

114TH CONGRESS
1ST SESSION

H. R. 3946

To amend section 320301 of title 54, United States Code, to protect private property rights and water rights from infringement as a result of the creation of national monuments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2015

Mr. GOSAR (for himself, Mr. AMODEI, Mr. BUCK, Mr. CRAMER, Mr. COOK, Mr. FRANKS of Arizona, Mr. JONES, Mr. KING of Iowa, Mrs. LUMMIS, Mr. NUGENT, Mr. PEARCE, Mr. SALMON, Mr. STEWART, Mr. ZINKE, Mr. HARDY, Mr. DUNCAN of Tennessee, Mr. HUELSKAMP, Mr. LAMALFA, Mr. LAMBORN, Mr. MCHENRY, Ms. MCSALLY, Mr. SCHWEIKERT, Mr. NEWHOUSE, Mr. LABRADOR, Mr. BABIN, and Mr. RUSSELL) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend section 320301 of title 54, United States Code, to protect private property rights and water rights from infringement as a result of the creation of national monuments, 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 “Protecting Local Com-
5 munities from Executive Overreach Act”.

1 **SEC. 2. LIMITATIONS ON DECLARATIONS OF NATIONAL**
2 **MONUMENTS.**

3 Section 320301 of title 54, United States Code, is
4 amended by adding at the end the following:

5 “(e) CONSULTATION REQUIREMENT.—The President
6 may not designate lands to be a new or expanded national
7 monument under this section unless, not more than 1 year
8 before such designation, the Secretary of the Interior—

9 “(1) consulted with each community, county,
10 municipality, city, town, or township created pursu-
11 ant to State law with boundaries within or adjacent
12 to lands affected by the designation; and

13 “(2) obtained the concurrence for the designa-
14 tion from—

15 “(A) the governing body of each commu-
16 nity, county, municipality, city, town, or town-
17 ship described in paragraph (1); and

18 “(B) the wildlife management and land
19 management authorities and governor of each
20 State in which all or part of the new or ex-
21 panded national monument would be located.

22 “(f) LIMITATIONS ON DECLARATIONS.—A declara-
23 tion under this section shall not—

24 “(1) include private property without the in-
25 formed written consent of the owner of that private
26 property;

1 “(2) be construed to increase the amount of
2 funds that are authorized to be appropriated for any
3 fiscal year;

4 “(3) apply to more than 5,000 acres; or

5 “(4) be used to create or expand a national
6 monument located, in part or in whole, in the fol-
7 lowing:

8 “(A) The counties of Coconino, Mohave,
9 and Yavapai in the State of Arizona.

10 “(B) The counties of Modoc and Siskiyou
11 in the State of California.

12 “(C) The counties of Chaffee, Moffat, and
13 Park in the State of Colorado.

14 “(D) The counties of Lincoln, Clark, and
15 Nye in the State of Nevada.

16 “(E) The county of Otero in the State of
17 New Mexico.

18 “(F) The counties of Jackson, Josephine,
19 and Malheur in the State of Oregon.

20 “(G) The counties of Wayne, Garfield, and
21 Kane in the State of Utah.

22 “(g) WATER RIGHTS.—Water rights associated with
23 a national monument created or expanded by a declaration
24 under this section—

1 “(1) may not be reserved expressly or by impli-
2 cation by a declaration under this section; and
3 “(2) may be acquired for a national monument
4 created or expanded by declaration under this sub-
5 section only in accordance with the laws of the
6 States in which the water rights are based.”.

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