

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1484
OFFERED BY MR. AMODEI OF NEVADA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Honor the Nevada En-
3 abling Act of 1864 Act”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) The Federal Government controls over 80
7 percent of all of the land within the State of Ne-
8 vada, which is a greater percentage than any other
9 State.

10 (2) The paucity of State land and privately con-
11 trolled land in Nevada severely constrains the size
12 and diversity of Nevada’s economy.

13 (3) The Federal Government promised all new
14 States, in their statehood enabling Act contracts,
15 that it would dispose of federally controlled public
16 lands within the borders of those States.

17 (4) The Federal Government has honored this
18 promise with 38 States.

1 (5) The Federal Government has failed to
2 honor this promise with, and continues to control
3 significant percentages of the land within, the States
4 of Alaska, Arizona, California, Colorado, Idaho,
5 Montana, Nevada, New Mexico, Oregon, Utah, and
6 Washington.

7 (6) The United States Supreme Court has de-
8 clared that statehood enabling Act contracts are
9 “solemn compacts” with enforceable rights and obli-
10 gations.

11 (7) Nevada could generate significant net rev-
12 enue for the benefit of its lands and people if it were
13 afforded the opportunity to manage an expanded
14 State-controlled land portfolio.

15 (8) A transfer of Federally administered land to
16 Nevada shall be accomplished in phases.

17 **SEC. 3. DEFINITIONS IN THIS ACT.**

18 In this Act:

19 (1) The term “identified Federal lands” means
20 all lands within the State of Nevada that are owned,
21 managed, or controlled by the Federal Government
22 acting through the Secretary of Agriculture or the
23 Secretary of the Interior, excluding the following:

1 (A) Components of the National Wilder-
2 ness Preservation System, National Park Sys-
3 tem, and National Wildlife Refuge System.

4 (B) National Conservation Areas.

5 (C) National Monuments designated pur-
6 suant to the Act of June 6, 1908 (commonly
7 known as the Antiquities Act of 1906).

8 (D) Lands withdrawn and reserved for use
9 by the Department of Defense or the Depart-
10 ment of Energy.

11 (E) Federally recognized Indian reserva-
12 tions and lands administered or held in trust by
13 the Bureau of Indian Affairs.

14 (F) Bureau of Reclamation lands not iden-
15 tified as surplus.

16 (2) The term “Secretary concerned” means—

17 (A) the Secretary of Agriculture, with re-
18 spect to identified Federal lands administered
19 by that Secretary; and

20 (B) the Secretary of the Interior, with re-
21 spect to identified Federal lands administered
22 by that Secretary.

23 (3) The term “select beneficiaries” means any
24 of the following:

1 (A) Public elementary and secondary edu-
2 cation.

3 (B) Public higher education.

4 (C) Public specialized education.

5 (D) Public mental and medical health serv-
6 ices.

7 (E) Social, senior, and veterans services.

8 (F) Public programs for recovery plan de-
9 velopment and implementation for candidate
10 and threatened or endangered species.

11 (G) Political subdivisions of the State of
12 Nevada, but only to with respect to payment for
13 services and infrastructure on conveyed identi-
14 fied Federal lands that would otherwise be fi-
15 nanced through property taxes or other reve-
16 nues available to a political subdivision of the
17 State.

18 (4) The term “State” means the State of Ne-
19 vada.

20 **SEC. 4. CONVEYANCE OF IDENTIFIED FEDERAL LANDS TO**
21 **THE STATE OF NEVADA.**

22 (a) CONVEYANCE REQUIRED.—As provided in this
23 Act, the Secretary concerned shall convey, in phases and
24 without consideration, to the State of Nevada all right,
25 title, and interest of the United States in and to identified

1 Federal lands for the purpose of permitting the State to
2 use the conveyed lands to support select beneficiaries.

3 (b) CONDITION OF CONVEYANCES.—All conveyances
4 made under the initial conveyance phase of this Act shall
5 be subject to the condition that the State hold the identi-
6 fied Federal lands in trust for the select beneficiaries, ex-
7 cept the State may sell, lease, or securitize lands acquired
8 under the initial conveyance phase of this Act to cover the
9 cost of management of the newly acquired lands.

10 (c) SELECTION OF LANDS FOR CONVEYANCE.—The
11 State is authorized to select the identified Federal lands
12 to be conveyed under this Act.

13 (d) VALID EXISTING RIGHTS AND USES.—All con-
14 veyances under this Act shall be subject to—

15 (1) valid existing rights; and

16 (2) valid existing uses on, permits for, and pub-
17 lic access to the conveyed lands, as in effect on the
18 date of the enactment of this Act, subject to State
19 law.

20 (e) CONVEYANCE OF ENTIRE INTEREST.—For iden-
21 tified Federal lands conveyed under this Act, title to and
22 ownership of both federally held surface and subsurface
23 estate, and appurtenant federally held water rights, shall
24 pass to the State.

1 **SEC. 5. INITIAL CONVEYANCE PHASE.**

2 (a) CONVEYANCE REQUIRED.—After selection of
3 identified Federal lands by the State, the Secretary con-
4 cerned shall convey, in a timely and essential manner, to
5 the State pursuant to section 3 the selected Federal lands
6 from the following categories of identified Federal lands:

7 (1) Lands identified as suitable for disposal in
8 the report to Congress submitted by the Secretary of
9 Agriculture on May 27, 1997, pursuant to section
10 390(g) of the Federal Agriculture Improvement and
11 Reform Act of 1996 (Public Law 104–127; 110
12 Stat. 1024).

13 (2) Lands identified as suitable for disposal in
14 any Federal land use plan developed and approved
15 pursuant to section 202 the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C. 1712) or
17 section 6 of the Forest and Rangeland Renewable
18 Resources Planning Act of 1974 (16 U.S.C. 1604).

19 (3) Lands administered by the Bureau of Land
20 Management pursuant to the Act of June 14, 1926
21 (commonly known as the Recreation and Public Pur-
22 poses Act; 43 U.S.C. 869 et seq.).

23 (4) Lands allocated by the Secretary concerned
24 as Solar Energy Zones.

1 (5) Lands leased pursuant to the mineral and
2 geothermal leasing laws under the Mineral Leasing
3 Act (30 U.S.C. 181 et seq.).

4 (6) Lands administered by the Bureau of Land
5 Management as linear and nonlinear rights-of-way
6 granted to the State and political subdivisions of the
7 State.

8 (7) Split estate lands, where the surface is pri-
9 vately held and the Bureau of Land Management
10 administers the subsurface mineral estate.

11 (8) Lands in the State designated for disposal
12 by any other Act of Congress.

13 (9) Lands administered by the Bureau of Land
14 Management remaining within the original Central
15 Pacific Railroad corridor along Interstate Highway
16 80 in Northern Nevada, also known as the “checker-
17 board”.

18 (b) **AUTHORIZED ACREAGE.**—The State is authorized
19 to select no less than 7,200,000 acres from the categories
20 of identified Federal lands described in subsection (a) dur-
21 ing the initial conveyance phase.

22 **SEC. 6. SUBSEQUENT CONVEYANCE PHASES.**

23 (a) **CONVEYANCE PROCESS.**—The Secretary con-
24 cerned shall establish a process to convey, in a timely and
25 essential manner, to the State the remaining identified

1 Federal lands not conveyed in the initial conveyance phase
2 under section 5.

3 (b) REQUESTS FOR CONVEYANCE.—During the 10-
4 year period beginning upon the completion of the initial
5 conveyance phase under section 5, the Secretary concerned
6 shall convey to the State pursuant to section 3, upon the
7 request of the State or a political subdivision of the State
8 and consistent with the process established under this sec-
9 tion, identified Federal lands remaining under the control
10 of the Secretary concerned.

11 (c) MANAGEMENT OF LANDS CONVEYED IN SUBSE-
12 QUENT CONVEYANCE PHASES.—Federal lands conveyed
13 under this section—

- 14 (1) shall not be sold by the State; and
15 (2) shall be managed for—
16 (A) multiple uses;
17 (B) ongoing net-revenue generation; and
18 (C) environmental health, function, pro-
19 ductivity, and sustainability.

20 **SEC. 7. STATE PAYMENTS TO POLITICAL SUBDIVISIONS OF**
21 **THE STATE.**

22 As an additional condition on conveyances under this
23 Act, the State shall agree to make payments to political
24 subdivisions of the State, using gross revenues derived

1 from management of identified Federal lands conveyed
2 under this Act, to replace—

3 (1) revenues lost through reduced Federal pay-
4 ments under chapter 69 of title 31, United States
5 Code, on account of the conveyance of the lands; and

6 (2) revenues that would otherwise have been
7 shared with the political subdivisions by the Depart-
8 ment of the Interior Office of Natural Resources
9 Revenue from royalties, rents, and bonuses gen-
10 erated through energy and mineral leases on identi-
11 fied Federal lands had the lands remained in Fed-
12 eral ownership.

