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:

SEC. 6013. CASTNER RANGE NATIONAL MONUMENT.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COUNCIL.—The term “advisory council” means the Castner Range National Monument Advisory Council.

(2) NATIONAL MONUMENT.—The term “National Monument” means the Castner Range National Monument.

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

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

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

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

(3) EXCLUSION OF NON-FEDERAL LAND.—The National Monument shall include only Federal land and interests in Federal land and shall not include or apply to private property or other non-Federal land and interests in land within the exterior boundaries of the National Monument.

(4) PURPOSE.—The purpose of the National Monument is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the lands included in the National Monument, including Castner Range and its—

(A) relationship to the Department of the Army;

(B) role as a water conservation sanctuary through a dozen natural canyons, arroyos (also
known as gullies or washes) and alluvial fans which efficiently transport run-off from the heights through seepage into the large underground Hueco Bolsón aquifer, which along with the West Side Mesilla Bolsón supplies much of El Paso’s water;

(C) historical significance, as it contains numerous archaeological and historical resources that date as far back as the Paleo-Indian, Archaic and historic Indian groups, lasted from about 8000 B.C. to 4000 B.C. and was initially characterized by big-game hunting;

(D) significance as a habitat for an extremely diverse aggregation of wildlife and plant species of special concern that are thought to inhabit Castner Range, including the sand prickly pear, the Texas lyre snake, and the western burrowing owl; and

(E) significance as a one-of-a-kind vegetation region that includes a mountainous area, cactus lechuguilla region, and draw-yucca grassland region.

(e) Access and Buffer Zones.—

(1) Access.—The Secretary shall continue to provide historical and adequate access to private
inholdings within the exterior boundaries of the Na-

tional Monument.

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

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

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

(1) BASIS OF MANAGEMENT.—

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

(i) this section;
(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) the Act of June 17, 1902 (commonly known as the Reclamation Act of 1902; 32 Stat. 388), and Acts amendatory thereof and supplemental thereto.

(B) Resolution of Conflicts.—If there is a conflict between a provision of this section and a provision of one of the other laws specified in subparagraph (A), the more restrictive provision shall control.

(2) Tribal Cultural Uses.—Nothing in this section shall be construed to enlarge or diminish the rights of any Indian Tribe.

(3) Management Plan.—

(A) In General.—The Secretary shall develop a comprehensive plan for the protection and management of the National Monument that fulfills the purposes specified in subsection (b). In implementing the management plan and in considering any recommendations from the advisory council, the Secretary shall consult with the advisory council on a regular basis.
(B) PURPOSES.—The management plan shall—

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

(ii) identify short-term and long-term management actions and prioritize management actions based on projected availability of resources;

(iii) include a habitat restoration opportunities component;

(iv) include a recreational opportunity enhancement component; and

(v) include a component that addresses the Secretary of Army’s remediation of hazardous substances or munitions and explosives of concern within the National Monument.

(C) PUBLIC PARTICIPATION AND SPECIAL CONSIDERATIONS.—In developing the management plan, and to the extent consistent with this section, the Secretary—

(i) shall solicit extensive public input;

(ii) shall take into consideration any information developed in studies of the land within the National Monument;
(iii) shall assess available climate change information pertinent to the National Monument;

(iv) shall include standards and practices to ensure the preservation of wildlife corridors and facilitate species migration; and

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

(4) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may make grants to, or enter into cooperative agreements with, State, Tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the National Monument.

(5) MOTORIZED AND MECHANIZED VEHICLES.—Except where needed for administrative purposes or to respond to an emergency, the use of motorized and mechanized vehicles on lands within the
National Monument shall be allowed only on roads and trails designated for their use.

(6) Acquisition and Incorporation of Lands and Interests.—

(A) Authority.—The Secretary may acquire non-Federal land and interests in land within the exterior boundaries of the National Monument only through exchange, donation, or purchase from a willing seller.

(B) Management.—Any land or interest in land that is located within the National Monument that is acquired by the United States shall—

(i) become part of the National Monument; and

(ii) be managed in accordance with this section.

(7) Withdrawal.—Subject to valid existing rights, all Federal land within the National Monument is withdrawn from—

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

(B) location, entry, and patent under the mining laws; and
(C) leasing or disposition under all laws relating to operation of the mineral leasing, mineral materials, and geothermal leasing laws.

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

(A) the purpose for which the land is to be conveyed is consistent with the purposes specified in subsection (b);

(B) the conveyance would benefit the National Monument and is in the public interest, as determined by the Secretary; and

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

(9) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Monument consistent with the purposes specified in subsection (b).

(e) WATER.—Nothing in this section—

(1) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;
(2) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(3) affects any interstate water compact in existence on the date of the enactment of this Act;

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

(5) relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of the enactment of this Act.

(f) BORDER SECURITY.—

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

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

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

(ii) any low-level flights over the area that may be necessary for law enforcement and border security purposes; or
(B) affects the 2006 Memorandum of Under-
derstanding among the Department of Home-
land Security, the Department of the Interior,
and the Department of Agriculture regarding
cooperative national security and counterter-
rorism efforts on Federal lands along the bor-
ders of the United States.

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

(g) DEPARTMENT OF ARMY RESPONSIBILITY AND
AUTHORITY.—

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

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

(B) the statutory authority of the Depart-
ment of the Army to control public access or
statutory responsibility to make other measures
for environmental remediation, monitoring, se-
curity, safety, or emergency preparedness pur-
poses;

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

(D) the responsibility of the Department of
the Army, in consultation with the Secretary
(acting through the Bureau of Land Manage-
ment), to continue to manage the lands and in-
terests in lands under the Secretary’s jurisdi-
cion within the National Monument boundaries
until the Army transfers administrative juris-
diction of those lands and interests in lands to
the Bureau of Land Management.

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

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

(B) may not relinquish or diminish the re-
sponsibility of the Secretary of the Army of re-
sponsibilities referred to in paragraph (1).
(h) **CASTNER RANGE NATIONAL MONUMENT ADVISORY COUNCIL.**—

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

(2) **DUTIES.**—The advisory council shall advise the Secretary with respect to the preparation and implementation of the management plan for the National Monument.

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

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

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) all other applicable law.

(4) **MEMBERS.**—The advisory council shall include 11 members, to be appointed by the Secretary, of whom, to the extent practicable—

(A) one member shall be appointed after considering the recommendations of the El Paso County Commissioners Court;
(B) one member shall be appointed after considering the recommendations of the head of the Texas Parks and Wildlife Department;

(C) one member shall be appointed to represent Indian Tribes;

(D) one member shall be appointed to represent Fort Bliss; and

(E) seven members shall reside in, or within reasonable proximity to, the county specified in subparagraphs (A) through (D) with backgrounds that reflect—

(i) the purposes specified in subsection (b); and

(ii) the interest of persons affected by the planning and management of the National Monument, including persons representing the agricultural, private landownership, environmental, recreational, tourism, or other non-Federal land interests.

(5) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory council is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory council.
(6) TERMS.—

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

(B) REAPPOINTMENT.—A member may be reappointed to serve on the advisory council upon the expiration of the member’s current term.

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

(7) QUORUM.—A quorum shall be 7 members of the advisory council. The operations of the advisory council shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(8) CHAIRPERSON AND PROCEDURES.—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(9) SERVICE WITHOUT COMPENSATION.—Members of the advisory council shall serve without pay.
(10) TERMINATION.—The advisory committee shall cease to exist—

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

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

(i) LAND CONVEYANCE, CASTNER RANGE, FORT BLISS, TEXAS.—Section 2846 of division A of the National Defense Authorization Act for Fiscal Year 2018 is repealed.