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

(6) The United States Supreme Court has declared that statehood enabling Act contracts are “solemn compacts” with enforceable rights and obligations.

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

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

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

In this Act:

(1) The term “identified Federal lands” means all lands within the State of Nevada that are owned, managed, or controlled by the Federal Government acting through the Secretary of Agriculture or the Secretary of the Interior, excluding the following:
(A) Components of the National Wilderness Preservation System, National Park System, and National Wildlife Refuge System.

(B) National Conservation Areas.

(C) National Monuments designated pursuant to the Act of June 6, 1908 (commonly known as the Antiquities Act of 1906).

(D) Lands withdrawn and reserved for use by the Department of Defense or the Department of Energy.

(E) Federally recognized Indian reservations and lands administered or held in trust by the Bureau of Indian Affairs.

(F) Bureau of Reclamation lands not identified as surplus.

(2) The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to identified Federal lands administered by that Secretary; and

(B) the Secretary of the Interior, with respect to identified Federal lands administered by that Secretary.

(3) The term “select beneficiaries” means any of the following:
(A) Public elementary and secondary education.
(B) Public higher education.
(C) Public specialized education.
(D) Public mental and medical health services.
(E) Social, senior, and veterans services.
(F) Public programs for recovery plan development and implementation for candidate and threatened or endangered species.
(G) Political subdivisions of the State of Nevada, but only to with respect to payment for services and infrastructure on conveyed identified Federal lands that would otherwise be financed through property taxes or other revenues available to a political subdivision of the State.

(4) The term “State” means the State of Nevada.

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

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

(b) CONDITION OF CONVEYANCES.—All conveyances made under the initial conveyance phase of this Act shall be subject to the condition that the State hold the identified Federal lands in trust for the select beneficiaries, except the State may sell, lease, or securitize lands acquired under the initial conveyance phase of this Act to cover the cost of management of the newly acquired lands.

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

(d) VALID EXISTING RIGHTS AND USES.—All conveyances under this Act shall be subject to—

(1) valid existing rights; and

(2) valid existing uses on, permits for, and public access to the conveyed lands, as in effect on the date of the enactment of this Act, subject to State law.

(e) CONVEYANCE OF ENTIRE INTEREST.—For identified Federal lands conveyed under this Act, title to and ownership of both federally held surface and subsurface estate, and appurtenant federally held water rights, shall pass to the State.
SEC. 5. INITIAL CONVEYANCE PHASE.

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

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


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

(4) Lands allocated by the Secretary concerned as Solar Energy Zones.
(5) Lands leased pursuant to the mineral and geothermal leasing laws under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

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

(7) Split estate lands, where the surface is privately held and the Bureau of Land Management administers the subsurface mineral estate.

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

(9) Lands administered by the Bureau of Land Management remaining within the original Central Pacific Railroad corridor along Interstate Highway 80 in Northern Nevada, also known as the "checkerboard".

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

SEC. 6. SUBSEQUENT CONVEYANCE PHASES.

(a) CONVEYANCE PROCESS.—The Secretary concerned shall establish a process to convey, in a timely and essential manner, to the State the remaining identified
Federal lands not conveyed in the initial conveyance phase under section 5.

(b) Requests for Conveyance.—During the 10-year period beginning upon the completion of the initial conveyance phase under section 5, the Secretary concerned shall convey to the State pursuant to section 3, upon the request of the State or a political subdivision of the State and consistent with the process established under this section, identified Federal lands remaining under the control of the Secretary concerned.

(c) Management of Lands Conveyed in Subsequent Conveyance Phases.—Federal lands conveyed under this section—

(1) shall not be sold by the State; and

(2) shall be managed for—

(A) multiple uses;

(B) ongoing net-revenue generation; and

(C) environmental health, function, productivity, and sustainability.

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

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

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

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