

115TH CONGRESS  
1ST SESSION

# S. 33

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2017

Ms. MURKOWSKI (for herself, Mr. SULLIVAN, Mr. DAINES, Mr. HATCH, Mr. HELLER, Mr. FLAKE, Mr. LEE, Mr. MCCAIN, Mr. RISCH, Mr. GRASSLEY, Mr. TILLIS, Mr. MCCONNELL, Mr. BLUNT, Mr. INHOFE, Mr. JOHNSON, Mr. CRUZ, Mrs. CAPITO, Mr. WICKER, Mr. SESSIONS, Mr. RUBIO, Mr. CASSIDY, Mr. CRAPO, Mr. ROBERTS, Mr. COCHRAN, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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”.

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

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

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

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

18 “(e) REQUIREMENTS FOR DECLARATION OF MARINE  
19 NATIONAL MONUMENTS.—

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

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

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

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

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

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

20                   “(E) the declaration is substantially the  
21 same as the proposal submitted under subpara-  
22 graph (C).”.

23           (b) RESTRICTIONS ON PUBLIC USE.—Section  
24 320303 of title 54, United States Code, is amended—

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

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

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

5           “(b) RESTRICTIONS ON PUBLIC USE.—The Sec-  
6           retary, or the Secretary of Commerce, with respect to any  
7           area of the exclusive economic zone (as defined in section  
8           320301(e)(1)) designated as a national monument, shall  
9           not implement any restrictions on the public use of a na-  
10          tional monument until the expiration of an appropriate re-  
11          view period (as determined by the Secretary or the Sec-  
12          retary of Commerce, as applicable) providing for public  
13          input and congressional approval.”.

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