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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To establish the Great Bend of the Gila National Monument in the State of Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Great Bend of the Gila National Monument in the State of Arizona, 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 “Great Bend of the Gila
5 National Monument Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) INDIAN TRIBE.—The term “Indian Tribe”
9 means an Indian tribe, band, nation, pueblo, village,

1 community, component band, or component reserva-
2 tion individually identified (including parenthetically)
3 on the list published by the Secretary of the Interior
4 under section 104 of the Federally Recognized In-
5 dian Tribe List Act of 1994 (25 U.S.C. 5131).

6 (2) INTERESTED INDIAN TRIBE.—The term
7 “interested Indian Tribe” means any Indian Tribe
8 with—

9 (A) historic, precontact, cultural, or reli-
10 gious connections to lands within the National
11 Monument;

12 (B) a former reservation located on land
13 within the National Monument; or

14 (C) treaty rights or other reserved rights
15 applicable to land within the National Monu-
16 ment.

17 (3) LAND MANAGEMENT PLAN.—The term
18 “land management plan” means the land manage-
19 ment plan developed under section 4(b).

20 (4) MAP.—The term “Map” means the map ti-
21 tled “Proposed Great Bend of the Gila National
22 Monument” and dated November 3, 2023.

23 (5) NATIONAL MONUMENT.—The term “Na-
24 tional Monument” means the Great Bend of the Gila
25 National Monument established by section 3(a).

1 (6) SACRED SITE.—The term “sacred site”
2 means any geophysical or geographical area or fea-
3 ture that is identified by the governing body of an
4 Indian Tribe—

5 (A) as sacred by virtue of its established
6 religious significance to, or ceremonial use in, a
7 Tribal religion; or

8 (B) to be of established cultural signifi-
9 cance.

10 (7) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (8) STATE.—The term “State” means the State
13 of Arizona.

14 (9) TRADITIONAL ECOLOGICAL KNOWLEDGE.—
15 The term “Traditional Ecological Knowledge”
16 means a body of observations, oral and written
17 knowledge, practices, and beliefs that promotes envi-
18 ronmental sustainability and the responsible stew-
19 ardsip of natural resources through relationships
20 between humans and environmental systems, applied
21 across biological, physical, and cultural systems.

22 (10) TRIBAL COMMISSION.—The term “Tribal
23 Commission” means the Tribal Commission estab-
24 lished under section 6(a).

1 **SEC. 3. ESTABLISHMENT OF NATIONAL MONUMENT.**

2 (a) ESTABLISHMENT.—

3 (1) IN GENERAL.—Subject to valid existing
4 rights, there is established in the State the Great
5 Bend of the Gila National Monument.

6 (2) AREA INCLUDED.—The Great Bend of the
7 Gila National Monument shall consist of approxi-
8 mately 376,963 acres of land administered by the
9 Bureau of Land Management, as generally depicted
10 on the Map.

11 (b) PURPOSES.—The purposes of the National Monu-
12 ment are to protect and restore, for the benefit and enjoy-
13 ment of present and future generations, the nationally im-
14 portant Indigenous heritage, cultural landscape, archae-
15 ological, cultural, historic, geologic, hydrologic, natural,
16 recreational, educational, and scenic resources of the Na-
17 tional Monument.

18 **SEC. 4. MANAGEMENT OF NATIONAL MONUMENT.**

19 (a) MANAGEMENT.—

20 (1) IN GENERAL.—The Secretary shall manage
21 the National Monument—

22 (A) in a manner that—

23 (i) conserves, protects, and enhances
24 the resources of the National Monument;
25 and

1 (ii) preserves and protects sacred sites
2 and traditional cultural properties;

3 (B) in consultation with the Tribal Com-
4 mission;

5 (C) as a component of the National Land-
6 scape Conservation System; and

7 (D) in accordance with—

8 (i) the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1701 et
10 seq.);

11 (ii) the Native American Graves Pro-
12 tection and Repatriation Act (25 U.S.C.
13 3001 et seq.);

14 (iii) Public Law 95–341 (commonly
15 known as the “American Indian Religious
16 Freedom Act”; 42 U.S.C. 1996);

17 (iv) this Act; and

18 (v) any other applicable law.

19 (b) LAND MANAGEMENT PLAN.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date of the enactment of this Act, the Secretary
22 shall develop a comprehensive land management
23 plan providing for the long-term protection and
24 management of the National Monument.

1 (2) DEVELOPMENT.—In developing a land man-
2 agement plan, the Secretary shall—

3 (A) consult with—

4 (i) Indian Tribes;

5 (ii) appropriate State and local gov-
6 ernmental entities; and

7 (iii) members of the public; and

8 (B) provide for continued access for wild-
9 life management within the National Monument
10 by the State during the development of the land
11 management plan.

12 (3) REQUIREMENTS.—The land management
13 plan shall—

14 (A) describe the appropriate uses and
15 management of the National Monument;

16 (B) provide for traditional uses of the Na-
17 tional Monument by members of Indian Tribes;

18 (C) include the Traditional Ecological
19 Knowledge or special expertise offered by In-
20 dian Tribes and provisions to appropriately pro-
21 tect that knowledge;

22 (D) provide for the protection and preser-
23 vation of cultural resources within the National
24 Monument;

1 (E) incorporate provisions for continued
2 meaningful engagement with Indian Tribes in
3 the implementation of the land management
4 plan;

5 (F) emphasize the retention of natural
6 quiet, dark night skies, and scenic attributes of
7 the landscape;

8 (G) include comprehensive travel manage-
9 ment plans;

10 (H) maintain the undeveloped character of
11 the lands within the National Monument;

12 (I) minimize impacts from surface-dis-
13 turbing activities; and

14 (J) provide for appropriate access for live-
15 stock grazing, recreation, hunting, wildlife man-
16 agement, and scientific research.

17 (c) NEW ROADS AND ROUTES.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2) and as necessary in an emergency, no new
20 permanent or temporary roads or other motorized
21 vehicle routes shall be constructed within the Na-
22 tional Monument after the date of the enactment of
23 this Act.

24 (2) ACCESS.—The Secretary shall allow access,
25 in accordance with applicable law, to—

1 (A) non-Federal land and interests in non-
2 Federal land within the National Monument;
3 and

4 (B) trust or restricted lands or a trust or
5 restricted interest in land (as defined by section
6 201(4) of the Indian Land Consolidation Act
7 (25 U.S.C. 2201(4))) within the National
8 Monument.

9 (3) RESOURCE PROTECTION AREA.—Except as
10 needed for administrative purposes or to respond to
11 an emergency, the use of motor vehicles within the
12 area generally depicted on the Map as “Proposed
13 Resource Protection Area” shall be prohibited.

14 (d) TRIBAL CO-STEWARDSHIP.—

15 (1) IN GENERAL.—The Secretary shall consult
16 with interested Indian Tribes with respect to the
17 management of the National Monument.

18 (2) DECISIONMAKING.—The Secretary shall en-
19 sure that management decisions affecting the Na-
20 tional Monument are informed by and reflect Tribal
21 expertise and Traditional Ecological Knowledge.

22 (3) SELF-DETERMINATION CONTRACTS.—

23 (A) IN GENERAL.—In carrying out this
24 Act, the Secretary may contract with 1 or more
25 Indian Tribes to perform administrative or

1 management functions within the National
2 Monument through contracts entered into
3 under the Indian Self-Determination and Edu-
4 cation Assistance Act (25 U.S.C. 5301 et seq.).

5 (B) TRIBAL ASSISTANCE.—The Secretary
6 may provide technical and financial assistance
7 to an Indian Tribe in accordance with section
8 103 of the Indian Self-Determination and Edu-
9 cation Assistance Act (25 U.S.C. 5322) to im-
10 prove the capacity of the Indian Tribe to de-
11 velop, enter into, and carry out activities under
12 a contract entered into under paragraph (1).

13 (e) APPROVAL OF FUNDING AGREEMENTS.—The
14 Secretary may approve funding agreements under title IV
15 of the Indian Self-Determination and Education Assist-
16 ance Act (25 U.S.C. 5361 et seq.) for the management
17 of programs and functions relating to the management
18 and protection of traditional cultural properties and other
19 culturally significant programming associated with the
20 National Monument.

21 (f) TEMPORARY CLOSURES.—

22 (1) IN GENERAL.—The Secretary may tempo-
23 rarily close to the general public the use of 1 or
24 more specific portions of the National Monument to

1 protect the privacy of cultural, religious, and gath-
2 ering activities by members of an Indian Tribe.

3 (2) REQUIREMENTS.—

4 (A) IN GENERAL.—Any closure under
5 paragraph (1)—

6 (i) shall be made so as to affect the
7 smallest practicable area for the minimum
8 period of time necessary;

9 (ii) shall be in accordance with the re-
10 quirements of applicable law, including di-
11 vision A of subtitle III of title 54, United
12 States Code (commonly referred to as the
13 “National Historic Preservation Act”); and

14 (iii) may not be made permanent.

15 (B) ACCESS.—Access by members of an
16 Indian Tribe to a portion of the National
17 Monument closed under paragraph (1) shall be
18 consistent with purpose and intent of Public
19 Law 95–341 (commonly known as the “Amer-
20 ican Indian Religious Freedom Act”; 42 U.S.C.
21 1996 et seq.).

22 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

23 (a) WITHDRAWAL.—Subject to valid existing rights,
24 all Federal land in the National Monument (including any
25 land acquired by the Secretary within the National Monu-

1 ment after the date of the enactment of this Act) is with-
2 drawn from—

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

5 (2) location, entry, and patent under the mining
6 laws; and

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

9 (b) ACQUISITION AND INCORPORATION.—

10 (1) IN GENERAL.—The Secretary may acquire
11 land or an interest in land within the boundaries of
12 the National Monument by purchase from a willing
13 seller, donation, or exchange.

14 (2) STATE LANDS.—The Secretary, in collabo-
15 ration with the Arizona State Land Department,
16 shall seek to acquire by exchange or purchase from
17 a willing seller those lands generally depicted on the
18 Map as “Lands Identified for Potential Acquisition”.

19 (3) INCORPORATION IN NATIONAL MONU-
20 MENT.—Land acquired under this subsection shall—

21 (A) become part of the National Monu-
22 ment; and

23 (B) be managed in accordance with this
24 Act and any other applicable laws.

25 (c) GRAZING.—

1 (1) EFFECT.—Nothing in this Act shall be con-
2 strued to prohibit grazing within the National Monu-
3 ment pursuant to existing leases or permits, or the
4 renewal or assignment of such leases or permits.

5 (2) ADMINISTRATION.—The Secretary shall
6 continue to administer grazing within the National
7 Monument in accordance with the applicable laws,
8 regulations, and policies.

9 (d) FISH AND WILDLIFE.—Nothing in this Act af-
10 fects the jurisdiction of the State with respect to the man-
11 agement of fish and wildlife in the State.

12 (e) WATER RIGHTS.—Nothing in this Act—

13 (1) affects the use or allocation, in existence on
14 the date of enactment of this Act, of any water,
15 water right, or interest in water;

16 (2) affects any vested absolute or decreed condi-
17 tional water right in existence on the date of enact-
18 ment of this Act, including any water right held by
19 the United States;

20 (3) affects any claims or right to water not as-
21 serted or finally determined as of the date of enact-
22 ment of this Act;

23 (4) affects any interstate water compact in ex-
24 istence on the date of enactment of this Act;

1 (5) authorizes or imposes any new reserved
2 Federal water rights; or

3 (6) relinquishes or reduces any water rights re-
4 served or appropriated by the United States in the
5 State on or before the date of enactment of this Act.

6 (f) **MILITARY OVERFLIGHTS.**—Nothing in this Act
7 restricts or precludes—

8 (1) low-level overflights of military aircraft over
9 the National Monument, including military over-
10 flights that can be seen or heard within the National
11 Monument;

12 (2) flight testing and evaluation; or

13 (3) the designation or creation of new units of
14 special use airspace, or the establishment of military
15 flight training routes, over the National Monument.

16 (g) **ADJACENT MANAGEMENT.**—

17 (1) **IN GENERAL.**—Nothing in this Act shall be
18 construed to create a protective perimeter or buffer
19 zone around the National Monument.

20 (2) **ACTIVITIES AND USES.**—The fact that ac-
21 tivities or uses can be seen or heard from areas
22 within the National Monument shall not preclude
23 the conduct of the activities or uses outside the
24 boundary of the National Monument.

1 (h) TRIBAL RIGHTS.—Nothing in this Act alters or
2 diminishes—

3 (1) the treaty rights of any Indian Tribe; or

4 (2) the hunting, fishing, and gathering rights of
5 the Tohono O’odham Nation recognized by section
6 4(b) of the Gila Bend Indian Reservation Lands Re-
7 placement Act (Public Law 99–503).

8 (i) UTILITY AND TRANSMISSION FACILITIES.—

9 (1) IN GENERAL.—Nothing in this Act, unless
10 inconsistent with proper care and management of
11 the National Monument, precludes or interferes with
12 renewing, assigning, operating, maintaining, replac-
13 ing, modifying, upgrading, or accessing any of the
14 following, within or adjacent to the boundary of the
15 National Monument:

16 (A) Flood control, utility, pipeline, and
17 telecommunications facilities.

18 (B) Roads or highway corridors.

19 (C) Seismic monitoring facilities.

20 (D) Other water infrastructure, including
21 wildlife water developments and water district
22 facilities.

23 (2) EXPANSION; CONSTRUCTION OF NEW FA-
24 CILITIES.—With respect to a facility described in
25 subparagraph (A), (C), or (D) of paragraph (1) that

1 is within or adjacent to the boundary of the National
2 Monument, subject to section 5(a) and any other ap-
3 plicable law—

4 (A) an existing facility may be expanded;

5 and

6 (B) a new facility may be constructed.

7 **SEC. 6. TRIBAL COMMISSION.**

8 (a) IN GENERAL.—To ensure that the management
9 of the National Monument reflects the expertise and tradi-
10 tional, cultural, ecological, historical, and Native knowl-
11 edge of interested Indian Tribes, not later than 180 days
12 after the date of enactment of this Act, the Secretary shall
13 establish for the National Monument a Tribal Commis-
14 sion.

15 (b) DUTIES.—The Tribal Commission shall provide
16 guidance and recommendations on the development and
17 implementation of the management plan for, and policies
18 of, the National Monument.

19 (c) MEMBERSHIP.—The Tribal Commission shall
20 consist of the representatives designated by each inter-
21 ested Indian Tribe, with a maximum of 1 representative
22 per interested Indian Tribe.

23 (d) EXEMPTION.—Chapter 10 of title 5, United
24 States Code (commonly referred to as the “Federal Advi-

1 sory Committee Act”), shall not apply to the Tribal Com-
2 mission.