

Calendar No. 750106TH CONGRESS
2^D SESSION**S. 729****[Report No. 106-372]**

To ensure that Congress and the public have the right to participate in the declaration of national monuments on Federal land.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. LOTT, Mr. STEVENS, Mr. BURNS, Mr. SMITH of Oregon, Mr. CRAPO, Mr. SHELBY, Mr. HAGEL, Mr. BENNETT, Mr. SESSIONS, Mr. KYL, Mr. CAMPBELL, Mr. INHOFE, Mr. THOMAS, Mr. HELMS, Mr. ENZI, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 25, 2000

Reported under authority of the order of the Senate of July 26, 2000, by Mr. MURKOWSKI, without amendment

A BILL

To ensure that Congress and the public have the right to participate in the declaration of national monuments on Federal land.

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 “National Monument
3 Public Participation Act of 1999”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to ensure that Congress
6 and the public have the right and opportunity to partici-
7 pate in decisions to declare national monuments on Fed-
8 eral land.

9 **SEC. 3. CLARIFICATION OF CONGRESSIONAL AND PUBLIC**
10 **ROLES IN DECLARATION OF NATIONAL**
11 **MONUMENTS.**

12 The Act entitled “An Act for the preservation of
13 American antiquities”, approved June 8, 1906 (commonly
14 known as the “Antiquities Act of 1906”) (16 U.S.C. 431
15 et seq.), is amended by adding at the end the following:

16 **“SEC. 5. CONGRESSIONAL AND PUBLIC ROLES IN NA-**
17 **TIONAL MONUMENT DECLARATIONS.**

18 “(a) IN GENERAL.—The Secretary of the Interior
19 and the Secretary of Agriculture shall promulgate regula-
20 tions that establish procedures to ensure that Federal,
21 State, and local governments and the public have the right
22 to participate in the formulation of plans relating to the
23 declaration of a national monument on Federal land on
24 or after the date of enactment of this section, including
25 procedures—

1 “(1) to provide the public with adequate notice
2 and opportunity to comment on and participate in
3 the declaration of a national monument on Federal
4 land; and

5 “(2) for public hearings, when appropriate, on
6 the declaration of a national monument on Federal
7 land.

8 “(b) OTHER DUTIES.—Prior to making any rec-
9 ommendations for declaration of a national monument in
10 an area, the Secretary of the Interior and the Secretary
11 of Agriculture shall—

12 “(1) ensure, to the maximum extent prac-
13 ticable, compliance with all applicable Federal land
14 management and environmental laws, including the
15 completion of a programmatic environmental impact
16 statement under the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.);

18 “(2) cause mineral surveys to be conducted by
19 the Geological Survey to determine the mineral val-
20 ues, if any, that may be present in the area;

21 “(3) cause an assessment of the surface re-
22 source values of the land to be completed and made
23 available by the appropriate agencies;

1 “(4) identify all existing rights held on Federal
2 land contained within the area by type and acreage;
3 and

4 “(5) identify all State and private land con-
5 tained within the area.

6 “(c) RECOMMENDATIONS.—On completion of the re-
7 views and mineral surveys required under subsection (b),
8 the Secretary of the Interior or the Secretary of Agri-
9 culture shall submit to the President recommendations as
10 to whether any area on Federal land warrants declaration
11 as a national monument.

12 “(d) FEDERAL ACTION.—Any study or recommenda-
13 tion under this section shall be considered a federal action
14 for purposes of the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.).

16 “(e) REPORTS.—Not later than 2 years after the re-
17 ceipt of a recommendation under subsection (c), the Presi-
18 dent shall—

19 “(1) advise the President of the Senate and the
20 Speaker of the House of Representatives of the
21 President’s recommendation with respect to whether
22 each area evaluated should be declared a national
23 monument; and

24 “(2) provide a map and description of the
25 boundaries of each area evaluated for declaration to

1 the President of the Senate and the Speaker of the
2 House of Representatives.

3 “(f) DECLARATION AFTER EFFECTIVE DATE.—A
4 recommendation of the President for declaration of a na-
5 tional monument that is made after the effective date of
6 this section shall become effective only if the declaration
7 is approved by Act of Congress.”.

Calendar No. 750

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