

114TH CONGRESS
1ST SESSION

S. 437

To provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2015

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine 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 “Improved National
5 Monument Designation Process Act”.

6 **SEC. 2. DESIGNATION OF NATIONAL MONUMENTS.**

7 (a) IN GENERAL.—Section 320301 of title 54, United
8 States Code, is amended—

1 (1) in subsection (a), by striking “The Presi-
 2 dent may, in the President’s discretion” and insert-
 3 ing the following: “After obtaining congressional ap-
 4 proval of the proposed national monument, certi-
 5 fying compliance with the National Environmental
 6 Policy Act of 1969 (42 U.S.C. 4321 et seq.) with re-
 7 spect to the proposed national monument, and re-
 8 ceiving from the Governor of each State in which the
 9 proposed national monument is to be located notice
 10 that the State legislature has enacted legislation ap-
 11 proving the designation of the proposed national
 12 monument, and subject to subsection (e), the Presi-
 13 dent may”; and

14 (2) by adding at the end the following:

15 “(e) REQUIREMENTS FOR DECLARATION OF MARINE
 16 NATIONAL MONUMENTS.—

17 “(1) DEFINITION OF EXCLUSIVE ECONOMIC
 18 ZONE.—In this subsection, the term ‘exclusive eco-
 19 nomic zone’ means the zone established by Procla-
 20 mation Number 5030, dated March 10, 1983 (16
 21 U.S.C. 1453 note).

22 “(2) REQUIREMENTS.—The President may not
 23 declare any area of the exclusive economic zone to
 24 be a national monument unless—

1 “(A) the declaration is specifically author-
 2 ized by an Act of Congress;

3 “(B) the President has certified compli-
 4 ance with the National Environmental Policy
 5 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
 6 spect to the proposed national monument;

7 “(C) the President has submitted to the
 8 Governor of each State and each territory, any
 9 part of which is located within 100 nautical
 10 miles of the proposed national monument, a
 11 proposal to make the declaration;

12 “(D) the Governor of each State and terri-
 13 tory described in subparagraph (C) submits to
 14 the President notice that the legislature of the
 15 State or territory has approved the proposal
 16 submitted under that paragraph; and

17 “(E) the declaration is substantially the
 18 same as the proposal submitted under subpara-
 19 graph (C).”.

20 (b) RESTRICTIONS ON PUBLIC USE.—Section
 21 320303 of title 54, United States Code, is amended—

22 (1) by striking “The Secretary,” and inserting
 23 the following:

24 “(a) IN GENERAL.—The Secretary,”; and

25 (2) by adding at the end the following:

1 “(b) RESTRICTIONS ON PUBLIC USE.—The Secretary
2 of the Interior, or the Secretary of Commerce, with respect
3 to any area of the exclusive economic zone (as defined in
4 section 320301(e)(1)) designated as a national monument,
5 shall not implement any restrictions on the public use of
6 a national monument until the expiration of an appro-
7 priate review period (as determined by the Secretary of
8 the Interior or the Secretary of Commerce, as applicable)
9 providing for public input and congressional approval.”.

○