AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY M___. __________

Strike section 2844 (page 1228, beginning line 4) and insert the following new section:

SEC. 2844. ADDITIONAL REQUIREMENTS REGARDING NEVADA TEST AND TRAINING RANGE.

(a) DEFINITIONS.—In this section:

(1) The term “affected Indian tribe” means an Indian tribe that has historical connections to—

(A) the land withdrawn and reserved as the Nevada Test and Training Range; or

(B) the land included as part of the Desert National Wildlife Refuge.

(2) The term “current memorandum of understanding” means the memorandum of understanding referred to in section 3011(b)(5)(E) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 888) as in effect on the date of the enactment of this Act.

(3) The term “heavy force” means a military unit with armored motorized equipment, such as tanks, motorized artillery, and armored personnel carriers.
(4) The term “large force” means a military unit designated as a battalion or larger organizational unit.

(5) The term “Nevada Test and Training Range” means the land known as the Nevada Test and Training Range withdrawn and reserved by section 3011(b) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 886).

(6) The term “overlapping lands” means land withdrawn and reserved as the Nevada Test and Training Range that also is included as part of the Desert National Wildlife Refuge. This land is commonly referred to as the Joint-Use Area.

(7) The term “revised memorandum of understanding” means the current memorandum of understanding revised as required by subsection (c)(1) and other provisions of this section.

(8) The term “Secretaries” means the Secretary of the Air Force and the Secretary of the Interior acting jointly.

(9) The term “small force” means a military force of squad, platoon, or equivalent or smaller size.

(b) IMPROVED COORDINATION AND MANAGEMENT OF OVERLAPPING LANDS.—The Secretaries shall coordi-
nate the management of the overlapping lands for military
use and wildlife refuge purposes consistent with their re-
spective jurisdictional authorities described in paragraphs
(3) and (5) of section 3011(b) of the Military Lands With-
drawal Act of 1999 (title XXX of Public Law 106–65;
113 Stat. 887).

(c) Revision and Extension of Current Memorandum of Under-
standing.—

(1) Revision Required.—Not later than two
years after the date of the enactment of this Act, the
Secretaries shall revise the current memorandum of
understanding to facilitate the management of the
overlapping lands—

(A) for the purposes for which the Desert
National Wildlife Refuge was established; and

(B) to support military training needs con-
sistent with the uses described under section
3011(b)(1) of the Military Lands Withdrawal
Act of 1999 (title XXX of Public Law 106–65;
113 Stat. 886), as modified by subsection (f).

(2) Relation to Current Law.—Upon com-
pletion of the revision process, the revised memo-
randum of understanding shall supersede the cur-
cent memorandum of understanding. Subject to
paragraph (1) and subsection (d), clauses (i), (ii),
(iii), and (iv) of section 3011(b)(5)(E) of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 888) shall apply to the revised memorandum of understanding in the same manner as such clauses applied to the current memorandum of understanding.

(d) Elements of Revised Memorandum of Understanding.—

(1) In general.—The revised memorandum of understanding shall include, at a minimum, provisions to address the following:

(A) The proper management and protection of the natural and cultural resources of the overlapping lands.

(B) The sustainable use by the public of such resources to the extent consistent with existing laws and regulations, including applicable environmental laws.

(C) The use of the overlapping lands for the military training needs for which the lands are withdrawn and reserved and for wildlife conservation purposes for which the Desert National Wildlife Refuge was established, consistent with their respective jurisdictional authorities.
(2) CONSULTATION.—The Secretaries shall prepare the revised memorandum of understanding in consultation with the following:

(A) The resource consultative committee.

(B) Affected Indian tribes.

(3) TRIBAL ISSUES.—The revised memorandum of understanding shall include provisions to address the manner in which the Secretary of the Air Force will accomplish the following:

(A) Meet the United States trust responsibilities with respect to affected Indian tribes, tribal lands, and rights reserved by treaty or Federal law affected by the withdrawal and reservation of the overlapping lands.

(B) Guarantee reasonable access to, and use by members of affected Indian tribes of high priority cultural sites throughout the Nevada Test and Training Range, including the overlapping lands, consistent with the reservation of the lands for military use.

(C) Protect identified cultural and archaeological sites throughout the Nevada Test and Training Range, including the overlapping lands, and, in the event of an inadvertent ground disturbance of such a site, implement
appropriate response activities to once again fa-
cilitate historic and subsistence use of the site
by members of affected Indian tribes.

(D) Provide for timely consultation with
affected Indian tribes as required by paragraph
(2).

(4) GUARANTEERING DEPARTMENT OF THE IN-
TERIOR ACCESS.—The revised memorandum of un-
derstanding shall guarantee that the Secretary of
the Interior, acting through the United States Fish
and Wildlife Service, has access to the overlapping
lands for not less than 54 days during each calendar
year to carry out the management responsibilities of
the United States Fish and Wildlife Service regard-
ing the Desert National Wildlife Refuge.

(5) ELEMENTS OF USFWS ACCESS.—The
United States Fish and Wildlife Service may carry
out more than one management responsibility on the
overlapping lands on an access day guaranteed by
paragraph (4). Recognized United States Fish and
Wildlife Service management responsibilities include
the following:

(A) The installation or maintenance of
wildlife water development projects, for which
at least 15 access days guaranteed by para-
graph (4) shall be annually allotted during
spring or winter months.

(B) The conduct of annual desert bighorn
sheep surveys.

(C) The management of the annual desert
bighorn sheep hunt in accordance with the Na-
tional Wildlife Refuge System Administration
which at least 16 access days guaranteed by
paragraph (4) shall be allotted.

(D) The conduct of annual biological sur-
veys for the Agassiz’s desert tortoise and other
federally protected species, State-listed and at-
risk species, migratory birds, golden eagle nests
and rare plants, for which at least 30 access
days guaranteed by paragraph (4) shall be an-
ually allotted during spring or summer
months.

(E) The conduct of annual invasive species
surveys and treatment, for which at least 15 ac-
cess days guaranteed by paragraph (4) shall be
annually allotted during spring or summer
months.

(F) The conduct of annual contaminant
surveys of soil, springs, groundwater and vege-
tation, for which at least 10 access days guaranteed by paragraph (4) shall be annually allotted during spring or summer months.

(G) The regular installation and maintenance of climate monitoring systems.

(H) Such additional access opportunities, as needed, for wildlife research, including Global Positioning System collaring of desert bighorn sheep, bighorn sheep disease monitoring, investigation of wildlife mortalities, and deploying, maintaining, and retrieving output from wildlife camera traps.

(6) HUNTING, FISHING, AND TRAPPING.—The revised memorandum of understanding shall continue to require that any hunting, fishing, and trapping on the overlapping lands is conducted in accordance with section 3020 of the Military Lands Withdrawal Act of 1999 (title XXX of Public Law 106–65; 113 Stat. 896).

(7) OTHER REQUIRED MATTERS.—The revised memorandum of understanding also shall include provisions regarding the following:

(A) The identification of current test and target impact areas and related buffer or safety
zones, to the extent consistent with military purposes.

(B) The design and construction of all gates, fences, and barriers in the overlapping lands, to be constructed after the date of the enactment of this Act, in a manner to allow wildlife access, to the extent practicable and consistent with military security, safety, and sound wildlife management use.

(C) The incorporation of any existing management plans pertaining to the overlapping lands to the extent that the Secretaries, upon review of such plans, determine that incorporation into the revised memorandum of understanding is appropriate.

(D) Procedures to ensure periodic reviews of the revised memorandum of understanding are conducted by the Secretaries, and that the State of Nevada, affected Indian tribes, and the public are provided a meaningful opportunity to comment upon any proposed substantial revisions.

(e) RESOURCE CONSULTATIVE COMMITTEE.—

(1) Establishment required.—Pursuant to the revised memorandum of understanding, the Sec-
retaries shall establish a resource consultative com-
mittee comprised of members, designated at the dis-
cretion of the Secretaries, from the following:

(A) Interested Federal agencies.

(B) At least one elected official (or other
authorized representative) from the State of
Nevada generally and at least one representa-
tive from the Nevada Department of Wildlife.

(C) At least one elected official (or other
authorized representative) from each local and
tribal government impacted by the Nevada Test
and Training Range.

(D) At least one representative of an inter-
ested conservation organization.

(E) At least one representative of a sports-
men’s organization.

(F) At least one member of the general
public familiar with the overlapping lands and
resources thereon.

(2) PURPOSE.—The resource consultative com-
mittee shall be established solely for the purpose of
exchanging views, information, and advice relating
to the management of the natural and cultural re-
sources of the Nevada Test and Training Range.
(3) OPERATIONAL BASIS.—The resource consultative committee shall operate in accordance with the terms set forth in the revised memorandum of understanding, which shall specify the Federal agencies and elected officers or representatives of State, local, and tribal governments to be invited to participate. The memorandum of understanding shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the lands concerned, procedures for rotating the chair of the committee, and procedures for scheduling regular meetings.

(4) COORDINATOR.—The Secretaries shall appoint an individual to serve as coordinator of the resource consultative committee. The duties of the coordinator shall be specified in the revised memorandum of understanding. The coordinator shall not be a member of the committee.

(f) AUTHORIZED AND PROHIBITED ACTIVITIES.—

(1) ADDITIONAL AUTHORIZED ACTIVITIES.—Additional military activities on the overlapping lands are authorized to be conducted, in a manner consistent with the National Wildlife Refuge System
Administration Act of 1966 (16 U.S.C. 668dd et seq.), as follows:

(A) Emergency response.

(B) Establishment and use of existing or new electronic tracking and communications sites.

(C) Continued use of roads in existence as of the date of the enactment of this Act and maintenance of such a road consistent with the types of purposes for which the road has been used as of that date.

(D) Small force readiness training by Air Force, Joint, or Coalition forces.

(2) Prohibited Activities.—Military activities on the overlapping lands are prohibited for the following purposes:

(A) Large force or heavy force activities.

(B) Designation of new weapon impact areas.

(C) Any ground disturbance activity not authorized by paragraphs (1) and (2) of subsection (c).

(3) Rules of Construction.—Nothing in this subsection shall be construed to preclude the following regarding the overlapping lands:
(A) Low-level overflights of military aircraft, except that low-level flights of military aircraft over the United States Fish and Wildlife Service Corn Creek field station and visitor center are prohibited.

(B) The designation of new units of special use airspace.

(C) The use or establishment of military flight training routes.

(g) TRIBAL LIAISON POSITIONS.—

(1) ACCESS COORDINATOR.—The Secretary of the Air Force shall create a tribal liaison position for the Nevada Test and Training Range, to be held by a member of an affected Indian tribe, who will help coordinate access to cultural and archaeological sites throughout the Nevada Test and Training Range and accompany members of Indian tribes accessing such sites.

(2) CULTURAL RESOURCES LIAISON.—The Secretary of the Air Force shall create a tribal liaison position for the Nevada Test and Training Range, to be held by a member of an affected Indian tribe, who will serve as a tribal cultural resources liaison to ensure that—
(A) appropriate steps are being taken to protect cultural and archaeological sites throughout the Nevada Test and Training Range; and

(B) the management plan for the Nevada Test and Training Range is being followed.

(h) FISH AND WILDLIFE LIAISON.—The Secretaries shall create a Fish and Wildlife Service liaison position for the Nevada Test and Training Range, to be held by a Fish and Wildlife Service official designated by the Director of the United States Fish and Wildlife Service, who will serve as a liaison to ensure that—

(1) appropriate steps are being taken to protect Fish and Wildlife Service managed resources throughout the Nevada Test and Training Range; and

(2) the management plan for the Nevada Test and Training Range is being followed.