

# Union Calendar No. 177

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2181

[Report No. 116-224]

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Mr. LUJÁN (for himself, Ms. TORRES SMALL of New Mexico, Ms. HAALAND,  
and Mr. GRIJALVA) introduced the following bill; which was referred to  
the Committee on Natural Resources

OCTOBER 4, 2019

Additional sponsors: Mr. LOWENTHAL, Mr. GALLEGO, Mr. HUFFMAN, Ms.  
DAVIDS of Kansas, Mr. TONKO, Mr. COLE, and Mr. TED LIEU of California

OCTOBER 4, 2019

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7        Congress finds that—

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

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

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

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

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

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

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

12           (A) many of which are related to the re-  
13 sources found in the Chaco Culture National  
14 Historical Park, including the resources recog-  
15 nized by the amendment made by section 3 of  
16 the Chacoan Outliers Protection Act of 1995  
17 (16 U.S.C. 410ii note; Public Law 104–11)  
18 providing for additional Chaco Culture Archeo-  
19 logical Protection Sites;

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

24           (C) that are commonly recognized by ar-  
25 cheologists;

1           (6) long considered one of the best places for  
2 stargazing in the world, Chaco Culture National  
3 Historical Park—

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

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

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

13          (A) local communities, including Pueblos  
14 and Indian Tribes; and

15          (B) public land, which includes additional  
16 cultural resources and sacred sites;

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

21          (A) Chaco Canyon, which was designated  
22 as a National Monument in 1907 and as the  
23 Chaco Culture National Historical Park in  
24 1980;

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

4 (C) the 39 Chaco Culture Archeological  
5 Protection Sites designated in 1995;

6 (9) recognizes that the standard for Tribal con-  
7 sultation is outlined in Executive Order 13175 (25  
8 U.S.C. 5301 note; relating to consultation and co-  
9 ordination with Indian Tribal governments);

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

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

17 (A) significant impacts on resources and  
18 visitor experiences at the Chaco Culture Na-  
19 tional Historical Park; and

20 (B) additional impacts on local commu-  
21 nities in the Greater Chaco region, including  
22 Pueblos and Indian Tribes;

23 (12) a mineral withdrawal in the landscape  
24 around the Chaco Culture National Historical Park  
25 would prevent leasing and development in the imme-

1 diate area surrounding the Chaco Culture National  
2 Historical Park, which would protect resources and  
3 visitor experiences at the Chaco Culture National  
4 Historical Park; and

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

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

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

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

23 (2) FEDERAL LAND.—

24 (A) IN GENERAL.—The term “Federal  
25 land” means—

1 (i) any Federal land or interest in  
2 Federal land that is within the boundaries  
3 of the Chaco Cultural Heritage Withdrawal  
4 Area, as depicted on the Map; and

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

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

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

18 (4) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

20 **SEC. 4. WITHDRAWAL OF CERTAIN FEDERAL LAND IN THE**  
21 **STATE OF NEW MEXICO.**

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

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



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

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

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

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

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

18           (a) TERMINATION OF NON-PRODUCING LEASES.—A  
19 covered lease—

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

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

1 (b) WITHDRAWAL OF TERMINATED, RELINQUISHED,  
2 OR ACQUIRED LEASES.—Any portion of the Federal land  
3 subject to a covered lease terminated under subsection (a)  
4 or otherwise or relinquished or acquired by the United  
5 States on or after the date of enactment of this Act is  
6 withdrawn from—

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

9 (2) location, entry, and patent undermining  
10 laws; and

11 (3) operation of the mineral leasing, mineral  
12 materials, and geothermal leasing laws.

13 **SEC. 6. EFFECT.**

14 Nothing in this Act—

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

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



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