

**SEC. __. WITHDRAWAL AND RESERVATION OF PUBLIC LANDS IN NEVADA TO
SUPPORT MILITARY READINESS AND SECURITY.**

(a) Title XXIX of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 1025), entitled the “Military Land Withdrawals Act of 2013” is amended by adding the following:

“Subtitle G—Nevada Test and Training Range, Nevada

“SEC. 2981. WITHDRAWAL AND RESERVATION OF PUBLIC LAND.

“(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this subtitle, the public land (including interests in land) described in subsection (b), and all other areas within the boundary of the land depicted on the map described in that subsection that may become subject to the operation of the public land laws, is withdrawn from all forms of entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws relating to mineral materials and to mineral and geothermal leasing.

“(b) DESCRIPTION OF LAND.—The public land (including interests in land) referred to in subsection (a) is the Federal land comprising approximately 3,256,722 acres of land in Clark, Lincoln, and Nye Counties, Nevada, as generally depicted on the map entitled “Nevada Test and Training Range, Proposed Withdrawal Extension,” dated August 21, 2019, and filed in accordance with section 2912.

“(c) RESERVATION.—

“(1) AIR FORCE RESERVATION.—The land described in subsection (b) is reserved for use by the Secretary of the Air Force for the following purposes:

“(A) Use as a research, development, test, and evaluation laboratory.

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“(B) Use as a range for air warfare weapons and weapon systems.

“(C) Use as a high-hazard testing and training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support, and directed energy and unmanned aerial systems.

“(D) Other defense-related purposes that are—

“(i) consistent with the purposes described in the preceding paragraphs; and

“(ii) authorized under section 2914.

“(d) APPLICABILITY OF CERTAIN PROVISIONS.—Section 2918 shall not apply to the Desert National Wildlife Refuge.”

“SEC. 2982. MANAGEMENT OF WITHDRAWN AND RESERVED LAND OTHER THAN THE DESERT NATIONAL WILDLIFE REFUGE.

“(a) APPLICABLE LAWS.—The Secretary of the Interior shall manage the land withdrawn and reserved by section 2981, other than land located within the Desert National Wildlife Refuge, in accordance with—

“(1) subtitle A and this subtitle;

“(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

“(3) any other applicable law.

“(b) AUTHORIZED ACTIVITIES.—To the extent consistent with section 2981(c), applicable law, and Executive orders, the land withdrawn and reserved by section 2981, other than the Desert National Wildlife Refuge, may be managed in a manner that permits the following activities:

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“(1) Grazing.

“(2) Protection of wildlife and wildlife habitat.

“(3) Preservation of cultural properties.

“(4) Control of predatory and other animals.

“(5) Recreation and education.

“(6) Prevention and appropriate suppression of brush and range fires resulting from non-military activities.

“(7) Geothermal leasing and development and related power production activities.

“(c) NONDEFENSE USES.—All nondefense-related uses of the land withdrawn and reserved by section 2981, other than the Desert National Wildlife Refuge, (including the uses described in subsection (b)) shall be subject to any conditions and restrictions that the Secretary of the Interior and the Secretary of the Air Force jointly determine to be necessary to permit the defense-related use of the land for the purposes described in this section.

“(d) ISSUANCE OF LEASES AND OTHER INSTRUMENTS.—

“(1) IN GENERAL.—The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, permit, license, or other instrument authorized by law with respect to any activity that involves both—

“(A) the public land withdrawn and reserved by section 2981; and

“(B) any other land in the vicinity of the land withdrawn and reserved by section 2981 that is not under the administrative jurisdiction of the Secretary of the Air Force.

“(2) CONSENT REQUIRED.—Any lease, easement, right-of-way, permit, license, or other instrument issued under paragraph (1) shall—

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“(A) only be issued with the consent of the Secretary of the Air Force; and

“(B) be subject to such conditions as the Secretary of the Air Force may require with respect to the land withdrawn and reserved by section 2981.

“(e) AUTHORITY TO ASSIGN MANAGEMENT RESPONSIBILITY.—The Secretary of the Interior, with the approval of the Secretary of the Air Force, may assign the management responsibility, in whole or in part, for the land referred to in subsection (a) to the Secretary of the Air Force.

“(1) APPLICABLE LAW.—On assignment of the management responsibility, the Secretary of the Air Force shall manage the land in accordance with—

“(A) subtitle A and this subtitle;

“(B) title I of the Sikes Act (16 U.S.C. 670a et seq.);

“(C) cooperative management arrangements entered into by the Secretary of the Interior and the Secretary of the Air Force; and

“(D) any other applicable law.”

“SEC. 2983. MANAGEMENT OF THE DESERT NATIONAL WILDLIFE REFUGE.

“(a) MANAGEMENT.—The Secretary of the Air Force shall manage, in coordination with the Secretary of the Interior, the land withdrawn and reserved by section 2981 that is located within the Desert National Wildlife Refuge primarily for the military purposes specified in subsection 2981(c) and secondarily for the purposes for which the refuge was established, in accordance with—

“(1) subtitle A and this subtitle;

“(2) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and other laws applicable to the management of the National Wildlife Refuge System;

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“(3) title I of the Sikes Act (16 U.S.C. 670a et seq.);

“(4) cooperative management arrangements entered into by the Secretary of the Interior and the Secretary of the Air Force; and

“(5) any other applicable law.

“(b) COMPATIBILITY DETERMINATIONS. —Use of the land withdrawn and reserved by section 2891 that is located within the Desert National Wildlife Refuge for the military purposes specified in subsection 2981(c), including without limitation ground-disturbing activities, shall not be subject to compatibility determinations under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and other laws, regulations and orders applicable to the management of the Desert National Wildlife Refuge.

“(c) PROPOSED WILDERNESS AREAS.—The Secretary of the Air Force and the Secretary of the Interior shall manage the land withdrawn and reserved by section 2891 that is located within the Desert National Wildlife Refuge in accordance with the provisions of subtitle A and this subtitle notwithstanding any pending proposal submitted to Congress pursuant to the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) to designate such areas of the Desert National Wildlife Refuge as wilderness.

“(d) IMPACT AREAS.—The lands depicted as impact areas on the map referred to in section 2981(b) were transferred to the primary administrative jurisdiction of the Secretary of the Air Force in accordance with subsection 3011(b)(3) of the Military Lands Withdrawal Act of 1999 (Title XXX of Public Law 106-65; 113 Stat. 512). The Secretary of the Air Force and the Secretary of the Interior shall manage such lands as provided in this section. Notwithstanding any other provision of law, the Secretary of the Air Force may utilize such lands as a weapons delivery area for live and inert ordnance.

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“(e) HUNTING, FISHING, AND TRAPPING.—Hunting, fishing, and trapping within the Desert National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and other laws applicable to the National Wildlife Refuge System.”

“SEC. 2984. INTERGOVERNMENTAL EXECUTIVE COMMITTEE.

“(a) ESTABLISHMENT AND PURPOSE.—The Secretary of the Air Force and the Secretary of the Interior shall establish, by memorandum of understanding, an intergovernmental executive committee for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by section 2891 and identifying specific methods for improved interagency management of such lands.

“(b) COMPOSITION.—

“(1) REPRESENTATIVES OF OTHER FEDERAL AGENCIES.—The Secretary of the Air Force and the Secretary of the Interior shall include representatives from interested Federal agencies as members of the intergovernmental executive committee.

“(2) REPRESENTATIVES OF STATE AND LOCAL GOVERNMENTS.—The Secretary of the Air Force and the Secretary of the Interior shall invite to serve as members of the intergovernmental executive committee—

“(A) at least one elected officer (or other authorized representative) from the government of the State of Nevada; and

“(B) at least one elected officer (or other authorized representative) from each local government and Indian tribal government in the vicinity of the withdrawn and reserved lands, as determined by the Secretaries.

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“(c) OPERATION.—The intergovernmental executive committee shall operate in accordance with the terms set forth in the memorandum of understanding provided for under subsection (a). Such memorandum shall constitute the charter of the committee.

“(d) PROCEDURES.—The memorandum of understanding provided for under subsection (a) shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the lands withdrawn and reserved by section 2891, procedures for establishing and tracking compliance with mitigation measures, procedures for rotating the chair of the intergovernmental executive committee, and procedures for scheduling regular meetings, which shall occur no less frequently than twice a year.

“(e) COORDINATOR.—The Secretary of the Air Force, in consultation with the Secretary of the Interior, shall appoint an individual to serve as coordinator of the intergovernmental executive committee. The duties of the coordinator shall be included in the memorandum of understanding provided for under subsection (a). The coordinator shall not be a member of the committee.”

“SEC. 2985. MANAGEMENT PLANS.

“(a) COOPERATION IN DEVELOPMENT OF MANAGEMENT PLAN.— The Secretary of the Air Force and the Secretary of the Interior shall update and maintain cooperative arrangements concerning land resources and land uses on the land withdrawn and reserved by section 2981.

“(b) PURPOSE.—A cooperative arrangement entered into under subsection (a) shall focus on and apply to sustainable management and protection of the natural and cultural resources and environmental values of the land withdrawn and reserved by section 2981, consistent with the defense-related purposes for which the land is reserved.

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“(c) COMPREHENSIVE LAND USE MANAGEMENT PLAN.—A cooperative arrangement entered into under subsection (a) shall include a comprehensive land use management plan that is consistent with sections 2982 and 2983 and evaluates and establishes mechanisms and procedures for allowing access to the land withdrawn and reserved by section 2981 by non-military personnel in support of scientific research, natural and cultural resources management programs, and public affairs programs to the greatest extent feasible without adversely affecting military testing and training activities.

“(d) ANNUAL REVIEW.—The Secretary of the Air Force and the Secretary of the Interior shall—

“(1) annually review the comprehensive land use management plan developed under subsection (c); and

“(2) update the comprehensive land use management plan as the Secretary of the Air Force and the Secretary of the Interior determine to be necessary—

“(A) to respond to evolving management requirements; and

“(B) to complement the updates of other applicable land use and resource management and planning.

“(e) IMPLEMENTING AGREEMENT.— The Secretary of the Interior and the Secretary of the Air Force may enter into a written agreement to implement the comprehensive land use management plan developed under subsection (c).”

“SEC. 2986. USE OF MINERAL MATERIALS.

“Notwithstanding any other provision of this subtitle or of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the Air Force may use sand, gravel, or similar mineral materials resources of the type subject to

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disposition under that Act from lands withdrawn and reserved by section 2891 if use of such resources is required for construction needs on such lands.”

(b) TERMINATION.—Subject to subsections (c) and (d), the withdrawal and reservation under subsection 3011(b) of the Military Lands Withdrawal Act of 1999 (Title XXX of Public Law 106-65; 113 Stat. 512) is terminated.

(c) CONTINUATION OF PAHUTE MESA WITHDRAWAL.—Nothing in this Act shall affect the provisions of section 3011(b)(2) of the National Defense Authorization Act for Fiscal Year Fiscal Year 2000 (Public Law 106-65; 113 Stat. 885), entitled the “Military Lands Withdrawal Act of 1999”.

(d) LIMITATION.—Notwithstanding the termination under subsection (b), all rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Interior or the Secretary of the Air Force with respect to the land withdrawn and reserved under section 3011 of the Military Lands Withdrawal Act of 1999, unless inconsistent with the provisions of this subtitle, shall remain in force until modified, suspended, overruled, or otherwise changed by—

“(1) the Secretary of the Interior or the Secretary of the Air Force (as applicable);

“(2) a court of competent jurisdiction; or

“(3) operation of law.”

(e) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 2979 the following new subtitle (G):

“Subtitle G—Nevada Test and Training Range, Nevada”

“Sec. 2981. Withdrawal and reservation of public land.”

“Sec. 2982. Management of Withdrawn and Reserve Land Other Than the Desert National Wildlife Refuge.”

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“Sec. 2983. Management of the Desert National Wildlife Refuge.”

“Sec. 2984. Intergovernmental Executive Committee.”

“Sec. 2985. Management Plans.”

“Sec. 2986. Use of Mineral Materials.”

[Please note: The “Changes to Existing Law” section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

The land withdrawal that makes up the Nevada Test and Training Range (NTTR) expires in 2021. The NTTR is the Air Force’s most vital test and training asset and must be continued. Propose management changes included in the proposal are essential to meet current defined requirements. Maintaining the status quo by simply extending the current withdrawal will not be sufficient to meet 5th generation requirements.

This proposal would extend and expand the current withdrawal, enacted in the FY2000 NDAA and set to expire in 2021. The proposal includes management changes to ~300,000 acres of U.S. Fish and Wildlife Service and Bureau of Land Management managed lands to restrict public access and conduct extremely low disturbance military activity. Only a maximum of 30 acres (.01% of the requested acreage) would have any disturbance in the new withdrawal areas.

Section 2891 of this proposal would withdraw approximately _____ acres of public land in Clark, Lincoln and Nye Counties, Nevada, from all forms of entry, appropriation or disposal under the public land laws; location, entry and patent under the mining laws; and disposition under all laws relating to mineral materials and to mineral and geothermal leasing. It would reserve such land for use by the Secretary of the Air Force for certain military purposes.

Section 2892 of this proposal governs management of that part of the withdrawn and reserved land not located within the Desert National Wildlife Refuge. The Secretary of the Interior is responsible for managing such land in accordance with the general provisions in Subtitle A of the Military Land Withdrawal Act of 2013, the Federal Land Policy and Management Act of 1976, and other applicable law.

Section 2893 of this proposal governs management of that part of the withdrawn and reserved land located within the Desert National Wildlife Refuge. The Secretary of the Air Force is responsible for managing such land in coordination with the Secretary of the Interior. The land is to be managed primarily for military purposes and secondarily for the purposes for which the refuge was established.

Section 2894 of this proposal requires the Secretary of the Air Force and the Secretary of the Interior to establish an intergovernmental executive committee for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this subtitle and identifying specific methods for improved interagency management of such lands.

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Section 2895 of this proposal requires the Secretary of the Air Force and the Secretary of the Interior to cooperate in the development of a comprehensive land use management plan for the land withdrawn and reserved by this subtitle.

Section 2896 of this proposal provides that the Secretary of the Air Force, notwithstanding certain other provisions of law, may use sand, gravel, or similar mineral materials on the land withdrawn and reserved by this subtitle if use of such resources is required for construction needs on such land.

Subsection (b) terminates, subject to certain conditions, the withdrawal and reservation under subsection 3011(b) of the Military Lands Withdrawal Act of 1999 (Title XXX of Public Law 105-65). The absence of naming an expiration date for the withdrawal would make this withdrawal indefinite.

Budget Implications: No budget impact.

Resubmission Information: This proposal is being submitted for the first time.

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Changes to Existing Law:

This proposal makes changes to Title XXIX of the National Defense Authorization Act for Fiscal Year 2104 (Public Law 113-66) by adding a new Subtitle G, as provided above.

