

117TH CONGRESS
2D SESSION

H. R. 6451

To establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2022

Mrs. KIRKPATRICK introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, and for other purposes.

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 “Chiricahua National
5 Park Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Tribal commission established under sec-
10 tion 4(c).

1 (2) INDIAN TRIBE.—The term “Indian Tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 5304).

5 (3) MONUMENT.—The term “Monument”
6 means the Chiricahua National Monument estab-
7 lished by Presidential Proclamation 1692 (54 U.S.C.
8 320301 note; 43 Stat. 1946).

9 (4) NATIONAL PARK.—The term “National
10 Park” means the Chiricahua National Park estab-
11 lished by section 3(a).

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (6) STATE.—The term “State” means the State
15 of Arizona.

16 **SEC. 3. DESIGNATION OF CHIRICAHUA NATIONAL PARK.**

17 (a) IN GENERAL.—To protect, preserve, and inter-
18 pret the rhyolitic rock formations, biodiversity, and other
19 natural and cultural resources of the area, the Chiricahua
20 National Monument in the State shall be known and des-
21 ignated as the “Chiricahua National Park”.

22 (1) INCORPORATION.—The land and any inter-
23 est in land that constitute the Monument (as in ex-
24 istence on the day before the date of the enactment

1 of this Act) are incorporated in, and shall be consid-
2 ered to be part of, the National Park.

3 (2) AVAILABILITY OF FUNDS.—Any funds avail-
4 able for the Monument shall be available for the Na-
5 tional Park.

6 (b) BOUNDARIES.—

7 (1) IN GENERAL.—The boundaries of the Na-
8 tional Park are as generally depicted on the map en-
9 titled “Chiricahua National Park Proposed Bound-
10 ary”, numbered 145/156,356, and dated March
11 2021.

12 (2) AVAILABILITY OF MAP.—The map shall be
13 on file and available for public inspection in the ap-
14 propriate offices of the National Park Service.

15 (c) REFERENCES.—

16 (1) IN GENERAL.—Any reference in a law, map,
17 regulation, document, paper, or other record of the
18 United States to the “Chiricahua National Monu-
19 ment” shall be deemed to be a reference to the
20 “Chiricahua National Park”.

21 (2) WILDERNESS.—Any reference in a law,
22 map, regulation, document, paper, or other record of
23 the United States to the “Chiricahua National
24 Monument Wilderness” designated by Public Law
25 94–567 (16 U.S.C. 1132 note; 90 Stat. 2692) shall

1 be considered to be a reference to the “Chiricahua
2 National Park Wilderness”.

3 (3) ADMINISTRATION.—The Secretary shall ad-
4 minister the Park in accordance with—

5 (A) this Act; and

6 (B) the laws generally applicable to units
7 of the National Park System.

8 **SEC. 4. MANAGEMENT OF CHIRICAHUA NATIONAL PARK.**

9 (a) TRADITIONAL CULTURAL AND RELIGIOUS
10 SITES.—

11 (1) IN GENERAL.—The Secretary, in consulta-
12 tion with Indian Tribes, shall ensure the protection
13 of traditional cultural and religious sites in the Na-
14 tional Park.

15 (2) ACCESS.—The Secretary, in accordance
16 with Public Law 95–341 (commonly known as the
17 “American Indian Religious Freedom Act”; 42
18 U.S.C. 1996 et seq.) shall ensure access to the sites
19 described in paragraph (1) by members of Indian
20 Tribes for traditional, cultural, religious, and cus-
21 tomary uses.

22 (3) TEMPORARY CLOSURES.—

23 (A) IN GENERAL.—In carrying out this
24 section, the Secretary, on request of an Indian
25 Tribe, may temporarily close to the general

1 public one or more specific portions of the Na-
2 tional Park to protect traditional cultural and
3 customary uses in the area by members of the
4 Indian Tribe.

5 (B) REQUIREMENT.—Any closure under
6 subparagraph (A) shall be—

7 (i) made in such a manner as to affect
8 the smallest practicable area for the min-
9 imum time necessary for the activity to be
10 carried out; and

11 (ii) be consistent with the purpose and
12 intent of Public Law 95–341 (commonly
13 known as the “American Indian Religious
14 Freedom Act”; 42 U.S.C. 1996) and the
15 Wilderness Act (16 U.S.C. 1131 et seq.).

16 (b) COLLECTION OF PLANTS AND MINERAL RE-
17 SOURCES BY MEMBERS OF CULTURALLY AFFILIATED IN-
18 DIAN TRIBES.—

19 (1) IN GENERAL.—The Secretary shall allow an
20 enrolled member of any Indian Tribe that is cul-
21 turally affiliated with the land located within the
22 boundaries of the National Park to collect plants, in-
23 cluding parts or products of plants, and mineral re-
24 sources within the National Park for noncommercial
25 traditional, religious, customary, and cultural uses.

1 (2) APPLICATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), a collection activity under
4 paragraph (1) shall be—

5 (i) consistent with applicable laws;

6 and

7 (ii) subject to such conditions as the
8 Secretary determines to be necessary to
9 protect the resources and values of the Na-
10 tional Park.

11 (B) QUANTITY LIMITATIONS.—

12 (i) EXISTING REGULATIONS.—No
13 quantity limitation contained in a regula-
14 tion of the National Park Service in effect
15 on the date of the enactment of this Act
16 shall apply to a collection activity under
17 paragraph (1).

18 (ii) LIMITATIONS IMPOSED BY SEC-
19 RETARY.—The Secretary may limit the
20 quantity of plants, including parts or prod-
21 ucts of plants, and mineral resources col-
22 lected under paragraph (1) if the Secretary
23 determines, through consultation with the
24 Commission, that the limitation is nec-

1 necessary to protect the resources and values
2 of the National Park.

3 (c) TRIBAL COMMISSION.—

4 (1) IN GENERAL.—To ensure that the manage-
5 ment of the National Park reflects the expertise and
6 traditional and historical knowledge of members of
7 applicable Indian Tribes, the Secretary shall estab-
8 lish a Tribal commission for the National Park.

9 (2) PURPOSE.—The commission shall provide
10 guidance and recommendations on the development
11 and implementation of the management plans for,
12 and the policies of, the National Park.

13 (3) MEMBERSHIP.—The commission shall con-
14 sist of 1 representative designated by the governing
15 body of each Indian Tribe with a historical associa-
16 tion with the area within the boundaries of the Na-
17 tional Park.

18 (4) INCORPORATION OF RECOMMENDATIONS.—
19 In developing plans and policies for the National
20 Park, the Secretary shall carefully and fully consider
21 incorporating the traditional and historical knowl-
22 edge and special expertise of members of the com-
23 mission or a comparable entity.

24 (5) WRITTEN EXPLANATION.—If the Secretary
25 determines not to incorporate a specific rec-

1 commendation submitted to the Secretary in writing
2 by the commission, the Secretary shall provide to the
3 commission a written explanation of the reason for
4 the determination.

5 (d) WITHDRAWAL FROM FEDERAL MINING AND
6 MINERAL LEASING LAWS.—

7 (1) WITHDRAWAL.—Subject to valid existing
8 rights in effect on the date of the enactment of this
9 Act, the land located within the boundaries of the
10 National Park is withdrawn from—

11 (A) location, entry, and patent under the
12 mining laws; and

13 (B) disposition under all laws pertaining to
14 mineral and geothermal leasing.

15 (2) ACQUIRED LAND.—Any land or interest in
16 land that is acquired by the United States after the
17 date of the enactment of this Act for inclusion in the
18 National Park, shall, on acquisition, be immediately
19 withdrawn in accordance with this subsection.

20 (3) EFFECT.—Nothing in this subsection af-
21 fects any recreational use, including hunting or fish-
22 ing, that is authorized on the land within the bound-
23 aries of the National Park under applicable law as
24 of the date of the enactment of this Act.

○