

114TH CONGRESS  
2D SESSION

# H. R. 5758

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2016

Mr. CHAFFETZ (for himself and Mr. POLIS) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advancing Conserva-  
5 tion and Education Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

3 (2) since the statehood land grants, Congress  
4 and the executive branch have created multiple Fed-  
5 eral conservation areas on Federal land within the  
6 western States, including national parks, national  
7 monuments, national conservation areas, national  
8 grassland, wilderness areas, wilderness study areas,  
9 and national wildlife refuges;

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

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

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

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

4 **SEC. 3. DEFINITIONS.**

5       In this Act:

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

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

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

13               (B) a unit of the National Wilderness  
14               Preservation System;

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

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

19               (E) an area identified by the Bureau of  
20               Land Management as having wilderness charac-  
21               teristics in a land use plan finalized under  
22               FLPMA; or

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

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

9 (3) FLPMA.—The term “FLPMA” means the  
10 Federal Land Policy and Management Act of 1976  
11 (43 U.S.C. 1701 et seq.).

12 (4) PRIORITY AREA.—The term “priority area”  
13 means the lands within the outer boundary of any  
14 national monument, national conservation area, or  
15 unit of the National Wilderness Preservation System  
16 or the National Park System.

17 (5) PUBLIC LAND.—

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

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

23 (i) is within an Eligible Area;

24 (ii) is within an area of critical envi-  
25 ronmental concern established pursuant to

1 section 202(c)(3) of FLPMA (43 U.S.C.  
2 1712(c)(3));

3 (iii) is within an area withdrawn or  
4 reserved by an Act of Congress, the Presi-  
5 dent, or public land order for a particular  
6 public purpose or program, including for  
7 the conservation of natural resources; or

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

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

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

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

21 (B) land granted to the State of Alaska  
22 under subsections (a), (b), and (k) of section 6  
23 of the Act of July 7, 1958 (commonly known as  
24 the “Alaska Statehood Act”) (48 U.S.C. note  
25 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 13007 (42 U.S.C. 1996 note; relat-  
9 ing to Indian sacred sites).

10 (9) WATER RIGHT.—The term “water right”  
11 means any surface or groundwater right recognized  
12 in accordance with applicable 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 (11) WILDERNESS AREA.—The term “wilder-  
19 ness area” means a component of the National Wil-  
20 derness Preservation System.

21 **SEC. 4. RELINQUISHMENT OF STATE LAND GRANT PAR-**  
22 **CELS AND SELECTION OF REPLACEMENT**  
23 **LAND.**

24 (a) AUTHORITY TO SELECT.—In accordance with  
25 this Act and in order to facilitate the fulfillment of the

1 mandates of State land grant parcels and Federal con-  
2 servation areas, on approval by the Secretary of an appli-  
3 cation under section 5, a western State may relinquish to  
4 the United States State land grant parcels wholly or pri-  
5 marily within Eligible Areas and select in exchange public  
6 land within the western State.

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

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

13 (1) be incorporated in, and be managed as part  
14 of, the Eligible Area in which the land is located  
15 without further action by the Secretary with juris-  
16 diction over the Federal conservation area; and

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

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

23 (B) any laws (including regulations) appli-  
24 cable to the National Forest System and the

1 Federal conservation area in which the land is  
2 located.

3 (d) LIMITATION.—

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

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

17 (3) OTHER STATE LAND GRANT PARCELS.—The  
18 Secretary may accept an application from a western  
19 State to relinquish State land grant parcels within  
20 an Eligible Area in the western State if—

21 (A) the application is limited to relin-  
22 quishing one or more State land grant parcels  
23 within a single Eligible Area;

24 (B) the western State submitting the ap-  
25 plication is, as determined by the Secretary,



1 making substantial progress in relinquishing  
2 State land grant parcels within priority areas in  
3 the western State; and

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

8 **SEC. 5. PROCESS.**

9 (a) PROCESS FOR APPLICATION.—

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

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

23 (b) PUBLIC NOTICE.—Prior to accepting or con-  
24 veying any land under this Act, the Secretary shall provide  
25 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  
8 preapplication 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 or

19                (D) is not in the public interest;

20           (4) shall not accept any State land grant par-  
21 cels that, in the judgment of the Secretary, are not  
22 suitable for inclusion in a Federal conservation area;

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

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

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

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

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

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

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

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

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

11 (A) reject that portion of the application;

12 or

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

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

21 (f) COSTS.—

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

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

7           (g) CONVEYANCE BY WESTERN STATE.—

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

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

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

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

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

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

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

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

4       (a) SELECTION AND CONVEYANCE.—

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

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

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

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

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

18       (b) MINING CLAIMS.—

19           (1) MINING CLAIMS UNAFFECTED.—Nothing in  
20       this Act shall alter, diminish or expand the existing  
21       rights of a mining claimant under applicable law.

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



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

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

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

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

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

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

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

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

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

24 **SEC. 8. VALUATION.**

25           (a) EQUAL VALUE.—

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

4                   (A) equal; or

5                   (B) if the value is not equal—

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

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

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

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

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

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

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

3 (b) LOW VALUE PARCELS.—

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

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

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

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

20 (c) LEDGER ACCOUNTS.—

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

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

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

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

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

12          (d) **COSTS.**—

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

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

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

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

8 **SEC. 9. MISCELLANEOUS.**

9 (a) HAZARDOUS MATERIALS.—

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

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

19 (b) WATER RIGHTS.—Nothing in this Act shall be  
20 construed to—

21 (1) create an implied or expressed Federal re-  
22 served water right; or

23 (2) affect a valid existing water right.

24 (c) GRAZING PERMITS.—

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

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

18           (3) CANCELLATION.—

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

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

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

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

21 (5) RANGE IMPROVEMENTS.—Nothing in this  
22 Act shall be construed to prohibit a holder of a graz-  
23 ing lease, permit, or contract from being com-  
24 pensated for range improvements pursuant to the

1 terms of the their lease, permit, or contract under  
2 existing Federal or State laws.

3 (d) PROTECTION OF INDIAN RIGHTS.—

4 (1) TREATY RIGHTS.—Nothing in this Act al-  
5 ters or diminishes the treaty rights of any Indian  
6 tribe.

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

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

11 (B) any individual Indian allotment.

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

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

18 (B) the Native American Graves Protec-  
19 tion and Repatriation Act (25 U.S.C. 3001 et  
20 seq.);

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

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



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

3 **SEC. 10. ADMINISTRATION.**

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

7 **SEC. 11. TERMINATION OF AUTHORITY.**

8 (a) IN GENERAL.—Subject to subsection (b), the pro-  
9 visions of this Act shall cease to be effective with regard  
10 to any State land grant parcel located within an Eligible  
11 Area for which an application has not been filed by the  
12 date that is 20 years after the date of the enactment of  
13 this Act.

14 (b) NEW ELIGIBLE AREAS.—If the application de-  
15 scribed in subsection (a) is for a State land grant parcel  
16 that is located within an Eligible Area established after  
17 the date of enactment of this Act, the provisions of this  
18 Act shall remain effective for 20 years after the date on  
19 which the new Eligible Area is established.

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