

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. HEINRICH introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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—

9 (A) iconic, including national parks, wild-  
10 life refuges, and national forests; and

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

4 (2) public land—

5 (A) provides unrivaled recreational oppor-  
6 tunities; and

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

9 (3) public land—

10 (A) strengthens the United States econ-  
11 omy; and

12 (B) powers a recreation industry that sup-  
13 ports—

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

15 (ii) nearly \$900,000,000,000 in direct  
16 spending annually;

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

20 (A) clean air and water;

21 (B) public health gains; and

22 (C) access to the outdoors;

23 (5) retaining United States public land is in the  
24 public interest; and

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

4 **SEC. 3. DEFINITIONS.**

5           In this Act:

6           (1) **MANAGEMENT AUTHORITY.**—The term  
7           “management authority” means—

8                   (A) the ability to determine—

9                           (i) which uses to permit on public  
10                           land, including uses relating to—

11                                   (I) timber;

12                                   (II) grazing;

13                                   (III) renewable and nonrenewable  
14                                   energy and mineral resources;

15                                   (IV) recreation; and

16                                   (V) vegetation management; or

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

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

21           (2) **PUBLIC LAND.**—

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

24                           (i) owned by the United States; and

25                           (ii) administered by—

1 (I) the Secretary of the Interior,  
2 acting through—

3 (aa) the Director of the Bu-  
4 reau of Land Management;

5 (bb) the Director of the Na-  
6 tional Park Service; or

7 (cc) the Director of the  
8 United States Fish and Wildlife  
9 Service; or

10 (II) the Secretary of Agriculture,  
11 acting through the Chief of the Forest  
12 Service.

13 (B) EXCLUSION.—The term “public land”  
14 does not include land held in trust for the ben-  
15 efit of an Indian Tribe.

16 (3) SECRETARY CONCERNED.—The term “Sec-  
17 retary concerned” means—

18 (A) the Secretary of the Interior, with re-  
19 spect to land or an interest in land under the  
20 jurisdiction of the Department of the Interior;  
21 and

22 (B) the Secretary of Agriculture, with re-  
23 spect to land or an interest in land under the  
24 jurisdiction of the Department of Agriculture.

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

2 Congress reaffirms that the policy of the United  
3 States is—

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

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

11 (A) an Act of Congress; or

12 (B) another applicable law; and

13 (3) that retention of public land and the man-  
14 agement authority over public land is in the public  
15 interest.

16 **SEC. 5. RETENTION REQUIREMENTS.**

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

21 (b) MANAGEMENT AUTHORITY.—Except as author-  
22 ized by an Act of Congress or other applicable law, the  
23 Secretary concerned shall not approve or permit the grant-  
24 ing of management authority over public land to any non-  
25 Federal individual or entity.

1 **SEC. 6. EFFECT OF ACT.**

2 Nothing in this Act—

3 (1) affects the jurisdiction of any State with re-  
4 spect to the management of fish or wildlife on public  
5 land;

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

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

13 (4) creates an express or implied reservation by  
14 the United States of any water or water right for  
15 any purpose;

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

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