

116TH CONGRESS
1ST SESSION

S. 491

To reaffirm the policy of the United States with respect to management authority over public land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Mr. HEINRICH (for himself, Mr. BENNET, Mr. UDALL, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. MERKLEY, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To reaffirm the policy of the United States with respect to management authority over public land, 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 “America’s Public Land
5 Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) public land in the United States is—

1 (A) iconic, including national parks, wild-
2 life refuges, and national forests; and

3 (B) irreplaceable, including wildlife habi-
4 tat, archaeological resources, and other national
5 treasures;

6 (2) public land—

7 (A) provides unrivaled recreational oppor-
8 tunities; and

9 (B) is enjoyed by hundreds of millions of
10 people in the United States each year;

11 (3) public land—

12 (A) strengthens the United States econ-
13 omy; and

14 (B) powers a recreation industry that sup-
15 ports—

16 (i) 7,600,000 jobs; and

17 (ii) nearly \$900,000,000,000 in direct
18 spending annually;

19 (4) United States public land provides numer-
20 ous other benefits to the people of the United States,
21 including—

22 (A) clean air and water;

23 (B) public health gains; and

24 (C) access to the outdoors;

1 (5) retaining United States public land is in the
2 public interest; and

3 (6) except as expressly authorized by Congress,
4 United States public land should be retained under
5 the ownership of the United States.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) **MANAGEMENT AUTHORITY.**—The term
9 “management authority” means—

10 (A) the ability to determine—

11 (i) which uses to permit on public
12 land, including uses relating to—

13 (I) timber;

14 (II) grazing;

15 (III) renewable and nonrenewable
16 energy and mineral resources;

17 (IV) recreation; and

18 (V) vegetation management; or

19 (ii) where and how those uses of pub-
20 lic land take place; and

21 (B) the ability to regulate, permit, or au-
22 thorize use of public land.

23 (2) **PUBLIC LAND.**—

24 (A) **IN GENERAL.**—The term “public land”
25 means any land or interest in land—

- 1 (i) owned by the United States; and
2 (ii) administered by—
3 (I) the Secretary of the Interior,
4 acting through—
5 (aa) the Director of the Bu-
6 reau of Land Management;
7 (bb) the Director of the Na-
8 tional Park Service; or
9 (cc) the Director of the
10 United States Fish and Wildlife
11 Service; or
12 (II) the Secretary of Agriculture,
13 acting through the Chief of the Forest
14 Service.
- 15 (B) EXCLUSION.—The term “public land”
16 does not include land held in trust for the ben-
17 efit of an Indian Tribe.
- 18 (3) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means—
20 (A) the Secretary of the Interior, with re-
21 spect to land or an interest in land under the
22 jurisdiction of the Department of the Interior;
23 and

1 (B) the Secretary of Agriculture, with re-
2 spect to land or an interest in land under the
3 jurisdiction of the Department of Agriculture.

4 **SEC. 4. REAFFIRMATION OF POLICY.**

5 Congress reaffirms that the policy of the United
6 States is—

7 (1) to retain public land in Federal ownership
8 unless the disposal of public land has been author-
9 ized by an Act of Congress;

10 (2) to retain management authority over public
11 land, except in any case in which a non-Federal indi-
12 vidual or entity is authorized to exercise manage-
13 ment authority pursuant to—

14 (A) an Act of Congress; or

15 (B) another applicable law; and

16 (3) that retention of public land and the man-
17 agement authority over public land is in the public
18 interest.

19 **SEC. 5. RETENTION REQUIREMENTS.**

20 (a) PUBLIC LAND.—Except as authorized by an Act
21 of Congress, the Secretary concerned shall not approve or
22 permit the conveyance of public land to any non-Federal
23 individual or entity.

24 (b) MANAGEMENT AUTHORITY.—Except as author-
25 ized by an Act of Congress or other applicable law, the

1 Secretary concerned shall not approve or permit the grant-
2 ing of management authority over public land to any non-
3 Federal individual or entity.

4 **SEC. 6. EFFECT OF ACT.**

5 Nothing in this Act—

6 (1) affects the jurisdiction of any State with re-
7 spect to the management of fish or wildlife on public
8 land;

9 (2) diminishes the rights of any Indian Tribe,
10 including rights regarding access to public land for
11 Tribal activities (including spiritual, cultural, and
12 traditional food-gathering activities);

13 (3) alters, modifies, enlarges, diminishes, or ab-
14 rogates the treaty rights of any Indian Tribe, includ-
15 ing off-reservation reserved rights;

16 (4) creates an express or implied reservation by
17 the United States of any water or water right for
18 any purpose;

19 (5) affects, modifies, or affects the use or allo-
20 cation, as in existence on the date of enactment of
21 this Act, of any water, water right, or interest in
22 water; or

23 (6) affects any interstate water compact in ex-
24 istence on the date of enactment of this Act.

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