

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2252  
OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “North Dakota Trust  
3 Lands Completion Act of 2026”.

**4 SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) NORTH DAKOTA ENABLING ACT.—The term  
7       “North Dakota Enabling Act” means the Act of  
8       February 22, 1889 (25 Stat. 676, chapter 180).

9           (2) RESERVATION.—The term “reservation”  
10       means any Indian reservation located wholly or par-  
11       tially within the State of North Dakota and recog-  
12       nized under United States treaty, Executive order,  
13       or Act of Congress.

14           (3) SECRETARY.—The term “Secretary” means  
15       the Secretary of the Interior.

16           (4) STATE.—The term “State” means the State  
17       of North Dakota, acting through the North Dakota

1 Board of University and School Lands and its agent,  
2 the Department of Trust Lands.

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

5 (A) a parcel of land granted to the State  
6 of North Dakota by Congress—

7 (i) on statehood; or

8 (ii) through a grant pursuant to the  
9 North Dakota Enabling Act;

10 (B) a section of land numbered 16 or 36  
11 granted to the State of North Dakota by Con-  
12 gress for school purposes;

13 (C) a parcel of land selected by the State  
14 of North Dakota as indemnity for any section  
15 of land numbered 16 or 36; and

16 (D) a parcel of land other than a parcel of  
17 land described in subparagraph (A), (B), or (C)  
18 obtained by the State after statehood.

19 (6) UNAPPROPRIATED FEDERAL LAND.—

20 (A) IN GENERAL.—The term “unappropri-  
21 ated Federal land” means public land adminis-  
22 tered by the Bureau of Land Management lo-  
23 cated within the State of North Dakota, includ-  
24 ing public land that is mineral in character.

1 (B) EXCLUSIONS.—The term “unappropri-  
2 ated Federal land” does not include—

3 (i) land (including an interest in land)  
4 acquired by the Bureau of Land Manage-  
5 ment;

6 (ii) any area of critical environmental  
7 concern established pursuant to section  
8 202(c)(3) of the Federal Land Policy and  
9 Management Act of 1976 (43 U.S.C.  
10 1712(c)(3)); or

11 (iii) land that is—

12 (I) withdrawn from—

13 (aa) entry, appropriation, or  
14 disposal under the public land  
15 laws;

16 (bb) location, entry, and  
17 patent under the mining laws; or

18 (cc) disposition under all  
19 laws pertaining to mineral and  
20 geothermal leasing or mineral  
21 materials;

22 (II) located within a component  
23 of the National Landscape Conserva-  
24 tion System;

- 1 (III) designated as a Research
- 2 Natural Area;
- 3 (IV) located within any reserva-
- 4 tion;
- 5 (V) located within—
- 6 (aa) T. 147 N., R. 95 W.;
- 7 (bb) T. 148 N., R. 95 W.;
- 8 (cc) T. 148 N., R. 96 W.; or
- 9 (dd) T. 149 N., R. 95 W.;
- 10 (VI) located within a United
- 11 States military reservation; or
- 12 (VII) designated by Congress or
- 13 the President for conservation pur-
- 14 poses.

15 **SEC. 3. RELINQUISHMENT AND SELECTION; CONVEYANCE.**

16 (a) RELINQUISHMENT AND SELECTION.—

17 (1) IN GENERAL.—Subject to valid existing  
18 rights, if the State elects to relinquish all right, title,  
19 and interest of the State in and to a State land  
20 grant parcel located wholly or partially within the  
21 boundaries of any reservation, the Secretary shall  
22 authorize the State to select in accordance with this  
23 Act 1 or more parcels of unappropriated Federal  
24 land of substantially equivalent value.

25 (2) SELECTION.—

1           (A) IN GENERAL.—Subject to a mutual  
2           agreement between the State and the Secretary,  
3           the land exchange authorized under paragraph  
4           (1) may be carried out in a single phase or mul-  
5           tiple phases.

6           (B) LIST.—For each phase of the land ex-  
7           change, the State shall provide to the Secretary  
8           a selection list in accordance with this Act, in-  
9           cluding all selected parcels of unappropriated  
10          Federal land of substantially equivalent value.

11          (C) ADJUSTMENTS.—Adjustments to par-  
12          cels included in the selection list for each phase  
13          may be made as necessary, not later than 120  
14          days of delivery of the list to the Secretary, to  
15          equalize the value of State land grant parcels  
16          and the overall value of the parcels of unappro-  
17          priated Federal land selected.

18          (3) APPROVAL.—Not later than 180 days after  
19          the date on which the State makes a selection for  
20          each phase under paragraph (2), the Secretary shall  
21          approve or reject, in whole or in part, the selection  
22          for that phase.

23          (4) REVIEW.—Nothing in this subsection pre-  
24          cludes the Secretary from conducting an environ-  
25          mental review of any parcel proposed for relinquish-

1       ment under paragraph (1) if the Secretary deter-  
2       mines that an environmental review is appropriate.

3       (b) CONVEYANCE.—

4           (1) CONVEYANCE BY SECRETARY.—

5               (A) IN GENERAL.—Not later than 60 days  
6               after the date on which the Secretary approves  
7               a State selection of unappropriated Federal  
8               land under subsection (a)(3), the Secretary  
9               shall initiate the actions necessary to convey to  
10              the State the unappropriated Federal land.

11             (B) REQUIREMENTS.—Conveyance of un-  
12             appropriated Federal land by the Secretary  
13             under this Act—

14               (i) shall be by patent or deed in a  
15               form acceptable to the State and the Sec-  
16               retary; and

17               (ii) shall not be considered a sale, ex-  
18               change, or conveyance for purposes of sec-  
19               tion 203, 205, 206, or 209 of the Federal  
20               Land Policy and Management Act of 1976  
21               (43 U.S.C. 1713, 1715, 1716, 1719).

22             (2) RELINQUISHMENT AND CONVEYANCE BY  
23             STATE.—

24               (A) IN GENERAL.—As consideration for  
25               the conveyance of unappropriated Federal land

1           under paragraph (1), on the date on which the  
2           unappropriated Federal land is conveyed to the  
3           State, the State shall concurrently relinquish  
4           and convey to the Secretary all right, title, and  
5           interest of the State in and to the State land  
6           grant parcel identified for relinquishment under  
7           subsection (a)(1).

8           (B) TITLE.—The State shall convey to the  
9           Secretary title, free of any financial claims, li-  
10          abilities, or other financial encumbrances, to all  
11          parcels relinquished under subparagraph (A).

12          (C) LIMITATION.—Relinquishment and  
13          conveyance by the State of a State land grant  
14          parcel under this Act shall not be considered an  
15          exchange or acquisition for purposes of section  
16          205 or 206 of the Federal Land Policy and  
17          Management Act of 1976 (43 U.S.C. 1715,  
18          1716).

19          (c) SUCCESSION TO RIGHTS AND OBLIGATIONS.—  
20          Each party to which land is conveyed under this Act shall,  
21          to the fullest extent allowable under Federal and State  
22          law, succeed to the rights and obligations of the conveying  
23          party with respect to any lease, right-of-way, permit, or  
24          other valid existing right to which the land is subject.

25          (d) MANAGEMENT AFTER RELINQUISHMENT.—

1           (1) RESERVATION.—If a State land grant par-  
2           cel relinquished by the State and conveyed to the  
3           Secretary under this Act is located wholly or par-  
4           tially within the boundaries of any reservation, on  
5           request of the applicable Indian Tribe, the portion of  
6           the State land grant parcel located within the  
7           boundaries of the reservation shall be—

8                   (A) taken into trust by the Secretary on  
9                   behalf of, and for the benefit of, the Indian  
10                  Tribe on the date of the conveyance; and

11                  (B) considered to be a part of the reserva-  
12                  tion of the Indian Tribe.

13           (2) CONSULTATION REQUIRED.—Prior to the  
14           conveyance of a State land grant parcel located  
15           wholly or partially within the boundaries of any res-  
16           ervation, the State and the Secretary shall consult  
17           with affected Indian Tribes, including the Indian  
18           Tribe the land of which is subject to conveyance in  
19           accordance with Executive Order 13175 (25 U.S.C.  
20           5301 note; relating to consultation and coordination  
21           with Indian tribal governments) and other applicable  
22           laws.

23           (e) WITHDRAWAL.—

24                  (1) IN GENERAL.—Subject to valid rights in ex-  
25                  istence on the date of enactment of this Act, all un-

1       appropriated Federal land selected by the State for  
2       conveyance under this Act, effective beginning on  
3       the date on which the State makes the selection for  
4       such Federal land and ending on the date described  
5       in paragraph (2), is withdrawn from all forms of—

6               (A) entry, appropriation, or disposal under  
7       the public land laws;

8               (B) location, entry, and patent under the  
9       mining laws; and

10              (C) disposition under all laws pertaining to  
11       mineral and geothermal leasing or mineral ma-  
12       terials.

13       (2) DATE DESCRIBED.—The date referred to in  
14       paragraph (1) is the date on which, as applicable—

15              (A) the unappropriated Federal land is  
16       conveyed by the Secretary to the State;

17              (B) the Secretary rejects the selection  
18       under subsection (a)(3); or

19              (C) the State withdraws the selection.

20       **SEC. 4. VALUATION.**

21       (a) EQUAL VALUE.—With respect to a State land  
22       grant parcel conveyed under this Act in consideration for  
23       a parcel of unappropriated Federal land selected in ac-  
24       cordance with this Act—

1           (1) the overall value of the State land grant  
2 parcel and the overall value of the parcel of unap-  
3 propriated Federal land shall be substantially equal;  
4 or

5           (2) subject to subsection (c), if the overall value  
6 of the parcels is not equal, the party conveying the  
7 parcel of lesser value shall—

8                   (A) equalize the value by the payment of  
9 funds to the other party; or

10                   (B) enter the imbalance in value on a ledg-  
11 er account in accordance with subsection (e).

12 (b) APPRAISAL REQUIRED.—

13           (1) IN GENERAL.—Except as provided in sub-  
14 section (d), the value of the unappropriated Federal  
15 land selected in accordance with this Act and the  
16 value of a State land grant parcel conveyed under  
17 this Act shall be determined by appraisals conducted  
18 by 1 or more independent appraisers selected jointly  
19 by the Secretary and the State.

20           (2) REQUIREMENTS.—An appraisal under para-  
21 graph (1) shall be completed in accordance with—

22                   (A) the Uniform Appraisal Standards for  
23 Federal Land Acquisitions; or

1 (B) subject to subsection (d)(1), the Uni-  
2 form Standards for Professional Appraisal  
3 Practice.

4 (c) EQUALIZATION.—With respect to a conveyance to  
5 the Secretary of a State land grant parcel of lesser value  
6 than the parcel of unappropriated Federal land to be con-  
7 veyed to the State under this Act, the total value of the  
8 equalization payment described in subsection (a)(2)(A) or  
9 the ledger entry described in subsection (e), as applicable,  
10 may not exceed 25 percent of the total value of the parcel  
11 of unappropriated Federal land.

12 (d) LOW VALUE PARCELS.—

13 (1) IN GENERAL.—The Secretary, with the con-  
14 sent of the State, may use mass appraisals, a sum-  
15 mary appraisal, or a statement of value made by a  
16 qualified appraiser carried out in accordance with  
17 the Uniform Standards for Professional Appraisal  
18 Practice to determine the value of a State land  
19 grant parcel or a parcel of unappropriated Federal  
20 land to be conveyed under this Act instead of an ap-  
21 praisal that complies with the Uniform Appraisal  
22 Standards for Federal Land Acquisitions if the  
23 State and the Secretary agree that market value of  
24 the State land grant parcel or parcel of unappropri-  
25 ated Federal land, as applicable, is—

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

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

3 (2) DIVISION.—A State land grant parcel or a  
4 parcel of unappropriated Federal land may not be  
5 artificially divided in order to qualify for a summary  
6 appraisal, mass appraisal, or statement of value  
7 under paragraph (1).

8 (e) LEDGER ACCOUNTS.—

9 (1) IN GENERAL.—With respect to a State land  
10 grant parcel conveyed under this Act in consider-  
11 ation for a parcel of unappropriated Federal land, if  
12 the overall value of the parcels is not equal, the Sec-  
13 retary and the State may agree to use a ledger ac-  
14 count to make equal the value.

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 described in paragraph (1) 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 (4) COSTS.—

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

7 (B) ADJUSTMENT.—If the Secretary or the  
8 State assume costs or other responsibilities  
9 under subparagraph (A), the Secretary or the  
10 State shall make adjustments to the value of  
11 the unappropriated Federal land conveyed to  
12 the State to compensate the Secretary or the  
13 State, as applicable, for assuming the costs or  
14 other responsibilities.

15 (5) MINERAL LAND.—If value is attributed to  
16 any parcel of unappropriated Federal land that has  
17 been selected by the State because of the presence  
18 of minerals under a lease entered into under the  
19 Mineral Leasing Act (30 U.S.C. 181 et seq.) that is  
20 in a producing or producible status, and the lease is  
21 to be conveyed under this Act, the value of the par-  
22 cel shall be reduced by the amount that represents  
23 the likely Federal revenue sharing obligation under  
24 the Mineral Leasing Act (30 U.S.C. 181 et seq.)

1 with the State, but the adjustment shall not be con-  
2 sidered as reflecting a property right of the State.

3 (6) PUBLIC INSPECTION AND NOTICE.—

4 (A) PUBLIC INSPECTION.—Not later than  
5 30 days before the date of any exchange of  
6 Federal land and non-Federal land under this  
7 act, all final appraisals and appraisal reviews  
8 for the land to be exchanged shall be available  
9 for public review at the office of the State Di-  
10 rector of the Bureau of Land Management in  
11 the Montana-Dakotas State Office.

12 (B) NOTICE.—The Secretary shall make  
13 available on the public website of the Secretary,  
14 and the Secretary or the State, as applicable,  
15 shall publish in a newspaper of general circula-  
16 tion in North Dakota, a notice that the apprais-  
17 als conducted under subsection (b) are available  
18 for public inspection.

19 **SEC. 5. MISCELLANEOUS.**

20 (a) IN GENERAL.—Land or minerals conveyed under  
21 this Act shall be subject to all applicable Federal, State,  
22 and Tribal law.

23 (b) PROTECTION OF INDIAN RIGHTS.—

24 (1) TREATY RIGHTS.—Nothing in this Act  
25 modifies, limits, expands, or otherwise affects any

1 treaty-reserved right or other right of any Indian  
2 Tribe recognized by any other means, including trea-  
3 ties or agreements with the United States, Executive  
4 orders, statutes, regulations, or case law.

5 (2) LAND OR MINERALS HELD IN TRUST.—  
6 Nothing in this Act affects—

7 (A) land or minerals held in trust by the  
8 United States as of the date of enactment of  
9 this Act on behalf of, and for the benefit of, any  
10 Indian Tribe; or

11 (B) any individual Indian allotment.

12 (c) HAZARDOUS MATERIALS.—

13 (1) IN GENERAL.—The Secretary and the State  
14 shall make available for review and inspection any  
15 record relating to hazardous materials on land to be  
16 conveyed under this Act.

17 (2) CERTIFICATION.—

18 (A) IN GENERAL.—Prior to completing a  
19 conveyance of unappropriated Federal land  
20 under this Act, the Secretary shall complete an  
21 inspection and a hazardous materials certifi-  
22 cation of the land to be conveyed.

23 (B) STATE LAND GRANT PARCELS.—Prior  
24 to completing a conveyance of a State land  
25 grant parcel under this Act, the State shall

1 complete an inspection and a hazardous mate-  
2 rials certification of the land to be conveyed.

3 (d) GRAZING PERMITS.—

4 (1) IN GENERAL.—If land conveyed under this  
5 Act is subject to a lease, permit, or contract for the  
6 grazing of domestic livestock in effect on the date of  
7 the conveyance, the Secretary or the State, as appli-  
8 cable, shall allow the grazing to continue for the re-  
9 mainder of the term of the lease, permit, or con-  
10 tract, subject to the related terms and conditions of  
11 the user agreements, including permitted stocking  
12 rates, grazing fee levels, access, and ownership and  
13 use of range improvements.

14 (2) CANCELLATION.—

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

21 (B) BASE PROPERTIES.—If land conveyed  
22 by the State under this Act is used by a grazing  
23 permittee or lessee to meet the base property  
24 requirements for a Federal grazing permit or  
25 lease, the land shall continue to qualify as a

1 base property for the remaining term of the  
2 lease or permit and the term of any renewal or  
3 extension of the lease or permit.

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

10 **SEC. 6. SAVINGS CLAUSE.**

11 Nothing in this Act applies to or affects litigation or  
12 disputes pending on the date of enactment of this Act re-  
13 garding the ownership of any land or mineral resources  
14 located within the State of North Dakota.

