

112TH CONGRESS
1ST SESSION

S. 927

To require congressional approval before implementation of certain agency actions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2011

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require congressional approval before implementation of certain agency actions, 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 “Agency Overreach
5 Moratorium Act”.

6 **SEC. 2. PROHIBITION ON RETROACTIVE WITHDRAWAL OF**
7 **CERTAIN PERMITS.**

8 Unless approved by an Act of Congress, the head of
9 a Federal agency shall not—

1 (1) retroactively withdraw any permit issued for
2 Federal land or any area of the outer Continental
3 Shelf that would have been used—

4 (A) to produce or harvest a domestic nat-
5 ural resource; or

6 (B) to create 1 or more jobs; or

7 (2) issue a designation under any law that
8 would restrict or prohibit access to domestic natural
9 resources on Federal land or any area of the outer
10 Continental Shelf.

11 **SEC. 3. CONGRESSIONAL APPROVAL OF DESIGNATION OF**
12 **NATIONAL MONUMENTS.**

13 Section 2 of the Act of June 8, 1906 (commonly
14 known as the “Antiquities Act of 1906”) (16 U.S.C. 431)
15 is amended—

16 (1) by striking “SEC. 2. That the President”
17 and inserting the following:

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

19 “(a) IN GENERAL.—Subject to the requirements of
20 this section, the President”;

21 (2) by striking “*Provided*, That when such ob-
22 jects are situated upon” and inserting the following:

23 “(b) RELINQUISHMENT OF PRIVATE CLAIMS.—In
24 cases in which an object described in subsection (a) is lo-
25 cated on”; and

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

2 “(c) CONGRESSIONAL APPROVAL OF PROCLAMA-
3 TION.—A proclamation issued under subsection (a) shall
4 not be implemented until the proclamation is approved by
5 an Act of Congress.”.

6 **SEC. 4. ECONOMIC ANALYSIS BY SECRETARY OF COM-**
7 **MERCE REQUIRED.**

8 The head of a Federal agency shall not take any ac-
9 tion that modifies the authority of the Federal agency with
10 respect to issuing permits for natural resource develop-
11 ment on Federal land or making designations of Federal
12 land under any law until the date on which the Secretary
13 of Commerce completes, and submits to Congress, an eco-
14 nomic analysis to determine—

15 (1) whether the proposed agency action has the
16 potential to reduce revenue to the Treasury; and

17 (2) the potential impact of the proposed agency
18 action on property rights and existing contracts.

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