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(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

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 prompt-
3 ly 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.”.