

H.R. 3990, National Monument Creation and Protection Act

H.R. 3990, the “National Monument Creation and Protection Act” or “CAP Act,” restores the original intent of the Antiquities Act (Act) while modernizing the law for the 21st Century. This comprehensive reform bill includes provisions to protect endangered antiquities, prevent abuse of executive authority in the designation of excessively large monuments, empower local communities and protect private property rights. Currently, the Antiquities Act has no mechanism for public transparency or input. The “CAP Act” provides for the protection of archeological resources while ensuring public transparency and accountability in monument designations.

- **Protects Archeological Artifacts in Imminent Danger:** Upholds flexibility to designate a National Monument up to 640 acres, allowing the President to rapidly protect objects of antiquity in imminent danger – the original intent of the Antiquities Act.
- **Ensures Comprehensive Review of Designations:** Requires all new monument designations between 640 acres and 10,000 acres to be reviewed under the National Environmental Policy Act (NEPA) prior to being finalized. Proposed new monument designations between 5,000 and 10,000 acres must be reviewed under an environmental assessment or environmental impact statement.
- **Empowers Local and State Voices:** Requires the approval of all county commissioners, state legislatures, and governors impacted by a national monument for any designation between 10,000 acres and 85,000 acres. Protects the economic vitality of local lands by requiring prior written consent of state and private landowners before private property is included in a national monument.
- **Preserves Emergency Authority to Swiftly Protect Threatened Resources:** Allows the president to designate “Emergency National Monuments” for up to one year to protect areas of any size in times of emergency.
- **Prohibits Marine National Monuments:** Clarifies the language used in the Antiquities Act to prohibit the designation of marine national monuments, restoring the law’s original design.
- **Limits President’s Power to Reduce National Monuments:** Clarifies the authority of the President to reduce the size of national monuments. Requires monument reductions greater than 85,000 acres in size to be approved by the impacted counties, state legislatures and governors in addition to completing the NEPA process.

