

popping up all over the place, and that is great. But the other thing about the Pacific Northwest that everybody loves is the ability to get outdoors and fish, hunt, hike, and basically enjoy the beauty of the Pacific Northwest. This group came together to make sure that we can preserve that, even in the face of such massive growth.

It wasn't done by government fiat. It was done by working together with private landowners, tribes, and all of the interested stakeholders to say: "We have a mutual interest in preserving open spaces for the better enjoyment of all of us in our community," and that is how the Mountains to Sound Greenway was born.

This is an incredibly successful collaborative effort. I am pleased to have the Federal Government put its stamp on it as a national heritage area. It definitely deserves that. It will help the process moving forward as they continue to make sure that they preserve these open spaces for the enjoyment of all people in the Puget Sound region.

I also want to particularly thank Congressman REICHERT for his leadership on this issue. He has been working on it for a number of years, and it has been a true bipartisan effort. People ask me all the time, basically: "Don't you guys work together on anything?" referring to Democrats and Republicans in general, not to DAVE and me specifically.

I have been pleased to work with DAVE for, I guess, 14 years now that he has been in Congress—I worked with him before when he was the King County sheriff—and it has been a great working relationship. Whenever people ask me that question, I am very pleased to know that, right next door, I have got Congressman REICHERT. I say: Well, DAVE and I work on a whole bunch of different things. We have over the years, and this is certainly one of the most important in his final year in Congress. I think it is very appropriate that we get this to the finish line, pass it into law, and get it signed by the President.

Again, this is a fine example of what we can do when we work together with all interested parties coming together for a mutual benefit. Maintaining open spaces in the Puget Sound region is incredibly important. It is not easy. This project is a reflection of how you can get that done, and I am pleased to support this legislation.

Again, I want to thank Congressman REICHERT for his leadership and partnership. It was great working together with him on this and other issues in the interest of our community in the Puget Sound region.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is often the situation where heritage areas that were originally established to try to allow local people to have some mechanism in which they can get together to actu-

ally advertise their particular area are usually for tourism interests or historical preservation interests. It kind of devolved, unfortunately, through time, to an issue in which people simply found a way of using the Federal Government as the deep pocket to keep getting more money all the time back to those particular areas, even though it was supposed to be a one-time situation. Then we found that other heritage areas found a way in which special interest groups got control of these areas and were starting to dictate to local government entities.

Each of those problems that have been a significant problem in other heritage areas was eliminated by Mr. REICHERT in his particular piece of legislation. That is why I said he did it the right way, with the right instincts, with the right purposes, the right illustration, especially with the emphasis on protecting private property rights and Native American rights.

So this is one of the few heritage areas that I am happy to support, because it is organized the proper way to solve problems, not just try to find a cheap and easy way to get more money back into the area. So he is commended for his integrity and the way he has orchestrated that.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Maryland. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I urge the adoption of this piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 1791, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADVANCING CONSERVATION AND EDUCATION ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4257) to maximize land management efficiencies, promote land conservation, generate education funding, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Conservation and Education Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) at statehood, Congress granted each of the western States land to be held in trust by the States and used for the support of public schools and other public institutions;

(2) since the statehood land grants, Congress and the executive branch have created multiple Federal conservation areas on Federal land within the western States, including National Parks, National Monuments, national conservation areas, national grassland, components of the National Wilderness Preservation System, wilderness study areas, and national wildlife refuges;

(3) since statehood land grant land owned by the western States are typically scattered across the public land, creation of Federal conservation areas often include State land grant parcels with substantially different management mandates, making land and resource management more difficult, expensive, and controversial for both Federal land managers and the western States; and

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

(A) enhance management of Federal conservation areas by allowing unified management of those areas; and

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

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPLICATION.**—The term "application" means an application for State relinquishment and selection of land made under this Act in accordance with section 5.

(2) **ELIGIBLE AREA.**—The term "eligible area" means land within the outer boundary of—

(A) a unit of the National Park System;

(B) a component of the National Wilderness Preservation System;

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

(D) a unit of the National Landscape Conservation System;

(E) an area determined by the Bureau of Land Management, through an inventory carried out in accordance with FLPMA, to have wilderness characteristics—

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

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

(F) National Forest System land and public land administered by the Bureau of Land Management that has been designated as a national monument, national volcanic monument, national recreation area, national scenic area, inventoried roadless area, unit of the Wild and Scenic Rivers System, wilderness study area, or Land Use Designation II (as described by section 508 of the Alaska National Interest Lands Conservation Act (Public Law 101-626; 104 Stat. 4428)); or

(G) a sentinel landscape designated by the Secretary of Agriculture, the Secretary of Defense, and the Secretary of the Interior.

(3) **FLPMA.**—The term "FLPMA" means the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) **PRIORITY AREA.**—The term "priority area" means land within the outer boundary of any—

(A) National Monument;

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

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

(D) unit of the National Park System.

(5) **PUBLIC LAND.**—

(A) **IN GENERAL.**—The term "public land" has the meaning given the term "public lands" in section 103 of FLPMA (43 U.S.C. 1702).

(B) **EXCLUSIONS.**—The term "public land" does not include Federal land that—

(i) is within an eligible area;

(ii) is within an area of critical environmental concern established pursuant to section 202(c)(3) of FLPMA (43 U.S.C. 1712(c)(3));

(iii) is within an area withdrawn or reserved by an Act of Congress, the President, or public

land order for a particular public purpose or program, including for the conservation of natural resources;

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

(v) is within the boundary of an Indian reservation, pueblo, or rancharia; or

(vi) is within a special recreation management area.

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

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

(A) any land granted to a western State by Congress through a statehood or territorial land grant for the support of public education or other public institutions, or subsequently acquired by the western State for that purpose; or

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

(8) TRADITIONAL CULTURAL PROPERTY.—The term “traditional cultural property” has the meaning given the term—

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

(B) “sacred site” in section 1(b) of Executive Order 13007 (42 U.S.C. 1996 note; relating to Indian sacred sites).

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

(10) WESTERN STATE.—The term “western State” means any of the States of Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PARCELS AND SELECTION OF REPLACEMENT LAND.

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

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

(c) MANAGEMENT AFTER RELINQUISHMENT.—Any portion of a State land grant parcel acquired by the United States under this Act that is located within an eligible area shall—

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

(2) if located within the National Forest System, be administered by the Secretary of Agriculture in accordance with—

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

(B) any laws (including regulations) applicable to the National Forest System and the unit of the National Forest System in which the land is located.

(d) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), until a western State has relinquished and conveyed to the United States substantially all of the State land grant parcels located in priority areas in the western State, the western State may not apply to relinquish State land grant parcels in other eligible areas in the western State.

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

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

(A) the application is limited to relinquishing one or more State land grant parcels within a single eligible area;

(B) the western State submitting the application is, as determined by the Secretary, making substantial progress in relinquishing State land grant parcels within priority areas in the western State; and

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

SEC. 5. PROCESS.

(a) PROCESS FOR APPLICATION.—

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

(2) TIMING.—Except as provided in section 8(c), the process established by the Secretary under this section shall ensure that the relinquishment of State land grant parcels and the conveyance of public land is concurrent.

(b) PUBLIC NOTICE.—Prior to accepting or conveying any land under this Act, the Secretary shall provide public notice and an opportunity to comment on the proposed conveyances between the western State and the United States.

(c) ENVIRONMENTAL ANALYSIS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall acquire State land grant parcels and convey public land under this Act in accordance with—

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

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—In preparing an environmental assessment or environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for the acquisition of State land grant parcels and the conveyance of public land under this Act, if the western State has indicated an unwillingness to consider State land grant parcels for relinquishment or public land for acquisition (other than the State land grant parcels and public land described in the proposed agency action), the Secretary is not required to study, develop, and describe more than—

(A) the proposed agency action; and

(B) the alternative of no action.

(d) AGREEMENTS WITH STATES.—

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

(2) AGREEMENT.—On completion of a preapplication process that includes identification of land to be conveyed, the Secretary and the western State may enter into a nonbinding agreement that includes—

(A) a time schedule for completing the conveyances;

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

(C) a statement specifying whether assumption of costs will be allowed pursuant to section 8(d).

(e) APPROVAL OR REJECTION.—The Secretary—

(1) shall issue a final determination on an application not later than 3 years after the date a western State submits that application to the Secretary;

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

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

(A) is not reasonably compact and consolidated;

(B) will create significant management conflicts with respect to the management of adjacent Federal land;

(C) will significantly adversely affect public use of a recreation site or recreation area eligible for the collection of recreation fees under the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.) or other authority;

(D) will significantly adversely affect public access, hunting, fishing, recreational shooting, outdoor recreation, or result in adverse impacts to critical fish and wildlife habitat; or

(E) is not in the public interest, as determined under 43 Code of Federal Regulations 2200.0-6(b), as in effect on the date of enactment of this Act;

(4) shall not accept any State land grant parcels that, in the judgment of the Secretary, are not suitable for inclusion in the applicable unit described in subparagraphs (A) through (G) of section 3(2) in which the land is located;

(5) shall, prior to approving an application, consult with the head of any Federal agency with jurisdiction over Federal land—

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

(B) that is adjacent to public land proposed for conveyance to a western State;

(6) shall, prior to approving an application—

(A) consult, in accordance with Federal law, with any Indian tribe affected by the subject of the application, including any Indian tribe that notifies the Secretary that there is traditional cultural property located within the public land proposed for conveyance to the western State; and

(B) if the Secretary determines that traditional cultural property is located within the public land proposed for conveyance to the western State, consider the extent to which protection would be available for the traditional cultural property after conveyance of the public land to the western State, including terms or conditions that the Secretary, with the agreement of the western State, may impose on the conveyance of the public land to the western State;

(7) may reject an application in whole or in part if the Secretary, after consideration of available protection for traditional cultural property located within the public land proposed for conveyance to the western State pursuant to paragraph (6)(B), determines that insufficient protection would be available for the traditional cultural property after conveyance of the public land to the western State;

(8) shall, for applications by a western State for the conveyance of a parcel of public land that will result in significantly diminished public access to adjacent Federal land—

(A) reject that portion of the application; or

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

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

(f) COSTS.—

(1) IN GENERAL.—All costs of conveyances under this Act, including appraisals, surveys, and related costs, shall be paid equally by the Secretary and the western State.

(2) **ALLOCATION.**—The Federal agency that receives State land in a conveyance under this Act shall assume the Federal share of administrative costs, including appraisals, surveys, and related costs, unless otherwise agreed to by the heads of the respective agencies.

(g) **CONVEYANCE BY WESTERN STATE.**—

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

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

(B) not be considered an exchange or acquisition for purposes of sections 205 and 206 of FLPMA (43 U.S.C. 1715, 1716).

(2) **CONCURRENCE.**—The Secretary of Agriculture shall concur in any determination to accept the conveyance of a State land grant parcel within the boundaries of any unit of the National Forest System.

(h) **CONVEYANCE BY UNITED STATES.**—The conveyance of public land by the United States shall—

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

(2) include such terms or conditions as the Secretary may require.

SEC. 6. MINERAL LAND.

(a) **SELECTION AND CONVEYANCE.**—

(1) **IN GENERAL.**—Subject to this Act, a western State may select, and the Secretary may convey, land that is mineral in character under this Act.

(2) **EXCLUSION.**—A western State may not select, and the Secretary may not convey land that includes only—

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

(B) the Federal mineral estate, unless the United States does not own the associated surface estate; or

(C) the Federal surface estate, unless the United States does not own the associated mineral estate.

(b) **MINING CLAIMS.**—

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

(2) **VALIDITY EXAMS.**—Nothing in this Act requires the United States to carry out a mineral examination for any mining claim located on public land to be conveyed under this Act.

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

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

(B) the Secretary makes a final determination not accepting the selection of the land; or

(C) the western State withdraws the selection of the land.

SEC. 7. CONSTRUCTION WITH OTHER LAWS.

(a) **CONSIDERATION.**—In the application of laws, regulations, and policies relating to selections made under this Act, the Secretary shall consider the equities of the western States and the interest of the public.

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

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

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

SEC. 8. VALUATION.

(a) **EQUAL VALUE.**—

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

(A) equal; or

(B) if the value is not equal—

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

(ii) reflected on the balance of a ledger account established under subsection (c).

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

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

(B) the Uniform Standards for Professional Appraisal Practice.

(3) **EQUALIZATION.**—For each transaction, an equalization payment described in paragraph (1)(B)(i) or a ledger entry described in paragraph (1)(B)(ii) may not exceed 25 percent of the total value of the land or interest transferred out of Federal ownership.

(b) **LOW VALUE PARCELS.**—

(1) **VALUATION.**—The Secretary may, with the consent of a western State, use a summary appraisal or statement of value made by a qualified appraiser carried out in accordance with the Uniform Standards for Professional Appraisal Practice instead of an appraisal that complies with the Uniform Appraisal Standards for Federal Land Acquisitions if the western State and the Secretary agree that the market value of a State land grant parcel or a parcel of public land is—

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

(B) less than \$500 per acre.

(2) **DIVISION.**—A State land grant parcel or a parcel of public land may not be artificially divided in order to qualify for a summary appraisal or statement of value under paragraph (1).

(c) **LEDGER ACCOUNTS.**—

(1) **IN GENERAL.**—The Secretary and any western State may agree to use a ledger account to make equal the value of land relinquished by the western State and conveyed by the United States to the western State under this Act.

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

(3) **ACCOUNT BALANCING.**—Each ledger account shall be—

(A) balanced not later than 3 years after the date on which the ledger account is established; and

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

(d) **COSTS.**—

(1) **IN GENERAL.**—The Secretary or the western State may assume costs or other responsibilities or requirements for conveying land under this Act that ordinarily are borne by the other party.

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

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

SEC. 9. MISCELLANEOUS.

(a) **HAZARDOUS MATERIALS.**—

(1) **IN GENERAL.**—The Secretary and the western States shall make available for review and inspection any record relating to hazardous materials on land to be conveyed under this Act.

(2) **CERTIFICATION.**—The Secretary and the western State shall each complete an inspection and a hazardous materials certification of land to be conveyed under this Act before the completion of the conveyance.

(b) **WATER RIGHTS.**—

(1) **STATE-HELD APPURTENANT WATER RIGHTS.**—Any conveyance of a State land grant

parcel under this Act may include the conveyance of State-held water rights appurtenant to the land conveyed in accordance with applicable law.

(2) **FEDERALLY HELD APPURTENANT WATER RIGHTS.**—Any conveyance of public land under this Act may include the conveyance of federally held water rights appurtenant to the land conveyed in accordance with applicable Federal and State law.

(3) **EFFECT.**—Nothing in this Act—

(A) creates an implied or expressed Federal reserved water right;

(B) affects a valid existing water right; or

(C) affects the use of water conveyance infrastructure associated with a water right described in subparagraph (B).

(c) **GRAZING PERMITS.**—

(1) **IN GENERAL.**—If land conveyed under this Act is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of the conveyance, the Secretary (or the Secretary of Agriculture for land located within the National Forest System) and the western State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access, and ownership and use of range improvements.

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

(3) **CANCELLATION.**—

(A) **IN GENERAL.**—Nothing in this Act prevents the Secretary (or the Secretary of Agriculture for land located within the National Forest System) or the western State from canceling or modifying a grazing permit, lease, or contract if the land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes.

(B) **LIMITATION.**—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary (or the Secretary of Agriculture for land located within the National Forest System) or the western State shall not cancel or modify a grazing permit, lease, or contract for land conveyed pursuant to this Act because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) **BASE PROPERTIES.**—If land conveyed by the western State under this Act is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remaining term of the lease or permit and the term of any renewal or extension of the lease or permit.

(5) **RANGE IMPROVEMENTS.**—Nothing in this Act prohibits a holder of a grazing lease, permit, or contract from being compensated for range improvements pursuant to the terms of the lease, permit, or contract under existing Federal or State laws.

(d) **ROAD RIGHTS-OF-WAYS.**—

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

(2) **RENEWAL.**—On expiration of any road lease, road right-of-way, road easement, or other valid existing right described in paragraph (1), the party that has jurisdiction over the land on the date of expiration may elect to renew the

lease, right-of-way, easement, or other valid existing right if permitted under applicable law.

(e) **PROTECTION OF INDIAN RIGHTS.**—

(1) **TREATY RIGHTS.**—Nothing in this Act alters or diminishes the treaty rights of any Indian tribe.

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

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

(B) any individual Indian allotment.

(3) **EFFECT.**—Nothing in this Act alters, diminishes, or enlarges the application of—

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

(B) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

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

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

(E) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

SEC. 10. EFFECT.

Nothing in this Act repeals or limits, expressly or by implication, any authority in existence on the date of enactment of this Act for the selection or exchange of land.

SEC. 11. TERMINATION OF AUTHORITY.

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

(b) **NEW ELIGIBLE AREAS.**—If the application described in subsection (a) is for a State land grant parcel that is located within an eligible area established after the date of enactment of this Act, the provisions of this Act shall remain effective for 20 years after the date on which the new eligible area is established.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from Maryland (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. STEWART).

Mr. STEWART. Mr. Speaker, as you know—I think everyone knows this much—much of the land in the Western States is controlled by whom? The Federal Government.

In my own home State of Utah, about two-thirds of the land is owned and controlled by the Federal Government. Because States cannot tax this Federal Government land, it means that about two-thirds of the land in Utah cannot be taxed.

This, as you can imagine, presents enormous challenges for Western

States when they are trying to raise sufficient funds for things like public education.

Recognizing this challenge, Congress made sizable land grants to the Western States, but it was based on the condition that granted lands be held in trust and used to generate revenue for education and other worthy causes.

Since the time State lands trust grants were made, large areas of the West have been designated for Federal protection. This has resulted in these trust lands being encapsulated inside federally protected lands, creating land management conflicts that are just enormous and very difficult to overcome.

Once again, the end result is that you have reduced revenues for our children in Utah, and we have a challenge finding sufficient revenue to educate them. It is clearly in the best interest of States and the Federal Government to transfer ownership of some of these trust lands to the Federal Government in exchange for less sensitive and revenue-generating lands transferred to the State.

This truly is bipartisan, a win-win, and not difficult to see that everyone is better off by this. Land exchanges between States and the Federal Government have become very expensive and time-consuming. That is why my bill advancing conservation and education creates a streamlined mechanism for transfer of lands between States and the Federal Government.

As I said, this bill truly is a win-win, and it proves to the people on all sides that we can come together and that we can solve some of these very complex land issues.

So, again, I want to thank my friend from Colorado (Mr. POLIS) for working with me on this important legislation. I would also like to thank the Wilderness Society, SITLA, and others who have worked to make this possible.

If you are a conservationist, if you are an educator, if you are a legislator on either side of the aisle, this is something that most of us agree is helpful and positive for the Federal Government and also for the children in Utah.

Mr. BROWN of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4257 creates a process to expedite land exchanges between the Federal Government and State land grant agencies.

Currently, the primary method of eliminating State trust lands from conservation areas has been through legislative land exchanges, which can be time-consuming and complicated. This bipartisan bill, introduced by Representatives STEWART and POLIS, offers a new way to speed up the process of removing State lands from Federal conservation areas.

H.R. 4257 could incentivize State land agencies to be good partners and supporters of additional conservation legislation by removing an important barrier to new conservation designations

and improving the management of existing conservation areas.

Mr. Speaker, I support passage of this bill, and I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I include in the RECORD additional background that is necessary for this particular bill.

BACKGROUND AND NEED FOR H.R. 4257, ADVANCING CONSERVATION AND EDUCATION ACT

The Advancing Conservation and Education (ACE) Act is based on existing provisions in western State enabling acts allowing States to select replacement lands in lieu of State school grants that were not completed by the United States.

Congress granted most of the western States land to be held in trust by the States and used to support public education and other public purposes. Many of these State trust lands parcels are in a “checkerboard” pattern inside federal areas managed for conservation, such as national parks and monuments, national wildlife refuges, wilderness study areas, and areas of critical environmental concern. The intermingling of land ownership creates significant problems for both federal land managers and the States, since the latter are required to manage State trust lands to provide revenue for public education. Through its land use planning process, the Bureau of Land Management

(BLM) identifies lands that are difficult or uneconomic to manage, such as “checkerboard” areas.

H.R. 4257 will help meet the goal of rationalizing land ownership in the west by creating an additional authority for the United States to acquire State lands in federal conservation areas, and compensating the States with equal-value replacement federal lands within the State. The current process where interested parties bring land exchanges to Congress on a case-by-case basis is time-consuming and cumbersome, and existing administrative land exchange authorities are equally challenging.

The bipartisan proposal expands existing authority (43 U.S.C. 851-852), that allows western States to select federal lands “in lieu” of lands lost to the States when original statehood land grants were not completed. It would allow States with lands located in federal conservation areas to deed back those lands to the United States, and select replacement lands of equivalent value from the unappropriated federal public lands within that State. Many of the provisions of the proposal incorporate existing BLM administrative provisions for in-lieu selections, including land valuation, and compliance with BLM land use plans. It would not replace the land exchange process, but rather provide an alternative mechanism for State-federal land transfers.

Further, H.R. 4257 also directs the Department of the Interior to create a process for the relinquishment of the parcels and sets forth requirements regarding hazardous materials on land conveyed, water rights, grazing permits, road rights-of ways, and other valid existing rights.

The Western States Land Commissioners Association (WSLCA), a bipartisan organization of 21 State agencies responsible for managing more than 500 million acres of public and school trust land, has proposed a legislative solution to provide a mechanism for the United States to acquire lands owned by the western States and located inside federal conservation areas, while fairly compensating the States for those lands by granting them the right to select replacement lands of equivalent value from the public domain. The WSLCA proposal has had substantial

input from western States and the conservation community. Previous iterations of the proposed bill have also been supported by conservation groups such as the Wilderness Society. H.R. 4257 is based on this proposal.

H.R. 4257 would provide a useful tool for federal and State land managers to make their respective landholdings more rational, for the benefit of both sound land management and public education funding.

A companion bill, S. 2078, has been introduced in the Senate. The policy provisions set forth in H.R. 4257 have enjoyed bipartisan support in the House and Senate in the 114th and 113th sessions.

MAJOR PROVISIONS SECTION-BY-SECTION ANALYSIS

Sec. 4. Relinquishment of State Land Grant Parcels and Selection of Replacement Land.

Expands existing authority for western States to relinquish State trust lands wholly or primarily within eligible federal areas managed for conservation.

Clarifies that land conveyed under this authority remains subject to valid existing rights.

Stipulates that relinquished lands shall be managed by the land agency responsible for the conservation area that the land is being added to.

Requires western States' authority to use this alternative authority in priority areas before applying to relinquish State land in other eligible areas. However, the Secretary of the Interior can waive this requirement if it is determined that the relinquishment of parcels located in the priority areas is impractical or infeasible.

Further waives the priority requirement if an application for relinquishment is limited to a single eligible area, and it is further determined that substantial progress is being made by the State to relinquish priority parcels. This exemption can only occur once every five years.

Sec. 5. Process.

Requires the Secretary of the Interior to establish a process within 540 days for western States to request relinquishment of eligible State parcels and to select federal land in exchange.

Requires the land exchanges to be concurrent.

Requires public notice and an opportunity to comment on proposed conveyances between the western State and the United States.

Requires the land exchanges to be done in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws.

Permits the Secretary to enter into agreements with any of the western States to facilitate processing of applications and conveyance of land.

Requires the Secretary to issue a final determination on an application within 3 years after submission.

Prohibits the Secretary from accepting an application for the selection of federal land if it is determined that the selection is not reasonably compact and consolidated, if it will create significant management conflicts, if it will adversely affect federal use or a recreation site, or if the selection is not in the public interest.

Requires consultation with the head of the appropriate federal land agency before approving any conveyance of federal land.

Requires consultation with any Indian tribe affected by the land conveyance, including any tribe which notifies the Secretary that there is traditional cultural property located within the federal land proposed for conveyance to the western State.

Stipulates the costs of conveyance shall be shared equally by the Secretary and the western State.

Sec. 6. Mineral Land.

Permits western States to select federal land that is mineral in character.

Excludes mineral land that only includes a portion of a mineral lease or permit, land that is part of the federal mineral estate (unless the United States does not own the associated surface estate), or land that is part of federal surface estate (unless the United States does not own the associated mineral estate).

Clarifies that nothing in this Act shall affect existing mining claims.

Sec. 7. Construction with Other Laws.

Requires the Secretary to consider the equities of the western States and interest of the public in the application of this Act.

Sec. 8. Valuation.

Requires the overall value of the State trust parcels and the federal land conveyed to be equal, and if not equal to be equalized by a payment of funds.

Sec. 9. Miscellaneous.

Requires the Secretary and the western State make available for review any record relating to hazardous materials on the land to be conveyed.

Allows State or federal water rights to be included in the conveyance of land.

Clarifies that nothing in this Act creates an implied or expressed federal reserved water right, affects a valid existing water right, or affects the use of water conveyance infrastructure.

Stipulates that existing grazing rights must be honored for the remainder of the term of lease, permit, or contract. After this duration, the party who has jurisdiction over the land may elect to renew the lease, permit or contract.

Clarifies that nothing in this Act prevents the Secretary or State from cancelling or modifying a grazing permit, lease or contract if the land is sold, conveyed, transferred or leased for nongrazing purposes.

Restricts cancellation of grazing permits except to the extent reasonably necessary to accommodate surface operations in support of mineral development.

Stipulates that existing road lease, road right-of-way, road easement, or other valid existing right must be honored for the remainder of the term of lease, permit, or contract. After this duration, the party who has jurisdiction over the land may elect to renew the lease, permit or contract.

Clarifies that nothing in this Act alters or diminishes the treaty rights of any Indian tribe.

Sec. 10 Effect.

Nothing in this Act repeals or limits, expressly or by implication, any authority in existence on the date of enactment of this Act for the selection or exchange of land.

Sec. 11. Termination of Authority.

The authority provided by this Act will expire 20 years after enactment.

Mr. BISHOP of Utah. Mr. Speaker, let me also say that, as a former teacher and a future teacher, I appreciate Mr. STEWART actually working on this piece of legislation that goes to help education in the State of Utah. No one else is doing that.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Maryland. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I urge a "yes" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 4257, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BLUE WATER NAVY VIETNAM VETERANS ACT OF 2018

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 299) to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blue Water Navy Vietnam Veterans Act of 2018".

SEC. 2. CLARIFICATION OF PRESUMPTIONS OF EXPOSURE FOR VETERANS WHO SERVED IN VICINITY OF REPUBLIC OF VIETNAM.

(a) IN GENERAL.—Chapter 11 of title 38, United States Code, is amended by inserting after section 1116 the following new section:

"§ 1116A. Presumptions of service connection for veterans who served offshore of the Republic of Vietnam

"(a) SERVICE CONNECTION.—For the purposes of section 1110 of this title, and subject to section 1113 of this title, a disease covered by section 1116 of this title becoming manifest as specified in that section in a veteran who, during active military, naval, or air service, served offshore of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(b) EXPOSURE.—A veteran who, during active military, naval, or air service, served offshore of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, shall be presumed to have been exposed during such service to an herbicide agent unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

"(c) EFFECTIVE DATE OF AWARD.—(1) Except as provided by paragraph (2), the effective date of an award under this section shall be determined in accordance with section 5110 of this title.

"(2)(A) Notwithstanding subsection (g) of section 5110 of this title, the Secretary shall determine the effective date of an award based on a claim under this section for an individual described in subparagraph (B) by treating the date on which the individual filed the prior claim specified in clause (i) of such subparagraph as the date on which the individual filed the claim so awarded under this section.

"(B) An individual described in this subparagraph is a veteran, or a survivor of a veteran, who meets the following criteria:

"(i) The veteran or survivor submitted a claim for disability compensation on or after September 25, 1985, and before January 1, 2019, for a disease covered by this section, and the claim was denied by reason of the claim not establishing that the disease was