

TITLE XXX—MILITARY LAND WITHDRAWALS

Military Lands
Withdrawal Act
of 1999.

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SEC. 3001. SHORT TITLE.

This title may be cited as the “Military Lands Withdrawal Act of 1999”.

Subtitle A—Withdrawals Generally

SEC. 3011. WITHDRAWALS.

(a) NAVAL AIR STATION FALLON RANGES, NEVADA.—

(1) WITHDRAWAL AND RESERVATION.—(A) Subject to valid existing rights and except as otherwise provided in this subtitle, the lands established at the B–16, B–17, B–19, and B–20 Ranges, as referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map referred to in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

(B) The lands and interests in lands within the boundaries established at the Dixie Valley Training Area, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and geothermal leasing laws, but not the mineral leasing laws.

(C) The lands withdrawn by subparagraphs (A) and (B) are reserved for use by the Secretary of the Navy for—

(i) testing and training for aerial bombing, missile firing, and tactical maneuvering and air support; and

(ii) other defense-related purposes consistent with the purposes specified in this subparagraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 204,953 acres of land in Churchill County, Nevada, as generally depicted as “Proposed Withdrawal Land” and “Existing Withdrawals” on the map entitled “Naval Air Station Fallon Ranges—Proposed Withdrawal of Public Lands for Range Safety and Training Purposes”, dated May 25, 1999, and filed in accordance with section 3012.

(3) RELATIONSHIP TO OTHER RESERVATIONS.—

(A) B-16 RANGE.—To the extent the withdrawal and reservation made by paragraph (1) for the B-16 Range withdraws lands currently withdrawn and reserved for use by the Bureau of Reclamation, the reservation made by that paragraph shall be the primary reservation for public safety management actions only, and the existing Bureau of Reclamation reservation shall be the primary reservation for all other management actions.

(B) SHOAL SITE.—The Secretary of Energy shall remain responsible and liable for the subsurface estate and all its activities at the “Shoal Site” withdrawn and reserved by Public Land Order Number 2771, as amended by Public Land Order Number 2834. The Secretary of the Navy shall be responsible for the management and use of the surface estate at the “Shoal Site” pursuant to the withdrawal and reservation made by paragraph (1).

Effective date.

(4) WATER RIGHTS.—Effective as of the date of the enactment of this Act, the Secretary of the Navy shall ensure that the Navy complies with the portion of the memorandum of understanding between the Department of the Navy and the United States Fish and Wildlife Service dated July 26, 1995, requiring the Navy to limit water rights to the maximum extent practicable, consistent with safety of operations, for Naval Air Station Fallon, Nevada, currently not more than 4,402 acre-feet of water per year.

(b) NELLIS AIR FORCE RANGE, NEVADA.—

(1) DEPARTMENT OF AIR FORCE.—Subject to valid existing rights and except as otherwise provided in this subtitle, the public lands described in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Air Force—

(A) as an armament and high hazard testing area;

(B) for training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support;

(C) for equipment and tactics development and testing; and

(D) for other defense-related purposes consistent with the purposes specified in this paragraph.

(2) DEPARTMENT OF ENERGY.—

(A) REVOCATION.—Public Land Order Number 1662, published in the Federal Register on June 26, 1958, is hereby revoked in its entirety.

(B) WITHDRAWAL.—Subject to valid existing rights, all lands within the boundary of the area labeled “Pahute

Mesa” as generally depicted on the map referred to in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

(C) RESERVATION.—The lands withdrawn under subparagraph (B) are reserved for use by the Secretary of Energy as an integral part of the Nevada Test Site. Other provisions of this subtitle do not apply to the land withdrawn and reserved under this paragraph, except as provided in section 3017.

(3) DEPARTMENT OF INTERIOR.—Notwithstanding the Desert National Wildlife Refuge withdrawal and reservation made by Executive Order No. 7373, dated May 20, 1936, as amended by Public Land Order Number 4079, dated August 26, 1966, and Public Land Order Number 7070, dated August 4, 1994, the lands depicted as impact areas on the map referred to in paragraph (4) are, upon completion of the transfers authorized in paragraph (5)(F)(ii), transferred to the primary jurisdiction of the Secretary of the Air Force, who shall manage the lands in accordance with the memorandum of understanding referred to in paragraph (5)(E). The Secretary of the Interior shall retain secondary jurisdiction over the lands for wildlife conservation purposes.

(4) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by paragraphs (1) and (2) comprise approximately 2,919,890 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 April 22, 1999, and filed in accordance with section 3012.

(5) DESERT NATIONAL WILDLIFE REFUGE.—

(A) MANAGEMENT.—During the period of withdrawal and reservation of lands by this subtitle, the Secretary of the Interior shall exercise administrative jurisdiction over the Desert National Wildlife Refuge (except for the lands referred to in this subsection) through the United States Fish and Wildlife Service in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), this subtitle, and other laws applicable to the National Wildlife Refuge System.

(B) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subtitle or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), no mineral material resources may be obtained from the parts of the Desert National Wildlife Refuge that are not depicted as impact areas on the map referred to in paragraph (4), except in accordance with the procedures set forth in the memorandum of understanding referred to in subparagraph (E).

(C) ACCESS RESTRICTIONS.—If the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the Desert National Wildlife Refuge that is withdrawn by this subtitle, the Secretary of the Interior shall take action to effect and maintain such closure, including agreeing to amend the

memorandum of understanding referred to in subparagraph (E) to establish new or enhanced surface safety zones.

(D) EFFECT OF SUBTITLE.—Neither the withdrawal under paragraph (1) nor any other provision of this subtitle, except this subsection and subsections (a) and (b) of section 3014, shall be construed to effect the following:

(i) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System.

(ii) Any Executive order or public land order in effect on the date of the enactment of this Act with respect to the Desert National Wildlife Refuge.

(iii) Any memorandum of understanding between the Secretary of the Interior and the Secretary of the Air Force concerning the joint use of lands withdrawn for use by the Air Force within the external boundaries of the Desert National Wildlife Refuge, except to the extent the provisions of such memorandum of understanding are inconsistent with the provisions of this subtitle, in which case such memorandum of understanding shall be reviewed and amended to conform to the provisions of this title not later than 120 days after the date of the enactment of this Act.

(E) MEMORANDUM OF UNDERSTANDING.—(i) The Secretary of the Interior, in coordination with the Secretary of the Air Force, shall manage the portion of the Desert National Wildlife Refuge withdrawn by this subtitle, except for the lands referred to in paragraph (3), for the purposes for which the refuge was established, and to support current and future military aviation training needs consistent with the current memorandum of understanding between the Department of the Air Force and the Department of the Interior, including any extension or other amendment of such memorandum of understanding as provided under this subparagraph.

(ii) As part of the review of the existing memorandum of understanding provided for in this paragraph, the Secretary of the Interior and the Secretary of the Air Force shall extend the memorandum of understanding for a period that coincides with the duration of the withdrawal of the lands constituting Nellis Air Force Range under this subtitle.

(iii) Nothing in this paragraph shall be construed as prohibiting the Secretary of the Interior and the Secretary of the Air Force from revising the memorandum of understanding at any future time should they mutually agree to do so.

(iv) Amendments to the memorandum of understanding shall take effect 90 days after the date on which the Secretary of the Interior submits notice of such amendments to the Committees on Environment and Public Works, Energy and Natural Resources, and Armed Services of the Senate and the Committees on Resources and Armed Services of the House of Representatives.

Effective date.

(F) ACQUISITION OF REPLACEMENT PROPERTY.—(i) In addition to any other amounts authorized to be appropriated by section 3041, there are hereby authorized to be appropriated to the Secretary of the Air Force such sums as may be necessary for the replacement of National Wildlife Refuge System lands in Nevada covered by this subsection.

(ii) The Secretary of the Air Force may, using funds appropriated pursuant to the authorization of appropriations in clause (i) to—

(I) acquire lands, waters, or interests in lands or waters in Nevada pursuant to clause (i) which are acceptable to the Secretary of the Interior, and transfer such lands to the Secretary of the Interior; or

(II) transfer such funds to the Secretary of the Interior for the purpose of acquiring such lands.

(iii) The transfers authorized by clause (ii) shall be deemed complete upon written notification from the Secretary of the Interior to the Secretary of the Air Force that lands, or funds, equal to the amount appropriated pursuant to the authorization of appropriations in clause (i) have been received by the Secretary of the Interior from the Secretary of the Air Force.

(c) FORT GREELY AND FORT WAINWRIGHT TRAINING RANGES, ALASKA.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the Fort Greely East and West Training Ranges and the Yukon Training Range of Fort Wainwright, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 869,862 acres of land in the Fairbanks North Star Borough and the Unorganized Borough, Alaska, as generally depicted on the map entitled “Fort Wainwright and Fort Greely Regional Context Map”, dated June 3, 1987, and filed in accordance with section 3012.

(d) MCGREGOR RANGE, FORT BLISS, NEW MEXICO.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the McGregor Range of Fort Bliss, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support associated with the Air Force Tactical Target Complex; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise 608,385 acres of land in Otero County, New Mexico, as generally depicted on the map entitled “McGregor Range Withdrawal”, dated June 3, 1999, and filed in accordance with section 3012.

SEC. 3012. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

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(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this subtitle; and

(2) file maps and the legal descriptions of the lands withdrawn and reserved by this subtitle with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Director and appropriate State Directors and field office managers of the Bureau of Land Management, the office of the commander, Naval Air Station Fallon, Nevada, the offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service, the office of the commander, Nellis Air Force Base, Nevada, the office of the commander, Fort Bliss, Texas, the office of the commander, Fort Greeley, Alaska, the office of the commander, Fort Wainwright, Alaska, and the Office of the Secretary of Defense.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this section.

SEC. 3013. TERMINATION OF WITHDRAWALS IN MILITARY LANDS WITHDRAWAL ACT OF 1986.

Except as otherwise provided in this title, the withdrawals made by the Military Lands Withdrawal Act of 1986 (Public Law 99-606) shall terminate after November 6, 2001.

SEC. 3014. MANAGEMENT OF LANDS.

(a) MANAGEMENT BY SECRETARY OF INTERIOR.—

(1) APPLICABLE LAW.—During the period of the withdrawal of lands under this subtitle, the Secretary of the Interior shall manage the lands withdrawn by section 3011 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), other applicable law, and this subtitle. The Secretary shall manage the lands within the Desert National Wildlife Refuge in accordance with the National Wildlife Refuge

System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law. No provision of this subtitle, except sections 3011(b)(5)(D), 3020, and 3021, shall apply to the management of the Desert National Wildlife Refuge.

(2) ACTIVITIES AUTHORIZED.—To the extent consistent with applicable law and Executive orders, the lands withdrawn by section 3011 may be managed in a manner permitting—

(A) the continuation of grazing where permitted on the date of the enactment of this Act;

(B) the protection of wildlife and wildlife habitat;

(C) the control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3) NONMILITARY USES.—

(A) IN GENERAL.—All nonmilitary use of the lands referred to in paragraph (2), other than the uses described in that paragraph, shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this subtitle.

(B) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary of the Interior may issue a lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of lands referred to in paragraph (2) only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—

(1) IN GENERAL.—If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of lands withdrawn by this subtitle, that Secretary may take such action as that Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATIONS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) NOTICE.—Before and during any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closure.

(c) MANAGEMENT PLAN.—The Secretary of the Interior, after consultation with the Secretary of the military department concerned, shall develop a plan for the management of each area withdrawn by section 3011 during the period of withdrawal under this subtitle. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to the conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than two years after the date of the enactment of this Act.

(d) BRUSH AND RANGE FIRES.—

(1) IN GENERAL.—The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside lands withdrawn by section 3011 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) ASSISTANCE.—Each memorandum of understanding required by subsection (e) shall—

(A) require the Bureau of Land Management to provide assistance in the suppression of fires under paragraph (1) upon the request of the Secretary of the military department concerned; and

(B) provide for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for any assistance so provided.

(e) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The Secretary of the Interior and the Secretary of the military department concerned shall, with respect to each lands withdrawn by section 3011, enter into a memorandum of understanding to implement the management plan for such lands under subsection (c).

(2) DURATION.—The duration of any memorandum of understanding for lands withdrawn by section 3011 shall be the same as the period of the withdrawal of such lands under this subtitle.

(f) ADDITIONAL MILITARY USES.—

(1) IN GENERAL.—Lands withdrawn by section 3011 (except lands within the Desert National Wildlife Refuge) may be used for defense-related purposes other than those specified in the applicable provisions of such section.

(2) NOTICE.—The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that lands withdrawn by this subtitle will be used for defense-related purposes other than those specified in the applicable provisions of section 3011.

(3) CONTENTS OF NOTICE.—A notice under paragraph (2) shall indicate the additional use or uses involved, the proposed duration of such use or uses, and the extent to which such use or uses will require that additional or more stringent conditions or restrictions be imposed on otherwise permitted non-military uses of the lands concerned, or portions thereof.

SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.

(a) GENERAL TERMINATION DATE.—The withdrawal and reservation of lands by section 3011 shall terminate 25 years after November 6, 2001, except as otherwise provided in this subtitle and except for the withdrawals provided for under subsections (a) and (b) of section 3011 which shall terminate 20 years after November 6, 2001.

(b) COMMENCEMENT DATE FOR CERTAIN LANDS.—As to the lands withdrawn for military purposes by section 3011, but not withdrawn for military purposes by section 1 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), the withdrawal of such lands shall become effective on the date of the enactment of this Act.

(c) **OPENING DATE.**—On the date of the termination of the withdrawal and reservation of lands under this subtitle, such lands shall not be open to any form of appropriation under the public land laws, including the mineral laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

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publication.

SEC. 3016. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.

(a) **IN GENERAL.**—Not later than three years before the termination date of the initial withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned shall notify Congress and the Secretary of the Interior concerning whether the military department will have a continuing military need after such termination date for all or any portion of such lands.

(b) **DUTIES REGARDING CONTINUING MILITARY NEED.**—

(1) **IN GENERAL.**—If the Secretary of the military department concerned determines that there will be a continuing military need for any lands withdrawn by this subtitle, the Secretary of the military department concerned shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such lands.

(2) **APPLICATION FOR EXTENSION.**—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension under paragraph (1) shall be considered complete if the application includes the following:

(A) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the military department concerned proposes to use or develop such resources during the period of extension.

(B) A copy of the most recent report prepared in accordance with the Sikes Act (16 U.S.C. 670 et seq.).

(c) **LEGISLATIVE PROPOSALS.**—The Secretary of the Interior and the Secretary of the military department concerned shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this subtitle is submitted to Congress not later than May 1 of the year preceding the year in which the withdrawal and reservation of such lands would otherwise terminate under this subtitle.

(d) **NOTICE OF INTENT REGARDING RELINQUISHMENT.**—If during the period of the withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned decides to relinquish all or any of the lands withdrawn and reserved by section 3011, such Secretary shall transmit a notice of intent to relinquish such lands to the Secretary of the Interior.

SEC. 3017. ONGOING DECONTAMINATION.

(a) PROGRAM.—Throughout the duration of the withdrawal of lands under this subtitle, the Secretary of the military department concerned shall, to the extent funds are available for such purpose, maintain a program of decontamination of such lands consistent with applicable Federal and State law.

(b) REPORTS.—

Deadline.

(1) REQUIREMENT.—Not later than 45 days after the date on which the President transmits to Congress the President's proposed budget for any fiscal year beginning after the date of the enactment of this Act, the Secretary of each military department shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives a description of the decontamination efforts undertaken on lands under this subtitle under the jurisdiction of such Secretary during the previous fiscal year and the decontamination activities proposed to be undertaken on such lands during the next fiscal year.

(2) REPORT ELEMENTS.—Each report shall specify the following:

(A) Amounts appropriated and obligated or expended for decontamination of such lands.

(B) The methods used to decontaminate such lands.

(C) The amounts and types of decontaminants removed from such lands.

(D) The estimated types and amounts of residual contamination on such lands.

(E) An estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

(c) DECONTAMINATION BEFORE RELINQUISHMENT.—

(1) DUTIES BEFORE NOTICE OF INTENT TO RELINQUISH.—Before transmitting a notice of intent to relinquish lands under section 3016(d), the Secretary of Defense, acting through the Secretary of the military department concerned, shall prepare a written determination concerning whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) DETERMINATION ACCOMPANIES NOTICE.—A copy of any determination prepared with respect to lands under paragraph (1) shall be transmitted together with the notice of intent to relinquish such lands under section 3016(d).

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(3) PUBLICATION OF NOTICE AND DETERMINATION.—The Secretary of the Interior shall publish in the Federal Register a copy of any notice of intent to relinquish and determination concerning the contaminated state of the lands that is transmitted under this subsection.

(d) ALTERNATIVES TO DECONTAMINATION BEFORE RELINQUISHMENT.—If the Secretary of the Interior, after consultation with the Secretary of the military department concerned, determines that decontamination of any land which is the subject of a notice of intent to relinquish under section 3016(d) is not practicable or economically feasible, or that such land cannot be decontaminated sufficiently to be opened to the 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 such land for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If because of their contaminated state the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this subtitle which have been proposed for relinquishment, or if at the expiration of the withdrawal of such lands by this subtitle the Secretary of the Interior determines that some of such lands are contaminated to an extent which prevents opening such lands to operation of the public land laws—

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

(2) after the expiration of the withdrawal of such lands under this subtitle, the Secretary of the military department concerned shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the military department concerned shall submit to the Secretary of the Interior and Congress a report on the status of such lands and all actions taken under this subsection.

(f) REVOCATION AUTHORITY.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment under section 3016(d), may revoke the withdrawal and reservation of lands under this subtitle as it applies to such lands.

(2) ORDER.—Should a decision be made to revoke the withdrawal and reservation of lands under paragraph (1), the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

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(A) terminate the withdrawal and reservation of such lands under this subtitle;

(B) constitute official acceptance of full jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date on which such lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

SEC. 3018. DELEGATION.

(a) MILITARY DEPARTMENTS.—The functions of the Secretary of Defense, or of the Secretary of a military department, under this subtitle may be delegated.

(b) DEPARTMENT OF INTERIOR.—The functions of the Secretary of the Interior under this subtitle may be delegated, except that an order described in section 3017(f)(2) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 3019. WATER RIGHTS.

Nothing in this subtitle shall be construed to establish a reservation to the United States with respect to any water or water right on lands covered by section 3011. No provision of this subtitle shall be construed as authorizing the appropriation of water on lands covered by section 3011 by the United States after the date of the enactment of this Act, except in accordance with the law

of the State in which such lands are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 3020. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on lands withdrawn by this subtitle shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code, except that 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. 3021. MINING AND MINERAL LEASING.

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—

(1) DETERMINATION.—As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands covered by section 3011 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) EXCEPTIONS.—The Secretary of the Interior may not make any determination otherwise required under paragraph (1) with respect to lands contained within the Desert National Wildlife Refuge in Nevada.

(3) NOTICE.—The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening under this subsection and specifying the opening date for such lands.

(b) OPENING LANDS.—On the date specified by the Secretary of the Interior in a notice published in the Federal Register under subsection (a), the land identified under that subsection as suitable for opening to the operation of one or more of the laws specified in that subsection shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term “common varieties” in that Act, shall be subject to location under the Mining Law of 1872 on lands covered by section 3011.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands covered by section 3011 for military purposes. Such regulations shall also contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the

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publication.

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publication.

Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, mining claims located pursuant to this subtitle shall be subject to the provisions of the mining laws. In the event of a conflict between such laws and this subtitle, this subtitle shall prevail.

(2) REGULATION UNDER FLPMA.—Any mining claim located under this subtitle shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—

(1) IN GENERAL.—Patents issued pursuant to this subtitle for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) RESERVATION.—All patents referred to in paragraph (1) shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on such lands.

(3) LOCATABLE MINERALS.—For purposes of this subsection, all minerals subject to location under the Mining Law of 1872 are referred to as “locatable minerals”.

SEC. 3022. USE OF MINERAL MATERIALS.

Notwithstanding any other provision of this subtitle (except as provided in section 3011(b)(5)(B)), or 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 military department concerned may use sand, gravel, or similar mineral material resources of the type subject to disposition under that Act from lands withdrawn and reserved by this subtitle if use of such resources is required for construction needs on such lands.

SEC. 3023. IMMUNITY OF UNITED STATES.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands covered by section 3011.

Subtitle B—Withdrawals in Arizona

SEC. 3031. BARRY M. GOLDWATER RANGE, ARIZONA.

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all lands and interests in lands within the boundaries established at the Barry M. Goldwater Range, referred to in paragraph (3), are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, and jurisdiction over such lands