

Union Calendar No. 161

113TH CONGRESS
1ST SESSION

H. R. 1459

[Report No. 113-221]

To ensure that the National Environmental Policy Act of 1969 applies to the declaration of national monuments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2013

Mr. BISHOP of Utah (for himself, Mr. GOSAR, Mr. CHAFFETZ, Mr. WALDEN, Mr. PEARCE, Mrs. LUMMIS, Mr. AMODEI, and Mr. STEWART) introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 20, 2013

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To ensure that the National Environmental Policy Act of 1969 applies to the declaration 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 “Ensuring Public In-
5 volvement in the Creation of National Monuments Act”.

6 **SEC. 2. NEPA APPLICABILITY TO NATIONAL MONUMENT**
7 **DECLARATIONS.**

8 Section 2 of the Act of June 8, 1906 (16 U.S.C. 431;
9 commonly known as the “Antiquities Act of 1906”) is
10 amended—

11 (1) by striking “That the President” and in-
12 serting the following:

13 “(a) That the President”;

14 (2) by striking “discretion, to declare” and in-
15 serting “discretion, subject to the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
17 to declare”;

18 (3) by inserting before the final period the fol-
19 lowing “. No more than one declaration shall be
20 made in a State during any presidential four-year
21 term of office without an express Act of Congress”;
22 and

23 (4) by adding at the end the following:

24 “(b) A declaration under this section shall—

1 “(1) not include private property without the
2 informed written consent of the owner of the private
3 property affected by the declaration;

4 “(2) be considered a major Federal action
5 under the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.), if it affects more
7 than 5,000 acres;

8 “(3) be categorically excluded under the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.) and expire three years after the date
11 of the declaration (unless specifically designated as
12 a monument by Federal law), if it affects 5,000
13 acres or less; and

14 “(4) be followed by a feasibility study that in-
15 cludes an estimate of the costs associated with man-
16 aging the monument in perpetuity, including any
17 loss of Federal and State revenue, which shall be
18 submitted to the Committee on Natural Resources of
19 the House of Representatives and the Committee on
20 Energy and Natural Resources of the Senate and
21 made available on the website of the Department of
22 the Interior not later than one year after the date
23 of the declaration.”.

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