

108TH CONGRESS  
1ST SESSION

# H. R. 2386

To amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2003

Mr. SIMPSON (for himself, Mr. OTTER, Mr. HERGER, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. GOSS, Mr. PETERSON of Pennsylvania, Mr. HUNTER, Mr. CANNON, Mr. DOOLITTLE, Mr. THORBERRY, Mr. RADANOVICH, Mr. PEARCE, Mr. GIBBONS, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Resources

---

## A BILL

To amend the Antiquities Act regarding the establishment by the President of certain national monuments and to provide for public participation in the proclamation of national monuments.

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 Fairness Act”.

1 **SEC. 2. CONGRESSIONAL REVIEW OF NATIONAL MONU-**  
2 **MENT STATUS AND CONSULTATION.**

3 Section 2 of the Act of June 8, 1906, commonly re-  
4 ferred to as the “Antiquities Act” (34 Stat. 225; 16  
5 U.S.C. 431) is amended—

6 (1) by striking “SEC. 2. That the” and insert-  
7 ing “SEC. 2. (a) The”;

8 (2) by adding the following at the end of sub-  
9 section (a) (as so designated by paragraph (1)): “A  
10 proclamation of the President under this section  
11 that, during one calendar year, creates a national  
12 monument that is more than 50,000 acres or that,  
13 during one calendar year, adds more than 50,000  
14 acres to an existing national monument may not be  
15 issued until 30 days after the President has trans-  
16 mitted the proposed proclamation to the Governor of  
17 the State or States in which such acreage is located  
18 and solicited such Governor’s or Governors’ written  
19 comments, and any such proclamation shall cease to  
20 be effective on the date 2 years after issuance of the  
21 proclamation unless the proclamation has been ap-  
22 proved by an Act of Congress. Land and interests in  
23 land that were subject to a proclamation issued after  
24 the date of the enactment of the National Monument  
25 Fairness Act that ceases to be effective under the  
26 preceeding sentence shall revert to the land use sta-

1       tus such land and interests in land had immediately  
2       before the proclamation was issued.”; and

3               (3) by adding after subsection (a) (as so des-  
4       ignated by paragraph (1)) the following new sub-  
5       sections:

6       “(b)(1) To the extent consistent with the protection  
7       of the historic landmarks, historic and prehistoric struc-  
8       tures, and other objects of historic or scientific interest  
9       located on the public lands to be designated, the President  
10      shall—

11              “(A) solicit public participation and comment in  
12      the development of a monument proclamation; and

13              “(B) consult with the Governor and entire con-  
14      gressional delegation of the State or territory in  
15      which such lands are located, to the extent prac-  
16      ticable, at least 60 days prior to any national monu-  
17      ment proclamation.

18       “(2) Before issuing a proclamation under this sec-  
19      tion, the President shall consider any information made  
20      available in the development of existing plans and pro-  
21      grams for the management of the lands under consider-  
22      ation for proclamation as a monument, including such  
23      public comments as may have been offered.

24       “(c) Any management plan for a national monument  
25      developed subsequent to a proclamation made under this

1 section shall comply with the procedural requirements of  
2 the National Environmental Policy Act of 1969.”.

○