

**Calendar No. 286**

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 940**

**[Report No. 111–136]**

To direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MARCH 2, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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**A BILL**

To direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Southern Nevada  
3 Higher Education Land Act of 2009”.

4 **SEC. 2. FINDINGS; PURPOSE.**

5 (a) FINDINGS.—Congress finds that—

6 (1) southern Nevada is one of the fastest grow-  
7 ing regions in the United States, with 750,000 new  
8 residents added since 2000 and 250,000 residents  
9 expected to be added by 2010;

10 (2) the Nevada System of Higher Education  
11 serves more than 71,000 undergraduate and grad-  
12 uate students in southern Nevada, with enrollment  
13 in the System expected to grow by 21 percent during  
14 the next 10 years, which would bring enrollment to  
15 a total of 85,000 students in the System;

16 (3) the Nevada System of Higher Education  
17 campuses in southern Nevada comprise 1,200 acres,  
18 one of the smallest land bases of any major higher  
19 education system in the western United States;

20 (4) the University of Nevada, Las Vegas, with  
21 27,903 students and 3,000 faculty and staff, is the  
22 fourth fastest-growing research university in the  
23 United States;

24 (5) the College of Southern Nevada—

25 (A) serves more than 41,000 students each  
26 semester; and

1           (B) is near capacity at each of the 3 urban  
2           campuses of the College;

3           (6) Pahrump, located in rural Nye County, Ne-  
4           vada—

5           (A) has grown by 20 percent since 2000;  
6           and

7           (B) has a small satellite campus of Great  
8           Basin College to serve the 40,500 residents of  
9           Pahrump, Nevada; and

10          (7) the Nevada System of Higher Education  
11          needs additional land to provide for the future  
12          growth of the System, particularly for the University  
13          of Nevada, Las Vegas, the College of Southern Ne-  
14          vada, and the Pahrump campus of Great Basin Col-  
15          lege.

16          (b) PURPOSES.—The purposes of this Act are—

17               (1) to provide additional land for a thriving  
18               higher education system that serves the residents of  
19               fast-growing southern Nevada;

20               (2) to provide residents of the State with great-  
21               er opportunities to pursue higher education and the  
22               resulting benefits, which include increased earnings,  
23               more employment opportunities, and better health;  
24               and

1           ~~(3)~~ to provide communities in southern Nevada  
 2           the economic and societal values of higher education;  
 3           including economic growth, lower crime rates, great-  
 4           er civic participation, and less reliance on social  
 5           services.

6 **SEC. 3. DEFINITIONS.**

7           In this Act:

8           ~~(1)~~ BOARD OF REGENTS.—The term “Board of  
 9           Regents” means the Board of Regents of the Ne-  
 10          vada System of Higher Education.

11          ~~(2)~~ CAMPUSES.—The term “Campuses” means  
 12          the Great Basin College, College of Southern Ne-  
 13          vada, and University of Las Vegas, Nevada, cam-  
 14          puses.

15          ~~(3)~~ FEDERAL LAND.—The term “Federal land”  
 16          means each of the ~~3~~ parcels of Bureau of Land  
 17          Management land identified on the maps as “Parcel  
 18          to be Conveyed”, of which—

19                 ~~(A)~~ approximately 40 acres is to be con-  
 20                 veyed for the College of Southern Nevada;

21                 ~~(B)~~ approximately 2,085 acres is to be  
 22                 conveyed for the University of Nevada, Las  
 23                 Vegas, and

24                 ~~(C)~~ approximately 285 acres is to be con-  
 25                 veyed for the Great Basin College.

1           (4) MAP.—The term “Map” means each of the  
 2       3 maps entitled “Southern Nevada Higher Edu-  
 3       cation Land Act”, dated July 11, 2008, and on file  
 4       and available for public inspection in the appropriate  
 5       offices of the Bureau of Land Management.

6           (5) SECRETARY.—The term “Secretary” means  
 7       the Secretary of the Interior.

8           (6) STATE.—The term “State” means the State  
 9       of Nevada.

10          (7) SYSTEM.—The term “System” means the  
 11       Nevada System of Higher Education.

12   **SEC. 4. CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.**

13       (a) CONVEYANCES.—

14           (1) IN GENERAL.—Notwithstanding section 202  
 15       of the Federal Land Policy and Management Act of  
 16       1976 (43 U.S.C. 1712) and section 1(c) of the Act  
 17       of June 14, 1926 (commonly known as the “Recre-  
 18       ation and Public Purposes Act”) (43 U.S.C. 869(c)),  
 19       and subject to all valid existing rights, the Secretary  
 20       shall—

21           (A) not later than 180 days after the date  
 22       of enactment of this Act, convey to the System,  
 23       without consideration, all right, title, and inter-  
 24       est of the United States in and to the Federal

land for the Great Basin College and the College of Southern Nevada; and

~~(B)~~ not later than 180 days after the receipt of certification of acceptable remediation of environmental conditions existing on the parcel to be conveyed for the University of Nevada, Las Vegas; convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the University of Nevada, Las Vegas.

~~(2)~~ PHASES.—The Secretary may phase the conveyance of the Federal land under paragraph ~~(1)(B)~~ as remediation is completed.

~~(b)~~ CONDITIONS.—

~~(1)~~ IN GENERAL.—As a condition of the conveyance under subsection ~~(a)(1)~~, the Board of Regents shall agree in writing—

~~(A)~~ to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

~~(B)~~ to use the Federal land conveyed for educational and recreational purposes;

~~(C)~~ to release and indemnify the United States from any claims or liabilities that may

1 arise from uses carried out on the Federal land  
 2 on or before the date of enactment of this Act  
 3 by the United States or any person;

4 ~~(D)~~ as soon as practicable after the date of  
 5 the conveyance under subsection (a)(1), to erect  
 6 at each of the Campuses an appropriate and  
 7 centrally located monument that acknowledges  
 8 the conveyance of the Federal land by the  
 9 United States for the purpose of furthering the  
 10 higher education of the citizens in the State;  
 11 and

12 ~~(E)~~ to assist the Bureau of Land Manage-  
 13 ment in providing information to the students  
 14 of the System and the citizens of the State  
 15 on—

16 (i) public land (including the manage-  
 17 ment of public land) in the Nation; and

18 (ii) the role of the Bureau of Land  
 19 Management in managing, preserving, and  
 20 protecting the public land in the State.

21 ~~(2) AGREEMENT WITH NELLIS AIR FORCE~~  
 22 ~~BASE.—~~

23 ~~(A) IN GENERAL.—~~As a precondition of  
 24 the conveyance of the Federal land for the Uni-  
 25 versity of Nevada, Las Vegas under subsection

1           ~~(a)(1)(B)~~, the Board of Regents shall enter into  
 2           a binding interlocal agreement with Nellis Air  
 3           Force Base to preserve the long-term capability  
 4           of Nellis Air Force Base.

5           ~~(B)~~ REQUIREMENTS.—The interlocal  
 6           agreement entered into under subparagraph ~~(A)~~  
 7           and any related master plan shall require the  
 8           mutual assent of the parties to the agreement.

9           ~~(C)~~ LIMITATION.—In no case shall the use  
 10          of the Federal land conveyed under subsection  
 11          ~~(a)(1)(B)~~ compromise the national security mis-  
 12          sion or aviation rights of Nellis Air Force  
 13          Base.

14       ~~(c)~~ USE OF FEDERAL LAND.—

15           ~~(1)~~ IN GENERAL.—The System may use the  
 16          Federal land conveyed under subsection ~~(a)(1)~~ for—

17           ~~(A)~~ any purpose relating to the establish-  
 18          ment, operation, growth, and maintenance of  
 19          the System; and

20           ~~(B)~~ any uses relating to the purposes, in-  
 21          cluding residential and commercial development  
 22          that would generally be associated with an insti-  
 23          tution of higher education.

24          ~~(2)~~ OTHER ENTITIES.—The System may—



1           (A) consistent with Federal and State law,  
 2           lease, or otherwise provide property or space at,  
 3           the Campuses, with or without consideration, to  
 4           religious, public interest, community, or other  
 5           groups for services and events that are of inter-  
 6           est to the System or to any community located  
 7           in southern Nevada;

8           (B) allow any other communities in south-  
 9           ern Nevada to use facilities of the Campuses for  
 10          educational and recreational programs of the  
 11          community; and

12          (C) in conjunction with the city of Las  
 13          Vegas, North Las Vegas, or Pahrump or Clark  
 14          or Nye County plan, finance (including through  
 15          the provision of cost-share assistance), con-  
 16          struct, and operate facilities for the city of Las  
 17          Vegas, North Las Vegas, or Pahrump or Clark  
 18          or Nye County on the Federal land conveyed  
 19          for educational or recreational purposes con-  
 20          sistent with this section.

21       (d) REVERSION.—

22           (1) IN GENERAL.—If the Federal land or any  
 23          portion of the Federal land conveyed under sub-  
 24          section (a)(1) ceases to be used for the System, the  
 25          Federal land, or any portion of the Federal land

1 shall, at the discretion of the Secretary, revert to the  
 2 United States.

3 ~~(2) UNIVERSITY OF NEVADA, LAS VEGAS.—If~~  
 4 the System fails to complete the first building or  
 5 show progression toward development of the Univer-  
 6 sity of Nevada, Las Vegas campus on the applicable  
 7 parcels of Federal land by the date that is 50 years  
 8 after the date of receipt of certification of acceptable  
 9 remediation of environmental conditions, the parcels  
 10 of the Federal land described in section 3(3)(B)  
 11 shall, at the discretion of the Secretary, revert to the  
 12 United States.

13 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums  
 15 as are necessary to carry out this Act.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Southern Nevada Higher*  
 18 *Education Land Act of 2009”.*

19 **SEC. 2. DEFINITIONS.**

20 *In this Act:*

21 *(1) BOARD OF REGENTS.—The term “Board of*  
 22 *Regents” means the Board of Regents of the Nevada*  
 23 *System of Higher Education.*

1           (2) *CAMPUSES.*—*The term “Campuses” means*  
 2           *the Great Basin College, College of Southern Nevada,*  
 3           *and University of Las Vegas, Nevada, campuses.*

4           (3) *FEDERAL LAND.*—*The term “Federal land”*  
 5           *means each of the 3 parcels of Bureau of Land Man-*  
 6           *agement land identified on the maps as “Parcel to be*  
 7           *Conveyed”, of which—*

8                     (A) *approximately 40 acres is to be con-*  
 9                     *veyed for the College of Southern Nevada;*

10                    (B) *approximately 2,085 acres is to be con-*  
 11                    *veyed for the University of Nevada, Las Vegas;*  
 12                    *and*

13                    (C) *approximately 285 acres is to be con-*  
 14                    *veyed for the Great Basin College.*

15           (4) *MAP.*—*The term “Map” means each of the 3*  
 16           *maps entitled “Southern Nevada Higher Education*  
 17           *Land Act”, dated July 11, 2008, and on file and*  
 18           *available for public inspection in the appropriate of-*  
 19           *fices of the Bureau of Land Management.*

20           (5) *SECRETARY.*—*The term “Secretary” means*  
 21           *the Secretary of the Interior.*

22           (6) *STATE.*—*The term “State” means the State*  
 23           *of Nevada.*

24           (7) *SYSTEM.*—*The term “System” means the Ne-*  
 25           *vada System of Higher Education.*

1 **SEC. 3. CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.**

2 (a) CONVEYANCES.—

3 (1) *IN GENERAL.*—Notwithstanding section 202  
4 of the Federal Land Policy and Management Act of  
5 1976 (43 U.S.C. 1712) and section 1(c) of the Act of  
6 June 14, 1926 (commonly known as the “Recreation  
7 and Public Purposes Act”) (43 U.S.C. 869(c)), and  
8 subject to all valid existing rights, the Secretary  
9 shall—

10 (A) not later than 180 days after the date  
11 of enactment of this Act, convey to the System,  
12 without consideration, all right, title, and inter-  
13 est of the United States in and to the Federal  
14 land for the Great Basin College and the College  
15 of Southern Nevada; and

16 (B) on the receipt of certification of accept-  
17 able remediation of environmental conditions ex-  
18 isting on the parcel to be conveyed for the Uni-  
19 versity of Nevada, Las Vegas, convey to the Sys-  
20 tem, without consideration, all right, title, and  
21 interest of the United States in and to the Fed-  
22 eral land for the University of Nevada, Las  
23 Vegas.

24 (2) *PHASES.*—The Secretary may phase the con-  
25 veyance of the Federal land under paragraph (1)(B)  
26 as remediation is completed.

1       (b) *CONDITIONS.*—

2               (1) *IN GENERAL.*—*As a condition of the convey-*  
 3       *ance under subsection (a)(1), the Board of Regents*  
 4       *shall agree in writing—*

5               (A) *to pay any administrative costs associ-*  
 6       *ated with the conveyance, including the costs of*  
 7       *any environmental, wildlife, cultural, or histor-*  
 8       *ical resources studies;*

9               (B) *to use the Federal land conveyed for*  
 10       *educational and recreational purposes;*

11              (C) *to release and indemnify the United*  
 12       *States from any claims or liabilities that may*  
 13       *arise from uses carried out on the Federal land*  
 14       *on or before the date of enactment of this Act by*  
 15       *the United States or any person;*

16              (D) *as soon as practicable after the date of*  
 17       *the conveyance under subsection (a)(1), to erect*  
 18       *at each of the Campuses an appropriate and cen-*  
 19       *trally located monument that acknowledges the*  
 20       *conveyance of the Federal land by the United*  
 21       *States for the purpose of furthering the higher*  
 22       *education of the citizens in the State; and*

23              (E) *to assist the Bureau of Land Manage-*  
 24       *ment in providing information to the students of*  
 25       *the System and the citizens of the State on—*

1                   (i) *public land (including the manage-*  
2                   *ment of public land) in the Nation; and*

3                   (ii) *the role of the Bureau of Land*  
4                   *Management in managing, preserving, and*  
5                   *protecting the public land in the State.*

6           (2) *NELLIS AIR FORCE BASE.—*

7                   (A) *IN GENERAL.—The Federal land con-*  
8                   *veyed to the System under this Act shall be used*  
9                   *in accordance with the agreement entitled the*  
10                  *“Cooperative Interlocal Agreement between the*  
11                  *Board of Regents of the Nevada System of High-*  
12                  *er Education, on Behalf of the University of Ne-*  
13                  *vada, Las Vegas, and the 99th Air Base Wing,*  
14                  *Nellis Air Force Base, Nevada” and dated June*  
15                  *19, 2009.*

16                  (B) *MODIFICATIONS.—Any modifications to*  
17                  *the interlocal agreement described in subpara-*  
18                  *graph (A) and any related master plan shall re-*  
19                  *quire the mutual assent of the parties to the*  
20                  *agreement.*

21                  (C) *LIMITATION.—In no case shall the use*  
22                  *of the Federal land conveyed under subsection*  
23                  *(a)(1)(B) compromise the national security mis-*  
24                  *sion or aviation rights of Nellis Air Force Base.*

25           (c) *USE OF FEDERAL LAND.—*

1           (1) *IN GENERAL.*—*The System may use the Federal land conveyed under subsection (a)(1) for—*

3                   (A) *any educational or public purpose relating to the establishment, operation, growth, and maintenance of the System, including—*

6                           (i) *educational facilities;*

7                           (ii) *housing for students, employees of the System, and educators;*

9                           (iii) *student life and recreational facilities, public parks, and open space;*

11                          (iv) *university and college medical and health facilities; and*

13                          (v) *research facilities; and*

14                   (B) *any other public purpose that would generally be associated with an institution of higher education, consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).*

20           (2) *OTHER ENTITIES.*—*The System may—*

21                   (A) *consistent with Federal and State law, lease, or otherwise provide property or space at, the Campuses, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest*

1           *to the System or to any community located in*  
 2           *southern Nevada;*

3                   *(B) allow any other communities in south-*  
 4           *ern Nevada to use facilities of the Campuses for*  
 5           *educational and recreational programs of the*  
 6           *community; and*

7                   *(C) in conjunction with the city of Las*  
 8           *Vegas, North Las Vegas, or Pahrump or Clark or*  
 9           *Nye County plan, finance (including through the*  
 10          *provision of cost-share assistance), construct, and*  
 11          *operate facilities for the city of Las Vegas, North*  
 12          *Las Vegas, or Pahrump or Clark or Nye County*  
 13          *on the Federal land conveyed for educational or*  
 14          *recreational purposes consistent with this sec-*  
 15          *tion.*

16          *(d) REVERSION.—If the Federal land or any portion*  
 17          *of the Federal land conveyed under subsection (a)(1) ceases*  
 18          *to be used for the System in accordance with the Act, the*  
 19          *Federal land, or any portion of the Federal land shall, at*  
 20          *the discretion of the Secretary, revert to the United States.*

21   **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

22          *There are authorized to be appropriated such sums as*  
 23          *are necessary to carry out this Act.*





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11<sup>TH</sup> CONGRESS  
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[Report No. 111-136]

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Reported with an amendment