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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To require congressional approval for Federal land withdrawals over 5,000
acres, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require congressional approval for Federal land
withdrawals over 5,000 acres, 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 “Legislative Approval
5 for National Designations Act” or “LANDs Act”.

6 **SEC. 2. CONGRESSIONAL APPROVAL REQUIRED FOR LAND**
7 **WITHDRAWALS OVER 5,000 ACRES.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, except as provided in subsection (b), a covered

1 land withdrawal may only be carried out with the express
2 authorization of Congress.

3 (b) EXCEPTION.—The restriction with respect to a
4 covered land withdrawal under subsection (a) shall not
5 apply if the withdrawal is—

6 (1) made pursuant to temporary public land
7 order, the expiration of which—

8 (A) is 5 years or less after the date on
9 which the land order was issued; and

10 (B) has not been extended beyond the 5-
11 year period after the date on which the land
12 order was issued;

13 (2) necessary for national security purposes, as
14 determined by the President.

15 (c) DEFINITIONS.—In this Act:

16 (1) COVERED LAND WITHDRAWAL.—The term
17 “covered land withdrawal” means a Federal land
18 withdrawal carried out by a Federal agency that
19 would result in a withdrawal of more than 5,000
20 acres in aggregate.

21 (2) WITHDRAWAL.—The term “withdrawal”
22 means—

23 (A) withholding an area of Federal land
24 from settlement, sale, location, or entry, under

1 some or all of the general land laws, includ-
2 ing—

3 (i) entry, appropriation, or disposal
4 under the public land laws;

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

7 (iii) operation of the mineral leasing,
8 mineral materials, or geothermal leasing
9 laws;

10 (B) reserving an area for a use described
11 in subparagraph (A);

12 (C) transferring jurisdiction over an area
13 of Federal land, other than property governed
14 by the Federal Property and Administrative
15 Services Act (40 U.S.C. 472), from one Federal
16 agency to another Federal agency; or

17 (D) restricting an area from operations of
18 the mineral leasing provisions of the Outer Con-
19 tinental Shelf Lands Act (43 U.S.C. 1331 et
20 seq.).

21 **SEC. 3. LIMITATION ON SIZE OF NATIONAL MONUMENTS;**

22 **CLARIFICATION OF ELIGIBLE OBJECTS.**

23 Section 320301 of title 54, United States Code, is
24 amended—

1 (1) in subsection (a), by striking “historic land-
2 marks, historic and prehistoric structures, and other
3 objects of historic or scientific interest” and insert-
4 ing “object or objects of antiquity”;

5 (2) in subsection (b), by striking “confined to
6 the smallest area compatible with the proper care
7 and management of the objects to be protected” and
8 inserting “in accordance with the limitations out-
9 lined in subsections (f), (g), (h), and (i)”; and

10 (3) by adding at the end the following:

11 “(e) LIMITATION ON SIZE OF NATIONAL MONU-
12 MENTS.—Except as provided by subsections (g) and (h),
13 after the date of the enactment of the Legislative Approval
14 for National Designations Act, land may not be designated
15 under this section in a configuration that would create a
16 national monument—

17 “(1) that is more than 640 acres; and

18 “(2) the exterior boundary of which is less than
19 50 miles from the closest exterior boundary of an-
20 other national monument designated under this sec-
21 tion.

22 “(f) EXCEPTION FOR EMERGENCY DESIGNATION.—

23 “(1) IN GENERAL.—Subsection (e) shall not
24 apply to the designation under this section of a na-
25 tional monument of any acreage amount if designa-

1 tion is made to prevent imminent and irreparable
2 harm to the object or objects of antiquity to be pro-
3 tected by the designation.

4 “(2) ONE YEAR LIMITATION.—A national
5 monument designation under this subsection shall
6 terminate on the date that is one calendar year after
7 the date of the designation.

8 “(3) ONE TIME DESIGNATION.—Land des-
9 ignated as a national monument under this sub-
10 section—

11 “(A) may only be so designated one time;
12 and

13 “(B) may not also be permanently des-
14 ignated as a national monument under this sec-
15 tion.

16 “(4) RIGHTS AND USES.—Land designated as a
17 national monument under this subsection shall re-
18 main subject to—

19 “(A) valid existing rights; and

20 “(B) uses allowed on the day before such
21 designation under an applicable land manage-
22 ment plan, resource management plan, or forest
23 plan.

24 “(g) NON-FEDERALLY OWNED PROPERTY.—After
25 the date of the enactment of the Legislative Approval for

1 National Designations Act, land may not be designated
2 as a national monument under this section in a configura-
3 tion that would place non-federally owned property within
4 the exterior boundaries of the national monument without
5 the express written consent of the owners of that non-fed-
6 erally owned property.

7 “(h) EFFECT OF DESIGNATED ON FEDERAL
8 FUNDS.—No designation under this section shall be con-
9 strued to increase the amount of Federal funds that are
10 authorized to be appropriated for any fiscal year.

11 “(i) WATER RIGHTS ASSOCIATED WITH A DESIGNA-
12 TION.—Water rights associated with a designation under
13 this section—

14 “(1) may not be reserved expressly or by impli-
15 cation by a designation under this section; and

16 “(2) may be acquired for a designation under
17 this section only in accordance with the laws of the
18 State in which the water rights are based.

19 “(j) DEFINITIONS.—For the purposes of this section:

20 “(1) DESIGNATED; DESIGNATION.—The terms
21 ‘designate’ and ‘designation’ shall be construed to
22 include ‘declare’ and ‘declaration’, ‘proclaim’ and
23 ‘proclamation’, ‘establish’ and ‘establishment’, ‘ex-
24 tend’ and ‘extension’, and similar terms used in Fed-
25 eral statutes, regulations, or executive documents to

1 refer to the creation or expansion of a national
2 monument by the President.

3 “(2) IMMINENT AND IRREPARABLE HARM.—
4 The term ‘imminent and irreparable harm’ does not
5 include generalized, speculative, or cumulative envi-
6 ronmental conditions, including long-term ecological
7 or climatological changes, unless an immediate
8 threat is identified with respect to a specific object
9 or objects of antiquity.

10 “(3) LAND.—The term ‘land’ shall not include
11 submerged land or water.

12 “(4) OBJECT OR OBJECTS OF ANTIQUITY.—The
13 term ‘object or objects of antiquity’—

14 “(A) means—

15 “(i) relics;

16 “(ii) artifacts;

17 “(iii) human remains;

18 “(iv) fossils (other than fossil fuels);

19 and

20 “(v) certain buildings constructed be-
21 fore the date of the enactment of the Leg-
22 islative Approval for National Designations
23 Act; and

24 “(B) does not include, among other
25 things—

- 1 “(i) natural geographic features;
- 2 “(ii) objects not made by humans, ex-
- 3 cept fossils (other than fossil fuels) or
- 4 human remains;
- 5 “(iii) landscapes or ecosystems; or
- 6 “(iv) values.”.