

AMENDMENT TO RULES COMMITTEE PRINT

117-13

OFFERED BY MS. ESCOBAR OF TEXAS

At the end of title LX of division E, insert the following:

1 SEC. 6013. CASTNER RANGE NATIONAL MONUMENT.

2 (a) DEFINITIONS.—In this section:

3 (1) ADVISORY COUNCIL.—The term “advisory
4 council” means the Castner Range National Monu-
5 ment Advisory Council.

6 (2) NATIONAL MONUMENT.—The term “Na-
7 tional Monument” means the Castner Range Na-
8 tional Monument.

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

11 (4) STATE.—The term “State” means the State
12 of Texas.

13 (b) ESTABLISHMENT OF CASTNER RANGE NATIONAL
14 MONUMENT, TEXAS.—

15 (1) ESTABLISHMENT.—Subject to valid existing
16 rights, there is hereby established the Castner Range
17 National Monument in the State.

1 (2) AREA INCLUDED.—The National Monument
2 consists of Federal land and interests in Federal
3 land within El Paso County, Texas, generally de-
4 picted as “Proposed Castner Range National Monu-
5 ment” on the map entitled “Proposed Castner
6 Range National Monument” and dated April 19,
7 2021.

8 (3) EXCLUSION OF NON-FEDERAL LAND.—The
9 National Monument shall include only Federal land
10 and interests in Federal land and shall not include
11 or apply to private property or other non-Federal
12 land and interests in land within the exterior bound-
13 aries of the National Monument.

14 (4) PURPOSE.—The purpose of the National
15 Monument is to conserve, protect, and enhance for
16 the benefit and enjoyment of present and future
17 generations the ecological, scenic, wildlife, rec-
18 reational, cultural, historical, natural, educational,
19 and scientific resources of the lands included in the
20 National Monument, including Castner Range and
21 its—

22 (A) relationship to the Department of the
23 Army;

24 (B) role as a water conservation sanctuary
25 through a dozen natural canyons, arroyos (also

1 known as gullies or washes) and alluvial fans
2 which efficiently transport run-off from the
3 heights through seepage into the large under-
4 ground Hueco Bolsón aquifer, which along with
5 the West Side Mesilla Bolsón supplies much of
6 El Paso's water;

7 (C) historical significance, as it contains
8 numerous archaeological and historical re-
9 sources that date as far back as the Paleo-In-
10 dian, Archaic and historic Indian groups, lasted
11 from about 8000 B.C. to 4000 B.C. and was
12 initially characterized by big-game hunting;

13 (D) significance as a habitat for an ex-
14 tremely diverse aggregation of wildlife and
15 plant species of special concern that are
16 thought to inhabit Castner Range, including the
17 sand prickly pear, the Texas lyre snake, and the
18 western burrowing owl; and

19 (E) significance as a one-of-a-kind vegeta-
20 tion region that includes a mountainous area,
21 cactus lechuguilla region, and draw-yucca grass-
22 land region.

23 (c) ACCESS AND BUFFER ZONES.—

24 (1) ACCESS.—The Secretary shall continue to
25 provide historical and adequate access to private

1 inholdings within the exterior boundaries of the Na-
2 tional Monument.

3 (2) BUFFER ZONES.—Nothing in this section
4 creates a protective perimeter or buffer zone around
5 the National Monument. The fact that any activities
6 or uses outside of areas designated by this section
7 can be seen or heard within the National Monument
8 shall not preclude the activities or uses outside of
9 the National Monument.

10 (3) USE OF EASEMENTS.—Nothing in this sec-
11 tion shall affect easements located within the Na-
12 tional Monument on the date of the enactment of
13 this Act, including the use of Trans Mountain High-
14 way, the National Border Patrol Museum, El Paso
15 Museum of Archaeology, and the El Paso Water
16 Utilities.

17 (d) MANAGEMENT OF FEDERAL LANDS WITHIN THE
18 NATIONAL MONUMENT.—

19 (1) BASIS OF MANAGEMENT.—

20 (A) APPLICABLE LAWS.—The Secretary
21 shall manage the National Monument in a man-
22 ner that conserves, protects, and enhances the
23 natural resources and values of the National
24 Monument, in accordance with—

25 (i) this section;

1 (ii) the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. 1701 et
3 seq.); and

4 (iii) the Act of June 17, 1902 (com-
5 monly known as the Reclamation Act of
6 1902; 32 Stat. 388), and Acts amendatory
7 thereof and supplemental thereto.

8 (B) RESOLUTION OF CONFLICTS.—If there
9 is a conflict between a provision of this section
10 and a provision of one of the other laws speci-
11 fied in subparagraph (A), the more restrictive
12 provision shall control.

13 (2) TRIBAL CULTURAL USES.—Nothing in this
14 section shall be construed to enlarge or diminish the
15 rights of any Indian Tribe.

16 (3) MANAGEMENT PLAN.—

17 (A) IN GENERAL.—The Secretary shall de-
18 velop a comprehensive plan for the protection
19 and management of the National Monument
20 that fulfills the purposes specified in subsection
21 (b). In implementing the management plan and
22 in considering any recommendations from the
23 advisory council, the Secretary shall consult
24 with the advisory council on a regular basis.

1 (B) PURPOSES.—The management plan
2 shall—

3 (i) describe the appropriate uses and
4 management of the National Monument;

5 (ii) identify short-term and long-term
6 management actions and prioritize man-
7 agement actions based on projected avail-
8 ability of resources;

9 (iii) include a habitat restoration op-
10 portunities component;

11 (iv) include a recreational opportunity
12 enhancement component; and

13 (v) include a component that address-
14 es the Secretary of Army's remediation of
15 hazardous substances or munitions and ex-
16 plosives of concern within the National
17 Monument.

18 (C) PUBLIC PARTICIPATION AND SPECIAL
19 CONSIDERATIONS.—In developing the manage-
20 ment plan, and to the extent consistent with
21 this section, the Secretary—

22 (i) shall solicit extensive public input;

23 (ii) shall take into consideration any
24 information developed in studies of the
25 land within the National Monument;

1 (iii) shall assess available climate
2 change information pertinent to the Na-
3 tional Monument;

4 (iv) shall include standards and prac-
5 tices to ensure the preservation of wildlife
6 corridors and facilitate species migration;
7 and

8 (v) may incorporate any provision
9 from a resource management plan, land
10 and resource management plan, or any
11 other plan applicable to the National
12 Monument.

13 (4) COOPERATIVE AGREEMENTS.—In carrying
14 out this section, the Secretary may make grants to,
15 or enter into cooperative agreements with, State,
16 Tribal, and local governmental entities and private
17 entities to conduct research, develop scientific anal-
18 yses, and carry out any other initiative relating to
19 the restoration or conservation of the National
20 Monument.

21 (5) MOTORIZED AND MECHANIZED VEHI-
22 CLES.—Except where needed for administrative pur-
23 poses or to respond to an emergency, the use of mo-
24 torized and mechanized vehicles on lands within the

1 National Monument shall be allowed only on roads
2 and trails designated for their use.

3 (6) ACQUISITION AND INCORPORATION OF
4 LANDS AND INTERESTS.—

5 (A) AUTHORITY.—The Secretary may ac-
6 quire non-Federal land and interests in land
7 within the exterior boundaries of the National
8 Monument only through exchange, donation, or
9 purchase from a willing seller.

10 (B) MANAGEMENT.—Any land or interest
11 in land that is located within the National
12 Monument that is acquired by the United
13 States shall—

14 (i) become part of the National Monu-
15 ment; and

16 (ii) be managed in accordance with
17 this section.

18 (7) WITHDRAWAL.—Subject to valid existing
19 rights, all Federal land within the National Monu-
20 ment is withdrawn from—

21 (A) entry, appropriation, or disposal under
22 the public land laws;

23 (B) location, entry, and patent under the
24 mining laws; and

1 (C) leasing or disposition under all laws re-
2 lating to operation of the mineral leasing, min-
3 eral materials, and geothermal leasing laws.

4 (8) LIMITED CONVEYANCE AUTHORITY.—The
5 Secretary may authorize the conveyance of Federal
6 land within the National Monument if—

7 (A) the purpose for which the land is to be
8 conveyed is consistent with the purposes speci-
9 fied in subsection (b);

10 (B) the conveyance would benefit the Na-
11 tional Monument and is in the public interest,
12 as determined by the Secretary; and

13 (C) the conveyance is made in accordance
14 with applicable laws (including regulations).

15 (9) WILDLAND FIRE OPERATIONS.—Nothing in
16 this section prohibits the Secretary, in cooperation
17 with other Federal, State, and local agencies, as ap-
18 propriate, from conducting wildland fire operations
19 in the National Monument consistent with the pur-
20 poses specified in subsection (b).

21 (e) WATER.—Nothing in this section—

22 (1) affects the use or allocation, in existence on
23 the date of enactment of this Act, of any water,
24 water right, or interest in water;

1 (2) affects any vested absolute or decreed condi-
2 tional water right in existence on the date of enact-
3 ment of this Act, including any water right held by
4 the United States;

5 (3) affects any interstate water compact in ex-
6 istence on the date of the enactment of this Act;

7 (4) authorizes or imposes any new reserved
8 Federal water rights; or

9 (5) relinquishes or reduces any water rights re-
10 served or appropriated by the United States in the
11 State on or before the date of the enactment of this
12 Act.

13 (f) BORDER SECURITY.—

14 (1) IN GENERAL.—Nothing in this section—

15 (A) prevents the Secretary of Homeland
16 Security from conducting—

17 (i) undertaking law enforcement and
18 border security activities, in accordance
19 with section 4(e) of the Wilderness Act (16
20 U.S.C. 1133(e)), including the ability to
21 use motorized access within an area while
22 in pursuit of a suspect; or

23 (ii) any low-level flights over the area
24 that may be necessary for law enforcement
25 and border security purposes; or

1 (B) affects the 2006 Memorandum of Un-
2 derstanding among the Department of Home-
3 land Security, the Department of the Interior,
4 and the Department of Agriculture regarding
5 cooperative national security and counterter-
6 rorism efforts on Federal lands along the bor-
7 ders of the United States.

8 (2) WITHDRAWAL AND ADMINISTRATION OF
9 CERTAIN AREA.—Nothing in this section precludes
10 the Secretary from allowing the installation and
11 maintenance of communication or surveillance infra-
12 structure necessary for law enforcement or border
13 security activities within the National Monument
14 boundaries.

15 (g) DEPARTMENT OF ARMY RESPONSIBILITY AND
16 AUTHORITY.—

17 (1) RESPONSIBILITY.—Nothing in this section
18 shall affect—

19 (A) the responsibility of the Department of
20 the Army under applicable environmental laws,
21 including the remediation of hazardous sub-
22 stances or munitions and explosives of concern
23 within the National Monument boundaries;

24 (B) the statutory authority of the Depart-
25 ment of the Army to control public access or

1 statutory responsibility to make other measures
2 for environmental remediation, monitoring, se-
3 curity, safety, or emergency preparedness pur-
4 poses;

5 (C) the activities of the Department of the
6 Army on lands not included within the National
7 Monument; or

8 (D) the responsibility of the Department of
9 the Army, in consultation with the Secretary
10 (acting through the Bureau of Land Manage-
11 ment), to continue to manage the lands and in-
12 terests in lands under the Secretary's jurisdic-
13 tion within the National Monument boundaries
14 until the Army transfers administrative juris-
15 diction of those lands and interests in lands to
16 the Bureau of Land Management.

17 (2) *AUTHORITY.*—The Secretary of the Army
18 and the Secretary may enter into a memorandum of
19 understanding whereby the Secretary of the Army—

20 (A) may relinquish administrative jurisdic-
21 tion over the Castner Range, Fort Bliss, Texas,
22 to the Secretary of the Interior; and

23 (B) may not relinquish or diminish the re-
24 sponsibility of the Secretary of the Army of re-
25 sponsibilities referred to in paragraph (1).

1 (h) CASTNER RANGE NATIONAL MONUMENT ADVI-
2 SORY COUNCIL.—

3 (1) ESTABLISHMENT.—Not more than 180
4 days after the date of the enactment of this Act, the
5 Secretary shall establish an advisory council to be
6 known as the “Castner Range National Monument
7 Advisory Council”.

8 (2) DUTIES.—The advisory council shall advise
9 the Secretary with respect to the preparation and
10 implementation of the management plan for the Na-
11 tional Monument.

12 (3) APPLICABLE LAW.—The advisory council
13 shall be subject to—

14 (A) the Federal Advisory Committee Act
15 (5 U.S.C. App.);

16 (B) the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

18 (C) all other applicable law.

19 (4) MEMBERS.—The advisory council shall in-
20 clude 11 members, to be appointed by the Secretary,
21 of whom, to the extent practicable—

22 (A) one member shall be appointed after
23 considering the recommendations of the El
24 Paso County Commissioners Court;

1 (B) one member shall be appointed after
2 considering the recommendations of the head of
3 the Texas Parks and Wildlife Department;

4 (C) one member shall be appointed to rep-
5 resent Indian Tribes;

6 (D) one member shall be appointed to rep-
7 resent Fort Bliss; and

8 (E) seven members shall reside in, or with-
9 in reasonable proximity to, the county specified
10 in subparagraphs (A) through (D) with back-
11 grounds that reflect—

12 (i) the purposes specified in sub-
13 section (b); and

14 (ii) the interest of persons affected by
15 the planning and management of the Na-
16 tional Monument, including persons rep-
17 resenting the agricultural, private land-
18 ownership, environmental, recreational,
19 tourism, or other non-Federal land inter-
20 ests.

21 (5) REPRESENTATION.—The Secretary shall en-
22 sure that the membership of the advisory council is
23 fairly balanced in terms of the points of view rep-
24 resented and the functions to be performed by the
25 advisory council.

1 (6) TERMS.—

2 (A) STAGGERED TERMS.—Members of the
3 advisory council shall be appointed for terms of
4 3 years, except that, of the members first ap-
5 pointed, 5 of the members shall be appointed
6 for a term of one year and 5 of the members
7 shall be appointed for a term of 2 years.

8 (B) REAPPOINTMENT.—A member may be
9 reappointed to serve on the advisory council
10 upon the expiration of the member's current
11 term.

12 (C) VACANCY.—A vacancy on the advisory
13 council shall be filled in the same manner as
14 the original appointment.

15 (7) QUORUM.—A quorum shall be 7 members
16 of the advisory council. The operations of the advi-
17 sory council shall not be impaired by the fact that
18 a member has not yet been appointed as long as a
19 quorum has been attained.

20 (8) CHAIRPERSON AND PROCEDURES.—The ad-
21 visory council shall elect a chairperson and establish
22 such rules and procedures as it deems necessary or
23 desirable.

24 (9) SERVICE WITHOUT COMPENSATION.—Mem-
25 bers of the advisory council shall serve without pay.

1 (10) TERMINATION.—The advisory committee
2 shall cease to exist—

3 (A) on the date that is 5 years after the
4 date on which the management plan is officially
5 adopted by the Secretary; or

6 (B) on such later date as the Secretary
7 considers appropriate.

8 (i) LAND CONVEYANCE, CASTNER RANGE, FORT
9 BLISS, TEXAS.—Section 2846 of division A of the Na-
10 tional Defense Authorization Act for Fiscal Year 2018 is
11 repealed.

