

116TH CONGRESS
1ST SESSION

H. R. 2181

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2019

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the withdrawal and protection of certain
Federal land in the State of New Mexico.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chaco Cultural Herit-
3 age Area Protection Act of 2019”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) there are archeological, sacred, and historic
7 resources located throughout the Greater Chaco re-
8 gion, which spans the States of New Mexico, Ari-
9 zona, Utah, and Colorado;

10 (2) the Chaco Culture National Historical Park,
11 a unit of the National Park System and a United
12 Nations Educational, Scientific and Cultural Organi-
13 zation World Heritage Site, is known around the
14 world—

15 (A) for multi-story buildings constructed
16 by the Chacoan people that are still standing;
17 and

18 (B) as the nerve center of a culture that
19 spread throughout and dominated the Four
20 Corners area during the 9th, 10th, and 11th
21 centuries;

22 (3) the Chacoan people built hundreds of miles
23 of roads and a network of villages, shrines, and com-
24 munications sites, many of which are still visible;

1 (4) many Pueblos and Indian Tribes in the
2 Four Corners area claim cultural affiliation with,
3 and are descended from, the Chacoan people;

4 (5) the landscape around the Chaco Culture
5 National Historical Park includes hundreds of inter-
6 nationally and nationally significant cultural re-
7 sources, including prehistoric roads, communities,
8 and shrines—

9 (A) many of which are related to the re-
10 sources found in the Chaco Culture National
11 Historical Park, including the resources recog-
12 nized by the amendment made by section 3 of
13 the Chacoan Outliers Protection Act of 1995
14 (16 U.S.C. 410ii note; Public Law 104–11)
15 providing for additional Chaco Culture Archeo-
16 logical Protection Sites;

17 (B) a significant number of which are con-
18 centrated within the immediate area sur-
19 rounding the Chaco Culture National Historical
20 Park; and

21 (C) that are commonly recognized by ar-
22 cheologists;

23 (6) long considered one of the best places for
24 stargazing in the world, Chaco Culture National
25 Historical Park—

1 (A) in 1991, established a night skies pro-
2 tection initiative and interpretive program to
3 protect the night sky in the area of the Chaco
4 Culture National Historical Park; and

5 (B) in 2013, was certified as an Inter-
6 national Dark Sky Park;

7 (7) the Greater Chaco landscape in the State of
8 New Mexico extends beyond Chaco Culture National
9 Historical Park and encompasses—

10 (A) local communities, including Pueblos
11 and Indian Tribes; and

12 (B) public land, which includes additional
13 cultural resources and sacred sites;

14 (8) for over 110 years, the Federal Government
15 has recognized the importance of the area in which
16 the Chacoan people lived and has acted to protect
17 historic and sacred sites in the area, including—

18 (A) Chaco Canyon, which was designated
19 as a National Monument in 1907 and as the
20 Chaco Culture National Historical Park in
21 1980;

22 (B) the Aztec Ruins, which was designated
23 as a National Monument in 1923 and expanded
24 in each of 1928, 1930, 1948, and 1988; and

1 (C) the 39 Chaco Culture Archeological
2 Protection Sites designated in 1995;

3 (9) recognizes that the standard for Tribal con-
4 sultation is outlined in Executive Order No. 13175
5 (25 U.S.C. 5301 note; relating to consultation and
6 coordination with Indian Tribal governments);

7 (10) extensive natural gas development has oc-
8 curred in the Greater Chaco region that affect the
9 health, safety, economies, and quality of life of local
10 communities;

11 (11) renewed interest in oil exploration and pro-
12 duction within the Mancos/Gallup Shale play has in-
13 creased the potential for—

14 (A) significant impacts on resources and
15 visitor experiences at the Chaco Culture Na-
16 tional Historical Park; and

17 (B) additional impacts on local commu-
18 nities in the Greater Chaco region, including
19 Pueblos and Indian Tribes;

20 (12) a mineral withdrawal in the landscape
21 around the Chaco Culture National Historical Park
22 would prevent leasing and development on Federal
23 lands and of Federal minerals in the immediate area
24 surrounding the Chaco Culture National Historical
25 Park, which would protect resources and visitor ex-

1 periences at the Chaco Culture National Historical
2 Park; and

3 (13) additional studies and protective measures
4 should be undertaken to address health, safety, and
5 environmental impacts on communities and interests
6 of Pueblos and Indian Tribes in the Greater Chaco
7 landscape.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) COVERED LEASE.—The term “covered
11 lease” means any oil and gas lease for Federal
12 land—

13 (A) on which drilling operations have not
14 been commenced before the end of the primary
15 term of the applicable lease;

16 (B) that is not producing oil or gas in pay-
17 ing quantities; and

18 (C) that is not subject to a valid coopera-
19 tive or unit plan of development or operation
20 certified by the Secretary to be necessary.

21 (2) FEDERAL LAND.—

22 (A) IN GENERAL.—The term “Federal
23 land” means—

24 (i) any Federal land or interest in
25 Federal land that is within the boundaries

1 of the Chaco Cultural Heritage Withdrawal
2 Area, as depicted on the Map; and

3 (ii) any land or interest in land lo-
4 cated within the boundaries of the Chaco
5 Cultural Heritage Withdrawal Area, as de-
6 picted on the Map, that is acquired by the
7 Federal Government after the date of en-
8 actment of this Act.

9 (B) EXCLUSION.—The term “Federal
10 land” does not include trust land (as defined in
11 section 3765 of title 38, United States Code).

12 (3) MAP.—The term “Map” means the map
13 prepared by the Bureau of Land Management enti-
14 tled “Chaco Cultural Heritage Withdrawal Area”
15 and dated April 2, 2019.

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE**
19 **STATE OF NEW MEXICO.**

20 (a) IN GENERAL.—Subject to any valid existing
21 rights, the Federal land is withdrawn from—

22 (1) all forms of entry, appropriation, and dis-
23 posal under the public land laws;

24 (2) location, entry, and patent under mining
25 laws; and

1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 (b) AVAILABILITY OF MAP.—The Map shall be made
4 available for inspection at each appropriate office of the
5 Bureau of Land Management.

6 (c) CONVEYANCE OF FEDERAL LAND TO INDIAN
7 TRIBES.—Notwithstanding subsection (a), the Secretary
8 may convey the Federal land to, or exchange the Federal
9 land with, an Indian Tribe in accordance with a resource
10 management plan that is approved as of the date of enact-
11 ment of this Act, as subsequently developed, amended, or
12 revised in accordance with the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C. 1701 et seq.) and
14 any other applicable law.

15 **SEC. 5. OIL AND GAS LEASE MANAGEMENT.**

16 (a) TERMINATION OF NON-PRODUCING LEASES.—A
17 covered lease—

18 (1) shall automatically terminate by operation
19 of law pursuant to section 17(e) of the Mineral
20 Leasing Act (30 U.S.C. 226(e)) and subpart 3108
21 of title 43, Code of Federal Regulations (or suc-
22 cessor regulations); and

23 (2) may not be extended by the Secretary.

24 (b) WITHDRAWAL OF TERMINATED, RELINQUISHED,
25 OR ACQUIRED LEASES.—Any portion of the Federal land

1 subject to a covered lease terminated under subsection (a)
2 or otherwise or relinquished or acquired by the United
3 States on or after the date of enactment of this Act is
4 withdrawn from—

5 (1) all forms of entry, appropriation, and dis-
6 posal under the public land laws;

7 (2) location, entry, and patent undermining
8 laws; and

9 (3) operation of the mineral leasing, mineral
10 materials, and geothermal leasing laws.

11 **SEC. 6. EFFECT.**

12 Nothing in this Act—

13 (1) affects the mineral rights of an Indian
14 Tribe or member of an Indian Tribe to trust land
15 or allotment land; or

16 (2) precludes improvements to, or rights-of-way
17 for water, power, or road development on, the Fed-
18 eral land to assist communities adjacent to or in the
19 vicinity of the Federal land.

20 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

21 The budgetary effects of this Act, for the purpose of
22 complying with the Statutory Pay-As-You-Go Act of 2010,
23 shall be determined by reference to the latest statement
24 titled “Budgetary Effects of PAYGO Legislation” for this
25 Act, submitted for printing in the Congressional Record

