

	OCO	Program Integrity	Disaster Relief	Emergency	Wildfire Suppression	U.S. Census	Total
Revised Security Discretionary Budget Authority	0	0	0	0	0	0	0
Revised Nonsecurity Category Discretionary Budget Authority	0	0	0	0	0	0	0
General Purpose Outlays	0	0	0	92	0	0	92

NATIONAL DEFENSE AUTHORIZATION ACT

Ms. CORTEZ MASTO. Mr. President, I rise to enter into a colloquy with the junior Senator from Nevada, regarding sections 2861 and 2862 of title XXVIII of the National Defense Authorization Act that was recently considered by the Senate. These two sections of the bill include complex, intertwined history of public lands, Nevada's cultures and economy, Native American Tribes, and the Silver State's proud role in hosting and training our men and women in uniform.

Ms. ROSEN. Mr. President, I thank the senior Senator from Nevada for joining me today for this colloquy. The Senator correctly notes that these two sections of the National Defense Authorization Act raise profound historical public policy questions about how to protect our public lands, recognize the voices and issues raised by Native American Tribes, local governments and concerned citizens, and maintain Nevada's proud role in support of our Nation's Armed Forces and our national security. These public policy questions are amongst the most consequential natural resource issues facing the Silver State and have prompted Nevadans from every corner of our State to engage on the best path forward.

Ms. CORTEZ MASTO. Mr. President, I thank the junior Senator from Nevada for her partnership on these important questions. This year's annual defense authorization bill is more than 1,000 pages long, but sections 2861 and 2862 together take up less than one page. As the Senator knows, while the legislative text seems quite simple, significant and historical public policy questions underpin these two sections of the bill.

Section 2861 provides for a 20-year extension of the public land withdrawals specific to Fallon Range Training Complex which is utilized by the U.S. Navy. Section 2862 provides for a similar 20-year extension of the public land withdrawals specific to the Nevada Test and Training Range, otherwise known as NTTR, which is utilized by the U.S. Air Force. The reality of what this legislation means to our constituents in Nevada, our Nation's public lands, and its potential impact for current and future generations is far more complex. Given the importance of the public lands, Native American Tribes, Nevada's culture and economy, and our Nation's military, can the junior Senator from Nevada provide more detail on that history with respect to NTTR?

Ms. ROSEN. Mr. President, to best answer the Senator's question, it is important to start with the history of the Desert National Wildlife Refuge. The

establishment of the Desert National Wildlife Refuge predates the Nevada Test and Training Range and was created by President Franklin Roosevelt on May 20, 1936, via Executive Order 7373.

FDR created the Desert Game Range, as it was known then, to provide habitat and protection for desert bighorn sheep, Nevada's State animal. Originally the Range totaled more than 2.25 million acres, including lands both north and south of U.S. Highway 95.

We know even more today about the value of this area. The Desert National Wildlife Refuge contains six mountain ranges and seven distinct life zones, with elevations ranging from 2,200 feet to nearly 10,000 feet. The variations in elevation and rainfall have created diverse habitats, necessary for its hundreds of species of native flora and fauna to live and flourish. There are currently two species listed as endangered or threatened: notably the Pahrump Poolfish and the Desert Tortoise. This area was under the joint administration of the Bureau of Fisheries, the predecessor to the Fish and Wildlife Service—USFWS—which was not created until 1940, and the Bureau of Land Management—BLM.

Today, the Desert National Wildlife Refuge is the largest wildlife refuge outside Alaska. The Refuge has gone through various legislative boundary adjustments and currently encompasses 1.615 million acres of the Mojave Desert. Public Land Order 4079, issued on August 26, 1966, and corrected on September 23, 1966, revoked EO 7373. This PLO changed the name to the Desert National Wildlife Range, reduced its size to 1.588 million acres, and transferred sole administration to the USFWS. Lands withdrawn in PLO 4079 were set aside specifically for the protection, enhancement, and maintenance of wildlife resources, including bighorn sheep. Then, in 1974, as part of a Wilderness review required by the Wilderness Act of 1964, 1.3 million acres of the Desert National Wildlife Refuge were proposed as Wilderness by USFWS. This history is important, but these lands also remain central to Native American Tribes in Nevada.

Could the senior Senator from Nevada expand upon their importance?

Ms. CORTEZ MASTO. Mr. President, I thank the junior Senator for her question and would begin by noting that the mountains of southern Nevada are sacred lands, where Native Americans carved their stories onto its mountains and cliffs and left artifacts which detail how they lived and thrived. The bighorn sheep which are central to this area are sacred to Nevada's Native American Tribes, including the Moapa Band of Paiutes, who

are among the most acutely impacted by these public policy questions raised by Senator ROSEN. The creation story told by the Moapa Band of Paiutes include references to bighorn sheep, and the Las Vegas Paiutes also regard the Desert National Wildlife Refuge as culturally significant. With the history of the Refuge properly established, can my colleague, a former member of the House Armed Services Committee, help provide history on NTTR?

Ms. ROSEN. Mr. President, the history of NTTR begins in the 1940s when it was known as the Las Vegas Bombing and Gunnery Range, later changed to the Nellis Air Force Range in October 1987, and finally to NTTR in August 2003.

The NTTR is a military training area consisting of approximately 2.9 million acres of Federal land used by the U.S. Air Force Warfare Center at Nellis Air Force Base in southern Nevada. The NTTR includes a "simulated Integrated Air Defense System" and several individual ranges with 12,000 targets. The NTTR area has been used for aerial gunnery and bombing, nuclear tests, as a proving ground and flight test area, and for aircraft control and warning exercises.

These 2.9 million acres have been withdrawn from public use and reserved for military use, including the approximately 842,254 acres of the Desert National Wildlife Refuge land that overlaps with the NTTR. The legislative history surrounding this history begins in 1940, with Executive Order 8578 giving the military joint administration with USFWS of the western half of the Desert National Wildlife Refuge, for war purposes and restricting public access. The NTTR land withdrawals were extended in 1962, with the issuance of PLO 2613, and in 1986, the withdrawals were extended for another 15 years with P.L. 99-606. Most recently, the withdrawals, were again extended through 2021, with P.L. 106-65 signed in 1999.

This law in 1999, included as part of the National Defense Authorization Act for Fiscal Year 2000—P.L. 106-65—transferred primary jurisdiction of 110,000 acres of bombing impact areas on the Desert National Wildlife Refuge from the USFWS to the Department of Defense. These lands were reserved for use by the Secretary of the Air Force as an armament and high hazard testing area; for training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and for equipment and tactics development and testing.

More recently, in 2014, the House of Representatives considered legislation, H.R. 4253, which proposed repealing the existing withdrawals found in section

3015 in P.L. 106–65. Furthermore, the legislation would have permanently transferred administrative jurisdiction of the withdrawn lands in Nevada and put them under control of the Air Force. This same provision was again included in the 2015 NDAA, H.R. 1735, which was ultimately vetoed by President Obama. In 2018, the House of Representatives included provisions which would have again attempted to repeal the existing withdrawals found in Section 3015 in P.L. 106–65 and permanently transferred administrative jurisdiction of the withdrawn lands to the Air Force.

With that history established, can Senator Cortez Masto provide the history behind the legislation that is still under consideration by the Congress?

Ms. CORTEZ MASTO. Mr. President, I appreciate that question, because the process by which we find ourselves considering this legislation began on August 25, 2016, when the Air Force published a notice in the Federal Register to notify the public that it would begin preparing a legislative environmental impact statement related to the NTTR. This process, pursuant to the National Environmental Policy Act, kicked off public, Native American, and government agency engagement on any potential expansion of the NTTR.

The outreach and scoping process on the proposed update to the legislative environmental impact statement was flawed from the beginning. For instance, in a letter dated March 8, 2018, Nevada's former Governor Brian Sandoval, a Republican, wrote to the Air Force that "during the preparation of the legislative environmental impact statement, there was little interaction with our state agencies" and that "better coordination with the Nevada Department of Wildlife would have led to a more complete analysis and an opportunity to develop a compromise alternative that would both enhance training opportunities for the Air Force and continue to provide essential protections for Nevada's wildlife and outdoor recreational experiences." Unfortunately, the process for incorporating concerns expressed with the Air Force's plans for the NTTR have not improved over time. All told, more than 30,000 comments were submitted to the Air Force during their consideration of the legislative environmental impact statement, but these concerns were largely ignored by the Air Force and left unaddressed in the final documents released by the Air Force in October 2018.

The issue was considered by the 80th session of the Nevada Legislature which, on a nearly unanimous basis, passed Assembly Joint Resolution 2—AJR 2. AJR2 strongly urged Congress to "reject any proposal by the United States Air Force to expand its use of land or exercise of jurisdiction within the Desert National Wildlife Refuge beyond that which it currently possesses and to limit any proposal to extend the Air Force's authority over the Nevada

Test and Training Range to not more than 20 years." The legislature further urged Congress "to work collaboratively with all interested parties to develop a compromise alternative that would both enhance training opportunities for the United States Air Force and continue to provide essential protections for Nevada's wildlife and outdoor recreational experiences for Nevadans and visitors."

The inability for the legislative environmental impact statement to yield a consensus, compromise proposal was a major factor in my decision to begin developing my own legislation on this subject with my colleagues in the Nevada congressional delegation. My goal was to find a solution that would allow the Air Force to modernize its training while also respecting and preserving one of the country's largest wildlife refuges. This process included extensive discussions and engagement with Nevada stakeholders including Tribal communities, conservationists, sportsmen and hunters, private landowners, the U.S. Fish and Wildlife Service, and the United States Air Force.

Among other items, our legislation, S. 3145, firmly establishes public access to the Desert National Wildlife Refuge, provides that the U.S. Fish and Wildlife Service maintain primary jurisdiction over the entirety of the Refuge, preserves Fish and Wildlife Service jurisdiction on Refuge lands east of the historic Alamo/Old Corn Creek Road, creates several Wilderness areas, and establishes an interagency committee for resolving management conflicts between the U.S. Air Force and U.S. Fish and Wildlife Service. It also allows for the Air Force, in consultation with the Department of the Interior, to place up to 15 threat emitters to maximize and enhance realistic pilot training, provides a buffer zone west of the historic Alamo/Old Corn Creed Road, and provides a modest expansion of the NTTR to facilitate increased training activity on an additional 86,000 acres.

Ms. ROSEN. Mr. President, I thank the senior Senator for her comprehensive answer. As I have previously stated, I am hopeful this bipartisan compromise legislation will help resolve land management conflicts, preserve public access to the Desert National Wildlife Refuge, and serve to strengthen our national security. I have met with environmental advocates, Tribal leaders, and Air Force senior leadership on this issue. I will continue working with our local stakeholders—including military leaders, environmental and wildlife advocates, and members of Nevada's Tribal communities—to make sure all voices are heard.

Ms. CORTEZ MASTO. Mr. President, I appreciate the Senator's partnership on this matter and share the Senator's commitment to ensuring an effective answer to the previously noted public policy questions. While the National Defense Authorization Act for Fiscal Year 2021 that was approved by the

Senate on July 23, 2020, does not address the breadth of issues covered in our legislation, I hope it will provide an impetus for continued engagement so that we can build momentum within Congress, the Department of Defense, the Department of the Interior, and in Nevada for our bill. I will, and I am sure I speak for my colleagues in the Nevada delegation on this matter, commit to work with any and all reasonable parties on this matter. I hope that we can solve this matter with an eye towards its history in Nevada, our commitment to Native American Tribes, our precious public lands, our men and women in uniform, and our national security.

In addition, I would like to recognize Congressman HORSFORD and the other members of the Nevada congressional delegation for their efforts in the House to ensure that impacted Nevada stakeholders will be properly engaged and have a voice in the management and of the Federal lands on which the Air Force operates in southern Nevada. His efforts will help guarantee improved decision making and collaboration amongst the U.S. Fish and Wildlife Service and the U.S. Air Force as it pertains to the joint use of the Nevada Test and Training Range and Desert National Wildlife Refuge. I welcome his contributions in a final product approved by the full Congress.

Would the junior Senator also care to comment on section 2861?

Ms. ROSEN. Mr. President, I thank the Senator. As previously noted, section 2861 provides for a 20-year extension of the public land withdrawals specific to the Fallon Range Training Complex which is utilized by the U.S. Navy. Just like with section 2862, while this provision of the bill before us seems relatively simple, the underlying issues presented by the Fallon Range Training Complex present a range of complicated issues centered upon public lands, sovereign Tribal governments in Nevada and environmental justice, public access and recreation, energy and transportation infrastructure, and the ability for future economic development.

Could the senior Senator from Nevada provide more detail on some of this underlying history which helps make section 2861 so important to our constituents?

Ms. CORTEZ MASTO. Mr. President, I thank the junior Senator for the question. To begin, as before, it is important to understand the larger history in this area of Nevada before one can reasonably understand the magnitude of historical issues at play.

The military's history in Fallon dates back to 1942 when the Civil Aviation Administration and Army Corps of Aviation began construction of an airfield as part of the Western Defense Program. The Navy assumed control in 1943, and the following year, Naval Auxiliary Air Station Fallon was commissioned. In the early 1950s, additional training ranges were established

under Public Land Order 898 which withdrew 56,011 acres of public land for military use. In 1986—P.L. 99-606—and 1999—P.L. 106-65—Congress enacted legislation on this general subject by withdrawing additional public lands for military activities. The law passed in 1999 was especially noteworthy. This law represented a major change to the local customs, culture, and economy because it withdrew approximately 201,933 acres of land for military use for 20 years. The Fallon Range Training Complex now encompasses more than 230,000 acres of public land because of numerous map revisions and land surveys by the BLM since 1999. These land withdrawals, which took effect on November 6, 2001, expire on November 5, 2021, absent congressional reauthorization.

While this history is important, it is also important to understand that the history in this area did not begin when the military became an integral part of the community. One such example is the Walker River Paiute Tribe, a federally recognized sovereign nation. One range, Bravo 19, of the larger Fallon Range Training Complex, is located directly adjacent to WRPT reservation land and the Navy, as far back as 1942, has conducted military testing and training on lands adjacent to the WRPT reservation. The National Congress of American Indians—NCAI—go into more detail on the close physical proximity between these entities in Resolution No. ECWS-19004. The NCAI notes that the Walker River Paiute reservation land is “south and adjacent to Bravo 19, which is one of the training areas for Naval Air Station (NAS) Fallon” and that the “Navy has encumbered tribal land (est. 6,000 acres), which has been contaminated with live ordnance, caused historical damage to range wells and facilities and has left such land useless as this land cannot be totally cleaned up of ordinance and bombs.”

The Fallon Paiute-Shoshone Tribe has an equally important mark on the history of this unique area in northern Nevada. As detailed by the Inter-Tribal Council of Nevada in Resolution 06-ITCN-19, the Fallon Paiute-Shoshone Tribe is federally recognized and have lived, hunted, and prayed on their ancestral lands which encompass many significant areas in this region of the Silver State. This has resulted in a range of issues for the Fallon Paiute-Shoshone Tribe, including, but not limited to, access to traditional lands, including spiritual and cultural sites. These impacts are not trivial to the Fallon Paiute-Shoshone Tribe, but it should be noted that the current Chairman of the Fallon Paiute-Shoshone Tribe, Len George, published a piece in their March 2020 Tribal newsletter expressing his support for reauthorization of the existing withdrawn lands, but not for the expansion as proposed by the Navy.

The broader community in and around NAS Fallon also has a long his-

tory with this military base. Churchill County and the city of Fallon are the proud home of NAS Fallon, and both want to remain the proud home of NAS Fallon. That being said, this military base and training range is only one part of a larger community which each have to work together to balance its activities on public land against a range of other interrelated activities such as agriculture, clean energy development, hunting, outdoor recreation, and mining.

Given these factors, it is easy to understand the amount of attention the Department of Navy received in August of 2016 when it published its notice in the Federal Register that it was initiating its process under the National Environmental Policy Act to “assess the potential environmental consequences of maintaining and modernizing the Fallon Range Training Complex (FRTC) in Nevada, which would include land range expansion through additional land withdrawal and land acquisition, airspace modifications, and public land withdrawal renewal.” Scoping meetings drew hundreds of attendees, and the Navy’s Draft Environmental Impact Statement resulted in the submission of nearly 1,500 unique comments. Unfortunately, the robust scoping meetings and good-faith efforts to work together ultimately has not fully resolved some of the fundamental issues with the Navy’s proposal. The shortcomings of this process have been apparent and was captured in 2018 by our former and our current Governor in letters sent to the Navy in December 2018 and November 2019. Since then, the Navy has undertaken a serious effort to understand local concerns through a series of ongoing discussions and pledged commitments.

The National Environmental Policy Act process was subsequently completed in March of 2020 with a signed Record of Decision from the Navy. The Navy’s ROD proposes an expansion that includes approximately 600,000 acres of public land and approximately 66,000 acres of private land located primarily in Churchill County, but affecting a total of five counties. When considering associated airspace modifications, the Navy’s proposal will affect over half of all Nevada counties. While affected counties, Tribes, and State agencies worked with the Navy to identify key assurances in the ROD, which reflected the Navy’s serious engagement, the ROD could not and did not alleviate all concerns.

Shortly before the Navy made their decision in March of 2020, Senator ROSEN, Congressman HORSFORD, and I wrote a letter to the Senate and House Armed Services Committees where we noted that the lack of consensus left us with “no choice other than to initiate our own process to gather input from as many of our constituents as possible.”

With regards to both sections of the National Defense Authorization Act, we continue to seek that consensus,

and I would note in particular that Governor Sisolak and his administration have been helpful with this effort, especially in working with affected counties and the Nevada Association of Counties to bring State agencies, local governments, and Tribes together. I would also like to acknowledge the efforts of Churchill County which also worked with the State and the aforementioned stakeholders to collaboratively compile a list of outstanding concerns and suggested means of addressing those concerns with the Navy’s proposal. The combined efforts from stakeholders in our State has been an invaluable resource.

In the meantime, I appreciate that this bill does not attempt to force a solution upon the Silver State which has virtually no support from my constituents. Rather, by authorizing new 20-year extensions of the public land withdrawals, it removes uncertainty by reinforcing the critical mission of the U.S. military in Nevada and its efforts to modernize while enabling Federal, State, local, and Tribal stakeholders to continue their dialogue to find the right way forward.

Ms. ROSEN. Mr. President, I thank the Senator for her leadership on this matter and share her commitment to working together with our constituents in Nevada to reach a consensus proposal. While critical concerns remain, Nevada’s congressional delegation has a long history of finding pragmatic solutions to public land challenges, and I look forward to working with Senator CORTEZ MASTO, Congressman AMODEI, and the rest of the delegation to continue this tradition.

Ms. CORTEZ MASTO. Mr. President, I thank the Senator for her partnership.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The messages received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 451. An act to repeal the requirement to reallocate and auction the T-Band spectrum, to amend the Wireless Communications and Public Safety Act of 1999 to clarify acceptable 9-1-1 obligations or expenditures, and for other purposes; to the Committee on Commerce, Science, and Transportation.