

Union Calendar No. 407

115TH CONGRESS
2D SESSION

H. R. 4299

[Report No. 115–542, Part I]

To provide for the indefinite duration of certain military land withdrawals, to improve the management of lands currently subject to such withdrawals and to make the management of such lands more transparent, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2017

Mr. BISHOP of Utah (for himself, Mr. THORNBERRY, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

FEBRUARY 2, 2018

Reported from the Committee on Natural Resources with an amendment

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

FEBRUARY 2, 2018

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 8, 2017]

A BILL

To provide for the indefinite duration of certain military land withdrawals, to improve the management of lands currently subject to such withdrawals and to make the management of such lands more transparent, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INDEFINITE DURATION OF CERTAIN MILITARY**
 4 **LAND WITHDRAWALS AND RESERVATIONS**
 5 **AND IMPROVED MANAGEMENT OF WITH-**
 6 **DRAWN AND RESERVED LANDS.**

7 *(a) IMPROVING MANAGEMENT OF CURRENT STATU-*
 8 *TORY LAND WITHDRAWALS AND RESERVATIONS AND MAK-*
 9 *ING MANAGEMENT MORE TRANSPARENT.—*

10 *(1) ROLE OF SECRETARY OF THE INTERIOR.—*
 11 *Section 101(a)(2) of the Sikes Act (16 U.S.C.*
 12 *670a(a)(2)) is amended by striking “, acting through*
 13 *the Director of the United States Fish and Wildlife*
 14 *Service,”.*

15 *(2) ADDITIONAL ELEMENTS OF INTEGRATED*
 16 *NATURAL RESOURCES MANAGEMENT PLAN.—Section*
 17 *101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amend-*
 18 *ed—*

19 *(A) in paragraph (1)—*

20 *(i) in subparagraph (I), by striking*
 21 *“and” after the semicolon;*

22 *(ii) by redesignating subparagraph (J)*
 23 *as subparagraph (K); and*

24 *(iii) by inserting after subparagraph*
 25 *(I) the following new subparagraph:*

1 “(J) procedures to ensure that each periodic
 2 review of the plan is conducted jointly by the
 3 Secretary of the military department and the
 4 Secretary of the Interior, and that affected States
 5 and Indian tribes, and the public, are provided
 6 a meaningful opportunity to comment upon any
 7 substantial revisions to the plan that may be
 8 proposed; and”;

9 (B) by redesignating paragraphs (2) and
 10 (3) as paragraphs (3) and (4), respectively; and

11 (C) by inserting after paragraph (1) the fol-
 12 lowing new paragraph:

13 “(2) shall contain a determination by the Sec-
 14 retary of the military department regarding whether
 15 there will be a continuing military need for the lands
 16 covered by the integrated natural resources manage-
 17 ment plan during the period of the plan;”.

18 (b) *EL CENTRO NAVAL AIR FACILITY RANGES*.—

19 (1) *ELIMINATION OF TERMINATION DATE AND*
 20 *CONFORMING AMENDMENTS*.—*The El Centro Naval*
 21 *Air Facility Ranges Withdrawal Act (subtitle B of*
 22 *title XXIX of Public Law 104–201; 110 Stat. 2813)*
 23 *is amended—*

1 (A) in section 2921(b)(3), by striking “, be-
 2 fore the termination date specified in section
 3 2925,”;

4 (B) in section 2924(a), by striking the third
 5 sentence;

6 (C) by striking sections 2925 and 2927; and

7 (D) in section 2928(a), by striking “speci-
 8 fied in section 2925”.

9 (2) *ESTABLISHMENT OF INTERGOVERNMENTAL*
 10 *EXECUTIVE COMMITTEE.*—*The El Centro Naval Air*
 11 *Facility Ranges Withdrawal Act (subtitle B of title*
 12 *XXIX of Public Law 104–201; 110 Stat. 2813) is fur-*
 13 *ther amended by inserting after section 2924 the fol-*
 14 *lowing new section:*

15 **“SEC. 2925. INTERGOVERNMENTAL EXECUTIVE COMMITTEE.**

16 “(a) *ESTABLISHMENT AND PURPOSE.*—*The Secretary*
 17 *of the Navy and the Secretary of the Interior shall establish,*
 18 *by memorandum of understanding, an intergovernmental*
 19 *executive committee for the sole purpose of exchanging*
 20 *views, information, and advice relating to the management*
 21 *of the natural and cultural resources of the lands with-*
 22 *drawn and reserved under this subtitle.*

23 “(b) *COMPOSITION.*—

24 “(1) *REPRESENTATIVES OF OTHER FEDERAL*
 25 *AGENCIES.*—*The Secretary of the Navy and the Sec-*

1 *retary of the Interior shall include representatives*
2 *from interested Federal agencies as members of the*
3 *intergovernmental executive committee.*

4 *“(2) REPRESENTATIVES OF STATE AND LOCAL*
5 *GOVERNMENTS.—The Secretary of the Navy and the*
6 *Secretary of the Interior shall invite to serve as mem-*
7 *bers of the intergovernmental executive committee—*

8 *“(A) at least one elected officer (or other au-*
9 *thorized representative) from the government of*
10 *the State of California; and*

11 *“(B) at least one elected officer (or other au-*
12 *thorized representative) from each local govern-*
13 *ment and Indian tribal government in the vicin-*
14 *ity of the withdrawn and reserved lands, as de-*
15 *termined by the Secretaries.*

16 *“(c) OPERATION.—The intergovernmental executive*
17 *committee shall operate in accordance with the terms set*
18 *forth in the memorandum of understanding under sub-*
19 *section (a).*

20 *“(d) PROCEDURES.—The memorandum of under-*
21 *standing under subsection (a) shall establish procedures for*
22 *creating a forum for exchanging views, information, and*
23 *advice relating to the management of natural and cultural*
24 *resources on the lands withdrawn and reserved under this*
25 *subtitle, procedures for rotating the chair of the intergovern-*

1 *mental executive committee, and procedures for scheduling*
 2 *regular meetings, which shall occur no less frequently than*
 3 *twice a year.*

4 “(e) *COORDINATOR.*—*The Secretary of the Navy, in*
 5 *consultation with the Secretary of the Interior, shall ap-*
 6 *point an individual to serve as coordinator of the intergov-*
 7 *ernmental executive committee. The duties of the coordi-*
 8 *nator shall be included in the memorandum of under-*
 9 *standing under subsection (a). The coordinator shall not be*
 10 *a member of the committee.*

11 “(f) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Fed-*
 12 *eral Advisory Committee Act (5 U.S.C. App.) does not*
 13 *apply to the intergovernmental executive committee.”.*

14 (3) *DETERMINATION OF CONTINUING MILITARY*
 15 *NEED FOR WITHDRAWAL AND RESERVATION AND PUB-*
 16 *LIC REPORTS.*—*The El Centro Naval Air Facility*
 17 *Ranges Withdrawal Act (subtitle B of title XXIX of*
 18 *Public Law 104–201; 110 Stat. 2813) is further*
 19 *amended by inserting after section 2926 the following*
 20 *new section:*

21 **“SEC. 2927. DETERMINATION OF CONTINUING MILITARY**
 22 **NEED FOR WITHDRAWAL AND RESERVATION**
 23 **AND PUBLIC REPORTS.**

24 “(a) *DETERMINATION OF CONTINUING MILITARY*
 25 *NEED.*—*Whenever an integrated natural resources manage-*

1 *ment plan covering the lands withdrawn and reserved*
2 *under this subtitle is reviewed as to operation and effect*
3 *as required by section 101(b)(3) of the Sikes Act (16 U.S.C.*
4 *670a(b)(2)), but not less often than every five years, the Sec-*
5 *retary of the Navy shall include the Secretary's determina-*
6 *tion regarding whether there will be a continuing military*
7 *need for any or all of the withdrawn and reserved lands*
8 *for the following five years.*

9 “(b) *PUBLIC REPORTS.*—

10 “(1) *CHANGES IN LAND CONDITIONS.*—(A) *Con-*
11 *current with each review of an integrated natural re-*
12 *sources management plan described in subsection (a),*
13 *the Secretary of the Navy and the Secretary of the In-*
14 *terior shall jointly prepare and issue a report describ-*
15 *ing any changes in the condition of the lands with-*
16 *drawn and reserved under this subtitle since the later*
17 *of the date of any previous report under this para-*
18 *graph or the date of the environmental analysis pre-*
19 *pared to support the actions that changed the condi-*
20 *tion of the lands.*

21 “(B) *A report under subparagraph (A) shall in-*
22 *clude a summary of current military use of the lands*
23 *withdrawn and reserved under this subtitle, any*
24 *changes in military use of the lands since the pre-*
25 *vious report, and efforts related to the management of*

1 *natural and cultural resources and environmental re-*
2 *mediation of the lands during the previous five years.*

3 “(2) *COMBINATION WITH OTHER REPORTS.—A*
4 *report under this subsection may be combined with,*
5 *or incorporate by reference, any contemporary report*
6 *required by any other provision of law regarding the*
7 *lands withdrawn and reserved under this subtitle.*

8 “(3) *PUBLIC REVIEW AND COMMENT.—(A) Before*
9 *the finalization of a report under this subsection, the*
10 *Secretary of the Navy and the Secretary of the Inte-*
11 *rior shall invite interested members of the public to*
12 *review and comment on the report, and shall hold at*
13 *least one public meeting concerning the report in a lo-*
14 *cation or locations reasonably accessible to persons*
15 *who may be affected by management of the lands*
16 *withdrawn and reserved under this subtitle.*

17 “(B) *Each public meeting under subparagraph*
18 *(A) shall be announced not less than 15 days before*
19 *the date of the meeting by advertisements in local*
20 *newspapers of general circulation, notices on the*
21 *internet, including the website of El Centro, and any*
22 *other means considered necessary or desirable by the*
23 *Secretaries.*

24 “(4) *DISTRIBUTION OF REPORT.—The final*
25 *version of a report under this subsection shall be*

1 *made available to the public and submitted to the*
 2 *Committees on Armed Services and Energy and Nat-*
 3 *ural Resources of the Senate and the Committees on*
 4 *Armed Services and Natural Resources of the House*
 5 *of Representatives.”.*

6 *(c) JUNIPER BUTTE RANGE.—*

7 *(1) ELIMINATION OF TERMINATION DATE AND*
 8 *CONFORMING AMENDMENTS.—The Juniper Butte*
 9 *Range Withdrawal Act (title XXIX of Public Law*
 10 *105–261; 112 Stat. 2226) is amended—*

11 *(A) in section 2915—*

12 *(i) in the section heading, by striking*
 13 *“DURATION” and inserting “RELIN-*
 14 *QUISHMENT”;*

15 *(ii) in subsection (a), by striking*
 16 *“TERMINATION.—” and all that follows*
 17 *through “At the time of termination” and*
 18 *inserting “EFFECT OF RELINQUISHMENT*
 19 *ON OPERATION OF GENERAL LAND LAWS.—*
 20 *Upon relinquishment of Department of the*
 21 *Air Force jurisdiction over lands with-*
 22 *drawn and reserved by this title”;*

23 *(iii) in subsection (b)—*

1 (I) in the subsection heading, by
2 inserting “PROCESS” after “RELIN-
3 QUISHMENT”;

4 (II) in paragraph (1), by striking
5 “under subsection (c)”; and

6 (III) in paragraph (3), by strik-
7 ing “before the date of termination, as
8 provided for in subsection (a)(1)”; and
9 (iv) by striking subsection (c); and

10 (B) in section 2916—

11 (i) in the section heading, by striking
12 “**OR UPON TERMINATION OF WITH-**
13 **DRAWAL**”;

14 (ii) in subsection (a)(1), by striking
15 “and in all cases not later than 2 years be-
16 fore the date of termination of withdrawal
17 and reservation,”;

18 (iii) in subsection (b), by striking “en-
19 vironmental remediation” and all that fol-
20 lows through the end of the subsection and
21 inserting “environmental remediation before
22 relinquishing, to the Secretary of the Inte-
23 rior, jurisdiction over any lands identified
24 in a notice of intent to relinquish under sec-
25 tion 2915(b).”; and

1 (iv) in subsection (d)—

2 (I) in the subsection heading, by
3 striking “TERMINATES” and inserting
4 “RELINQUISHED”;

5 (II) by striking “termination
6 date” both places it appears and in-
7 serting “relinquishment date”; and

8 (III) in paragraph (2), by strik-
9 ing “termination” and inserting “re-
10 linquishment”.

11 (2) *ESTABLISHMENT OF INTERGOVERNMENTAL*
12 *EXECUTIVE COMMITTEE.*—Section 2910 of the *Juni-*
13 *per Butte Range Withdrawal Act (title XXIX of Pub-*
14 *lic Law 105–261; 112 Stat. 2231)* is amended by add-
15 ing at the end the following new subsection:

16 “(d) *INTERGOVERNMENTAL EXECUTIVE COM-*
17 *MITTEE.*—

18 “(1) *ESTABLISHMENT AND PURPOSE.*—The
19 *memorandum of understanding under subsection (a)*
20 *shall be modified as provided in subsection (c) to es-*
21 *tablish an intergovernmental executive committee for*
22 *the sole purpose of exchanging views, information,*
23 *and advice relating to the management of the natural*
24 *and cultural resources of the lands withdrawn and re-*
25 *served by this title.*

1 “(2) *COMPOSITION.*—(A) *The Secretary of the*
2 *Air Force and the Secretary of the Interior shall in-*
3 *clude representatives from interested Federal agencies*
4 *as members of the intergovernmental executive com-*
5 *mittee.*

6 “(B) *The Secretary of the Air Force and the Sec-*
7 *retary of the Interior shall invite to serve as members*
8 *of the intergovernmental executive committee—*

9 “(i) *at least one elected officer (or other au-*
10 *thorized representative) from the government of*
11 *the State of Idaho; and*

12 “(ii) *at least one elected officer (or other au-*
13 *thorized representative) from each local govern-*
14 *ment and Indian tribal government in the vicin-*
15 *ity of the withdrawn and reserved lands, as de-*
16 *termined by the Secretaries.*

17 “(3) *OPERATION.*—*The intergovernmental execu-*
18 *tive committee shall operate in accordance with the*
19 *terms set forth in the memorandum of understanding.*

20 “(4) *PROCEDURES.*—*The memorandum of un-*
21 *derstanding shall establish procedures for creating a*
22 *forum for exchanging views, information, and advice*
23 *relating to the management of natural and cultural*
24 *resources on the lands withdrawn and reserved by this*
25 *title, procedures for rotating the chair of the intergov-*

1 *ernmental executive committee, and procedures for*
2 *scheduling regular meetings, which shall occur no less*
3 *frequently than twice a year.*

4 “(5) *COORDINATOR.*—*The Secretary of the Air*
5 *Force, in consultation with the Secretary of the Inte-*
6 *rior, shall appoint an individual to serve as coordi-*
7 *nator of the intergovernmental executive committee.*
8 *The duties of the coordinator shall be included in the*
9 *memorandum of understanding. The coordinator shall*
10 *not be a member of the committee.*

11 “(6) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
12 *Federal Advisory Committee Act (5 U.S.C. App.) does*
13 *not apply to the intergovernmental executive com-*
14 *mittee.”.*

15 (3) *DETERMINATIONS OF CONTINUING MILITARY*
16 *NEED FOR WITHDRAWAL AND RESERVATION AND PUB-*
17 *LIC REPORTS.*—*Section 2909 of the Juniper Butte*
18 *Range Withdrawal Act (title XXIX of Public Law*
19 *105–261; 112 Stat. 2230) is amended—*

20 (A) *in subsection (c), by adding at the end*
21 *the following new sentence: “The review shall in-*
22 *clude the determination of the Secretary of the*
23 *Air Force regarding whether there will be a con-*
24 *tinuing military need for any or all of the with-*

1 *drawn and reserved lands for the following 5*
2 *years.”; and*

3 *(B) by adding at the end the following new*
4 *subsection:*

5 “(d) *PUBLIC REPORTS.*—

6 “(1) *CHANGES IN LAND CONDITIONS.*—(A) *Con-*
7 *current with each review of an integrated natural re-*
8 *sources management plan developed under this sec-*
9 *tion. The Secretary of the Air Force and the Sec-*
10 *retary of the Interior shall jointly prepare and issue*
11 *a report describing any changes in the condition of*
12 *the lands withdrawn and reserved by this title since*
13 *the later of the date of any previous report under this*
14 *paragraph or the date of the environmental analysis*
15 *prepared to support the actions that changed the con-*
16 *dition of the lands.*

17 “(B) *A report under subparagraph (A) shall in-*
18 *clude a summary of current military use of the lands*
19 *withdrawn and reserved by this title, any changes in*
20 *military use of the lands since the previous report,*
21 *and efforts related to the management of natural and*
22 *cultural resources and environmental remediation of*
23 *the lands during the previous 5 years.*

24 “(2) *COMBINATION WITH OTHER REPORTS.*—*A*
25 *report under this subsection may be combined with,*

1 or incorporate by reference, any contemporary report
2 required by any other provision of law regarding the
3 lands withdrawn and reserved by this title.

4 “(3) *PUBLIC REVIEW AND COMMENT.*—(A) *Before*
5 *the finalization of a report under this subsection, the*
6 *Secretary of the Air Force and the Secretary of the*
7 *Interior shall invite interested members of the public*
8 *to review and comment on the report, and shall hold*
9 *at least one public meeting concerning the report in*
10 *a location or locations reasonably accessible to per-*
11 *sons who may be affected by management of the lands*
12 *withdrawn and reserved by this title.*

13 “(B) *Each public meeting under subparagraph*
14 *(A) shall be announced not less than 15 days before*
15 *the date of the meeting by advertisements in local*
16 *newspapers of general circulation, notices on the*
17 *internet, including the website of the Juniper Butte*
18 *Range (if one exists), and any other means considered*
19 *necessary or desirable by the Secretaries.*

20 “(4) *DISTRIBUTION OF REPORT.*—*The final*
21 *version of a report under this subsection shall be*
22 *made available to the public and submitted to the*
23 *Committees on Armed Services and Energy and Nat-*
24 *ural Resources of the Senate and the Committees on*

1 *Armed Services and Natural Resources of the House*
 2 *of Representatives.”.*

3 *(d) RANGES COVERED BY SUBTITLE A OF MILITARY*
 4 *LANDS WITHDRAWAL ACT OF 1999.—*

5 *(1) ELIMINATION OF TERMINATION DATE AND*
 6 *CONFORMING AMENDMENTS.—The Military Lands*
 7 *Withdrawal Act of 1999 (title XXX of Public Law*
 8 *106–65; 113 Stat. 885) is amended—*

9 *(A) by striking section 3015;*

10 *(B) by striking section 3016 and inserting*
 11 *the following new section:*

12 **“SEC. 3016. RELINQUISHMENT.**

13 *“(a) NOTICE OF INTENT REGARDING RELINQUISH-*
 14 *MENT.—If the Secretary of the military department con-*
 15 *cerned decides to relinquish all or any of the lands with-*
 16 *drawn and reserved by section 3011, such Secretary shall*
 17 *transmit a notice of intent to relinquish such lands to the*
 18 *Secretary of the Interior.*

19 *“(b) OPENING DATE.—On the date of relinquishment*
 20 *of the withdrawal and reservation of lands withdrawn and*
 21 *reserved by section 3011, such lands shall not be open to*
 22 *any form of appropriation under the public land laws, in-*
 23 *cluding the mineral laws and the mineral leasing and geo-*
 24 *thermal leasing laws, until the Secretary of the Interior*
 25 *publishes in the Federal Register an appropriate order stat-*

1 *ing the date upon which such lands shall be restored to the*
 2 *public domain and opened.”; and*

3 *(C) in section 3017—*

4 *(i) by striking “section 3016(d)” each*
 5 *place it appears and inserting “section*
 6 *3016”; and*

7 *(ii) in subsection (e)—*

8 *(I) by striking “If because” and*
 9 *all that follows through “determines*
 10 *that” and inserting “If the Secretary*
 11 *of the Interior declines to accept juris-*
 12 *diction over lands withdrawn by this*
 13 *subtitle which have been proposed for*
 14 *relinquishment because the Secretary*
 15 *determines that”; and*

16 *(II) in paragraph (2), by striking*
 17 *“the expiration of the withdrawal of*
 18 *such lands under this subtitle” and in-*
 19 *serting “such determination”.*

20 *(2) ESTABLISHMENT OF INTERGOVERNMENTAL*
 21 *EXECUTIVE COMMITTEES.—Section 3014 of the Mili-*
 22 *tary Lands Withdrawal Act of 1999 (title XXX of*
 23 *Public Law 106–65; 113 Stat. 890) is amended by*
 24 *adding at the end the following new subsection:*

1 “(g) *INTERGOVERNMENTAL EXECUTIVE COMMIT-*
2 *TEES.*—

3 “(1) *ESTABLISHMENT AND PURPOSE.*—*For the*
4 *lands withdrawn and reserved by section 3011, the*
5 *Secretary of the military department concerned and*
6 *the Secretary of the Interior shall establish, by memo-*
7 *randum of understanding, an intergovernmental exec-*
8 *utive committee for each range for the sole purpose of*
9 *exchanging views, information, and advice relating to*
10 *the management of the natural and cultural resources*
11 *of the withdrawn and reserved lands.*

12 “(2) *COMPOSITION.*—(A) *The Secretary of the*
13 *military department concerned and the Secretary of*
14 *the Interior shall include representatives from inter-*
15 *ested Federal agencies as members of the intergovern-*
16 *mental executive committee for a range.*

17 “(B) *The Secretary of the military department*
18 *concerned and the Secretary of the Interior shall in-*
19 *vite to serve as members of the intergovernmental ex-*
20 *ecutive committee for a range—*

21 “(i) *at least one elected officer (or other au-*
22 *thorized representative) from the government of*
23 *the State in which the withdrawn and reserved*
24 *lands are located; and*

1 “(ii) at least one elected officer (or other au-
2 thorized representative) from each local govern-
3 ment and Indian tribal government in the vicin-
4 ity of the withdrawn and reserved lands, as de-
5 termined by the Secretaries.

6 “(3) OPERATION.—The intergovernmental execu-
7 tive committee for a range shall operate in accordance
8 with the terms set forth in the memorandum of under-
9 standing.

10 “(4) PROCEDURES.—The memorandum of un-
11 derstanding for a range shall establish procedures for
12 creating a forum for exchanging views, information,
13 and advice relating to the management of natural
14 and cultural resources on the withdrawn and reserved
15 lands, procedures for rotating the chair of the inter-
16 governmental executive committee, and procedures for
17 scheduling regular meetings, which shall occur no less
18 frequently than twice a year.

19 “(5) COORDINATOR.—The Secretary of the mili-
20 tary department concerned, in consultation with the
21 Secretary of the Interior, shall appoint an individual
22 to serve as coordinator of the intergovernmental exec-
23 utive committee for a range. The duties of the coordi-
24 nator shall be included in the memorandum of under-

1 *standing. The coordinator shall not be a member of*
 2 *the committee.*

3 “(6) *FEDERAL ADVISORY COMMITTEE ACT.—The*
 4 *Federal Advisory Committee Act (5 U.S.C. App.) does*
 5 *not apply to an intergovernmental executive com-*
 6 *mittee established under this subsection.”.*

7 (3) *DETERMINATION OF CONTINUING MILITARY*
 8 *NEED FOR WITHDRAWAL AND RESERVATION AND PUB-*
 9 *LIC REPORTS.—The Military Lands Withdrawal Act*
 10 *of 1999 (title XXX of Public Law 106–65; 113 Stat.*
 11 *885) is further amended by inserting after section*
 12 *3014 the following new section:*

13 **“SEC. 3015. DETERMINATION OF CONTINUING MILITARY**
 14 **NEED FOR WITHDRAWAL AND RESERVATION**
 15 **AND PUBLIC REPORTS.**

16 “(a) *DETERMINATION OF CONTINUING MILITARY*
 17 *NEED.—Whenever an integrated natural resources manage-*
 18 *ment plan covering the lands withdrawn and reserved*
 19 *under section 3011 is reviewed as to operation and effect*
 20 *as required by section 101(b)(3) of the Sikes Act (16 U.S.C.*
 21 *670a(b)(2)), but not less often than every five years, the Sec-*
 22 *retary of the military department concerned shall include*
 23 *the Secretary’s determination regarding whether there will*
 24 *be a continuing military need for any or all of the with-*
 25 *drawn and reserved lands for the following five years.*

1 “(b) *PUBLIC REPORTS.*—

2 “(1) *CHANGES IN LAND CONDITIONS.*—(A) *Con-*
3 *current with each review of an integrated natural re-*
4 *sources management plan described in subsection (a),*
5 *the Secretary of the military department concerned*
6 *and the Secretary of the Interior shall jointly prepare*
7 *and issue a report describing any changes in the con-*
8 *dition of the lands covered by the plan since the later*
9 *of the date of any previous report under this para-*
10 *graph or the date of the environmental analysis pre-*
11 *pared to support the actions that changed the condi-*
12 *tion of the lands.*

13 “(B) *A report under subparagraph (A) shall in-*
14 *clude a summary of current military use of the lands*
15 *covered by the plan, any changes in military use of*
16 *the lands since the previous report, and efforts related*
17 *to the management of natural and cultural resources*
18 *and environmental remediation of the lands during*
19 *the previous five years.*

20 “(2) *COMBINATION WITH OTHER REPORTS.*—*A*
21 *report under this subsection may be combined with,*
22 *or incorporate by reference, any contemporary report*
23 *required by any other provision of law regarding the*
24 *lands covered by the integrated natural resources*
25 *management plan.*

1 “(3) *PUBLIC REVIEW AND COMMENT.*—(A) *Before*
2 *the finalization of a report under this subsection, the*
3 *Secretary of the military department concerned and*
4 *the Secretary of the Interior shall invite interested*
5 *members of the public to review and comment on the*
6 *report, and shall hold at least one public meeting con-*
7 *cerning the report in a location or locations reason-*
8 *ably accessible to persons who may be affected by*
9 *management of the lands addressed by the report.*

10 “(B) *Each public meeting under subparagraph*
11 *(A) shall be announced not less than 15 days before*
12 *the date of the meeting by advertisements in local*
13 *newspapers of general circulation, notices on the*
14 *internet, including the website of the affected military*
15 *range (if one exists), and any other means considered*
16 *necessary or desirable by the Secretaries.*

17 “(4) *DISTRIBUTION OF REPORT.*—*The final*
18 *version of a report under this subsection shall be*
19 *made available to the public and submitted to the*
20 *Committees on Armed Services and Energy and Nat-*
21 *ural Resources of the Senate and the Committees on*
22 *Armed Services and Natural Resources of the House*
23 *of Representatives.”.*

24 (e) *BARRY M. GOLDWATER RANGE.*—

(1) *ELIMINATION OF TERMINATION DATE AND CONFORMING AMENDMENTS.*—Section 3031 of the *Military Lands Withdrawal Act of 1999* (title XXX of *Public Law 106–65; 113 Stat. 897*) is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking “, including the duration of any renewal or extension”;

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking “OR TERMINATION”; and

(II) in subparagraph (C), by striking the last sentence; and

(iii) in paragraph (3)(A), by striking “or termination”; and

(B) in subsection (d), by striking “DURATION” and all that follows through “of the termination” and inserting “EFFECT OF RELINQUISHMENT ON OPERATION OF GENERAL LAND LAWS.—On the date of relinquishment”;

(C) by striking subsection (e); and

(D) in subsection (f)—

(i) in the subsection heading, by striking “TERMINATION AND”;

1 (ii) in paragraph (1), by striking “but
2 not later than three years before the termi-
3 nation of the withdrawal and reservation,”;

4 (iii) in paragraph (3), by striking “be-
5 fore the termination date of the withdrawal
6 and reservation of such lands under this
7 section”; and

8 (iv) in paragraph (4)(A), by striking
9 “Notwithstanding the termination date, un-
10 less” and inserting “Unless”.

11 (2) *DETERMINATIONS OF CONTINUING MILITARY*
12 *NEED FOR WITHDRAWAL AND RESERVATION.*—Section
13 3031 of the Military Lands Withdrawal Act of 1999
14 (title XXX of Public Law 106–65; 113 Stat. 897) is
15 further amended by inserting after subsection (d) the
16 following new subsection:

17 “(e) *PERIODIC DETERMINATION OF CONTINUING MILI-*
18 *TARY NEED.*—Whenever an integrated natural resources
19 management plan covering the lands withdrawn and re-
20 served under this section is reviewed as to operation and
21 effect as required by section 101(b)(3) of the Sikes Act (16
22 U.S.C. 670a(b)(2)), but not less often than every five years,
23 the Secretary of the Navy and the Secretary of the Air Force
24 shall include the Secretary’s determination regarding
25 whether there will be a continuing military need for any

1 *or all of the withdrawn and reserved lands for the following*
 2 *five years.”.*

3 (3) *USE OF DEFINITIONS.*—Section 3031(c)(5) of
 4 *the Military Lands Withdrawal Act of 1999 (title*
 5 *XXX of Public Law 106–65; 113 Stat. 907) is amend-*
 6 *ed by striking subparagraphs (A) and (B) and insert-*
 7 *ing the following:*

8 “(A) *The term ‘military munitions’ has the*
 9 *meaning given that term in section 101(e)(4) of*
 10 *title 10, United States Code.*

11 “(B) *The term ‘unexploded ordnance’ has*
 12 *the meaning given that term in section 101(e)(5)*
 13 *of such title.”.*

14 (f) *NATIONAL TRAINING CENTER.*—

15 (1) *ELIMINATION OF TERMINATION DATE AND*
 16 *CONFORMING AMENDMENTS.*—*The Fort Irwin Mili-*
 17 *tary Land Withdrawal Act of 2001 (title XXIX of*
 18 *Public Law 107–107; 115 Stat. 1335) is amended—*

19 (A) *in section 2910, by striking the section*
 20 *heading and all that follows through “At the*
 21 *time of termination” and inserting the following:*

22 **“SEC. 2910. EFFECT OF RELINQUISHMENT ON OPERATION**
 23 **OF GENERAL LAND LAWS.**

24 “*On the date of relinquishment”;*

25 (B) *by striking section 2911; and*

1 (C) in section 2912—

2 (i) in the section heading, by striking

3 **“TERMINATION AND”**;

4 (ii) in subsection (a), by striking

5 “During the first 22 years of the with-

6 drawal and reservation made by this title,

7 if” and inserting “If”;

8 (iii) in subsection (c), by striking “be-

9 fore the termination date of the withdrawal

10 and reservation”; and

11 (iv) in subsection (d), by striking

12 “Notwithstanding the termination date

13 specified in section 2910, unless” and in-

14 serting “Unless”.

15 (2) DETERMINATION OF CONTINUING MILITARY

16 NEED FOR WITHDRAWAL AND RESERVATION AND PUB-

17 LIC REPORTS.—The Fort Irwin Military Land With-

18 drawal Act of 2001 (title XXIX of Public Law 107–

19 107; 115 Stat. 1335) is further amended by inserting

20 after section 2910 the following new section:

21 **“SEC. 2911. DETERMINATION OF CONTINUING MILITARY**

22 **NEED FOR WITHDRAWAL AND RESERVATION**

23 **AND PUBLIC REPORTS.**

24 “(a) PERIODIC DETERMINATION OF CONTINUING

25 NEED.—Whenever an integrated natural resources manage-

1 *ment plan covering the lands withdrawn and reserved*
2 *under this title is reviewed as to operation and effect as*
3 *required by section 101(b)(3) of the Sikes Act (16 U.S.C.*
4 *670a(b)(2)), but not less often than every five years, the Sec-*
5 *retary of the Army shall include in the plan the Secretary's*
6 *determination regarding whether there will be a continuing*
7 *military need for any or all of the withdrawn and reserved*
8 *lands for the following five years.*

9 “(b) *PUBLIC REPORTS.*—

10 “(1) *CHANGES IN LAND CONDITIONS.*—(A) *Con-*
11 *current with each review of an integrated natural re-*
12 *sources management plan described in subsection (a),*
13 *the Secretary of the Army and the Secretary of the*
14 *Interior shall jointly prepare and issue a report de-*
15 *scribing any changes in the condition of the lands*
16 *withdrawn and reserved by this title since the later*
17 *of the date of any previous report under this para-*
18 *graph or the date of the environmental analysis pre-*
19 *pared to support the actions that changed the condi-*
20 *tion of the lands.*

21 “(B) *A report under subparagraph (A) shall in-*
22 *clude a summary of current military use of the lands*
23 *withdrawn and reserved by this title, any changes in*
24 *military use of the lands since the previous report,*
25 *and efforts related to the management of natural and*

1 *cultural resources and environmental remediation of*
2 *the lands during the previous five years.*

3 “(2) *COMBINATION WITH OTHER REPORTS.—A*
4 *report under this subsection may be combined with,*
5 *or incorporate by reference, any contemporary report*
6 *required by any other provision of law regarding the*
7 *lands withdrawn and reserved by this title.*

8 “(3) *PUBLIC REVIEW AND COMMENT.—(A) Before*
9 *the finalization of a report under this subsection, the*
10 *Secretary of the Army and the Secretary of the Inte-*
11 *rior shall invite interested members of the public to*
12 *review and comment on the report, and shall hold at*
13 *least one public meeting concerning the report in a lo-*
14 *cation or locations reasonably accessible to persons*
15 *who may be affected by management of the lands*
16 *withdrawn and reserved by this title.*

17 “(B) *Each public meeting under subparagraph*
18 *(A) shall be announced not less than 15 days before*
19 *the date of the meeting by advertisements in local*
20 *newspapers of general circulation, notices on the*
21 *internet, including the website of National Training*
22 *Range, and any other means considered necessary or*
23 *desirable by the Secretaries.*

24 “(4) *DISTRIBUTION OF REPORT.—The final*
25 *version of a report under this subsection shall be*

1 *made available to the public and submitted to the*
 2 *Committees on Armed Services and Energy and Nat-*
 3 *ural Resources of the Senate and the Committees on*
 4 *Armed Services and Natural Resources of the House*
 5 *of Representatives.”.*

6 (3) *ESTABLISHMENT OF INTERGOVERNMENTAL*
 7 *EXECUTIVE COMMITTEE.—The Fort Irwin Military*
 8 *Land Withdrawal Act of 2001 (title XXIX of Public*
 9 *Law 107–107; 115 Stat. 1335) is further amended by*
 10 *adding at the end the following new section:*

11 **“SEC. 2914. INTERGOVERNMENTAL EXECUTIVE COMMITTEE.**

12 “(a) *ESTABLISHMENT AND PURPOSE.—The Secretary*
 13 *of the Army and the Secretary of the Interior shall establish,*
 14 *by memorandum of understanding, an intergovernmental*
 15 *executive committee for the sole purpose of exchanging*
 16 *views, information, and advice relating to the management*
 17 *of the natural and cultural resources of the lands with-*
 18 *drawn and reserved by this title.*

19 “(b) *COMPOSITION.—*

20 “(1) *REPRESENTATIVES OF OTHER FEDERAL*
 21 *AGENCIES.—The Secretary of the Army and the Sec-*
 22 *retary of the Interior shall include representatives*
 23 *from interested Federal agencies as members of the*
 24 *intergovernmental executive committee.*

1 “(2) *REPRESENTATIVES OF STATE AND LOCAL*
 2 *GOVERNMENTS.—The Secretary of the Army and the*
 3 *Secretary of the Interior shall invite to serve as mem-*
 4 *bers of the intergovernmental executive committee—*

5 “(A) *at least one elected officer (or other au-*
 6 *thorized representative) from the government of*
 7 *the State of California; and*

8 “(B) *at least one elected officer (or other au-*
 9 *thorized representative) from each local govern-*
 10 *ment and Indian tribal government in the vicin-*
 11 *ity of the withdrawn and reserved lands, as de-*
 12 *termined by the Secretaries.*

13 “(c) *OPERATION.—The intergovernmental executive*
 14 *committee shall operate in accordance with the terms set*
 15 *forth in the memorandum of understanding under sub-*
 16 *section (a).*

17 “(d) *PROCEDURES.—The memorandum of under-*
 18 *standing under subsection (a) shall establish procedures for*
 19 *creating a forum for exchanging views, information, and*
 20 *advice relating to the management of natural and cultural*
 21 *resources on the lands withdrawn and reserved by this title,*
 22 *procedures for rotating the chair of the intergovernmental*
 23 *executive committee, and procedures for scheduling regular*
 24 *meetings, which shall occur no less frequently than twice*
 25 *a year.*

1 “(e) *COORDINATOR.*—*The Secretary of the Army, in*
 2 *consultation with the Secretary of the Interior, shall ap-*
 3 *point an individual to serve as coordinator of the intergov-*
 4 *ernmental executive committee. The duties of the coordi-*
 5 *nator shall be included in the memorandum of under-*
 6 *standing under subsection (a). The coordinator shall not be*
 7 *a member of the committee.*

8 “(f) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Fed-*
 9 *eral Advisory Committee Act (5 U.S.C. App.) does not*
 10 *apply to the intergovernmental executive committee.”.*

11 (g) *RANGES COVERED BY MILITARY LAND WITH-*
 12 *DRAWALS ACT OF 2013.*—

13 (1) *ELIMINATION OF TERMINATION DATE AND*
 14 *CONFORMING AMENDMENTS.*—*The Military Land*
 15 *Withdrawals Act of 2013 (title XXIX of Public Law*
 16 *113–66; 127 Stat. 1025) is amended—*

17 (A) *by striking sections 2919, 2920; 2936,*
 18 *2946, and 2979;*

19 (B) *in section 2921, by striking “On the*
 20 *termination of” and inserting “On the relin-*
 21 *quishment of”; and*

22 (C) *in section 2922(d)(3)—*

23 (i) *in the paragraph heading, by strik-*
 24 *ing “ON TERMINATION” and inserting*
 25 *“UPON RELINQUISHMENT”; and*

1 (ii) by striking “or if at the expiration
2 of the withdrawal and reservation,”.

3 (2) *ESTABLISHMENT OF INTERGOVERNMENTAL*
4 *EXECUTIVE COMMITTEE.*—*The Military Land With-*
5 *drawals Act of 2013 (title XXIX of Public Law 113–*
6 *66; 127 Stat. 1025) is further amended by inserting*
7 *after section 2918 the following new section:*

8 **“SEC. 2919. INTERGOVERNMENTAL EXECUTIVE COMMITTEE.**

9 **“(a) ESTABLISHMENT AND PURPOSE.**—*For the lands*
10 *withdrawn and reserved by sections 2931, 2941, and 2971,*
11 *the Secretary concerned and the Secretary of the Interior*
12 *shall establish, by memorandum of understanding, an inter-*
13 *governmental executive committee for each location for the*
14 *sole purpose of exchanging views, information, and advice*
15 *relating to the management of the natural and cultural re-*
16 *sources of the withdrawn and reserved lands.*

17 **“(b) COMPOSITION.**—

18 **“(1) REPRESENTATIVES OF OTHER FEDERAL**
19 **AGENCIES.**—*The Secretary concerned and the Sec-*
20 *retary of the Interior shall include representatives*
21 *from interested Federal agencies as members of the*
22 *intergovernmental executive committee for a location*
23 *covered by subsection (a).*

24 **“(2) REPRESENTATIVES OF STATE AND LOCAL**
25 **GOVERNMENTS.**—*The Secretary concerned and the*

1 *Secretary of the Interior shall invite to serve as mem-*
2 *bers of the intergovernmental executive committee for*
3 *a location covered by subsection (a)—*

4 *“(A) at least one elected officer (or other au-*
5 *thorized representative) from the government of*
6 *the State in which the withdrawn and reserved*
7 *lands are located; and*

8 *“(B) at least one elected officer (or other au-*
9 *thorized representative) from each local govern-*
10 *ment and Indian tribal government in the vicin-*
11 *ity of the withdrawn and reserved lands, as de-*
12 *termined by the Secretaries.*

13 *“(c) OPERATION.—The intergovernmental executive*
14 *committee for a location covered by subsection (a) shall op-*
15 *erate in accordance with the terms set forth in the memo-*
16 *randum of understanding under subsection (a).*

17 *“(d) PROCEDURES.—The memorandum of under-*
18 *standing under subsection (a) shall establish procedures for*
19 *creating a forum for exchanging views, information, and*
20 *advice relating to the management of natural and cultural*
21 *resources on the withdrawn and reserved lands, procedures*
22 *for rotating the chair of the intergovernmental executive*
23 *committee, and procedures for scheduling regular meetings,*
24 *which shall occur no less frequently than twice a year.*

1 “(e) *COORDINATOR.*—*The Secretary concerned, in con-*
 2 *sultation with the Secretary of the Interior, shall appoint*
 3 *an individual to serve as coordinator of the intergovern-*
 4 *mental executive committee for a location covered by sub-*
 5 *section (a). The duties of the coordinator shall be included*
 6 *in the memorandum of understanding under subsection (a).*
 7 *The coordinator shall not be a member of the committee.*

8 “(f) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Fed-*
 9 *eral Advisory Committee Act (5 U.S.C. App.) does not*
 10 *apply to an intergovernmental executive committee for a*
 11 *location covered by subsection (a).”.*

12 (3) *DETERMINATION OF CONTINUING MILITARY*
 13 *NEED FOR WITHDRAWAL AND RESERVATION AND PUB-*
 14 *LIC REPORTS.*—*The Military Land Withdrawals Act*
 15 *of 2013 (title XXIX of Public Law 113–66; 127 Stat.*
 16 *1025) is further amended by inserting after section*
 17 *2919, as added by paragraph (2), the following new*
 18 *section:*

19 **“SEC. 2920. DETERMINATION OF CONTINUING MILITARY**
 20 **NEED FOR WITHDRAWAL AND RESERVATION**
 21 **AND PUBLIC REPORTS.**

22 “(a) *PERIODIC DETERMINATION OF CONTINUING*
 23 *NEED.*—*Whenever an integrated natural resources manage-*
 24 *ment plan covering the lands withdrawn and reserved*
 25 *under a subtitle of this title is reviewed as to operation and*

1 *effect as required by section 101(b)(3) of the Sikes Act (16*
 2 *U.S.C. 670a(b)(2)), but not less often than every five years,*
 3 *the Secretary concerned shall include in the plan the Sec-*
 4 *retary's determination regarding whether there will be a*
 5 *continuing military need for any or all of the withdrawn*
 6 *and reserved lands for the following five years.*

7 “(b) *PUBLIC REPORTS.*—

8 “(1) *CHANGES IN LAND CONDITIONS.*—(A) *Con-*
 9 *current with each review of an integrated natural re-*
 10 *sources management plan described in subsection (a),*
 11 *the Secretary concerned and the Secretary of the Inte-*
 12 *rior shall jointly prepare and issue a report describ-*
 13 *ing any changes in the condition of the lands covered*
 14 *by the plan since the later of the date of any previous*
 15 *report under this paragraph or the date of the envi-*
 16 *ronmental analysis prepared to support the actions*
 17 *that changed the condition of the lands.*

18 “(B) *A report under subparagraph (A) shall in-*
 19 *clude a summary of current military use of the lands*
 20 *covered by the plan, any changes in military use of*
 21 *the lands since the previous report, and efforts related*
 22 *to the management of natural and cultural resources*
 23 *and environmental remediation of the lands during*
 24 *the previous five years.*

1 “(2) *COMBINATION WITH OTHER REPORTS.*—A
2 *report under this subsection may be combined with,*
3 *or incorporate by reference, any contemporary report*
4 *required by any other provision of law regarding the*
5 *lands addressed by the report.*

6 “(3) *PUBLIC REVIEW AND COMMENT.*—(A) *Before*
7 *the finalization of a report under this subsection, the*
8 *Secretary concerned and the Secretary of the Interior*
9 *shall invite interested members of the public to review*
10 *and comment on the report, and shall hold at least*
11 *one public meeting concerning the report in a loca-*
12 *tion or locations reasonably accessible to persons who*
13 *may be affected by management of the lands ad-*
14 *dressed by the report.*

15 “(B) *Each public meeting under subparagraph*
16 *(A) shall be announced not less than 15 days before*
17 *the date of the meeting by advertisements in local*
18 *newspapers of general circulation, notices on the*
19 *internet, including the website of the affected military*
20 *range (if one exists), and any other means considered*
21 *necessary or desirable by the Secretaries.*

22 “(4) *DISTRIBUTION OF REPORT.*—*The final*
23 *version of a report under this subsection shall be*
24 *made available to the public and submitted to the*
25 *Committees on Armed Services and Energy and Nat-*

1 *ural Resources of the Senate and the Committees on*
2 *Armed Services and Natural Resources of the House*
3 *of Representatives.”.*

4 *(h) EFFECT ON NEW LAND WITHDRAWALS AND RES-*
5 *ERVATIONS.—Nothing in this Act or the amendments made*
6 *by this Act shall be construed as changing the requirements*
7 *imposed on the Department of Defense to obtain a new or*
8 *expanded land withdrawal and reservation.*

Union Calendar No. 407

115TH CONGRESS
2D Session

H. R. 4299

[Report No. 115-542, Part I]

A BILL

To provide for the indefinite duration of certain military land withdrawals, to improve the management of lands currently subject to such withdrawals and to make the management of such lands more transparent, and for other purposes.

FEBRUARY 2, 2018

Reported from the Committee on Natural Resources with
an amendment

FEBRUARY 2, 2018

The Committee on Armed Services discharged; committed
to the Committee of the Whole House on the State of
the Union and ordered to be printed