

113TH CONGRESS
2D SESSION

S. _____

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

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on _____

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 The Act of June 8, 1906 (commonly known as the
3 “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.), is
4 amended—

5 (1) in section 2 (16 U.S.C. 431)—

6 (A) by striking “**SEC. 2.** That the Presi-
7 dent is hereby authorized, in his discretion to”
8 and inserting the following:

9 **“SEC. 2. DESIGNATION OF NATIONAL MONUMENTS.**

10 “(a) IN GENERAL.—After obtaining congressional
11 approval of the proposed national monument and certi-
12 fying compliance with the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the
14 proposed national monument and subject to subsection
15 (b), the President may”; and

16 (B) by adding at the end the following:

17 “(b) REQUIREMENTS FOR DECLARATION OF MARINE
18 NATIONAL MONUMENTS.—

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

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

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

3 “(B) the President has submitted to the
4 Governor of each State and each territory, any
5 part of which is located within 100 nautical
6 miles of the proposed national monument, a
7 proposal to make the declaration;

8 “(C) the Governor of each State and terri-
9 tory described in subparagraph (B) submits to
10 the President notice that the legislature of the
11 State or territory has approved the proposal
12 submitted under that paragraph; and

13 “(D) the declaration is substantially the
14 same as the proposal submitted under subpara-
15 graph (B).”; and

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

17 **“SEC. 5. RESTRICTIONS ON PUBLIC USE.**

18 “The Secretary of the Interior, or the Secretary of
19 Commerce, with respect to any area of the exclusive eco-
20 nomic zone (as defined in section 2(b)(1)) designated as
21 a national monument, shall not implement any restrictions
22 on the public use of a national monument until the expira-
23 tion of an appropriate review period (as determined by the
24 Secretary of the Interior or the Secretary of Commerce,

1 as applicable) providing for public input and congressional
2 approval.”.

Background on

“Improved National Monument Designation Process Act”

- The Obama Administration’s recent announcement to expand the scope and boundaries of the Pacific Remote Islands Marine National Monument (from 77,020 to more than 782,000 square miles) is a stark reminder of the sweeping, unilateral actions that the executive branch can take.
- There are already 109 National Monuments in the U.S., ranging in size from 0.0074 acres for the Father Millett Cross National Monument in New York, to 139,797 square miles for the Papahānaumokuākea Marine National Monument in Hawaii.
- Despite strong concerns raised by diverse stakeholders, the Executive Branch is showing increasing interest in establishing new National Monuments, or substantially expanding existing boundaries.
- This bill would amend the Antiquities Act of 1906 (16 U.S.C. 431 *et seq.*) to require:
 - Congressional approval prior to designation of any National Monument; and
 - Application of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) to any proposed National Monument.
- With respect to any National Monument proposed within the exclusive economic zone as defined by Proclamation Number 5030 (16 U.S.C. note), the bill would require:
 - Specific authorization by an Act of Congress;
 - Approval by each State legislature within 100 miles of the proposed National Monument; and
 - A stakeholder review process prior to the implementation of any restrictions on public uses within the designated area.