

IB

Ch. Stewart

~~Union Calendar No. 524~~

~~116TH CONGRESS~~
~~2D SESSION~~

~~H. R. 244~~

[Report No. 116-639]

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

IN THE HOUSE OF REPRESENTATIVES

~~JANUARY 4, 2019~~ April 1, 2021

*Mr. Stewart for himself
and Mr. O'Halleran*

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

DECEMBER 14, 2020

~~Reported from the Committee on Natural Resources; committed to the Com-
mittee of the Whole House on the State of the Union and ordered to be
printed~~

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
10 and used for the support of public schools and other
11 public institutions;

12 (2) since the statehood land grants, Congress
13 and the executive branch have created multiple Fed-
14 eral conservation areas on Federal land within the
15 western States, including National Parks, National
16 Monuments, national conservation areas, national
17 grassland, components of the National Wilderness
18 Preservation System, wilderness study areas, and
19 national wildlife refuges;

20 (3) since statehood land grant land owned by
21 the western States are typically scattered across the
22 public land, creation of Federal conservation areas
23 often include State land grant parcels with substan-
24 tially different management mandates, making land
25 and resource management more difficult, expensive,

1 and controversial for both Federal land managers
2 and the western States; and

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

7 (A) enhance management of Federal con-
8 servation areas by allowing unified management
9 of those areas; and

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

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) APPLICATION.—The term “application”
16 means an application for State relinquishment and
17 selection of land made under this Act in accordance
18 with section 5.

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

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

22 (B) a component of the National Wilder-
23 ness Preservation System;

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

1 (D) a unit of the National Landscape Con-
2 servation System;

3 (E) an area determined by the Bureau of
4 Land Management, through an inventory car-
5 ried out in accordance with FLPMA, to have
6 wilderness characteristics—

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

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

11 (F) National Forest System land and pub-
12 lic land administered by the Bureau of Land
13 Management that has been designated as a na-
14 tional monument, national volcanic monument,
15 national recreation area, national scenic area,
16 inventoried roadless area, unit of the Wild and
17 Scenic Rivers System, wilderness study area, or
18 Land Use Designation II (as described by sec-
19 tion 508 of the Alaska National Interest Lands
20 Conservation Act (Public Law 101-626; 104
21 Stat. 4428)); or

22 (G) a sentinel landscape designated by the
23 Secretary of Agriculture, the Secretary of De-
24 fense, and the Secretary of the Interior.

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

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

6 (A) National Monument;

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

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

11 (D) unit of the National Park System.

12 (5) PUBLIC LAND.—

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

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

18 (i) is within an eligible area;

19 (ii) is within an area of critical envi-
20 ronmental concern established pursuant to
21 section 202(c)(3) of FLPMA (43 U.S.C.
22 1712(c)(3));

23 (iii) is within an area withdrawn or
24 reserved by an Act of Congress, the Presi-
25 dent, or public land order for a particular

1 public purpose or program, including for
2 the conservation of natural resources;

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

7 (v) is within the boundary of an In-
8 dian reservation, pueblo, or rancharia; or

9 (vi) is within a special recreation man-
10 agement area.

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

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

15 (A) any land granted to a western State by
16 Congress through a statehood or territorial land
17 grant for the support of public education or
18 other public institutions, or subsequently ac-
19 quired by the western State for that purpose; or

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

1 (8) TRADITIONAL CULTURAL PROPERTY.—The
2 term “traditional cultural property” has the mean-
3 ing given the term—

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

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

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

13 (10) WESTERN STATE.—The term “western
14 State” means any of the States of Alaska, Arizona,
15 California, Colorado, Idaho, Montana, New Mexico,
16 North Dakota, Oregon, South Dakota, Utah, Wash-
17 ington, and Wyoming.

18 **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PAR-**
19 **CELS AND SELECTION OF REPLACEMENT**
20 **LAND.**

21 (a) AUTHORITY TO SELECT.—In accordance with
22 this Act and in order to facilitate the fulfillment of the
23 mandates of State land grant parcels and Federal land
24 described in subparagraphs (A) through (G) of section
25 3(2), on approval by the Secretary of an application under

1 section 5, a western State may relinquish to the United
2 States State land grant parcels wholly or primarily within
3 eligible areas and select in exchange public land within the
4 western State.

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

7 (c) MANAGEMENT AFTER RELINQUISHMENT.—Any
8 portion of a State land grant parcel acquired by the
9 United States under this Act that is located within an eli-
10 gible area shall—

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

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

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

22 (B) any laws (including regulations) appli-
23 cable to the National Forest System and the
24 unit of the National Forest System in which the
25 land is located.

1 (d) LIMITATION.—

2 (1) IN GENERAL.—Except as provided in para-
3 graphs (2) and (3), until a western State has relin-
4 quished and conveyed to the United States substan-
5 tially all of the State land grant parcels located in
6 priority areas in the western State, the western
7 State may not apply to relinquish State land grant
8 parcels in other eligible areas in the western State.

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

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

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

22 (B) the western State submitting the ap-
23 plication is, as determined by the Secretary,
24 making substantial progress in relinquishing

1 State land grant parcels within priority areas in
2 the western State; and

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

7 **SEC. 5. PROCESS.**

8 (a) PROCESS FOR APPLICATION.—

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

17 (2) TIMING.—Except as provided in section
18 8(c), the process established by the Secretary under
19 this section shall ensure that the relinquishment of
20 State land grant parcels and the conveyance of pub-
21 lic land is concurrent.

22 (b) PUBLIC NOTICE.—Prior to accepting or con-
23 veying any land under this Act, the Secretary shall provide
24 public notice and an opportunity to comment on the pro-

1 posed conveyances between the western State and the
2 United States.

3 (c) ENVIRONMENTAL ANALYSIS.—

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

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

10 (B) other applicable laws.

11 (2) ENVIRONMENTAL ASSESSMENT OR ENVI-
12 RONMENTAL IMPACT STATEMENT.—In preparing an
13 environmental assessment or environmental impact
14 statement pursuant to section 102(2) of the Na-
15 tional Environmental Policy Act of 1969 (42 U.S.C.
16 4332(2)) for the acquisition of State land grant par-
17 cels and the conveyance of public land under this
18 Act, if the western State has indicated an unwilling-
19 ness to consider State land grant parcels for relin-
20 quishment or public land for acquisition (other than
21 the State land grant parcels and public land de-
22 scribed in the proposed agency action), the Secretary
23 is not required to study, develop, and describe more
24 than—

25 (A) the proposed agency action; and

1 (B) the alternative of no action.

2 (d) AGREEMENTS WITH STATES.—

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

7 (2) AGREEMENT.—On completion of a pre-
8 application process that includes identification of
9 land to be conveyed, the Secretary and the western
10 State may enter into a nonbinding agreement that
11 includes—

12 (A) a time schedule for completing the con-
13 veyances;

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

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

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

21 (1) shall issue a final determination on an ap-
22 plication not later than 3 years after the date a
23 western State submits that application to the Sec-
24 retary;

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

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

8 (A) is not reasonably compact and consoli-
9 dated;

10 (B) will create significant management
11 conflicts with respect to the management of ad-
12 jacent Federal land;

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

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

22 (E) is not in the public interest, as deter-
23 mined under 43 Code of Federal Regulations
24 2200.0–6(b), as in effect on the date of enact-
25 ment of this Act;

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

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

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

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

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

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

21 (B) if the Secretary determines that tradi-
22 tional cultural property is located within the
23 public land proposed for conveyance to the
24 western State, consider the extent to which pro-
25 tection would be available for the traditional

1 cultural property after conveyance of the public
2 land to the western State, including terms or
3 conditions that the Secretary, with the agree-
4 ment of the western State, may impose on the
5 conveyance of the public land to the western
6 State;

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

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

19 (A) reject that portion of the application;

20 or

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

24 (9) shall convey any public land approved for
25 selection not later than 1 year after entering into a

1 final agreement between the Secretary and the west-
2 ern State on the land to be conveyed, subject to such
3 other terms and conditions as may be appropriate.

4 (f) COSTS.—

5 (1) IN GENERAL.—All costs of conveyances
6 under this Act, including appraisals, surveys, and re-
7 lated costs, shall be paid equally by the Secretary
8 and the western State.

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

15 (g) CONVEYANCE BY WESTERN STATE.—

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

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

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

23 (2) CONCURRENCE.—The Secretary of Agri-
24 culture shall concur in any determination to accept
25 the conveyance of a State land grant parcel within

1 the boundaries of any unit of the National Forest
2 System.

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

5 (1) not be considered a sale, exchange, or con-
6 veyance under section 203, 206, or 209 of FLPMA
7 (43 U.S.C. 1713, 1716, and 1719); and

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

10 **SEC. 6. MINERAL LAND.**

11 (a) SELECTION AND CONVEYANCE.—

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

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

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

19 (B) the Federal mineral estate, unless the
20 United States does not own the associated sur-
21 face estate; or

22 (C) the Federal surface estate, unless the
23 United States does not own the associated min-
24 eral estate.

25 (b) MINING CLAIMS.—

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

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

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

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

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

17 (C) the western State withdraws the selec-
18 tion of the land.

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

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

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

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

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

8 **SEC. 8. VALUATION.**

9 (a) EQUAL VALUE.—

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

13 (A) equal; or

14 (B) if the value is not equal—

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

18 (ii) reflected on the balance of a ledg-
19 er account established under subsection

20 (c).

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

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

3 (B) the Uniform Standards for Profes-
4 sional Appraisal Practice.

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

11 (b) LOW VALUE PARCELS.—

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

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

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

24 (2) DIVISION.—A State land grant parcel or a
25 parcel of public land may not be artificially divided

1 in order to qualify for a summary appraisal or state-
2 ment of value under paragraph (1).

3 (c) LEDGER ACCOUNTS.—

4 (1) IN GENERAL.—The Secretary and any west-
5 ern State may agree to use a ledger account to make
6 equal the value of land relinquished by the western
7 State and conveyed by the United States to the
8 western State under this Act.

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

12 (3) ACCOUNT BALANCING.—Each ledger ac-
13 count shall be—

14 (A) balanced not later than 3 years after
15 the date on which the ledger account is estab-
16 lished; and

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

20 (d) COSTS.—

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

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

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

17 **SEC. 9. MISCELLANEOUS.**

18 (a) HAZARDOUS MATERIALS.—

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

23 (2) CERTIFICATION.—The Secretary and the
24 western State shall each complete an inspection and
25 a hazardous materials certification of land to be con-

veyed 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

1 Agriculture for land located within the National For-
2 est System) and the western State shall allow the
3 grazing to continue for the remainder of the term of
4 the lease, permit, or contract, subject to the related
5 terms and conditions of user agreements, including
6 permitted stocking rates, grazing fee levels, access,
7 and ownership and use of range improvements.

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

14 (3) CANCELLATION.—

15 (A) IN GENERAL.—Nothing in this Act
16 prevents the Secretary (or the Secretary of Ag-
17 riculture for land located within the National
18 Forest System) or the western State from can-
19 celing or modifying a grazing permit, lease, or
20 contract if the land subject to the permit, lease,
21 or contract is sold, conveyed, transferred, or
22 leased for nongrazing purposes.

23 (B) LIMITATION.—Except to the extent
24 reasonably necessary to accommodate surface
25 operations in support of mineral development,

1 the Secretary (or the Secretary of Agriculture
2 for land located within the National Forest Sys-
3 tem) or the western State shall not cancel or
4 modify a grazing permit, lease, or contract for
5 land conveyed pursuant to this Act because the
6 land subject to the permit, lease, or contract
7 has been leased for mineral development.

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

16 (5) RANGE IMPROVEMENTS.—Nothing in this
17 Act prohibits a holder of a grazing lease, permit, or
18 contract from being compensated for range improve-
19 ments pursuant to the terms of the lease, permit, or
20 contract under existing Federal or State laws.

21 (d) ROAD RIGHTS-OF-WAYS.—

22 (1) IN GENERAL.—If land conveyed under this
23 Act is subject to a road lease, road right-of-way,
24 road easement, or other valid existing right in effect
25 on the date of the conveyance, the Secretary (or the

1 Secretary of Agriculture for land located within the
2 National Forest System) and the western State shall
3 allow the lease, right-of-way, easement, or other
4 valid existing right to continue for the remainder of
5 the term of the lease, right-of-way, easement, or
6 other valid existing right, subject to the applicable
7 terms and conditions of the lease, right-of-way, ease-
8 ment, or other valid existing right.

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

16 (e) PROTECTION OF INDIAN RIGHTS.—

17 (1) TREATY RIGHTS.—Nothing in this Act al-
18 ters or diminishes the treaty rights of any Indian
19 tribe.

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

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

24 (B) any individual Indian allotment.

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

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

7 (B) the Native American Graves Protec-
8 tion and Repatriation Act (25 U.S.C. 3001 et
9 seq.);

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

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

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

17 **SEC. 10. EFFECT.**

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

21 **SEC. 11. TERMINATION OF AUTHORITY.**

22 (a) IN GENERAL.—Subject to subsection (b), the pro-
23 visions of this Act shall cease to be effective with regard
24 to any State land grant parcel located within an eligible
25 area for which an application has not been filed by the

1 date that is 20 years after the date of the enactment of
2 this Act.

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