

106TH CONGRESS  
1ST SESSION

# S. 1338

Entitled the “Military Lands Withdrawal Act of 1999”.

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IN THE SENATE OF THE UNITED STATES

JULY 1, 1999

Mr. MURKOWSKI (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

Entitled the “Military Lands Withdrawal Act of 1999”.

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 “Military Lands With-  
5       drawal Act of 1999”.

6       **SEC. 2. CONGRESSIONAL DECLARATION OF POLICY.**

7       The Congress declares it to be the policy of the  
8       United States, as of the date of enactment of this Act,  
9       that the public lands withdrawn and reserved by this Act  
10      are necessary to ensure the preparedness of this Nation’s  
11      armed forces. It is further the policy of the United States  
12      that these public lands remain available for public use to

1 the extent practicable, consistent with the military uses  
 2 for which this withdrawal and reservation is established.  
 3 Recognizing that these lands are withdrawn from all forms  
 4 of appropriation under the general land laws, and shall  
 5 be available for return to the public domain following their  
 6 period of military use, the statutory principles under  
 7 which public lands are managed by the Secretary of the  
 8 Interior shall be given due consideration during the period  
 9 of withdrawal and reservation.

10 **SEC. 3. PUBLIC LAW 99-606 TERMINATION.**

11 Except as otherwise provided, the withdrawals made  
 12 by Public Law 99-606 shall terminate upon enactment of  
 13 the Act.

14 **TITLE I—NAVAL AIR STATION**  
 15 **FALLON RANGES, NEVADA**

16 **SEC. 101. WITHDRAWAL AND RESERVATION.**

17 (a) WITHDRAWAL.—Subject to valid existing rights  
 18 and except as otherwise provided in this title—

19 (1) all lands and interests in lands within the  
 20 boundaries established at the B-16, B-17, B-19,  
 21 and B-20 Ranges, referred to in subsection (c) of  
 22 this section, are hereby withdrawn from all forms of  
 23 appropriation under the general land laws, including  
 24 the mining, mineral leasing and geothermal leasing  
 25 laws;

1           (2) all lands and interests in lands within the  
2           boundaries established at the Dixie Valley Training  
3           Area, referred to in subsection (c) of this section,  
4           are hereby withdrawn from all forms of appropria-  
5           tion under the general land laws, including the min-  
6           ing and geothermal leasing laws, but not the mineral  
7           leasing laws; and

8           (3) jurisdiction over such lands and interest in  
9           lands withdrawn and reserved by this title is hereby  
10          transferred to the Secretary of the Navy.

11          (b) RESERVATION.—The lands withdrawn under sub-  
12          section (a) of this section are reserved for use by the Sec-  
13          retary of the Navy for:

14               (1) testing and training for aerial bombing,  
15               missile firing, tactical maneuvering and air support,  
16               and integrated air/ground training; and

17               (2) other defense-related purposes consistent  
18               with the purposes specified in this subsection.

19          (c) LAND DESCRIPTION.—The public lands and in-  
20          terests in lands withdrawn and reserved by this section  
21          comprise approximately 204,953 acres of land in Churchill  
22          County, Nevada, as generally depicted as “Proposed With-  
23          drawal Land” and “Existing Withdrawals” on the map  
24          entitled “Naval Air Station Fallon Ranges—Proposed  
25          Withdrawal of Public Lands for Range Safety and Train-

1 ing Purposes,” dated May 25, 1999, and filed in accord-  
2 ance with section 2 of this title.

3 (d) RELATIONSHIP TO OTHER RESERVATIONS.—

4 (1) To the extent the withdrawal and reserva-  
5 tion made by this title for the B-16 Range with-  
6 draws lands currently withdrawn and reserved for  
7 use by the Bureau of Reclamation, the reservation  
8 made by this title shall be the primary reservation  
9 for public safety management actions only and the  
10 existing Bureau of Reclamation reservation shall be  
11 primary for all other management actions.

12 (2) The Department of Energy shall remain re-  
13 sponsible and liable for the subsurface estate and all  
14 its activities at the “Shoal Site” withdrawn and re-  
15 served by Public Land Order Number 2771, as  
16 amended by Public Land Order Number 2834. The  
17 Secretary of the Navy shall be responsible for the  
18 management and use of the surface estate at the  
19 “Shoal Site” pursuant to the withdrawal and res-  
20 ervation made by this title.

21 (e) CHANGES IN USE.—The Secretary of the Navy  
22 shall consult with the Secretary of the Interior prior to  
23 using the lands withdrawn and reserved by this title for  
24 any purpose other than those purposes identified in sub-  
25 section (b) of this section.

1 (f) INDIAN TRIBES.—Nothing in this title shall be  
2 construed as altering any rights reserved for Indians by  
3 treaty or Federal law.

4 **SEC. 102. MAP AND LEGAL DESCRIPTION.**

5 (a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the effective date of  
6 this Act, the Secretary of the Interior shall—  
7

8 (1) publish in the Federal Register a notice  
9 containing the legal description of the lands with-  
10 drawn and reserved by this title; and

11 (2) file a map or maps and the legal description  
12 of the lands withdrawn and reserved by this title  
13 with the Committee on Energy and Natural Re-  
14 sources of the United States Senate and with the  
15 Committee on Resources of the United States House  
16 of Representatives.

17 (b) LEGAL EFFECT.—Such legal description shall  
18 have the same force and effect as if it were included in  
19 this title: *Provided*, That the Secretary of the Interior may  
20 correct clerical and typographical errors in such legal de-  
21 scription. The maps filed under this section shall support  
22 the legal description, without independent legal effect.

23 (c) AVAILABILITY.—Copies of the map or maps and  
24 the legal description shall be available for public inspection  
25 in the offices of the Nevada State Director and Carson

1 City Field Office Manager of the Bureau of Land Manage-  
2 ment and the Office of the Commander, Naval Air Station,  
3 Fallon, Nevada.

4 (d) COSTS.—The Secretary of the Navy shall reim-  
5 burse the Secretary of the Interior for the costs incurred  
6 by the Secretary of the Interior in implementing this sec-  
7 tion.

8 **SEC. 103. MANAGEMENT OF WITHDRAWN AND RESERVED**  
9 **LANDS.**

10 (a) GENERAL MANAGEMENT AUTHORITY.—During  
11 the period of withdrawal and reservation made by this  
12 title, the Secretary of the Navy shall manage the lands  
13 withdrawn and reserved by this title for the military pur-  
14 poses specified in section 1 of this title, and in accordance  
15 with the integrated natural resource management plan  
16 prepared pursuant to subsection (c) of this section: *Pro-*  
17 *vided, however,* That responsibility for natural and cultural  
18 resources management and the enforcement of Federal  
19 laws related thereto shall not transfer before the inte-  
20 grated natural resources management plan as required by  
21 subsection (c) of this section is completed or November  
22 1, 2001, whichever comes first: *And provided further,* That  
23 the Secretary of the Interior may, if appropriate, effect  
24 the transfer of responsibility for natural and cultural re-

1 sources to the Department of the Interior pursuant to sub-  
2 section (i) of this section.

3 (b) ACCESS RESTRICTIONS.—

4 (1) If the Secretary of the Navy determines  
5 that military operations, public safety, or national  
6 security require the closure to the public of any  
7 road, trail, or other portion of the lands withdrawn  
8 and reserved by this title, the Secretary of the Navy  
9 is authorized to take such action as the Secretary of  
10 the Navy determines necessary or desirable to effect  
11 and maintain such closure.

12 (2) Any such closure shall be limited to the  
13 minimum areas and periods that the Secretary of  
14 the Navy determines are required for the purposes  
15 specified in this subsection. Prior to any non-emer-  
16 gency closure not specified in the integrated natural  
17 resources management plan required by subsection  
18 (c) of this section, the Secretary of the Navy shall  
19 consult with the Secretary of the Interior and, where  
20 any such closure may affect tribal lands, treaty  
21 rights, or sacred sites, the Secretary of the Navy  
22 shall consult, at the earliest practicable time, with  
23 affected Indian tribes.

24 (3) Immediately preceding and during any clo-  
25 sure under this subsection, the Secretary of the

1 Navy shall post appropriate warning notices and  
2 take other steps, as necessary, to notify the public  
3 of the closure.

4 (c) INTEGRATED NATURAL RESOURCES MANAGE-  
5 MENT PLAN.—Within two (2) years of the date of enact-  
6 ment of this title, the Secretary of the Navy and the Sec-  
7 retary of the Interior shall jointly prepare an integrated  
8 natural resources management plan for the lands with-  
9 drawn and reserved by this title: *Provided, however,* That  
10 any disagreement concerning the contents of the plan (or  
11 any subsequent amendments to the plan) shall be resolved  
12 by the Secretary of the Navy, after consultation with the  
13 Secretary of the Interior through the State Director, Bu-  
14 reau of Land Management and, as appropriate, the Re-  
15 gional Director, United States Fish and Wildlife Service.  
16 This authority may be delegated to the installation com-  
17 mander. In all other respects, the plan shall be prepared  
18 and implemented in accordance with the Sikes Act (16  
19 U.S.C. § 670a et seq.) and the requirements of this section  
20 and shall—

21 (1) include provisions for proper management  
22 and protection of the natural and cultural resources,  
23 and for sustainable use by the public of such re-  
24 sources to the extent consistent with the military



1 purposes for which the lands are withdrawn and re-  
2 served;

3 (2) be developed in consultation with affected  
4 Indian tribes and shall include provisions that ad-  
5 dress how the Secretary of the Navy intends to—

6 (A) meet the United States' trust respon-  
7 sibilities with respect to Indian tribes, lands,  
8 and rights reserved by treaty or Federal law af-  
9 fected by the withdrawal and reservation;

10 (B) allow access to and ceremonial use of  
11 Indian sacred sites to the extent consistent with  
12 the military purposes for which the lands are  
13 withdrawn and reserved; and

14 (C) provide for timely consultation with af-  
15 fected Indian tribes;

16 (3) provide that any hunting, fishing, and trap-  
17 ping on the lands withdrawn and reserved by this  
18 title shall be conducted in accordance with the provi-  
19 sions of 10 U.S.C. § 2671;

20 (4) provide for livestock grazing and agricul-  
21 tural out-leasing, if appropriate, in accordance with  
22 10 U.S.C. § 2667 and at the discretion of the Sec-  
23 retary of the Navy;

24 (5) identify current test and target impact  
25 areas and related buffer or safety zones;

1           (6) provide that the Secretary of the Navy shall  
2       take necessary actions to prevent, suppress, and  
3       manage brush and range fires occurring within the  
4       boundaries of the Naval Air Station Fallon Ranges,  
5       as well as brush and range fires occurring outside  
6       the boundaries of the Naval Air Station Fallon  
7       Ranges resulting from military activities. Notwith-  
8       standing the provisions of 10 U.S.C. § 2465, the  
9       Secretary of the Navy may obligate funds appro-  
10      priated or otherwise available to the Secretary to  
11      enter into memoranda of understanding, cooperative  
12      agreements, and contracts for fire fighting that shall  
13      reimburse the Secretary of the Interior for costs in-  
14      curred under this subsection;

15           (7) provide that all gates, fences, and barriers  
16      constructed after the enactment of this title shall be  
17      designed and erected to allow wildlife access, to the  
18      extent practicable and consistent with military secu-  
19      rity, safety, and sound wildlife management use;

20           (8) incorporate any existing management plans  
21      pertaining to the lands withdrawn and reserved by  
22      this title, to the extent that the Secretary of the  
23      Navy and the Secretary of the Interior, upon review-  
24      ing any such plans, mutually determine that incorpo-

1       ration into a plan pursuant to this section is appro-  
2       priate;

3           (9) include procedures to ensure that the peri-  
4       odic reviews of the plan required by the Sikes Act  
5       are conducted jointly by the Secretary of the Navy  
6       and the Secretary of the Interior, and that affected  
7       states and Indian tribes, and the public are provided  
8       a meaningful opportunity to comment upon any sub-  
9       stantial revisions to the plan that may be proposed;  
10      and

11           (10) provide procedures to amend the plan as  
12      necessary.

13      (d) MEMORANDA OF UNDERSTANDING AND COOPER-  
14      ATIVE AGREEMENTS.—The Secretary of the Navy may  
15      enter into memoranda of understanding or cooperative  
16      agreements with the Secretary of the Interior or other ap-  
17      propriate Federal, State, or local agencies, Indian tribes,  
18      or other public or private organizations or institutions, as  
19      necessary to implement the integrated natural resources  
20      management plan prepared pursuant to this section. Any  
21      memorandum of understanding or cooperative agreement  
22      affecting integrated natural resources management may  
23      be combined, where appropriate, with any other memo-  
24      randum of understanding or cooperative agreement en-  
25      tered into to implement this title, and shall not be subject

1 to the provisions of the Federal Grant and Cooperative  
2 Agreement Act of 1977 (31 U.S.C. §§ 6301–6308).

3 (e) MANAGEMENT OF MINERAL RESOURCES.—On  
4 lands open to the operation of the mineral leasing laws,  
5 the Secretary of the Interior shall manage all leasing of  
6 mineral resources, in accordance with existing law.

7 (f) USE OF MINERAL MATERIALS.—Notwithstanding  
8 any other provisions of this title or the Materials Act of  
9 1947 (30 U.S.C. §§ 601 et seq.), the Secretary of the Navy  
10 may use sand, gravel, or similar mineral material re-  
11 sources of the type subject to disposition under the Mate-  
12 rials Act from the lands withdrawn and reserved by this  
13 title: *Provided*, That use of such resources is required for  
14 construction needs of the Fallon Range Training Complex.

15 (g) PUBLIC REPORTS.—

16 (1) Concurrent with each review of the inte-  
17 grated natural resources management plan pursuant  
18 to paragraph (c)(9) of this section, the Secretary of  
19 the Navy and the Secretary of the Interior shall  
20 jointly prepare and issue a report describing changes  
21 in the condition of the public lands withdrawn and  
22 reserved by this title from the later of the date of  
23 any previous report under this subsection or the date  
24 of the environmental impact statement prepared to  
25 support this title. In addition, this report shall in-

1       clude a summary of current military use; any  
2       changes in military use since the previous report; and  
3       efforts related to the management of natural and  
4       cultural resources and environmental remediation  
5       during the previous five (5) years. This report may  
6       be combined with any report required by the Sikes  
7       Act. Any disagreements concerning the contents of  
8       this report shall be resolved by the Secretary of the  
9       Navy. This authority may be delegated to the instal-  
10      lation commander.

11           (2) Prior to its finalization, the Secretary of the  
12      Navy and the Secretary of the Interior shall invite  
13      interested members of the public to review and com-  
14      ment upon the report and shall hold at least one  
15      public meeting concerning the report in a location or  
16      locations reasonably accessible to those persons who  
17      may be affected by management of the lands with-  
18      drawn and reserved by this title. The public meeting  
19      shall be announced no fewer than 15 days prior to  
20      the meeting date by advertisements in local news-  
21      papers of general circulation, by publishing an an-  
22      nouncement in the Federal Register, and by any  
23      other means deemed necessary.

1           (3) Final reports shall be made available to the  
2       public and submitted to appropriate committees of  
3       Congress.

4       (h)   INTERGOVERNMENTAL   EXECUTIVE   COM-  
5   MITTEE.—Within two (2) years of the date of the enact-  
6   ment of this title, the Secretary of the Navy and the Sec-  
7   retary of the Interior shall, by memorandum of under-  
8   standing, establish an intergovernmental executive com-  
9   mittee, comprised of selected representatives from inter-  
10   ested Federal agencies, as well as elected officers (or other  
11   authorized representatives) from State governments and  
12   elected officers (or other authorized representatives) from  
13   such local and tribal governments as may be designated  
14   at the discretion of the Secretary of the Navy and the Sec-  
15   retary of the Interior. The intergovernmental executive  
16   committee shall be established solely for the purposes of  
17   exchanging views, information, and advice relating to the  
18   management of natural and cultural resources on the af-  
19   fected public lands. The intergovernmental executive com-  
20   mittee shall operate in accordance with the terms set forth  
21   in a memorandum of understanding that shall specify  
22   those Federal agencies and elected officers or representa-  
23   tives of State, local, and tribal governments to be invited  
24   to participate. The memorandum of understanding shall  
25   establish procedures for creating a forum for exchanging

1 views, information, and advice relating to the management  
2 of natural and cultural resources on affected public lands,  
3 procedures for rotating the Chair of the intergovernmental  
4 executive committee, and procedures for scheduling reg-  
5 ular meetings. The Secretary of the Navy may, in con-  
6 sultation with the Secretary of the Interior, appoint an  
7 individual to serve as Committee Coordinator. The duties  
8 of the Coordinator shall be included in the memorandum  
9 of understanding. The Coordinator shall not be a member  
10 of the committee.

11 (i) TRANSFER OF MANAGEMENT RESPONSIBILITY.—

12 (1) If the Secretary of the Interior determines  
13 that the Secretary of the Navy has failed to manage  
14 the lands withdrawn and reserved by this title for  
15 military purposes in accordance with the integrated  
16 natural resource management plan, and that the  
17 failure to do so is resulting in significant degrada-  
18 tion of the natural or cultural resources of such  
19 lands, the Secretary of the Interior shall give the  
20 Secretary of the Navy written notice of such deter-  
21 mination, a description of the deficiencies in the  
22 management practices by the Secretary of the Navy,  
23 and an explanation of the methodology employed in  
24 reaching the determination. Within 60 days of the  
25 date such notification is received, the Secretary of

1 the Navy shall submit a response to the Secretary  
2 of the Interior, which response may include a plan  
3 of action for addressing any identified deficiencies in  
4 the conduct of management responsibility and for  
5 preventing further significant degradation of the  
6 natural or cultural resources. If, no earlier than  
7 three months after the date the notification is re-  
8 ceived, the Secretary of the Interior determines that  
9 the deficiencies are not being corrected, and that  
10 significant degradation of the natural or cultural re-  
11 sources is continuing, then the Secretary of the Inte-  
12 rior may effect transfer of the management responsi-  
13 bility for the natural and cultural resources of such  
14 lands from the Secretary of the Navy to the Sec-  
15 retary of the Interior, in accordance with a schedule  
16 for such transfer to be established by the Secretary  
17 of the Interior.

18 (2) After a transfer of management responsi-  
19 bility pursuant to paragraph (1) of this section, the  
20 Secretary of the Interior may transfer management  
21 responsibility back to the Secretary of the Navy if  
22 the Secretary of the Interior determines that ade-  
23 quate procedures and plans have been established to  
24 ensure that the lands withdrawn and reserved would  
25 be adequately managed by the Secretary of the Navy



1 in accordance with the integrated natural resources  
2 management plan.

3 (3) For any period during which the Secretary  
4 of the Interior has management responsibility for  
5 the lands withdrawn and reserved pursuant to this  
6 section, the integrated natural resources manage-  
7 ment plan established pursuant to subsection (c) of  
8 this section, including any amendments to the plan,  
9 shall remain in effect, pending the development of  
10 a management plan prepared pursuant to the Fed-  
11 eral Land Policy and Management Act of 1976, in  
12 cooperation with the Secretary of the Navy.

13 (4) Assumption by the Secretary of the Interior  
14 pursuant to this subsection of management responsi-  
15 bility for the natural and cultural resources of the  
16 land withdrawn and reserved shall not affect the use  
17 of these lands for military purposes, and the Sec-  
18 retary of the Navy shall continue to direct military  
19 activities on these lands.

20 (j) PAYMENT FOR SERVICES.—The Secretary of the  
21 Navy shall assume all costs for implementation of the inte-  
22 grated natural resources management plan, including pay-  
23 ment to the Secretary of the Interior under section 1535  
24 of title 31, United States Code, for any costs the Secretary  
25 of the Interior incurs in providing goods or services to as-

1 sist the Secretary of the Navy in the implementation of  
2 the integrated natural resources management plan.

3 (k) DEFINITIONS.—For the purposes of this Title:

4 (1) The term “Indian tribe” means an Indian  
5 or Alaska Native tribe, band, nation, pueblo, village,  
6 or community that the Secretary of the Interior ac-  
7 knowledges to exist as an Indian tribe pursuant to  
8 the Federally Recognized Indian Tribe List Act of  
9 1994.

10 (2) The term “sacred site” means any specific,  
11 discrete, narrowly delineated location on Federal  
12 land that is identified by an Indian tribe, or its des-  
13 ignee, as sacred by virtue of its established religious  
14 significance to, or ceremonial use by, an Indian reli-  
15 gion, but only to the extent that the tribe or its des-  
16 ignee has informed the Secretary of the Navy of the  
17 existence of such a site. Neither the Secretary of the  
18 Department of Defense, the Secretary of the Navy,  
19 nor the Secretary of the Interior shall be required  
20 under 5 U.S.C. § 552 to make available to the public  
21 any information concerning the location, character,  
22 or use of any traditional Indian religious or sacred  
23 site located on lands withdrawn and reserved by this  
24 title.

1 **SEC. 104. WATER RIGHTS.**

2 (a) Nothing in this title shall be construed to estab-  
3 lish a reservation in favor of the United States with re-  
4 spect to any water or water right on the lands withdrawn  
5 and reserved by this title.

6 (b) This section may not be construed to affect any  
7 water rights acquired by the United States before the date  
8 of the enactment of this Act.

9 **SEC. 105. ENVIRONMENTAL REQUIREMENTS.**

10 (a) DURING WITHDRAWAL AND RESERVATION.—  
11 Throughout the duration of the withdrawal and reserva-  
12 tion made by this title (including the duration of any re-  
13 newal or extension), and with respect both to those activi-  
14 ties undertaken by the Secretary of the Navy on the lands  
15 withdrawn and reserved by this title and to all activities  
16 occurring on such lands during such times as the Sec-  
17 retary of the Navy may exercise management jurisdiction  
18 over the lands withdrawn and reserved by this title, the  
19 Secretary of the Navy shall—

20 (1) be responsible for and pay all costs related  
21 to, the Department of the Navy's compliance with  
22 applicable Federal, State, and local environmental  
23 laws, regulations, rules, and standards;

24 (2) carry out and maintain in accordance with  
25 the requirements of all regulations, rules, and stand-  
26 ards issued by the Department of Defense pursuant

1 to its authorities under the Defense Environmental  
 2 Restoration Program (10 U.S.C. §§ 2701 et seq.),  
 3 the Department of Defense Explosives Safety Board  
 4 (10 U.S.C. § 172), and Executive Order 12580, a  
 5 program to address:

6 (A) any release or a substantial threat of  
 7 a release attributable to military munitions (in-  
 8 cluding unexploded ordnance) or other constitu-  
 9 ents, and

10 (B) any release or a substantial threat of  
 11 a release, regardless of its source, occurring on  
 12 or emanating from the lands withdrawn and re-  
 13 served by this title during the period of with-  
 14 drawal and reservation; and

15 (3) provide to the Secretary of the Interior a  
 16 copy of any report prepared by the Secretary of the  
 17 Navy pursuant to any Federal, State, or local envi-  
 18 ronmental laws, regulations, rules, and standards.

19 (b) PRIOR TO RELINQUISHMENT OR TERMI-  
 20 NATION.—

21 (1) ENVIRONMENTAL REVIEW.—Upon notifying  
 22 the Secretary of the Interior that the Secretary of  
 23 the Navy intends, pursuant to section 8 of this title,  
 24 to relinquish jurisdiction over the lands withdrawn  
 25 and reserved by this title, the Secretary of the Navy

1 shall provide to the Secretary of the Interior an en-  
2 vironmental baseline survey, military range assess-  
3 ment, or other environmental review characterizing  
4 the environmental condition of the land, air, and  
5 water resources affected by the activities undertaken  
6 by the Secretary of the Navy on and over the lands  
7 withdrawn and reserved by this title. If hazardous  
8 substances were stored for one (1) year or more,  
9 known to have been released or disposed of, or if a  
10 substantial threat of a release exists, on the lands  
11 withdrawn and reserved by this title, any such envi-  
12 ronmental review shall include notice of the type and  
13 quantity of such hazardous substances, and notice of  
14 the time during which such storage, release, sub-  
15 stantial threat of a release, or disposal took place.

16 (2) MEMORANDUM OF UNDERSTANDING.—In  
17 addition to the provisions of this section, the Sec-  
18 retary of the Navy and the Secretary of the Interior  
19 may enter into a memorandum of understanding to  
20 implement the environmental remediation require-  
21 ments of this title. This memorandum of under-  
22 standing may include appropriate, technically fea-  
23 sible, and mutually acceptable cleanup standards  
24 that both Secretaries believe environmental remedi-  
25 ation activities shall achieve, as well as a schedule

1 for completing such activities: *Provided*, That such  
2 cleanup standards shall be consistent with any le-  
3 gally applicable or relevant and appropriate stand-  
4 ard, requirement, criteria, or limitation otherwise re-  
5 quired by law.

6 (3) ENVIRONMENTAL REMEDIATION.—With re-  
7 spect to lands to be relinquished pursuant to section  
8 8 of this title, the Secretary of the Navy shall take  
9 all actions necessary to address any release or sub-  
10 stantial threat of a release, regardless of its source,  
11 occurring on or emanating from such lands during  
12 the period of withdrawal and reservation effected by  
13 this Act. To the extent practicable, all such response  
14 actions shall be taken before the termination of such  
15 withdrawal and reservation.

16 (4) CONSULTATION.—If the Secretary of the  
17 Interior accepts the relinquishment of jurisdiction  
18 over any of the lands withdrawn and reserved by  
19 this title before all necessary response actions have  
20 been completed, the Secretary of the Interior shall  
21 consult with the Secretary of the Navy before under-  
22 taking or authorizing any activities on the with-  
23 drawn and reserved lands that may affect existing  
24 releases, interfere with the installation, maintenance,  
25 or operation of any response action or expose any

1 person to a safety or health risk associated with ei-  
2 ther the release or the response action being under-  
3 taken.

4 (c) RESPONSIBILITY AND LIABILITY.—The Secretary  
5 of the Navy, and not the Secretary of the Interior, shall  
6 be responsible for and conduct the necessary remediation  
7 of all releases or substantial threats of release, whether  
8 located on or emanating from lands withdrawn and re-  
9 served by this title, and whether known at the time of re-  
10 linquishment or termination or subsequently discovered,  
11 attributable to either the Secretary of the Navy's manage-  
12 ment of the lands withdrawn and reserved by this title,  
13 or the use, management, storage, release, treatment, or  
14 disposal of hazardous materials, hazardous substances,  
15 hazardous wastes, pollutants, contaminants, petroleum  
16 products and their derivatives, military munitions, or  
17 other constituents on the lands withdrawn and reserved  
18 by this title. This responsibility shall include the liability  
19 for any costs or claims asserted against the United States  
20 for such activities. Nothing in this paragraph is intended  
21 to prevent the United States from bringing a cost recov-  
22 ery, contribution, or other action against third persons or  
23 parties the Secretary of the Navy reasonably believes may  
24 have contributed to a release or substantial threat of a  
25 release.

1       (d) OTHER FEDERAL AGENCIES.—If the Secretary  
2 of the Navy delegates responsibility or jurisdiction to an-  
3 other Federal agency, or permits another Federal agency  
4 to operate on the lands withdrawn and reserved by this  
5 title, the Secretary of the Navy shall retain all responsi-  
6 bility and liability described in subsection (c) of this sec-  
7 tion that is not assumed by that Federal agency to whom  
8 the Secretary of the Navy has granted responsibility, juris-  
9 diction or permission.

10       (e) DEFINITIONS.—For the purposes of this Title:

11           (1) The term “military munitions” means all  
12 ammunition products and components produced or  
13 used by or for the U.S. Department of Defense or  
14 the U.S. Armed Services for national defense and se-  
15 curity, including military munitions under the con-  
16 trol of the Department of Defense, the U.S. Coast  
17 Guard, the U.S. Department of Energy and Na-  
18 tional Guard personnel. The term military munitions  
19 includes: confined gaseous, liquid, and solid propel-  
20 lants, explosives, pyrotechnics, chemical and riot  
21 control agents, smokes, and incendiaries used by and  
22 for Department of Defense components, including  
23 bulk explosives and chemical warfare agents, chem-  
24 ical munitions, rockets, guided and ballistic missiles,  
25 bombs, warheads, mortar rounds, artillery ammuni-



1       tion, small arms ammunition, grenades, mines, tor-  
2       pedoes, depth charges, cluster munitions and dis-  
3       pensers, demolition charges, and devices and compo-  
4       nents thereof. Military munitions do not include  
5       wholly inert items, improvised explosive devices and  
6       nuclear weapons, nuclear devices, and nuclear com-  
7       ponents thereof. However, the term does include  
8       non-nuclear components of nuclear devices, managed  
9       under Department of Energy’s nuclear weapons pro-  
10      gram after all required sanitation operations under  
11      the Atomic Energy Act of 1954, as amended, have  
12      been completed.

13           (2) The term “unexploded ordnance” means  
14      military munitions that have been primed, fused,  
15      armed, or otherwise prepared for action, and have  
16      been fired, dropped, launched, projected, or placed in  
17      such a manner as to constitute a hazard or potential  
18      hazard, to operations, installation, personnel, or ma-  
19      terial, and remain unexploded either by malfunction,  
20      design or any other cause.

21           (3) The term “other constituents” means po-  
22      tentially hazardous compounds, mixtures, or ele-  
23      ments that are located on or originate from closed,  
24      transferred or transferring ranges and are released

1 from military munitions or unexploded ordnance, or  
2 resulted from other activities on military ranges.

3 **SEC. 106. DURATION OF WITHDRAWAL AND RESERVATION.**

4 (a) Unless extended pursuant to section 7 of this  
5 title, the withdrawal and reservation made by this title  
6 shall terminate 25 years after the date of the enactment  
7 of this Act, except as otherwise provided in subsection 8(d)  
8 of this title.

9 (b) At the date of termination, the previously with-  
10 drawn lands shall not be open to any forms of appropria-  
11 tion under the general land laws, including the mining,  
12 mineral leasing, and geothermal leasing laws, until the  
13 Secretary of the Interior publishes in the Federal Register  
14 an appropriate order that shall state the date upon which  
15 such lands shall be restored to the public domain and  
16 opened.

17 **SEC. 107. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
18 **ERVATION.**

19 (a) Not later than three (3) years prior to the termi-  
20 nation date of the initial withdrawal and reservation made  
21 by this title, the Secretary of the Navy shall notify Con-  
22 gress and the Secretary of the Interior concerning whether  
23 the Navy will have a continuing military need, beyond the  
24 termination date of such withdrawal, for all or any portion  
25 of the lands withdrawn.

1 (b) If the Secretary of the Navy determines that there  
2 will be a continuing military need for any of the lands  
3 withdrawn by this title, the Secretary of the Navy shall:

4 (1) consult the Secretary of the Interior con-  
5 cerning any adjustments to be made to the areal ex-  
6 tent of, or to the allocation of management responsi-  
7 bility for, such needed lands; and

8 (2) file with the Secretary of the Interior, with-  
9 in one (1) year after the notice required by sub-  
10 section (a) of this section, an application for exten-  
11 sion of the withdrawal and reservation of such need-  
12 ed lands. The Department of the Interior's general  
13 procedures for processing Federal land withdrawals  
14 notwithstanding, any application for extension under  
15 this title shall be considered complete if it includes  
16 the following:

17 (A) the information required by section 3  
18 of the Engle Act (43 U.S.C. § 157), except that  
19 no information shall be required concerning the  
20 use or development of mineral, timber, or graz-  
21 ing resources unless, and only to the extent, the  
22 Secretary of the Navy proposes to use or de-  
23 velop such resources during the period of exten-  
24 sion; and

1 (B) a copy of the most recent public report  
2 prepared in accordance with subsection 3(g) of  
3 this title.

4 (c) The Secretary of the Interior and the Secretary  
5 of the Navy shall ensure that any legislative proposal for  
6 the extension of the withdrawal and reservation is sub-  
7 mitted to Congress no later than May 1 of the year pre-  
8 ceding the year in which the existing withdrawal and res-  
9 ervation would otherwise terminate.

10 **SEC. 108. TERMINATION AND RELINQUISHMENT.**

11 (a) At any time during the withdrawal and reserva-  
12 tion but not later than three (3) years prior to the termi-  
13 nation date of the withdrawal and reservation effected by  
14 this title, if the Secretary of the Navy determines that  
15 there is no continuing military need for the lands with-  
16 drawn and reserved by this title, or any portion of these  
17 lands, the Secretary of the Navy shall notify the Secretary  
18 of the Interior of an intention to relinquish jurisdiction  
19 over such lands, which notice shall specify the proposed  
20 date of relinquishment.

21 (b) The Secretary of the Interior may accept jurisdic-  
22 tion over any lands covered by a notice of intention to re-  
23 linquish jurisdiction under this section if the Secretary of  
24 the Interior determines that the Secretary of the Navy has

1 taken the environmental response actions required under  
2 section 5 of this title.

3 (c) If the Secretary of the Interior accepts jurisdic-  
4 tion over lands covered by a notice of intention to relin-  
5 quish jurisdiction under this section before the termi-  
6 nation date of withdrawal and reservation, the Secretary  
7 of the Interior shall publish in the Federal Register an  
8 appropriate order that shall—

9 (1) terminate the withdrawal and reservation of  
10 such lands under this title;

11 (2) constitute official acceptance of administra-  
12 tive jurisdiction over the lands by the Secretary of  
13 the Interior; and

14 (3) state the date upon which such lands shall  
15 be opened to the operation of the general land laws,  
16 including the mining, mineral leasing and geo-  
17 thermal leasing laws, if appropriate.

18 (d)(1) Notwithstanding the termination date, unless  
19 and until the Secretary of the Interior accepts jurisdiction  
20 of land proposed for relinquishment pursuant to this sec-  
21 tion or until the Administrator, General Services Adminis-  
22 tration accepts jurisdiction of such lands under the Fed-  
23 eral Property and Administrative Services Act of 1949 (40  
24 U.S.C. §§ 251 et seq.), such land shall remain under the

1 jurisdiction of the Secretary of the Navy for the limited  
2 purposes of—

3           (A) environmental response actions under sec-  
4           tion 5 of this title; and

5           (B) continued land management responsibilities  
6           pursuant to the integrated natural resources man-  
7           agement plan under section 3 of this title.

8           (2) For any land that the Secretary of the Interior  
9 determines to be suitable for return to the public domain,  
10 but does not agree with the Secretary of the Navy that  
11 all necessary environmental response actions under section  
12 5 of this title have been taken, the Secretary of the Navy  
13 and the Secretary of the Interior shall resolve the dispute  
14 in accordance with any applicable dispute resolution proc-  
15 ess.

16           (3) For any land that the Secretary of the Interior  
17 determines to be unsuitable for return to the public do-  
18 main, the Secretary of the Interior shall immediately no-  
19 tify the Administrator, General Services Administration.

20           (e) All functions described under this section, includ-  
21 ing transfers, relinquishments, extensions and other deter-  
22 minations, may be made on a parcel-by-parcel basis.

1 **SEC. 109. DELEGATIONS OF AUTHORITY.**

2 (a) SECRETARY OF THE NAVY.—Except as may oth-  
 3 erwise be provided in this title, the functions of the Sec-  
 4 retary of the Navy under this title may be delegated.

5 (b) SECRETARY OF THE INTERIOR.—The functions  
 6 of the Secretary of the Interior under this title may be  
 7 delegated, except that the following determinations and  
 8 decisions may be approved and signed only by the Sec-  
 9 retary of the Interior, the Deputy Secretary of the Inte-  
 10 rior, an Assistant Secretary of the Interior, or the Direc-  
 11 tor, Bureau of Land Management:

12 (1) decisions to accept transfer, relinquishment,  
 13 or jurisdiction for any lands under this title and to  
 14 open lands to operation of the public land laws; and

15 (2) decisions to transfer management responsi-  
 16 bility from or to a military department pursuant to  
 17 subsection 3(i) of this title.

18 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

19 There are hereby authorized to be appropriated such  
 20 sums as may be necessary to carry out the purposes of  
 21 this title.

22 **TITLE II—NELLIS AIR FORCE**  
 23 **RANGE, NEVADA**

24 **SEC. 201. WITHDRAWALS AND RESERVATIONS.**

25 (a) UNITED STATES DEPARTMENT OF THE AIR  
 26 FORCE.—

1           (1) WITHDRAWAL.—Subject to valid existing  
2       rights and except as otherwise provided in this title,  
3       all lands and interests in lands within the bound-  
4       aries established at the Nellis Air Force Range, re-  
5       ferred to in subsection (d) of this section, are hereby  
6       withdrawn from all forms of appropriation under the  
7       general land laws, including the mining, mineral  
8       leasing and geothermal leasing laws, and, except as  
9       provided in subsection 3(a) of this section, jurisdic-  
10      tion over such lands and interests in lands with-  
11      drawn and reserved by this title is hereby trans-  
12      ferred to the Secretary of the Air Force.

13           (2) RESERVATION.—The lands withdrawn  
14      under subsection (a) of this section are reserved  
15      for use by the Secretary of the Air Force for—

16           (A) an armament and high-hazard  
17      testing area;

18           (B) training for aerial gunnery, rock-  
19      etry, electronic warfare, and tactical ma-  
20      neuvering and air support;

21           (C) equipment and tactics develop-  
22      ment and testing; and

23           (D) other defense-related purposes  
24      consistent with the purposes specified in  
25      this paragraph.



1 (b) UNITED STATES DEPARTMENT OF ENERGY.—

2 (1) REVOCATION.—Public Land Order Number  
3 1662, published in the Federal Register June 26,  
4 1958, is hereby revoked in its entirety.

5 (2) WITHDRAWAL.—Subject to valid existing  
6 rights, all lands within the boundary of the area la-  
7 beled “Pahute Mesa” as generally depicted on the  
8 map entitled “Nevada Test and Training Range,  
9 Proposed Withdrawal Extension”, dated April 22,  
10 1999, are hereby withdrawn from all forms of appro-  
11 priation under the general land laws, including the  
12 mining, mineral leasing and geothermal leasing laws.

13 (3) RESERVATION.—The lands withdrawn  
14 under paragraph (b)(2) of this section are reserved  
15 for use by the Secretary of the Department of En-  
16 ergy as an integral part of the Nevada Test Site.  
17 Except as provided in section 5 of this title, other  
18 provisions of this title do not apply to the land with-  
19 drawn and reserved under this subsection.

20 (c) UNITED STATES DEPARTMENT OF THE INTE-  
21 RIOR.—Notwithstanding the Desert National Wildlife  
22 Range withdrawal and reservation made by Executive  
23 Order Number 7373, dated May 20, 1936, as amended  
24 by Public Land Order Number 4079, dated August 26,  
25 1966, and Public Land Order 7070, dated August 4,

1 1994, those lands depicted as impact areas on the map  
2 entitled “Nevada Test and Training Range, South Range  
3 Impact Areas”, dated April 22, 1999, are, upon comple-  
4 tion of the transfer authorized in paragraph 4(c)(2) of this  
5 title, transferred to the primary jurisdiction of the Depart-  
6 ment of the Air Force, which shall manage those lands  
7 in accordance with the memorandum of understanding ref-  
8 erenced in section 4 of this title. The Secretary of the Inte-  
9 rior shall retain secondary jurisdiction over such lands for  
10 wildlife conservation purposes.

11 (d) LAND DESCRIPTION.—The public lands and in-  
12 terests in lands withdrawn and reserved by subsections (a)  
13 and (b) of this section comprise approximately 2,919,890  
14 acres of land in Clark, Lincoln, and Nye Counties, Ne-  
15 vada, as generally depicted on the map entitled “Nevada  
16 Test and Training Range, Proposed Withdrawal Exten-  
17 sion”, dated April 22, 1999, and filed in accordance with  
18 section 2 of this title.

19 (e) CHANGES IN USE.—The Secretary of the Air  
20 Force shall consult with the Secretary of the Interior prior  
21 to using the lands withdrawn and reserved by this title  
22 for any purpose other than those purposes identified in  
23 paragraph (a)(2) of this section, except that there shall  
24 be no such other use of withdrawn lands within the Desert  
25 National Wildlife Range.

1 (f) INDIAN TRIBES.—Nothing in this title shall be  
 2 construed as altering any rights reserved for Indians by  
 3 treaty or Federal law.

4 (g) TERMINATION OF WITHDRAWALS.—The return  
 5 to the Secretary of the Interior of any lands withdrawn  
 6 by Public Law 99–606 and not withdrawn by either sub-  
 7 section 1(a) or subsection 1(b) of this title shall be proc-  
 8 essed according to the provisions of sections 5 and 8 of  
 9 this title.

10 **SEC. 202. MAP AND LEGAL DESCRIPTION.**

11 (a) PREPARATION OF MAPS AND LEGAL DESCRIPT-  
 12 TION.—As soon as practicable after the effective date of  
 13 this Act, the Secretary of the Interior shall:

14 (1) publish in the Federal Register a notice  
 15 containing the legal description of the lands with-  
 16 drawn and reserved by this title; and

17 (2) file a map or maps and the legal description  
 18 of the lands withdrawn and reserved by this title  
 19 with the Committee on Energy and Natural Re-  
 20 sources of the United States Senate and with the  
 21 Committee on Resources of the United States House  
 22 of Representatives.

23 (b) LEGAL EFFECT.—Such legal description shall  
 24 have the same force and effect as if it were included in  
 25 this title: *Provided*, That the Secretary of the Interior may

1 correct clerical and typographical errors in such legal de-  
 2 scription. The maps filed under this section shall support  
 3 the legal description, without independent legal effect.

4 (c) AVAILABILITY.—Copies of the map or maps and  
 5 the legal description shall be available for public inspection  
 6 in the offices of the Nevada State Director and Las Vegas  
 7 Field Office Manager of the Bureau of Land Management  
 8 and the Office of the Commander, Nellis Air Force Base,  
 9 Nevada.

10 (d) COSTS.—The Secretary of the Air Force shall re-  
 11 imburse the Secretary of the Interior for the costs in-  
 12 curred by the Secretary of the Interior in implementing  
 13 this section.

14 **SEC. 203. MANAGEMENT OF WITHDRAWN AND RESERVED**  
 15 **LANDS.**

16 (a) GENERAL MANAGEMENT AUTHORITY.—During  
 17 the period of withdrawal and reservation made by this  
 18 title, the Secretary of the Air Force shall manage the  
 19 lands withdrawn and reserved by this title for the military  
 20 purposes specified in section 1(a) of this title, and in ac-  
 21 cordance with the integrated natural resource manage-  
 22 ment plan prepared pursuant to subsection (c) of this sec-  
 23 tion: *Provided, however,* That responsibility for natural  
 24 and cultural resources management and the enforcement  
 25 of Federal laws related thereto shall not transfer before

1 the integrated natural resources management plan a re-  
 2 quired by subsection (c) of this section is completed or  
 3 November 1, 2001, which ever comes first: *And provided*  
 4 *further*, That the Secretary of the Interior may, if appro-  
 5 priate, effect the transfer of responsibility for natural and  
 6 cultural resources to the Department of the Interior pur-  
 7 suant to subsection (i) of this section: *Provided further*,  
 8 That the Secretary of the Interior shall exercise adminis-  
 9 trative jurisdiction over the Desert National Wildlife  
 10 Range (except for those lands referred to in subsection  
 11 1(c) of this title), through the United States Fish and  
 12 Wildlife Service in accordance with the National Wildlife  
 13 Refuge System Administration Act (16 U.S.C. § 668dd-  
 14 ee), as amended, this title, and other laws applicable to  
 15 the National Wildlife Refuge System.

16 (b) ACCESS RESTRICTIONS.—

17 (1) Except for lands within the Desert National  
 18 Wildlife Range for which the Secretary of the Inte-  
 19 rior retains primary jurisdiction, if the Secretary of  
 20 the Air Force determines that military operations,  
 21 public safety, or national security require the closure  
 22 to the public of any road, trail, or other portion of  
 23 the lands withdrawn and reserved by section 1(a) of  
 24 this title, the Secretary of the Air Force is author-  
 25 ized to take such action as the Secretary of the Air

1 Force determines necessary or desirable to effect  
2 and maintain such closure.

3 (2) Any such closure shall be limited to the  
4 minimum areas and periods that the Secretary of  
5 the Air Force determines are required for the pur-  
6 poses specified in this subsection. Prior to any non-  
7 emergency closure not specified in the integrated  
8 natural resources management plan required by sub-  
9 section (c) of this section, the Secretary of the Air  
10 Force shall consult with the Secretary of the Interior  
11 and, where any such closure may affect tribal lands,  
12 treaty rights, or sacred sites, the Secretary of the  
13 Air Force shall consult, at the earliest practicable  
14 time, with the affected Indian tribes.

15 (3) Immediately preceding and during any clo-  
16 sure under this subsection, the Secretary of the Air  
17 Force shall post appropriate warning notices and  
18 take other steps, as necessary, to notify the public  
19 of the closure.

20 (4) If the Secretary of the Air Force determines  
21 that military operations, public safety, or national  
22 security require the closure to the public of any  
23 road, trail, or other portion of the Desert National  
24 Wildlife Range that is withdrawn by this title, the  
25 Secretary of the Interior shall take action to effect

1       and maintain such closure, including agreeing to  
2       amend the memorandum of understanding ref-  
3       erenced in section 4 of this title, to establish new  
4       or enhanced surface safety zones.

5       (c) INTEGRATED NATURAL RESOURCES MANAGE-  
6       MENT PLAN.—Within two (2) years of the date of enact-  
7       ment of this title, the Secretary of the Air Force and the  
8       Secretary of the Interior shall jointly prepare an inte-  
9       grated natural resources management plan for the lands  
10      withdrawn and reserved by this title, other than the por-  
11      tion of the Desert National Wildlife Range included in the  
12      withdrawal: *Provided, however,* That any disagreement  
13      concerning the contents of the plan (or any subsequent  
14      amendments to the plan) shall be resolved by the Sec-  
15      retary of the Air Force, after consultation with the Sec-  
16      retary of the Interior through the State Director, Bureau  
17      of Land Management and, as appropriate, the Regional  
18      Director, United States Fish and Wildlife Service. This  
19      authority may be delegated to the installation commander.  
20      In all other respects, the plan shall be prepared and imple-  
21      mented in accordance with the Sikes Act (16 U.S.C.  
22      § 670a et seq.) and the requirements of this section and  
23      shall—

24               (1) include provisions for proper management  
25              and protection of the natural and cultural resources,

1 and for sustainable use by the public of such re-  
2 sources to the extent consistent with the military  
3 purposes for which the lands are withdrawn and re-  
4 served;

5 (2) for the lands depicted as impact areas on  
6 the map described in section 1(c) of this title, incor-  
7 porate, to the extent practicable, incorporate the  
8 provisions of any management plans adopted by the  
9 Desert National Wildlife Range;

10 (3) be developed in consultation with affected  
11 Indian tribes and shall include provisions that ad-  
12 dress how the Secretary of the Air Force intends to:

13 (A) meet the United States' trust respon-  
14 sibilities with respect to Indian tribes, lands,  
15 and rights reserved by treaty or Federal law af-  
16 fected by the withdrawal and reservation;

17 (B) allow access to and ceremonial use of  
18 Indian sacred sites to the extent consistent with  
19 the military purposes for which the lands are  
20 withdrawn and reserved; and

21 (C) provide for timely consultation with af-  
22 fected Indian tribes;

23 (4) provide that any hunting, fishing, and trap-  
24 ping on the lands withdrawn and reserved by this



1 title shall be conducted in accordance with the provi-  
2 sions of 10 U.S.C. § 2671;

3 (5) provide for livestock grazing and agricul-  
4 tural out-leasing, if appropriate, in accordance with  
5 10 U.S.C. § 2667 and at the discretion of the Sec-  
6 retary of the Air Force;

7 (6) identify current test and target impact  
8 areas and related buffer or safety zones;

9 (7) provide that the Secretary of the Air Force  
10 shall take necessary actions to prevent, suppress,  
11 and manage brush and range fires occurring within  
12 the boundaries of the Nellis Air Force Range, as  
13 well as brush and range fires occurring outside the  
14 boundaries of the Nellis Air Force Range resulting  
15 from military activities. Notwithstanding the provi-  
16 sions of 10 U.S.C. § 2465, the Secretary of the Air  
17 Force may obligate funds appropriated or otherwise  
18 available to the Secretary to enter into memoranda  
19 of understanding, cooperative agreements, and con-  
20 tracts for fire fighting that shall reimburse the Sec-  
21 retary of the Interior for costs incurred under this  
22 subsection;

23 (8) provide that all gates, fences and barriers  
24 constructed after the enactment of this title shall be  
25 designed and erected to allow wildlife access, to the

1 extent practicable and consistent with military secu-  
2 rity, safety, and sound wildlife management use;

3 (9) incorporate any existing management plans  
4 pertaining to the lands withdrawn and reserved by  
5 this title, to the extent that the Secretary of the Air  
6 Force and the Secretary of the Interior, upon re-  
7 viewing any such plans, mutually determine that in-  
8 corporation into a plan pursuant to this section is  
9 appropriate;

10 (10) include procedures to ensure that the peri-  
11 odic reviews of the plan required by the Sikes Act  
12 are conducted jointly by the Secretary of the Air  
13 Force and the Secretary of the Interior, and that af-  
14 fected States and Indian tribes, and the public are  
15 provided a meaningful opportunity to comment upon  
16 any substantial revisions to the plan that may be  
17 proposed; and

18 (11) provide procedures to amend the plan as  
19 necessary.

20 (d) MEMORANDA OF UNDERSTANDING AND COOPER-  
21 ATIVE AGREEMENTS.—The Secretary of the Air Force  
22 may enter into memoranda of understanding or coopera-  
23 tive agreements with the Secretary of the Interior or other  
24 appropriate Federal, State, or local agencies, Indian  
25 tribes, or other public or private organizations or institu-

1 tions, as necessary to implement the integrated natural  
2 resources management plan prepared pursuant to this sec-  
3 tion. Any memorandum of understanding or cooperative  
4 agreement affecting integrated natural resources manage-  
5 ment may be combined, where appropriate, with any other  
6 memorandum of understanding or cooperative agreement  
7 entered into to implement this title, and shall not be sub-  
8 ject to the provisions of the Federal Grant and Coopera-  
9 tive Agreement Act of 1977 (31 U.S.C. §§ 6301–6308).

10 (e) USE OF MINERAL MATERIALS.—Notwithstanding  
11 any other provisions of this title or the Materials Act of  
12 1947 (30 U.S.C. §§ 601 et seq.), the Secretary of the Air  
13 Force may use sand, gravel, or similar mineral material  
14 resources of the type subject to disposition under the Ma-  
15 terials Act from the lands withdrawn and reserved by this  
16 title: *Provided*, That use of such resources is required for  
17 construction needs of the Nellis Air Force Range: *And*  
18 *provided further*, That no mineral material resources may  
19 be obtained pursuant to this subsection from those parts  
20 of the Desert National Wildlife Range that are not de-  
21 picted as impact areas on the map described in subsection  
22 1(c) of this title, except in accordance with the procedures  
23 set forth in the memorandum of understanding referenced  
24 in section 4 of this title.

1       (f) WILD HORSES AND BURROS.—Responsibilities  
2 for the management and protection of wild free-roaming  
3 horses and burros on the Nellis Air Force Range shall be  
4 shared by the Secretary of the Air Force and the Secretary  
5 of the Interior, but shall continue to be carried out by  
6 the Secretary of the Interior, in accordance with the provi-  
7 sions of the Wild Free-Roaming Horses and Burros Act  
8 (16 U.S.C. §§ 1331 et seq.). Within one year of the date  
9 of the enactment of this title, the Secretary of the Air  
10 Force shall enter into an intragovernmental support  
11 agreement with the Secretary of the Interior to reimburse  
12 the Secretary of the Interior under section 1535 of title  
13 31, United States Code, for all costs the Department of  
14 the Interior incurs in carrying out such management and  
15 protection on the Nellis Air Force Range.

16       (g) PUBLIC REPORTS.—

17           (1) Concurrent with each review of the inte-  
18 grated natural resources management plan pursuant  
19 to paragraph (c)(10) of this section, the Secretary of  
20 the Air Force and the Secretary of the Interior shall  
21 jointly prepare and issue a report describing changes  
22 in the condition of the public lands withdrawn and  
23 reserved by this title from the later of the date of  
24 any previous report under this subsection or the date  
25 of the environmental impact statement prepared to

1 support this title. In addition, this report shall in-  
2 clude a summary of current military use; any  
3 changes in military use since the previous report;  
4 and efforts related to the management of natural  
5 and cultural resources and environmental remedi-  
6 ation during the previous five (5) years. This report  
7 may be combined with any report required by the  
8 Sikes Act. Any disagreements concerning the con-  
9 tents of this report shall be resolved by the Sec-  
10 retary of the Air Force. This authority may be dele-  
11 gated to the installation commander.

12 (2) Prior to its finalization, the Secretary of the  
13 Air Force and the Secretary of the Interior shall in-  
14 vite interested members of the public to review and  
15 comment upon the report and shall hold at least one  
16 public meeting concerning the report in a location or  
17 locations reasonably accessible to those persons who  
18 may be affected by management of the lands with-  
19 drawn and reserved by this title. The public meeting  
20 shall be announced no fewer than 15 days prior to  
21 the meeting date by advertisements in local news-  
22 papers of general circulation, by publishing an an-  
23 nouncement in the Federal Register, and by any  
24 other means deemed necessary.

1           (3) Final reports shall be made available to the  
2       public and submitted to appropriate committees of  
3       Congress.

4       (h) INTERGOVERNMENTAL EXECUTIVE COMMIT-  
5       TEE.—Within two (2) years of the date of the enactment  
6       of this title, the Secretary of the Air Force and the Sec-  
7       retary of the Interior shall, by memorandum of under-  
8       standing, establish an intergovernmental executive com-  
9       mittee, comprised of selected representatives from inter-  
10      ested Federal agencies, as well as elected officers (or other  
11      authorized representatives) from State governments and  
12      elected officers (or other authorized representatives) from  
13      such local and tribal governments as may be designated  
14      at the discretion of the Secretary of the Air Force and  
15      the Secretary of the Interior. The intergovernmental exec-  
16      utive committee shall be established solely for the purpose  
17      of exchanging views, information, and advice relating to  
18      the management of natural and cultural resources on the  
19      affected public lands. The intergovernmental executive  
20      committee shall operate in accordance with the terms set  
21      forth in a memorandum of understanding that shall speci-  
22      fy those Federal agencies and elected officers or represent-  
23      atives of State, local and tribal governments to be invited  
24      to participate. The memorandum of understanding shall  
25      establish procedures for creating a forum for exchanging

1 views, information and advice relating to the management  
2 of natural and cultural resources on affected public lands,  
3 procedures for rotating the chair of the intergovernmental  
4 executive committee, and procedures for scheduling reg-  
5 ular meetings. The Secretary of the Air Force shall, in  
6 consultation with the Secretary of the Interior, appoint an  
7 individual to serve as Committee Coordinator. The duties  
8 of the Coordinator shall be included in the memorandum  
9 of understanding. The Coordinator shall not be a member  
10 of the committee.

11 (i) TRANSFER OF MANAGEMENT RESPONSIBILITY.—

12 (1) If the Secretary of the Interior determines  
13 that the Secretary of the Air Force has failed to  
14 manage the lands withdrawn and reserved by this  
15 title for military purposes in accordance with the in-  
16 tegrated natural resource management plan, and  
17 that the failure to do so is resulting in significant  
18 degradation of the natural or cultural resources of  
19 such lands, the Secretary of the Interior shall give  
20 the Secretary of the Air Force written notice of such  
21 determination, a description of the deficiencies in  
22 management practices by the Secretary of the Air  
23 Force, and an explanation of the methodology em-  
24 ployed in reaching the determination. Within 60  
25 days of the date such notification is received, the

1 Secretary of the Air Force shall submit a response  
2 to the Secretary of the Interior, which response may  
3 include a plan of action for addressing any identified  
4 deficiencies in the conduct of management responsi-  
5 bility and for preventing further significant degrada-  
6 tion of the natural or cultural resources. If, no ear-  
7 lier than three months after the date the notification  
8 is received, the Secretary of the Interior determines  
9 that the deficiencies are not being corrected, and  
10 that significant degradation of the natural or cul-  
11 tural resources is continuing, then the Secretary of  
12 the Interior may effect transfer of the management  
13 responsibility for the natural and cultural resources  
14 of such lands from the Secretary of the Air Force  
15 to the Secretary of the Interior, in accordance with  
16 a schedule for such transfer to be established by the  
17 Secretary of the Interior.

18 (2) After a transfer of management responsi-  
19 bility pursuant to paragraph (1) of this subsection,  
20 the Secretary of the Interior may transfer manage-  
21 ment responsibility back to the Secretary of the Air  
22 Force if the Secretary of the Interior determines  
23 that adequate procedures and plans have been estab-  
24 lished to ensure that the lands withdrawn and re-  
25 served would be adequately managed by the Sec-



1       retary of the Air Force in accordance with the inte-  
2       grated natural resources management plan.

3           (3) For any period during which the Secretary  
4       of the Interior has management responsibility for  
5       the lands withdrawn and reserved pursuant to this  
6       section, the integrated natural resources manage-  
7       ment plan established pursuant to subsection (c) of  
8       this section, including any amendments to the plan,  
9       shall remain in effect, pending the development of a  
10      management plan prepared pursuant to the Federal  
11      Land Policy and Management Act of 1976, in co-  
12      operation with the Secretary of the Air Force.

13          (4) Assumption by the Secretary of the Interior  
14      pursuant to this subsection of management responsi-  
15      bility for the natural and cultural resources of the  
16      lands withdrawn and reserved shall not affect the  
17      use of these lands for military purposes, and the  
18      Secretary of the Air Force shall continue to direct  
19      military activities on these lands.

20          (j) PAYMENT FOR SERVICES.—The Secretary of the  
21      Air Force shall assume all costs for implementation of the  
22      integrated natural resources management plan, including  
23      payment to the Secretary of the Interior under section  
24      1535 of title 31, United States Code, for any costs the  
25      Secretary of the Interior incurs in providing goods or serv-

1 ices to assist the Secretary of the Air Force in the imple-  
2 mentation of the integrated natural resources manage-  
3 ment plan.

4 (k) DEFINITIONS.—For the purposes of this title:

5 (1) The term “Indian tribe” means an Indian  
6 or Alaska Native tribe, band, nation, pueblo, village,  
7 or community that the Secretary of the Interior ac-  
8 knowledges to exist as an Indian tribe pursuant to  
9 the Federally Recognized Indian Tribe List Act of  
10 1994.

11 (2) The term “sacred site” means any specific,  
12 discrete, narrowly delineated location on federal land  
13 that is identified by an Indian tribe, or its designee,  
14 as sacred by virtue of its established religious sig-  
15 nificance to, or ceremonial use by, an Indian reli-  
16 gion, but only to the extent that the tribe or its des-  
17 ignee has informed the Secretary of the Air Force  
18 of the existence of such a site. Neither the Secretary  
19 of the Department of Defense, the Secretary of the  
20 Air Force, nor the Secretary of the Interior shall be  
21 required under 5 U.S.C. § 552 to make available to  
22 the public any information concerning the location,  
23 character, or use of any traditional Indian religious  
24 or sacred site located on land withdrawn and re-  
25 served by this title.

1 **SEC. 204. DESERT NATIONAL WILDLIFE RANGE.**

2 (a) EFFECT OF THIS TITLE.—Neither the withdrawal  
3 under paragraph 1(a)(1) of this title nor any other provi-  
4 sion of this title, except subsections 1(c) and 3(b) of this  
5 title, shall be construed to amend—

6 (1) the National Wildlife Refuge System Ad-  
7 ministration Act of 1966 (16 U.S.C. 668dd, et seq.),  
8 as amended;

9 (2) any Executive order or public land order in  
10 effect on the date of enactment of this title with re-  
11 spect to the Desert National Wildlife Range; or

12 (3) any memorandum of understanding between  
13 the Secretary of the Interior and the Secretary of  
14 the Air Force concerning the joint use of Air Force  
15 withdrawn lands within the external boundaries of  
16 the Desert National Wildlife Range, except to the  
17 extent the provisions of such agreement are incon-  
18 sistent with the provisions of this title, in which case  
19 such agreement shall be reviewed and amended to  
20 conform to this title within 120 days of enactment  
21 of this title.

22 (b) MEMORANDUM OF UNDERSTANDING.—

23 (1) The Secretary of the Interior, in coordina-  
24 tion with the Secretary of the Air Force, shall man-  
25 age the portion of the Desert National Wildlife  
26 Range withdrawn by this title, except for the lands

1 referred to in subsection 1(c), for the purposes for  
2 which the refuge was established, and to support  
3 current and future military aviation training needs  
4 consistent with the current memorandum of under-  
5 standing between the Department of the Air Force  
6 and the Department of the Interior, including any  
7 extension or other amendment of such memorandum  
8 of understanding as provided herein.

9 (2) As part of the review of the existing memo-  
10 randum of understanding provided in paragraph  
11 (a)(3) of this section, the Secretary of the Interior  
12 and the Department of the Air Force shall extend  
13 the memorandum of understanding for a period that  
14 coincides with the duration of the withdrawal of the  
15 Nellis Air Force Range.

16 (3) Nothing in this section shall be construed as  
17 prohibiting the Secretary of the Department of the  
18 Interior and the Secretary of the Air Force from re-  
19 vising the memorandum of understanding at any fu-  
20 ture time should they mutually agree to do so.

21 (4) Amendments to the memorandum of under-  
22 standing shall take effect 90 days after the Sec-  
23 retary of the Interior has notified the Committees on  
24 Environment and Public Works, Energy and Nat-  
25 ural Resources, and Armed Services of the United

1 States Senate and the Committees on Resources and  
2 Armed Services of the United States House of Rep-  
3 resentatives.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) There are hereby authorized to be appro-  
6 priated to the Secretary of the Air Force  
7 \$15,000,000 for the replacement of Refuge System  
8 lands in Nevada transferred to the Air Force by sub-  
9 section 1(c) of this title.

10 (2) The Secretary of the Air Force is author-  
11 ized to acquire lands, waters, or interests in lands or  
12 waters pursuant to paragraph (c)(1) of this section  
13 which are acceptable to the Secretary of the Interior,  
14 and to transfer such lands to the Secretary of the  
15 Interior, or to transfer the funds appropriated pur-  
16 suant to paragraph (c)(1) of this section to the Sec-  
17 retary of the Interior for the purpose of acquiring  
18 such lands.

19 (3) The transfers authorized by paragraph (2)  
20 of this subsection shall be deemed complete upon  
21 written notification from the Secretary of the Inte-  
22 rior to the Secretary of the Air Force that lands or  
23 funds equal to the amount authorized in paragraph  
24 (1) of this subsection have been received by the Sec-

1       retary of the Interior from the Secretary of the Air  
2       Force.

3   **SEC. 205. ENVIRONMENTAL REQUIREMENTS.**

4       (a) DURING WITHDRAWAL AND RESERVATION.—  
5   Throughout the duration of the withdrawal and reserva-  
6   tion made by this title (including the duration of any re-  
7   newal or extension), and with respect both to those activi-  
8   ties undertaken by the Secretary of the Air Force on the  
9   lands withdrawn and reserved by this title and to all activi-  
10   ties occurring on such lands during such times as the Sec-  
11   retary of the Air Force may exercise management jurisdic-  
12   tion over the lands withdrawn and reserved by this title,  
13   the Secretary of the Air Force shall—

14           (1) be responsible for and pay all costs related  
15       to, the Department of the Air Force's compliance  
16       with applicable Federal, State, and local environ-  
17       mental laws, regulations, rules, and standards;

18           (2) carry out and maintain in accordance with  
19       the requirements of all regulations, rules, and stand-  
20       ards issued by the Department of Defense pursuant  
21       to its authorities under the Defense Environmental  
22       Restoration Program (10 U.S.C. §§ 2701 et seq.),  
23       the Department of Defense Explosives Safety Board  
24       (10 U.S.C. § 172), and Executive Order 12580, a  
25       program to address—

1 (A) any release or a substantial threat of  
2 a release attributable to military munitions (in-  
3 cluding unexploded ordnance) and other con-  
4 stituents, and

5 (B) any release or a substantial threat of  
6 a release, regardless of its source, occurring on  
7 or emanating from the lands withdrawn and re-  
8 served by this title during the period of with-  
9 drawal and reservation; and

10 (3) provide to the Secretary of the Interior a  
11 copy of any report prepared by the Secretary of the  
12 Air Force pursuant to any Federal, State, or local  
13 environmental laws, regulations, rules, and stand-  
14 ards.

15 (b) PRIOR TO RELINQUISHMENT OR TERMI-  
16 NATION.—

17 (1) ENVIRONMENTAL REVIEW.—Upon notifying  
18 the Secretary of the Interior that the Secretary of  
19 the Air Force intends, pursuant to section 8 of this  
20 title, to relinquish jurisdiction over the lands with-  
21 drawn and reserved by this title, the Secretary of the  
22 Air Force shall provide to the Secretary of the Inte-  
23 rior an environmental baseline survey, military range  
24 assessment, or other environmental review character-  
25 izing the environmental condition of the land, air,

1       and water resources affected by the activities under-  
2       taken by the Secretary of the Air Force on and over  
3       the lands withdrawn and reserved by this title. If  
4       hazardous substances were stored for one (1) year or  
5       more, known to have been released or disposed of,  
6       or if a substantial threat of a release exists on the  
7       lands withdrawn and reserved by this title, any such  
8       environmental review shall include notice of the type  
9       and quantity of such hazardous substances, and no-  
10      tice of the time during which such storage, release,  
11      substantial threat of a release, or disposal took  
12      place.

13           (2) MEMORANDUM OF UNDERSTANDING.—In  
14      addition to the provisions of this section, the Sec-  
15      retary of the Air Force and the Secretary of the In-  
16      terior may enter into a memorandum of under-  
17      standing to implement the environmental remedi-  
18      ation requirements of this title. This memorandum  
19      of understanding may include appropriate, tech-  
20      nically feasible, and mutually acceptable cleanup  
21      standards that both Secretaries believe environ-  
22      mental remediation activities shall achieve, as well as  
23      a schedule for completing such activities: *Provided*,  
24      that such cleanup standards shall be consistent with  
25      any legally applicable or relevant and appropriate



1 standard, requirement, criteria, or limitation other-  
2 wise required by law.

3 (3) ENVIRONMENTAL REMEDIATION.—With re-  
4 spect to lands to be relinquished pursuant to section  
5 8 of this title, the Secretary of the Air Force shall  
6 take all actions necessary to address any release or  
7 substantial threat of a release, regardless of its  
8 source, occurring on or emanating from such lands  
9 during the period of withdrawal and reservation af-  
10 fected by this Act. To the extent practicable, all such  
11 response actions shall be taken before the termi-  
12 nation of such withdrawal and reservation.

13 (4) CONSULTATION.—If the Secretary of the  
14 Interior accepts the relinquishment of jurisdiction  
15 over any of the lands withdrawn and reserved by  
16 this title before all necessary response actions have  
17 been completed, the Secretary of the Interior shall  
18 consult with the Secretary of the Air Force before  
19 undertaking or authorizing any activities on the  
20 withdrawn and reserved lands that may affect exist-  
21 ing releases, interfere with the installation, mainte-  
22 nance, or operation of any response action or expose  
23 any person to a safety or health risk associated with  
24 either the release or the response action being un-  
25 dertaken.

1       (c) RESPONSIBILITY AND LIABILITY.—The Secretary  
2 of the Air Force and the Secretary of the Department of  
3 Energy as provided in subsection (d) of this section, and  
4 not the Secretary of the Interior, shall be responsible for  
5 and conduct the necessary remediation of all releases or  
6 substantial threats of release, whether located on or ema-  
7 nating from lands withdrawn and reserved by this title,  
8 and whether known at the time of relinquishment or ter-  
9 mination or subsequently discovered, attributable to either  
10 the Secretary of the Air Force's or the Secretary of the  
11 Department of Energy's management of the lands with-  
12 drawn and reserved by this title, or the use, management,  
13 storage, release, treatment, or disposal of hazardous mate-  
14 rials, hazardous substances, hazardous wastes, pollutants,  
15 contaminants, petroleum products and their derivatives,  
16 military munitions, or other constituents on the lands  
17 withdrawn and reserved by this title. This responsibility  
18 shall include the liability for any costs or claims asserted  
19 against the United States for such activities. Nothing in  
20 this paragraph is intended to prevent the United States  
21 from bringing a cost recovery, contribution, or other action  
22 against third persons or parties the Secretary of the Air  
23 Force or the Secretary of the Department of Energy rea-  
24 sonably believes may have contributed to a release or sub-  
25 stantial threat of a release.

1       (d) OTHER FEDERAL AGENCIES.—The Department  
2 of Energy shall have the responsibility and liability de-  
3 scribed in subsection (c) of this section for lands within  
4 the boundary of the area labeled “Pahute Mesa” depicted  
5 on the map identified in paragraph 1(b)(2) of this title.  
6 If the Secretary of the Air Force or the Secretary of the  
7 Department of Energy delegates responsibility or jurisdic-  
8 tion to another Federal agency, or permits another Fed-  
9 eral agency to operate on the lands withdrawn and re-  
10 served by this title, the Secretary of the Air Force or the  
11 Secretary of the Department of Energy shall retain all re-  
12 sponsibility and liability described in subsection (c) of this  
13 section that is not assumed by that Federal agency to  
14 whom the Secretary of the Air Force or the Secretary of  
15 the Department of Energy has granted responsibility, ju-  
16 risdiction, or permission.

17       (e) DEFINITIONS.—For the purposes of this title:

18           (1) The term “military munitions” means all  
19 ammunition products and components produced or  
20 used by or for the U.S. Department of Defense or  
21 the U.S. Armed Services for national defense and se-  
22 curity, including military munitions under the con-  
23 trol of the Department of Defense, the U.S. Coast  
24 Guard, the U.S. Department of Energy and Na-  
25 tional Guard personnel. The term military munitions

1 includes: confined gaseous liquid, and solid propel-  
2 lants, explosives, pyrotechnics, chemical and riot  
3 control agents, smokes, and incendiaries used by or  
4 for Department of Defense components, including  
5 bulk explosives and chemical warfare agents, chem-  
6 ical munitions, rockets, guided and ballistic missiles,  
7 bombs, warheads, mortar rounds, artillery ammuni-  
8 tion, small arms ammunition, grenades, mines, tor-  
9 pedoes, depth charges, cluster munitions and dis-  
10 pensers, demolition charges, and devices and compo-  
11 nents thereof. Military munitions do not include  
12 wholly inert items, improvised explosive devices and  
13 nuclear weapons, nuclear devices, and nuclear com-  
14 ponents thereof. However, the term does not include  
15 nonnuclear components of nuclear devices, managed  
16 under Department of Energy's nuclear weapons pro-  
17 gram after all required sanitization operations under  
18 the Atomic Energy Act of 1954, as amended, have  
19 been completed.

20 (2) The term "unexploded ordnance" means  
21 military munitions that have been primed, fused,  
22 armed, or otherwise prepared for action, and have  
23 been fired, dropped, launched, projected, or placed in  
24 such a manner as to constitute a hazard or potential  
25 hazard, to operations, installation, personnel, or ma-

1       terial, and remain unexploded either by malfunction,  
2       design, or any other cause.

3           (3) The term “other constituents” means po-  
4       tentially hazardous compounds, mixtures, or ele-  
5       ments that are located on or originate from closed,  
6       transferred, or transferring ranges and are released  
7       from military munitions or unexploded ordnance, or  
8       resulted from other activities on military ranges.

9       **SEC. 206. DURATION OF WITHDRAWAL AND RESERVATION.**

10       (a) Unless extended pursuant to section 7 of this  
11       title, the withdrawal and reservation made by this title  
12       shall terminate 25 years after the date of the enactment  
13       of this Act, except as otherwise provided in subsection 8(d)  
14       of this title.

15       (b) At the date of termination, the previously with-  
16       drawn lands shall not be open to any forms of appropria-  
17       tion under the general land laws, including the mining,  
18       mineral leasing, and geothermal leasing laws, until the  
19       Secretary of the Interior publishes in the Federal Register  
20       an appropriate order that shall state the date upon which  
21       such lands shall be restored to the public domain and  
22       opened.

1 **SEC. 207. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
2 **ERVATION.**

3 (a) Not later than three (3) years prior to the termi-  
4 nation date of the initial withdrawal and reservation made  
5 by this title, the Secretary of the Air Force shall notify  
6 Congress and the Secretary of the Interior concerning  
7 whether the Air Force will have a continuing military  
8 need, beyond the termination date of such withdrawal, for  
9 all or any portion of the lands withdrawn.

10 (b) If the Secretary of the Air Force determines that  
11 there will be a continuing military need for any of the  
12 lands withdrawn by this title, the Secretary of the Air  
13 Force shall—

14 (1) consult with the Secretary of the Interior  
15 concerning any adjustments to be made to the areal  
16 extent of, or to the allocation of management re-  
17 sponsibility for, such needed lands; and

18 (2) file with the Secretary of the Interior, with-  
19 in one (1) year after the notice required by sub-  
20 section (a) of this section, an application for exten-  
21 sion of the withdrawal and reservation of such need-  
22 ed lands. The Department of the Interior's general  
23 procedures for processing Federal land withdrawals  
24 notwithstanding, any application for extension under  
25 this title shall be considered complete if it includes  
26 the following:

1 (A) the information required by section 3  
2 of the Engle Act (43 U.S.C § 157), except that  
3 no information shall be required concerning the  
4 use or development of mineral, timber, or graz-  
5 ing resources unless, and only to the extent, the  
6 Secretary of the Air Force proposes to use or  
7 develop such resources during the period of ex-  
8 tension; and

9 (B) a copy of the most recent public report  
10 prepared in accordance with subsection 3(g) of  
11 this title.

12 (c) The Secretary of the Interior and the Secretary  
13 of the Air Force shall ensure that any legislative proposal  
14 for the extension of the withdrawal and reservation is sub-  
15 mitted to Congress no later than May 1 of the year pre-  
16 ceding the year in which the existing withdrawal and res-  
17 ervation would otherwise terminate.

18 **SEC. 208. TERMINATION AND RELINQUISHMENT.**

19 (a) At any time during the withdrawal and reserva-  
20 tion but not later than three (3) years prior to the termi-  
21 nation date of the withdrawal and reservation affected by  
22 this title, if the Secretary of the Air Force determines that  
23 there is no continuing military need for the lands with-  
24 drawn and reserved by this title, or any portion of these  
25 lands, the Secretary of the Air Force shall notify the Sec-

1   retary of the Interior of an intention to relinquish jurisdic-  
2   tion over such lands, which notice shall specify the pro-  
3   posed date of relinquishment.

4       (b) The Secretary of the Interior may accept jurisdic-  
5   tion over any lands covered by a notice of intention to re-  
6   linquish jurisdiction under this section if the Secretary of  
7   the Interior determines that the Secretary of the Air Force  
8   has taken the environmental response actions required  
9   under section 5 of this title.

10       (c) If the Secretary of the Interior accepts jurisdic-  
11   tion over lands covered by a notice of intention to relin-  
12   quish jurisdiction under this section before the termi-  
13   nation date of withdrawal and reservation, the Secretary  
14   of the Interior shall publish in the Federal Register an  
15   appropriate order that shall:

16           (1) terminate the withdrawal and reservation of  
17       such lands under this title;

18           (2) constitute official acceptance of administra-  
19       tive jurisdiction over the lands by the Secretary of  
20       the Interior; and

21           (3) state the date upon which such lands shall  
22       be opened to the operation of the general land laws,  
23       including the mining, mineral leasing and geo-  
24       thermal leasing laws, if appropriate.



1       (d)(1) Notwithstanding the termination date, unless  
2 the Secretary of the Interior accepts jurisdiction of land  
3 proposed for relinquishment pursuant to this section or  
4 until the Administrator, General Services Administration  
5 accepts jurisdiction of such lands under the Federal Prop-  
6 erty and Administrative Services Act of 1949 (40 U.S.C.  
7 §§ 252 et seq.), such land shall remain under the jurisdic-  
8 tion of the Secretary of the Air Force for the limited pur-  
9 poses of:

10           (A) environmental response actions under sec-  
11 tion 5 of this title; and

12           (B) continued land management responsibilities  
13 pursuant to the integrated natural resources man-  
14 agement plan under section 3 of this title.

15       (2) For any land that the Secretary of the Interior  
16 determines to be suitable for return to the public domain,  
17 but does not agree with the Secretary of the Air Force  
18 that all necessary environmental response actions under  
19 section 5 of this title have been taken, the Secretary of  
20 the Air Force and the Secretary of the Interior shall re-  
21 solve the dispute in accordance with any applicable dispute  
22 resolution process.

23       (3) For any land that the Secretary of the Interior  
24 determines to be unsuitable for return to the public do-

1 main, the Secretary of the Interior shall immediately no-  
 2 tify the Administrator, General Services Administration.

3 (e) All functions described under this section, includ-  
 4 ing transfers, relinquishments, extensions and other deter-  
 5 minations, may be made on a parcel-by-parcel basis.

6 **SEC. 209. DELEGATIONS OF AUTHORITY.**

7 (a) SECRETARY OF THE AIR FORCE.—Except as may  
 8 otherwise be provided in this title, the functions of the  
 9 Secretary of the Air Force under this title may be dele-  
 10 gated.

11 (b) SECRETARY OF THE INTERIOR.—The functions  
 12 of the Secretary of the Interior under this title may be  
 13 delegated, except that the following determinations and  
 14 decisions may be approved and signed only by the Sec-  
 15 retary of the Interior, the Deputy Secretary of the Inte-  
 16 rior, an Assistant Secretary of the Interior, or the Direc-  
 17 tor, Bureau of Land Management:

18 (1) decisions to accept transfer, relinquishment,  
 19 or jurisdiction for any lands under this title and to  
 20 open lands to operation of the public land laws; and

21 (2) decisions to transfer management responsi-  
 22 bility from or to a military department pursuant to  
 23 subsection 3(i) of this title.

1 **SEC. 210. AUTHORIZATION OF APPROPRIATIONS.**

2       There are hereby authorized to be appropriated such  
3 sums as may be necessary to carry out the purposes of  
4 this title.

5                   **TITLE III—BARRY M.**  
6       **GOLDWATER RANGE, ARIZONA**

7 **SEC. 301. WITHDRAWAL AND RESERVATION.**

8       (a) WITHDRAWAL.—Subject to valid existing rights  
9 and except as otherwise provided in this title, all lands  
10 and interests in lands within the boundaries established  
11 at the Barry M. Goldwater Range, referred to in sub-  
12 section (c) of this section, are hereby withdrawn from all  
13 forms of appropriation under the general land laws, in-  
14 cluding the mining, mineral leasing and geothermal leas-  
15 ing laws, and jurisdiction over such lands and interests  
16 in lands withdrawn and reserved by this title is hereby  
17 transferred to the Secretary of the Navy and the Secretary  
18 of the Air Force.

19       (b) RESERVATION.—The lands withdrawn under sub-  
20 section (a) of this section for the Barry M. Goldwater  
21 Range—East are reserved for use by the Secretary of the  
22 Air Force and Barry M. Goldwater Range—West are re-  
23 served for use by the Secretary of the Navy for:

24               (1) an armament and high-hazard testing area;

1           (2) training for aerial gunnery, rocketry, elec-  
2       tronic warfare, and tactical maneuvering and air  
3       support;

4           (3) equipment and tactics development and  
5       testing; and

6           (4) other defense-related purposes consistent  
7       with the purposes specified in this subsection.

8       (c) LAND DESCRIPTION.—The public lands and inter-  
9       ests in lands withdrawn and reserved by this section com-  
10      prise approximately 1,650,200 acres of land in Maricopa,  
11      Pima, and Yuma Counties, Arizona, as generally depicted  
12      on the map entitled “Barry M. Goldwater Range Land  
13      Withdrawal,” dated June 17, 1999, and filed in accord-  
14      ance with section 2 of this title.

15      (d) TERMINATION OF WITHDRAWAL.—Except as oth-  
16      erwise provided in title D of this title, as to those lands  
17      withdrawn by subsection 1(c) of Public Law 99–606, but  
18      not withdrawn for military purposes by this title, the Pub-  
19      lic Law 99–606 withdrawal shall not terminate until No-  
20      vember 5, 2001, or until the Secretary of the Air Force’s  
21      relinquishment of these lands is accepted by the Secretary  
22      of the Interior: *Provided, however,* That the Public Law  
23      99–606 withdrawal with respect to the Cabeza Prieta Na-  
24      tional Wildlife Refuge shall terminate upon enactment of  
25      this Act.

1 (e) CHANGES IN USE.—The Secretary of the Navy  
2 and the Secretary of the Air Force shall consult with the  
3 Secretary of the Interior prior to using the lands with-  
4 drawn and reserved by this title for any purpose other  
5 than those purposes identified in subsection (b) of this sec-  
6 tion.

7 (f) INDIAN TRIBES.—Nothing in this title shall be  
8 construed as altering any rights reserved for Indians by  
9 treaty or Federal law.

10 **SEC. 302. MAP AND LEGAL DESCRIPTION.**

11 (a) PREPARATION OF MAPS AND LEGAL DESCRIPT-  
12 TION.—As soon as practicable after the effective date of  
13 this Act, the Secretary of the Interior shall—

14 (1) publish in the Federal Register a notice  
15 containing the legal description of the lands with-  
16 drawn and reserved by this title; and

17 (2) file a map or maps and the legal description  
18 of the lands withdrawn and reserved by this title  
19 with the Committee on Energy and Natural Re-  
20 sources of the United States Senate and with the  
21 Committee on Resources of the United States House  
22 of Representatives.

23 (b) LEGAL EFFECT.—Such legal description shall  
24 have the same force and effect as if it were included in  
25 this title: *Provided*, That the Secretary of the Interior may

1 correct clerical and typographical errors in such legal de-  
2 scription. The maps filed under this section shall support  
3 the legal description, without independent legal effect.

4 (c) AVAILABILITY.—Copies of the map or maps and  
5 the legal description shall be available for public inspection  
6 in the offices of the Arizona State Director, Phoenix Field  
7 Office Manager, and Yuma Field Office Manager of the  
8 Bureau of Land Management and the Office of the Com-  
9 mander, Luke Air Force Base, Arizona, and Office of the  
10 Commanding Officer, Marine Corps Air Station, Yuma,  
11 Arizona.

12 (d) COSTS.—The Secretary of the Navy and the Sec-  
13 retary of the Air Force shall reimburse the Secretary of  
14 the Interior for the costs incurred by the Secretary of the  
15 Interior in implementing this section.

16 **SEC. 303. MANAGEMENT OF WITHDRAWN AND RESERVED**  
17 **LANDS.**

18 (a) GENERAL MANAGEMENT AUTHORITY.—During  
19 the period of withdrawal and reservation made by this  
20 title, the Secretary of the Navy and the Secretary of the  
21 Air Force shall manage the lands withdrawn and reserved  
22 by this title for the military purposes specified in section  
23 1 of this title, and in accordance with the integrated nat-  
24 ural resource management plan prepared pursuant to sub-  
25 section (c) of this section: *Provided, however,* That respon-

1 sibility for natural and cultural resources management  
2 and the enforcement of Federal laws related thereto shall  
3 not transfer before the integrated natural resources man-  
4 agement plan as required by subsection (c) of this section  
5 is completed or November 1, 2001, whichever comes first:  
6 *And provided further,* That the Secretary of the Interior  
7 may, if appropriate, effect the transfer of responsibility  
8 for natural and cultural resources to the Department of  
9 the Interior pursuant to subsection (h) of this section.

10 (b) ACCESS RESTRICTIONS.—

11 (1) If the Secretary of the Navy or the Sec-  
12 retary of the Air Force determines that military op-  
13 erations, public safety, or national security require  
14 the closure to the public of any road, trail or other  
15 portion of the lands withdrawn and reserved by this  
16 title, the Secretary of the Navy or the Secretary of  
17 the Air Force is authorized to take such action as  
18 the Secretary of the Navy or the Secretary of the  
19 Air Force determines necessary or desirable to effect  
20 and maintain such closure.

21 (2) Any such closure shall be limited to the  
22 minimum areas and periods that the Secretary of  
23 the Navy or the Secretary of the Air Force deter-  
24 mines are required for the purposes specified in this  
25 subsection. Prior to any nonemergency closure not

1 specified in the integrated natural resources man-  
2 agement plan required by subsection (c) of this sec-  
3 tion, the Secretary of the Navy or the Secretary of  
4 the Air Force shall consult with the Secretary of the  
5 Interior and, where any such closure may affect trib-  
6 al lands, treaty rights, or sacred sites, the Secretary  
7 of the Navy or the Secretary of the Air Force shall  
8 consult, at the earliest practicable time, with af-  
9 fected Indian tribes.

10 (3) Immediately preceding and during any clo-  
11 sure under this subsection, the Secretary of the  
12 Navy or the Secretary of the Air Force shall post  
13 appropriate warning notices and take other steps, as  
14 necessary, to notify the public of the closure.

15 (c) INTEGRATED NATURAL RESOURCES MANAGE-  
16 MENT PLAN.—Within two (2) years of the date of enact-  
17 ment of this title, the Secretary of the Navy, the Secretary  
18 of the Air Force, and the Secretary of the Interior shall  
19 jointly prepare an integrated natural resources manage-  
20 ment plan for the lands withdrawn and reserved by this  
21 title: *Provided, however,* That the Secretary of the Navy  
22 and the Secretary of the Interior may jointly prepare a  
23 separate plan pursuant to this subsection: *Provided fur-*  
24 *ther,* That any disagreement concerning the contents of  
25 the plan (or any subsequent amendments to the plan) shall



1 be resolved by the Secretary of the Navy for the West  
2 Range and the Secretary of the Air Force for the East  
3 Range, after consultation with the Secretary of the Inte-  
4 rior through the State Director, Bureau of Land Manage-  
5 ment and, as appropriate, the Regional Director, United  
6 States Fish and Wildlife Service. This authority may be  
7 delegated to the installation commanders. In all other re-  
8 spects, the plan shall be prepared and implemented in ac-  
9 cordance with the Sikes Act (16 U.S.C. § 670a et seq.)  
10 and the requirements of this section and shall—

11           (1) include provisions for proper management  
12           and protection of the natural and cultural resources,  
13           and for sustainable use by the public of such re-  
14           sources to the extent consistent with the military  
15           purposes for which the lands are withdrawn and re-  
16           served;

17           (2) be developed in consultation with affected  
18           Indian tribes and shall include provisions that ad-  
19           dress how the Secretary of the Navy and the Sec-  
20           retary of the Air Force intend to—

21                   (A) meet the United States' trust respon-  
22                   sibilities with respect to Indian tribes, lands,  
23                   and rights reserved by treaty or Federal law af-  
24                   fected by the withdrawal and reservation;

1 (B) allow access to and ceremonial use of  
2 Indian sacred sites to the extent consistent with  
3 the military purposes for which the lands are  
4 withdrawn and reserved; and

5 (C) provide for timely consultation with af-  
6 fected Indian tribes;

7 (3) provide that any hunting, fishing, and trap-  
8 ping on the lands withdrawn and reserved by this  
9 title shall be conducted in accordance with the provi-  
10 sions of 10 U.S.C. § 2671;

11 (4) provide for continued livestock grazing and  
12 agricultural out-leasing where it currently exists, if  
13 appropriate, in accordance with 10 U.S.C. § 2667  
14 and at the discretion of the Secretary of the Navy  
15 and the Secretary of the Air Force;

16 (5) identify current test and target impact  
17 areas and related buffer or safety zones;

18 (6) provide that the Secretary of the Navy and  
19 the Secretary of the Air Force shall take necessary  
20 actions to prevent, suppress, and manage brush and  
21 range fires occurring within the boundaries of the  
22 Barry M. Goldwater Range, as well as brush and  
23 range fires occurring outside the boundaries of the  
24 Barry M. Goldwater Range resulting from military  
25 activities. Notwithstanding the provisions of 10

1 U.S.C. § 2465, the Secretary of the Navy and the  
2 Secretary of the Air Force may obligate funds ap-  
3 propriated or otherwise available to the Secretaries  
4 to enter into memoranda of understanding, coopera-  
5 tive agreements, and contracts for fire fighting that  
6 shall reimburse the Secretary of the Interior for  
7 costs incurred under this subsection;

8 (7) provide that all gates, fences and barriers  
9 constructed after the enactment of this title shall be  
10 designed and erected to allow wildlife access, to the  
11 extent practicable and consistent with military secu-  
12 rity, safety, and sound wildlife management use;

13 (8) incorporate any existing management plans  
14 pertaining to the lands withdrawn and reserved by  
15 this title, to the extent that the Secretary of the  
16 Navy, the Secretary of the Air Force and the Sec-  
17 retary of the Interior, upon reviewing any such  
18 plans, mutually determine that incorporation into a  
19 plan pursuant to this section is appropriate;

20 (9) include procedures to ensure that the peri-  
21 odic reviews of the plan required by the Sikes Act  
22 are conducted jointly by the Secretary of the Navy,  
23 the Secretary of the Air Force and the Secretary of  
24 the Interior, and that affected States and Indian  
25 tribes, and the public are provided a meaningful op-

1       portunity to comment upon any substantial revisions  
2       to the plan that may be proposed; and

3           (10) provide procedures to amend the plan as  
4       necessary.

5       (d) MEMORANDA OF UNDERSTANDING AND COOPER-  
6   ATIVE AGREEMENTS.—The Secretary of the Navy and the  
7   Secretary of the Air Force may enter into memoranda of  
8   understanding or cooperative agreements with the Sec-  
9   retary of the Interior or other appropriate Federal, State,  
10   or local agencies, Indian tribes, or other public or private  
11   organizations or institutions, as necessary to implement  
12   the integrated natural resources management plan pre-  
13   pared pursuant to this section. Any memorandum of un-  
14   derstanding or cooperative agreement affecting integrated  
15   natural resources management may be combined, where  
16   appropriate, with any other memorandum of under-  
17   standing or cooperative agreement entered into to imple-  
18   ment this title, and shall not be subject to the provisions  
19   of the Federal Grant and Cooperative Agreement Act of  
20   1977 (31 U.S.C. §§ 6301–6308).

21       (e) USE OF MINERAL MATERIALS.—Notwithstanding  
22   any other provisions of this title or the Materials Act of  
23   1947 (30 U.S.C. §§ 601 et seq.), the Secretary of the Navy  
24   and the Secretary of the Air Force may use sand, gravel,  
25   or similar mineral material resources of the type subject

1 to disposition under the Materials Act from the lands  
2 withdrawn and reserved by this title: *Provided*, That use  
3 of such resources is required for construction needs of the  
4 Barry M. Goldwater Range.

5 (f) PUBLIC REPORTS.—

6 (1) Concurrent with each review of the inte-  
7 grated natural resources management plan, pursu-  
8 ant to paragraph (c)(9) of this section, the Secretary  
9 of the Navy, the Secretary of the Air Force, and the  
10 Secretary of the Interior shall jointly prepare and  
11 issue a report describing changes in the condition of  
12 the public lands withdrawn and reserved by this title  
13 from the later of the date of any previous report  
14 under this subsection or the date of the environ-  
15 mental impact statement prepared to support this  
16 title. In addition, this report shall include a sum-  
17 mary of current military use; any changes in mili-  
18 tary use since the previous report; and efforts re-  
19 lated to the management of natural and cultural re-  
20 sources and environmental remediation during the  
21 previous five (5) years. This report may be combined  
22 with any report required by the Sikes Act. Any dis-  
23 agreements concerning the content of this report  
24 shall be resolved by the Secretary of the Navy and

1 the Secretary of the Air Force. This authority may  
2 be delegated to the installation commanders.

3 (2) Prior to its finalization, the Secretary of the  
4 Navy, the Secretary of the Air Force and the Sec-  
5 retary of the Interior shall invite interested members  
6 of the public to review and comment upon the report  
7 and shall hold at least one public meeting concerning  
8 the report in a location or locations reasonably ac-  
9 cessible to those persons who may be affected by  
10 management of the lands withdrawn and reserved by  
11 this title. The public meeting shall be announced no  
12 fewer than 15 days prior to the meeting date by ad-  
13 vertisements in local newspapers of general circula-  
14 tion, by publishing an announcement in the Federal  
15 Register, and by any other means deemed necessary.

16 (3) Final reports shall be made available to the  
17 public and submitted to appropriate committees of  
18 Congress.

19 (g) INTERGOVERNMENTAL EXECUTIVE COM-  
20 MITTEE.—Within two (2) years of the date of the enact-  
21 ment of this title, the Secretary of the Navy, the Secretary  
22 of the Air Force and the Secretary of the Interior shall,  
23 by memorandum of understanding, establish an intergov-  
24 ernmental executive committee, comprised of selected rep-  
25 resentatives from interested Federal agencies, as well as

1 elected officers (or other authorized representatives) from  
2 State governments and elected officers (or other author-  
3 ized representatives) from such local and tribal govern-  
4 ments as may be designated at the discretion of the Sec-  
5 retary of the Navy, the Secretary of the Air Force and  
6 the Secretary of the Interior. The intergovernmental exec-  
7 utive committee shall be established solely for the purposes  
8 of exchanging views, information, and advice relating to  
9 the management of natural and cultural resources on the  
10 affected public lands. The intergovernmental executive  
11 committee shall operate in accordance with the terms set  
12 forth in a memorandum of understanding that shall speci-  
13 fy those Federal agencies and elected officers or represent-  
14 atives of State, local, and tribal governments to be invited  
15 to participate. The memorandum of understanding shall  
16 establish procedures for creating a forum for exchanging  
17 views, information and advice relating to the management  
18 of natural and cultural resources on affected public lands,  
19 procedures for rotating the chair of the intergovernmental  
20 executive committee, and procedures for scheduling reg-  
21 ular meetings. The Secretary of the Navy and the Sec-  
22 retary of the Air Force shall, in consultation with the Sec-  
23 retary of the Interior, appoint an individual to serve as  
24 Committee Coordinator. The duties of the Coordinator

1 shall be included in the memorandum of understanding.

2 The Coordinator shall not be a member of the committee.

3 (h) TRANSFER OF MANAGEMENT RESPONSIBILITY.—

4 (1) If the Secretary of the Interior determines  
5 that the Secretary of the Navy or the Secretary of  
6 the Air Force has failed to manage the lands with-  
7 drawn and reserved by this title for military pur-  
8 poses in accordance with the integrated natural re-  
9 source management plan, and that the failure to do  
10 so is resulting in significant degradation of the nat-  
11 ural or cultural resources of such lands, the Sec-  
12 retary of the Interior shall give the Secretary of the  
13 Navy or the Secretary of the Air Force written no-  
14 tice of such determination, a description of the defi-  
15 ciencies in management practices by the Secretary  
16 of the Navy or the Secretary of the Air Force, and  
17 an explanation of the methodology employed in  
18 reaching the determination. Within 60 days of the  
19 date such notification is received, the Secretary of  
20 the Navy or the Secretary of the Air Force shall  
21 submit a response to the Secretary of the Interior,  
22 which response may include a plan of action for ad-  
23 dressing any identified deficiencies in the conduct of  
24 management responsibility and for preventing fur-  
25 ther significant degradation of the natural or cul-



1 tural resources. If, no earlier than three months  
2 after the date the notification is received, the Sec-  
3 retary of the Interior determines that the defi-  
4 ciencies are not being corrected, and that significant  
5 degradation of the natural or cultural resources is  
6 continuing, then the Secretary of the Interior may  
7 effect transfer of the management responsibility for  
8 the natural and cultural resources of such lands  
9 from the Secretary of the Navy or the Secretary of  
10 the Air Force to the Secretary of the Interior, in  
11 accordance with a schedule for such transfer to be  
12 established by the Secretary of the Interior.

13 (2) After a transfer of management responsi-  
14 bility pursuant to paragraph (1) of this section, the  
15 Secretary of the Interior may transfer management  
16 responsibility back to the Secretary of the Navy or  
17 the Secretary of the Air Force if the Secretary of  
18 the Interior determines that adequate procedures  
19 and plans have been established to ensure that the  
20 lands withdrawn and reserved would be adequately  
21 managed by the Secretary of the Navy or the Sec-  
22 retary of the Air Force in accordance with the inte-  
23 grated natural resources management plan.

24 (3) For any period during which the Secretary  
25 of the Interior has management responsibility for

1 the lands withdrawn and reserved pursuant to this  
2 section, the integrated natural resources manage-  
3 ment plan established pursuant to subsection (c) of  
4 this section, including any amendments to the plan,  
5 shall remain in effect, pending the development of a  
6 management plan prepared pursuant to the Federal  
7 Land Policy and Management Act of 1976, in co-  
8 operation with the Secretary of the Navy or the Sec-  
9 retary of the Air Force.

10 (4) Assumption by the Secretary of the Interior  
11 pursuant to this subsection of management responsi-  
12 bility for the natural and cultural resources of the  
13 lands withdrawn and reserved shall not affect the  
14 use of these lands for military purposes, and the  
15 Secretary of the Navy or the Secretary of the Air  
16 Force shall continue to direct military activities on  
17 these lands.

18 (i) PAYMENT FOR SERVICES.—The Secretary of the  
19 Navy and the Secretary of the Air Force shall assume all  
20 costs for implementation of the integrated natural re-  
21 sources management plan, including payment to the Sec-  
22 retary of the Interior under section 1535 of title 31,  
23 United States Code, for any costs the Secretary of the In-  
24 terior incurs in providing goods or services to assist the  
25 Secretary of the Navy or the Secretary of the Air Force

1 in the implementation of the integrated natural resources  
2 management plan.

3 (j) DEFINITIONS.—For the purposes of this title:

4 (1) The term “Indian tribe” means an Indian or  
5 Alaska Native tribe, band, nation, pueblo, village, or  
6 community that the Secretary of the Interior ac-  
7 knowledges to exist as an Indian tribe pursuant to  
8 the Federally Recognized Indian Tribe List Act of  
9 1994.

10 (2) The term “sacred site” means any specific,  
11 discrete, narrowly delineated location on Federal  
12 land that is identified by an Indian tribe, or its des-  
13 ignee, as sacred by virtue of its established religious  
14 significance to, or ceremonial use by, an Indian reli-  
15 gion, but only to the extent that the tribe or its des-  
16 ignee, has informed the Secretary of the Navy or the  
17 Secretary of the Air Force of the existence of such  
18 a site. Neither the Secretary of the Department of  
19 Defense, the Secretary of the Navy, the Secretary of  
20 the Air Force, nor the Secretary of the Interior shall  
21 be required under 5 U.S.C. § 552 to make available  
22 to the public any information concerning the loca-  
23 tion, character, or use of any traditional Indian reli-  
24 gious or sacred site located on lands withdrawn and  
25 reserved by this title.

1 **SEC. 304. ENVIRONMENTAL REQUIREMENTS.**

2 (a) DURING WITHDRAWAL AND RESERVATION.—

3 Throughout the duration of the withdrawal and reserva-  
4 tion made by this title (including the duration of any re-  
5 newal or extension), and with respect both to those activi-  
6 ties undertaken by the Secretary of the Navy and the Sec-  
7 retary of the Air Force on the lands withdrawn and re-  
8 served by this title and to all activities occurring on such  
9 lands during such times as the Secretary of the Navy and  
10 the Secretary of the Air Force may exercise management  
11 jurisdiction over the lands withdrawn and reserved by this  
12 title, the Secretary of the Navy and the Secretary of the  
13 Air Force shall:

14 (1) be responsible for and pay all costs related  
15 to, the Department of the Navy's or the Department  
16 of the Air Force's compliance with applicable Fed-  
17 eral, State, and local environmental laws, regula-  
18 tions, rules, and standards;

19 (2) carry out and maintain in accordance with  
20 the requirements of all regulations, rules, and stand-  
21 ards issued by the Department of Defense pursuant  
22 to its authorities under the Defense Environmental  
23 Restoration Program (10 U.S.C. §§ 2701 et seq.),  
24 the Department of Defense Explosives Safety Board  
25 (10 U.S.C. § 172), and Executive Order 12580, a  
26 program to address—

1 (A) any release or a substantial threat of  
2 a release attributable to military munitions (in-  
3 cluding unexploded ordnance) and other con-  
4 stituents, and

5 (B) any release or a substantial threat of  
6 a release, regardless of its source, occurring on  
7 or emanating from the lands withdrawn and re-  
8 served by this title during the period of with-  
9 drawal and reservation; and

10 (3) provide to the Secretary of the Interior a  
11 copy of any report prepared by the Secretary of the  
12 Navy or the Secretary of the Air Force pursuant to  
13 any Federal, State or local environmental laws, reg-  
14 ulations, rules, and standards.

15 (b) PRIOR TO RELINQUISHMENT OR TERMI-  
16 NATION.—

17 (1) ENVIRONMENTAL REVIEW.—Upon notifying  
18 the Secretary of the Interior that the Secretary of  
19 the Navy or the Secretary of the Air Force intends,  
20 pursuant to section 7 of this title, to relinquish juris-  
21 diction over the lands withdrawn and reserved by  
22 this title, the Secretary of the Navy or the Secretary  
23 of the Air Force shall provide to the Secretary of the  
24 Interior an environmental baseline survey, military  
25 range assessment, or other environmental review

1 characterizing the environmental condition of the  
2 land, air, and water resources affected by the activi-  
3 ties undertaken by the Secretary of the Navy or the  
4 Secretary of the Air Force on and over the lands  
5 withdrawn and reserved by this title. If hazardous  
6 substances were stored for one (1) year or more,  
7 known to have been released or disposed of, or if a  
8 substantial threat of a release exists, on the lands  
9 withdrawn and reserved by this title, any such envi-  
10 ronmental review shall include notice of the type and  
11 quantity of such hazardous substances, and notice of  
12 the time during which such storage, release, sub-  
13 stantial threat of a release, or disposal took place.

14 (2) MEMORANDUM OF UNDERSTANDING.—In  
15 addition to the provisions of this section, the Sec-  
16 retary of the Navy, the Secretary of the Air Force,  
17 and the Secretary of the Interior may enter into a  
18 memorandum of understanding to implement the en-  
19 vironmental remediation requirements of this title.  
20 This memorandum of understanding may include  
21 appropriate, technically feasible, and mutually ac-  
22 ceptable cleanup standards that the concerned Sec-  
23 retaries believe environmental remediation activities  
24 shall achieve, as well as a schedule for completing  
25 such activities: *Provided*, That such cleanup stand-

ards shall be consistent with any legally applicable or relevant and appropriate standard, requirement, criteria, or limitation otherwise required by law.

(3) ENVIRONMENTAL REMEDIATION.—With respect to lands to be relinquished pursuant to section 7 of this title, the Secretary of the Navy or the Secretary of the Air Force shall take all actions necessary to address any release or substantial threat of a release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation affected by this Act. To the extent practicable, all such response actions shall be taken before the termination of such withdrawal and reservation.

(4) CONSULTATION.—If the Secretary of the Interior accepts the relinquishment of jurisdiction over any of the lands withdrawn and reserved by this title before all necessary response actions have been completed, the Secretary of the Interior shall consult with the Secretary of the Navy or the Secretary of the Air Force before undertaking or authorizing any activities on the withdrawn and reserved lands that may affect existing releases, interfere with the installation, maintenance, or operation of any response action or expose any person to a

1 safety or health risk associated with either the re-  
2 leases or the response action being undertaken.

3 (c) RESPONSIBILITY AND LIABILITY.—The Secretary  
4 of the Navy and the Secretary of the Air Force, and not  
5 the Secretary of the Interior, shall be responsible for and  
6 conduct the necessary remediation of all releases or sub-  
7 stantial threats of release, whether located on or ema-  
8 nating from lands withdrawn and reserved by this title,  
9 and whether known at the time of relinquishment or ter-  
10 mination or subsequently discovered, attributable to either  
11 the Secretary of the Navy's or the Secretary of the Air  
12 Force's management of the lands withdrawn and reserved  
13 by this title, or the use, management, storage, release,  
14 treatment, or disposal of hazardous materials, hazardous  
15 substances, hazardous wastes, pollutants, contaminants,  
16 petroleum products and their derivatives, military muni-  
17 tions, or other constituents on the lands withdrawn and  
18 reserved by this title. This responsibility shall include the  
19 liability for any costs or claims asserted against the  
20 United States for such activities. Nothing in this para-  
21 graph is intended to prevent the United States from bring-  
22 ing a cost recovery, contribution, or other action against  
23 third persons or parties the Secretary of the Navy or the  
24 Secretary of the Air Force reasonably believes may have  
25 contributed to a release or substantial threat of a release.



1       (d) OTHER FEDERAL AGENCIES.—If the Secretary  
2 of the Navy or the Secretary of the Air Force delegates  
3 responsibility or jurisdiction to another Federal agency, or  
4 permits another Federal agency to operate on the lands  
5 withdrawn and reserved under this title, the Secretary of  
6 the Navy or the Secretary of the Air Force shall retain  
7 all responsibility and liability described in subsection (c)  
8 of this section that is not assumed by that Federal agency  
9 to whom the Secretary of the Navy or the Secretary of  
10 the Air Force has granted responsibility, jurisdiction, or  
11 permission.

12       (e) DEFINITIONS.—For the purposes of this title:

13           (1) The term “military munitions” means all  
14 ammunition products and components produced or  
15 used by or for the U.S. Department of Defense or  
16 the U.S. Armed Services for national defense and se-  
17 curity, including military munitions under the con-  
18 trol of the Department of Defense, the U.S. Coast  
19 Guard, the U.S. Department of Energy and Na-  
20 tional Guard personnel. The term military munitions  
21 includes: confined gaseous, liquid, and solid propel-  
22 lants, explosives, pyrotechnics, chemical and riot  
23 control agents, smokes, and incendiaries used by and  
24 for Department of Defense components, including  
25 bulk explosives and chemical warfare agents, chem-

1        ical munitions, rockets, guided and ballistic missiles,  
2        bombs, warheads, mortar rounds, artillery ammuni-  
3        tion, small arms ammunition, grenades, mines, tor-  
4        pedoes, depth charges, cluster munitions and dis-  
5        pensers, demolition charges, and devices and compo-  
6        nents thereof. Military munitions do not include  
7        wholly inert items, improvised explosive devices and  
8        nuclear weapons, nuclear devices, and nuclear com-  
9        ponents thereof. However, the term does include  
10       non-nuclear components of nuclear devices, managed  
11       under Department of Energy's nuclear weapons pro-  
12       gram after all required sanitization operations under  
13       the Atomic Energy Act of 1954, as amended, have  
14       been completed.

15       (2) The term "unexploded ordnance" means  
16       military munitions that have been primed, fused,  
17       armed, or otherwise prepared for action, and have  
18       been fired, dropped, launched, projected, or placed in  
19       such a manner as to constitute a hazard or potential  
20       hazard, to operations, installation, personnel, or ma-  
21       terial, and remain unexploded either by malfunction,  
22       design, or any other cause.

23       (3) The term "other constituents" means po-  
24       tentially hazardous compounds, mixtures, or ele-  
25       ments that are located on or originate from closed,

1 transferred, or transferring ranges and are released  
2 from military munitions or unexploded ordnance, or  
3 resulted from other activities or military ranges.

4 **SEC. 305. DURATION OF WITHDRAWAL AND RESERVATION.**

5 (a) Unless extended pursuant to section 7 of this  
6 title, the withdrawal and reservation made by this title  
7 shall terminate 25 years after the date of the enactment  
8 of this Act, except as otherwise provided in subsection 7(d)  
9 of this title.

10 (b) At the date of termination, the previously with-  
11 drawn lands shall not be open to any forms of appropria-  
12 tion under the general land laws, including the mining,  
13 mineral leasing, and geothermal leasing laws, until the  
14 Secretary of the Interior publishes in the Federal Register  
15 an appropriate order that shall state the date upon which  
16 such lands shall be restored to the public domain and  
17 opened.

18 **SEC. 306. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
19 **ERVATION.**

20 (a) Not later than three (3) years prior to the termi-  
21 nation date of the initial withdrawal and reservation made  
22 by this title, the Secretary of the Navy and the Secretary  
23 of the Air Force shall notify Congress and the Secretary  
24 of the Interior concerning whether the Navy or Air Force  
25 will have a continuing military need, beyond the termi-

1 nation date of such withdrawal, for all or any portion of  
2 the lands withdrawn.

3 (b) If the Secretary of the Navy or the Secretary of  
4 the Air Force determines that there will be a continuing  
5 military need for any of the lands withdrawn by this title,  
6 the Secretary of the Navy and the Secretary of the Air  
7 Force shall:

8 (1) consult with the Secretary of the Interior  
9 concerning any adjustments to be made to the areal  
10 extent of, or to the allocation of management re-  
11 sponsibility for, such needed lands; and

12 (2) file with the Secretary of the Interior, with-  
13 in one (1) year after the notice required by sub-  
14 section (a) of this section, an application for exten-  
15 sion of the withdrawal and reservation of such need-  
16 ed lands. The Department of the Interior's general  
17 procedures for processing Federal land withdrawals  
18 notwithstanding, any application for extension under  
19 this title shall be considered complete if it includes  
20 the following—

21 (A) the information required by section 3  
22 of the Engle Act (43 U.S.C. § 157), except that  
23 no information shall be required concerning the  
24 use or development of mineral, timber, or graz-  
25 ing resources unless, and only to the extent, the

1 Secretary of the Navy or the Secretary of the  
2 Air Force proposes to use or develop such re-  
3 sources during the period of extension; and

4 (B) a copy of the most recent public report  
5 prepared in accordance with subsection 3(e) of  
6 this title.

7 (c) The Secretary of the Interior, the Secretary of  
8 the Navy, and the Secretary of the Air Force shall ensure  
9 that any legislative proposal for the extension of the with-  
10 drawal and reservation is submitted to Congress no later  
11 than May 1 of the year preceding the year in which the  
12 existing withdrawal and reservation would otherwise ter-  
13minate.

14 **SEC. 307. TERMINATION AND RELINQUISHMENT.**

15 (a) At any time during the withdrawal and reserva-  
16tion but not later than three (3) years prior to the termi-  
17nation date of the withdrawal and reservation effected by  
18this title, if the Secretary of the Navy or the Secretary  
19of the Air Force determines that there is no continuing  
20military need for the lands withdrawn and reserved by this  
21title, or any portion of these lands, the Secretary of the  
22Navy or the Secretary of the Air Force shall notify the  
23Secretary of the Interior of an intention to relinquish ju-  
24risdiction over such lands, which notice shall specify the  
25proposed date of relinquishment.

1       (b) The Secretary of the Interior may accept jurisdic-  
2   tion over any lands covered by a notice of intention to re-  
3   linquish jurisdiction under this section if the Secretary of  
4   the Interior determines that the Secretary of the Navy or  
5   the Secretary of the Air Force has taken the environ-  
6   mental response actions required under section 4 of this  
7   title.

8       (c) If the Secretary of the Interior accepts jurisdic-  
9   tion over lands covered by a notice of intention to relin-  
10   quish jurisdiction under this section before the termi-  
11   nation date of withdrawal and reservation, the Secretary  
12   of the Interior shall publish in the Federal Register an  
13   appropriate order that shall—

14           (1) terminate the withdrawal and reservation of  
15   such lands under this title;

16           (2) constitute official acceptance of administra-  
17   tive jurisdiction over the lands by the Secretary of  
18   the Interior; and

19           (3) state the date upon which such lands shall  
20   be opened to the operation of the general land laws,  
21   including the mining, mineral leasing, and geo-  
22   thermal leasing laws, if appropriate.

23       (d)(1) Notwithstanding the termination date, unless  
24   and until the Secretary of the Interior accepts jurisdiction  
25   of land proposed for relinquishment pursuant to this sec-

tion or until the Administrator, General Services Administration, accepts jurisdiction of such lands under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. §§ 251 et seq.), such land shall remain under the jurisdiction of the Secretary of the Navy or the Secretary of the Air Force for the limited purpose of—

(A) environmental response actions under section 4 of this title; and

(B) continued land management responsibilities pursuant to the integrated natural resources management plan under section 3 of this title.

(2) For any land that the Secretary of the Interior determines to be suitable for return to the public domain, but does not agree with the Secretary of the Navy or the Secretary of the Air Force that all necessary environmental response actions under section 4 of this title have been taken, the Secretary of the Navy or the Secretary of the Air Force and the Secretary of the Interior shall resolve the dispute in accordance with any applicable dispute resolution process.

(3) For any land that the Secretary of the Interior determines to be unsuitable for return to the public domain, the Secretary of the Interior shall immediately notify the Administrator, General Services Administration.

1 (e) All functions described in this section, including  
 2 transfers, relinquishments, extensions, and other deter-  
 3 minations, may be made on a parcel-by-parcel basis.

4 **SEC. 308. DELEGATIONS OF AUTHORITY.**

5 (a) SECRETARY OF THE NAVY.—Except as may oth-  
 6 erwise be provided in this title, the functions of the Sec-  
 7 retary of the Navy under this title may be delegated.

8 (b) SECRETARY OF THE AIR FORCE.—Except as may  
 9 otherwise be provided in this title, the functions of the  
 10 Secretary of the Air Force under this title may be dele-  
 11 gated.

12 (c) SECRETARY OF THE INTERIOR.—The functions of  
 13 the Secretary of the Interior under this title may be dele-  
 14 gated, except that the following determinations and deci-  
 15 sions may be approved and signed only by the Secretary  
 16 of the Interior, the Deputy Secretary of the Interior, an  
 17 Assistant Secretary of the Interior, or the Director, Bu-  
 18 reau of Land Management—

19 (1) decisions to accept transfer, relinquishment,  
 20 or jurisdiction for any lands under this title and to  
 21 open lands to operation of the public land laws; and

22 (2) decisions to transfer management responsi-  
 23 bility from or to a military department pursuant to  
 24 subsection 3(h) of this title.



1 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

2       There are hereby authorized to be appropriated such  
3 sums as may be necessary to carry out the purposes of  
4 this title.

5 **TITLE IV—MILITARY USE OF**  
6 **CABEZA PRIETA NATIONAL**  
7 **WILDLIFE REFUGE**

8 **SEC. 401. DEPARTMENT OF DEFENSE MILITARY AVIATION**  
9 **TRAINING ACTIVITIES ON AND ABOVE THE**  
10 **CABEZA PRIETA WILDLIFE REFUGE AND THE**  
11 **CABEZA PRIETA WILDERNESS.**

12       (a) CONGRESSIONAL DECLARATION OF POLICY.—  
13 Congress recognizes that the historic use of the areas des-  
14 ignated as the Cabeza Prieta National Wildlife Refuge and  
15 the Cabeza Prieta Wilderness (hereinafter Cabeza Prieta)  
16 by the Marine Corps and the Air Force has been integral  
17 to effective operation of the Barry M. Goldwater Air Force  
18 Range, and that continued use of Cabeza Prieta by the  
19 Marine Corps and the Air Force to support military avia-  
20 tion training will remain necessary to ensure the readiness  
21 of this Nation's Armed Forces. Congress also recognizes  
22 that the historic use of Cabeza Prieta by the Marine Corps  
23 and the Air Force has coexisted for many years with the  
24 wildlife conservation and wilderness purposes for which  
25 the refuge and wilderness areas were established.

1       (b) MANAGEMENT AND USE OF THE REFUGE.—Con-  
2 gress hereby directs the Secretary of the Interior, in co-  
3 ordination with the Secretary of the Navy and the Sec-  
4 retary of the Air Force, to manage Cabeza Prieta for the  
5 purposes for which the refuge and wilderness were estab-  
6 lished, and to support current and future military aviation  
7 training needs consistent with the 1994 Memorandum of  
8 Understanding between the Department of the Air Force  
9 and the Department of the Interior, including any exten-  
10 sion or other amendment of such Memorandum of Under-  
11 standing as provided herein.

12       (c) EXTENDING THE MEMORANDUM OF UNDER-  
13 STANDING.—The Secretary of the Interior, the Secretary  
14 of the Navy, and the Secretary of the Air Force shall ex-  
15 tend the November 21, 1994, Memorandum of Under-  
16 standing among the Department of the Interior, the De-  
17 partment of the Navy, and the Department of the Air  
18 Force. The Memorandum of Understanding shall be ex-  
19 tended for a period that coincides with the duration of  
20 the withdrawal and reservation of the Barry M. Goldwater  
21 Range made by this title.

22       (d) AMENDING THE MEMORANDUM OF UNDER-  
23 STANDING.—

24               (1) AMENDMENTS TO MEET MILITARY AVIATION  
25 TRAINING NEEDS.—

1 (A) When determined by the Secretary of  
2 the Navy or the Secretary of the Air Force to  
3 be essential to support military aviation train-  
4 ing, the Secretary of the Navy, the Secretary of  
5 the Air Force, and the Secretary of the Interior  
6 shall negotiate amendments to the Memo-  
7 randum of Understanding—

8 (i) to revise existing or establish new  
9 low-level training routes or to otherwise ac-  
10 commodate low-level overflight; or

11 (ii) to establish new or enlarged areas  
12 closed to public use as surface safety  
13 zones; or

14 (iii) to accommodate the maintenance,  
15 upgrade, replacement, or installation of ex-  
16 isting or new associated ground instrumen-  
17 tation.

18 (B) Any amendment of the Memorandum  
19 of Understanding shall be consistent with the  
20 respective legal responsibilities of the Secretary  
21 of the Navy, the Secretary of the Air Force,  
22 and the Secretary of the Interior.

23 (C) As provided by the existing provisions  
24 of the National Wildlife Refuge System Im-  
25 provement Act and the Arizona Desert Wilder-

1           ness Act, amendments to the Memorandum of  
2           Understanding to revise existing or establish  
3           new low-level training routes or to otherwise ac-  
4           commodate low-level overflight are not subject  
5           to compatibility determinations nor precluded  
6           by the designation of lands within the Cabeza  
7           Prieta National Wildlife Refuge as wilderness.

8           (D) Amendments to the Memorandum of  
9           Understanding with respect to the upgrade or  
10          replacement of existing associated ground in-  
11          strumentation or the installation of new associ-  
12          ated ground instrumentation shall not be pre-  
13          cluded by the existing wilderness designation to  
14          the extent that the Secretary of the Interior,  
15          after consultation with the Secretary of the  
16          Navy and the Secretary of the Air Force, deter-  
17          mines that such actions, considered both indi-  
18          vidually and cumulatively, create similar or less  
19          impact than the existing ground instrumenta-  
20          tion permitted by the Arizona Desert Wilder-  
21          ness Act of 1990.

22          (2) OTHER AMENDMENTS.—The Secretary of  
23          the Interior, the Secretary of the Navy, or the Sec-  
24          retary of the Air Force may initiate renegotiation of  
25          the Memorandum of Understanding at any time to

1 address other needed changes, and the Memorandum  
2 of Understanding may be amended to accommodate  
3 any such changes by the mutual consent of the par-  
4 ties consistent with their respective legal responsibil-  
5 ities.

6 (3) EFFECTIVE DATE OF AMENDMENTS.—  
7 Amendments to the Memorandum of Understanding  
8 shall take effect 90 days after the Secretary of the  
9 Interior has notified the Committees on Environ-  
10 ment and Public Works, Energy and Natural Re-  
11 sources, and Armed Services of the United States  
12 Senate and the Committees on Resources and  
13 Armed Services of the United States House of Rep-  
14 resentatives.

15 **SEC. 402. STATUS OF CONTAMINATED LANDS.**

16 (a) DECONTAMINATION.—Throughout the duration  
17 of the withdrawal of the Barry M. Goldwater Range, the  
18 Secretary of the Navy and the Secretary of the Air Force,  
19 to the extent funds are made available, shall maintain a  
20 program of decontamination of the portions of Cabeza  
21 Prieta used for military training purposes at least at the  
22 level of cleanup currently achieved on such lands. More-  
23 over, any environmental contamination caused or contrib-  
24 uted to by the Department of the Navy or the Department  
25 of the Air Force shall be the responsibility of the Depart-

1 ment of the Navy or the Department of the Air Force and  
2 not the responsibility of the Department of the Interior.

3 (b) EFFECT.—Nothing in this section shall be con-  
4 strued as constituting or effecting a relinquishment within  
5 the meaning of section 8 of Public Law 99–606.

6 **SEC. 403. PUBLIC SAFETY.**

7 If the Secretary of the Navy or the Secretary of the  
8 Air Force determines that military operations, public safe-  
9 ty, or national security require the closure to the public  
10 of any road, trail, or other portion of Cabeza Prieta, the  
11 Secretary of the Interior shall take such action as is deter-  
12 mined necessary or desirable to effect and maintain such  
13 closure, including agreeing to amend the Memorandum of  
14 Understanding to establish new or enhanced surface safety  
15 zones.

16 **TITLE V—FORT GREELY AND**  
17 **FORT WAINWRIGHT TRAIN-**  
18 **ING RANGES, ALASKA**

19 **SEC. 501. WITHDRAWAL AND RESERVATION.**

20 (a) WITHDRAWAL.—Subject to valid existing rights  
21 and except as otherwise provided in this title, all lands  
22 and interests in lands within the boundaries established  
23 at the Fort Greely East and West Training Ranges and  
24 the Yukon Training Range of Fort Wainwright (herein-  
25 after Alaska Army Training Ranges, as used in this title),

1 referred to in subsection (c) of this section, are hereby  
2 withdrawn from all forms of appropriation under the gen-  
3 eral land laws, including the mining, mineral leasing and  
4 geothermal leasing laws, and jurisdiction over such lands  
5 and interest in lands withdrawn and reserved by this title  
6 is hereby transferred to the Secretary of the Army.

7 (b) RESERVATION.—The lands withdrawn under sub-  
8 section (a) of this section are reserved for use by the Sec-  
9 retary of the Army for—

10 (1) military maneuvering, training, and equip-  
11 ment development and testing;

12 (2) training for aerial gunnery, rocketry, elec-  
13 tronic warfare, and tactical maneuvering and air  
14 support; and

15 (3) other defense-related purposes consistent  
16 with the purposes specified in this subsection.

17 (c) LAND DESCRIPTION.—The public lands and in-  
18 terests in lands withdrawn and reserved by this section  
19 comprise approximately 869,862 acres of land in the Fair-  
20 banks North Star Borough and the Unorganized Borough,  
21 Alaska, as generally depicted on the map entitled “Fort  
22 Wainwright and Fort Greely Regional Context Map”  
23 dated June 3, 1987, and filed in accordance with section  
24 2 of this title.

1 (d) CHANGES IN USE.—The Secretary of the Army  
 2 shall consult with the Secretary of the Interior prior to  
 3 using the lands withdrawn and reserved by this title for  
 4 any purpose other than those purposes identified in sub-  
 5 section (b) of this section.

6 (e) INDIAN TRIBES.—Nothing in this title shall be  
 7 construed as altering any rights reserved for Indians by  
 8 treaty or Federal law.

9 **SEC. 502. MAP AND LEGAL DESCRIPTION.**

10 (a) PREPARATION OF MAPS AND LEGAL DESCRIP-  
 11 TION.—As soon as practicable after the effective date of  
 12 this Act, the Secretary of the Interior shall—

13 (1) publish in the Federal Register a notice  
 14 containing the legal description of the lands with-  
 15 drawn and reserved by this title; and

16 (2) file a map or maps and the legal description  
 17 of lands withdrawn and reserved by this title with  
 18 the Committee on Energy and Natural Resources of  
 19 the United States Senate and with the Committee  
 20 on Resources of the United States House of Rep-  
 21 resentatives.

22 (b) LEGAL EFFECT.—Such legal description shall  
 23 have the same force and effect as if it were included in  
 24 this title: *Provided*, That the Secretary of the Interior may  
 25 correct clerical and typographical errors in such legal de-



1 description. The maps filed under this section shall support  
2 the legal description, without independent legal effect.

3 (c) AVAILABILITY.—Copies of the map or maps and  
4 the legal description shall be available for public inspection  
5 in the offices of the Alaska State Director and Northern  
6 Field Office Manager of the Bureau of Land Management  
7 and the Office of the Commander, Fort Greely and Office  
8 of the Commander, Fort Wainwright, Alaska.

9 (d) COSTS.—The Secretary of the Army shall reim-  
10 burse the Secretary of the Interior for the costs incurred  
11 by the Secretary of the Interior in implementing this sec-  
12 tion.

13 **SEC. 503. MANAGEMENT OF WITHDRAWAL AND RESERVED**  
14 **LANDS.**

15 (a) GENERAL MANAGEMENT AUTHORITY.—During  
16 the period of withdrawal and reservation made by this  
17 title, the Secretary of the Department of the Army shall  
18 manage the lands withdrawn and reserved by this title for  
19 the military purposes specified in section 1 of this title,  
20 and in accordance with the integrated natural resource  
21 management plan prepared pursuant to subsection (c) of  
22 this section: *Provided, however,* That responsibility for nat-  
23 ural and cultural resources management and the enforce-  
24 ment of Federal laws related thereto shall not transfer be-  
25 fore the integrated natural resources management plan as

1 required by subsection (c) of this section is completed or  
2 November 1, 2001, whichever comes first: *And provided*  
3 *further*, That the Secretary of the Interior may, if appro-  
4 priate, effect transfer of responsibility for natural and cul-  
5 tural resources to the Department of the Interior pursuant  
6 to subsection (i) of this section.

7 (b) ACCESS RESTRICTIONS.—

8 (1) If the Secretary of the Army determines  
9 that military operations, public safety, or national  
10 security require the closure to the public of any  
11 road, trail, or other portion of the lands withdrawn  
12 and reserved by this title, the Secretary of the Army  
13 is authorized to take such action as the Secretary of  
14 the Army determines necessary or desirable to effect  
15 and maintain such closure.

16 (2) Any such closure shall be limited to the  
17 minimum areas and periods that the Secretary of  
18 the Army determines are required for the purposes  
19 specified in this subsection. Prior to any non-  
20 emergency closure not specified in the integrated  
21 natural resources management plan required by sub-  
22 section (c) of this section, the Secretary of the Army  
23 shall consult with the Secretary of the Interior and,  
24 where any such closure may affect tribal lands, trea-  
25 ty rights, or sacred sites, the Secretary of the Army

1       shall consult, at the earliest practical time, with af-  
2       fected Indian tribes.

3           (3) Immediately preceding and during any clo-  
4       sure under this subsection, the Secretary of the  
5       Army shall post appropriate warning notices and  
6       take other steps, as necessary, to notify the public  
7       of the closure.

8       (c) INTEGRATED NATURAL RESOURCES MANAGE-  
9       MENT PLAN.—Within two (2) years of the date of enact-  
10      ment of this title, the Secretary of the Army and the Sec-  
11      retary of the Interior shall jointly prepare an integrated  
12      natural resources management plan for the lands with-  
13      drawn and reserved by this title: *Provided, however,* That  
14      any disagreement concerning the contents of the plan (or  
15      any subsequent amendments to the plan) shall be resolved  
16      by the Secretary of the Army, after consultation with the  
17      Secretary of the Interior through the State Director, Bu-  
18      reau of Land Management and, as appropriate, the Re-  
19      gional Director, United States Fish and Wildlife Service.  
20      This authority may be delegated to the installation com-  
21      mander. In all other respects, the plan shall be prepared  
22      and implemented in accordance with the Sikes Act (16  
23      U.S.C. § 670a et seq.) and the requirements of this section  
24      and shall—

1           (1) include provisions for proper management  
2           and protection of the natural and cultural resources,  
3           and for sustainable use by the public of such re-  
4           sources to the extent consistent with the military  
5           purposes for which the lands are withdrawn and re-  
6           served;

7           (2) be developed in consultation with affected  
8           Indian tribes and shall include provisions that ad-  
9           dress how the Secretary of the Army intends to—

10                 (A) meet the United States' trust respon-  
11                 sibilities with respect to Indian tribes, lands,  
12                 and rights reserved by treaty or Federal law af-  
13                 fected by the withdrawal and reservation;

14                 (B) allow access to and ceremonial use of  
15                 Indian sacred sites to the extent consistent with  
16                 the military purposes for which the lands are  
17                 withdrawn and reserved; and

18                 (C) provide for timely consultation with af-  
19                 fected Indian tribes;

20           (3) provide that any hunting, fishing, and trap-  
21           ping on the lands withdrawn and reserved by this  
22           title shall be conducted in accordance with the provi-  
23           sions of 10 U.S.C. § 2671;

24           (4) identify current test and target impact  
25           areas and related buffer or safety zones;

1           (5) provide that the Secretary of the Army shall  
2       take necessary actions to prevent, suppress, and  
3       manage brush and range fires occurring within the  
4       boundaries of the Alaska Army Training Ranges, as  
5       well as brush and range fires occurring outside the  
6       boundaries of the Alaska Army Training Ranges re-  
7       sulting from military activities; notwithstanding the  
8       provisions of 10 U.S.C. § 2465, the Secretary of the  
9       Army may obligate funds appropriated or otherwise  
10      available to the Secretary to enter into memoranda  
11      of understanding, cooperative agreements, and con-  
12      tracts for fire fighting that shall reimburse the Sec-  
13      retary of the Interior for costs incurred under this  
14      subsection;

15           (6) provide that all gates, fences and barriers  
16      constructed after the enactment of this title shall be  
17      designed and erected to allow wildlife access, to the  
18      extent practicable and consistent with military secu-  
19      rity, safety, and sound wildlife management;

20           (7) provide that the Secretary of the Army may  
21      dispose of forest products removed from the lands  
22      withdrawn and reserved by this title through sale or  
23      other means, in accordance with 10 U.S.C. § 2665;

24           (8) provide for livestock grazing and agricul-  
25      tural out-leasing, if appropriate, in accordance with

1       10 U.S.C. § 2667 and at the discretion of the Sec-  
2       retary of the Army;

3           (9) incorporate any existing management plans  
4       pertaining to the lands withdrawn and reserved by  
5       this title, to the extent that the Secretary of the  
6       Army and the Secretary of the Interior, upon review-  
7       ing any such plans, mutually determine that incorpo-  
8       ration into a plan pursuant to this section is appro-  
9       priate;

10          (10) include procedures to ensure that the peri-  
11       odic reviews of the plan required by the Sykes Act  
12       are conducted jointly by the Secretary of the Army  
13       and the Secretary of the Interior, and that affected  
14       States and Indian tribes, and the public are provided  
15       a meaningful opportunity to comment upon any sub-  
16       stantial revisions to the plan that may be proposed;  
17       and

18          (11) provide procedures to amend the plan as  
19       necessary.

20       (d) MEMORANDA OF UNDERSTANDING AND COOPER-  
21       ATIVE AGREEMENTS.—The Secretary of the Army may  
22       enter into memoranda of understanding or cooperative  
23       agreements with the Secretary of the Interior or other ap-  
24       propriate Federal, State, or local agencies, Indian tribes,  
25       or other public or private organizations or institutions, as

1 necessary to implement the integrated natural resources  
2 management plan prepared pursuant to this section. Any  
3 memorandum of understanding or cooperative agreement  
4 affecting integrated natural resources management may  
5 be combined, where appropriate, with any other memo-  
6 randum of understanding or cooperative agreement en-  
7 tered into to implement this title, and shall not be subject  
8 to the provisions of the Federal Grant and Cooperative  
9 Agreement Act of 1977 (31 U.S.C. §§ 6301–6308).

10 (e) USE OF MINERAL MATERIALS.—Notwithstanding  
11 any other provisions of this title or the Materials Act of  
12 1947 (30 U.S.C. §§ 601 et seq.), the Secretary of the  
13 Army may use sand, gravel, or similar mineral material  
14 resources of the type subject to disposition under the Ma-  
15 terials Act from the lands withdrawn and reserved by this  
16 title: *Provided*, That use of such resources is required for  
17 construction needs of the Alaska Army Training Ranges.

18 (f) LEASES, EASEMENTS AND RIGHTS-OF-WAY.—  
19 The Secretary of the Interior may issue any lease, ease-  
20 ment, right-of-way, or other authorization with respect to  
21 the nonmilitary use of the lands withdrawn and reserved  
22 by this title only with the concurrence of the Secretary  
23 of the Army.

24 (g) PUBLIC REPORTS.—

1           (1) Concurrent with each review of the inte-  
2           grated natural resources management plan pursuant  
3           to paragraph (c)(10) of this section, the Secretary of  
4           the Army and the Secretary of the Interior shall  
5           jointly prepare and issue a report describing changes  
6           in the condition of the public lands withdrawn and  
7           reserved by this title from the later of the date of  
8           any previous report under this subsection or the date  
9           of the environmental impact statement prepared to  
10          support this title. In addition, this report shall in-  
11          clude a summary of current military use; any  
12          changes in military use since the previous report;  
13          and efforts related to the management of natural  
14          and cultural resources and environmental remedi-  
15          ation during the previous five (5) years. This report  
16          may be combined with any report required by the  
17          Sikes Act. Any disagreements concerning the con-  
18          tents of this report shall be resolved by the Sec-  
19          retary of the Army. This authority may be delegated  
20          to the installation commander.

21          (2) Prior to its finalization, the Secretary of the  
22          Army and the Secretary of the Interior shall invite  
23          interested members of the public to review and com-  
24          ment upon the report and shall hold at least one  
25          public meeting concerning the report in a location or



1 locations reasonably accessible to those persons who  
2 may be affected by management of the lands with-  
3 drawn and reserved by this title. The public meeting  
4 shall be announced no fewer than 15 days prior to  
5 the meeting date by advertisements in local news-  
6 papers of general circulation, by publishing an an-  
7 nouncement in the Federal Register, and by any  
8 other means deemed necessary.

9 (3) Final reports shall be made available to the  
10 public and submitted to appropriate committees of  
11 Congress.

12 (h) INTERGOVERNMENTAL EXECUTIVE COM-  
13 MITTEE.—Within two (2) years of the date of the enact-  
14 ment of this title, the Secretary of the Army and the Sec-  
15 retary of the Interior shall, by memorandum of under-  
16 standing, establish an intergovernmental executive com-  
17 mittee, comprised of selected representatives from inter-  
18 ested Federal agencies, as well as elected officers (or other  
19 authorized representatives) from State governments and  
20 elected officers (or other authorized representatives) from  
21 such local and tribal governments as may be designated  
22 at the discretion of the Secretary of the Army and the  
23 Secretary of the Interior. The intergovernmental executive  
24 committee shall be established solely for the purposes of  
25 exchanging views, information, and advice relating to the

1 management of natural and cultural resources on the af-  
2 fected public lands. The intergovernmental executive com-  
3 mittee shall operate in accordance with the terms set forth  
4 in a memorandum of understanding that shall specify  
5 those Federal agencies and elected officers or representa-  
6 tives of State, local and tribal governments to be invited  
7 to participate. The memorandum of understanding shall  
8 establish procedures for creating a forum for exchanging  
9 views, information and advice relating to the management  
10 of natural and cultural resources on affected public lands,  
11 procedures for rotating the Chair of the intergovernmental  
12 executive committee, and procedures for scheduling reg-  
13 ular meetings. The Secretary of the Army may, in con-  
14 sultation with the Secretary of the Interior, appoint an  
15 individual to serve as Committee Coordinator. The duties  
16 of the Coordinator shall be included in the memorandum  
17 of understanding. The Coordinator shall not be a member  
18 of the committee.

19 (i) TRANSFER OF MANAGEMENT RESPONSIBILITY.—

20 (1) If the Secretary of the Interior determines  
21 that the Secretary of the Army has failed to manage  
22 the lands withdrawn and reserved by this title, for  
23 military purposes in accordance with the integrated  
24 natural management plan, and that the failure to do  
25 so is resulting in significant degradation of the nat-

1        ural or cultural resources of such lands, the Sec-  
2        retary of the Interior shall give the Secretary of the  
3        Army written notice of such determination, a de-  
4        scription of the deficiencies in management practices  
5        by the Secretary of the Army, and an explanation of  
6        the methodology employed in reaching the deter-  
7        mination. Within 60 days of the date such notifica-  
8        tion is received, the Secretary of the Army shall sub-  
9        mit a response to the Secretary of the Interior,  
10       which response may include a plan of action for ad-  
11       dressing any identified deficiencies in the conduct of  
12       management responsibility and for preventing fur-  
13       ther significant degradation of the natural or cul-  
14       tural resources. If, no earlier than three months  
15       after the date the notification is received, the Sec-  
16       retary of the Interior determines that the defi-  
17       ciencies are not being corrected, and that significant  
18       degradation of the natural or cultural resources is  
19       continuing, then the Secretary of the Interior may  
20       effect transfer of the management responsibility for  
21       the natural and cultural resources of such lands  
22       from the Secretary of the Army to the Secretary of  
23       the Interior, in accordance with a schedule for such  
24       transfer to be established by the Secretary of the In-  
25       terior.

1           (2) After a transfer of management responsi-  
2           bility pursuant to paragraph (1) of this section, the  
3           Secretary of the Interior may transfer management  
4           responsibility back to the Secretary of the Army if  
5           the Secretary of the Interior determines that ade-  
6           quate procedures and plans have been established to  
7           ensure that the lands withdrawn and reserved would  
8           be adequately managed by the Secretary of the  
9           Army in accordance with the integrated natural re-  
10          sources management plan.

11          (3) For any period during which the Secretary  
12          of the Interior has management responsibility for  
13          the lands withdrawn and reserved pursuant to this  
14          section, the integrated natural resources manage-  
15          ment plan established pursuant to subsection (c) of  
16          this section, including any amendments to the plan,  
17          shall remain in effect, pending the development of a  
18          management plan prepared pursuant to the Federal  
19          Land Policy and Management Act of 1976, in co-  
20          operation with the Secretary of the Army.

21          (4) Assumption by the Secretary of the Interior  
22          pursuant to this subsection of management responsi-  
23          bility for the natural and cultural resources of the  
24          lands withdrawn and reserved shall not affect the  
25          use of these lands for military purposes, and the

1 Secretary of the Army shall continue to direct mili-  
2 tary activities on these lands.

3 (j) PAYMENT FOR SERVICES.—The Secretary of the  
4 Army shall assume all costs for implementation of the in-  
5 tegrated natural resources management plan, including  
6 payment to the Secretary of the Interior under section  
7 1535 of title 31, United States Code, for any costs the  
8 Secretary of the Interior incurs in providing goods or serv-  
9 ices to assist the Secretary of the Army in the implementa-  
10 tion of the integrated natural resources management plan.

11 (k) DEFINITIONS.—For the purposes of this title:

12 (1) The term “Indian tribe” means an Indian  
13 or Alaska Native tribe, band, nation, pueblo, village,  
14 or community that the Secretary of the Interior ac-  
15 knowledges to exist as an Indian tribe pursuant to  
16 the Federally Recognized Indian Tribe List Act of  
17 1994.

18 (2) The term “sacred site” means any specific,  
19 discrete, narrowly delineated location on Federal  
20 land that is identified by an Indian tribe, or its des-  
21 ignee, as sacred by virtue of its established religious  
22 significance to, or ceremonial use by, an Indian reli-  
23 gion, but only to the extent that the tribe or its des-  
24 ignee has informed the Secretary of the Army of the  
25 existence of such a site. Neither the Secretary of the

1 Department of Defense, the Secretary of the Army,  
2 nor the Secretary of the Interior shall be required  
3 under 5 U.S.C. § 552 to make available to the public  
4 any information concerning the location, character,  
5 or use of any traditional Indian religious or sacred  
6 site located on lands withdrawn and reserved by this  
7 title.

8 **SEC. 504. ENVIRONMENTAL REQUIREMENTS.**

9 (a) DURING WITHDRAWAL AND RESERVATION.—  
10 Throughout the duration of the withdrawal and reserva-  
11 tion made by this title (including the duration of any re-  
12 newal or extension), and with respect both to those activi-  
13 ties undertaken by the Secretary of the Army on the lands  
14 withdrawn and reserved by this title and to all activities  
15 occurring on such lands during such times as the Sec-  
16 retary of the Army may exercise management jurisdiction  
17 over the lands withdrawn and reserved by this title, the  
18 Secretary of the Army shall—

- 19 (1) be responsible for and pay all costs related  
20 to, the Department of the Army's compliance with  
21 applicable Federal, State, and local environmental  
22 laws, regulations, rules, and standards;
- 23 (2) carry out and maintain in accordance with  
24 the requirements of all regulations, rules, and stand-  
25 ards issued by the Department of Defense pursuant

1 to its authorities under the Defense Environmental  
2 Restoration Program (10 U.S.C. §§ 2701 et seq.),  
3 the Department of Defense Explosives Safety Board  
4 (10 U.S.C. § 172), and Executive Order 12580, a  
5 program to address—

6 (A) any release or a substantial threat of a re-  
7 lease attributable to military munitions (including  
8 unexploded ordnance) and other constituents, and

9 (B) any release or a substantial threat of a re-  
10 lease, regardless of its source, occurring on or ema-  
11 nating from the lands withdrawn and reserved by  
12 this title during the period of withdrawal and res-  
13 ervation; and

14 (3) provide to the Secretary of the Interior a  
15 copy of any report prepared by the Secretary of the  
16 Army pursuant to any Federal, State, or local envi-  
17 ronmental laws, regulations, rules, and standards.

18 (b) PRIOR TO RELINQUISHMENT OR TERMI-  
19 NATION.—

20 (1) ENVIRONMENTAL REVIEW.—Upon notifying  
21 the Secretary of the Interior that the Secretary of  
22 the Army intends, pursuant to section 7 of this title,  
23 to relinquish jurisdiction over the lands withdrawn  
24 and reserved by this title, the Secretary of the Army  
25 shall provide to the Secretary of the Interior an en-

1        vironmental baseline survey, military range assess-  
2        ment, or other environmental review characterizing  
3        the environmental condition of the land, air, and  
4        water resources affected by the activities undertaken  
5        by the Secretary of the Army on and over the lands  
6        withdrawn and reserved by this title. If hazardous  
7        substances were stored for one (1) year or more,  
8        known to have been released or disposed of, or if a  
9        substantial threat of a release exists, on the lands  
10       withdrawn and reserved by this title, any such envi-  
11       ronmental review shall include notice of the type and  
12       quantity of such hazardous substances, and notice of  
13       the time during which such storage, release, sub-  
14       stantial threat of a release, or disposal took place.

15       (2) MEMORANDUM OF UNDERSTANDING.—In  
16       addition to the provisions of this section, the Sec-  
17       retary of the Army and the Secretary of the Interior  
18       may enter into a memorandum of understanding to  
19       implement the environmental remediation require-  
20       ments of this title. This memorandum of under-  
21       standing may include appropriate, technically fea-  
22       sible, and mutually acceptable cleanup standards  
23       that both Secretaries believe environmental remedi-  
24       ation activities shall achieve, as well as a schedule  
25       for completing such activities: *Provided*, That such



1 cleanup standards shall be consistent with any le-  
2 gally applicable or relevant and appropriate stand-  
3 ard, requirement, criteria, or limitation otherwise re-  
4 quired by law.

5 (3) ENVIRONMENTAL REMEDIATION.—With re-  
6 spect to lands to be relinquished pursuant to section  
7 8 of this title, the Secretary of the Army shall take  
8 all actions necessary to address any release or sub-  
9 stantial threat of a release, regardless of its source,  
10 occurring on or emanating from such lands during  
11 the period of withdrawal and reservation effected by  
12 this Act. To the extent practicable, all such response  
13 actions shall be taken before the termination of such  
14 withdrawal and reservation.

15 (4) CONSULTATION.—If the Secretary of the  
16 Interior accepts the relinquishment of jurisdiction  
17 over any of the lands withdrawn and reserved by  
18 this title before all necessary response actions have  
19 been completed, the Secretary of the Interior shall  
20 consult with the Secretary of the Army before un-  
21 dertaking or authorizing any activities on the with-  
22 drawn and reserved lands that may affect existing  
23 releases, interfere with the installation, maintenance,  
24 or operation of any response action or expose any  
25 person to a safety or health risk associated with ei-

1       ther the release or the response action being under-  
2       taken.

3       (c) RESPONSIBILITY AND LIABILITY.—The Secretary  
4 of the Army, and not the Secretary of the Interior, shall  
5 be responsible for and conduct the necessary remediation  
6 of all releases or substantial threats of release, whether  
7 located on or emanating from lands withdrawn and re-  
8 served by this title, and whether known at the time of re-  
9 linquishment or termination or subsequently discovered,  
10 attributable to either the Secretary of the Army's manage-  
11 ment of the lands withdrawn and reserved by this title,  
12 or the use, management, storage, release, treatment, or  
13 disposal of hazardous materials, hazardous substances,  
14 hazardous wastes, pollutants, contaminants, petroleum  
15 products and their derivatives, military munitions, or  
16 other constituents on the lands withdrawn and reserved  
17 by this title. This responsibility shall include the liability  
18 for any costs or claims asserted against the United States  
19 for such activities. Nothing in this paragraph is intended  
20 to prevent the United States from bringing a cost recov-  
21 ery, contribution, or other action against third persons or  
22 parties the Secretary of the Army reasonably believes may  
23 have contributed to a release or substantial threat of a  
24 release.

1 (d) OTHER FEDERAL AGENCIES.—If the Secretary  
2 of the Army delegates responsibility or jurisdiction to an-  
3 other Federal agency, or permits another Federal agency  
4 to operate on the lands withdrawn and reserved by this  
5 title, the Secretary of the Army shall retain all responsi-  
6 bility and liability described in subsection (c) of this sec-  
7 tion that is not assumed by that Federal agency to whom  
8 the Secretary of the Army has granted responsibility, ju-  
9 risdiction or permission.

10 (e) DEFINITIONS.—For the purposes of this title:

11 (1) The term “military munitions” means all  
12 ammunition products and components produced or  
13 used by or for the U.S. Department of Defense or  
14 the U.S. Armed Services for national defense and se-  
15 curity, including military munitions under the con-  
16 trol of the Department of Defense, the U.S. Coast  
17 Guard, the U.S. Department of Energy and Na-  
18 tional Guard personnel. The term military munitions  
19 includes: confined gaseous, liquid, and solid propel-  
20 lants, explosives, pyrotechnics, chemical and riot  
21 control agents, smokes, and incendiaries used by and  
22 for Department of Defense components, including  
23 bulk explosives and chemical warfare agents, chem-  
24 ical munitions, rockets, guided and ballistic missiles,  
25 bombs, warheads, mortar rounds, artillery ammuni-

1       tion, small arms ammunition, grenades, mines, tor-  
2       pedoes, depth charges, cluster munitions and dis-  
3       pensers, demolition charges, and devices and compo-  
4       nents thereof. Military munitions do not include  
5       wholly inert items, improvised explosive devices and  
6       nuclear weapons, nuclear devices, and nuclear com-  
7       ponents thereof. However, the term does include  
8       non-nuclear components of nuclear devices, managed  
9       under Department of Energy’s nuclear weapons pro-  
10      gram after all required sanitization operations under  
11      the Atomic Energy Act of 1954, as amended, have  
12      been completed.

13           (2) The term “unexploded ordnance” means  
14      military munitions that have been primed, fused,  
15      armed, or otherwise prepared for action, and have  
16      been fired, dropped, launched, projected, or placed in  
17      such a manner as to constitute a hazard or potential  
18      hazard, to operations, installation, personnel, or ma-  
19      terial, and remain unexploded either by malfunction,  
20      design or any other cause.

21           (3) The term “other constituents” means po-  
22      tentially hazardous compounds, mixtures, or ele-  
23      ments that are located on or originate from closed,  
24      transferred or transferring ranges and are released

1 from military munitions or unexploded ordnance, or  
2 resulted from other activities on military ranges.

3 **SEC. 505. DURATION OF WITHDRAWAL AND RESERVATION.**

4 (a) Unless extended pursuant to section 6 of this title  
5 the withdrawal and reservation made by this title shall ter-  
6minate 25 years after the date of the enactment of this  
7 Act, except as otherwise provided in subsection 7(d) of this  
8 title.

9 (b) At the date of termination, the previously with-  
10drawn lands shall not be open to any forms of appropria-  
11tion under the general land laws, including the mining,  
12 mineral leasing, and geothermal leasing laws, until the  
13 Secretary of the Interior publishes in the Federal Register  
14 an appropriate order that shall state the date upon which  
15 such lands shall be restored to the public domain and  
16 opened.

17 **SEC. 506. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
18 **ERVATION.**

19 (a) Not later than three (3) years prior to the termi-  
20nation date of the initial withdrawal and reservation made  
21 by this title, the Secretary of the Army shall notify Con-  
22gress and the Secretary of the Interior concerning whether  
23 the Army will have a continuing military need, beyond the  
24 termination date of such withdrawal, for all or any portion  
25 of the lands withdrawn.

1 (b) If the Secretary of the Army determines that  
2 there will be a continuing military need for any of the  
3 lands withdrawn by this title, the Secretary of the Army  
4 shall—

5 (1) consult with the Secretary of the Interior  
6 concerning any adjustments to be made to the areal  
7 extent of, or to the allocation of management re-  
8 sponsibility for, such needed lands; and

9 (2) file with the Secretary of the Interior, with-  
10 in one (1) year after the notice required by sub-  
11 section (a) of this section, an application for exten-  
12 sion of the withdrawal and reservation of such need-  
13 ed lands. The Department of the Interior's general  
14 procedures for processing Federal land withdrawals  
15 notwithstanding, any application for extension under  
16 this title shall be considered complete if it includes  
17 the following:

18 (A) the information required by section 3  
19 of the Engle Act (43 U.S.C. § 157), except that  
20 no information shall be required concerning the  
21 use or development of mineral, timber, or graz-  
22 ing resources unless, and only to the extent, the  
23 Secretary of the Army proposes to use or de-  
24 velop such resources during the period of exten-  
25 sion; and

1 (B) a copy of the most recent public report  
2 prepared in accordance with subsection 3(f) of  
3 this title.

4 (c) The Secretary of the Interior and the Secretary  
5 of the Army shall ensure that any legislative proposal for  
6 the extension of the withdrawal and reservation is sub-  
7 mitted to Congress no later than May 1 of the year pre-  
8 ceding the year in which the existing withdrawal and res-  
9 ervation would otherwise terminate.

10 **SEC. 507. TERMINATION AND RELINQUISHMENT.**

11 (a) At any time during the withdrawal and reserva-  
12 tion but not later than three (3) years prior to the termi-  
13 nation date of the withdrawal and reservation effected by  
14 this title, if the Secretary of the Army determines that  
15 there is no continuing military need for the lands with-  
16 drawn and reserved by this title, or any portion of these  
17 lands, the Secretary of the Army shall notify the Secretary  
18 of the Interior of an intention to relinquish jurisdiction  
19 over such lands, which notice shall specify the proposed  
20 date of relinquishment.

21 (b) The Secretary of the Interior may accept jurisdic-  
22 tion over any lands covered by a notice of intention to re-  
23 linquish jurisdiction under this section if the Secretary of  
24 the Interior determines that the Secretary of the Army

1 has taken the environmental response actions required  
2 under section 4 of this title.

3 (c) If the Secretary of the Interior accepts jurisdic-  
4 tion over lands covered by a notice of intention to relin-  
5 quish jurisdiction under this section before the termi-  
6 nation date of withdrawal and reservation, the Secretary  
7 of the Interior shall publish in the Federal Register an  
8 appropriate order that shall—

9 (1) terminate the withdrawal and reservation of  
10 such lands under this title;

11 (2) constitute official acceptance of administra-  
12 tive jurisdiction over the lands by the Secretary of  
13 the Interior; and

14 (3) state the date upon which such lands shall  
15 be opened to the operation of the general land laws,  
16 including the mining, mineral leasing and geo-  
17 thermal leasing laws, if appropriate.

18 (d)(1) Notwithstanding the termination date, unless  
19 and until the Secretary of the Interior accepts jurisdiction  
20 of land proposed for relinquishment pursuant to this sec-  
21 tion or until the Administrator, General Services Adminis-  
22 tration accepts jurisdiction of such lands under the Fed-  
23 eral Property and Administrative Services Act of 1949 (40  
24 U.S.C. §§ 251 et seq.), such land shall remain under the



1 jurisdiction of the Secretary of the Army for the limited  
2 purposes of—

3           (A) environmental response actions under sec-  
4           tion 4 of this title; and

5           (B) continued land management responsibilities  
6           pursuant to the integrated natural resources man-  
7           agement plan under section 3 of this title.

8           (2) For any land that the Secretary of the Interior  
9 determines to be suitable for return to the public domain,  
10 but does not agree with the Secretary of the Army that  
11 all necessary environmental response actions under section  
12 4 of this title have been taken, the Secretary of the Army  
13 and the Secretary of the Interior shall resolve the dispute  
14 in accordance with any applicable dispute resolution proc-  
15 ess.

16           (3) For any land that the Secretary of the Interior  
17 determines to be unsuitable for return to the public do-  
18 main, the Secretary of the Interior shall immediately no-  
19 tify the Administrator, General Services Administration.

20           (e) All functions described under this section, includ-  
21 ing transfers, relinquishments, extensions and other deter-  
22 minations, may be made on a parcel-by-parcel basis.

1 **SEC. 508. DELEGATIONS OF AUTHORITY.**

2 (a) SECRETARY OF THE ARMY.—Except as may oth-  
3 erwise be provided in this title, the functions of the Sec-  
4 retary of the Army under this title may be delegated.

5 (b) SECRETARY OF THE INTERIOR.—The functions  
6 of the Secretary of the Interior under this title may be  
7 delegated, except that the following determinations and  
8 decisions may be approved and signed only by the Sec-  
9 retary of the Interior, the Deputy Secretary of the Inte-  
10 rior, an Assistant Secretary of the Interior, or the Direc-  
11 tor, Bureau of Land Management:

12 (1) Decisions to accept transfer, relinquish-  
13 ment, or jurisdiction for any lands under this title  
14 and to open lands to operation of the public land  
15 laws; and

16 (2) decisions to transfer management responsi-  
17 bility from or to a military department to subsection  
18 3(i) of this title.

19 **SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

20 There are hereby authorized to be appropriated such  
21 sums as may be necessary to carry out the purposes of  
22 this title.

1     **TITLE VI—McGREGOR RANGE,**  
2     **FORT BLISS, NEW MEXICO**

3     **SEC. 601. WITHDRAWAL AND RESERVATION.**

4         (a) WITHDRAWAL.—Subject to valid existing rights  
5     and except as otherwise provided in this title, all lands  
6     and interests in lands within the boundaries established  
7     at the McGregor Range of Fort Bliss, referred to in sub-  
8     section (c) of this section, are hereby withdrawn from all  
9     forms of appropriation under the general land laws, in-  
10    cluding the mining, mineral leasing and geothermal leas-  
11    ing laws, and jurisdiction over such lands and interest in  
12    lands withdrawn and reserved by this title is hereby trans-  
13    ferred to the Secretary of the Army.

14        (b) RESERVATION.—The lands withdrawn under sub-  
15    section (a) of this section are reserved for use by the Sec-  
16    retary of the Army for—

17           (1) military maneuvering, training, and equip-  
18       ment development and testing; and

19           (2) training for aerial gunnery, rocketry, elec-  
20       tronic warfare, and tactical maneuvering and air  
21       support associated with the Air Force Tactical Tar-  
22       get Complex; and

23           (3) other defense-related purposes consistent  
24       with the purposes specified in this subsection.

1       (c) LAND DESCRIPTION.—The public lands and in-  
2       terests in lands withdrawn and reserved by this section  
3       comprise 608,385 acres of land in Otero County, New  
4       Mexico, as generally depicted on the map entitled  
5       “McGregor Range Withdrawal” dated June 3, 1999, and  
6       filed in accordance with section 2 of this title.

7       (d) CHANGES IN USE.—The Secretary of the Army  
8       shall consult with the Secretary of the Interior prior to  
9       using the lands withdrawn and reserved by this title for  
10      any purpose other than those purposes identified in sub-  
11      section (b) of this section: *Provided, however,* That any  
12      change in military use within the Otero Mesa-Sacramento  
13      Foothills portion of McGregor Range, as depicted on the  
14      map referenced in subsection (c) of this section, shall re-  
15      quire the concurrence of the Secretary of the Interior.

16      (e) INDIAN TRIBES.—Nothing in this title shall be  
17      construed as altering any rights reserved for Indians by  
18      treaty or Federal law.

19      **SEC. 602. MAP AND LEGAL DESCRIPTION.**

20      (a) PREPARATION OF MAPS AND LEGAL DESCRIP-  
21      TION.—As soon as practicable after the effective date of  
22      this Act, the Secretary of the Interior shall—

23              (1) publish in the Federal Register a notice  
24              containing the legal description of the lands with-  
25              drawn and reserved by this title; and

1           (2) file a map or maps and the legal description  
2       of the lands withdrawn and reserved by this title  
3       with the Committee on Energy and Natural Re-  
4       sources of the United States Senate and with the  
5       Committee on Resources of the United States House  
6       of Representatives.

7       (b) LEGAL EFFECT.—Such legal description shall  
8       have the same force and effect as if it were included in  
9       this title: *Provided*, That the Secretary of the Interior may  
10      correct clerical and typographical errors in such legal de-  
11      scription. The maps filed under this section shall support  
12      the legal description, without independent legal effect.

13      (c) AVAILABILITY.—Copies of the map or maps and  
14      the legal description shall be available for public inspection  
15      in the offices of the New Mexico State Director and Las  
16      Cruces Field Office Manager of the Bureau of Land Man-  
17      agement and the Office of the Commander, Fort Bliss,  
18      Texas.

19      (d) COSTS.—The Secretary of the Army shall reim-  
20      burse the Secretary of the Interior for the costs incurred  
21      by the Secretary of the Interior in implementing this sec-  
22      tion.

1 **SEC. 603. MANAGEMENT OF WITHDRAWN AND RESERVED**  
2 **LANDS.**

3 (a) GENERAL MANAGEMENT AUTHORITY.—During  
4 the period of withdrawal and reservation made by this  
5 title, the Secretary of the Army shall manage the lands  
6 withdrawn and reserved by this title for the military pur-  
7 poses specified in section 1 of this title, and in accordance  
8 with the integrated natural resource management plan  
9 prepared pursuant to subsection (c) of this section: *Pro-*  
10 *vided, however,* That responsibility for natural and cultural  
11 resources management and the enforcement of Federal  
12 laws related thereto shall not transfer before the inte-  
13 grated natural resources management plan as required by  
14 subsection (c) of this section is completed or November  
15 1, 2001, whichever comes first: *And provided further,* That  
16 the Secretary of the Interior may, if appropriate, effect  
17 the transfer of responsibility for natural and cultural re-  
18 sources to the Department of the Interior pursuant to sub-  
19 section (i) of this section.

20 (b) ACCESS RESTRICTIONS.—

21 (1) If the Secretary of the Army determines  
22 that military operations, public safety, or national  
23 security require the closure to the public of any  
24 road, trail, or other portion of the lands withdrawn  
25 and reserved by this title, the Secretary of the Army  
26 is authorized to take such action as the Secretary of

1 the Army determines necessary or desirable to effect  
2 and maintain such closure.

3 (2) Any such closure shall be limited to the  
4 minimum areas and periods that the Secretary of  
5 the Army determines are required for the purposes  
6 specified in this subsection. Prior to any non-  
7 emergency closure not specified in the integrated  
8 natural resources management plan required by sub-  
9 section (c) of this section, the Secretary of the Army  
10 shall consult with the Secretary of the Interior and,  
11 where any such closure may affect tribal lands, trea-  
12 ty rights, or sacred sites, the Secretary of the Army  
13 shall consult, at the earliest practicable time, with  
14 affected Indian tribes.

15 (3) Immediately preceding and during any clo-  
16 sure under this subsection, the Secretary of the  
17 Army shall post appropriate warning notices and  
18 take other steps, as necessary, to notify the public  
19 of the closure.

20 (c) INTEGRATED NATURAL RESOURCES MANAGE-  
21 MENT PLAN.—Within two (2) years of the date of enact-  
22 ment of this title, the Secretary of the Army and the Sec-  
23 retary of the Interior shall jointly prepare an integrated  
24 natural resources management plan for the lands with-  
25 drawn and reserved by this title: *Provided, however,* That

1 any disagreement concerning the contents of the plan (or  
2 any subsequent amendments to the plan) shall be resolved  
3 by the Secretary of the Army, after consultation with the  
4 Secretary of the Interior through the State Director, Bu-  
5 reau of Land Management and, as appropriate, the Re-  
6 gional Director, United States Fish and Wildlife Service.  
7 This authority may be delegated to the installation com-  
8 mander. In all other respects, the plan shall be prepared  
9 and implemented in accordance with the Sikes Act (16  
10 U.S.C. § 670a et seq.) and the requirements of this section  
11 and shall—

12           (1) include provisions for proper management  
13           and protection of the natural and cultural resources,  
14           and for sustainable use by the public of such re-  
15           sources to the extent consistent with the military  
16           purposes for which the lands are withdrawn and re-  
17           served;

18           (2) be developed in consultation with affected  
19           Indian tribes and shall include provisions that ad-  
20           dress how the Secretary of the Army intends to—

21                   (A) meet the United States' trust respon-  
22                   sibilities with respect to Indian tribes, lands,  
23                   and rights reserved by treaty or Federal law af-  
24                   fected by the withdrawal and reservation;



1 (B) allow access to and ceremonial use of  
2 Indian sacred sites to the extent consistent with  
3 the military purposes for which the lands are  
4 withdrawn and reserved; and

5 (C) provide for timely consultation with af-  
6 fected Indian tribes;

7 (3) provide that any hunting, fishing, and trap-  
8 ping on the lands withdrawn and reserved by this  
9 title shall be conducted in accordance with the provi-  
10 sions of 10 U.S.C. § 2671;

11 (4) provide for livestock grazing and agricul-  
12 tural out-leasing, if appropriate, in accordance with  
13 10 U.S.C. § 2667 and at the discretion of the Sec-  
14 retary of the Army;

15 (5) identify current test and target impact  
16 areas and related buffer or safety zones;

17 (6) provide that the Secretary of the Army shall  
18 take necessary actions to prevent, suppress, and  
19 manage brush and range fires occurring within the  
20 boundaries of the McGregor Range, as well as brush  
21 and range fires occurring outside the boundaries of  
22 the McGregor Range resulting from military activi-  
23 ties; notwithstanding the provisions of 10 U.S.C.  
24 § 2465, the Secretary of the Army may obligate  
25 funds appropriated or otherwise available to the Sec-

1       retary to enter into memoranda of understanding,  
2       cooperative agreements, and contracts for fire fight-  
3       ing that shall reimburse the Secretary of the Interior  
4       for costs incurred under this subsection;

5           (7) provide that all gates, fences and barriers  
6       constructed after the enactment of this title shall be  
7       designed and erected to allow wildlife access, to the  
8       extent practicable and consistent with military secu-  
9       rity, safety, and sound wildlife management use;

10          (8) provide that the Secretary of the Army may  
11       dispose of forest products removed from the lands  
12       withdrawn and reserved by this title through sale or  
13       other means, in accordance with 10 U.S.C. § 2665;

14          (9) incorporate any existing management plans  
15       pertaining to the lands withdrawn and reserved by  
16       this title, to the extent that the Secretary of the  
17       Army and the Secretary of the Interior, upon review-  
18       ing any such plans, mutually determine that incorpo-  
19       ration into a plan pursuant to this section is appro-  
20       priate;

21          (10) include procedures to ensure that the peri-  
22       odic reviews of the plan required by the Sikes Act  
23       are conducted jointly by the Secretary of the Army  
24       and the Secretary of the Interior, and that affected  
25       States and Indian tribes, and the public are provided

1 a meaningful opportunity to comment upon any sub-  
2 stantial revisions to the plan that may be proposed;  
3 and

4 (11) provide for the management of the Culp  
5 Canyon Wilderness Study Area in accordance with  
6 subsection 603(c) of the Federal Land Policy and  
7 Management Act of 1976 (90 Stat. 2785).

8 (12) provide procedures to amend the plan as  
9 necessary.

10 (d) MEMORANDA OF UNDERSTANDING AND COOPER-  
11 ATIVE AGREEMENTS.—The Secretary of the Army may  
12 enter into memoranda of understanding or cooperative  
13 agreements with the Secretary of the Interior or other ap-  
14 propriate Federal, State, or local agencies, Indian tribes,  
15 or other public or private organizations or institutions, as  
16 necessary to implement the integrated natural resources  
17 management plan prepared pursuant to this section. Any  
18 memorandum of understanding or cooperative agreement  
19 affecting integrated natural resources management may  
20 be combined, where appropriate, with any other memo-  
21 randum of understanding or cooperative agreement en-  
22 tered into to implement this title, and shall not be subject  
23 to the provisions of the Federal Grant and Cooperative  
24 Agreement Act of 1977 (31 U.S.C. § 6301–6308).

1 (e) MANAGEMENT OF TIMBER RESOURCES.—The  
2 Secretary of the Army may dispose of forest products pro-  
3 duced on the lands withdrawn and reserved by this title  
4 through sale or other means, in accordance with 10 U.S.C.  
5 § 2665.

6 (f) USE OF MINERAL MATERIALS.—Notwithstanding  
7 any other provisions of this title or the Materials Act of  
8 1947 (30 U.S.C. §§ 601 et seq.), the Secretary of the  
9 Army may use sand, gravel, or similar mineral material  
10 resources of the type subject to disposition under the Ma-  
11 terials Act from the lands withdrawn and reserved by this  
12 title: *Provided*, That use of such resources is required for  
13 construction needs of the McGregor Range.

14 (g) PUBLIC REPORTS.—

15 (1) Concurrent with each review of the inte-  
16 grated natural resources management plan pursuant  
17 to paragraph (c)(10) of this section, the Secretary of  
18 the Army and the Secretary of the Interior shall  
19 jointly prepare and issue a report describing changes  
20 in the condition of the public lands withdrawn and  
21 reserved by this title from the later of the date of  
22 any previous report under this subsection or the date  
23 of the environmental impact statement prepared to  
24 support this title. In addition, this report shall in-  
25 clude a summary of current military use; any

1 changes in military use since the previous report;  
2 and efforts related to the management of natural  
3 and cultural resources and environmental remedi-  
4 ation during the previous five (5) years. This report  
5 may be combined with any report required by the  
6 Sikes Act. Any disagreements concerning the con-  
7 tents of this report shall be resolved by the Sec-  
8 retary of the Army. This authority may be delegated  
9 to the installation commander.

10 (2) Prior to its finalization, the Secretary of the  
11 Army and the Secretary of the Interior shall invite  
12 interested members of the public to review and com-  
13 ment upon the report and shall hold at least one  
14 public meeting concerning the report in a location or  
15 locations reasonably accessible to those persons who  
16 may be affected by management of the lands with-  
17 drawn and reserved by this title. The public meeting  
18 shall be announced no fewer than 15 days prior to  
19 the meeting date by advertisements in local news-  
20 papers of general circulation, by publishing an an-  
21 nouncement in the Federal Register, and by any  
22 other means deemed necessary.

23 (3) Final reports shall be made available to the  
24 public and submitted to appropriate committees of  
25 Congress.

1       (h)   INTERGOVERNMENTAL   EXECUTIVE   COM-  
2   MITTEE.—Within two (2) years of the date of the enact-  
3   ment of this title, the Secretary of the Army and the Sec-  
4   retary of the Interior shall, by memorandum of under-  
5   standing, establish an intergovernmental executive com-  
6   mittee, comprised of selected representatives from inter-  
7   ested Federal agencies, as well as elected officers (or other  
8   authorized representatives) from State governments and  
9   elected officers (or other authorized representatives) from  
10  such local and tribal governments as may be designated  
11  at the discretion of the Secretary of the Army and Sec-  
12  retary of the Interior. The intergovernmental executive  
13  committee shall be established solely for the purposes of  
14  exchanging views, information, and advice relating to the  
15  management of natural and cultural resources on the af-  
16  fected public lands. The intergovernmental executive com-  
17  mittee shall operate in accordance with the terms set forth  
18  in a memorandum of understanding that shall specify  
19  those Federal agencies and elected officers or representa-  
20  tives of State, local and tribal governments to be invited  
21  to participate. The memorandum of understanding shall  
22  establish procedures for creating a forum for exchanging  
23  views, information and advice relating to the management  
24  of natural and cultural resources on affected public lands,  
25  procedures for rotating the chair of the intergovernmental

1 executive committee, and procedures for scheduling reg-  
2 ular meetings. The Secretary of the Army may, in con-  
3 sultation with the Secretary of the Interior, appoint an  
4 individual to serve as Committee Coordinator. The duties  
5 of the Coordinator shall be included in the memorandum  
6 of understanding. The Coordinator shall not be a member  
7 of the committee.

8 (i) TRANSFER OF MANAGEMENT RESPONSIBILITY.—

9 (1) If the Secretary of the Interior determines  
10 that the Secretary of the Army has failed to manage  
11 the lands withdrawn and reserved by this title for  
12 military purposes in accordance with the integrated  
13 natural resource management plan, and that the  
14 failure to do so is resulting in significant degrada-  
15 tion of the natural or cultural resources of such  
16 lands, the Secretary of the Interior shall give the  
17 Secretary of the Army written notice of such deter-  
18 mination, a description of the deficiencies in man-  
19 agement practices by the Secretary of the Army, and  
20 an explanation of the methodology employed in  
21 reaching the determination. Within 60 days of the  
22 date such notification is received, the Secretary of  
23 the Army shall submit a response to the Secretary  
24 of the Interior, which response may include a plan  
25 of action for addressing any identified deficiencies in

1 the conduct of management responsibility and for  
2 preventing further significant degradation of the  
3 natural or cultural resources. If, no earlier than  
4 three months after the date the notification is re-  
5 ceived, the Secretary of the Interior determines that  
6 the deficiencies are not being corrected, and that  
7 significant degradation of the natural or cultural re-  
8 sources is continuing, then the Secretary of the Inte-  
9 rior may effect transfer of the management responsi-  
10 bility for the natural and cultural resources of such  
11 lands from the Secretary of the Army to the Sec-  
12 retary of the Interior, in accordance with a schedule  
13 for such transfer to be established by the Secretary  
14 of the Interior.

15 (2) After a transfer of management responsi-  
16 bility pursuant to paragraph (1) of this section, the  
17 Secretary of the Interior may transfer management  
18 responsibility back to the Secretary of the Army if  
19 the Secretary of the Interior determines that ade-  
20 quate procedures and plans have been established to  
21 ensure that the lands withdrawn and reserved would  
22 be adequately managed by the Secretary of the  
23 Army in accordance with the integrated natural re-  
24 sources management plan.



1           (3) For any period during which the Secretary  
2       of the Interior has management responsibility for  
3       the lands withdrawn and reserved pursuant to this  
4       section, the integrated natural resources manage-  
5       ment plan established pursuant to subsection (c) of  
6       this section, including any amendments to the plan,  
7       shall remain in effect, pending the development of a  
8       management plan prepared pursuant to the Federal  
9       Land Policy and Management Act of 1976, in co-  
10      operation with the Secretary of the Army.

11          (4) Assumption by the Secretary of the Interior  
12      pursuant to this subsection of management responsi-  
13      bility for the natural and cultural resources of the  
14      lands withdrawn and reserved shall not affect the  
15      use of these lands for military purposes, and the  
16      Secretary of the Army shall continue to direct mili-  
17      tary activities on these lands.

18      (j) PAYMENT FOR SERVICES.—The Secretary of the  
19      Army shall assume all costs for implementation of the in-  
20      tegrated natural resources management plan, including  
21      payment to the Secretary of the Interior under section  
22      1535 of title 31, United States Code, for any costs the  
23      Secretary of the Interior incurs in providing goods or serv-  
24      ices to assist the Secretary of the Army in the implementa-  
25      tion of the integrated natural resources management plan.

1 (k) DEFINITIONS.—For the purposes of this title:

2 (1) The term “Indian tribe” means an Indian  
3 or Alaska Native tribe, band, nation, pueblo, village,  
4 or community that the Secretary of the Interior ac-  
5 knowledges to exist as an Indian tribe pursuant to  
6 the Federally Recognized Indian Tribe List Act of  
7 1994.

8 (2) The term “sacred site” means any specific,  
9 discrete, narrowly delineated location on Federal  
10 land that is identified by an Indian tribe, or its des-  
11 ignee, as sacred by virtue of its established religious  
12 significance to, or ceremonial use by, an Indian reli-  
13 gion, but only to the extent that the tribe or its des-  
14 ignee has informed the Secretary of the Army of the  
15 existence of such a site. Neither the Secretary of the  
16 Department of Defense, the Secretary of the Army,  
17 nor the Secretary of the Interior shall be required  
18 under 5 U.S.C. § 552 to make available to the public  
19 any information concerning the location, character,  
20 or use of any traditional Indian religious or sacred  
21 site located on lands withdrawn and reserved by this  
22 title.

23 **SEC. 604. ENVIRONMENTAL REQUIREMENTS.**

24 (a) DURING WITHDRAWAL AND RESERVATION.—  
25 Throughout the duration of the withdrawal and reserva-

1 tion made by this title (including the duration of any re-  
2 newal or extension), and with respect to those activities  
3 undertaken by the Secretary of the Army on the lands  
4 withdrawn and reserved by this title and to all activities  
5 occurring on such lands during such times as the Sec-  
6 retary of the Army may exercise management jurisdiction  
7 over the lands withdrawn and reserved by this title, the  
8 Secretary of the Army shall—

9           (1) be responsible for and pay all costs related  
10 to, the Department of the Army's compliance with  
11 applicable Federal, State, and local environmental  
12 laws, regulations, rules, and standards.

13           (2) carry out and maintain in accordance with  
14 the requirements of all regulations, rules, and stand-  
15 ards issued by the Department of Defense pursuant  
16 to its authorities under the Defense Environmental  
17 Restoration Program (10 U.S.C. §§ 2701 et seq.),  
18 the Department of Defense Explosives Safety Board  
19 (10 U.S.C. § 172), and Executive Order 12580, a  
20 program to address—

21           (A) any release or a substantial threat of  
22 a release attributable to military munitions (in-  
23 cluding unexploded ordnance) and other con-  
24 stituents, and

1 (B) any release or a substantial threat of  
2 a release, regardless of its source, occurring on  
3 or emanating from the lands withdrawn and re-  
4 served by this title during the period of with-  
5 drawal and reservation; and

6 (3) provide to the Secretary of the Interior a  
7 copy of any report prepared by the Secretary of the  
8 Army pursuant to any Federal, State, or local envi-  
9 ronmental laws, regulations, rules, and standards.

10 (b) PRIOR TO RELINQUISHMENT OR TERMI-  
11 NATION.—

12 (1) ENVIRONMENTAL REVIEW.—Upon notifying  
13 the Secretary of the Interior that the Secretary of  
14 the Army intends, pursuant to section 7 of this title,  
15 to relinquish jurisdiction over the lands withdrawn  
16 and reserved by this title, the Secretary of the Army  
17 shall provide to the Secretary of the Interior an en-  
18 vironmental baseline survey, military range assess-  
19 ment, or other environmental review characterizing  
20 the environmental condition of the land, air, and  
21 water resources affected by the activities undertaken  
22 by the Secretary of the Army on and over the lands  
23 withdrawn and reserved by this title. If hazardous  
24 substances were stored for one (1) year or more,  
25 known to have been released or disposed of, or if

1 a substantial threat of a release exists, on the lands  
2 withdrawn and reserved by this title, any such envi-  
3 ronmental review shall include notice of the type and  
4 quantity of such hazardous substances, and notice  
5 of the time during which such storage, release, sub-  
6 stantial threat of a release, or disposal took place.

7 (2) MEMORANDUM OF UNDERSTANDING.—In  
8 addition to the provisions of this section, the Sec-  
9 retary of the Army and the Secretary of the Interior  
10 may enter into a memorandum of understanding to  
11 implement the environmental remediation require-  
12 ments of this title. This memorandum of under-  
13 standing may include appropriate, technically fea-  
14 sible, and mutually acceptable cleanup standards  
15 that both Secretaries believe environmental remedi-  
16 ation activities shall achieve, as well as a schedule  
17 for completing such activities: *Provided*, That such  
18 cleanup standards shall be consistent with any le-  
19 gally applicable or relevant and appropriate stand-  
20 ard, requirement, criteria, or limitation otherwise re-  
21 quired by law.

22 (3) ENVIRONMENTAL REMEDIATION.—With re-  
23 spect to lands to be relinquished pursuant to section  
24 8 of this title, the Secretary of the Army shall take  
25 all actions necessary to address any release or sub-

1       stantial threat of a release, regardless of its source,  
2       occurring on or emanating from such lands during  
3       the period of withdrawal and reservation effected by  
4       this Act. To the extent practicable, all such response  
5       actions shall be taken before the termination of such  
6       withdrawal and reservation.

7               (4) CONSULTATION.—If the Secretary of the  
8       Interior accepts the relinquishment of jurisdiction  
9       over any of the lands withdrawn and reserved by  
10      this title before all necessary response actions have  
11      been completed, the Secretary of the Interior shall  
12      consult with the Secretary of the Army before un-  
13      dertaking or authorizing any activities on the with-  
14      drawn and reserved lands that may affect existing  
15      releases, interfere with the installation, maintenance,  
16      or operation of any response action or expose any  
17      person to a safety or health risk associated with ei-  
18      ther the release or the response action being under-  
19      taken.

20           (c) RESPONSIBILITY AND LIABILITY.—The Secretary  
21      of the Army, and not the Secretary of the Interior, shall  
22      be responsible for and conduct the necessary remediation  
23      of all releases or substantial threats of release, whether  
24      located on or emanating from lands withdrawn and re-  
25      served by this title, and whether known at the time of re-

1   linquishment or termination or subsequently discovered,  
2   attributable to either the Secretary of the Army's manage-  
3   ment of the lands withdrawn and reserved by this title,  
4   or the use, management, storage, release, treatment, or  
5   disposal of hazardous materials, hazardous substances,  
6   hazardous wastes, pollutants, contaminants, petroleum  
7   products and their derivatives, military munitions, or  
8   other constituents on the lands withdrawn and reserved  
9   by this title. This responsibility shall include the liability  
10  for any costs or claims asserted against the United States  
11  for such activities. Nothing in this paragraph is intended  
12  to prevent the United States from bringing a cost recov-  
13  ery, contribution, or other action against third persons or  
14  parties the Secretary of the Army reasonably believes may  
15  have contributed to a release or substantial threat of a  
16  release.

17       (d) OTHER FEDERAL AGENCIES.—If the Secretary  
18  of the Army delegates responsibility or jurisdiction to an-  
19  other Federal agency, or permits another Federal agency  
20  to operate on the lands withdrawn and reserved by this  
21  title, the Secretary of the Army shall retain all responsi-  
22  bility and liability described in subsection (c) of this sec-  
23  tion that is not assumed by that Federal agency to whom  
24  the Secretary of the Army has granted responsibility, ju-  
25  risdiction or permission.

1 (e) DEFINITIONS.—For the purposes of this title:

2 (1) The term “military munitions” means all  
3 ammunition products and components produced or  
4 used by or for the U.S. Department of Defense or  
5 the U.S. Armed Services for national defense and se-  
6 curity, including military munitions under the con-  
7 trol of the Department of Defense, the U.S. Coast  
8 Guard, the U.S. Department of Energy and Na-  
9 tional Guard personnel. The term military munitions  
10 includes: confined gaseous, liquid, and solid propel-  
11 lants, explosives, pyrotechnics, chemical and riot  
12 control agents, smokes, and incendiaries used by and  
13 for Department of Defense components, including  
14 bulk explosives and chemical warfare agents, chem-  
15 ical munitions, rockets, guided and ballistic missiles,  
16 bombs, warheads, mortar rounds, artillery ammuni-  
17 tion, small arms ammunition, grenades, mines, tor-  
18 pedoes, depth charges, cluster munitions and dis-  
19 pensers, demolition charges, and devices and compo-  
20 nents thereof. Military munitions do not include  
21 wholly inert items, improvised explosive devices and  
22 nuclear weapons, nuclear devices, and nuclear com-  
23 ponents thereof. However, the term does include  
24 nonnuclear components of nuclear devices, managed  
25 under Department of Energy’s nuclear weapons pro-



1 gram after all required sanitization operations under  
2 the Atomic Energy Act of 1954, as amended, have  
3 been completed.

4 (2) The term “unexploded ordnance” means  
5 military munitions that have been primed, fused,  
6 armed, or otherwise prepared for action, and have  
7 been fired, dropped, launched, projected, or placed in  
8 such a manner as to constitute a hazard or potential  
9 hazard, to operations, installation, personnel, or ma-  
10 terial, and remain unexploded either by malfunction,  
11 design or any other cause.

12 (3) The term “other constituents” means po-  
13 tentially hazardous compounds, mixtures, or ele-  
14 ments that are located on or originate from closed,  
15 transferred or transferring ranges and are released  
16 from military munitions or unexploded ordnance, or  
17 resulted from other activities on military ranges.

18 **SEC. 605. DURATION OF WITHDRAWAL AND RESERVATION.**

19 (a) Unless extended pursuant to section 6 of this  
20 title, the withdrawal and reservation made by this title  
21 shall terminate 25 years after the date of the enactment  
22 of this Act, except as otherwise provided in subsection 7(d)  
23 of this title.

24 (b) At the date of termination, the previously with-  
25 drawn lands shall not be open to any forms of appropria-

1 tion under the general land laws, including the mining,  
2 mineral leasing, and geothermal leasing laws, until the  
3 Secretary of the Interior publishes in the Federal Register  
4 an appropriate order that shall state the date upon which  
5 such lands shall be restored to the public domain and  
6 opened.

7 **SEC. 606. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
8 **ERVATION.**

9 (a) Not later than three (3) years prior to the termi-  
10 nation date of the initial withdrawal and reservation made  
11 by this title, the Secretary of the Army shall notify Con-  
12 gress and the Secretary of the Interior concerning whether  
13 the Army will have a continuing military need, beyond the  
14 termination date of such withdrawal, for all or any portion  
15 of the lands withdrawn.

16 (b) If the Secretary of the Army determines that  
17 there will be a continuing military need for any of the  
18 lands withdrawn by this title, the Secretary of the Army  
19 shall—

20 (1) consult with the Secretary of the Interior  
21 concerning any adjustments to be made to the areal  
22 extent of, or to the allocation of management re-  
23 sponsibility for, such needed lands; and

24 (2) file with the Secretary of the Interior, with-  
25 in one (1) year after the notice required by sub-

1 section (a) of this section, an application for exten-  
2 sion of the withdrawal and reservation of such need-  
3 ed lands. The Department of the Interior's general  
4 procedures for processing Federal land withdrawals  
5 notwithstanding, any application for extension under  
6 this title shall be considered complete if it includes  
7 the following:

8 (A) the information required by section 3  
9 of the Engle Act (32 U.S.C. § 157), except that  
10 no information shall be required concerning the  
11 use or development of mineral, timber, or graz-  
12 ing resources unless, and only to the extent, the  
13 Secretary of the Army proposes to use or de-  
14 velop such resources during the period of exten-  
15 sion; and

16 (B) a copy of the most recent public report  
17 prepared in accordance with subsection 3(g) of  
18 this title.

19 (c) The Secretary of the Interior and the Secretary  
20 of the Army shall ensure that any legislative proposal for  
21 the extension of the withdrawal and reservation is sub-  
22 mitted to Congress no later than May 1 of the year pre-  
23 ceding the year in which the existing withdrawal and res-  
24 ervation would otherwise terminate.

1 **SEC. 607. TERMINATION AND RELINQUISHMENT.**

2 (a) At any time during the withdrawal and reserva-  
3 tion but not later than three (3) years prior to the termi-  
4 nation date of the withdrawal and reservation effected by  
5 this title, if the Secretary of the Army determines that  
6 there is no continuing military need for the lands with-  
7 drawn and reserved by this title, or any portion of these  
8 lands, the Secretary of the Army shall notify the Secretary  
9 of the Interior of an intention to relinquish jurisdiction  
10 over such lands, which notice shall specify the proposed  
11 date of relinquishment.

12 (b) The Secretary of the Interior may accept jurisdic-  
13 tion over any lands covered by a notice of intention to re-  
14 linquish jurisdiction under this section if the Secretary of  
15 the Interior determines that the Secretary of the Army  
16 has taken the environmental response actions required  
17 under section 5 of this title.

18 (c) If the Secretary of the Interior accepts jurisdic-  
19 tion over lands covered by a notice of intention to relin-  
20 quish jurisdiction under this section before the termi-  
21 nation date of withdrawal and reservation, the Secretary  
22 of the Interior shall publish in the Federal Register an  
23 appropriate order that shall—

24 (1) terminate the withdrawal and reservation of  
25 such lands under this title;

1           (2) constitute official acceptance of administra-  
2           tive jurisdiction over the lands by the Secretary of  
3           the Interior; and

4           (3) state the date upon which such lands shall  
5           be opened to the operation of the general land laws,  
6           including the mining, mineral leasing and geo-  
7           thermal leasing laws, if appropriate.

8           (d)(1) Notwithstanding the termination date, unless  
9           and until the Secretary of the Interior accepts jurisdiction  
10          of land proposed for relinquishment pursuant to this sec-  
11          tion or until the Administrator, General Services Adminis-  
12          tration accepts jurisdiction of such lands under the Fed-  
13          eral Property and Administrative Services Act of 1949 (40  
14          U.S.C. §§ 251 et seq.), such land shall remain under the  
15          jurisdiction of the Secretary of the Army for the limited  
16          purposes of—

17                (A) environmental response actions under sec-  
18                tion 5 of this title; and

19                (B) continued land management responsibilities  
20                pursuant to the integrated natural resources man-  
21                agement plan under section 3 of this title.

22          (2) For any land that the Secretary of the Interior  
23          determines to be suitable for return to the public domain,  
24          but does not agree with the Secretary of the Army that  
25          all necessary environmental response actions under section

1 5 of this title have been taken, the Secretary of the Army  
2 and the Secretary of the Interior shall resolve the dispute  
3 in accordance with any applicable dispute resolution proc-  
4 ess.

5 (3) For any land that the Secretary of the Interior  
6 determines to be unsuitable for return to the public do-  
7 main, the Secretary of the Interior shall immediately no-  
8 tify the Administrator, General Services Administration.

9 (e) All functions described under this section, includ-  
10 ing transfers, relinquishments, extensions and other deter-  
11 minations, may be made on a parcel-by-parcel basis.

12 **SEC. 608. DELEGATIONS OF AUTHORITY.**

13 (a) SECRETARY OF THE ARMY.—Except as may oth-  
14 erwise be provided in this title, the functions of the Sec-  
15 retary of the Army under this title may be delegated.

16 (b) SECRETARY OF THE INTERIOR.—The functions  
17 of the Secretary of the Interior under this title may be  
18 delegated, except that the following determinations and  
19 decisions may be approved and signed only by the Sec-  
20 retary of the Interior, the Deputy Secretary of the Inte-  
21 rior, an Assistant Secretary of the Interior, or the Direc-  
22 tor, Bureau of Land Management:

23 (1) decisions to accept transfer, relinquishment,  
24 or jurisdiction for any lands under this title and to  
25 open lands to operation of the public land laws: and

1           (2) decisions to transfer management responsi-  
2           bility from or to a military department pursuant to  
3           subsection 3(i) of this title.

4 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

5           There are hereby authorized to be appropriated such  
6           sums as may be necessary to carry out the purposes of  
7           this title.

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