



S. 2943

One Hundred Fourteenth Congress
of the
United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Monday,
the fourth day of January, two thousand and sixteen*

An Act

To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2017".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Funding Tables.
- (5) Division E—Uniform Code of Military Justice Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees.
- Sec. 4. Budgetary effects of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

- Sec. 111. Multiyear procurement authority for AH-64E Apache helicopters.
- Sec. 112. Multiyear procurement authority for UH-60M and HH-60M Black Hawk helicopters.
- Sec. 113. Distributed Common Ground System—Army increment 1.
- Sec. 114. Assessment of certain capabilities of the Department of the Army.

Subtitle C—Navy Programs

- Sec. 121. Determination of vessel delivery dates.
- Sec. 122. Incremental funding for detail design and construction of LHA replacement ship designated LHA 8.
- Sec. 123. Littoral Combat Ship.
- Sec. 124. Limitation on use of sole-source shipbuilding contracts for certain vessels.
- Sec. 125. Limitation on availability of funds for the Advanced Arresting Gear Program.

- Sec. 2902. Authorized Air Force construction and land acquisition projects.
- Sec. 2903. Authorization of appropriations.

TITLE XXX--UTAH TEST AND TRAINING RANGE AND RELATED MATTERS

Subtitle A--Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range

- Sec. 3001. Definitions.
- Sec. 3002. Memorandum of agreement.
- Sec. 3003. Temporary closures.
- Sec. 3004. Liability.
- Sec. 3005. Community resource advisory group.
- Sec. 3006. Savings clauses.

Subtitle B--Bureau of Land Management Land Exchange With State of Utah

- Sec. 3011. Definitions.
- Sec. 3012. Exchange of Federal land and non-Federal land.
- Sec. 3013. Status and management of non-Federal land acquired by the United States.
- Sec. 3014. Hazardous substances.

DIVISION C--DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI--DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A--National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B--Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Independent acquisition project reviews of capital assets acquisition projects.
- Sec. 3112. Protection of certain nuclear facilities and assets from unmanned aircraft.
- Sec. 3113. Common financial reporting system for the nuclear security enterprise.
- Sec. 3114. Rough estimate of total life cycle cost of tank waste cleanup at Hanford Nuclear Reservation.
- Sec. 3115. Annual certification of shipments to Waste Isolation Pilot Plant.
- Sec. 3116. Disposition of weapons-usable plutonium.
- Sec. 3117. Design basis threat.
- Sec. 3118. Industry best practices in operations at National Nuclear Security Administration facilities and sites.
- Sec. 3119. Pilot program on unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3120. Research and development of advanced naval nuclear fuel system based on low-enriched uranium.
- Sec. 3121. Increase in certain limitations applicable to funds for conceptual and construction design of the Department of Energy.
- Sec. 3122. Prohibition on availability of funds for programs in Russian Federation.
- Sec. 3123. Limitation on availability of funds for Federal salaries and expenses.
- Sec. 3124. Limitation on availability of funds for defense environmental cleanup program direction.
- Sec. 3125. Limitation on availability of funds for acceleration of nuclear weapons dismantlement.

Subtitle C--Plans and Reports

- Sec. 3131. Independent assessment of technology development under defense environmental cleanup program.
- Sec. 3132. Updated plan for verification and monitoring of proliferation of nuclear weapons and fissile material.
- Sec. 3133. Report on the use of highly-enriched uranium for naval reactors.
- Sec. 3134. Analysis of approaches for supplemental treatment of low-activity waste at Hanford Nuclear Reservation.
- Sec. 3135. Clarification of annual report and certification on status of security of atomic energy defense facilities.
- Sec. 3136. Report on service support contracts and authority for appointment of certain personnel.
- Sec. 3137. Elimination of certain reporting requirements.

Sec. 3013. Status and management of non-Federal land acquired by the United States.
Sec. 3014. Hazardous substances.

Subtitle A—Authorization for Temporary Closure of Certain Public Land Adjacent to the Utah Test and Training Range

SEC. 3001. DEFINITIONS.

In this subtitle:

- (1) **BLM LAND.**—The term “BLM land” means certain public land administered by the Bureau of Land Management in the State comprising approximately 703,621 acres, as generally depicted on the map entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated July 21, 2016.
- (2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
- (3) **STATE.**—The term “State” means the State of Utah.
- (4) **UTAH TEST AND TRAINING RANGE.**—The term “Utah Test and Training Range” means the portions of the military land and airspace operating area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

SEC. 3002. MEMORANDUM OF AGREEMENT.

(a) **MEMORANDUM OF AGREEMENT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this subtitle.

(2) **DRAFT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) **PUBLIC COMMENT PERIOD.**—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 3005 to provide comments on the draft memorandum of agreement.

(3) **MANAGEMENT BY SECRETARY.**—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this subtitle.

(4) **PERMITS AND RIGHTS-OF-WAY.**—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish within the memorandum of agreement entered into under paragraph (1) a framework agreed to by the Secretary and the Secretary of the Air Force for resolving any disagreement on the issuance of permits or rights-of-way on the BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of agreement entered into under paragraph (1) shall be for a term to be determined by the Secretary and the Secretary of the Air Force, not to exceed 25 years.

(B) EARLY TERMINATION.—The memorandum of agreement may be terminated before the date determined under subparagraph (A) if the Secretary of the Air Force determines that the temporary closure of the BLM land is no longer necessary to fulfill Utah Test and Training Range mission requirements.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 3001(1).

(c) LAND SAFETY.—If decontamination of the BLM land is necessary due to an action of the Air Force, the Secretary of the Air Force shall—

(1) render the BLM land safe for public use; and

(2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this subtitle.

(e) GRAZING.—

(1) EFFECT.—Nothing in this subtitle affects the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.

(g) WITHDRAWAL.—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

SEC. 3003. TEMPORARY CLOSURES.

(a) IN GENERAL.—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public

use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) LIMITATIONS.—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods that the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) SPECIAL NOTIFICATION PROCEDURES.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) MAXIMUM ANNUAL CLOSURES.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) PROHIBITION ON CERTAIN TEMPORARY CLOSURES.—The northernmost area identified as “Newfoundland’s” on the map described in section 3001(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.

(f) EMERGENCY GROUND RESPONSE.—A temporary closure of a portion of the BLM land shall not affect the conduct of emergency response activities on the BLM land during the temporary closure.

(g) LIVESTOCK.—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) **LAW ENFORCEMENT AND SECURITY.**—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

SEC. 3004. LIABILITY.

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

SEC. 3005. COMMUNITY RESOURCE ADVISORY GROUP.

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Resource Advisory Group (referred to in this section as the "Community Group") to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Secretary shall appoint members to the Community Group, including—

(A) 1 representative of Indian tribes in the vicinity of the BLM land, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(B) not more than 1 county commissioner from each of Box Elder, Tooele, and Juab Counties, Utah;

(C) 2 representatives of off-road and highway use, hunting, or other recreational users of the BLM land;

(D) 2 representatives of livestock permittees on public land located within the BLM land;

(E) 1 representative of the Utah Department of Agriculture and Food; and

(F) not more than 3 representatives of State or Federal offices or agencies, or private groups or individuals, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) **CHAIRPERSON.**—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(3) **AIR FORCE PERSONNEL.**—The Secretary of the Air Force shall appoint appropriate operational and land management personnel of the Air Force to serve as a liaison to the Community Group.

(c) **CONDITIONS AND TERMS OF APPOINTMENT.**—

(1) **IN GENERAL.**—Each member of the Community Group shall serve voluntarily and without compensation.

(2) **TERM OF APPOINTMENT.**—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Secretary shall select ½ of the original members of the Community Group to serve for a term of 4 years and the other ½ of the original members of the Community Group to serve for a term of 2 years, to ensure the replacement of members shall be staggered from year to year.

(C) REAPPOINTMENT AND REPLACEMENT.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

- (i) the term of the member has expired;
- (ii) the member has resigned; or
- (iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) 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.

(d) MEETINGS.—

(1) IN GENERAL.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) RESPONSIBILITIES OF COMMUNITY GROUP.—The Community Group shall be responsible for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) NOTICE.—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The Community Group shall terminate on the date that is seven years after the date of enactment of this Act.

(2) EARLY TERMINATION.—The Secretary and the Community Group, acting jointly, may elect to terminate the Community Group before the date provided in subsection (a).

SEC. 3006. SAVINGS CLAUSES.

(a) EFFECT ON WEAPON IMPACT AREA.—Nothing in this subtitle expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle precludes—

- (1) the designation of new units of special use airspace;

or

- (2) the expansion of existing units of special use airspace.

(c) EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.—Nothing in this subtitle limits or alters the Military

Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) EFFECT ON EXISTING RIGHTS AND AGREEMENTS.—Except as otherwise provided in section 3003, nothing in this subtitle limits or alters any existing right or right of access to—

(1) the Knolls Special Recreation Management Area; or
(2)(A) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(B) any other county or community pit located within close proximity to the BLM land.

(e) INTERSTATE 80.—Nothing in this subtitle authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(f) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this subtitle affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(g) EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.—Nothing in this subtitle affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(h) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this subtitle alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) PAYMENTS IN LIEU OF TAXES.—Nothing in this subtitle diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) WILDLIFE IMPROVEMENTS.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

Subtitle B—Bureau of Land Management Land Exchange With State of Utah

SEC. 3011. DEFINITIONS.

In this subtitle:

(1) EXCHANGE MAP.—The term “Exchange Map” means the map prepared by the Bureau of Land Management entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated July 21, 2016.

(2) FEDERAL LAND.—The term “Federal land” means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as “BLM Lands Proposed for Transfer to State Trust Lands”.

(3) NON-FEDERAL LAND.—The term “non-Federal land” means the land owned by the State in Box Elder, Tooele,

and Juab Counties, Utah, that is identified on the Exchange Map as--

(A) "State Trust Land Proposed for Transfer to BLM";

and
(B) "State Trust Minerals Proposed for Transfer to BLM".

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Utah, acting through the School and Institutional Trust Lands Administration.

SEC. 3012. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall--

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall carry out the land exchange under this subtitle notwithstanding section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852).

(3) LAND USE PLANNING.—The Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land under this subtitle.

(c) VALID EXISTING RIGHTS.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this subtitle shall be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this subtitle shall be determined by appraisals conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) **MINING CLAIMS.**—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the "Mining Law of 1872") (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) **VALIDITY EXAMINATION.**—Nothing in this subtitle requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) **APPROVAL.**—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) **DURATION.**—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) **COST OF APPRAISAL.**—

(A) **IN GENERAL.**—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) **REIMBURSEMENT BY SECRETARY.**—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(f) **CONVEYANCE OF TITLE.**—It is the intent of Congress that the land exchange authorized under this subtitle shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (e).

(g) **PUBLIC INSPECTION AND NOTICE.**—

(1) **PUBLIC INSPECTION.**—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for the Federal land and non-Federal land to be exchanged under this subtitle shall be available for public review at the office of the State Director of the Bureau of Land Management in the State.

(2) **NOTICE.**—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (e) are available for public inspection.

(h) **CONSULTATION WITH INDIAN TRIBES.**—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the Federal land and non-Federal land to be exchanged under this subtitle before the completion of the land exchange.

(i) **EQUAL VALUE EXCHANGE.**—

(1) **IN GENERAL.**—The value of the Federal land and non-Federal land to be exchanged under this subtitle—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph

(2).

(2) **EQUALIZATION.**—

(A) **SURPLUS OF FEDERAL LAND.**—

(i) **IN GENERAL.**—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as

necessary to equalize the value of the Federal land and non-Federal land--

(I) State trust land parcel 1, as described in the assessment entitled "Bureau of Land Management Environmental Assessment UT-100-06-EA", numbered UTU-82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1075).

(ii) ORDER OF CONVEYANCES.--Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) SURPLUS OF NON-FEDERAL LAND.--If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized--

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) GRAZING PERMITS.--

(1) IN GENERAL.--If the Federal land or non-Federal land exchanged under this subtitle is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.--To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.--

(A) IN GENERAL.--Nothing in this subtitle prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.--Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.--If non-Federal land conveyed by the State under this subtitle is used by a grazing permittee or lessee to meet the base property requirements for a Federal

grazing permit or lease, the land shall continue to qualify as a base property for—

- (A) the remaining term of the lease or permit; and
- (B) the term of any renewal or extension of the lease or permit.

(k) **WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.**—Subject to valid existing rights, the Federal land to be conveyed to the State under this subtitle is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

SEC. 3013. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.

(a) **IN GENERAL.**—On conveyance to the United States under this subtitle, the non-Federal land shall be managed by the Secretary in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) **NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.**—On conveyance to the Secretary under this subtitle, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

(c) **NON-FEDERAL LAND WITHIN WILDERNESS AREAS OR NATIONAL CONSERVATION AREAS.**—On conveyance to the Secretary under this subtitle, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

SEC. 3014. HAZARDOUS SUBSTANCES.

(a) **COSTS.**—Except as provided in subsection (b), the costs of remedial actions relating to hazardous substances on land acquired under this subtitle shall be paid by those entities responsible for the costs under applicable law.

(b) **REMEDIAL ACTION OF PRIOR TESTING AND TRAINING ACTIVITY.**—The Secretary of the Air Force shall bear all costs of remediation required as a result of the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this subtitle.

**DIVISION C—DEPARTMENT OF ENERGY
NATIONAL SECURITY AUTHORIZA-
TIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY
NATIONAL SECURITY PROGRAMS**

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
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