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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mrs. KIRKPATRICK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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:

1           (1) COMMISSION.—The term “Commission”  
2 means the Tribal commission established under sec-  
3 tion.

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

8           (3) MONUMENT.—The term “Monument”  
9 means the Chiricahua National Monument estab-  
10 lished by Presidential Proclamation 1692 (54 U.S.C.  
11 320301 note; 43 Stat. 1946).

12           (4) NATIONAL PARK.—The term “National  
13 Park” means the Chiricahua National Park estab-  
14 lished by section 3(a).

15           (5) SECRETARY.—The term “Secretary” means  
16 the Secretary of the Interior.

17           (6) STATE.—The term “State” means the State  
18 of Arizona.

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

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

1           (1) INCORPORATION.—The land and any inter-  
2           est in land that constitute the Monument (as in ex-  
3           istence on the day before the date of the enactment  
4           of this Act) are incorporated in, and shall be consid-  
5           ered to be part of, the National Park.

6           (2) AVAILABILITY OF FUNDS.—Any funds avail-  
7           able for the Monument shall be available for the Na-  
8           tional Park.

9           (b) BOUNDARIES.—

10           (1) IN GENERAL.—The boundaries of the Na-  
11           tional Park are as generally depicted on the map en-  
12           titled “Chiricahua National Park Proposed Bound-  
13           ary”, numbered 145/156,356, and dated March  
14           2021.

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

18           (c) REFERENCES.—

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

24           (2) WILDERNESS.—Any reference in a law,  
25           map, regulation, document, paper, or other record of

1 the United States to the “Chiricahua National  
2 Monument Wilderness” designated by Public Law  
3 94–567 (16 U.S.C. 1132 note; 90 Stat. 2692) shall  
4 be considered to be a reference to the “Chiricahua  
5 National Park Wilderness”.

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

8 (A) this Act; and

9 (B) the laws generally applicable to units  
10 of the National Park System.

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

12 (a) TRADITIONAL CULTURAL AND RELIGIOUS  
13 SITES.—

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

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

25 (3) TEMPORARY CLOSURES.—

1 (A) IN GENERAL.—In carrying out this  
2 section, the Secretary, on request of an Indian  
3 Tribe, may temporarily close to the general  
4 public one or more specific portions of the Na-  
5 tional Park to protect traditional cultural and  
6 customary uses in the area by members of the  
7 Indian Tribe.

8 (B) REQUIREMENT.—Any closure under  
9 subparagraph (A) shall be—

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

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

19 (b) COLLECTION OF PLANTS AND MINERAL RE-  
20 SOURCES BY MEMBERS OF CULTURALLY AFFILIATED IN-  
21 DIAN TRIBES.—

22 (1) IN GENERAL.—The Secretary shall allow an  
23 enrolled member of any Indian Tribe that is cul-  
24 turally affiliated with the land located within the  
25 boundaries of the National Park to collect plants, in-

1 including parts or products of plants, and mineral re-  
2 sources within the National Park for noncommercial  
3 traditional, religious, customary, and cultural uses.

4 (2) APPLICATION.—

5 (A) IN GENERAL.—Except as provided in  
6 subparagraph (B), a collection activity under  
7 paragraph (1) shall be—

8 (i) consistent with applicable laws;

9 and

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

14 (B) QUANTITY LIMITATIONS.—

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

21 (ii) LIMITATIONS IMPOSED BY SEC-  
22 RETARY.—The Secretary may limit the  
23 quantity of plants, including parts or prod-  
24 ucts of plants, and mineral resources col-  
25 lected under paragraph (1) if the Secretary

1 determines, through consultation with the  
2 Commission, that the limitation is nec-  
3 essary to protect the resources and values  
4 of the National Park.

5 (c) TRIBAL COMMISSION.—

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

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

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

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

1           (5) WRITTEN EXPLANATION.—If the Secretary  
2 determines not to incorporate a specific rec-  
3 ommendation submitted to the Secretary in writing  
4 by the commission, the Secretary shall provide to the  
5 commission a written explanation of the reason for  
6 the determination.

7           (d) WITHDRAWAL FROM FEDERAL MINING AND  
8 MINERAL LEASING LAWS.—

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

13                   (A) location, entry, and patent under the  
14 mining laws; and

15                   (B) disposition under all laws pertaining to  
16 mineral and geothermal leasing.

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

22           (3) EFFECT.—Nothing in this subsection af-  
23 fects any recreational use, including hunting or fish-  
24 ing, that is authorized on the land within the bound-



1 aries of the National Park under applicable law as  
2 of the date of the enactment of this Act.