

106TH CONGRESS
2D SESSION

H. R. 3638

To require the Secretary of the Interior to fulfill his obligation to transfer additional Federal lands to the State of Arizona as required by the Arizona-New Mexico Enabling Act of June 20, 1910.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2000

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

A BILL

To require the Secretary of the Interior to fulfill his obligation to transfer additional Federal lands to the State of Arizona as required by the Arizona-New Mexico Enabling Act of June 20, 1910.

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 “Arizona Education
5 Trust Restoration Act”.

1 **SEC. 2. CONVEYANCE OF LAND TO THE STATE OF ARIZONA**
2 **TO COMPLY WITH ARIZONA STATEHOOD ENA-**
3 **BLING ACT.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) Pursuant to the Act of June 20, 1910 (36
6 Stat. 557; in this section referred to as the Arizona-
7 New Mexico Enabling Act), the State of Arizona was
8 granted certain lands upon becoming one of the sev-
9 eral States.

10 (2) The Arizona-New Mexico Enabling Act re-
11 quires that the lands granted to the State of Arizona
12 pursuant to the Act be held in trust by the State for
13 the benefit of the State's schoolchildren.

14 (3) The income derived from economic activities
15 on these State trust lands plays a vital role in fund-
16 ing public education in Arizona.

17 (4) The Federal Government has failed to
18 transfer approximately 22,000 acres of the land
19 specified by the Arizona-New Mexico Enabling Act
20 to the State of Arizona.

21 (5) The failure of the Federal Government to
22 fulfill its obligation to transfer this land has been
23 documented in an audit conducted by the State of
24 Arizona Land Department.

25 (6) The failure to fully comply with the require-
26 ments of the Arizona-New Mexico Enabling Act is

1 depriving Arizona’s schoolchildren of funds to which
2 they are legally entitled by virtue of the Act.

3 (b) IDENTIFICATION OF FEDERAL LANDS FOR
4 TRANSFER.—The Secretary of the Interior shall enter into
5 immediate consultations with the State of Arizona Land
6 Department and the State of Arizona Selection Board (in
7 this section referred to as the “Land Department” and
8 “Selection Board”, respectively) to identify Federal lands
9 in the State of Arizona totaling approximately 22,000
10 acres that are under the jurisdiction of the Secretary of
11 the Interior and are suitable for transfer to the State of
12 Arizona. The exact acreage to be identified under this sub-
13 section shall be based on an audit of earlier land transfers
14 conducted by the Land Department.

15 (c) TRANSFER OF IDENTIFIED LANDS.—Upon identi-
16 fication of the lands referred to in subsection (b), the Sec-
17 retary of the Interior shall transfer the lands to the State
18 of Arizona to be held in trust pursuant to the Arizona-
19 New Mexico Enabling Act. The Secretary shall complete
20 the transfer of all identified lands within 18 months after
21 the date of the enactment of this Act.

22 (d) EFFECT OF FAILURE TO TRANSFER.—If the Sec-
23 retary of the Interior fails to identify sufficient lands for
24 transfer under subsection (b) or fails to complete the
25 transfer required by subsection (c) within the time period

1 specified in such subsection, the Land Department, in con-
2 junction with the Selection Board, may select and take
3 ownership of such Federal lands in the State of Arizona
4 under the jurisdiction of the Secretary of the Interior and
5 administered by the Bureau of Land Management as may
6 be necessary to ensure that the total acreage transferred
7 under subsection (c) and claimed under this subsection
8 equals 22,000 acres.

9 **SEC. 3. CONSTITUTIONAL AUTHORITY TO ENACT THIS LEG-**
10 **ISLATION.**

11 The Constitutional authority on which this Act rests
12 is the power of the Congress to dispose of and make all
13 needful Rules and Regulations respecting the Territory or
14 other Property belonging to the United States, as enumer-
15 ated in clause 2 of section 3 of Article IV of the United
16 States Constitution.

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