

that. So it will now be up to the corps to decide what their size is and what their justification is.

It is the wrong thing to do. This is the wrong approach. This is not the right way of doing it. And I am sorry, the studies have shown that repeatedly over and over and over again.

If, indeed, there are some people who want to do this, it is wrong. It is simply wrong. This is not a military. To insist that they get military benefits is an abuse of the system. It doesn't happen anywhere else. It is only with this. So I am sorry.

With that, Mr. Speaker, I don't have to play this game of reserving. I would be happy to, but I think we are the only ones left on this topic on the floor. No one else actually cares.

So, if the gentleman is ready, I will yield back, urging a "no" vote on this particular bill because it is the wrong thing to do and it is not—not—justified.

Mr. Speaker, I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the ranking member, for his passion on this matter.

I think he is wrong, and I think the entire Senate thinks he is wrong, and I think the majority of this House thinks he is wrong. He is, of course, entitled to his opinion, but I think that the statement that this bill is wrong is not borne out by the facts; it is not borne out by the sentiment, again, of the broader community.

If there is a problem with NOAA or any other commissioned officer corps, the way to solve that problem is not to kill the corps itself. The way to solve that problem is not to deprive it of the resources that it needs to fix its problem and to continue its mission.

For me to accept the ranking member's argument would be for me to accept that, in fact, NOAA itself is not relevant, and I don't believe that. I believe NOAA is entirely relevant, and it needs to be staffed by people who are incentivized to be recruited, who are incentivized to stay and to want to do their job, and who are recognized as such.

This is not about the military, per se. I would disagree with his characterization that the NOAA Corps does not perform a military function. It is certainly quasi-military in many ways, but that is not what this is about. This is about fairly recognizing one of our seven commissioned officer corps organizations in our country.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill, S. 2981.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### LAND GRANT-MERCEDES TRADITIONAL USE RECOGNITION AND CONSULTATION ACT

Mr. CASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3682) to provide for greater consultation between the Federal Government and the governing bodies of land grant-mercedes and acequias in New Mexico and to provide for a process for recognition of the historic-traditional boundaries of land grant-mercedes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3682

*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 "Land Grant-Mercedes Traditional Use Recognition and Consultation Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ACEQUIA**.—The term "acequia" has the meaning of the term "community ditch" as that term is construed under New Mexico Stat. 73-2-27.

(2) **COMMUNITY USER**.—The term "community user" means an heir (as defined under the laws of the State) of a qualified land grant-merced.

(3) **GOVERNING BODY**.—The term "governing body" means the board of trustees authorized under State law with the control, care, and management of a qualified land grant-merced.

(4) **HISTORICAL-TRADITIONAL USE**.—The term "historical-traditional use" means, for a qualified land grant-merced, for noncommercial benefit—

- (A) the use of water;
- (B) religious or cultural use and protection;
- (C) gathering herbs;
- (D) gathering wood products;
- (E) gathering flora or botanical products;
- (F) grazing, to the extent that grazing has traditionally been carried out on the land, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced;
- (G) hunting or fishing;
- (H) soil or rock gathering; and
- (I) any other traditional activity for noncommercial benefit that—

(i) has a sustainable beneficial community use, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced;

(ii) supports the long-term cultural and socioeconomic integrity of the community, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced; and

(iii) is agreed to in writing by the Secretary concerned and the governing body of the qualified land grant-merced.

(5) **INDIAN TRIBE**.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) **QUALIFIED LAND GRANT-MERCED**.—The term "qualified land grant-merced" means a community land grant issued under the laws or customs of the Government of Spain or Mexico that—

(A) is recognized under New Mexico Statutes Chapter 49 (or a successor statute); and

(B) has a historic or cultural record of use of lands under the jurisdiction of a Secretary concerned or their original or patented exterior boundaries are located adjacent to land under the jurisdiction of a Secretary concerned.

(7) **SECRETARY CONCERNED**.—The term "Secretary concerned" means the relevant Secretary of the Department of Agriculture or the Department of the Interior, with respect to land under the jurisdiction of that Secretary.

(8) **STATE**.—The term "State" means the State of New Mexico.

#### SEC. 3. GUIDANCE ON PERMIT REQUIREMENTS FOR QUALIFIED LAND GRANT-MERCEDES.

(a) **IN GENERAL**.—In accordance with all relevant laws, including subchapter II of chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedure Act") and all applicable environmental laws, and not later than 2 years after the date of the enactment of this Act, the Secretary concerned, acting through the appropriate officials of the Department of Agriculture and Department of the Interior in the State, in consultation with the New Mexico Land Grant Council, the governing bodies of qualified land grant-mercedes, and Indian Tribes, shall issue the written guidance described in subsection (b).

(b) **CONTENTS OF GUIDANCE**.—

(1) **IN GENERAL**.—Written guidance issued under subsection (a) shall include—

(A) a description of the historical-traditional uses that—

(i) a community user or a governing body of a qualified land grant-merced may conduct for noncommercial use on land under the jurisdiction of the Secretary concerned; and

(ii) require a permit from the Secretary concerned;

(B) administrative procedures for obtaining a permit under subparagraph (A);

(C) subject to subsection (c), the fees required to obtain that permit;

(D) the permissible use of motorized and nonmotorized vehicles and equipment by a community user or the governing body of a qualified land grant-merced for noncommercial historical-traditional use on land under the jurisdiction of the Secretary concerned;

(E) the permissible use of mechanized vehicles or equipment by a community user or governing body of a qualified land grant-merced for historical-traditional use on land under the jurisdiction of the Secretary concerned; and

(F) the permissible use of non-native material by a community user or the governing body of a qualified land grant-merced for any of the uses covered in paragraphs (2) and (3) on land under the jurisdiction of the Secretary concerned.

(2) **ROUTINE MAINTENANCE AND MINOR IMPROVEMENTS**.—Written guidance issued under subsection (a) shall address routine maintenance and minor improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) cleaning, repair, or replacement-in-kind of infrastructure;

(B) maintenance and upkeep of a trail, road, cattle guard, culvert, or fence;

(C) maintenance and upkeep of a monument or shrine;

(D) maintenance and upkeep of a community cemetery;

(E) maintenance and upkeep of a livestock well, water lines, water storage container, or water tank; and

(F) any other routine maintenance or minor improvement associated with historical-traditional uses identified by any of the entities described in subsection (a) in the process of developing the guidance.

(3) MAJOR IMPROVEMENTS.—Written guidance issued under subsection (a) may describe the process for managing major improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) construction or expansion of a community water or wastewater system;

(B) construction or major repair of a livestock well, water lines, water storage container, or water tank;

(C) construction or major repair of a monument or shrine;

(D) installation of a cattle guard;

(E) construction of a trail, road, or fence;

(F) construction or expansion of a cemetery; and

(G) any other major improvement associated with historical-traditional uses, as determined by the Secretaries concerned.

(4) NOTICE AND COMMENT.—Written guidance issued under subsection (a) shall set forth the policies and procedures for notice and comment on planning decisions, routine engagement, and major Federal actions that could impact historical-traditional uses of a qualified land grant merced, and methods of providing notice under subsection (a), including—

(A) online public notice;

(B) printed public notice;

(C) mail, including certified mail, and email notifications to governing bodies through a listserv; and

(D) mail, including certified mail, and email notifications to the Land Grant Council.

(C) FEES FOR QUALIFIED LAND GRANT-MERCEDES.—Where the Secretary concerned is authorized to consider the fiscal capacity of the applicant in determining whether to reduce or waive a fee for a permit for historical-traditional uses, the Secretary shall consider—

(1) the socioeconomic conditions of community users; and

(2) the annual operating budgets of governing bodies of qualified land grant-mercedes.

#### SEC. 4. CONSIDERATION OF HISTORICAL-TRADITIONAL USE IN LAND MANAGEMENT PLANNING.

In developing, maintaining, and revising land management plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 6 of the National Forest Management Act (16 U.S.C. 1604), as applicable, the Secretary concerned shall, in accordance with applicable law, consider and, as appropriate, provide for and evaluate impacts to historical-traditional uses by qualified land grants-mercedes.

#### SEC. 5. SPECIAL USE PERMITS FOR ROUTINE MAINTENANCE AND MINOR IMPROVEMENTS OF ACEQUIAS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary Agriculture shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to promulgate such regulations as are necessary to carry out and implement the Forest Service's Acequia Guidance Document, dated July 2, 2019.

(b) PUBLICATION OF PROPOSED REGULATIONS.—The Secretary shall cause to be published in the Federal Register proposed regulations to implement this section not later

than 21 months after the date of the enactment of this Act.

(c) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under subsection (a) shall expire 30 months after the date of the enactment of this Act.

(d) EXTENSION OF DEADLINES.—The Secretary may extend, for not more than 180 days, a deadline under subsection (b) or (c) if—

(1) the negotiated rulemaking committee referred to in subsection (e) concludes that the committee cannot meet the deadline; and

(2) the Secretary so notifies the appropriate committees of Congress.

(e) COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall ensure that a negotiated rulemaking committee is established under section 565 of title 5, United States Code, to carry out this section.

(2) MEMBERS.—The members of the committee shall be—

(A) the relevant Regional Forester (or a designee of the relevant Regional Forester); and

(B) the selected representative of a non-governmental organization identified by the Secretary of Agriculture as having a statewide acequia membership, nominated by such organization to the Secretary of Agriculture.

(3) REQUIREMENTS.—The committee shall confer with, and accommodate participation by—

(A) representatives of any agency or commission of the State government established or designated by the State to advise public officials on proposed legislation affecting acequias; and

(B) State acequia elected officials.

(f) EFFECT.—The lack of promulgated regulations shall not limit the effect of the Forest Service's Acequia Guidance Document, dated July 2, 2019.

#### SEC. 6. SAVINGS.

Nothing in this Act shall be construed—

(1) to impact the State's authority to regulate water rights, in conformance with all State and Federal laws and regulations;

(2) to impact the State's authority to regulate the management of game and fish, in conformance with all State and Federal laws and regulations;

(3) to impact any valid existing rights or valid permitted uses, including grazing permits;

(4) to create any implicit or explicit right to grazing on Federal lands; or

(5) to alter or diminish any rights reserved for an Indian Tribe or members of an Indian Tribe by treaty or Federal law.

#### SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. CASE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

#### GENERAL LEAVE

Mr. CASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to re-

visé and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3682, sponsored by our friend and colleague, Representative LUJÁN of New Mexico.

This bill would support land grant communities and acequias across New Mexico and Texas by providing guidance on certain allowable land uses.

Since the end of the Spanish-American War and the signing of the Treaty of Guadalupe Hidalgo, these communities have faced challenges accessing basic resources like fuel wood and grazing land and clarity on their infrastructure maintenance obligations.

These challenges continue to the present day, and this bill would help provide some certainty and clarity in order to better support these communities and hopefully improve relations with Federal land managers.

I want to thank Representative LUJÁN for his tireless service and support on behalf of land grant communities and acequia owners, and I urge all of my colleagues to vote in support of H.R. 3682.

I reserve the balance of my time.

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Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I appreciate this opportunity. This bill has got one thing that I think is going for it very heavily in that it authorizes the opportunity of having the Federal Government being forced to actually deal with the local community on management practices. That is something we have been trying to get in all land management policies in the United States. This does that, that is why we support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CASE. Madam Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Madam Speaker, as a proud New Mexican, I rise in support of the Land Grant-Mercedes Traditional Use Recognition and Consultation Act that I introduced to ensure that the Federal Government recognizes the historical and cultural significance of New Mexico's land grants and acequias.

Growing up on a small farm in Nambe, New Mexico, I would wake up before dawn to feed the livestock, to open the "compuertas" or the headgates to allow the waters of the acequia to flow to our land and irrigate our crops. These chores and responsibilities, preserving our acequias and communal lands, are part of our way of life in New Mexico.

Land grants and acequias have been around for generations, hundreds of

years, and they deserve recognition from the Federal Government. Traditional communities face a growing number of challenges, such as the climate crisis, which impacts the local watersheds and forested areas. Without improved consultation and cooperation between the Federal Government and traditional communities, these communities may not have access to the resources they need to survive.

This legislation offers land grants the opportunity to be more involved in the issues that impact their community by requiring that future Federal land management planning consider historical and traditional uses.

It directs the Federal Government to issue guidance on permit requirements for qualified traditional use communities and helps New Mexicans who have stewarded these lands for generations maintain precious infrastructure like acequias.

This legislation recognizes the importance of protecting culturally important sites and communities and ensures that the impact of Federal actions on historical-traditional uses is evaluated and considered during the land management planning processes.

To ensure that acequia associations have a strong voice in advocating for their right to maintain their infrastructure, this legislation requires the Forest Service to work directly with acequia associations to develop a proposed rule on special use permits.

Addressing these challenges faced by land grant and acequia communities, including their interactions with the Federal Government, has been a priority of mine since I was elected to Congress.

I am proud and honored to have worked with the New Mexico Land Grant Council and the New Mexico Acequia Association to move this legislation forward.

I am grateful to Chairman GRIJALVA, Ranking Member BISHOP, Subcommittee Chair HAALAND, and Ranking Member YOUNG, and Representative CASE for their support in bringing this important legislation to the House floor.

Today, with the support of New Mexico's traditional communities, I urge the House to pass my legislation and ensure a victory for our land grants and acequias.

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, the gentleman from Washington (Mr. NEWHOUSE) will control the balance of the time.

There was no objection.

Mr. NEWHOUSE. Madam Speaker, on behalf of the ranking member, I would just like to say that we support this legislation. We certainly appreciate our friend, Mr. LUJÁN, for bringing it forward.

Just a few comments I would like to make, rising in support of H.R. 3682. This bill seeks to ensure better consultation and collaboration between our Federal land management agencies

and local stakeholders over management of New Mexico's land grants and acequias.

H.R. 3682 requires coordination between the Department of Agriculture, the Department of the Interior, and land grant-mercedes. These are the governing bodies of certain community land grants made by Spain or Mexico in the 17th to the mid-19th centuries to individuals, groups, and communities to promote the settlement of the southwestern United States.

Specifically, this bill directs Federal land management agencies to make these bodies aware of changes to management plans and other Federal actions affecting their land grants. H.R. 3682 also requires the Federal Government to issue guidance on permitting and permissible uses.

Finally, this bill creates a process for New Mexico's land grant-mercedes to establish their historical boundaries and provides a pathway for acquiring Federal land that falls within those boundaries when the Federal Government disposes of it.

We should always strive to make sure that the Federal Government is a good neighbor to the communities most impacted by its land management decisions, and this good bill does exactly that. It empowers rural communities in New Mexico with a greater say over land management decisions impacting their historically important common lands which will, in turn, ensure continued community care and use for generations to come.

So I support this legislation. I thank the gentleman very much for bringing it forward, and I yield back the balance of my time.

Mr. CASE. Madam Speaker, I am very happy to yield 2 minutes to the gentlewoman from New Mexico (Ms. HAALAND), chair of the subcommittee of jurisdiction, National Parks, Forests, and Public Lands, my friend and colleague.

Ms. HAALAND. Madam Speaker, I rise today in support of H.R. 3682, the Land Grant-Mercedes Traditional Use Recognition and Consultation Act.

I would like to begin by congratulating the author of the bill, my good friend and colleague, Representative BEN RAY LUJÁN, and thank him for having me as an original cosponsor.

His hard work and dedication to moving this bill forward are what got it to the House floor today. And the testimony from Representative LUJÁN from beside an acequia during our virtual hearing on the bill helped our colleagues to understand how important this legislation is to our constituents.

We will absolutely miss Representative LUJÁN when he begins service on the other side of the Capitol in the Senate, but we look forward to continuing to work with him on these and other issues that are important for New Mexico and our country.

In our home State of New Mexico, land grants and acequias have long played a critical role in our traditional

way of life, practicing traditional methods of stewardship over our land and water.

But for more than a century, these communities have fought for recognition, consultation, and access to their historic communal lands, which are necessary to sustain their land-based heritage and agricultural economies.

At the hearing I chaired on this bill, we heard from Arturo Archuleta of the New Mexico Land Grant Council about the unique connection between traditional communities and the lands they manage, and the challenges they face because some of the lands that formerly belonged to them are now Federal lands.

He noted that as the climate change continues to impact watersheds and forested uplands, the protection of traditional uses must be included in the conversations about the management of public lands for land grant communities to survive.

These are the same messages I have heard when I have visited land grant communities in my district.

The bill we consider today will provide enhanced access and consultation between Federal land management agencies and land grants and acequias, which is an essential part for maintaining their way of life, and I am proud to support it.

Mr. CASE. Madam Speaker, I certainly endorse and agree with my colleague's comments on Mr. LUJÁN's service in the House. The House's loss is the Senate's gain.

And I would also note that I personally enjoyed Mr. LUJÁN's personal testimony from an acequia before the committee. That is the way to do it, where you have a real sense of what the actions are that you are taking.

I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill, H.R. 3682, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to provide for greater consultation between the Federal Government and the governing bodies and community users of land grant-mercedes in New Mexico, to provide for a process for recognition of the historic-traditional uses of land grant-mercedes, and for other purposes."

A motion to reconsider was laid on the table.

#### HEALTH CARE ACCESS FOR URBAN NATIVE VETERANS ACT

Mr. CASE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4153) to amend the Indian Health Care Improvement Act to authorize urban Indian organizations to enter into arrangements for the sharing of