

**AMENDMENT TO H.R. 1735**  
**OFFERED BY MR. BISHOP OF UTAH**

At the end of subtitle E of title XXVIII, add the following new section:

1 **SEC. 2842. BUREAU OF LAND MANAGEMENT WITHDRAWN**  
2 **MILITARY LANDS EFFICIENCY AND SAVINGS.**

3 (a) **ELIMINATION OF TERMINATION DATE AND AU-**  
4 **THORIZATION FOR TRANSFER OF ADMINISTRATIVE JU-**  
5 **RISDICTION.**—Subsection (a) of section 3015 of the Mili-  
6 tary Lands Withdrawal Act of 1999 (title XXX of Public  
7 Law 106–65; 113 Stat. 892) is amended to read as fol-  
8 lows:

9 “(a) **PERMANENT WITHDRAWAL AND RESERVATION;**  
10 **EFFECT OF TRANSFER ON WITHDRAWAL.**—The with-  
11 drawal and reservation of lands by section 3011 shall ter-  
12minate only as follows:

13 “(1) Upon an election by the Secretary of the  
14 military department concerned to relinquish any or  
15 all of the land withdrawn and reserved by section  
16 3011.

17 “(2) Upon a transfer by the Secretary of the  
18 Interior, under section 3016 and upon request by  
19 the Secretary of the military department concerned,

1 of administrative jurisdiction over the land to the  
2 Secretary of the military department concerned.  
3 Such a transfer may consist of a portion of the land,  
4 in which case the termination of the withdrawal and  
5 reservation applies only with respect to the land so  
6 transferred.”.

7 (b) **TRANSFER PROCESS AND MANAGEMENT AND**  
8 **USE OF LANDS.**—The Military Lands Withdrawal Act of  
9 1999 (title XXX of Public Law 106–65) is further amend-  
10 ed—

11 (1) by redesignating sections 3022 and 3023 as  
12 sections 3027 and 3028, respectively; and

13 (2) by striking sections 3016 through 3021 and  
14 inserting the following new sections:

15 **“SEC. 3016. TRANSFER PROCESS.**

16 “(a) **TRANSFER AUTHORIZED.**—The Secretary of the  
17 Interior shall, upon the request of the Secretary con-  
18 cerned, transfer to the Secretary concerned administrative  
19 jurisdiction over the land withdrawn and reserved by sec-  
20 tion 3011, or a portion of the land as the Secretary con-  
21 cerned may request.

22 “(b) **VALID EXISTING RIGHTS.**—The transfer of ad-  
23 ministrative jurisdiction under subsection (a) shall be sub-  
24 ject to any valid existing rights.

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1       “(c) TIME FOR CONVEYANCE.—The transfer of ad-  
2 ministrative jurisdiction under subsection (a) shall occur  
3 pursuant to a schedule agreed upon by the Secretary of  
4 the Interior and the Secretary concerned.

5       “(d) MAP AND LEGAL DESCRIPTION.—

6           “(1) PREPARATION AND PUBLICATION.—The  
7 Secretary of the Interior shall publish in the Federal  
8 Register a legal description of the public land to be  
9 transferred under subsection (a).

10          “(2) SUBMISSION TO CONGRESS.—The Sec-  
11 retary of the Interior shall file with the Committee  
12 on Energy and Natural Resources of the Senate and  
13 the Committee on Natural Resources of the House  
14 of Representatives—

15           “(A) a copy of the legal description pre-  
16 pared under paragraph (1); and

17           “(B) the map referred to in subsection (a).

18          “(3) AVAILABILITY FOR PUBLIC INSPECTION.—  
19 Copies of the legal description and map filed under  
20 paragraph (2) shall be available for public inspection  
21 in the appropriate offices of—

22           “(A) the Bureau of Land Management;

23           “(B) the commanding officer of the instal-  
24 lation; and

25           “(C) the Secretary concerned.

1           “(4) FORCE OF LAW.—The legal description  
2           and map filed under paragraph (2) shall have the  
3           same force and effect as if included in this Act, ex-  
4           cept that the Secretary of the Interior may correct  
5           clerical and typographical errors in the legal descrip-  
6           tion or map.

7           “(5) REIMBURSEMENT OF COSTS.—Any trans-  
8           fer entered into pursuant to subsection (a) shall be  
9           made without reimbursement, except that the Sec-  
10          retary concerned shall reimburse the Secretary of  
11          the Interior for any costs incurred by the Secretary  
12          of the Interior to prepare the legal description and  
13          map under this subsection.

14   **“SEC. 3017. ADMINISTRATION OF TRANSFERRED LAND.**

15          “(a) TREATMENT AND USE OF TRANSFERRED  
16          LAND.—Upon the transfer of administrative jurisdiction  
17          of land under section 3016—

18                 “(1) the land shall be treated as property (as  
19                 defined in section 102(9) of title 40, United States  
20                 Code) under the administrative jurisdiction of the  
21                 Secretary concerned; and

22                 “(2) the Secretary concerned shall administer  
23                 the land for military purposes.

24          “(b) WITHDRAWAL OF MINERAL ESTATE.—Subject  
25          to valid existing rights, land for which the administrative

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1 jurisdiction is transferred under section 3016 is with-  
2 drawn from all forms of appropriation under the public  
3 land laws, including the mining laws, the mineral leasing  
4 laws, and the geothermal leasing laws, for as long as the  
5 land is under the administrative jurisdiction of the Sec-  
6 retary concerned.

7       “(c) INTEGRATED NATURAL RESOURCES MANAGE-  
8 MENT PLAN.—Not later than one year after the transfer  
9 of land under section 3016, the Secretary concerned, in  
10 cooperation with the Secretary of the Interior, shall pre-  
11 pare an integrated natural resources management plan  
12 pursuant to the Sikes Act (16 U.S.C. 670a et seq.) for  
13 the transferred land.

14       “(d) RELATION TO GENERAL PROVISIONS.—Sections  
15 3018 through 3026 do not apply to lands transferred  
16 under section 3016 or to the management of such land.

17       “(e) TRANSFERS BETWEEN ARMED FORCES.—Noth-  
18 ing in this subtitle shall be construed as limiting the au-  
19 thority to transfer administrative jurisdiction over the  
20 land transferred under section 3016 to another armed  
21 force pursuant to section 2696 of title 10, United States  
22 Code, and the provisions of this section shall continue to  
23 apply to any such lands.

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1 **“SEC. 3018. GENERAL APPLICABILITY; DEFINITIONS.**

2 “(a) **APPLICABILITY.**—Sections 3014 through 3028  
3 apply to the lands withdrawn and reserved by section 3011  
4 except—

5 “(1) to the B-16 Range referred to in section  
6 3011(a)(3)(A), for which only section 3019 applies;

7 “(2) to the ‘Shoal Site’ referred to in section  
8 3011(a)(3)(B), for which sections 3014 through  
9 3028 apply only to the surface estate;

10 “(3) to the ‘Pahute Mesa’ area referred to in  
11 section 3011(b)(2); and

12 “(4) to the Desert National Wildlife Refuge re-  
13 ferred to in section 3011(b)(5)—

14 “(A) except for section 3024(b); and

15 “(B) for which sections 3014 through  
16 3028 shall only apply to the authorities and re-  
17 sponsibilities of the Secretary of the Air Force  
18 under section 3011(b)(5).

19 “(b) **RULES OF CONSTRUCTION.**—Nothing in this  
20 subtitle assigns management of real property under the  
21 administrative jurisdiction of the Secretary concerned to  
22 the Secretary of the Interior.

23 “(c) **DEFINITIONS.**—In this subtitle:

24 “(1) **INDIAN TRIBE.**—The term ‘Indian tribe’  
25 has the meaning given the term in section 102 of the

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1 Federally Recognized Indian Tribe List Act of 1994  
2 (25 U.S.C. 479a).

3 “(2) **MANAGE; MANAGEMENT.**—

4 “(A) **INCLUSIONS.**—The terms ‘manage’  
5 and ‘management’ include the authority to exer-  
6 cise jurisdiction, custody, and control over the  
7 lands withdrawn and reserved by section 3011.

8 “(B) **EXCLUSIONS.**—Such terms do not in-  
9 clude authority for disposal of the lands with-  
10 drawn and reserved by section 3011.

11 “(3) **SECRETARY CONCERNED.**—The term ‘Sec-  
12 retary concerned’ has the meaning given the term in  
13 section 101(a) of title 10, United States Code.

14 **“SEC. 3019. ACCESS RESTRICTIONS.**

15 “(a) **AUTHORITY TO IMPOSE RESTRICTIONS.**—If the  
16 Secretary concerned determines that military operations,  
17 public safety, or national security require the closure to  
18 the public of any road, trail, or other portion of land with-  
19 drawn and reserved by section 3011, the Secretary may  
20 take such action as the Secretary determines to be nec-  
21 essary to implement and maintain the closure.

22 “(b) **LIMITATION.**—Any closure under subsection (a)  
23 shall be limited to the minimum area and duration that  
24 the Secretary concerned determines are required for the  
25 purposes of the closure.

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1 “(c) CONSULTATION REQUIRED.—

2 “(1) IN GENERAL.—Subject to paragraph (3),  
3 before a closure is implemented under this section,  
4 the Secretary concerned shall consult with the Sec-  
5 retary of the Interior.

6 “(2) INDIAN TRIBE.—Subject to paragraph (3),  
7 if a closure proposed under this section may affect  
8 access to or use of sacred sites or resources consid-  
9 ered to be important by an Indian tribe, the Sec-  
10 retary concerned shall consult, at the earliest prac-  
11 ticable date, with the affected Indian tribe.

12 “(3) LIMITATION.—No consultation shall be re-  
13 quired under paragraph (1) or (2)—

14 “(A) if the closure is provided for in an in-  
15 tegrated natural resources management plan,  
16 an installation cultural resources management  
17 plan, or a land use management plan; or

18 “(B) in the case of an emergency, as deter-  
19 mined by the Secretary concerned.

20 “(d) NOTICE.—Immediately preceding and during  
21 any closure implemented under subsection (a), the Sec-  
22 retary concerned shall post appropriate warning notices  
23 and take other appropriate actions to notify the public of  
24 the closure.



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1 **“SEC. 3020. CHANGES IN USE.**

2 “(a) OTHER USES AUTHORIZED.—In addition to the  
3 purposes described in section 3011, the Secretary con-  
4 cerned may authorize the use of land withdrawn and re-  
5 served by section 3011 for defense-related purposes.

6 “(b) NOTICE TO SECRETARY OF THE INTERIOR.—

7 “(1) IN GENERAL.—The Secretary concerned  
8 shall promptly notify the Secretary of the Interior if  
9 the land withdrawn and reserved by section 3011 is  
10 used for additional defense-related purposes.

11 “(2) REQUIREMENTS.—A notification under  
12 paragraph (1) shall specify—

13 “(A) each additional use;

14 “(B) the planned duration of each addi-  
15 tional use; and

16 “(C) the extent to which each additional  
17 use would require that additional or more strin-  
18 gent conditions or restrictions be imposed on  
19 otherwise-permitted nondefense-related uses of  
20 the withdrawn and reserved land or portions of  
21 withdrawn and reserved land.

22 **“SEC. 3021. BRUSH AND RANGE FIRE PREVENTION AND**  
23 **SUPPRESSION.**

24 “(a) REQUIRED ACTIVITIES.—Consistent with any  
25 applicable land management plan, the Secretary concerned  
26 shall take necessary precautions to prevent, and actions

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1 to suppress, brush and range fires occurring as a result  
2 of military activities on the land withdrawn and reserved  
3 by section 3011, including fires that occur on other land  
4 that spread from the withdrawn and reserved land.

5 “(b) COOPERATION OF SECRETARY OF THE INTE-  
6 RIOR.—

7 “(1) IN GENERAL.—At the request of the Sec-  
8 retary concerned, the Secretary of the Interior shall  
9 provide assistance in the suppression of fires under  
10 subsection (a). The Secretary concerned shall reim-  
11 burse the Secretary of the Interior for the costs in-  
12 curred by the Secretary of the Interior in providing  
13 such assistance.

14 “(2) TRANSFER OF FUNDS.—Notwithstanding  
15 section 2215 of title 10, United States Code, the  
16 Secretary concerned may transfer to the Secretary  
17 of the Interior, in advance, funds to be used to reim-  
18 burse the costs of the Department of the Interior in  
19 providing assistance under this subsection.

20 **“SEC. 3022. ONGOING DECONTAMINATION.**

21 “(a) PROGRAM OF DECONTAMINATION REQUIRED.—  
22 During the period of a withdrawal and reservation of land  
23 by section 3011, the Secretary concerned shall maintain,  
24 to the extent funds are available to carry out this sub-  
25 section, a program of decontamination of contamination

1 caused by defense-related uses on the withdrawn land. The  
2 decontamination program shall be carried out consistent  
3 with applicable Federal and State law.

4 “(b) ANNUAL REPORT.—The Secretary of Defense  
5 shall include in the annual report required by section 2711  
6 of title 10, United States Code, a description of decon-  
7 tamination activities conducted under subsection (a).

8 **“SEC. 3023. WATER RIGHTS.**

9 “(a) NO RESERVATION OF WATER RIGHTS.—Noth-  
10 ing in this subtitle—

11 “(1) establishes a reservation in favor of the  
12 United States with respect to any water or water  
13 right on the land withdrawn and reserved by section  
14 3011; or

15 “(2) authorizes the appropriation of water on  
16 the land withdrawn and reserved by section 3011,  
17 except in accordance with applicable State law.

18 “(b) EFFECT ON PREVIOUSLY ACQUIRED OR RE-  
19 SERVED WATER RIGHTS.—

20 “(1) IN GENERAL.—Nothing in this section af-  
21 fects any water rights acquired or reserved by the  
22 United States before October 5, 1999, on the land  
23 withdrawn and reserved by section 3011.

1           “(2) AUTHORITY OF SECRETARY CON-  
2           CERNED.—The Secretary concerned may exercise  
3           any water rights described in paragraph (1).

4   **“SEC. 3024. HUNTING, FISHING, AND TRAPPING.**

5           “(a) IN GENERAL.—Section 2671 of title 10, United  
6 States Code, shall apply to all hunting, fishing, and trap-  
7 ping on the land—

8           “(1) that is withdrawn and reserved by section  
9           3011; and

10           “(2) for which management of the land has  
11           been assigned to the Secretary concerned.

12           “(b) DESERT NATIONAL WILDLIFE REFUGE.—  
13 Hunting, fishing, and trapping within the Desert National  
14 Wildlife Refuge shall be conducted in accordance with the  
15 National Wildlife Refuge System Administration Act of  
16 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of  
17 Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and  
18 other laws applicable to the National Wildlife Refuge Sys-  
19 tem.

20   **“SEC. 3025. RELINQUISHMENT.**

21           “(a) NOTICE OF INTENTION TO RELINQUISH.—If,  
22 during the period of withdrawal and reservation made by  
23 section 3011, the Secretary concerned decides to relin-  
24 quish any or all of the land withdrawn and reserved by  
25 section 3011, the Secretary concerned shall submit to the

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1 Secretary of the Interior notice of the intention to relin-  
2 quish the land.

3 “(b) DETERMINATION OF CONTAMINATION.—The  
4 Secretary concerned shall include in the notice submitted  
5 under subsection (a) a written determination concerning  
6 whether and to what extent the land that is to be relin-  
7 quished is contaminated with explosive materials or toxic  
8 or hazardous substances.

9 “(c) PUBLIC NOTICE.—The Secretary of the Interior  
10 shall publish in the Federal Register the notice of inten-  
11 tion to relinquish the land under this section, including  
12 the determination concerning the contaminated state of  
13 the land.

14 “(d) DECONTAMINATION OF LAND TO BE RELIN-  
15 QUISHED.—

16 “(1) DECONTAMINATION REQUIRED.—The Sec-  
17 retary concerned shall decontaminate land subject to  
18 a notice of intention under subsection (a) to the ex-  
19 tent that funds are appropriated for that purpose,  
20 if—

21 “(A) the land subject to the notice of in-  
22 tention is contaminated, as determined by the  
23 Secretary concerned; and

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1           “(B) the Secretary of the Interior, in con-  
2           sultation with the Secretary concerned, deter-  
3           mines that—

4                   “(i) decontamination is practicable  
5                   and economically feasible, after taking into  
6                   consideration the potential future use and  
7                   value of the contaminated land; and

8                   “(ii) on decontamination of the land,  
9                   the land could be opened to operation of  
10                  some or all of the public land laws, includ-  
11                  ing the mining laws, the mineral leasing  
12                  laws, and the geothermal leasing laws.

13           “(2) ALTERNATIVES TO RELINQUISHMENT.—  
14           The Secretary of the Interior shall not be required  
15           to accept the land proposed for relinquishment  
16           under subsection (a), if—

17                   “(A) the Secretary of the Interior, after  
18                   consultation with the Secretary concerned, de-  
19                   termines that—

20                           “(i) decontamination of the land is  
21                           not practicable or economically feasible; or

22                           “(ii) the land cannot be decontami-  
23                           nated sufficiently to be opened to operation  
24                           of some or all of the public land laws; or

1           “(B) sufficient funds are not appropriated  
2           for the decontamination of the land.

3           “(3) STATUS OF CONTAMINATED LAND PRO-  
4           POSED TO BE RELINQUISHED.—If, because of the  
5           contaminated state of the land, the Secretary of the  
6           Interior declines to accept land withdrawn and re-  
7           served by section 3011 that has been proposed for  
8           relinquishment—

9           “(A) the Secretary concerned shall take  
10          appropriate steps to warn the public of—

11          “(i) the contaminated state of the  
12          land; and

13          “(ii) any risks associated with entry  
14          onto the land;

15          “(B) the Secretary concerned shall submit  
16          to the Secretary of the Interior and Congress a  
17          report describing—

18          “(i) the status of the land; and

19          “(ii) any actions taken under this  
20          paragraph.

21          “(e) REVOCATION AUTHORITY.—

22          “(1) IN GENERAL.—If the Secretary of the In-  
23          terior determines that it is in the public interest to  
24          accept the land proposed for relinquishment under  
25          subsection (a), the Secretary of the Interior may

1 order the revocation of a withdrawal and reservation  
2 made by section 3011.

3 “(2) REVOCATION ORDER.—To carry out a rev-  
4 ocation under paragraph (1), the Secretary of the  
5 Interior shall publish in the Federal Register a rev-  
6 ocation order that—

7 “(A) terminates the withdrawal and res-  
8 ervation;

9 “(B) constitutes official acceptance of the  
10 land by the Secretary of the Interior; and

11 “(C) specifies the date on which the land  
12 will be opened to the operation of some or all  
13 of the public land laws, including the mining  
14 laws, the mineral leasing laws, and the geo-  
15 thermal leasing laws.

16 “(f) ACCEPTANCE BY SECRETARY OF THE INTE-  
17 RIOR.—

18 “(1) IN GENERAL.—Nothing in this section re-  
19 quires the Secretary of the Interior to accept the  
20 land proposed for relinquishment if the Secretary de-  
21 termines that the land is not suitable for return to  
22 the public domain.

23 “(2) NOTICE.—If the Secretary makes a deter-  
24 mination that the land is not suitable for return to



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1 the public domain, the Secretary shall provide notice  
2 of the determination to Congress.

3 **“SEC. 3026. EFFECT OF TERMINATION OF MILITARY USE.**

4 “(a) NOTICE AND EFFECT.—Upon a determination  
5 by the Secretary concerned that there is no longer a mili-  
6 tary need for all or portions of the land for which adminis-  
7 trative jurisdiction was transferred under section 3016,  
8 the Secretary concerned shall notify the Secretary of the  
9 Interior of such determination. Subject to subsections (b),  
10 (c), and (d), the Secretary concerned shall transfer admin-  
11 istrative jurisdiction over the land subject to such a notice  
12 back to the administrative jurisdiction of the Secretary of  
13 the Interior.

14 “(b) CONTAMINATION.—Before transmitting a notice  
15 under subsection (a), the Secretary concerned shall pre-  
16 pare a written determination concerning whether and to  
17 what extent the land to be transferred is contaminated  
18 with explosive materials or toxic or hazardous substances.  
19 A copy of the determination shall be transmitted with the  
20 notice. Copies of the notice and the determination shall  
21 be published in the Federal Register.

22 “(c) DECONTAMINATION.—The Secretary concerned  
23 shall decontaminate any contaminated land that is the  
24 subject of a notice under subsection (a) if—

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1           “(1) the Secretary of the Interior, in consulta-  
2           tion with the Secretary concerned, determines that—

3                   “(A) decontamination is practicable and  
4                   economically feasible (taking into consideration  
5                   the potential future use and value of the land);  
6                   and

7                   “(B) upon decontamination, the land could  
8                   be opened to operation of some or all of the  
9                   public land laws, including the mining laws; and

10           “(2) funds are appropriated for such decon-  
11           tamination.

12           “(d) NO REQUIRED ACCEPTANCE.—The Secretary of  
13           the Interior is not required to accept land proposed for  
14           transfer under subsection (a) if the Secretary of the Inte-  
15           rior is unable to make the determinations under sub-  
16           section (c)(1) or if Congress does not appropriate a suffi-  
17           cient amount of funds for the decontamination of the land.

18           “(e) ALTERNATIVE DISPOSAL.—If the Secretary of  
19           the Interior declines to accept land proposed for transfer  
20           under subsection (a), the Secretary concerned shall dis-  
21           pose of the land in accordance with property disposal pro-  
22           cedures established by law.”.

23           (c) CONFORMING AND CLERICAL AMENDMENTS.—

24                   (1) CONFORMING AMENDMENTS.—Section 3014  
25           of the Military Lands Withdrawal Act of 1999 (title

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1 XXX of Public Law 106–65; 113 Stat. 890) is  
2 amended by striking subsections (b), (d), and (f).

3 (2) CLERICAL AMENDMENTS.—The table of sec-  
4 tions at the beginning of the Military Lands With-  
5 drawal Act of 1999 (title XXX of Public Law 106–  
6 65; 113 Stat. 885) is amended by striking the items  
7 relating to sections 3016 through 3023 and inserting  
8 the following new items:

- “Sec. 3016. Transfer process.
- “Sec. 3017. Administration of transferred land.
- “Sec. 3018. General applicability; definitions.
- “Sec. 3019. Access restrictions.
- “Sec. 3020. Changes in use.
- “Sec. 3021. Brush and range fire prevention and suppression.
- “Sec. 3022. Ongoing decontamination.
- “Sec. 3023. Water rights.
- “Sec. 3024. Hunting, fishing, and trapping.
- “Sec. 3025. Relinquishment.
- “Sec. 3026. Effect of termination of military use.
- “Sec. 3027. Use of mineral materials.
- “Sec. 3028. Immunity of United States.”.

