

114TH CONGRESS
1ST SESSION

H. R. 1484

To direct the Secretary of Agriculture and the Secretary of the Interior to convey certain Federal lands to the State of Nevada in fulfillment of the Nevada Statehood Enabling Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2015

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

A BILL

To direct the Secretary of Agriculture and the Secretary of the Interior to convey certain Federal lands to the State of Nevada in fulfillment of the Nevada Statehood Enabling Act, 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 “Honor the Nevada En-
5 abling Act of 1864 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

8 (3) The Federal Government promised all new
9 States, in their statehood enabling Act contracts,
10 that it would dispose of federally controlled public
11 lands within the borders of those States.

12 (4) The Federal Government has honored this
13 promise with 38 States.

14 (5) The Federal Government has failed to
15 honor this promise with, and continues to control
16 significant percentages of the land within, the States
17 of Alaska, Arizona, California, Colorado, Idaho,
18 Montana, Nevada, New Mexico, Oregon, Utah, and
19 Washington.

20 (6) The United States Supreme Court has de-
21 clared that statehood enabling Act contracts are
22 “solemn compacts” with enforceable rights and obli-
23 gations.

24 (7) Nevada could generate significant net rev-
25 enue for the benefit of its lands and people if it were

1 afforded the opportunity to manage an expanded
2 State-controlled land portfolio.

3 (8) A transfer of federally administered land to
4 Nevada can be accomplished in phases.

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

6 In this Act:

7 (1) The term “identified Federal lands” means
8 all lands within the State of Nevada that are owned,
9 managed, or controlled by the Federal Government
10 acting through the Secretary of Agriculture or the
11 Secretary of the Interior, excluding the following:

12 (A) Components of the National Wilder-
13 ness Preservation System, National Park Sys-
14 tem, and National Wildlife Refuge System.

15 (B) National Conservation Areas.

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

19 (D) Lands designated as Areas of Critical
20 Environmental Concern for Protection of
21 Desert Tortoise by the Bureau of Land Man-
22 agement.

23 (E) Lands allocated as Herd Management
24 Areas for Wild Horses and Burros.

1 (F) Lands withdrawn and reserved for use
2 by the Department of Defense or the Depart-
3 ment of Energy.

4 (G) Federally recognized Indian reserva-
5 tions and lands administered or held in trust by
6 the Bureau of Indian Affairs.

7 (H) Bureau of Reclamation lands not iden-
8 tified as surplus.

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

10 (A) the Secretary of Agriculture, with re-
11 spect to identified Federal lands administered
12 by that Secretary; and

13 (B) the Secretary of the Interior, with re-
14 spect to identified Federal lands administered
15 by that Secretary.

16 (3) The term “select beneficiaries” means any
17 of the following:

18 (A) Public elementary and secondary edu-
19 cation.

20 (B) Public higher education.

21 (C) Public specialized education.

22 (D) Public mental and medical health serv-
23 ices.

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

1 (F) Public programs for recovery plan de-
 2 velopment and implementation for candidate
 3 and threatened or endangered species.

4 (G) Political subdivisions of the State of
 5 Nevada, but only with respect to payment for
 6 services and infrastructure on conveyed identi-
 7 fied Federal lands that would otherwise be fi-
 8 nanced through property taxes or other reve-
 9 nues available to a political subdivision of the
 10 State.

11 (4) The term “State” means the State of Ne-
 12 vada.

13 **SEC. 4. CONVEYANCE OF IDENTIFIED FEDERAL LANDS TO**
 14 **THE STATE OF NEVADA.**

15 (a) CONVEYANCE REQUIRED.—As provided in this
 16 Act, the Secretary concerned shall convey, in phases and
 17 without consideration, to the State of Nevada all right,
 18 title, and interest of the United States in and to identified
 19 Federal lands for the purpose of permitting the State to
 20 use the conveyed lands to support select beneficiaries.

21 (b) CONDITION OF CONVEYANCE.—All conveyances
 22 under this Act shall be subject to the condition that the
 23 State hold the identified Federal lands in trust for the
 24 select beneficiaries, except the State may sell, lease, or

1 securitize lands acquired under this Act to cover the cost
 2 of management of the newly acquired lands.

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

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

8 (1) valid existing rights; and

9 (2) valid existing uses on, permits for, and pub-
 10 lic access to the conveyed lands, as in effect at the
 11 time of conveyance, subject to State law.

12 (e) CONVEYANCE OF ENTIRE INTEREST.—For iden-
 13 tified Federal lands conveyed under this Act, title to and
 14 ownership of both federally held surface and subsurface
 15 estate, and appurtenant federally held water rights, shall
 16 pass to the State.

17 **SEC. 5. INITIAL CONVEYANCE PHASE.**

18 (a) CONVEYANCE REQUIRED.—As soon as prac-
 19 ticable after selection by the State, the Secretary con-
 20 cerned shall convey to the State pursuant to section 3
 21 identified Federal lands selected by the State from the fol-
 22 lowing categories of identified Federal lands:

23 (1) Lands identified as suitable for disposal in
 24 the report to Congress submitted by the Secretary of
 25 Agriculture on May 27, 1997, pursuant to section

1 390(g) of the Federal Agriculture Improvement and
2 Reform Act of 1996 (Public Law 104–127; 110
3 Stat. 1024).

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

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

14 (4) Lands allocated by the Secretary concerned
15 as Solar Energy Zones.

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

19 (6) Lands administered by the Bureau of Land
20 Management as linear and nonlinear rights-of-way
21 granted to the State and political subdivisions of the
22 State.

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

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

3 (9) Lands administered by the Bureau of Land
4 Management remaining within the original Central
5 Pacific Railroad corridor along Interstate Highway
6 80 in Northern Nevada, also known as the “checker-
7 board”.

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

12 **SEC. 6. SUBSEQUENT CONVEYANCE PHASES.**

13 (a) CONVEYANCE PROCESS.—The Secretary con-
14 cerned shall establish a process to convey to the State the
15 remaining identified Federal lands not conveyed in the ini-
16 tial conveyance phase under section 5.

17 (b) REQUESTS FOR CONVEYANCE.—During the 10-
18 year period beginning upon the completion of the initial
19 conveyance phase under section 5, the Secretary concerned
20 shall convey to the State pursuant to section 3, upon the
21 request of the State or a political subdivision of the State
22 and consistent with the process established under this sec-
23 tion, identified Federal lands remaining under the control
24 of the Secretary concerned.

1 (c) MANAGEMENT OF LANDS CONVEYED IN SUBSE-
2 QUENT CONVEYANCE PHASES.—The State shall manage
3 identified Federal lands conveyed under this section for
4 ongoing net-revenue generation and environmental health,
5 function, productivity, and sustainability.

6 **SEC. 7. STATE PAYMENTS TO POLITICAL SUBDIVISIONS OF**
7 **THE STATE.**

8 As an additional condition on conveyances under this
9 Act, the State shall agree to make payments to political
10 subdivisions of the State, using gross revenues derived
11 from management of identified Federal lands conveyed
12 under this Act, to replace—

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

16 (2) revenues that would otherwise have been
17 shared with the political subdivisions by the Depart-
18 ment of the Interior Office of Natural Resources
19 Revenue from royalties, rents, and bonuses gen-
20 erated through energy and mineral leases on identi-
21 fied Federal lands had the lands remained in Fed-
22 eral ownership.

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