(ii) may not exceed 25 percent of the total

1 value of the land or interest transferred out of Fed-  
2 eral ownership.

3 (b) LOW VALUE PARCELS.—

4 (1) VALUATION.—The Secretary may, with the  
5 consent of a western State, use a summary appraisal  
6 or statement of value made by a qualified appraiser  
7 carried out in accordance with the Uniform Stand-  
8 ards for Professional Appraisal Practice instead of  
9 an appraisal that complies with the Uniform Ap-  
10 praisal Standards for Federal Land Acquisitions if  
11 the western State and the Secretary agree that the  
12 market value of a State land grant parcel or a parcel  
13 of public land is—

14 (A) less than \$500,000; and

15 (B) less than \$500 per acre.

16 (2) DIVISION.—A State land grant parcel or a  
17 parcel of public land may not be artificially divided  
18 in order to qualify for a summary appraisal or state-  
19 ment of value under paragraph (1).

20 (c) LEDGER ACCOUNTS.—

21 (1) IN GENERAL.—The Secretary and any west-  
22 ern State may agree to use a ledger account to make  
23 equal the value of land relinquished by the western  
24 State and conveyed by the United States to the  
25 western State under this Act.

1           (2) IMBALANCES.—A ledger account described  
2           in paragraph (1) shall reflect imbalances in value to  
3           be reconciled in a subsequent transaction.

4           (3) ACCOUNT BALANCING.—Each ledger ac-  
5           count shall be—

6                   (A) balanced not later than 3 years after  
7                   the date on which the ledger account is estab-  
8                   lished; and

9                   (B) closed not later than 5 years after the  
10                  date of the last conveyance of land under this  
11                  Act.

12          (d) COSTS.—

13               (1) IN GENERAL.—The Secretary or the west-  
14               ern State may assume costs or other responsibilities  
15               or requirements for conveying land under this Act  
16               that ordinarily are borne by the other party.

17               (2) ADJUSTMENT.—If the Secretary assumes  
18               costs or other responsibilities under paragraph (1),  
19               the Secretary shall make adjustments to the value of  
20               the public land conveyed to the western State to  
21               compensate the Secretary for assuming the costs or  
22               other responsibilities.

23               (e) ADJUSTMENT.—If value is attributed to any par-  
24               cel of public land that has been selected by a western State  
25               because of the presence of minerals under a lease entered

1 into under the Mineral Leasing Act (30 U.S.C. 181 et  
 2 seq.) that is in a producing or producible status, and the  
 3 lease is to be conveyed under this Act, the value of the  
 4 parcel shall be reduced by the amount that represents the  
 5 likely Federal revenue sharing obligation under that Act,  
 6 but the adjustment shall not be considered as reflecting  
 7 a property right of the western State.

8 **SEC. 9. MISCELLANEOUS.**

9 (a) HAZARDOUS MATERIALS.—

10 (1) IN GENERAL.—The Secretary and the west-  
 11 ern States shall make available for review and in-  
 12 spection any record relating to hazardous materials  
 13 on land to be conveyed under this Act.

14 (2) CERTIFICATION.—The Secretary and the  
 15 western State shall each complete an inspection and  
 16 a hazardous materials certification of land to be con-  
 17 veyed under this Act before the completion of the  
 18 conveyance.

19 (b) WATER RIGHTS.—

20 (1) STATE-HELD APPURTENANT WATER  
 21 RIGHTS.—Any conveyance of a State land grant par-  
 22 cel under this Act may include the conveyance of  
 23 State-held water rights appurtenant to the land con-  
 24 veyed in accordance with applicable law.

1           (2) FEDERALLY HELD APPURTENANT WATER  
2           RIGHTS.—Any conveyance of public land under this  
3           Act may include the conveyance of federally held  
4           water rights appurtenant to the land conveyed in ac-  
5           cordance with applicable Federal and State law.

6           (3) EFFECT.—Nothing in this Act—

7                   (A) creates an implied or expressed Fed-  
8                   eral reserved water right;

9                   (B) affects a valid existing water right; or

10                  (C) affects the use of water conveyance in-  
11                  frastructure associated with a water right de-  
12                  scribed in subparagraph (B).

13          (c) GRAZING PERMITS.—

14           (1) IN GENERAL.—If land conveyed under this  
15           Act is subject to a lease, permit, or contract for the  
16           grazing of domestic livestock in effect on the date of  
17           the conveyance, the Secretary (or the Secretary of  
18           Agriculture for land located within the National For-  
19           est System) and the western State shall allow the  
20           grazing to continue for the remainder of the term of  
21           the lease, permit, or contract, subject to the related  
22           terms and conditions of user agreements, including  
23           permitted stocking rates, grazing fee levels, access,  
24           and ownership and use of range improvements.

1           (2) RENEWAL.—On expiration of any grazing  
2       lease, permit, or contract described in paragraph  
3       (1), the party that has jurisdiction over the land on  
4       the date of expiration may elect to renew the lease,  
5       permit, or contract if permitted under applicable  
6       law.

7           (3) CANCELLATION.—

8               (A) IN GENERAL.—Nothing in this Act  
9       prevents the Secretary (or the Secretary of Ag-  
10      riculture for land located within the National  
11      Forest System) or the western State from can-  
12      celing or modifying a grazing permit, lease, or  
13      contract if the land subject to the permit, lease,  
14      or contract is sold, conveyed, transferred, or  
15      leased for nongrazing purposes.

16            (B) LIMITATION.—Except to the extent  
17      reasonably necessary to accommodate surface  
18      operations in support of mineral development,  
19      the Secretary (or the Secretary of Agriculture  
20      for land located within the National Forest Sys-  
21      tem) or the western State shall not cancel or  
22      modify a grazing permit, lease, or contract for  
23      land conveyed pursuant to this Act because the  
24      land subject to the permit, lease, or contract  
25      has been leased for mineral development.



1           (4) BASE PROPERTIES.—If land conveyed by  
2           the western State under this Act is used by a graz-  
3           ing permittee or lessee to meet the base property re-  
4           quirements for a Federal grazing permit or lease,  
5           the land shall continue to qualify as a base property  
6           for the remaining term of the lease or permit and  
7           the term of any renewal or extension of the lease or  
8           permit.

9           (5) RANGE IMPROVEMENTS.—Nothing in this  
10          Act prohibits a holder of a grazing lease, permit, or  
11          contract from being compensated for range improve-  
12          ments pursuant to the terms of the lease, permit, or  
13          contract under existing Federal or State laws.

14         (d) ROAD RIGHTS-OF-WAYS.—

15                 (1) IN GENERAL.—If land conveyed under this  
16                 Act is subject to a road lease, road right-of-way,  
17                 road easement, or other valid existing right in effect  
18                 on the date of the conveyance, the Secretary (or the  
19                 Secretary of Agriculture for land located within the  
20                 National Forest System) and the western State shall  
21                 allow the lease, right-of-way, easement, or other  
22                 valid existing right to continue for the remainder of  
23                 the term of the lease, right-of-way, easement, or  
24                 other valid existing right, subject to the applicable

1 terms and conditions of the lease, right-of-way, ease-  
2 ment, or other valid existing right.

3 (2) RENEWAL.—On expiration of any road  
4 lease, road right-of-way, road easement, or other  
5 valid existing right described in paragraph (1), the  
6 party that has jurisdiction over the land on the date  
7 of expiration may elect to renew the lease, right-of-  
8 way, easement, or other valid existing right if per-  
9 mitted under applicable law.

10 (e) PROTECTION OF INDIAN RIGHTS.—

11 (1) TREATY RIGHTS.—Nothing in this Act al-  
12 ters or diminishes the treaty rights of any Indian  
13 tribe.

14 (2) LAND HELD IN TRUST.—Nothing in this  
15 Act affects—

16 (A) land held in trust by the Secretary for  
17 any Indian tribe; or

18 (B) any individual Indian allotment.

19 (3) EFFECT.—Nothing in this Act alters, di-  
20 minishes, or enlarges the application of—

21 (A) division A of subtitle III of title 54,  
22 United States Code (formerly known as the  
23 “National Historic Preservation Act” (16  
24 U.S.C. 470 et seq.));

1 (B) the Native American Graves Protec-  
2 tion and Repatriation Act (25 U.S.C. 3001 et  
3 seq.);

4 (C) Public Law 95–341 (commonly known  
5 as the “American Indian Religious Freedom  
6 Act”) (42 U.S.C. 1996);

7 (D) chapter 3125 of title 54, United States  
8 Code; or

9 (E) the Archaeological Resources Protec-  
10 tion Act of 1979 (16 U.S.C. 470aa et seq.).

11 **SEC. 10. EFFECT.**

12 Nothing in this Act repeals or limits, expressly or by  
13 implication, any authority in existence on the date of en-  
14 actment of this Act for the selection or exchange of land.

15 **SEC. 11. TERMINATION OF AUTHORITY.**

16 (a) IN GENERAL.—Subject to subsection (b), the pro-  
17 visions of this Act shall cease to be effective with regard  
18 to any State land grant parcel located within an eligible  
19 area for which an application has not been filed by the  
20 date that is 20 years after the date of the enactment of  
21 this Act.

22 (b) NEW ELIGIBLE AREAS.—If the application de-  
23 scribed in subsection (a) is for a State land grant parcel  
24 that is located within an eligible area established after the  
25 date of enactment of this Act, the provisions of this Act

- 1 shall remain effective for 20 years after the date on which
- 2 the new eligible area is established.

