

113TH CONGRESS
2D SESSION

H. R. 1459

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2014

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring Public In-
3 volvement in the Creation of National Monuments Act”.

4 **SEC. 2. NEPA APPLICABILITY TO NATIONAL MONUMENT**
5 **DECLARATIONS.**

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

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

11 “(a) That the President”;

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

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

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

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

23 “(1) not include private property without the
24 informed written consent of the owner of the private
25 property affected by the declaration;

1 “(2) be considered a major Federal action
2 under the National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.), except if it affects
4 5,000 acres or less, in which case—

5 “(A) the declaration shall be categorically
6 excluded from the National Environmental Pol-
7 icy Act of 1969;

8 “(B) the declaration shall expire three
9 years after the date of the declaration; and

10 “(C) the declaration may become perma-
11 nent if—

12 “(i) specifically designated as a monu-
13 ment by Federal statute; or

14 “(ii) the President follows the review
15 process under the National Environmental
16 Policy Act of 1969; and

17 “(3) be followed by a feasibility study that in-
18 cludes an estimate of the costs associated with man-
19 aging the monument in perpetuity, including any
20 loss of Federal and State revenue, and the benefits
21 associated with managing the monument in per-
22 petuity, including jobs created and tourism dollars
23 associated with managing the monument, which
24 shall be submitted to the Committee on Natural Re-
25 sources of the House of Representatives and the

1 Committee on Energy and Natural Resources of the
2 Senate and made available on the website of the De-
3 partment of the Interior not later than one year
4 after the date of the declaration.”.

5 **SEC. 3. USE OF EXISTING FUNDS.**

6 This Act shall not be construed to increase the
7 amount of funds that are authorized to be appropriated
8 for any fiscal year.

 Passed the House of Representatives March 26,
2014.

Attest:

KAREN L. HAAS,
Clerk.