

106TH CONGRESS
1ST SESSION

S. 1338

Entitled the “Military Lands Withdrawal Act of 1999”.

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

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9 that the public lands withdrawn and reserved by this Act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3 Recognizing that these lands are withdrawn from all forms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22 this section, are hereby withdrawn from all forms of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4 are hereby withdrawn from all forms of appropria-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 DESCRIP-
6 TION.—As soon as practicable after the effective date of
7 this Act, the Secretary of the Interior shall—

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 DESCRIP-
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 jurisdie-
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 jurisdie-
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 jurisdie-
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 DESCRIP-
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-

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

4 (3) ENVIRONMENTAL REMEDIATION.—With re-
5 spect to lands to be relinquished pursuant to section
6 7 of this title, the Secretary of the Navy or the Sec-
7 retary of the Air Force shall take all actions nec-
8 essary to address any release or substantial threat of
9 a release, regardless of its source, occurring on or
10 emanating from such lands during the period of
11 withdrawal and reservation affected by this Act. To
12 the extent practicable, all such response actions shall
13 be taken before the termination of such withdrawal
14 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 Navy or the Sec-
21 retary of the Air Force before undertaking or au-
22 thORIZING any activities on the withdrawn and re-
23 served lands that may affect existing releases, inter-
24 fere with the installation, maintenance, or operation
25 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-
13 minate.

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

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

1 tion or until the Administrator, General Services Adminis-
2 tration, accepts jurisdiction of such lands under the Fed-
3 eral Property and Administrative Services Act of 1949 (40
4 U.S.C. §§ 251 et seq.), such land shall remain under the
5 jurisdiction of the Secretary of the Navy or the Secretary
6 of the Air Force for the limited purpose of—

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

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

12 (2) For any land that the Secretary of the Interior
13 determines to be suitable for return to the public domain,
14 but does not agree with the Secretary of the Navy or the
15 Secretary of the Air Force that all necessary environ-
16 mental response actions under section 4 of this title have
17 been taken, the Secretary of the Navy or the Secretary
18 of the Air Force and the Secretary of the Interior shall
19 resolve the dispute in accordance with any applicable dis-
20 pute resolution process.

21 (3) For any land that the Secretary of the Interior
22 determines to be unsuitable for return to the public do-
23 main, the Secretary of the Interior shall immediately no-
24 tify 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 scription. 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-
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. 506. 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 Army shall notify Con-
22 gress 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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