

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5580

To amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2010

Mr. NUNES (for himself, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. MCKEON, Mr. HERGER, Mr. REHBERG, Mr. WALDEN, Mr. LAMBORN, and Mr. HUNTER) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating 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 “National Monument  
5       Designation Transparency and Accountability Act of  
6       2010”.

1 **SEC. 2. LIMITATION ON DESIGNATION OF NATIONAL MONU-**  
 2 **MENTS.**

3 Section 2 of the Act of June 8, 1906 (16 U.S.C. 431),  
 4 popularly known as the “Antiquities Act of 1906”, is  
 5 amended—

6 (1) by striking “That the President” and in-  
 7 serting “(a) IN GENERAL.—Subject to the require-  
 8 ments of this section, the President”; and

9 (2) in subsection (a) (as so designated)—

10 (A) by striking “compatible with” and in-  
 11 serting “essential to ensure”; and

12 (B) by striking “*Provided*, That when” and  
 13 inserting “When”.

14 **SEC. 3. NATIONAL MONUMENT DESIGNATION PROCE-**  
 15 **DURES.**

16 Section 2 of the Act of June 8, 1906 (16 U.S.C. 431),  
 17 is further amended by adding at the end the following:

18 “(b) NATIONAL MONUMENT DESIGNATION PROCE-  
 19 DURES.—

20 “(1) PRECONDITION TO PROCLAMATION.—The  
 21 President may not issue a proclamation to designate  
 22 a national monument under subsection (a) before  
 23 the last day of the 30-day period beginning on the  
 24 date on which the President provides the language  
 25 of the proposed proclamation to Congress and to the  
 26 Governor of each State, the chief elected official of

1 each unit of local government, and the governing en-  
2 tity of each tribal government with jurisdiction over  
3 parcels of land located within the boundaries of the  
4 proposed national monument.

5 “(2) PUBLIC PARTICIPATION.—

6 “(A) PUBLIC HEARING REQUIREMENT.—

7 “(i) IN GENERAL.—Subject to clause  
8 (iv), not later than 90 days after the date  
9 on which the President issues a proclama-  
10 tion under subsection (a), the Secretary of  
11 the Interior shall hold not fewer than one  
12 public hearing within a county (or com-  
13 parable unit of local government) located  
14 wholly or in part within the boundaries of  
15 the national monument. The Secretary  
16 shall ensure that all interested individuals  
17 are afforded an opportunity to participate  
18 in a hearing held under this subparagraph.

19 “(ii) COMMENTS.—The Secretary of  
20 the Interior shall solicit comments from  
21 the public at a hearing held under clause  
22 (i), and shall enter all comments received  
23 at or related to such hearing into the  
24 record of the hearing.

1 “(iii) AVAILABILITY OF RECORD.—

2 The Secretary of the Interior shall promptly  
3 make the record of a hearing held under  
4 clause (i), including a transcript of the  
5 hearing, available to the public on the  
6 Internet or by other electronic means. The  
7 Secretary shall ensure that any compo-  
8 nents of the record that are completed be-  
9 fore the entire record is finalized are made  
10 available upon their completion.

11 “(iv) WAIVER.—The Secretary of the  
12 Interior may decline to hold a public hear-  
13 ing under clause (i) if each unit of local  
14 and tribal government located wholly or in  
15 part within the boundaries of the national  
16 monument expressly waives the right to  
17 such hearing.

18 “(B) NOTICE AND COMMENT PERIOD RE-  
19 QUIREMENT.—Not later than 30 days after the  
20 date on which the President issues a proclama-  
21 tion under subsection (a), the Secretary of the  
22 Interior shall initiate a notice and comment pe-  
23 riod to receive comments from the public re-  
24 garding the proclamation.

25 “(C) REPORT.—

1           “(i) CONTENTS.—Not later than one  
2 year after issuing a proclamation to des-  
3 ignate a national monument under sub-  
4 section (a), the President shall submit to  
5 Congress a report containing the following:

6           “(I) An analysis of the economic  
7 impact of the designation on the com-  
8 munities within the boundaries of the  
9 monument, including an estimate of  
10 the tax revenues that will be lost to,  
11 or gained for, the Federal, State, and  
12 local governments as a result of the  
13 designation.

14           “(II) An analysis of the impact  
15 the designation will have on the Na-  
16 tion’s energy security, including the  
17 effects of the loss of sites to produce  
18 wind, geothermal, or solar energy, and  
19 the number of barrels of oil, tons of  
20 coal, or cubic feet of natural gas that  
21 will become unavailable as a result of  
22 the proclamation.

23           “(III) The projected impact of  
24 the designation on interests, rights,  
25 and uses associated with the parcels

1 of land within the boundaries of the  
2 monument, including water rights,  
3 hunting, grazing, timber production,  
4 vegetation manipulation to maintain  
5 forest health, off-road vehicle use, hik-  
6 ing, horseback riding, and mineral  
7 and energy leases, claims, and per-  
8 mits.

9 “(IV) The record of any hearings  
10 held under subparagraph (A).

11 “(V) Any written comments re-  
12 ceived during the notice and comment  
13 period conducted under subparagraph  
14 (B).

15 “(ii) PUBLICATION.—The President  
16 shall ensure that a report submitted to  
17 Congress under clause (i) is published on  
18 the White House Internet website upon  
19 completion. The President shall further en-  
20 sure that any components of the report  
21 that are completed before the entire report  
22 is finalized and submitted to Congress are  
23 published on the White House Internet  
24 website upon their completion.

1           “(D) IMPLEMENTATION GUIDELINES.—  
2           The Secretary of the Interior, in cooperation  
3           with the States, shall develop and publish  
4           guidelines to provide for the implementation of  
5           this paragraph.

6           “(3) CONGRESSIONAL APPROVAL OF PROCLAMA-  
7           TION.—

8           “(A) APPROVAL REQUIRED.—A proclama-  
9           tion issued under subsection (a) shall cease to  
10          be effective following the last day of the 2-year  
11          period beginning on the date on which the  
12          President issued the proclamation, unless the  
13          proclamation is approved by an Act of Congress  
14          on or before that last day.

15          “(B) MANAGEMENT OF LAND BEFORE AP-  
16          PROVAL.—During the period between the  
17          issuance of a proclamation under subsection (a)  
18          and the approval of the proclamation under  
19          subparagraph (A), the President shall ensure  
20          that any restriction placed on land and inter-  
21          ests, rights, or uses associated with the parcels  
22          of land designated as a national monument, in-  
23          cluding water rights, hunting, grazing, timber  
24          production, vegetation manipulation to maintain  
25          forest health, off-road vehicle use, hiking, horse-

1 back riding, and mineral and energy leases,  
2 claims, and permits, is narrowly tailored and  
3 essential to the proper care and management of  
4 the objects to be protected.

5 “(C) EFFECT OF NONAPPROVAL.—If Con-  
6 gress does not approve a proclamation to des-  
7 ignate a national monument under subpara-  
8 graph (A), any reservation of land made by  
9 such proclamation, and any restriction imposed  
10 as a result of such proclamation on interests,  
11 rights, or uses associated with the parcels of  
12 land, shall cease to be effective following the  
13 last day of the 2-year period referred to in sub-  
14 paragraph (A).

15 “(D) PROHIBITION ON REPEAT PROCLAMA-  
16 TIONS.—The President may not issue a procla-  
17 mation that is substantially similar to a procla-  
18 mation previously issued under subsection (a)  
19 that Congress has not approved under subpara-  
20 graph (A).”.

21 **SEC. 4. LIMITATION ON RESTRICTIONS.**

22 Section 2 of the Act of June 8, 1906 (16 U.S.C. 431),  
23 is further amended by adding at the end the following:

24 “(c) LIMITATION ON RESTRICTIONS.—The President  
25 shall ensure that any restriction placed on land and inter-

1 ests, rights, or uses associated with the parcels of land  
2 designated as a national monument by a proclamation  
3 issued under this section is narrowly tailored and essential  
4 to the proper care and management of the objects to be  
5 protected.”.

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