

115TH CONGRESS
1ST SESSION

S. 2078

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2017

Mr. HEINRICH (for himself and Mr. FLAKE) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

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 identified by the Bureau of
20 Land Management as having wilderness charac-
21 teristics in a land use plan finalized under
22 FLPMA;

23 (F) National Forest System land and pub-
24 lic land administered by the Bureau of Land
25 Management that has been designated as a na-

1 tional monument, national volcanic monument,
2 national recreation area, national scenic area,
3 inventoried roadless area, unit of the Wild and
4 Scenic Rivers System, wilderness study area, or
5 Land Use Designation II (as described by sec-
6 tion 508 of the Alaska National Interest Lands
7 Conservation Act (Public Law 101–626; 104
8 Stat. 4428)); or

9 (G) a sentinel landscape designated by the
10 Secretary of Agriculture, the Secretary of De-
11 fense, and the Secretary of the Interior.

12 (3) FLPMA.—The term “FLPMA” means the
13 Federal Land Policy and Management Act of 1976
14 (43 U.S.C. 1701 et seq.).

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

17 (A) National Monument;

18 (B) national conservation area managed by
19 the Bureau of Land Management;

20 (C) component of the National Wilderness
21 Preservation System; or

22 (D) unit of the National Park System.

23 (5) PUBLIC LAND.—

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

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

6 (i) is within an eligible area;

7 (ii) is within an area of critical envi-
8 ronmental concern established pursuant to
9 section 202(c)(3) of FLPMA (43 U.S.C.
10 1712(c)(3));

11 (iii) is within an area withdrawn or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

16 (iv) has been acquired using funds
17 from the Land and Water Conservation
18 Fund established under section 200302 of
19 title 54, United States Code; or

20 (v) is within the boundary of an In-
21 dian reservation, pueblo, or rancheria.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

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

1 (A) any land granted to a western State by
 2 Congress through a statehood or territorial land
 3 grant for the support of public education or
 4 other public institutions, or subsequently ac-
 5 quired by the western State for that purpose; or

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

11 (8) TRADITIONAL CULTURAL PROPERTY.—The
 12 term “traditional cultural property” has the mean-
 13 ing given the term—

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

17 (B) “sacred site” in section 1(b) of Execu-
 18 tive Order 13007 (42 U.S.C. 1996 note; relat-
 19 ing to Indian sacred sites).

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

23 (10) WESTERN STATE.—The term “western
 24 State” means any of the States of Alaska, Arizona,
 25 California, Colorado, Idaho, Montana, New Mexico,

1 North Dakota, Oregon, South Dakota, Utah, Wash-
2 ington, and Wyoming.

3 **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PAR-**
4 **CELS AND SELECTION OF REPLACEMENT**
5 **LAND.**

6 (a) **AUTHORITY TO SELECT.**—In accordance with
7 this Act and in order to facilitate the fulfillment of the
8 mandates of State land grant parcels and Federal land
9 described in subparagraphs (A) through (G) of section
10 3(2), on approval by the Secretary of an application under
11 section 5, a western State may relinquish to the United
12 States State land grant parcels wholly or primarily within
13 eligible areas and select in exchange public land within the
14 western State.

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

17 (c) **MANAGEMENT AFTER RELINQUISHMENT.**—Any
18 portion of a State land grant parcel acquired by the
19 United States under this Act that is located within an eli-
20 gible area shall—

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

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

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

7 (B) any laws (including regulations) appli-
8 cable to the National Forest System and the
9 unit of the National Forest System in which the
10 land is located.

11 (d) LIMITATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graphs (2) and (3), until a western State has relin-
14 quished and conveyed to the United States substan-
15 tially all of the State land grant parcels located in
16 priority areas in the western State, the western
17 State may not apply to relinquish State land grant
18 parcels in other eligible areas in the western State.

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

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

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

8 (B) the western State submitting the ap-
9 plication is, as determined by the Secretary,
10 making substantial progress in relinquishing
11 State land grant parcels within priority areas in
12 the western State; and

13 (C) the Secretary has not accepted any
14 other applications from the western State under
15 this paragraph during the 5-year period ending
16 on the date of the application.

17 **SEC. 5. PROCESS.**

18 (a) PROCESS FOR APPLICATION.—

19 (1) IN GENERAL.—Not later than 540 days
20 after the date of the enactment of this Act and in
21 accordance with this section, the Secretary shall pro-
22 mulgate regulations establishing a process by which
23 the western States may request the relinquishment
24 of State land grant parcels wholly or partially within

1 eligible areas and select public land in exchange for
2 the State land grant parcels.

3 (2) TIMING.—Except as provided in section
4 8(c), the process established by the Secretary under
5 this section shall ensure that the relinquishment of
6 State land grant parcels and the conveyance of pub-
7 lic land is concurrent.

8 (b) PUBLIC NOTICE.—Prior to accepting or con-
9 veying any land under this Act, the Secretary shall provide
10 public notice and an opportunity to comment on the pro-
11 posed conveyances between the western State and the
12 United States.

13 (c) ENVIRONMENTAL ANALYSIS.—

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

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

20 (B) other applicable laws.

21 (2) ENVIRONMENTAL ASSESSMENT OR ENVI-
22 RONMENTAL IMPACT STATEMENT.—In preparing an
23 environmental assessment or environmental impact
24 statement pursuant to section 102(2) of the Na-
25 tional Environmental Policy Act of 1969 (42 U.S.C.

1 4332(2)) for the acquisition of State land grant par-
2 cels and the conveyance of public land under this
3 Act, if the western State has indicated an unwilling-
4 ness to consider State land grant parcels for relin-
5 quishment or public land for acquisition (other than
6 the State land grant parcels and public land de-
7 scribed in the proposed agency action), the Secretary
8 is not required to study, develop, and describe more
9 than—

10 (A) the proposed agency action; and

11 (B) the alternative of no action.

12 (d) AGREEMENTS WITH STATES.—

13 (1) IN GENERAL.—The Secretary is authorized
14 to enter into agreements with any of the western
15 States to facilitate processing of applications and
16 conveyance of selected land.

17 (2) AGREEMENT.—On completion of a preappli-
18 cation process that includes identification of land to
19 be conveyed, the Secretary and the western State
20 may enter into a nonbinding agreement that in-
21 cludes—

22 (A) a time schedule for completing the con-
23 veyances;

1 (B) an assignment of responsibility for
2 performance of required functions and for costs
3 associated with processing the conveyances; and

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

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

8 (1) shall issue a final determination on an ap-
9 plication not later than 3 years after the date a
10 western State submits that application to the Sec-
11 retary;

12 (2) may approve an application in whole or in
13 part, or as modified by the Secretary as necessary
14 to balance the equities of the States and interest of
15 the public;

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

19 (A) is not reasonably compact and consoli-
20 dated;

21 (B) will create significant management
22 conflicts with respect to the management of ad-
23 jacent Federal land;

24 (C) will significantly adversely affect public
25 use of a recreation site or recreation area eligi-

1 ble for the collection of recreation fees under
2 the Federal Lands Recreation Enhancement
3 Act (16 U.S.C. 6801 et seq.) or other authority;
4 or

5 (D) is not in the public interest;

6 (4) shall not accept any State land grant par-
7 cels that, in the judgment of the Secretary, are not
8 suitable for inclusion in the applicable unit described
9 in subparagraphs (A) through (G) of section 3(2) in
10 which the land is located;

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

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

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

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

19 (A) consult, in accordance with Federal
20 law, with any Indian tribe affected by the sub-
21 ject of the application, including any Indian
22 tribe that notifies the Secretary that there is
23 traditional cultural property located within the
24 public land proposed for conveyance to the
25 western State; and

1 (B) if the Secretary determines that tradi-
2 tional cultural property is located within the
3 public land proposed for conveyance to the
4 western State, consider the extent to which pro-
5 tection would be available for the traditional
6 cultural property after conveyance of the public
7 land to the western State, including terms or
8 conditions that the Secretary, with the agree-
9 ment of the western State, may impose on the
10 conveyance of the public land to the western
11 State;

12 (7) may reject an application in whole or in
13 part if the Secretary, after consideration of available
14 protection for traditional cultural property located
15 within the public land proposed for conveyance to
16 the western State pursuant to paragraph (6)(B), de-
17 termines that insufficient protection would be avail-
18 able for the traditional cultural property after con-
19 veyance of the public land to the western State;

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

24 (A) reject that portion of the application;

25 or

1 (B) reserve a right-of-way through the
2 public land to be conveyed ensuring continued
3 public access to adjacent Federal land; and

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

9 (f) COSTS.—

10 (1) IN GENERAL.—All costs of conveyances
11 under this Act, including appraisals, surveys, and re-
12 lated costs, shall be paid equally by the Secretary
13 and the western State.

14 (2) ALLOCATION.—The Federal agency that re-
15 ceives State land in a conveyance under this Act
16 shall assume the Federal share of administrative
17 costs, including appraisals, surveys, and related
18 costs, unless otherwise agreed to by the heads of the
19 respective agencies.

20 (g) CONVEYANCE BY WESTERN STATE.—

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

23 (A) be by patent or deed acceptable to the
24 Secretary; and

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

4 (2) CONCURRENCE.—The Secretary of Agri-
5 culture shall concur in any determination to accept
6 the conveyance of a State land grant parcel within
7 the boundaries of any unit of the National Forest
8 System.

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

11 (1) not be considered a sale, exchange, or con-
12 veyance under section 203, 206, or 209 of FLPMA
13 (43 U.S.C. 1713, 1716, and 1719); and

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

16 **SEC. 6. MINERAL LAND.**

17 (a) SELECTION AND CONVEYANCE.—

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

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

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

1 (B) the Federal mineral estate, unless the
2 United States does not own the associated sur-
3 face estate; or

4 (C) the Federal surface estate, unless the
5 United States does not own the associated min-
6 eral estate.

7 (b) MINING CLAIMS.—

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

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

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

20 (A) the land is conveyed by the Federal
21 Government to the western State;

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

24 (C) the western State withdraws the selec-
25 tion of the land.

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

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

6 (b) LAND USE PLAN.—The Secretary may approve
7 an application submitted in accordance with this Act even
8 if—

9 (1) the selected public land is not otherwise
10 identified for disposal; or

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

13 **SEC. 8. VALUATION.**

14 (a) EQUAL VALUE.—

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

18 (A) equal; or

19 (B) if the value is not equal—

20 (i) equalized by the payment of funds
21 to the western State or to the Secretary as
22 the circumstances require; or

23 (ii) reflected on the balance of a ledg-
24 er account established under subsection
25 (c).

1 (2) APPRAISAL REQUIRED.—Except as provided
2 in subsection (b), the Secretary shall determine the
3 value of a State land grant parcel and public land
4 through an appraisal completed in accordance
5 with—

6 (A) the Uniform Appraisal Standards for
7 Federal Land Acquisitions; and

8 (B) the Uniform Standards for Profes-
9 sional Appraisal Practice.

10 (3) EQUALIZATION.—For each transaction, an
11 equalization payment described in paragraph
12 (1)(B)(i) or a ledger entry described in paragraph
13 (1)(B)(ii) may not exceed 25 percent of the total
14 value of the land or interest transferred out of Fed-
15 eral ownership.

16 (b) LOW VALUE PARCELS.—

17 (1) VALUATION.—The Secretary may, with the
18 consent of a western State, use a summary appraisal
19 or statement of value made by a qualified appraiser
20 carried out in accordance with the Uniform Stand-
21 ards for Professional Appraisal Practice instead of
22 an appraisal that complies with the Uniform Ap-
23 praisal Standards for Federal Land Acquisitions if
24 the western State and the Secretary agree that the

1 market value of a State land grant parcel or a parcel
2 of public land is—

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

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

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

9 (c) LEDGER ACCOUNTS.—

10 (1) IN GENERAL.—The Secretary and any west-
11 ern State may agree to use a ledger account to make
12 equal the value of land relinquished by the western
13 State and conveyed by the United States to the
14 western State under this Act.

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

18 (3) ACCOUNT BALANCING.—Each ledger ac-
19 count shall be—

20 (A) balanced not later than 3 years after
21 the date on which the ledger account is estab-
22 lished; and

23 (B) closed not later than 5 years after the
24 date of the last conveyance of land under this
25 Act.

1 (d) COSTS.—

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

6 (2) ADJUSTMENT.—If the Secretary assumes
7 costs or other responsibilities under paragraph (1),
8 the Secretary shall make adjustments to the value of
9 the public land conveyed to the western State to
10 compensate the Secretary for assuming the costs or
11 other responsibilities.

12 (e) ADJUSTMENT.—If value is attributed to any par-
13 cel of public land that has been selected by a western State
14 because of the presence of minerals under a lease entered
15 into under the Mineral Leasing Act (30 U.S.C. 181 et
16 seq.) that is in a producing or producible status, and the
17 lease is to be conveyed under this Act, the value of the
18 parcel shall be reduced by the amount that represents the
19 likely Federal revenue sharing obligation under that Act,
20 but the adjustment shall not be considered as reflecting
21 a property right of the western State.

22 **SEC. 9. MISCELLANEOUS.**

23 (a) HAZARDOUS MATERIALS.—

24 (1) IN GENERAL.—The Secretary and the west-
25 ern States shall make available for review and in-

1 specification any record relating to hazardous materials
2 on land to be conveyed under this Act.

3 (2) CERTIFICATION.—The Secretary and the
4 western State shall each complete an inspection and
5 a hazardous materials certification of land to be con-
6 veyed under this Act before the completion of the
7 conveyance.

8 (b) WATER RIGHTS.—

9 (1) STATE-HELD APPURTENANT WATER
10 RIGHTS.—Any conveyance of a State land grant par-
11 cel under this Act may include the conveyance of
12 State-held water rights appurtenant to the land con-
13 veyed in accordance with applicable law.

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

19 (3) EFFECT.—Nothing in this Act—

20 (A) creates an implied or expressed Fed-
21 eral reserved water right;

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

23 (C) affects the use of water conveyance in-
24 frastructure associated with a water right de-
25 scribed in subparagraph (B).

1 (c) GRAZING PERMITS.—

2 (1) IN GENERAL.—If land conveyed under this
3 Act is subject to a lease, permit, or contract for the
4 grazing of domestic livestock in effect on the date of
5 the conveyance, the Secretary (or the Secretary of
6 Agriculture for land located within the National For-
7 est System) and the western State shall allow the
8 grazing to continue for the remainder of the term of
9 the lease, permit, or contract, subject to the related
10 terms and conditions of user agreements, including
11 permitted stocking rates, grazing fee levels, access,
12 and ownership and use of range improvements.

13 (2) RENEWAL.—On expiration of any grazing
14 lease, permit, or contract described in paragraph
15 (1), the party that has jurisdiction over the land on
16 the date of expiration may elect to renew the lease,
17 permit, or contract if permitted under applicable
18 law.

19 (3) CANCELLATION.—

20 (A) IN GENERAL.—Nothing in this Act
21 prevents the Secretary (or the Secretary of Ag-
22 riculture for land located within the National
23 Forest System) or the western State from can-
24 celing or modifying a grazing permit, lease, or
25 contract if the land subject to the permit, lease,

1 or contract is sold, conveyed, transferred, or
2 leased for nongrazing purposes.

3 (B) LIMITATION.—Except to the extent
4 reasonably necessary to accommodate surface
5 operations in support of mineral development,
6 the Secretary (or the Secretary of Agriculture
7 for land located within the National Forest Sys-
8 tem) or the western State shall not cancel or
9 modify a grazing permit, lease, or contract for
10 land conveyed pursuant to this Act because the
11 land subject to the permit, lease, or contract
12 has been leased for mineral development.

13 (4) BASE PROPERTIES.—If land conveyed by
14 the western State under this Act is used by a graz-
15 ing permittee or lessee to meet the base property re-
16 quirements for a Federal grazing permit or lease,
17 the land shall continue to qualify as a base property
18 for the remaining term of the lease or permit and
19 the term of any renewal or extension of the lease or
20 permit.

21 (5) RANGE IMPROVEMENTS.—Nothing in this
22 Act prohibits a holder of a grazing lease, permit, or
23 contract from being compensated for range improve-
24 ments pursuant to the terms of the lease, permit, or
25 contract under existing Federal or State laws.

1 (d) ROAD RIGHTS-OF-WAYS.—

2 (1) IN GENERAL.—If land conveyed under this
3 Act is subject to a road lease, road right-of-way,
4 road easement, or other valid existing right in effect
5 on the date of the conveyance, the Secretary (or the
6 Secretary of Agriculture for land located within the
7 National Forest System) and the western State shall
8 allow the lease, right-of-way, easement, or other
9 valid existing right to continue for the remainder of
10 the term of the lease, right-of-way, easement, or
11 other valid existing right, subject to the applicable
12 terms and conditions of the lease, right-of-way, ease-
13 ment, or other valid existing right.

14 (2) RENEWAL.—On expiration of any road
15 lease, road right-of-way, road easement, or other
16 valid existing right described in paragraph (1), the
17 party that has jurisdiction over the land on the date
18 of expiration may elect to renew the lease, right-of-
19 way, easement, or other valid existing right if per-
20 mitted under applicable law.

21 (e) PROTECTION OF INDIAN RIGHTS.—

22 (1) TREATY RIGHTS.—Nothing in this Act al-
23 ters or diminishes the treaty rights of any Indian
24 tribe.

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

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

5 (B) any individual Indian allotment.

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

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

12 (B) the Native American Graves Protec-
13 tion and Repatriation Act (25 U.S.C. 3001 et
14 seq.);

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

18 (D) chapter 3125 of title 54, United States
19 Code; or

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

22 **SEC. 10. EFFECT.**

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

1 **SEC. 11. TERMINATION OF AUTHORITY.**

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

8 (b) NEW ELIGIBLE AREAS.—If the application de-
9 scribed in subsection (a) is for a State land grant parcel
10 that is located within an eligible area established after the
11 date of enactment of this Act, the provisions of this Act
12 shall remain effective for 20 years after the date on which
13 the new eligible area is established.

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