

[Roll No. 481]

AYES—112

Abercrombie	Ford	Nadler
Ackerman	Frank (MA)	Neal
Allen	Frost	Oberstar
Andrews	Furse	Obey
Baesler	Gejdenson	Olver
Baldacci	Gephardt	Owens
Barrett (WI)	Gutierrez	Pallone
Becerra	Harman	Pastor
Bentsen	Hastings (FL)	Payne
Blumenauer	Hefner	Pelosi
Bonior	Hinchey	Peterson (MN)
Borski	Jackson-Lee	Pomeroy
Boyd	(TX)	Rangel
Brown (CA)	Jefferson	Roybal-Allard
Brown (OH)	Johnson, E. B.	Sanchez
Capps	Kanjorski	Sanders
Carson	Kaptur	Schumer
Clayton	Kennedy (MA)	Serrano
Condit	Kennedy (RI)	Sherman
Cox	Kilpatrick	Skaggs
Cummings	Lampson	Slaughter
Davis (FL)	Levin	Stark
DeFazio	Lewis (GA)	Stenholm
DeGette	Lofgren	Strickland
Delahunt	Lowey	Stupak
DeLauro	Maloney (NY)	Tauscher
Deutsch	Manton	Thurman
Dingell	Markey	Tierney
Doggett	Matsui	Torres
Doyle	McCarthy (NY)	Towns
Edwards	McDermott	Turner
Engel	McGovern	Velazquez
Ensign	McNulty	Vento
Eshoo	Meehan	Waters
Evans	Miller (CA)	Wexler
Farr	Mink	Weygand
Fattah	Moakley	Woolsey
Filner	Murtha	

NOES—295

Aderholt	Cubin	Hilleary
Archer	Cunningham	Hilliard
Armey	Danner	Hinojosa
Bachus	Davis (IL)	Hobson
Ballenger	Davis (VA)	Hoekstra
Barcia	Deal	Holden
Barr	DeLay	Hooley
Barrett (NE)	Dellums	Horn
Bartlett	Diaz-Balart	Horstettler
Barton	Dickey	Houghton
Bass	Dicks	Hoyer
Bateman	Dixon	Hulshof
Bereuter	Dooley	Hunter
Berry	Doolittle	Hutchinson
Billray	Dreier	Hyde
Billirakis	Duncan	Inglis
Bishop	Dunn	Istook
Blagojevich	Ehlers	Jackson (IL)
Blunt	Ehrlich	Jenkins
Boehlert	Emerson	John
Boehner	English	Johnson (CT)
Bonilla	Etheridge	Johnson (WI)
Bono	Everett	Jones
Boswell	Ewing	Kasich
Boucher	Fawell	Kelly
Brady	Flake	Kildee
Brown (FL)	Foley	Kim
Bryant	Forbes	Kind (WI)
Bunning	Fowler	King (NY)
Burr	Fox	Kingston
Burton	Franks (NJ)	Klecza
Callahan	Frelinghuysen	Klink
Calvert	Gallely	Klug
Camp	Ganske	Knollenberg
Campbell	Gilchrest	Kolbe
Cannon	Gillmor	Kucinich
Cardin	Gilman	LaHood
Castle	Goode	Lantos
Chabot	Goodlatte	Largent
Chambliss	Goodling	Latham
Chenoweth	Gordon	LaTourette
Christensen	Goss	Lazio
Clay	Graham	Leach
Clement	Green	Lewis (CA)
Clyburn	Greenwood	Lewis (KY)
Coble	Gutknecht	Lipinski
Coburn	Hall (OH)	Livingston
Collins	Hall (TX)	LoBiondo
Combest	Hamilton	Lucas
Cook	Hansen	Luther
Cooksey	Hastert	Maloney (CT)
Costello	Hastings (WA)	Manzullo
Coyne	Hayworth	Mascara
Cramer	Hefley	McCarthy (MO)
Crane	Herger	McCollum
Crapo	Hill	McCrery

McDade	Price (NC)	Smith, Adam
McHale	Pryce (OH)	Smith, Linda
McHugh	Quinn	Snowbarger
McIntosh	Radanovich	Snyder
McIntyre	Rahall	Solomon
McKeon	Ramstad	Souder
McKinney	Redmond	Spence
Meek	Regula	Spratt
Menendez	Reyes	Stabenow
Metcalf	Riggs	Stearns
Mica	Riley	Stump
Millender-	Rivers	Sununu
McDonald	Rodriguez	Talent
Miller (FL)	Roemer	Tanner
Minge	Rogan	Tauzin
Mollohan	Rogers	Taylor (MS)
Moran (KS)	Rothman	Taylor (NC)
Morella	Roukema	Thomas
Myrick	Royce	Thompson
Nethercutt	Rush	Thornberry
Neumann	Ryun	Thune
Ney	Sabo	Tiahrt
Northup	Salmon	Trafigant
Norwood	Sandlin	Upton
Nussle	Sanford	Visclosky
Ortiz	Sawyer	Walsh
Oxley	Saxton	Wamp
Packard	Scarborough	Watkins
Pappas	Schaefer, Dan	Watt (NC)
Parker	Schaffer, Bob	Watts (OK)
Pascrell	Scott	Weldon (FL)
Paul	Sensenbrenner	Weldon (PA)
Paxon	Sessions	Weller
Pease	Shadegg	White
Peterson (PA)	Shaw	Whitfield
Petri	Shays	Wicker
Pickering	Shimkus	Wise
Pickett	Shuster	Wolf
Pitts	Sisisky	Wynn
Pombo	Skeen	Yates
Porter	Smith (MI)	Young (AK)
Portman	Smith (NJ)	Young (FL)
Poshard	Smith (TX)	

NOT VOTING—26

Baker	Gibbons	Moran (VA)
Berman	Gonzalez	Rohrabacher
Bilely	Granger	Ros-Lehtinen
Buyer	Johnson, Sam	Schiff
Canady	Kennelly	Skelton
Conyers	LaFalce	Smith (OR)
Fazio	Linder	Stokes
Foglietta	Martinez	Waxman
Gekas	McInnis	

□ 1208

Ms. SANCHEZ, Ms. JACKSON-LEE of Texas and Ms. ROYBAL-ALLARD changed their vote from "no" to "aye".

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Madam Speaker, on rollcall No's. 480 and 481. I was unavoidably detained due to a medical emergency. Had I been present, I would have voted "yes" on rollcall vote 480 and "no" on rollcall vote 481.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2267.—Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2267) "An Act making appropriations for the Departments of

Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, Mr. COCHRAN, Mr. HOLLINGS, Mr. BYRD, Mr. INOUE, Mr. BUMPERS, Mr. LAUTENBERG, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a modified closed rule. It will allow for consideration of H.R. 1127, which is a bill that amends the 1906 Antiquities Act to limit the ability of the President to establish national monuments. As the gentleman from New York [Mr. SOLOMON] described, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

Under this rule, five amendments printed in the committee report are allowed, each debatable for 10 minutes. No other amendments may be offered.

First of all, I do want to thank the members of the Committee on Rules and the gentleman from New York for making in order most of the amendments that were submitted, including four Democratic amendments.

Unfortunately, Members were notified on Thursday, September 25, that they had until Monday noon to submit amendments. That is only 2 working days. This modified closed rule only permits amendments that were submitted in advance, and these will be debated under severe time restraints. Thus, the House is denied the opportunity for full and fair debate normally permitted under an open rule.

On rare occasions, these restrictions are acceptable for matters of the highest priority or when urgent House action is required. However, this bill fits neither requirement. The bill was reported more than 2 months ago, and the House could have taken it up at any time.

Madam Speaker, this bill is not only low priority, it is entirely unnecessary in my opinion. This measure eliminates the President's ability to create new national monuments under 50,000 acres without specific congressional approval. However, Congress already has the power to add to, change, or reverse the designation of national monuments.

The bill would tie the President's hands in dealing with threats to our Nation's natural, historic, and scientific resources. If we pass the bill, the President will certainly veto it.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I continue to reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Madam Speaker, I rise in opposition to this rule. The fact is that this bill is being considered under severe time restraints and severe limits in terms of the amendments that are written in the rule.

While I appreciate the fact that the Committee on Rules did respond to my request to offer the amendment that I resubmitted, with the modifications to it, but the fact is that the nature of the time allotments on this, and the limitations on this are simply not justified.

□ 1215

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from New York.

Mr. SOLOMON. Madam Speaker, let the gentleman understand that we made in order all amendments that were filed, including the gentleman's, and even gave him the opportunity to modify.

Because of the windows of opportunity, we have put a time limit of 10 minutes on each amendment. However, if the gentleman desires more time, I am sure that the gentleman from California [Mr. MILLER] or the gentleman from Utah [Mr. HANSEN] would be willing to grant more time. This was sort of the understanding that we had.

Mr. VENTO. Madam Speaker, I thank the chairman and, of course, I acknowledge exactly what he had repeated as I yielded to him. The concern is and the reason is that there is no urgency in terms of this matter, the issue of this matter has been before the Congress, an introduced measure since the beginning of this Congress. It has been over 3 months actually since this bill, the so called Monument Fairness Act, was acted on by the House Committee on Resources. The effort at this late date and at this time, in fact, to try and squeeze in this bill, as it were, this week or next week simply does not do justice to the nature of the issue that is before us.

I say that because this 1906 act, this antiquities law that is proposed to be substantially cut and modified by this proposal, is one of the foundations of modern conservation law in terms of what has happened in this century as our Nation and our people and values came to realize the importance of conserving the great landscapes that make up our Nation which are the legacy of future generations of Americans.

It is hardly the time in the 20th century, when we have come to a realization where the United States has led the world, really, in terms of conservation and preservation of these special landscapes, that we would propose at

this date to move into the 21st century without extending and maintaining this essential power for the President.

While it is true that in the past 90 years we have developed the national parks, we have developed fish and wildlife areas and important landmark laws like the 1964 wilderness law, Madam Speaker, while it is true that we have developed these new laws that addressed the preservation of landscapes and provide Congress and, in a more limited way, the States and the administration an opportunity to act, in fact, deal with the risks and the problems that face these essential landscapes, the fact is that this fundamental power of the 1906 act is a very pervasive one and a very important one in terms of being the foundation of our efforts to, meet the objectives and goals of the American people in preserving these important natural, cultural, and scientific areas.

As a matter of fact, this is the legislation that is the essence of having developed important crown jewels that we hold up now as proudly as the accomplishments of this century as areas of landscape preservation, like the Grand Canyon, like Denali in Alaska, like Glacier Bay in southeast Alaska, and many, many other areas that are equally important and recognized by all America as our special places and valued.

To bring this bill up and to consider it with these abbreviated sorts of amendments and to try to jam it to conclusion in this session and in this manner is inappropriate and, I think, does not reflect well on the deliberative process that I would think would accompany a significant change in natural resource policy that is important to this House and our Nation.

Stripping away the President's power, the power that 13 Presidents have exercised in 105 different instances in creating and designating and declaring these national monuments, is a very important landscape and environmental law that we should not take away, initiated, by, of course, the pioneer of the modern conservation movement, Theodore Roosevelt, in 1906 and used through most of the Presidents, including President Clinton.

If we disagree with the actions of a President, whatever President it is, this Congress has the opportunity to act and historically has acted, effectively in terms of addressing this issue, but not to upset the very power that the Presidents have, in an emergency to act to protect our landscapes and resources for future generations of Americans.

Mr. SOLOMON. Mr. Speaker, I yield to the gentleman from Utah [Mr. HANSEN], 7 minutes.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman from New York yielding the time to me on this important piece of legislation.

Everyone has alluded to the idea of what Theodore Roosevelt was able to do. One of our great Presidents, no question about it, was the man who took care of conservation, started the ball rolling. What did he have to work with back at the turn of the century? Was there any legislation there that would allow him to go out and see these beautiful parks of America, let us take care of it? There was nothing there. So the 1906 antiquities law came along.

What does it do? Does it offer any protection to anything? Absolutely not. Nothing. So the President did not have the 1915 park bill. If he had, he would have used it, and later it was used. He did not have the 1969 NEPA bill. He did not have the 1964 wilderness bill. He did not have the 1976 FLPMA bill, Wild and Scenic River, Horse and Burro Act, did not have any of those things. What he did have? He had the 1906 law that has far outlived its usefulness.

What does that law say? The law says that the President of the United States sees an area, this should be protected for archeological reasons or historic reasons, and every President but one always stated the reason. Rainbow Bridge is a reason; two trains came together where it was. Whatever it may be. This President forgot to state the reason in this one. What does the next sentence in the law say? It is very clear. It says that he shall use the smallest amount of acreage to protect that archeological or historical thing.

Now we have a very interesting thing that occurred. On September 18, 1996, safely in Arizona, the President of the United States stood up and he declared 1.7 million acres as a national monument. Did this President say, here is this archeological thing I have tried to protect? Wait a minute, here is this historic thing I want to protect? He did not say a word about it. In fact, he had never even been there, different than Teddy Roosevelt who had been to all those areas. President Roosevelt had seen those areas, had walked on them, hunted on them, knew about them. He was an expert on it.

Does this President even know where it was? He did not even know where the thing was. Why did he do it? What is the historical nature? Did anyone say anything about this? Did I hear that from this side or this side? What was the archeological reason? Can anybody give it to me? And what is the smallest amount, as the law says? Should we now cut the President off and say, Mr. President, you cannot do this anymore; we have other laws?

No. There may be a hairy mammoth up there in northern Minnesota that we will find, and I would assure my good friend from Minnesota, who would want a national park there or national monument, the President could go up, under this law, and he could take 50,000 acres and no one says a thing about it. Come on, think about it.

Do any of you guys in here know anything about surveying? I do not know

very much. Let me say this: How big is 50,000 acres? The size of Washington, D.C., is 50,000 acres.

He can do that anywhere in any one of your States. He can go in and plunk it down right in the middle of Ithaca, NY, or wherever he wants to. You have 50,000; we do not say a thing about it. All we are saying is, this law has outused its purpose. Now let us just bring it to 50,000.

What does this bill say? It says, in the event the President of the United States wants more than 50,000 acres, he had better talk to the Governor. Does he have to listen to the Governor? No. But we are saying for 30 days he has to talk to the Governor of the State and then he has to come to Congress. And, incidentally, we all admit that Congress is given the right to take care of the public lands of America; the Constitution gives them that. And then he can come to Congress, and Congress can say, all right, Mr. President, we will give you more or less.

If he goes over, this bill says, for 2 years it sits there, and then it sunsets, unless Congress moves on it.

I would just say to my friends, please do not get conned into the idea of saying there is protection here. Does the antiquities bill stop coal mining in an area? No. You can still mine coal in a national monument. Does it stop mineral development? No. Conoco is drilling exploratory in the Grand Escalante Staircase as we speak. Does it prevent grazing? No. Grazing will continue. On the contrary, the national monuments are there to be seen.

This flies in the face of what the environmental community thought they had. They shot themselves in the foot on this one. They thought they got protection. What did they get? They got hundreds of people standing there. I was down there not too long ago. I was in the Government vehicle; State people were with me, all these folks standing around. They said: Hey, you folks are government. Tell us what is the national historic thing that I came to see in the monument, and where is the monument? We said: Folks, you are standing in it. I hope you enjoy it.

Next question: What is there to see? We do not know. So they are going there, all these people now. It is great for Escalante. It is great for Cannonville. It is great for Tropic. It is great for those little communities where they did not have a tax base. Now they have people coming in by the hundreds, and they are building motels, and they are building gas stations. And now all we can see out there is a panorama of people trying to find something to see like they do Rainbow Bridge, like they do the Golden Spike, like they do the other monuments. But there is nothing to see.

So why did we do it? Well, we have been asking the White House: Why did you do this anyway? Strangely enough, we are now even subpoenaing the records. They actually said I could look at them, and I did. There was not

one thing in there about protecting it. And, in fact, the chairman of the President's Environmental Protection Council said this: This ground is not worthy of protection. That is in black and white.

So then you ask yourself, what about the time it happened? Do you know what they said? They said: Who do we want to stand with us safely on the south rim of the Grand Canyon? Do we want the mainstream Utah folks? That was not stated. What was stated: Do we want the enviro crowd to accept it wildly?

Let us be honest, whether it is a Republican or a Democrat, this was done for political purpose only. That is it. It had nothing to do with anything as far as protecting an area. My dad ran uranium mines down there. I can tell you, I agree with Kathleen McGinney, it does not deserve protection.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Will the gentleman have a bill to repeal the declaration of the President with regard to the Escalante Grand Staircase national monument?

Mr. HANSEN. Madam Speaker, let me say this to the gentleman. If we had any sense and the President had time enough to talk to us, we would have said the Grand Staircase Escalante should be 50-mile mountain, and it should be Paria-Hackberry. I would agree, it is almost national park status. There is one little tiny part of it. They did not talk to us. In fact, no one from the delegation was even alerted, which I find a little offensive.

Mr. HALL of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from New York [Mr. HINCHEY].

(Mr. HINCHEY asked and was given permission to revise and extend his remarks.)

Mr. HINCHEY. Madam Speaker, life is certainly full of inconsistencies, and nowhere is that more evident than on the floor of the House of Representatives today. We have before us something called the rule on the National Monument Fairness Act of 1997.

□ 1230

Of course this act has nothing to do with fairness whatsoever. It has to do entirely and completely with trying to, in some misguided way, strike back at the administration for declaring a national monument in the Grand Staircase in Escalante in southern Utah, an act which, as a matter of fact, has been hailed by people all across the country, including many in Utah and many public officials in Utah.

Why we are doing this is certainly beyond me, but inconsistent it certainly is. In introducing the rule on this act, the chairman of the Committee on Rules inveighed against the closed nature in which the President engaged in establishing this national monument while, in fact, that was not a closed process at all. It was a very

open process and heralded in many places all across the country. What is closed, in fact, is this modified closed rule in which we are seeking to address this very important issue.

Another inconsistency. Just recently, in a budget bill, we passed legislation which appropriated \$5 million for the purchase of the Reagan ranch in California. Now, that may be a very good idea. I do not know. And I am sure most people do not know because there were no hearings. There was no open process. No one knew anything about it. The people in the surrounding area, I understand, are very upset about the fact that this ranch has now been purchased, or is about to be purchased, for \$5 million. Talk about a closed process, this majority here seems to have the patent on closed processes.

Let us talk for a moment about one of the specific amendments here, the amendment that is being introduced by my good friend from Utah which would set up a process whereby before any national monuments can be designated, 30 days notice has to be given to the State. That may not be a bad idea, but then it goes further and it says that after 2 years, after the monument has been designated for 2 years, the Congress is going to have to take some affirmative action.

What that means is, in effect, that the National Monuments Act will be made null and void, because virtually any Member of the Congress would be able to hold it up.

Now, my dear friend from Utah was talking a few moments ago about how a national monument can be installed anyplace in the country by whim of the President. Not so, my colleagues. That is not the case at all. First of all, national monuments can be declared only on public land, and the Grand Staircase Escalante National Monument involves public land in the State of Utah, and that is what this is about.

This is about designating land that is owned by all of the people of this country, public lands owned by all of the people of this country to be a national monument.

Now, we were told also that there are no specifics in this proclamation. Quite the contrary, Madam Speaker. The proclamation that the President used in declaring the Grand Staircase Escalante National Monument is replete with specifics. Let me mention just a few.

The monument holds many arches and natural bridges, including the 130-foot high Escalante Natural Bridge, with a 100-foot span, and Grosvenor Arch, a rare double arch. The upper Escalante canyons in the northeastern reaches of the monument are distinctive: In addition to several major arches and the natural bridges, vivid geological features are laid bare in narrow serpentine canyons. It goes on and on. There are innumerable specifics in this proclamation that set forth precisely why this area was designated a national monument.

So what we have before us today is not an act that seeks fairness, it is an act that seeks some perverse kind of revenge for having done something that some people may not approve of, although is approved of by the overwhelming majority of the American people and by notable public officials in the State of Utah, including the Governor of the State of Utah.

This was, in fact, the right thing to do. The President has used this act in precisely the way it was intended to be used, precisely the way 13 other Presidents have used it in the past. And if this act were in effect when other national monuments were intended to be enacted, they never would have taken place. The people of this country would have been deprived of some of the most important aspects of our natural heritage.

This rule is a bad rule, Madam Speaker, and the amendments that it makes germane are bad also and they ought to both be defeated.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

I am shocked, literally shocked, at my colleague from New York, whose district borders mine, complaining about this rule. The rule is totally open to every Member of this Congress to offer amendments. We made in order every single request that we had, with the exception of the gentleman's colleague, who now has turned his amendment into a germane amendment and we are about to move to make that amendment in order as well.

I really hesitate to be critical of my colleague, but he ought to know that what he said is not true about the rule. The rule is fair and open and it is supported by everyone in the Chamber.

Mr. HINCHEY. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I will not yield to the gentleman from New York, because the gentleman would not yield to another colleague.

Well, I will yield to the gentleman to show how fair we are.

Mr. HINCHEY. Madam Speaker, I would point out to my friend that only 2 days time was given to file amendments and there is only 10 minutes allowed for debate on each of the amendments that have been allowed. So in my colleague's own language, and appropriately so, this rule has been described as a modified closed rule, and closed it certainly is.

Mr. SOLOMON. Madam Speaker, reclaiming my time, if the gentleman had requested an amendment, it would have been made in order.

Madam Speaker, I yield 2½ minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources. He is really one of the most respected Members of this body because he always tells it like it is.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, I have been listening to this

thing with great interest. If my colleagues read the bill, it is a very simple and very good bill.

It limits the President's ability. Up to or below 50,000 acres, he can do anything he wants to do. If we read the Antiquities Act, it was never meant to be used as Jimmy Carter used it when they set aside 87 million acres in my State as a national monument. It was never meant to set Escalante aside. That was never the intent of the Antiquities Act. It was to save the Statue of Liberty or some historical house or something that was being threatened by, in fact, outside encroachment.

The most interesting thing I hear today is this body, especially that side, is willing to let the President run this country by himself when the Constitution says we have the authority, and only the Congress of the United States, to set aside and designate lands. I am not about to elect a king. He may think he is a king, but I say he is just a President and he has to answer to this Congress.

This gentleman from Utah puts it very clearly, that we now say, all right, sir, Mr. President, if there is a Statue of Liberty or a Washington Monument or Mount Vernon being threatened, he can declare that a national monument if they are not already. But if there is anything larger than 50,000 acres, which is bigger than the gentleman's district, then he has to come back to the Congress. And what is wrong with letting the Congress do the job instead of just letting the President do the job?

But more than Escalante, I want to tell my colleagues a little thing about Escalante. No one was consulted in the State of Utah. The Governor was not; our colleague was not. In fact, he was washed down the drain by this President on behalf of the environmental community. Washed out of this Congress. He was defeated because this President did not have the decency to communicate with those elected close by.

And by the way, it is not a monument. It is actually an area that is basically of little value other than the coal. It is ironic to me this large massive amount of coal is now off limits.

The second thing is there is private land involved here, 200,000 acres of land owned by the State of Utah, that is surrounded by, now, this monument. There are private land holdings within the monument that are no longer of any value. It is a taking without compensation.

We are trying to solve a problem that this President has abused; that Jimmy Carter abused. It is a bill that should be passed, and I would suggest, respectfully, let us go with the amendments that have been offered by the gentleman from Utah; let us pass this legislation; let us put, I suggest, Congress back in the role of selecting the lands that should be a monument.

Mr. HALL of Ohio. Madam Speaker, I yield 6 minutes to the gentleman from

California [Mr. MILLER], the ranking minority member of the committee.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, I rise in strong opposition to this rule.

It is unfortunate that we are being rushed both in this rule and I guess in consideration of the underlying legislation. This is a bill that was reported out of our committee in June, and now we find, just before the House is in a rush to leave for the religious holidays, that we have this bill jammed to us on the floor and time limitations placed upon the amendment.

This is an important bill. Understand that. This is not a minor bill, this is an important bill, and it should be open to full and fair debate because this bill stands the Antiquities Act on its head.

Now, those who are supporting this legislation would have us think that somehow the President was wandering around the country willy-nilly declaring areas to be national monuments and to preserve Federal lands. That is not the case at all.

They would have us believe there has been no consultation, no discussion, no awareness of this. The fact of the matter is there has been years of consultation, years of discussion within the Utah delegation, within our committee, within the Congress, within the Senate, within the House, among the Governors, among the administration; and the fact of the matter is that nobody could arrive at a conclusion about the protection of these lands.

The people of Utah have expressed over and over again that they want an expansive Utah wilderness bill to protect these lands and other lands in that State. The President took these lands to protect them.

Why did he protect them? Because when we go out to Utah and we travel the lands, we will see an interesting phenomenon: people driving tractors across the land, people punching roads into the land because they think that that somehow will disqualify them from being nominated as a wilderness area. And it is going on on a weekly and daily basis out there, so somebody had to take action.

Now, under the existing law, the President took action, as he properly did and rightfully did, to protect the lands in this State that belong to the people of the United States, all of the people of the United States. But the Senators from Utah and elsewhere have filibustered, they have blocked amendments. They would not let this happen. The President took the action to protect the lands.

Now, the gentleman from Utah, the Senators from Utah or anybody else who wants, can come here and introduce legislation to modify the Escalante area. The gentleman says some of it is worthy of a national park and the rest is not much. Bring that bill to the floor. Let us have that debate.

Many people think that the wilderness area should be much larger than that. There are many other areas that should be protected. The gentleman has his own bill. Other people have brought bills in the past to modify actions of the President. Some 40 times we have modified those actions.

But rather than deal with that, rather than deal with this on the merits, is it too large, too small, is it the right area, the wrong area, is it a valuable area or an invaluable area, they would rather gut the Antiquities Act. They would rather put it back into the hands of the Senators who have filibustered the protection of these lands in the first place. That is what they want to do.

That stands one of the crown jewels of environmental protection on its head. It guts the Antiquities Act. When it is all said and done we put it right back into the hands of the great "hall of whims" down at the other end of the aisle here where they cannot resolve anything.

We have asked year after year after year for a Utah wilderness bill. They cannot resolve it. So we are not going to let people lay waste to these lands because the politicians cannot make up their minds to do what the people in the State want them to do. That is what this debate is about.

This bill is a bad bill, the amendments will not cure it, and we ought to defeat the rule and we ought to defeat the bill.

Mr. VENTO. Madam Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding to me. I certainly concur with much of his statement.

The fact that President Carter, the fact that President Clinton used this action was precisely because there were imminent actions. And my colleague from Alaska, our chairman, surely knows that the protection of the D-2 lands, had it been extended, expired because Congress failed to act. The only tool he had available that would really work was this 1906 act.

Today we would not have the protection of many of these key areas in Alaska but for the fact that the President had this backup power. It is important to have the '64 Wilderness Act, the 1916 Park Act, and many others, but the fact is the President needs that so that he can protect the public interest, the national interest, in terms of these lands, whether they be in Alaska or Utah.

The gentleman disagrees, and I respect the fact that we have disagreement with regards to this, but the President acted in this instance because there were mineral leases that were going to go on.

Talking about consultation, there are major flaws in terms of these bills.

□ 1245

Mr. VENTO. The fact is that when there is an instance where there is a

conservation action that may take place with regard to wilderness designation or park designation, we have a group of individuals in this country that will go on seeking mineral leasing, seeking permits, simply with the effort to in fact frustrate, and at great expense to the taxpayer. We have to go back at that particular point if we want to achieve the conservation, the preservation of that land, and pay for what the taxpayer already owns, that is, the Federal Government already has. We have to go back and pay, basically, in essence being blackmailed in these instances in order to conserve these lands. That is wrong.

Mr. MILLER of California. The gentleman from Minnesota [Mr. VENTO] is right. My colleague wants to keep alluding to Katie McGinty's memo. But the fact of the matter is, with advanced notice, the Senate would have tried to stop this, would have tried to put this into an appropriations bill, and left these lands unprotected.

That was the fact that was on the ground and evident to everyone in this Nation before the President had the courage to act and protect these lands.

Mr. SOLOMON. Madam Speaker, I intend to close for our side, if the gentleman from Ohio [Mr. HALL] would like to yield back the balance of his time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no more speakers. I would just say that the chairman has referred to this as being an open rule. It is really a modified closed rule.

I just want to correct that particular statement and say that the bill is a high priority from the standpoint if you are an environmentalist and really care about these lands. On the other hand, the bill can wait and it is not necessary that we continue to stay here and debate this piece of legislation.

I would just say that I would hope that people would consider this rule and vote according to what the gentleman from California [Mr. MILLER] and what the gentleman from Minnesota [Mr. VENTO] and what the gentleman from New York [Mr. HINCHEY] have said about this. I think they have made very, very good points about this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Utah [Mr. COOK], a very distinguished new Member of this body.

Mr. COOK. Madam Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the time in the closing arguments here.

Madam Speaker, I rise to speak in strong support of the rule on the underlying legislation, the National Monument Fairness Act. With all due respect to my friends and colleagues from New York, Minnesota, and Cali-

fornia, I just cannot see what the real problem is. Because, Madam Speaker, I think this act will only enhance the ability of a President to work with Governors and State lawmakers to preserve America's scenic wonders, something I feel very strongly about, something that ought to be done.

The Antiquities Act can be a wonderful tool for enshrining significant natural, archaeological and historical sites. H.R. 1127 will still allow a President to declare national monuments, up to 50,000 acres, in the same way that he declared the Escalante Grand Staircase.

But when he is going to designate a monument that size, 1.7 million, in fact, anything over 50,000, he is going to have to consult with State legislatures and Governors. Because if he does not, there will be sunset provisions or some other way to make sure appropriate notification, not denial, of the opportunity to use the Antiquities Act is done.

History shows us that this bill will not affect very many of the vast number of prospective sites. The vast majority of all previously declared areas are much, much smaller than 50,000 acres. But common sense and fair play dictate the large piece of land in a State that is to be set aside as a national monument, the Governor and the States' legislatures ought to be consulted. Failure to do so absolutely flies in the face of representative government and democracy itself.

That kind of offense is really unnecessary. This would totally be prevented by the simple notifications required.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I sum up very briefly, not using all of our time that we have. I just want to quote one more time, if I might, because it is really what this bill is all about that the rule makes in order; and that is the statement by Katie McGinty, the chair of the President's Council on Environmental Quality, when she wrote, "I will say again, any public release of information would probably foreclose the President's option to proceed," that is, hiding it from the American people.

Interior Department Solicitor John Lishy said something similar when he said, "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen."

That is what this legislation is all about. The American people are always entitled to know what their Government is doing.

Now, the rule is a fair rule, whether it is modified closed, modified open. It is a rule that made in order every single request by every single Member for any germane amendment, including the gentleman from New York [Mr. BOEHLERT], the noted environmentalist, over here, who I will offer an amendment in a minute to this rule, making in order his amendment, which is now germane to the issue. And that is out of fairness.

We have then taken care of anyone and everyone who wanted to offer amendments to this, including the gentleman from New York [Mr. HINCHEY]. Had he wanted an amendment, it would have been made in order.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

At the end of the resolution add the following new sections:

"Sec. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment specified in section 3 of this resolution as though it were amendment numbered 6 in House Report 105-283. That amendment may be offered only by Representative Hansen of Utah or his designee and shall be debatable for 10 minutes.

"Sec. 3. The amendment described in section 2 is as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE

This Act may be cited as the "National Monument Fairness Act of 1997".

SEC. 2. CONGRESSIONAL REVIEW OF NATIONAL MONUMENT STATUS AND CONSULTATION.

Section 2 of the Act of June 8, 1906, commonly referred to as the "Antiquities Act" (34 Stat. 225; 16 U.S.C. 431) is amended by adding the following at the end thereof: "A proclamation of the President under this section that results in the designation of a total acreage in excess of 50,000 acres in a single State in a single calendar year as a national monument may not be issued until 30 days after the President has transmitted the proposed proclamation to the Governor of the State in which such acreage is located and solicited such Governor's written comments, and any such proclamation shall cease to be effective on the date 2 years after issuance unless the Congress has approved such proclamation by joint resolution."

Mr. SOLOMON (during the reading). Madam Speaker, I ask unanimous consent that that amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid upon the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1173

Mr. MCCRERY. Madam Speaker, I request unanimous consent that my name be removed as a cosponsor of H.R. 1173.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the re-

quest of the gentleman from Louisiana?

There was no objection.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT EXTENSION

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that the House immediately consider the bill (H.R. 2516) to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998; that the amendment now at the desk be considered as adopted; and that the bill, as amended, be considered as passed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of H.R. 2516 is as follows:

H.R. 2516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATEMENT OF PURPOSE.

This Act makes funds available for the Federal-aid highway, highway safety, motor carrier safety, and mass transportation programs for the first 6 months of fiscal year 1998 by extending the Intermodal Surface Transportation Efficiency Act of 1991 to ensure the continuation of such programs while a multiyear reauthorization is developed. This extension is structured to allow programmatic, apportionment formula, and funding adjustments for the second 6 months of fiscal year 1998 through enactment of a multiyear program.

SEC. 2. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAM FUNDING.

(a) IN GENERAL.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918-1922) is amended by adding at the end the following:

"(d) FEDERAL-AID HIGHWAYS FOR THE PERIOD OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—

"(1) IN GENERAL.—For Federal-aid highways and highway safety construction programs, \$11,942,375,000 are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) during the period October 1, 1997, through March 31, 1998, and shall be distributed in accordance with this subsection.

"(2) CERTAIN DISCRETIONARY PROGRAMS.—Of the amounts made available by paragraph (1), the Secretary shall deduct \$32,500,000 to carry out section 118(c)(2) of title 23, United States Code, for the period October 1, 1997, through March 31, 1998, and shall deduct \$30,250,000 to carry out the discretionary program under paragraphs (1) and (2) of section 144(g) of such title during such period.

"(3) STATE ALLOCATION PERCENTAGES.—From amounts remaining after making the deductions under paragraph (2) and application of paragraphs (4) and (5), the Secretary shall determine the amount to be apportioned among the States in accordance with the following table:

"State:	Percentage:
Alabama	2.0026
Alaska	1.0499
Arizona	1.4627
Arkansas	1.5268
California	8.9046
Colorado	1.0443
Connecticut	1.9229
Delaware	0.4057
District of Columbia	0.4436
Florida	4.4867
Georgia	3.2899

"State:	Percentage:
Hawaii	0.6435
Idaho	0.6314
Illinois	3.6779
Indiana	2.4581
Iowa	1.1364
Kansas	1.1383
Kentucky	1.6617
Louisiana	1.4831
Maine	0.6458
Maryland	1.4512
Massachusetts	3.5632
Michigan	3.0432
Minnesota	1.4547
Mississippi	1.1286
Missouri	2.2677
Montana	0.7857
Nebraska	0.7501
Nevada	0.6218
New Hampshire	0.4764
New Jersey	2.6851
New Mexico	0.8767
New York	5.7882
North Carolina	2.7408
North Dakota	0.5972
Ohio	3.4702
Oklahoma	1.5021
Oregon	1.1378
Pennsylvania	4.5007
Rhode Island	0.4708
South Carolina	1.6019
South Dakota	0.5990
Tennessee	2.0954
Texas	6.9197
Utah	0.6672
Vermont	0.4287
Virginia	2.4440
Washington	1.7603
West Virginia	1.1088
Wisconsin	2.0159
Wyoming	0.5999
Puerto Rico	0.4312.

"(4) STATE PROGRAMMATIC DISTRIBUTION.—

"(A) IN GENERAL.—Of the funds to be apportioned to each State under paragraph (3), the Secretary shall ensure that the State is apportioned an amount of such funds, determined under subparagraph (B), for the Interstate maintenance program, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality program, minimum allocation under section 157 of title 23, United States Code, Interstate reimbursement under section 160 of such title, the donor State bonus under section 1013(c) of the Intermodal Surface Transportation Efficiency Act of 1991, hold harmless under section 1015(a) of such Act, 90 percent of payments adjustments under section 1015(b) of such Act, metropolitan planning under section 134 of such title, section 1015(c) and sections 1103 through 1108 of such Act, and funding restoration under section 202 of the National Highway System Designation Act of 1995.

"(B) FORMULA.—The amount which each State is to be apportioned under this subsection for each item referred to in subparagraph (A) shall be in the same ratio that each State was apportioned funds for such item or allocated funds under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 to the total of all such funds apportioned and allocated to such State for such items for fiscal year 1997.

"(C) MINIMUM ALLOCATION.—Not more than \$319,500,000 of the funds apportioned to States by this subsection for minimum allocation shall not be subject to any obligation limitation.

"(D) SPECIAL RULE.—Amounts apportioned to a State by this subsection for carrying out sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 shall be available to such State for projects eligible for assistance under chapter 1 of title 23, United States Code.