

114TH CONGRESS
1ST SESSION

H. R. 3389

To amend section 320301 of title 54, United States Code, to require certain procedures for designating national monuments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. NUNES (for himself, Mr. LAMALFA, Mr. VALADAO, Mrs. MIMI WALTERS of California, Mr. KLINE, and Mr. COOK) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend section 320301 of title 54, United States Code, to require certain procedures for designating 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 “National Monument
5 Designation Transparency Act”.

6 **SEC. 2. LIMITATION ON DESIGNATION OF NATIONAL MONU-**
7 **MENTS.**

8 Section 320301 of title 54, United States Code, is
9 amended—

1 (1) in subsection (a), by striking “The Presi-
2 dent may” and inserting “Subject to the require-
3 ments of this section, the President may”;

4 (2) in subsection (b), by striking “compatible
5 with” and inserting “essential to ensure”; and

6 (3) by adding at the end the following:

7 “(e) NATIONAL MONUMENT DESIGNATION PROCE-
8 DURES.—

9 “(1) PRECONDITION TO PROCLAMATION.—The
10 President may not issue a proclamation under sub-
11 section (a) before the last day of the 30-day period
12 beginning on the date on which the President pro-
13 vides the language of the proposed proclamation to
14 Congress and to the Governor of each State, the
15 chief elected official of each unit of local govern-
16 ment, and the governing entity of each tribal govern-
17 ment with jurisdiction over parcels of land located
18 within the boundaries of the proposed national
19 monument.

20 “(2) PUBLIC PARTICIPATION.—

21 “(A) PUBLIC HEARING REQUIREMENT.—

22 “(i) IN GENERAL.—Subject to clause
23 (iv), not later than 90 days after the date
24 on which the President issues a proclama-
25 tion under subsection (a), the Secretary of

1 the Interior shall hold not fewer than one
2 public hearing within a county (or com-
3 parable unit of local government) located
4 wholly or in part within the boundaries of
5 the national monument. The Secretary
6 shall ensure that all interested individuals
7 are afforded an opportunity to participate
8 in a hearing held under this subparagraph.

9 “(ii) COMMENTS.—The Secretary of
10 the Interior shall solicit comments from
11 the public at a hearing held under clause
12 (i), and shall enter all comments received
13 at or related to such hearing into the
14 record of the hearing.

15 “(iii) AVAILABILITY OF RECORD.—
16 The Secretary of the Interior shall prompt-
17 ly make the record of a hearing held under
18 clause (i), including a transcript of the
19 hearing, available to the public on the
20 Internet or by other electronic means. The
21 Secretary shall ensure that any compo-
22 nents of the record that are completed be-
23 fore the entire record is finalized are made
24 available upon their completion.

1 “(iv) WAIVER.—The Secretary of the
2 Interior may decline to hold a public hear-
3 ing under clause (i) if each unit of local
4 and tribal government located wholly or in
5 part within the boundaries of the national
6 monument expressly waives the right to
7 such hearing.

8 “(B) NOTICE AND COMMENT PERIOD RE-
9 QUIREMENT.—Not later than 30 days after the
10 date on which the President issues a proclama-
11 tion under subsection (a), the Secretary of the
12 Interior shall initiate a notice and comment pe-
13 riod to receive comments from the public re-
14 garding the proclamation.

15 “(C) REPORT.—

16 “(i) CONTENTS.—Not later than one
17 year after issuing a proclamation under
18 subsection (a), the President shall submit
19 to Congress a report containing the fol-
20 lowing:

21 “(I) An analysis of the economic
22 impact of the designation on the com-
23 munities within the boundaries of the
24 monument, including an estimate of
25 the tax revenues that will be lost to,

1 or gained for, the Federal, State, and
2 local governments as a result of the
3 designation.

4 “(II) An analysis of the impact
5 the designation will have on the Na-
6 tion’s energy security, including the
7 effects of the loss of sites to produce
8 wind, geothermal, or solar energy, and
9 the number of barrels of oil, tons of
10 coal, or cubic feet of natural gas that
11 will become unavailable as a result of
12 the proclamation.

13 “(III) The projected impact of
14 the designation on interests, rights,
15 and uses associated with the parcels
16 of land within the boundaries of the
17 monument, including water rights,
18 hunting, recreational shooting, graz-
19 ing, timber production, vegetation ma-
20 nipulation to maintain forest health,
21 off-road vehicle use, hiking, horseback
22 riding, and mineral and energy leases,
23 claims, and permits.

24 “(IV) The record of any hearings
25 held under subparagraph (A).

1 “(V) Any written comments re-
2 ceived during the notice and comment
3 period conducted under subparagraph
4 (B).

5 “(ii) PUBLICATION.—The President
6 shall ensure that a report submitted to
7 Congress under clause (i) is published on
8 the White House Internet website upon
9 completion. The President shall further en-
10 sure that any components of the report
11 that are completed before the entire report
12 is finalized and submitted to Congress are
13 published on the White House Internet
14 website upon their completion.

15 “(D) IMPLEMENTATION GUIDELINES.—
16 The Secretary of the Interior, in cooperation
17 with the States, shall develop and publish
18 guidelines to provide for the implementation of
19 this paragraph.

20 “(3) CONGRESSIONAL APPROVAL OF PROCLAMA-
21 TION.—

22 “(A) APPROVAL REQUIRED.—A proclama-
23 tion issued under subsection (a) shall cease to
24 be effective following the last day of the 2-year
25 period beginning on the date on which the

1 President issued the proclamation, unless the
2 proclamation is approved by an Act of Congress
3 on or before that last day.

4 “(B) MANAGEMENT OF LAND BEFORE AP-
5 PROVAL.—During the period between the
6 issuance of a proclamation under subsection (a)
7 and the approval of the proclamation under
8 subparagraph (A), the President shall ensure
9 that any restriction placed on land and inter-
10 ests, rights, or uses associated with the parcels
11 of land designated as a national monument, in-
12 cluding water rights, hunting, recreational
13 shooting, grazing, timber production, vegetation
14 manipulation to maintain forest health, off-road
15 vehicle use, hiking, horseback riding, and min-
16 eral and energy leases, claims, and permits, is
17 narrowly tailored and essential to the proper
18 care and management of the objects to be pro-
19 tected.

20 “(C) EFFECT OF NONAPPROVAL.—If Con-
21 gress does not approve a proclamation to des-
22 ignate a national monument under subpara-
23 graph (A), any reservation of land made by
24 such proclamation, and any restriction imposed
25 as a result of such proclamation on interests,

1 rights, or uses associated with the parcels of
2 land, shall cease to be effective following the
3 last day of the 2-year period referred to in sub-
4 paragraph (A).

5 “(D) PROHIBITION ON REPEAT PROCLAMA-
6 TIONS.—The President may not issue a procla-
7 mation that is substantially similar to a procla-
8 mation previously issued under subsection (a)
9 that Congress has not approved under subpara-
10 graph (A).

11 “(f) LIMITATION ON RESTRICTIONS.—The President
12 shall ensure that any restriction placed on land and inter-
13 ests, rights, or uses associated with the parcels of land
14 designated as a national monument by a proclamation
15 issued under this section is narrowly tailored and essential
16 to the proper care and management of the objects to be
17 protected.”.

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