

116TH CONGRESS  
2D SESSION

# H. R. 8798

To establish a procedure for resolving claims to certain rights-of-way, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2020

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

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## A BILL

To establish a procedure for resolving claims to certain  
rights-of-way, 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 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Historic Routes Preservation Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. Filing of claim.
- Sec. 5. Evidence and final decision.
- Sec. 6. Judicial review.
- Sec. 7. Applicable law and time extensions.

Sec. 8. Implementation required.

Sec. 9. Effect; applicability.

Sec. 10. Repeal of restrictions on regulations.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to preserve historical ac-  
3 cess to the public lands by achieving judicial and adminis-  
4 trative efficiency for, and to reduce the costs typically as-  
5 sociated with, resolving right-of-way claims under R.S.  
6 2477 by—

7 (1) reducing the burden on Federal courts by  
8 authorizing administrative procedures and estab-  
9 lishing evidentiary standards for the processing of  
10 R.S. 2477 right-of-way claims;

11 (2) establishing—

12 (A) a deadline for filing R.S. 2477 right-  
13 of-way claims;

14 (B) mandatory procedures for considering  
15 and acting on the R.S. 2477 right-of-way  
16 claims; and

17 (C) uniform legal and evidentiary stand-  
18 ards of proof of public acceptance of Federal  
19 R.S. 2477 right-of-way grants;

20 (3) recognizing and protecting valid existing  
21 rights; and

22 (4) requiring that any actions by a successful  
23 claimant improving, upgrading or expanding an R.S.

1 2477 right-of-way are conditioned upon consultation  
2 with the Secretary.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ABANDON OR ABANDONMENT.—The terms  
6 “abandon” and “abandonment” mean formal action  
7 by the governing body of a claimant taken at a pub-  
8 lic meeting pursuant to notice that declares all of  
9 claimant’s right, title, and claim to a R.S. 2477  
10 right-of-way is relinquished.

11 (2) ACCEPTANCE OR ACCEPTED.—The terms  
12 “acceptance” and “accepted” mean acts on the part  
13 of a claimant sufficient to manifest an intent to ac-  
14 cept the open congressional offer under R.S. 2477  
15 right-of-way, including—

16 (A) a positive or affirmative action by a  
17 State or county governmental authority on or  
18 before October 21, 1976, including—

19 (i) a formal resolution or declaration  
20 of ownership of, or responsibility for main-  
21 taining, a highway; or

22 (ii) the inclusion of a highway in an  
23 official map that reflects such ownership or  
24 maintenance responsibility;

1 (B) the construction, improvement, repair  
2 or maintenance of a highway by a State or  
3 county governmental authority, or private party  
4 on or before October 21, 1976; or

5 (C) the continuous use of a highway by the  
6 public for a period of not fewer than 5 consecu-  
7 tive years ending on a date that is on or before  
8 October 21, 1976.

9 (3) CLAIM.—The term “claim” means the as-  
10 ssertion of title to an R.S. 2477 right-of-way filed  
11 under section 4(a)(1).

12 (4) CLAIMANT.—The term “claimant” means  
13 any State, county, political subdivision or agency of  
14 a State, corporation or other person asserting title  
15 to a right-of-way under R.S. 2477.

16 (5) CONSTRUCTION.—The term “construction”  
17 means the physical activity reasonably necessary, ad-  
18 visable, or desirable to allow safe, continuous public  
19 use over a highway according to the intended mode  
20 of travel or transportation, which may be established  
21 by the use of any tools or equipment, or other  
22 means, including mere usage.

23 (6) CONTINUOUS PUBLIC USE.—The term “con-  
24 tinuous public use” means the uninterrupted use of  
25 a highway by the public for passage as often as gen-

1 erally regarded by the public to be convenient or  
2 necessary depending on the character of the road  
3 and the nature of the use and does not require a de-  
4 termination of frequency of use. Continuous public  
5 use includes use that may be interrupted by events  
6 of nature or seasonal use.

7 (7) DISCLAIMER AND RELINQUISHMENT.—The  
8 term “disclaimer and relinquishment” means any  
9 type of deed or equivalent document in a form suit-  
10 able for recordation that is approved and issued by  
11 the Secretary disclaiming or relinquishing any own-  
12 ership interest of the Federal Government in an  
13 R.S. 2477 right-of-way, including a deed or equiva-  
14 lent document issued under section 315 of the Fed-  
15 eral Land Policy and Management Act of 1976 (43  
16 U.S.C. 1745), or section (e) of the Federal Quiet  
17 Title Act (28 U.S.C. 2409a). A disclaimer issued by  
18 the Secretary is valid without judicial adjudication.

19 (8) EVIDENCE.—The term “evidence” means  
20 any testimony, object, or document described in sec-  
21 tion 5 that would be reliable, authentic, probative,  
22 and persuasive in Federal district court under the  
23 Federal Rules of Evidence that are in effect on the  
24 date of the enactment of this Act.

1           (9) HIGHWAY.—The term “highway” means  
2 any road, way, right-of-way, or other land surface  
3 route of travel over which the public has the right  
4 of use for passage, whether by carriage, animal,  
5 foot, or non-motorized or motorized vehicle.

6           (10) IMPROVEMENT.—The term “improvement”  
7 is distinguished from ordinary maintenance and re-  
8 pair and includes—

9                   (A) the widening of a highway;

10                   (B) the horizontal or vertical realignment  
11 of a highway;

12                   (C) the installation (as distinguished from  
13 cleaning, repair, or replacement in kind) of a  
14 bridge, culvert, or other drainage structure or  
15 conduit; or

16                   (D) any upgrade in the surface composi-  
17 tion of a highway.

18           (11) MAINTENANCE.—The term “maintenance”  
19 means the preservation of an existing highway, in-  
20 cluding but not limited to—

21                   (A) the physical upkeep of the highway;

22                   (B) the repair or replacement of wear or  
23 damage to the highway, including to bridges,  
24 culverts, or other drainage structures or con-  
25 duits, from natural or other causes;

1 (C) the restoration of the shape or path of  
2 the highway; and

3 (D) the gradation of the highway or other  
4 measures to ensure that the shape of the high-  
5 way permits drainage or safe passage over the  
6 highway by the public.

7 (12) PUBLIC LAND.—The term “public land”  
8 means land—

9 (A) that is owned, controlled by, or subject  
10 to the jurisdiction of the Federal Government  
11 for the benefit of the public; and

12 (B) that was not reserved other, specific  
13 public purpose on the date on which a R.S.  
14 2477 right-of-way grant was accepted.

15 (13) PUBLIC OR PUBLIC USER.—

16 (A) IN GENERAL.—The terms “public” or  
17 “public user” mean all natural persons author-  
18 ized or otherwise allowed to enter or use public  
19 land, and includes Federal lessees, permittees,  
20 licensees, and invitees.

21 (B) EXCEPTIONS.—The terms “public” or  
22 “public user” do not include any Federal agent  
23 or employee acting within the scope of their  
24 agency or employment.

1           (14) R.S. 2477.—The term “R.S. 2477” means  
2 section 2477 of the Revised Statutes (43 U.S.C.  
3 932) repealed by section 706 of the Federal Land  
4 Policy and Management Act of 1976 (Public Law  
5 94–579; 90 Stat. 2793).

6           (15) R.S. 2477 RIGHT-OF-WAY.—The term “R.S.  
7 2477 right-of-way” means an open-ended grant or  
8 dedication of land by the United States for a public  
9 right-of-way allowing public use and passage, which  
10 could be accepted by a claimant on or before Octo-  
11 ber 21, 1976.

12           (16) RESERVED.—

13           (A) IN GENERAL.—The term “reserved”  
14 means action by the Secretary, before the ear-  
15 lier of a R.S. 2477 right-of-way acceptance or  
16 October 21, 1976—

17           (i) to withdraw land from the public  
18 domain;

19           (ii) to make the land unavailable for  
20 appropriation under public land laws; and

21           (iii) to dedicate the land by the  
22 United States to a specific public purpose,  
23 such as a park, military establishment, wil-  
24 derness area, tribal land, or Federal en-  
25clave, that does not rely on or otherwise



1 permit an R.S. 2477 right-of-way for the  
2 specific public purpose.

3 (B) CLARIFICATION.—The term “re-  
4 served” does not apply to an action of the Sec-  
5 retary with respect to the designation of a wil-  
6 derness study area, an area of critical environ-  
7 mental concern, lands not formally designated  
8 by Congress as wilderness, or lands with wilder-  
9 ness characteristics.

10 (17) SCOPE.—

11 (A) The term “scope”—

12 (i) means the width of a R.S. 2477  
13 right-of-way as of October 21, 1976, in-  
14 cluding the area reasonable and necessary  
15 to meet the public convenience or safety  
16 (including maintenance, repair and realign-  
17 ment) or the exigencies of increased travel,  
18 based on the traditional uses of a highway;  
19 and

20 (ii) is not limited to the disturbed sur-  
21 face of the highway.

22 (B) For the purposes of this definition, the  
23 right-of-way condition of a road that has been  
24 open for at least the previous 5 years shall be

1           used as a rebuttable presumption of what is  
2           reasonable and necessary.

3           (18) SECRETARY.—The term “Secretary”  
4           means the Secretary with management jurisdiction  
5           over land owned or controlled by the United States  
6           on which a R.S. 2477 right-of-way is claimed to be  
7           located.

8 **SEC. 4. FILING OF CLAIM.**

9           (a) IN GENERAL.—A claimant of a right-of-way  
10          granted under R.S. 2477 may file a claim under this sec-  
11          tion.

12          (b) ADMINISTRATIVE CLAIM AFTER FILING CLAIM  
13          UNDER TITLE 28.—

14               (1) IN GENERAL.—A claimant is deemed to  
15          have filed a claim under paragraph (1) if, before the  
16          date of the enactment of this Act, the claimant—

17                       (A) filed a notice of an intent to file suit  
18                       with respect to a claim asserting the public ac-  
19                       ceptance of a right-of-way granted under R.S.  
20                       2477 under section 2409a(m) of title 28,  
21                       United States Code; or

22                       (B) filed suit with respect to a claim as-  
23                       serting the public acceptance of a right-of-way  
24                       granted under R.S. 2477 under section  
25                       2409a(m) of title 28, United States Code.

1           (2) PENDING COURT ACTION.—If a claimant is  
2       deemed to have filed a claim under paragraph (1)  
3       with respect to a previously filed claim asserting the  
4       public acceptance of a right-of-way granted under  
5       R.S. 2477 under section 2409a(m) of title 28,  
6       United States Code, any suit filed by or on behalf  
7       of the claimant with respect to public acceptance of  
8       the right-of-way shall, except as to the preservation  
9       of evidence, be held in abeyance pending final deter-  
10      mination under this Act and shall be dismissed with-  
11      out prejudice when acceptance of the right-of-way is  
12      finally determined under this Act, and all challenges  
13      thereto have been exhausted.

14      (c) FORM; CONTENTS.—

15           (1) FORM.—Not later than 30 days after the  
16      date of the enactment of this Act, the Secretary  
17      shall establish a form to be used by claimants for fil-  
18      ing claims under this section.

19           (2) CONTENTS.—A claim filed under subsection  
20      (a)(1) shall include—

21           (A) a center line description, or other  
22      verified survey meeting generally accepted  
23      standards and procedures, clearly showing the  
24      location, route, direction, beginning and end  
25      points and length, together with an average

1 width of the claimed R.S. 2477 right-of-way as  
2 of a date certain;

3 (B) evidence demonstrating the acceptance  
4 and scope of the claimed R.S. 2477 right-of-  
5 way; and

6 (C) proof of notice or attempted notice by  
7 the claimant under subsection (e).

8 (d) PLACE OF FILING.—A claimant shall file a claim  
9 in the appropriate State or regional location designated  
10 by the Secretary for the filing of claims under this section.

11 (e) NOTICE.—

12 (1) IN GENERAL.—Except as provided in para-  
13 graph (3), a claimant shall provide notice of the  
14 right-of-way claim by—

15 (A) at least once per week during the 2-  
16 week period immediately preceding the filing of  
17 the claim, publishing in a newspaper authorized  
18 to publish public notice under the laws of the  
19 State in which the longest lineal part of the  
20 claimed R.S. 2477 right-of-way is located, a  
21 general summary of the claim, including the lo-  
22 cation and general description of the claimed  
23 R.S. 2477 right-of-way; and

24 (B) not later than 30 days after the date  
25 on which the claim is filed, providing, or rea-

1 sonably attempting to provide, written notice of  
2 the claim to all owners of land contiguous to  
3 the boundary of the claimed right-of-way.

4 (2) ATTEMPTED NOTICE.—The reasonable at-  
5 tempt of a claimant to provide written notice under  
6 paragraph (1)(B) shall be considered to be sufficient  
7 notice under this subsection if the claimant files with  
8 Secretary verification of the reasonable attempt  
9 under written oath or affirmation.

10 (3) EXCEPTION.—Notwithstanding paragraph  
11 (1), a claimant shall be considered to have given suf-  
12 ficient notice under this subsection if the claimant  
13 has filed a notice of an intent to file suit, or has  
14 filed suit, with respect to the claimed R.S. 2477  
15 right-of-way under section 2409a(m) of title 28,  
16 United States Code, on or before the date of the en-  
17 actment of this Act.

18 (f) EFFECT OF FAILURE TO MEET FILING DEAD-  
19 LINE OR REQUIREMENTS.—If a claimant fails to comply  
20 with the requirements of—

21 (1) subsection (a), the failure shall be consid-  
22 ered to be an automatic irrevocable abandonment of  
23 any R.S. 2477 right-of-way claim; or

24 (2) subsection (b), (c), or (d), the claim filed by  
25 the claimant shall not be processed until the date on

1       which the failure to comply with those subsections is  
2       cured.

3       (g) STATUTE OF LIMITATIONS.—Except as provided  
4       in subsection (a)(1), any statute of limitations for assert-  
5       ing title to an R.S. 2477 right-of-way under this section  
6       is waived.

7       **SEC. 5. EVIDENCE AND FINAL DECISION.**

8       (a) BURDEN OF PROOF.—A claimant shall have the  
9       burden to prove, by a preponderance of the evidence, the  
10      acceptance of a right-of-way under R.S. 2477.

11      (b) EVIDENCE.—

12           (1) IN GENERAL.—Acceptance and scope of the  
13      R.S. 2477 right-of-way shall be conclusively verified,  
14      proven, and established on filing, under oath or af-  
15      firmation by a claimant attesting to the authenticity  
16      and accuracy, of—

17           (A) at least one item of evidence from  
18           among the categories of evidence described in  
19           subsection (c)(1); or

20           (B) at least two items of evidence from  
21           among the categories of evidence described in  
22           subparagraphs (A) or (B) of subsection (c)(2).

23      (2) COPIES.—A copy of an original document  
24      may be used as evidence in the place of the original  
25      document under this section if the copy is accom-

1 panied by a written declaration, under oath by a  
2 custodian, owner, or author, that the copy is an ac-  
3 curate representation of the material terms of the  
4 original document.

5 (3) HEARSAY.—Hearsay contained in a docu-  
6 ment or otherwise provided shall be considered reli-  
7 able, admissible, and probative for the purposes of  
8 this Act.

9 (4) GRANT WITHDRAWAL.—Evidence produced  
10 that establishes that the United States reserved the  
11 land as herein defined underlying the claimed R.S.  
12 2477 right-of-way before acceptance conclusively es-  
13 tablishes withdrawal of the Federal grant and de-  
14 feats the claim.

15 (c) DESCRIPTION OF CATEGORIES OF EVIDENCE.—

16 For the purposes of processing claims under this Act, the  
17 following categories of evidence shall be considered:

18 (1) CATEGORY 1.—Category 1 evidence consists  
19 of the following types of evidence:

20 (A) Official minutes, resolutions, declara-  
21 tions, or written agreements of a State or coun-  
22 ty governmental body reflecting or otherwise  
23 memorializing a positive or affirmative action  
24 by a State or county governmental body accept-

1           ing a claimed R.S. 2477 right-of-way prior to  
2           October 21, 1976.

3           (B) Historical or other records of govern-  
4           ment entities or records constructed, obtained,  
5           or kept by a government in the ordinary course  
6           of business, including Federal, State, local, and  
7           territorial records, such as records of the De-  
8           partments of the Interior, Agriculture, or De-  
9           fense, the Bureau of Land Management, the  
10          Forest Service, the Natural Resources Con-  
11          servation Service, the Soil Conservation Service,  
12          General Land Office, Federal centers or en-  
13          claves, the Smithsonian Institution, and the Li-  
14          brary of Congress that show that the right-of-  
15          way was accepted by a State or county govern-  
16          mental authority prior to October 21, 1976.

17          (C) Maps, plats, maintenance records (in-  
18          cluding actual or estimated costs of mainte-  
19          nance), photographs, or other computer-gen-  
20          erated images demonstrating that the claimed  
21          R.S. 2477 right-of-way was regularly main-  
22          tained by a State or county governmental au-  
23          thority or private individual prior to October  
24          21, 1976.



1 (D) Written or transcribed oral statements  
2 given under oath before a notary public, court  
3 reporter, judge or any other government official  
4 authorized by law to administer oaths or other-  
5 wise authenticated stating that the right-of-way  
6 was regularly maintained by a State or local  
7 government or private individual prior to Octo-  
8 ber 21, 1976.

9 (2) CATEGORY 2.—Category 2 evidence consists  
10 the following types of evidence:

11 (A) In addition to the records described in  
12 paragraph (1)(B) and(C), other historical  
13 records including original documents, authenti-  
14 cated copies, facsimiles, and computer-trans-  
15 mitted images (including aerial photographs,  
16 topographical maps, and government road  
17 maps), reliably showing evidence of public usage  
18 of a R.S. 2477 right-of-way before October 21,  
19 1976.

20 (B) Written or transcribed oral statements  
21 given under oath before a notary public, court  
22 recorder, judge or any other government official  
23 authorized by law to administer oaths or other-  
24 wise authenticated reciting reliable knowledge  
25 of the facts that establish the acceptance by

1 public usage of the R.S. 2477 right-of-way be-  
2 fore October 21, 1976.

3 (d) DETERMINATION OF ABANDONMENT.—

4 (1) IN GENERAL.—Not later than 90 days after  
5 the date on which a R.S. 2477 right-of-way is con-  
6 clusively established as accepted under subsection  
7 (b)(1), the Secretary shall determine, in writing,  
8 whether the R.S. 2477 right-of-way has been pre-  
9 viously abandoned by the claimant.

10 (2) FAILURE TO MAKE DETERMINATION.—The  
11 failure of the Secretary to make a written deter-  
12 mination within the 90-day period described in para-  
13 graph (1) shall conclusively establish that the right-  
14 of-way has not been abandoned.

15 (3) FINAL AGENCY ACTION.—The determina-  
16 tion by the Secretary under paragraph (1), or the  
17 failure to make the determination by the date de-  
18 scribed in that paragraph, shall be a final agency ac-  
19 tion, subject to appeal by the claimant only in ac-  
20 cordance with section 6.

21 (e) DISCLAIMER AND RELINQUISHMENT RE-  
22 QUIRED.—

23 (1) IN GENERAL.—Not later than 180 days  
24 after the date on which evidence establishing accept-  
25 ance of a R.S. 2477 right-of-way has been filed

1 under this section, the Secretary shall deliver to the  
2 claimant a written document disclaiming and relin-  
3 quishing the right and interest of the United States  
4 in and to the R.S. 2477 right-of-way.

5 (2) FORM.—The disclaimer and relinquishment  
6 under paragraph (1) shall be in a form that allows  
7 the recording of the disclaimer and relinquishment  
8 in State and local real estate records.

9 (3) IMPROVEMENT CONSULTATION.—The dis-  
10 claimer and relinquishment shall clearly state that  
11 any future improvement of an R.S. 2477 right-of-  
12 way is conditioned upon consultation with the Sec-  
13 retary.

14 (4) RECORDING.—The disclaimer and relin-  
15 quishment under paragraph (1) shall—

16 (A) be recorded in the public land records  
17 under the jurisdiction of the Secretary; and

18 (B) conclusively establish the title of the  
19 claimant to the R.S. 2477 right-of-way.

20 (5) REVIEW.—The document delivered by, and  
21 any actions of, the Secretary under paragraph (1)—

22 (A) shall be subject to review only as pro-  
23 vided in section 6; and

24 (B) shall not be subject to—

1 (i) quiet title proceedings under any  
2 other provision of law; or

3 (ii) any other judicial or administra-  
4 tive de novo or on the record reviews,  
5 claims, actions, or proceedings.

6 (6) FEDERAL REGISTER NOTICE OF FINAL  
7 AGENCY ACTION.—Not later than 30 days after the  
8 date on which the document is delivered under para-  
9 graph (1), the Secretary shall publish in the Federal  
10 Register notice of the action by the Secretary under  
11 that paragraph.

12 **SEC. 6. JUDICIAL REVIEW.**

13 (a) JURISDICTION.—

14 (1) FILING.—If a claimant seeks to appeal the  
15 denial by the Secretary of a claimed R.S. 2477  
16 right-of-way under this Act, the claimant shall file  
17 an appeal of the denial in the district court of the  
18 United States for the judicial district in which the  
19 longest lineal segment of the claimed R.S. 2477  
20 right-of-way is located.

21 (2) EXCLUSIVE JURISDICTION.—A district  
22 court described in paragraph (1) shall have the ex-  
23 clusive jurisdiction to decide the appeal on the  
24 record before the Secretary regarding the claimed  
25 R.S. 2477 right-of-way, subject only to appeal or re-

1 view on the record by a court with appropriate Fed-  
2 eral appellate jurisdiction.

3 (b) FILING.—Any action initiated under subsection  
4 (a) shall be filed not later than 120 days after the date  
5 on which the Secretary provides written notice to the  
6 claimant of the denial by the Secretary of the claimed R.S.  
7 2477 right-of-way.

8 (c) PRIOR ADJUDICATION NOT AFFECTED.—Nothing  
9 in this Act affects a final settlement or final judgment in  
10 any court of competent jurisdiction before the date of the  
11 enactment of this Act in which the United States was a  
12 party in determining rights to a R.S. 2477 right-of-way.

13 **SEC. 7. APPLICABLE LAW AND TIME EXTENSIONS.**

14 (a) APPLICATION OF STATE AND FEDERAL LAW.—

15 (1) IN GENERAL.—This Act shall apply with re-  
16 spect to conclusively establishing the acceptance,  
17 scope, validity, or abandonment of a R.S. 2477  
18 right-of-way.

19 (2) PREEMPTION.—In the case of any inconsis-  
20 tency or conflict between the provisions of this Act  
21 and State law, this Act shall apply in determining  
22 the acceptance, scope, validity, and abandonment of  
23 a R.S. 2477 right-of-way.

24 (b) EXTENSION.—The Secretary shall grant a 1-time  
25 extension of up to 180 days for any deadline established

1 by this Act for a maximum period of 1 year, for good  
2 cause, if the claimant submits to the Secretary, not later  
3 than 30 days before the date on which the deadline ex-  
4 pires, a written request for the extension signed by the  
5 claimant under oath or affirmation.

6 **SEC. 8. IMPLEMENTATION REQUIRED.**

7 (a) IN GENERAL.—Not later than 90 days after the  
8 date of the enactment of this Act, the Secretary shall com-  
9 plete all policies, procedures, delegations, forms, and any  
10 other action necessary to implement this Act and, on the  
11 completion of the actions described in paragraph (1),  
12 begin processing claims under this Act.

13 (b) INJUNCTION; LIABILITY.—The duties and obliga-  
14 tions of the Secretary under this section—

15 (1) are enforceable by injunction or restraining  
16 order; and

17 (2) may result in official and personal civil li-  
18 ability.

19 **SEC. 9. EFFECT; APPLICABILITY.**

20 (a) EFFECT ON OTHER LAWS.—Nothing in this Act  
21 affects or modifies—

22 (1) title V of the Federal Land Policy and Man-  
23 agement Act of 1976 (43 U.S.C. 1761 et seq.); or

24 (2) title XI of the Alaska National Interest  
25 Lands Conservation Act (16 U.S.C. 3161 et seq.).

1 (b) EXCLUDED LAND.—Nothing in this Act applies  
2 to or affects—

3 (1) the use of Department of Defense land or  
4 land with respect to which the Department of De-  
5 fense shares control or jurisdiction;

6 (2) land that is not owned by the United  
7 States;

8 (3) land held in trust by the Secretary of the  
9 Interior for any Indian Tribe; or

10 (4) land within the boundary of—

11 (A) a National Park (to exclude lands  
12 other than National Parks which are under the  
13 jurisdiction or administration of the National  
14 Park Service); or

15 (B) a congressionally designated National  
16 Wilderness Area.

17 (c) EFFECT ON CLAIMS.—This Act and the proce-  
18 dures and process implemented under this Act—

19 (1) shall apply to—

20 (A) claims filed pursuant to this Act after  
21 the date of the enactment of this Act; and

22 (B) claims filed before the date of the en-  
23 actment of this Act for which a final determina-  
24 tion has not been issued and which have been  
25 converted by claimant for processing under the

1 provisions of this Act by filing the claim under  
2 section 4; and

3 (2) shall not affect the ability of a claimant to  
4 file or maintain a suit with respect to the claimed  
5 R.S. 2477 right-of-way under section 2409a(m) of  
6 title 28, United States Code, if the claimant has not  
7 filed a claim under section 4 regarding that R.S.  
8 2477 right-of-way.

9 **SEC. 10. REPEAL OF RESTRICTIONS ON REGULATIONS.**

10 Section 108 of the Department of the Interior and  
11 Related Agencies Appropriations Act, 1997 (Public Law  
12 104–208; 110 Stat. 3009–200) is repealed.

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