

116TH CONGRESS  
1ST SESSION

# S. 871

To establish the White Sands National Park in the State of New Mexico  
as a unit of the National Park System, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 26, 2019

Mr. HEINRICH (for himself and Mr. UDALL) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To establish the White Sands National Park in the State  
of New Mexico 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “White Sands National Park Establishment Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

### TITLE I—WHITE SANDS NATIONAL PARK

Sec. 101. Findings.

Sec. 102. Establishment of White Sands National Park.

TITLE II—MODIFICATION OF BOUNDARIES OF WHITE SANDS  
NATIONAL PARK AND WHITE SANDS MISSILE RANGE

Sec. 201. Transfers of administrative jurisdiction.

Sec. 202. Boundary modifications.

Sec. 203. Administration.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) MAP.—The term “Map” means the map en-  
4 titled “White Sands National Park Proposed Bound-  
5 ary Revision & Transfer of Lands Between National  
6 Park Service & Department of the Army”, numbered  
7 142/136,271, and dated February 14, 2017.

8 (2) MILITARY MUNITIONS.—The term “military  
9 munitions” has the meaning given the term in sec-  
10 tion 101(e) of title 10, United States Code.

11 (3) MISSILE RANGE.—The term “missile  
12 range” means the White Sands Missile Range, New  
13 Mexico, administered by the Secretary of the Army.

14 (4) MONUMENT.—The term “Monument”  
15 means the White Sands National Monument, New  
16 Mexico, established by Presidential Proclamation  
17 No. 2025 (54 U.S.C. 320301 note), dated January  
18 18, 1933, and administered by the Secretary.

19 (5) MUNITIONS DEBRIS.—The term “munitions  
20 debris” has the meaning given the term in volume  
21 8 of the Department of Defense Manual Number  
22 6055.09–M entitled “DoD Ammunitions and Explo-

sives Safety Standards” and dated February 29, 2008 (as in effect on the date of enactment of this Act).

(6) PARK.—The term “Park” means the White Sands National Park established by section 102(a).

(7) PUBLIC LAND ORDER.—The term “Public Land Order” means Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) STATE.—The term “State” means the State of New Mexico.

## **TITLE I—WHITE SANDS NATIONAL PARK**

### **SEC. 101. FINDINGS.**

Congress finds that—

(1) White Sands National Monument was established on January 18, 1933, by President Herbert Hoover under chapter 3203 of title 54, United States Code (commonly known as the “Antiquities Act of 1906”);

(2) President Hoover proclaimed that the Monument was established “for the preservation of the white sands and additional features of scenic, scientific, and educational interest”;

1           (3) the Monument was expanded by Presidents  
 2       Roosevelt, Eisenhower, Carter, and Clinton in 1934,  
 3       1942, 1953, 1978, and 1996, respectively;

4           (4) the Monument contains a substantially  
 5       more diverse set of nationally significant historical,  
 6       archaeological, scientific, and natural resources than  
 7       were known of at the time the Monument was estab-  
 8       lished, including a number of recent discoveries;

9           (5) the Monument is recognized as a major unit  
 10      of the National Park System with extraordinary val-  
 11      ues enjoyed by more visitors each year since 1995  
 12      than any other unit in the State;

13          (6) the Monument contributes significantly to  
 14      the local economy by attracting tourists; and

15          (7) designation of the Monument as a national  
 16      park would increase public recognition of the diverse  
 17      array of nationally significant resources at the  
 18      Monument and visitation to the unit.

19 **SEC. 102. ESTABLISHMENT OF WHITE SANDS NATIONAL**  
 20 **PARK.**

21      (a) ESTABLISHMENT.—To protect, preserve, and re-  
 22      store its scenic, scientific, educational, natural, geological,  
 23      historical, cultural, archaeological, paleontological,  
 24      hydrological, fish, wildlife, and recreational values and to  
 25      enhance visitor experiences, there is established in the

1 State the White Sands National Park as a unit of the Na-  
2 tional Park System.

3 (b) ABOLISHMENT OF WHITE SANDS NATIONAL  
4 MONUMENT.—

5 (1) ABOLISHMENT.—Due to the establishment  
6 of the Park, the Monument is abolished.

7 (2) INCORPORATION.—The land and interests  
8 in land that comprise the Monument are incor-  
9 porated in, and shall be considered to be part of, the  
10 Park.

11 (c) REFERENCES.—Any reference in a law, map, reg-  
12 ulation, document, paper, or other record of the United  
13 States to the “White Sands National Monument” shall be  
14 considered to be a reference to the “White Sands National  
15 Park”.

16 (d) AVAILABILITY OF FUNDS.—Any funds available  
17 for the Monument shall be available for the Park.

18 (e) ADMINISTRATION.—The Secretary shall admin-  
19 ister the Park in accordance with—

20 (1) this title; and

21 (2) the laws generally applicable to units of the  
22 National Park System, including section 100101(a),  
23 chapter 1003, sections 100751(a), 100752, 100753,  
24 and 102101, and chapter 3201 of title 54, United  
25 States Code.

1 (f) WORLD HERITAGE LIST NOMINATION.—

2 (1) COUNTY CONCURRENCE.—The Secretary  
3 shall not submit a nomination for the Park to be in-  
4 cluded on the World Heritage List of the United  
5 Nations Educational, Scientific and Cultural Organi-  
6 zation unless each county in which the Park is lo-  
7 cated concurs in the nomination.

8 (2) ARMY NOTIFICATION.—Before submitting a  
9 nomination for the Park to be included on the World  
10 Heritage List of the United Nations Educational,  
11 Scientific and Cultural Organization, the Secretary  
12 shall notify the Secretary of the Army of the intent  
13 of the Secretary to nominate the Park.

14 (g) EFFECT.—Nothing in this section affects—

15 (1) valid existing rights (including water  
16 rights);

17 (2) permits or contracts issued by the Monu-  
18 ment;

19 (3) existing agreements, including agreements  
20 with the Department of Defense;

21 (4) the jurisdiction of the Department of De-  
22 fense regarding the restricted airspace above the  
23 Park; or

24 (5) the airshed classification of the Park under  
25 the Clean Air Act (42 U.S.C. 7401 et seq.).

1 **TITLE II—MODIFICATION OF**  
2 **BOUNDARIES OF WHITE**  
3 **SANDS NATIONAL PARK AND**  
4 **WHITE SANDS MISSILE**  
5 **RANGE**

6 **SEC. 201. TRANSFERS OF ADMINISTRATIVE JURISDICTION.**

7 (a) TRANSFER OF ADMINISTRATIVE JURISDICTION  
8 TO THE SECRETARY.—

9 (1) IN GENERAL.—Administrative jurisdiction  
10 over the land described in paragraph (2) is trans-  
11 ferred from the Secretary of the Army to the Sec-  
12 retary.

13 (2) DESCRIPTION OF LAND.—The land referred  
14 to in paragraph (1) is—

15 (A) the approximately 2,826 acres of land  
16 identified as “To NPS, lands inside current  
17 boundary” on the Map; and

18 (B) the approximately 5,766 acres of land  
19 identified as “To NPS, new additions” on the  
20 Map.

21 (b) TRANSFER OF ADMINISTRATIVE JURISDICTION  
22 TO THE SECRETARY OF THE ARMY.—

23 (1) IN GENERAL.—Administrative jurisdiction  
24 over the land described in paragraph (2) is trans-

1       ferred from the Secretary to the Secretary of the  
2       Army.

3               (2) DESCRIPTION OF LAND.—The land referred  
4       to in paragraph (1) is the approximately 3,737 acres  
5       of land identified as “To DOA” on the Map.

6   **SEC. 202. BOUNDARY MODIFICATIONS.**

7       (a) PARK.—

8               (1) IN GENERAL.—The boundary of the Park is  
9       revised to reflect the boundary depicted on the Map.

10              (2) MAP.—

11                   (A) IN GENERAL.—The Secretary, in co-  
12       ordination with the Secretary of the Army, shall  
13       prepare and keep on file for public inspection in  
14       the appropriate office of the Secretary a map  
15       and a legal description of the revised boundary  
16       of the Park.

17                   (B) EFFECT.—The map and legal descrip-  
18       tion under subparagraph (A) shall have the  
19       same force and effect as if included in this Act,  
20       except that the Secretary may correct clerical  
21       and typographical errors in the map and legal  
22       description.

23               (3) BOUNDARY SURVEY.—As soon as prac-  
24       ticable after the date of the establishment of the  
25       Park and subject to the availability of funds, the



1 Secretary shall complete an official boundary survey  
2 of the Park.

3 (b) MISSILE RANGE.—

4 (1) IN GENERAL.—The boundary of the missile  
5 range and the Public Land Order are modified to  
6 exclude the land transferred to the Secretary under  
7 section 201(a) and to include the land transferred to  
8 the Secretary of the Army under section 201(b).

9 (2) MAP.—The Secretary shall prepare a map  
10 and legal description depicting the revised boundary  
11 of the missile range.

12 (c) CONFORMING AMENDMENT.—Section 2854 of  
13 Public Law 104–201 (54 U.S.C. 320301 note) is repealed.

14 **SEC. 203. ADMINISTRATION.**

15 (a) PARK.—The Secretary shall administer the land  
16 transferred under section 201(a) in accordance with laws  
17 (including regulations) applicable to the Park.

18 (b) MISSILE RANGE.—Subject to subsection (c), the  
19 Secretary of the Army shall administer the land trans-  
20 ferred to the Secretary of the Army under section 201(b)  
21 as part of the missile range.

22 (c) INFRASTRUCTURE; RESOURCE MANAGEMENT.—

23 (1) RANGE ROAD 7.—

24 (A) INFRASTRUCTURE MANAGEMENT.—To  
25 the maximum extent practicable, in planning,

1 constructing, and managing infrastructure on  
2 the land described in subparagraph (C), the  
3 Secretary of the Army shall apply low-impact  
4 development techniques and strategies to pre-  
5 vent impacts within the missile range and the  
6 Park from stormwater runoff from the land de-  
7 scribed in that subparagraph.

8 (B) RESOURCE MANAGEMENT.—The Sec-  
9 retary of the Army shall—

10 (i) manage the land described in sub-  
11 paragraph (C) in a manner consistent with  
12 the protection of natural and cultural re-  
13 sources within the missile range and the  
14 Park and in accordance with section  
15 101(a)(1)(B) of the Sikes Act (16 U.S.C.  
16 670a(a)(1)(B)), division A of subtitle III of  
17 title 54, United States Code, and the Na-  
18 tive American Graves Protection and Re-  
19 patriation Act (25 U.S.C. 3001 et seq.);  
20 and

21 (ii) include the land described in sub-  
22 paragraph (C) in the integrated natural  
23 and cultural resource management plan for  
24 the missile range.

1 (C) DESCRIPTION OF LAND.—The land re-  
2 ferred to in subparagraphs (A) and (B) is the  
3 land that is transferred to the administrative  
4 jurisdiction of the Secretary of the Army under  
5 section 201(b) and located in the area east of  
6 Range Road 7 in—

7 (i) T. 17 S., R. 5 E., sec. 31;

8 (ii) T. 18 S., R. 5 E.; and

9 (iii) T. 19 S., R. 5 E., sec. 5.

10 (2) FENCE.—

11 (A) IN GENERAL.—The Secretary of the  
12 Army shall continue to allow the Secretary to  
13 maintain the fence shown on the Map until  
14 such time as the Secretary determines that the  
15 fence is unnecessary for the management of the  
16 Park.

17 (B) REMOVAL.—If the Secretary deter-  
18 mines that the fence is unnecessary for the  
19 management of the Park under subparagraph  
20 (A), the Secretary shall promptly remove the  
21 fence at the expense of the Department of the  
22 Interior.

23 (d) RESEARCH.—The Secretary of the Army and the  
24 Secretary may enter into an agreement to allow the Sec-

1 retary to conduct certain research in the area identified  
2 as “Cooperative Use Research Area” on the Map.

3 (e) MILITARY MUNITIONS AND MUNITIONS DE-  
4 BRIS.—

5 (1) RESPONSE ACTION.—With respect to any  
6 Federal liability, the Secretary of the Army shall re-  
7 main responsible for any response action addressing  
8 military munitions or munitions debris on the land  
9 transferred under section 201(a) to the same extent  
10 as on the day before the date of enactment of this  
11 Act.

12 (2) INVESTIGATION OF MILITARY MUNITIONS  
13 AND MUNITIONS DEBRIS.—

14 (A) IN GENERAL.—The Secretary may re-  
15 quest that the Secretary of the Army conduct  
16 1 or more investigations of military munitions  
17 or munitions debris on any land transferred  
18 under section 201(a).

19 (B) ACCESS.—The Secretary shall give ac-  
20 cess to the Secretary of the Army to the land  
21 covered by a request under subparagraph (A)  
22 for the purposes of conducting the 1 or more  
23 investigations under that subparagraph.

1           (C) LIMITATION.—An investigation con-  
2           ducted under this paragraph shall be subject to  
3           available appropriations.

4           (3) APPLICABLE LAW.—Any activities under-  
5           taken under this subsection shall be carried out in  
6           accordance with—

7                 (A) the Comprehensive Environmental Re-  
8                 sponse, Compensation, and Liability Act of  
9                 1980 (42 U.S.C. 9601 et seq.);

10                (B) the purposes for which the Park was  
11                established; and

12                (C) any other applicable law.

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