116TH CONGRESS
1ST SESSION
S.

To extend the withdrawal and reservation of certain public land in the State of Nevada for the continued use of the Nevada test and training range, to designate certain land in the Desert National Wildlife Refuge as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MAStO introduced the following bill; which was read twice and referred to the Committee on

A BILL

To extend the withdrawal and reservation of certain public land in the State of Nevada for the continued use of the Nevada test and training range, to designate certain land in the Desert National Wildlife Refuge as wilderness, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Desert National Wild-
5 life Refuge and Nevada Test and Training Range With-
6 drawal and Management Act”.

K8R L2 0FB
SEC. 2. EXTENSION OF WITHDRAWAL AND RESERVATION
OF CERTAIN PUBLIC LAND IN NEVADA FOR
THE CONTINUED USE OF THE NEVADA TEST
AND TRAINING RANGE.

(a) In General.—Section 3015(a) of the Military
Lands Withdrawal Act of 1999 (Public Law 106–65; 113
Stat. 892) is amended—

(1) by striking “The withdrawal” and inserting
the following:

“(1) IN GENERAL.—The withdrawal”; and

(2) in paragraph (1) (as so designated), by
striking “20 years after November 6, 2001” and in-
serting the following: “in accordance with para-
graphs (2) and (3), as applicable.

“(2) NAVAL AIR STATION FALLON RANGES, NE-
VADA.—The withdrawal and reservation of lands for
the Naval Air Station Fallon Ranges, Nevada, under
section 3011(a) shall terminate on November 6,
2021.

“(3) NEVADA TEST AND TRAINING RANGE.—
The withdrawal and reservation of lands for the Ne-
Vada Test and Training Range under section
3011(b) shall terminate on November 6, 2041.”.

(b) LANDS WITHDRAWN AND RESERVED.—
(1) In general.—Section 3011(b)(4) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) is amended—

(A) by striking “2,919,890 acres” and inserting “3,006,386 acres”; and


(2) Cultural resource investigation.—

The Secretary of the Air Force and the Secretary of the Interior shall not implement the withdrawal of the public lands withdrawn as a result of the amendments made by paragraph (1) until—

(A) the Tribal Resource Officer established under subparagraph (K)(i) of section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887), in consultation with the Indian Tribes located in the vicinity of those public lands—

(i) completes a cultural resources investigation and inventory; and
(ii) develops a cultural resources plan
to protect, and facilitate Tribal access to,
cultural resources identified by the inves-
tigation and inventory under clause (i);
and
(B) the Secretary of the Air Force and the
Secretary of the Interior implement the cultural
resources plan developed under subparagraph
(A)(ii).

(3) MAPS AND LEGAL DESCRIPTIONS.—In im-
plementing the amendments made by paragraph (1),
the reference in section 3012(a) of the Military
Lands Withdrawal Act of 1999 (Public Law 106–65;
113 Stat. 890) to the date of enactment of that Act
shall be considered to be a reference to the date of
enactment of this Act.

(c) MILITARY INFRASTRUCTURE DEPLOYMENT.—
Section 3011(b)(5)(C) of the Military Lands Withdrawal
Act of 1999 (Public Law 106–65; 113 Stat. 887) is
amended—

(1) by striking “If the” and inserting the fol-
lowing:

“(i) IN GENERAL.—If the”; and

(2) by adding at the end the following:
“(ii) MILITARY INFRASTRUCTURE DEPLOYMENT.—

“(I) IN GENERAL.—The Secretary of the Air Force, in consultation with the Secretary of the Interior, may deploy not more than 15 threat emitters as close as possible to existing roads within the portions of the Desert National Wildlife Refuge that are closed to the public for military operations, public safety, or national security purposes pursuant to clause (i).

“(II) PLACEMENT.—Threat emitters deployed under subclause (I) shall be placed in such locations as would, as determined by the Secretary of the Air Force, in consultation with the Secretary of the Interior, to the maximum extent practicable, avoid—

“(aa) impacts to wilderness areas designated by section 3(b)(1) of the Desert National Wildlife Refuge and Nevada Test
6
and Training Range Withdrawal
and Management Act;
“(bb) wildlife guzzler instal-
lations;
“(cc) riparian areas; and
“(dd) Tribal cultural, his-
toric, and religious sites.”.

(d) UNITED STATES FISH AND WILDLIFE SERVICE
ACCESS.—Section 3011(b)(5)(D) of the Military Lands
888) is amended—

(1) in the matter preceding clause (i), by strik-
ing “effect” and inserting “affect any of”; and

(2) by adding at the end the following:

“(iv) The ability of the Secretary of
the Interior to regularly access (not less
frequently than monthly) the portions of
the joint use area of the Desert National
Wildlife Refuge where the Secretary of the
Interior exercises primary jurisdiction to
carry out the management responsibilities
of the Secretary of the Interior for the
Desert National Wildlife Refuge, including
the installation or maintenance of wildlife
water development projects, subject to such
terms and conditions as to which the Secretary of the Interior and the Secretary of the Air Force may mutually agree.”.

(e) Memorandum of Understanding.—Section 3011(b)(5)(E) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 888) is amended by adding at the end the following:

“(v) Updates.—

“(I) In general.—Not later than 90 days after the date of enactment of this paragraph, the Secretary of the Interior and the Secretary of the Air Force shall enter into a memorandum of understanding (or revise any memorandum of understanding in effect as of the date of enactment of this paragraph) with respect to the management of withdrawn and reserved lands within the Desert National Wildlife Refuge to ensure that the memorandum of understanding incorporates the amendments made by section 2 of the Desert National Wildlife Refuge and Nevada Test and Training Range Withdrawal and Management Act.
“(II) ADDITIONAL TERMS AND CONDITIONS.—The memorandum of understanding described in subclause (I) may be revised to include such other terms and conditions as to which the Secretary of the Interior and the Secretary of the Air Force may mutually agree.”.

(f) FISH AND WILDLIFE HABITAT SUPPORT.—Section 3011(b)(5)(F) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 889) is amended—

(1) in clause (i), by striking “for the” and inserting “for fish and wildlife habitat support or for the”; and

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking “clause (i) to—” and inserting “clause (i)—”;

(B) in subclause (I), by striking “(I) acquire” and inserting “(I)(aa) acquire”;  

(C) by redesignating subclause (II) as item (bb);  

(D) in subclause (I)(bb) (as so redesignated), by striking “such lands.” and inserting “the lands described in item (aa); and”; and
(E) by adding at the end the following:

“(II) provide mitigation payments to
the Secretary of the Interior for fish and
wildlife habitat support on lands with-
drawn and reserved for use by the Air
Force within the Desert National Wildlife
Refuge.”.

(g) WILDLIFE WATER DEVELOPMENT PROJECTS.—
Section 3011(b)(5) of the Military Lands Withdrawal Act
of 1999 (Public Law 106–65; 113 Stat. 887) is amended
by adding at the end the following:

“(G) WILDLIFE WATER DEVELOPMENT
PROJECTS.—

“(i) IN GENERAL.—The Secretary of
the Interior may authorize structures and
facilities for wildlife water development
projects (including guzzlers) in the Desert
National Wildlife Refuge if the structures
and facilities—

“(I) will enhance the purposes of
the Desert National Wildlife Refuge
by promoting healthy, viable, and
more naturally distributed wildlife
populations; and
“(II) are consistent with the laws
(including regulations) generally ap-
licable to the management of the
Desert National Wildlife Refuge and
the National Wildlife Refuge System.
“(ii) Access.—The Secretary of the
Interior, in consultation with the Secretary
of the Air Force and the State of Nevada,
shall provide for access to allow for nec-
essary maintenance and monitoring of the
structures and facilities authorized under
clause (i).”.

(h) United States Fish and Wildlife Service
and Department of the Air Force Coordination.—
Section 3011(b)(5) of the Military Lands Withdrawal Act
of 1999 (Public Law 106–65; 113 Stat. 887) (as amended
by subsection (g)) is amended by adding at the end the
following:
“(H) Interagency Committee.—The
Secretary of the Interior and the Secretary of
the Air Force shall jointly establish an inter-
agency committee to facilitate coordination and
minimize potential conflict between the Depart-
ment of the Interior and the Department of the
Air Force with respect to joint operating areas
within the Desert National Wildlife Refuge.”.

(i) **INTERGOVERNMENTAL EXECUTIVE COMMITTEE.**—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) (as amended by subsection (h)) is amended by adding at the end the following:

“(I) **INTERGOVERNMENTAL EXECUTIVE COMMITTEE.**—

“(i) **ESTABLISHMENT.**—The Secretary of the Interior and the Secretary of the Air Force shall jointly establish, by memorandum of understanding, an intergovernmental executive committee (referred to in this subparagraph as the ‘executive committee’) in accordance with this subparagraph.

“(ii) **PURPOSE.**—The executive committee shall be established 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 section.

“(iii) **MEMBERSHIP.**—The executive committee shall comprise—
“(I) not more than 3 representatives of State or Federal offices or agencies, or private groups or individuals, if the Secretary of the Air Force and the Secretary of the Interior jointly determine that the representatives would further the goals and objectives of the executive committee;

“(II) 1 representative of the Nevada Department of Wildlife;

“(III) not more than 1 county commissioner of each of Clark, Nye, and Lincoln Counties, Nevada;

“(IV) not more than 1 representative of each Indian tribe in the vicinity of the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction; and

“(V) such additional members as may be designated at the discretion of the Secretary of the Interior and the Secretary of the Air Force.
“(iv) OPERATION.—The executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under clause (i), which shall specify the officials or other individuals to be invited to participate in the executive committee.

“(v) PROCEDURES.—Subject to clauses (vi) and (vii), the memorandum of understanding under clause (i) shall establish procedures for—

“(I) creating a forum for carrying out the purpose described in clause (ii);

“(II) rotating the Chairperson of the executive committee; and

“(III) scheduling regular meetings.

“(vi) CHAIRPERSON AND VICE CHAIRPERSON.—

“(I) IN GENERAL.—The members of the executive committee shall elect from among the members—
“(aa) 1 member to serve as
the Chairperson of the executive
committee; and

“(bb) 1 member to serve as
the Vice Chairperson of the exec-
utive committee.

“(II) DUTIES.—The duties of
each of the Chairperson and the Vice
Chairperson shall be included in the
memorandum of understanding under
clause (i).

“(vii) MEETINGS.—

“(I) FREQUENCY.—The executive
committee shall meet not less fre-
quently than 3 times every calendar
year.

“(II) MEETING LOCATIONS.—Lo-
cations of meetings of the executive
committee shall rotate to facilitate
ease of access for all executive com-
mittee members.

“(III) PUBLIC ACCESSIBILITY.—
Meetings of the executive committee
shall—
“(aa) be open to the public;

and

“(bb) provide a forum for the public to provide comment regarding management of the Nevada Test and Training Range and the Desert National Wildlife Refuge.

“(viii) CONDITIONS AND TERMS OF APPOINTMENT.—

“(I) IN GENERAL.—Each member of the executive committee shall serve voluntarily and without compensation.

“(II) TERM OF APPOINTMENT.—

“(aa) IN GENERAL.—Each member of the executive committee shall be appointed for a term of 4 years.

“(bb) ORIGINAL MEMBERS.—Notwithstanding item (aa), the Secretary of the Interior and the Secretary of the Air Force shall select—
“(AA) ½ of the original members of the executive committee to serve for a term of 4 years; and

“(BB) ½ of the original members of the executive committee to serve for a term of 2 years.

“(III) REAPPOINTMENT AND REPLACEMENT.—The Secretary of the Interior and the Secretary of the Air Force may reappoint or replace a member of the executive committee if—

“(aa) the term of the member has expired;

“(bb) the member has resigned; or

“(cc) the position held by the member has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.
“(ix) Liaisons.—The Secretary of the Air Force and the Secretary of the Interior shall each appoint appropriate operational and land management personnel of the Department of the Air Force and the Department of the Interior, respectively, to serve as liaisons to the executive committee.”.

(j) Access to the Refuge.—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) (as amended by subsection (i)) is amended by adding at the end the following:

“(J) Access to the Refug e.—

“(i) Public Access.—The Secretary of the Interior shall facilitate timely public access in portions of the joint use area of the Desert National Wildlife Refuge that are not closed in accordance with subparagraph (C)(i) for military purposes for Tribal, recreational (including hunting), educational, and research purposes, in accordance with the laws (including regulations) generally applicable to the Desert National Wildlife Refuge and the National Wildlife Refuge System.
“(ii) Access for State of Nevada and Indian Tribes.—The Secretary of the Interior shall facilitate timely access, as determined by the Secretary of the Interior, to the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction, subject to such terms and conditions as to which the Secretary of the Interior and Secretary of the Air Force may mutually agree, to—

“(I) representatives from the Nevada Department of Wildlife to carry out related management responsibilities to care for wildlife and wildlife habitat; and

“(II) Indian tribes in the vicinity of those portions of the joint use area to carry out cultural and religious activities.”.

(k) Tribal Resource Support.—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) (as amended by subsection (j)) is amended by adding at the end the following:

“(K) Tribal resource support.—
“(i) IN GENERAL.—The Secretary of the Air Force and the Secretary of the Interior shall jointly establish the position of Tribal Resource Officer to provide consultative services and recommendations to mitigate impacts to historic and culturally significant land to local Indian tribes in carrying out applicable activities under this paragraph.

“(ii) APPOINTMENT.—The Secretary of the Air Force and the Secretary of the Interior shall appoint an individual to the position established under clause (i) on the recommendation of Indian tribes in the vicinity of the portions of the joint use area of the Desert National Wildlife Refuge where the Secretary of the Interior exercises primary jurisdiction.”.

(l) BUFFER ZONE.—Section 3011(b)(5) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 887) (as amended by subsection (k)) is amended by adding at the end the following:

“(L) BUFFER ZONE.—The western boundary of the Desert National Wildlife Refuge shall be 2,000 feet west of the road depicted on the
map referred to in paragraph (4) as the boundary between the Desert National Wildlife Refuge and the land jointly managed by the Secretary of the Air Force and the Secretary of the Interior.”.

(m) INDIAN TRIBES.—

(1) IN GENERAL.—Nothing in this Act or an amendment made by this Act alters any rights reserved by treaty or Federal law for an Indian Tribe for Tribal use of the public lands withdrawn by paragraphs (1) and (2) of section 3011(b) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 886).

(2) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force and the Secretary of the Interior shall consult with any Indian Tribes in the vicinity of the public lands withdrawn by paragraphs (1) and (2) of section 3011(b) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 886) before taking any action within the public lands affecting Tribal rights or cultural resources protected by treaty or Federal law.
(n) CONFORMING AMENDMENTS.—Section 3011(b) of the Military Lands Withdrawal Act of 1999 (Public Law 106–65; 113 Stat. 886) is amended—

(1) by striking the subsection designation and heading and inserting the following:

“(b) NEVADA TEST AND TRAINING RANGE.—”;

(2) in paragraph (3), by striking the paragraph designation and heading and inserting the following:

“(3) DEPARTMENT OF THE INTERIOR.—”.

SEC. 3. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DEFINITIONS.—In this section:

(1) Map.—The term “map” means the map entitled “Desert National Wildlife Refuge and Nevada Test and Training Range Withdrawal and Management Act” and dated December 9, 2019.

(2) Refuge.—The term “Refuge” means the Desert National Wildlife Refuge.

(3) Secretary.—The term “Secretary” means the Secretary of the Interior.

(4) Wilderness area.—The term “wilderness area” means a wilderness area designated by subsection (b)(1).

(b) DESIGNATION OF WILDERNESS AREAS.—
(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following land within the Refuge is designated as wilderness and as components of the National Wilderness Preservation System:

(A) SHEEP RANGE WILDERNESS.—Certain Federal land managed by the Director of the United States Fish and Wildlife Service, comprising approximately 433,785 acres, generally depicted on the map as “Sheep Range Wilderness”, which shall be known as the “Sheep Range Wilderness”.

(B) LAS VEGAS RANGE WILDERNESS.—Certain Federal land managed by the Director of the United States Fish and Wildlife Service, comprising approximately 146,826 acres, generally depicted on the map as “Las Vegas Range Wilderness”, which shall be known as the “Las Vegas Range Wilderness”.

(C) GASS PEAK WILDERNESS.—Certain Federal land managed by the Director of the United States Fish and Wildlife Service, comprising approximately 32,954 acres, generally depicted on the map as “Gass Peak Wilder-
ness”, which shall be known as the “Gass Peak Wilderness”.

(D) Papoose Range Wilderness.—Certain Federal land managed by the Secretary of the Air Force and the Director of the United States Fish and Wildlife Service, comprising approximately 43,573 acres, generally depicted on the map as “Papoose Range Wilderness”, which shall be known as the “Papoose Range Wilderness”.

(E) South Spotted Range Wilderness.—Certain Federal land managed by the Director of the United States Fish and Wildlife Service and the Director of the Bureau of Land Management, comprising approximately 51,243 acres, generally depicted on the map as “South Spotted Range Wilderness”, which shall be known as the “South Spotted Range Wilderness”.

(F) Pintwater/East Desert/Spotted Range Wilderness.—Certain Federal land managed by the Secretary of the Air Force and the Director of the United States Fish and Wildlife Service, comprising approximately 463,585 acres, generally depicted on the map as
“Pintwater/East Desert/Spotted Range Wilderness”, which shall be known as the “Pintwater/East Desert/Spotted Range Wilderness”.

(G) Desert Range Wilderness.—Certain Federal land managed by the Secretary of the Air Force and the Director of the United States Fish and Wildlife Service, comprising approximately 53,986 acres, generally depicted on the map as “Desert Range Wilderness”, which shall be known as the “Desert Range Wilderness”.

(H) Hole-in-the-Rock Wilderness.—Certain Federal land managed by the Secretary of the Air Force and the Director of the United States Fish and Wildlife Service, comprising approximately 84,854 acres, generally depicted on the map as “Hole-in-the-Rock Wilderness”, which shall be known as the “Hole-in-the-Rock Wilderness”.

(2) Maps and Legal Descriptions.—

(A) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with—
(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Environment and Public Works of the Senate; and

(iii) the Committee on Natural Resources of the House of Representatives.

(B) EFFECT.—Each map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the maps and legal descriptions.

(C) AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate office of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall administer the wilderness areas in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and
26

(2) any reference in that Act to the Secretary
of Agriculture shall be considered to be a reference
to the Secretary.

(d) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Congress does not intend for
the designation of the wilderness areas to create pro-
tective perimeters or buffer zones around the wilder-
ness areas.

(2) NON-WILDERNESS ACTIVITIES.—The fact
that non-wilderness activities or uses can be seen or
heard from areas within a wilderness area shall not
preclude the conduct of those activities or uses out-
side the boundary of the wilderness area.

(e) MILITARY OVERFLIGHTS.—Nothing in this Act
restricts or precludes—

(1) low-level overflights of military aircraft over
the wilderness areas, including military overflights
that can be seen or heard within the wilderness
areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of
special use airspace, or the establishment of military
flight training routes, over the wilderness areas.

(f) WILDLIFE WATER DEVELOPMENT PROJECTS.—
The Secretary may authorize structures and facilities, in-
including existing structures and facilities, for wildlife water development projects (including guzzlers) in the wilderness areas if—

(1) the structures and facilities will enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations;

(2) the structures and facilities are consistent with the laws (including regulations) applicable to the management of the Refuge; and

(3) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.