

Amendment #1**

**En Bloc Amendment to H.R. 1672
Offered by Mr. Bishop of Utah**

On page 2, line 4, strike “The” and insert instead “Subject to valid existing rights and except as provided in this Act, the”.

On page 2, line 16, strike “regular” and insert “active”.

On page 4, strike lines 5 through 7.

On page 4, line 8, strike “(f)” and insert “(e)”.

On page 5, line 4, strike “Locatable” and insert “Of the lands withdrawn by section 2, locatable”.

On page 5, line 8, strike “The land” and insert “Of the lands withdrawn by section 2, the”.

On page 6, strike lines 3 through 5 and insert instead:

“(1) REMOVAL ACTIVITIES.--Subject to the availability of funds appropriated for such purpose, the Secretary of the Army shall remove”.

On page 7, after the period on line 6, insert “The duration of the agreement shall be the same as the period of the withdrawal under section 2, but may be amended from time to time.”.

On page 7, beginning on line 13, strike “which” through the text on page 9, line 16 and insert a period.

On page 9, after line 16, insert the following:

“(3) Provisions addressing when military and other authorized uses of the withdrawn lands will occur.

“(4) Provisions regarding when and where military use or training with explosive material will occur.

“(5) Provisions regarding the scheduling of training activities conducted within the withdrawn area that restrict mining activities and procedures for deconfliction with mining operations, including parameters for notification and sanction of anticipated changes to the schedule.

“(6) Provisions regarding liability and compensation for damages or injury caused by mining or military training activities.

“(7) Provisions for periodic review of the agreement for its adequacy, effectiveness, and need for revision”.

On page 9, line 17, strike “(3)” and insert “(8)”.

On page 9, line 21, strike “(4)” and insert “(9)”.

On page 9, after line 22, insert the following:

“(d) EXISTING MEMORANDUM OF AGREEMENT.—Until such time as the agreement required under subsection (c) becomes effective, the compatible joint use of the lands withdrawn and reserved by section 2 shall be governed, to the extent compatible, by the terms of the 2005 Memorandum of Agreement among the Montana Army National Guard, Graymont Western US Inc. and the Bureau of Land Management.”.

On page 10, after line 22, insert the following:

“SEC. 7. PAYMENTS IN LIEU OF TAXES.

The lands withdrawn by section 2 shall remain eligible as entitlement land under 31 U.S.C. 6901.

“SEC. 8. HUNTING, FISHING AND TRAPPING.

All hunting, fishing and trapping on the lands withdrawn by section 2 shall be conducted in accordance with the provisions of 10 U.S.C. 2671.

“SEC. 9. WATER RIGHTS.

(a) WATER RIGHTS.—Nothing in this Act shall be construed—

- (1) to establish a reservation in favor of the United States with respect to any water or water right on lands withdrawn by section 2; or
- (2) to authorize the appropriation of water on lands withdrawn by section 2 except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act.

“SEC. 10. BRUSH AND RANGE FIRE PREVENTION AND SUPPRESSION.

(a) REQUIRED ACTIVITIES.—The Secretary of the Army shall, consistent with any applicable land management plan, take necessary precautions to prevent, and actions to suppress, brush and range fires occurring as a result of military activities on the lands withdrawn and reserved by section 2, including fires outside those lands that spread from the withdrawn land and which occurred as a result of such activities.

(b) COOPERATION OF SECRETARY OF THE INTERIOR.—At the request of the Secretary of the Army, the Secretary of the Interior shall provide assistance in the suppression of such fires and shall be reimbursed for such assistance by the Secretary of the Army. Notwithstanding 10 U.S.C. 2215, the Secretary of the Army may transfer to the Secretary of the Interior, in advance, funds to reimburse the costs of the Department of the Interior in providing such assistance.

“SEC. 11. ON-GOING DECONTAMINATION.

During the withdrawal and reservation authorized by section 2, the Secretary of the Army shall maintain, to the extent funds are available for such purpose, a program of decontamination of contamination caused by defense-related uses on such lands consistent with applicable Federal and State law. The Secretary of Defense shall include a description of such decontamination activities in the annual report required by section 10 U.S.C. 2711.

“SEC. 12 APPLICATION FOR RENEWAL OF A WITHDRAWAL AND RESERVATION.

(a) NOTICE.—To the extent practicable, no later than five years before the termination of the withdrawal and reservation made by section 2, the Secretary of the Army shall notify the Secretary of the Interior whether the Secretary of the Army will have a continuing defense-related need for any of the lands withdrawn and reserved by section 2 after the termination date of such withdrawal and reservation. The Secretary of the Army shall provide a copy of the notice to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate and the Committee on Armed Services and the Committee on Natural Resources of the House of Representatives.

(b) FILING FOR EXTENSION.—If the Secretary of the Army concludes that there will be a continuing defense-related need for any of the withdrawn and reserved lands after the termination date, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals and reservations.

“SEC. 13. LIMITATION ON SUBSEQUENT AVAILABILITY OF LANDS FOR APPROPRIATION.

At the time of termination of a withdrawal and reservation made by section 2, the previously withdrawn lands shall not be open to any form of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order specifying the date upon which such lands shall be restored to the public domain and opened for such purposes.

“SEC. 14. RELINQUISHMENT.

(a) NOTICE OF INTENTION TO RELINQUISH.—If, during the period of withdrawal and reservation under section 2, the Secretary of the Army decides to relinquish any or all of the lands withdrawn and reserved, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) DETERMINATION OF CONTAMINATION.—As a part of the notice under subsection (a), the Secretary of the Army shall include a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive materials or toxic or hazardous substances.

(c) PUBLIC NOTICE.—The Secretary of the Interior shall publish in the Federal Register the notice of intention to relinquish, including the determination concerning the contaminated state of the lands.

(d) DECONTAMINATION OF LANDS TO BE RELINQUISHED.--

(1) If land subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Army, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that, upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose.

(2) If the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that decontamination of land subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate sufficient funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(3) If the Secretary of the Interior declines to accept the lands that have been proposed for relinquishment because of their contaminated state, or if at the expiration of the withdrawal and

reservation made by section 2 the Secretary of the Interior determines that some of the lands withdrawn and reserved are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(A) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(B) after the expiration of the withdrawal and reservation, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(C) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this paragraph.

(e) REVOCATION AUTHORITY.—Upon deciding that it is in the public interest to accept the lands proposed for relinquishment pursuant to subsection (a), the Secretary of the Interior may order the revocation of the withdrawal and reservation made by section 2 as it applies to such lands. The Secretary of the Interior shall publish in the Federal Register the revocation order, which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of some or all of the public land laws, including the mining laws.

(f) ACCEPTANCE BY SECRETARY OF THE INTERIOR.—Nothing in this section shall be construed to require the Secretary of the Interior to accept the lands proposed for relinquishment if the Secretary determines that such lands are not suitable for return to the public domain. If the Secretary makes such a determination, the Secretary shall provide notice of the determination to Congress.”.