CANCELLATION OF DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Budget and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Line Item Veto Act, I hereby cancel the dollar amounts of discretionary budget authority, as specified in the attached reports, contained in the ''Military Construction Appropriations Act, 1998'' (Public Law 105–45; H.R. 2016). I have determined that the cancellation of these amounts will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 6, 1997.*

NATIONAL MONUMENT FAIRNESS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 256 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1127.

☐ 1842

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1127) to amend the Antiquities Act to require an act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. MILLER], each will control 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself 6½ minutes.

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

Mr. HANSEN. Mr. Chairman, this is a very interesting bill that we have in front of us at this time. It is a fairness act, is what it is.

On September 18, 1996, the President of the United States, William Jefferson Clinton, stood on the south rim of the Grand Canyon and declared 1.7 million acres of land as a national monument in the State of Utah. What did he do this under? He did this under the 1906 antiquities law.

Does he have the right to do it? You bet he does. He has the right to do that. President Carter earlier had done a similar piece of legislation in Alaska of around 53 million acres.

☐ 1845

Why is this bill around? Because in 1906 the President of the United States had no way to protect the gorgeous parts of America that should be protected. Wisely, Teddy Roosevelt could see a reason to do it, and out of that we got the Grand Canyon, we got Zion, we got some beautiful areas. All of those should be protected.

Later on, in 1915, we got a park bill. That park bill is what President Roosevelt probably would have used, but he did not have anything. There was nothing to protect it. Later on, Congress passed the 1964 Wilderness Act. Later on, in 1969, they passed the NEPA Act. In 1976, they passed the bill called FLPMA, or Federal Land Policy Management Act. And besides that there was the Wild Washington Trail Act, there is the Scenic Rivers Act, and the list goes on and on.

So Teddy Roosevelt did not have a tool to use. He did not have a way to do it so he used this. Since that time, other Presidents have used it and we now have 73 national monuments.

Mr. Chairman, I would be willing to say that the majority of people in here could tell me what was a distinguishing feature of the Golden Spike National Monument. They would say, of course, what it is is where the two trains came together. How about the Rainbow Bridge National Monument, where we see that beautiful red arch? Everyone could distinguish that one. So we say, well, what did we do on this one; what is the distinguishing feature? He talked about archeology, but he did not distinguish it. He talked about geology, but he did not tell us what it was. But we have 1.7 million acres.

Now let us go back to the law, where we put our hands in the air and took an oath that we would obey the law. That is the next thing; is that he would use the smallest acreage possible to do it. Smallest acreage to preserve what? What did we come up with to preserve 1.7 million acres?

To give my colleagues an idea of 1.7 million acres, that is pretty big. We could take Delaware and two other States and put it in that and they would become a national monument.

The bill we have in front of us says, well, if we are really mad at the President, as some of our colleagues say, if we are vindictive, if we want revenge, if we want to get even, let us repeal the law. I hope we rise above that. I hope we are bigger than that. I hope we should say this should still be on the books.

So we said what would be a reasonable amount of acreage for the President, and we came up with the figure 50,000 acres. Can people in this room equate with 50,000 acres? I will give them a hint. How big is Washington, DC? Anybody in here know? How about 39,000 acres. So all of Washington, DC is only 39,000 acres.

So we are saying we are going to give the President 50,000 acres; he can do it wherever, whenever he wants. He can put it in San Francisco, he can put it in New York, he can put it in Minnesota, which I would suggest three great places there. Anyway, carrying that on, we are giving him 50,000 acres.

Let us say the President says he wants more than that; he wants a bigger piece. This bill says the President now has to talk for 30 days with the Governor of the State and confer with him. But if he wants more than that, all he has to do is come to Congress. So this bill takes care of it.

We are not hurting any environment. In fact, it would be a very interesting debate that I would look forward to entering into, saying what does the antiquities bill protect. I have the bill in my hands here. It protects nothing.

In fact, if my colleagues do not believe that, go down to southern Utah and look at the people going there in hordes looking for something to see. When I stand out there as a Federal official and they say, where is the monument? I say, ''Friend, you are standing in it.'' They say, ''Well, what am I supposed to see?'' I say, ''I don't know, look around and enjoy it.''

People say, well, we got rid of that coal mine before it protected anything. I would be willing to ask anybody in the 435, who has been to that coal mine other than me? I have been there a number of times. If my colleagues have not been there, if they want to see one of the ugliest places in the State of Utah, they should go stand at Smokey Hollow. Rolling hills of sagebrush and bugs and nothing else. And if anybody wants to stand up and say that is beautiful, I would certainly question it.

Well, Mr. Chairman, what are we trying to do? This has nothing to do with the environment because it protects nothing. It has nothing to do with wilderness. Some of my colleagues have said, oh, the President did this because we did not pass the wilderness bill. Come on, get real.

Let us go back to the things we took from the President and the Department of Interior. All of the correspondence, not one shred of it, not one scintilla, says anything about protecting, except Mrs. Katy McGinty, who says one other thing, she says, ''There is nothing here worth preserving.'' Right in her own words. So protection is not an issue, wilderness is not an issue, parks are not an issue.

In fact, if wilderness was the issue, I sometimes wonder, when my friends on the other side of the aisle were in control, why they did not allow the Wayne Owens bill of 5.4 million acres. Did not even allow a hearing on it, as I recall, and when I put in the bill every year,

never even looked at it. So do not give us that stuff regarding wilderness.

This, my colleagues, is something that when it was brought up the Governor of the State was not made aware of it. And the gentleman from New York, I read his statement in the CONGRESSIONAL RECORD saying the Governor of New York knew about it. I talked to the Governor today and he adamantly refuses that. He says that did not happen. I was not made aware of this.

But to equivocate, my friend from New York, at 2 in the morning he got a call from the President of the United States and then it happened at 10. So if he wants to use that stretch, I have to agree with him.

The Governor was not made aware of it, I was not made aware of it, the two Senators were not made aware of it, but in this they say we want the enviro crowd there, we do not want the Utah people.

I urge my colleagues to realize this is a good piece of legislation and we should move ahead on it.

Mr. Chairman, I appreciate the opportunity to bring this important bill to the floor. H.R. 1127, the National Monument Fairness Act, is designed to limit the President's authority to create national monuments under the Antiquities Act of 1906. The bill as reported from the Resources Committee would limit unilateral monument withdrawals to 50,000 acres or the size of the District of Columbia. Anything larger would require consultation with the Governor and congressional consent. However, at the appropriate time, I will be offering a compromise amendment that addresses the concerns of most Members.

This action was provoked when President Clinton, on September 18, 1996, claiming authority under the Antiquities Act, stood on the south side of the Grand Canyon in Arizona and designated 1.7 million acres of southern Utah as a national monument.

Over at the Resources Committee, we have met with administration officials, held hearings, and subpoenaed documents in an effort to sort this thing out. Thus far, this is pretty much what we've been able to come up with:

The first time I or any other Utah official heard about the new national monument was on September 7, 1996, when the Washington Post published an article announcing that President Clinton was about to use the Antiquities Act of 1906 to create a 2 million acre national monument in southern Utah. Naturally, we were all somewhat concerned. In fact, I think most of us found it a little hard to believe. Surely the President would have had the decency to at least let the citizens of Utah know if he were considering a move that would affect them so greatly.

When we expressed our concerns to the Clinton administration, they denied that they had made any decisions. They tried to make it look like the monument was an idea that was being kicked around, but that we shouldn't really take it too seriously or worry about it. As late as September 11th, Secretary of Interior Bruce Babbitt wrote to Utah Senator BENNETT and pretty much told him that.

Within the confines of the administration, however, it was clear that the monument was a go. The real issue was keeping it a secret from the rest of the world. By July of 1996, the Department of Interior had already hired law professor Charles Wilkinson to draw up the President's National Monument proclamation. In a letter written to Professor Wilkinson asking him to draw up the proclamation, DOI solicitor John Leshy wrote: ''I can't emphasize confidentiality too much—if word leaks out, it probably won't happen, so take care.''

When I say that the Clinton administration went to great lengths to keep everyone in the dark, I should qualify that a little. On August 5, 1996, CEQ chair Katy McGinty wrote a memo to Marcia Hale telling her to call some key western Democrats to get their reactions to the monument idea. There was a conspicuous absence on her list, however, of anyone from the state of Utah. Even former Utah Democrat Congressman Bill Orton was kept in the dark. Clinton didn't want to take any chances. In the memo, Ms. McGinty emphasized that it should be kept secret, saying that ''Any public release of the information would probably foreclose the President's option to proceed.''

Why, you ask, did President Clinton want to keep this secret from the rest of the world until the day it happened? Because it would ruin their timing. This thing was a political election year stunt and those type of things have to be planned and timed perfectly. If news of the monument were to break too early it would be old news by the time Bill Clinton got his photo-op at the Grand Canyon.

Lets back up a little and ask ourselves why President Clinton wanted to create this new 1.7 million acre national monument. The administration claimed that the move was taken to protect the land. At our hearing on this issue back in April, Katy McGinty told us that ''by last year the lands were in real jeopardy''.

That sounds real nice, but the truth is the land wasn't in any danger, and even if it were, national monument status wouldn't do much to protect it. We have subpoenaed documents from the administration where they admit to both of these points. Take for example a March 25, 1996 E-Mail message about the proposed Utah national monument from Katy McGinty to T.J. Glauthier at OMB: ''I do think there is a danger of abuse of the withdrawal/antiquities authorities, especially because these lands are not really endangered.'' There you have it—in Katy McGinty's own words. The administration didn't think that the land was in any real danger. The ''lands in Jeopardy'' excuse is nothing but that . . . An excuse.

So the administration didn't really think the lands involved were in any real danger. Lets just ignore that for a minute and ask ourselves if creating a national monument out of those lands was a good idea from a protection standpoint;

Does it stop coal mining in the area? No. You can still mine coal in a national monument and Andalex still has their coal leases. Does it stop mineral development? No. CONOCO is drilling exploratory oil wells on the Grand Staircase-Escalante National Monument as we speak. Does it stop grazing on the land? No. Grazing will continue. Does it stop people from visiting the land? No. On the contrary, national monuments are like national parks, they are meant for people to come see. The number of people coming to see the area has increased exponentially since President Clinton created his new monument. Does it stop new roads from being built? No. In fact even more new roads will probably have to be built to accommodate the increased traffic. The land wasn't in any kind of danger, and even if it were, a national monument was probably the least effective method at the administration's disposal to protect it.

Why did President Clinton pick the national monument idea when it actually protected the land less than the other options available to him? It was pure presidential politics. Utah was an expendable State and this dramatic action would assure some environmental votes in 49 other States. The Clinton administration needed to do something dramatic to get their votes. Bill Clinton needed to stand there overlooking the Grant Canyon, with the wind blowing through his hair, telling everyone how he was following in Teddy Roosevelt's footsteps and saving the land by creating a new national monument. How profound. How courageous. It kind of brings a tear to the eye, doesn't it. Never mind the fact that creating this monument didn't really achieve any of the administration's stated objectives. Chances were that no one would figure that out until after the election anyway.

Well, people are starting to figure it out now. For instance, a couple of weeks ago I read an article in the Salt Lake Tribune where a spokesman for the Southern Utah Wilderness Alliance called President Clinton and Vice President GORE ''election-year environmentalists'' because CONOCO is being allowed to drill for oil in the monument. Remember, these are the same people that were cheering and crying and hugging each other at the Grand Canyon a year ago. Today they are beginning to realize that they were all duped—that this was nothing but an election year stunt and that national monument status doesn't do anything for their cause.

I doubt that the election year politics reason comes as much of a surprise to anyone. And I think we have all grown to expect that sort of thing from the Clinton administration. The second reason they created the monument, however, is a lot worse, and something we should all be a little concerned about. The Clinton administration created this national monument to circumvent the powers of Congress. Essentially to circumvent the democratic process itself. All of the documents produced by the White House make it clear that the extreme environmentalists were frustrated by their failures in Congress and put immense pressure on the President to circumvent Congress by abusing the Antiquities Act.

Well, the rest is history. The rest of the world heard about the whole thing 11 days before it happened. By this time, none of us could stop it. Bill Clinton had his photo-op at the Grand Canyon, bypassed congressional power over the public lands, gave Congress the slap in the face that he had been wanting to give it for a long time, got the few extra votes he needed, and won the election. Meanwhile, the land isn't protected, hundreds of thousands of acres of private and state school trust land are hanging in limbo, and we are all wondering how we can stop this from happening again.

Since September of last year, I have had several Congressmen and Senators call me to express their concern that the same thing could happen to their state. They are outraged. Many have proposed that we completely repeal the 1906 Antiquities Act. Others

have offered bills that would exempt their own states from the provisions of the act.

Before we embark on a discussion on how we should change the act, I think it would be helpful to talk a little bit about the history of the Antiquities Act of 1906. Why did we need it? What did Congress intend for the legislation to do? And how have Presidents used the act in the past?

The roots of the Antiquities Act go back into the 1800's. The 1890's saw a dramatic rise in interest in archaeological objects from the American Southwest. Pottery, ancient tools, and even human skulls obtained from prehistoric ruins brought a handsome price on the market.

As horror stories of looting and destruction of these sites reached Congress, they began to realize that something needed to be done before our archaeological sites were all destroyed. The problem, however, was that getting individual protection bills through Congress took a lot of time—too much time. These sites were being destroyed too fast. To solve this problem someone proposed that we give the President the authority to protect archaeological sites through executive withdrawal. This would provide a method to protect a large number of archaeological sites quickly.

The debate over the legislation continued for about 6 years. By 1905, the proposed Antiquities Law raised the withdrawal limit from 320 to 640 acres. In 1906, a prominent archaeologist by the name of Edgar Lee Hewett drew up a new antiquities bill that would allow the President to ''declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are owned or controlled by the Government of the United States to be national monuments''. The size of such withdrawals would be in all cases ''confined to the smallest area compatible with the proper care and management of the objects to be protected.'' This compromise bill quickly passed the House and Senate, and The Antiquities Act was signed into law by President Theodore Roosevelt on June 8, 1906.

As we can see from the legislative history, Congress intended that national monuments be small in size and that they were for the purpose of preserving specific ''objects''. Congress specifically rejected the proposal that national monument withdrawals extend to national park type preservation of land.

Mr. Chairman, some of our Nation's greatest treasures were protected in the early years following passage of the Antiquities Act. During the next several decades, public concern for conservation increased and Congress responded by passing powerful laws to serve the cause of conservation. In 1916 the Organic Act was passed, creating the National Park Service. In 1964 the Wilderness Act created the National Wilderness Preservation System. In 1968 the Wild and Scenic Rivers Act was passed. This was followed by the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976. These laws made it easy to preserve large portions of land without forcing the President to abuse the Antiquities Act.

The era of large national park type monument withdrawals came to an abrupt close in 1943 when Franklin Roosevelt created the Jackson Hole National Monument, covering 221,610 acres. After that day, the creation of large national monuments virtually ceased. In the last 50 years there have only been four occasions when new national monuments were designated by Presidential proclamation that exceeded 1,500 acres in size. Only 2 of those have exceeded 50,000 acres: President Carter's 56 million acre withdrawal in Alaska in 1978 and President Clinton's 1.7 million acre withdrawal in Utah in 1996.

All of the other monuments created through Presidential proclamation during the last 50 years have been small and have fit the criteria of the 1906 Act relatively well.

Mr. Chairman, one might ask, why have most of the Presidents during the past 50 years declined to use the Antiquities Act to create large monuments? Is it because none of them have cared about the environment? Of course not. The answer is that they have been busy preserving our lands within the new systems and frameworks that have been set up since 1906. We have been creating wilderness areas, national parks, historical parks, recreation areas, wildlife refuges, etc. We have been following the systematic and democratic processes set forth in FLPMA, NEPA, NFMA, and other planning statutes. These new laws and systems preserve our lands more fully, and encourage public participation in planning for our public lands.

By allowing Presidents like Bill Clinton to abuse the 1906 Antiquities Act by creating multimillion acre monuments we are defeating the whole purpose of these conservation laws. Both President Carter and President Clinton used the 1906 Antiquities Act to circumvent the public land use planning procedures that Congress has created.

That's not what democracy is all about. These are issues that should be debated, issues that need to be discussed and subjected to the democratic process. These are issues where people on all sides of the debate have legitimate concerns, and they need to be heard.

Mr. Chairman, so what's the solution? How do we keep this sort of thing from happening again? The most obvious solution, and one that has been suggested to me by several Congressmen, is to just repeal the Antiquities Act. If the Antiquities Act were completely repealed, the President wouldn't be able to create any national monuments through presidential proclamation. This would eliminate Presidential abuse of the Antiquities Act, but would also eliminate the small, beneficial, archeological withdrawals originally envisioned by the act.

There may be areas out there on the public domain that still qualify for national monument status under the criteria originally envisioned by the act. It is not at all unlikely that we could uncover new and important archeological sites. These areas will need the same type of prompt executive national monument protection that other archeological sites have received under the Antiquities Act. For this reason, I think it may be unwise to completely repeal the act.

Instead, H.R. 1127 would limit the President's withdrawal authorities under the Antiquities Act.

Mr. Chairman, I will offer an amendment at the appropriate time that would not affect the authority of the President under the antiquities Act of 1906 for proclamations under 50,000 acres or an area the size of the District of Columbia. The President will have the authority to protect historic and prehistoric resources, and other objects of scientific interest on Federal lands, as currently provided in section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). However, my amendment would provide for any national monument in excess of 50,000 acres to sunset after 2 years unless Congress approves of the action by way of a joint resolution. Moreover, my amendment would amend section 2 of the 1906 Act by mandating that the President transmit such a proclamation to the Governor of the affected State for comment 30 days prior to the monument proclamation taking effect.

Mr. Chairman, this compromise amendment has been worked out among many Members of this House and I must admit with much compromise on my part. However, I believe that the result of this amendment is that the authority of the President is assured for protecting resources as intended by the Antiquities Act of 1906, but has placed Congress in the appropriate constitutional role of determining designation of Federal lands on behalf of the people of the United States.

Mr. Chairman, I urge all Members to support the Hansen substitute, defeat all other amendments and give back to Congress the balance of power this democracy demands.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Chairman, I rise in opposition to this measure, H.R. 1127. It is a measure which, in effect, would remove an important tool from this and future Presidents in the management of hundreds of millions of acres of the public's land.

This bill upsets the balance between the executive and the Congress, blocking the President from declarations of key lands and resources when a crisis arises, often because Congress cannot or, more often, will not act.

I think it is instructive in this case to examine why the House is considering this legislation today. We in Congress have for at least the last 10 or 15 years been debating the status we would give the incredible wildlands of Utah, the red rock country.

I have seen those lands, Mr. Chairman, and I have made no secret of the fact that I am an advocate of creating federally designated wilderness areas in Utah, but of course there is great disagreement at all levels on this issue from here on the Capitol Hill all the way to the affected communities in Utah. Unfortunately, while Congress has been considering this issue, industrial and other exploitative interests have had their eyes and are attempting to get their hands on many of these Utah lands. The Kaiparowits Plateau in southern central Utah is an example.

In the face of congressional disagreements, and in an effort to protect these lands from further leasing and development, the President, last year, utilized the nearly 100-year authority granted

our chief executives and designated the Grand Staircase-Escalante National Monument in south-central Utah because of its superior natural, historic, scientific and ecological values.

Now, I have heard the gentleman from Utah comment on the fact the President did not state the reasons for it, but there are four pages laid out of various types of geologic and scientific and interesting type and important type of plant life, historic materials dating from the various Native American groups all the way through pre-Colombian history, such as the arrival of the Mormons that have occurred in the artifacts and the products that are present from this culture.

So the President did, against the backdrop of years of congressional debate, years of hearings involving members of the affected communities, use the powers embodied within the purpose of this act, the Antiquities Act of 1906.

It is clear, in times when Congress is embroiled in controversy, when Federal natural, scientific, and cultural resources are at risk, the President needs tools to act to specifically designate Federal lands. Teddy Roosevelt, the first great conservationist President of this century, passed and signed the Antiquities Act in 1906. T.R. used that power in this act 18 times. Perhaps most notably was President Roosevelt's action to establish the Grand Canyon as a national monument in 1908. Presidents in general have designated 105 monuments using the Antiquities Act, including astounding areas that define our preservation and conservation achievements: as I said, Grand Canyon, Bryce Canyon, Death Valley, the Alaska's Glacier Bay, the Statute of Liberty and many, many others.

That, my colleagues, is an effective law. It worked throughout the past nine decades and it should be used the next nine decades, but today it is under attack. While supporters of this bill say they are seeking fairness and seeking to improve the Antiquities Act, I think the facts show that the effect of their action would render this law ineffective and unworkable and our special Federal lands for tomorrow would be without the protection and safeguards inherent in this important law.

This fairness act requires congressional authorization for all newly designated national monuments over a certain size. Supporters of this legislation claim the President abused his power under the act and that intensive new congressional oversight powers are needed to check executive authority. I disagree with the allegations. President Clinton acted following years of debate on the issue. This act has been used rarely since 1950, and only in situations where cherished natural resources were in immediate danger of degradation.

To require cumbersome congressional oversight procedures would greatly weaken this law in a manner that contradicts the intended purpose and the need. In fact, the 1906 act, as a law, preserves the authority of Congress to overturn or to alter monument designations made by the President. And Congress has often done so, not to diminish them, in fact, but to enlarge them.

I think it is instructive, Mr. Chairman, that none of my colleagues are attempting to rescind the President's designation of the Grand Staircase-Escalante National Monument today. They know that the American people would never support such a move. Instead, the advocates of this measure are attempting to accomplish their goals in a backhanded manner. This action has far more impact.

The new monument in Utah will not be affected, but they would hobble forever the ability of future Presidents to act as they have done for the last 91 years in 100-some actions taken to preserve our special legacies. The measure places a 50,000-acre limit on the President's designation of powers under this Antiquities Act.

I suppose if I were in the District of Columbia and all I could see was out to the beltway, I might think that is what comprises this great country. But the fact is that we have one of the greatest stewardship responsibilities in terms of managing hundreds of millions of acres of land, and it is public land. That is what we are designating in this area. This is land owned by the American people and managed for the benefit of the American people. That is the purpose.

So if we have an inside the beltway view, maybe 50,000 acres sounds like a lot, but if any of my colleagues have had the opportunity to work, and I know many of my colleagues have, to see the depth and breadth of this great country and the areas that have been left as they were touched by the creator of this land, we have a responsibility in terms of stewardship.

We needed this to stop the robber barons in the 1900's, and Teddy Roosevelt stopped them. And I think our Presidents in the future need that same power. Let us not go back to those thrilling days of yesterday when conservation took a second seat to the special interests.

I know my colleagues do not want to do that, but that is the effect of removing this power. We need this because we need balance in this so we can act and move to establish wilderness and to establish parks and to establish these other resources in this country. I ask my colleagues to vote against this measure.

This measure, H.R. 1127 places a 50,000-acre limit on the President's designation powers under the Antiquities Act. Supporters of the bill claim that most designations in the history of the act have broken this threshold. But look, Mr. Chairman, at the national monuments that have been more than 50,000 acres: the Grand Canyon, Olympic National Park, Glacier Bay, Grand Teton, Joshua Tree, Arches, and many others. They are today the grown jewels of our park system. I would hope that this Congress will be willing to prevent future Presidential declarations and designations of such natural treasures.

I urge my colleagues to oppose this bill in its current form. This Congress should not gut the law that is the foundation for all the great landscape conservation acts have been built upon. The intense passion and reaction to Presidential monument declaration isn't new. Such opposition had plagued the Presidents from Teddy Roosevelt to Bill Clinton. The Antiquities Act is the bed rock that our conservation laws are built upon it is as relevant today as it was in 1906. It has not been eclipsed but reinforced by law to designate parks, wilderness, wild and scenic rivers, and a host of other actions almost all at the sole disposal of Congress.

I will, in recognition of the House agenda, offer an amendment that greatly improves H.R. 1127. First, it will allow—not require—a year of congressional review following Presidential declarations of national monuments before the designation becomes final. This time period will give Congress a chance to review, study, and even alter new designations. My amendment also, importantly, will protect proclaimed areas from development during this review period. No final action would be taken nor would the administration of the lands change save to maintain the status quo.

I hope the House adopts my amendment. This is a major change to the existing law and circumstance but retains the essence of this 1906 Antiquities Act.

It is ironic Mr. Chairman that this Congress and majority members that lead the Resources Committee boast of a willingness to take on more work, more responsibility to designate and manage more land use and the decisions related to it. Frankly, this committee has more to do than there is time on the clock. This measure is not an action to restore a—congressional role regarding monuments rather the result would be to submarine the 1906 act and the limited role that Presidents have had since 1906. This measure deserved and demands the strong opposition and rejection by this House as the transparent effort to move us many steps back to the days of the 19th century robber barons—say no to this bill and this policy. Say yes to our children and let's leave them a legacy for the 21st century.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

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

Mr. YOUNG of Alaska. Mr. Chairman, I just listened to the previous speaker speak, and since 1943, there was an Effigy Mounds National Monument by Mr. Truman of 1,481 acres; Russell Cave National Monument, 310 acres by President Kennedy; Buck Island Reef National Monument, 850 acres by Mr. Kennedy; Chesapeake & Ohio Canal National Monument, 19,236 acres historical; Marble Canyon National Monument, 26,000 scientific, by Mr. Johnson; 1978, and the reason I am speaking, the Alaska Monuments, 56 million acres; and then, of course, the Grand Staircase-Escalante National Monument, 1,700,000 acres.

□ 1900

Both of those, the Alaska one and the Escalante, were for political purposes only and that is all.

We talk about robber barons. What about the coal deposits in that area that are now set aside so that people of every day can benefit from them? It is ironic that there are some other people at that time also interested in coal in foreign countries.

This was used for political purposes only. There was no consultation, even with Mr. Orton, who was one of their colleagues. He got shot in the foot, in the head, and the back by his President for the environmental community.

The bill we have before us today is a bill that will work. Fifty thousand acres is bigger than any other ones, than the political ones in Utah and Alaska. The true monuments, the true antiquities acts, have been applied with less acreage than is in this bill. This is a fairness bill. This is about if there is that much threat to an area, it can be saved by the President. If it is larger than that, and God help us, it never will be larger than that, they can come to the Congress.

I am surprised the gentleman from Minnesota [Mr. VENTO] wants to give away the authority of this Congress, because under this Constitution, only this Congress can designate and classify lands. The gentleman also said, we can come back and undo what they did in Escalante. With this President, who are they kidding? It will never get signed into law.

Do my colleagues know what they did to me in Alaska? After 56 million acres, they came back with Mo Udall, bless his heart, John Seiberling, a few others I can mention, and they set aside 147 million acres of land, took it away from the people of Alaska, took it away from the people of America, and put it in little classified areas so that only a few and the elite can get to see. This is not what the Antiquities Act is all about.

I am suggesting, respectfully, if we really want to save the Antiquities Act, if we really want to make it work, then we ought to take and adopt this bill. It is a fairness bill. It is a bill that does allow the President, by the stroke of a pen, to set aside 50,000 acres. If he wants more, he has to come back to us. And that is our role, and that is what we should be doing. This is a good bill, and I urge a ''yes'' on this legislation.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA], the ranking Democratic member of the subcommittee.

Mr. FALEOMAVAEGA. Mr. Chairman, with due respect to the distinguished gentleman from Alaska [Mr. YOUNG], as the chairman of the Committee on Resources, and also to the gentleman from Utah [Mr. HANSEN], for whom I have the highest respect not only in his capacity as chairman of the Subcommittee on National Parks and Public Lands, but the privilege I have serving as ranking member of that subcommittee, I thank the gentleman from California [Mr. MILLER], the ranking member, for allowing me this opportunity to share my thoughts with our colleagues here in the Chamber.

Mr. Chairman, I rise in opposition to this bill in its current form. H.R. 1127 amends the Antiquities Act, a law that has been in effect for 91 years. Pursuant to this act, 105 national monuments have been designated, and 29 of these national monuments were later designated as national parks. Among the national monuments that have been later designated national parks are Grand Canyon National Park, Olympic National Park, Glacier Bay National Park, and Bryce and Zion National Parks.

The Antiquities Act has been used by all but three Presidents in the past 90 years and has been the vehicle to protect some of our most cherished public areas. Given this successful history, I do believe the executive should, with modification, retain its current authority to proclaim national monuments.

Not all of the Presidential proclamations have been received favorably by the officials from the States in which the national monuments were made. As a result of this dissatisfaction, the States of Alaska and Wyoming are now treated differently than the other States under the Antiquities Act.

Some would say that these two States are now protected from having further monuments proclaimed within their boundaries. I want to bring this point to my colleagues' attention. This concept of inconsistent treatment among the 50 States should be addressed so that we are all returned to an equal footing.

Mr. Chairman, I believe the driving force behind this legislation is the President's designation of the Grand Staircase-Escalante National Monument in 1996, shortly before the 1996 elections. It is my understanding that the President declared this area in southern Utah as a national monument without proper consultation with the elected leaders of the State of Utah.

To make matters look even worse, the President issued this proclamation while he was physically, physically, Mr. Chairman, in the State of Arizona, as though he was afraid to set foot into Utah to issue the proclamation.

Mr. Chairman, I sympathize with the Utah congressional delegation on this point and feel it was improper for the President to act in this manner. I think any of us would have been offended if such an action were taken in our State or territory, and I do not believe the Antiquities Act should give the President license to proclaim monuments without consulting with the Governor and congressional delegation from that State.

Nevertheless, the State of Utah provides a perfect example of congressional inability to reach final agreement on issues affecting the use of public land and the need for action from the executive branch of the Government.

I believe there is general agreement that it would be beneficial to the Nation if parts of the public lands in southern Utah were preserved for future generations. And, in fact, there has been legislation introduced in each of the past five Congresses to preserve the scenic, environmentally-sensitive lands.

The problem has been in getting the two sides to agree on a compromise. In fact, even the Utah congressional delegation has not been able to agree. The two competing bills have proposed designating 1.8 million acres and 5.7 million acres of land as wilderness.

Because of differences of how much land to designate and how this land might be used, and despite the efforts of legislators on both sides, Congress has not passed a bill. Furthermore, as best I can tell, Mr. Chairman, there is little prospect of legislation on this issue being enacted into law in the foreseeable future.

Mr. Chairman, as other speakers have noted, Congress retains the power to negate Presidential proclamations. In the case of the Grand Staircase-Escalante National Monument, I am not aware of any effort to prohibit funding for the national monument or to terminate the designation as a national monument.

In fact, contrary to many arguments I have heard that designations of this nature hurt the economic development of the region, I believe the designation of this most recent national monument will provide an economic stimulus to the region. The future designation of part or all of this area as a national park could be even a greater economic stimulus.

Mr. Chairman, at the Committee on Resources markup of H.R. 1127, I offered an amendment to require that at least 60 days before the issuance of a proclamation establishing a national monument, the President must consult with the Governor of that State in which the monument would be located. The rule for this bill provides the gentleman from California [Mr. MILLER] the opportunity to offer this amendment later on today, and I hope to address the amendment in more detail at that time. I believe this change will address the real problem while still giving the President the authority to take definitive, unilateral action.

Mr. HANSEN. The gentleman from Utah [Mr. CANNON] has the whole 1.7 million acres in his district; and, all of a sudden, six little communities are now a national monument.

Mr. Chairman, I yield 6 minutes to the distinguished gentleman from the Third Congressional District in Utah [Mr. Cannon].

Mr. CANNON. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN] for yielding me the time and for his comments.

Mr. Chairman, I rise today to explain exactly why we need to rein in the

power of the President to create national monuments. I represent Utah's Third Congressional District. Within its borders is the year-old Grand Staircase-Escalante National Monument.

Last fall, President Clinton stood across the State line in Arizona, as so graciously pointed out by the ranking member, on the other side of the Grand Canyon, and, with a few quick words and the stroke of a pen, created this 1.7-million-acre monument. It is massive, larger in scope than Rhode Island and Delaware combined.

To create the monument, President Clinton used the 1906 Antiquities Act. This designation was not about the environment. This was not about doing the right thing. It was about power, politics, and the deliberate abuse of Presidential power. Those are bold statements, but the events of last September justify them.

September 7, 1996, 11 days before the designation, was a Saturday. Utahns, including the Utah congressional delegation, were startled to read in the Washington Post that President Clinton was planning to designate a massive national monument in southern Utah.

The next Monday, Utah's two Senators and three U.S. Representatives placed calls to the White House and to the Interior Department to see if there was any truth to the Washington Post story.

During a series of meetings that week, both Secretary Babbitt and Katy McGinty, the President's Chair of the Council on Environmental Quality, assured the Utah delegation that nothing was imminent. They explained that the administration had done some internal discussions but nothing was about to occur, and if it became more likely, the administration would closely consult with the Utah delegation.

That was clearly untrue. Towards the weekend, word leaked that the President and Vice President were going to do an environmental event at the Grand Canyon the following Wednesday. The rumored topic was the announcement of a new monument in southern Utah.

Alarmed and angry, the Utah delegation met with Secretary Babbitt and Ms. McGinty. This time they were asked to detail any general concerns about the concept of a monument in southern Utah. The Utah officials asked to see maps. They were told there were none. They asked for details. They received none.

The day before the expected announcement, Utah Governor Mike Leavitt flew to Washington to meet with the President. President Clinton left the Governor cooling his heels while he boarded a plane to Chicago bound for Arizona.

White House Chief of Staff Leon Panetta met with Governor Leavitt. The Governor outlined a long list of concerns and proposed a Utah-developed plan to protect the area without harming the local economy. Mr. Panetta promised the Governor that he would let him speak to the President that night. The Governor asked for a map of the proposal but again was told one was not available.

Governor Leavitt spent the evening before the announcement waiting at the hotel for a call from the President. At 2 a.m., actually 2 minutes to 2 a.m., he had a conversation with the President where he outlined his concerns. The President did agree to consider a few of the Governor's points. But the President refused to allow logic, details, or local concerns to get in the way of his photo opportunity.

Utahns, except for a few friendly Clinton supporters, were excluded from the announcement. To add insult to injury, Governor Leavitt, still in Washington, DC, picked up the New York Times to find a map of the monument, a map that had been denied to every Utah official but which apparently had been turned over to the press.

On that day, I went down to the southern Utah town of Kanab where the residents released dozens of black balloons. The people of Kanab then suspected what we now know. At a time when the Green Party in California was holding roughly 10 percent of the vote in public opinion polls, President Clinton saw southern Utah merely as an item to sacrifice on the altar of Presidential ambitions.

Mr. Chairman, I sit on the House Resources Committee. Thanks to the leadership of the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN], chairman of the Subcommittee on National Parks and Public Land, we have been able to extract a slew of documents concerning the creation of the Utah monument. Though much remains hidden, we have learned much.

First, this decision was not driven by a desire to protect our environment. On the contrary, documents indicate that the administration knew that the monument designation would not improve protection of these lands. The most fragile areas were already in wilderness study areas. In fact, the designation and attendant publicity has probably attracted more visitors than would otherwise come to this delicate area.

Second, law and courtesy dictate that local officials and local residents have a chance to give input on decisions that directly affect them. In this instance, 6 weeks before the designation, the administration contacted the Democratic Governor of Colorado, the two Democratic Senators from Nevada, the former Democratic Governor from Wyoming, the former Governor of Montana, and even a Democratic House Member from New Mexico to discuss the Utah monument plan. They did not bother to contact any Utahns, not even Utah Democrats. I might point out that these people had expertise in the politics of the West but not in the particulars of southern Utah.

Third, the administration went to great lengths to avoid public scrutiny of its proposal. The law requires that public land decisions be made in the open so as to be improved by the light of public scrutiny. We now know that the administration went to great lengths to avoid application of the public disclosure requirements of NEPA, FLMPA, and FACA.

Because of its sloppy process, the White House failed to deal with problems created by its haste. Within the monument are vast deposits of coal and a large potential for oil, gas, methane, and hard rock minerals. The total value would be well in excess of $1 trillion. The 10,000 residents of the two affected counties were counting on those resources to provide jobs for their children and grandchildren.

Some of those resources are located on school trust land property held by Utah's schools. They contain mineral resources with value potentially in the billions. The Utah School Trust expected to reap millions a year from its lands within the monument.

A year ago, the President stood in Arizona and promised that, ''creating this national monument should not and will not come at the expense of Utah's children,'' and vowed to create a working group, including Utah's congressional delegation, to find equivalent lands for exchange.

Of course, a year later, no working group exists, no member of the Utah delegation has been contacted, and the Utah School Trust has been unable to open negotiations. The only thing Utah's schoolchildren are left with is a Presidential promise that is already of questionable value.

□ 1915

The story of the creation of the Grand Staircase Escalante National Monument is important because it shows what can happen when respect for a legal process is casually set aside. America itself was founded on process. Our Constitution is an elaborate set of checks and balances designed to preclude precipitous action by any leader or any group.

For this reason, I support the bill of my colleague from Utah.

I dare the opponents of this bill to justify the administration's actions with regard to this monument. I challenge opponents of this bill to convince me or anyone in Utah that such abuse will not happen again. They cannot, and that is why we need this bill.

Utah paid a price last fall for being in the way of a President's political agenda. This measure is a reasoned step in response to a gross abuse and is worthy of an affirmative vote.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, in the last several years that I have had the opportunity to serve on the Committee on Resources, I have come to have a great deal of respect and even affection for the present leaders of what is now called the Committee on Resources,

the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN]; respectively the chairman of the Committee on Resources and the chairman of the Subcommittee on National Parks and Public Lands. However, we also have occasional differences, and we certainly have a difference on this particular piece of legislation.

This bill would restrict the President's ability to declare national monuments. This is a provision that has been in the law now for some 90 years. We have had a large number of monuments that have been declared. I think 13 Presidents have used it, and 102 monuments have been declared over that period of time. This bill is not really about all of that; this bill before us today focuses its attention on simply one national monument declared by President Clinton last year, the Grand Staircase Escalante National Monument in southern Utah.

That act by President Clinton was, I believe, one of the most important domestic acts of his administration. It set aside an area of southern Utah which is vastly important to the future of our country, and it is not the first time that this area has been considered for special consideration by a President. Many Presidents have looked at it and thought about declaring national monuments or treating it in some other special way, going back as far as the administration of Franklin Roosevelt. In fact, in Franklin Roosevelt's time, the Minister of the Interior during that administration recommended that vast portions of southern Utah be set aside as a national park.

Now, this monument is something like 1.7 million acres, only a small percentage of the public land that is owned by all of the people of the United States located in southern Utah. People of the United States own more than 22 million acres administered by the Bureau of Land Management in southern Utah. This 1.7 million acres is just a small piece of that.

So this legislation is designed to really destroy a process that has been in effect now for most of this century, has been used by 13 Presidents, has resulted in the setting aside of 102 national monuments, including the Grand Canyon, some of the most important parts of our country, and it would be destroyed, that process would be destroyed, that privilege would be denied this President and future Presidents if this legislation were to pass.

It would be a serious mistake to pass this legislation because it would mean that an honored process that has been very valuable to the people of this country would be destroyed, and the opportunity to set aside national monuments in the future would become much more difficult.

For those reasons, I hope that the Members of this House will reject this measure, and it should be defeated.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Utah [Mr. HANSEN], the chairman of the Subcommittee on National Parks and Public Lands of the Committee on Resources.

Mr. Chairman, I greatly appreciate your willingness to work with me to develop a compromise to allay some of the concerns that H.R. 1127 has raised. As the gentleman knows, last Tuesday night we arrived at a compromise with which we both felt quite comfortable. Unfortunately, because of a problem with the rule, we were told that that compromise could not move forward. We had to delete the sections ensuring that no single Member of either this or the other body could block a resolution of approval. That is obviously an essential provision.

I would include the compromise we reached for the RECORD at this point.

AMENDMENT TO H.R. 1127, AS REPORTED, OFFERED BY MR. HANSEN OF UTAH

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.

The Act of June 8, 1906, commonly referred to as the ''Antiquities Act'' (34 Stat. 225; 16 U.S.C. 432) is amended as follows:

(1) By adding the following at the end of section 2: ''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 39 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 as provided in section 5 of this Act.''.

(2) By adding the following new section at the end thereof:

''SEC. 5. CONGRESSIONAL REVIEW OF CERTAIN NATIONAL MONUMENT PROCLAMATIONS.

''(a) JOINT RESOLUTION.—For purposes of approving a proclamation referred to in section 2 that results in the designation of a total acreage in excess if 50,000 acres in a single State in a single calendar year as a national monument, the term 'joint resolution' means only a joint resolution introduced in the period after the proclamation is issued but before the expiration of the 2-year period thereafter, the matter after the resolving clause of which is as follows: 'That Congress approves the proclamation submitted by the President on___relating to the designation of a national monument in___.' (The blank spaces being appropriately filled in).

''(b) REFERRAL.___A Joint resolution described in this subsection shall be referred to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

''(c) SENATE PROCEDURES.—(1) In the Senate, if the Committee on Energy and Natural Resources has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(2) In the Senate, when the Committee on Energy and Natural Resources has reported, or is discharged (under paragraph (1)) from further consideration of a joint resolution described in this subsection, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points or order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(3) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(4) In the Senate, immediately following the conclusion of the debate on a joint resolution described in this subsection, and a single quorum call at the conclusion of the debate if requested in accordance with the proclamations of the Senate, the vote on final passage of the joint resolution shall occur.

''(5) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in this subsection shall be decided without debate.

''(e) PASSAGE BY ONE HOUSE.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''(f) RULEMAKING POWER.—This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in this subsection, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

Amend the title so as to read: ''A bill to amend the Antiquities Act regarding the establishment by the President of certain national monuments.''.

Mr. Chairman, I would ask the gentleman from Utah [Mr. HANSEN] if he would agree with me that section 5 of the compromise was an essential provision, that it was dropped only because of a problem with the rule, and that the gentleman will work to ensure that it is restored as the bill moves through the congressional process?

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I would respond to the gentleman from New York [Mr. BOEHLERT] that yes, I agree with the gentleman on all of these points. I regret that we had to drop the language because of the problem with the rule and I will work to see it restored.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman.

With those assurances, I will support this compromise to enable the bill to begin moving forward.

As I said, I will support the compromise embodied in the manager's amendment. That compromise improves on the bill by allowing a monument declaration to take effect immediately, rather than requiring a wait for congressional approval. In other words, in the case in point, the President could have done what he did after giving 30 days advanced notice to the Governor, along with a request for comment from the Governor. The President would consider those comments, but if he did not agree with them, he could still go forward with the declaration, and the declaration would be in effect for 2 years; but then there would be a sunset provision, and after 2 years, if Congress did not pass a joint resolution approving the monument, then the monument would be no more.

I support this compromise because I believe my friends from the West have some reasonable complaints with the current system. It is not unreasonable to involve Congress in changes in the status of huge tracts of land, tracts of land of 50,000 or more acres, as is the case in point. The President still has the authority to move forward with the designation of smaller tracts of land, and I think that is an appropriate responsibility for the President. But in the rare cases where we have large tracts of land in excess of 50,000 acres, I think we should have some congressional involvement, but we ought to make darn sure that no single person can block consideration by the Congress.

However, congressional involvement must not make the 1906 Antiquities Act a dead letter. The act has served this Nation well and it should not be fundamentally altered.

If our original compromise had remained intact, that standard would have been met unequivocally. Unfortunately, the compromise was blocked by the Committee on Rules because we were told last week that the bill had to come to a vote last week.

I support the current version of the compromise only because I have the commitment of the gentleman from Utah [Mr. HANSEN], the chairman of the subcommittee, to restore the original compromise as we move forward. The gentleman has acted in good faith, and I know he will continue to do so, but I must be clear: If this bill comes back from Congress without the full compromise in place, I will enthusiastically and vigorously oppose it.

We need to pass a bill that gives Congress a reasonable chance to review Presidential declarations, but we cannot pass a bill that allows any single Member of Congress to veto a monument declaration. That was the problem with the original bill, and it is still a problem with the manager's amendment. The problem would have been solved by the procedures that had to be dropped from the compromise.

So again, I thank Chairman HANSEN for his help. I urge support for the manager's amendment, and if it passes, for final passage of the bill. I do so because this puts us on a path to a reasonable compromise. A reasonable compromise will balance congressional and Presidential responsibilities in a way that does not threaten the protection of western lands.

I look forward to working with the gentleman from Utah [Mr. HANSEN] to arrive at a final product that will meet that standard.

The CHAIRMAN. Without objection, the gentleman from Minnesota [Mr. VENTO] shall temporarily control the time for the gentleman from California [Mr. MILLER].

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I want to thank my colleague for yielding me this time.

Mr. Chairman, this bill is not necessary; it is not desirable; the House should reject it.

Since 1906, Presidents have used the authority under the Antiquities Act to protect very, very special parts of this Nation's public lands. Under that authority, President Roosevelt set aside the heart of the Grand Canyon and many other priceless areas. Under its authority, President Coolidge set aside Carlsbad Cavern, and President Harding protected the Indian Mounds in Ohio.

In the 105 times that the act has been used, it has included, in Colorado, usage by President Taft to set aside the sandstone pinnacles of the Colorado National Monument; by President Hoover to protect Great Sand Dunes; and President Hoover as well to take care of that very special dark chasm known as the Black Canyon of the Gunnison. Those were not mistakes. They were not attacks on the West. They were wise actions, taken under sound authority, and that authority should not be undermined.

If Members of Congress are displeased with the way the President, any President, uses this authority, there is a remedy. Congress can modify or overturn any monument a President establishes. This can be done and it has been done, and if the sponsor of this bill, for instance, is opposed to the Grand Staircase-Escalante National Monument, he can introduce a bill to modify or repeal it.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. Mr. Chairman, I have limited time. I would be glad to yield when I am finished.

Mr. HANSEN. We are more than happy to do it. We have one prepared almost and it will be coming. I want everyone to realize that. I thank the gentleman for yielding.

Mr. SKAGGS. Certainly.

Mr. Chairman, I suppose it has a very good chance of having it reported out of the Committee on Resources and probably scheduled for action on the floor, but that is not the bill before us.

Later, when we consider amendments, there will be a proposal to change this bill to make monuments temporary unless approved by Congress. We should not do that either. That would merely give some one Member of the other body, under the rules that obtain over there, the ability to block any monument. That is not the kind of way we want to do business around here.

We should do the right thing. We should do the careful thing. We should do the conservative thing. We should reject this bill.

Mr. HANSEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very modest, commonsense, much-needed and eminently fair proposal.

This legislation is needed primarily because of something Senator HATCH referred to as the most arrogant abuse of power he had seen in his 20 years in the Congress. He was referring, of course, to the sneak attack by the Federal Government just before the last election to lock up 1.7 million acres in the State of Utah to produce what is called a national monument in the Escalante-Grand Staircase section of southern Utah. However, there are several reasons why this particular land grant has been questioned like no other in U.S. history.

First, it was done with no public discussion or hearings of any type, no vote by the Congress, no vote by the Utah State Legislature, no vote by the

people of Utah. In fact, the Governor of Utah testified that the first notice Utah public officials had was when they read about it 9 days beforehand in press reports.

The second serious question is the secrecy, the coverup. Not only were high-ranking officials not notified, the documents the gentleman from Utah [Mr. CANNON]) mentioned earlier, the administration documents, said that it cannot be emphasized enough, this is the administration talking, that public disclosure would have stopped the designation because such an outcry would have been created. It almost makes me wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union or other dictatorships.

Third, this 1.7 million acres contains the largest deposit of clean, low-sulfur coal in the world. Senator HATCH testified, and the gentleman from Utah, [Mr. CANNON] mentioned a moment ago that this coal alone is worth over $1 trillion. Who has the second largest deposit? The Lippo Group from Indonesia, who just happened to make some very large campaign contributions about the time this land was locked up.

In one small rural county in Utah, this means the loss of 900 jobs. Not only does it mean jobs lost, but it means higher prices. It means higher prices for every individual and company which uses coal in this country.

Environmental extremists, who almost always come from wealthy or upper income backgrounds, are really destroying jobs and driving up prices all over this country. Rich environmentalists who have enough money to be insulated from the harm they do are really hurting the poor and working people of this country.

I urge my colleagues, Mr. Chairman, to support this very fair proposal by the gentleman from Utah.

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ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded that they should refrain from using personal references to Senators.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Chairman, I want to thank the gentleman for the privilege to join him in support of H.R. 1127.

My father always told me, ''If it is not broke, don't fix it.'' The Antiquities Act was not broken, but the Clinton/Gore administration abused the process. It is time to bring people back into this process. Thirteen Presidents have used it, and in my view, two have abused it. Those who have said we are going to upset the balance, I do not believe we are going to upset the balance. We are going to bring balance back.

I come from a large, rural district in Pennsylvania where there is a lot of public ownership. I want to tell the Members, people are very concerned about regulations and declarations and laws that are passed and how it impacts rural America. Utah is 73 percent public land. They had no input. They deserved better. They have a right, when regulations and declarations are coming at them, to have an input. The President should explain why 1.7 million acres was needed. Was it to increase the ability of foreign friends to import a simpler type of coal? That is a public debate that should have happened.

This bill does bring balance back to the process. States and local governments should have input. Citizens need a voice. This act, if amended, will still allow Presidents to act. Utah deserved better.

I urge Easterners, my fellow Easterners from the East, and urban and suburban legislators in this body, to be a whole lot more sensitive to rural America. Regulations and laws and declarations have a huge impact on rural life. We are taking away their very ability to earn a living and to exist and live where they want to live. I urge all Members to be much more sensitive.

This bill is modest. It gets at the problem because this administration broke it.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I rise today in support of the National Monument Fairness Act. Like many Members, I was outraged by the President's decision to designate a whopping 1.7 million acres of land in Utah as a national monument last year. In what was obviously driven by politics and not resource conservation, the President did not consult with and in fact ignored the Governor of Utah, the State's congressional delegation, and most importantly, those affected by his action, the local population.

Tellingly, the President made his announcement in Arizona, surrounded by hand-selected members of the green movement, far away from the people of Utah. We need to ensure that a President cannot circumvent the will of the people like this again. This bill would ensure that the President works with Congress and with affected Governors before designating large tracts of land as national monuments.

Let us make sure Congress is allowed to do the job the people sent us here to do, to represent them. It is crucial that we never again allow the President to ignore our constituents. Again, I urge a yes vote on this bill.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I just wanted to rise to point out to my colleagues that while each of us represents about 600,000 people, and our respective Senators represent entire States, the only elected official in this Nation that represents all the people is the President.

That is why I think, in constructing this, and I have been a staunch advocate of the authorizing and the other powers of this body, as I had the privilege to chair the Subcommittee on Parks and Public Lands for many years, the fact is, though, in looking at this in toto, we have to have a balance. In other words, when Congress does not act, there has to be some recourse in terms of action. We have to have the power to act.

The other issue with regard to the nature of declarations and how public we go is a real concern, because once we indicate a willingness or an interest in designating or declaring lands, we often find that individuals will put in various types of claims. Some of those claims, in my judgment, with regard to mineral claims or with regard to water permits and other types of activities, are spurious. They are designed to do one thing. That is to exact as many dollars as they can out of taxpayers in order to make the conservation designation that is intended. In fact, it happens all the time when we are considering measures for wilderness or measures within this body.

Of course, as Members know, when action is imminent in terms of a declaration, as it would be in this case, and it is a major flaw that we are going to have with some of the amendments that are being offered here today in terms of notice, because they are fatally flawed in the sense that they prevent and in fact compound the very problems that the President may be taking issue with.

The other issue is with regard to President Carter's action, the D–2 alliance, and I am sorry that my friend, the chairman, has left the floor, because we failed to meet the deadlines with regard to those lands being set aside in this Congress after many years.

In failing to take action at that time in 1980, in essence, the President had recourse to in fact try to provide some temporary protection. This is the one law he had at that time that he could use to actually address that very serious problem with regard to the disposition and designation of those lands in Alaska, which points out that all the other laws that have been passed that the gentleman commented about earlier, the gentleman from Utah, Chairman HANSEN], really did not do the job, because the President has to have some recourse.

What the chairman is doing with this bill, irrespective of what the merits are concerning, and of course I do not find politics unusual in this Congress or among those that are candidates or serving as President, it is sort of a given, but the fact is that we are taking away the power they have to act, as I think is reasonable, and Members may think unreasonable. This is taking away the ability to act. That is the

fundamental flaw with this particular bill.

We have the ability to change this if we think there is a mistake by acting ourselves.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. I thank the gentleman for yielding me the time, Mr. Chairman.

Let me point out that not a single argument mounted on the other side of the aisle on this issue has addressed the bill as amended by the manager's amendment. The manager's amendment would allow the President to designate any amount of land. It would simply provide that that designation would expire within 2 years. So all the discussions on the other side about emergency need on the President's part is just a distraction from reality.

The other shocking argument we hear from the other side is that they oppose sunshine. If my colleagues around this Capitol listen to my colleague, the gentleman from Utah [Mr. CANNON], detail the outrageous abuse of power by this President in what he did this time around, that is not sunshine. Refusing to discuss the issue and misleading the Utah delegation is not sunshine; it is keeping the American people and the people of Utah in the dark, and it is wrong.

The Antiquities Act was broken by this President, but he raised an issue, and that is, we need to look at what is wrong with it and fix it. How we can fix it is to allow the Congress to have a say.

Let me point out how he broke the act. The act says specifically when the President chooses to exercise this power, he must in all cases confine the area designated to the smallest area comparable with the proper care and management of the objects that are protected. Mr. Clinton did not do that in this case. He designated 1.7 million acres, vastly more than needed to be designated.

All we are asking on this side is that when the President takes that action, that the measure come back to Congress for a vote. I thought, Mr. Chairman, that we were a Nation of laws and not a Nation of men. I am glad that the previous Presidents designated the Grand Canyon, but this Congress came back in after that and made the Grand Canyon a national park.

What opponents of this bill do not want is they do not want a public debate. They do not want open consideration of this issue. They want raw power in the hands of the President to be exercised in the dark of secrecy. I asked the gentleman on the other side of the aisle if he would yield on that point and he would not yield on that point. Their goal is not to allow the American people to know what the President is doing and to give him a free hand.

Clearly, the President in this case abused the Antiquities Act, and this is a reasonable measure to protect it; to say for 50,000 acres he can do whatever he wants, but when he goes above 50,000 acres to 1 or 22 million acres, then he ought to have to consult the people.

The President may represent all the people. He lost in the State of Utah. It seems to me it is fair to give the people in this Congress whom we represent a voice in these issues.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this legislation. As many of my colleagues have said, it is unnecessary, and it is premised on a misleading argument that it will open the door to wanton acts by the President of the United States. There is no history in this act that that is the case. In fact, this President acted properly, within the law, within the act, and in the best interests of the American people.

The fact of the matter is that many of these lands that the President finally chose to protect by the use of the Antiquities Act have been under discussion, but those discussions have been filibustered, delayed, obstructed by members of the Utah delegation with respect to these lands and to other lands that need to be protected, public lands that are owned by the people of the United States, and lands that are open to the exploitation by the mineral extractive industries that could go onto these lands and start taking coal and petroleum and other products from these lands without regard to their preservation, as is now allowed because of the President's actions.

The facts are that those processes grind on and those companies continue to get permits to extract those minerals. The bill the gentleman is introducing here today is basically an overturning of the Antiquities Act. It is a gutting of the Antiquities Act.

He says he wants to give 30 days' notice. With 30 days' notice, as we saw in the New World Mine, people rushed in, people rushed in to file claims and try and perfect claims when they heard the President was going to do this. In the time between the time we started considering the California desert and the time that we did the California desert, we ended up with people filing mining claims, perfecting mining claims, knowing that the government would then have to come along and try to deal with them.

The notion that somehow this current law would be improved upon if the Congress had 2 years in which to act, the Congress can act at any time it wants. It is acting tonight with consideration of this legislation. The gentleman from Utah says he has a repeal of this, or to overturn the President's act, coming. That is fine. People can vote yes or no.

But these are the lands of all the people of this Nation. The President from time to time has to take positions to protect those lands, because the legislative process is unable to respond. The legislative process, if we gave them 2 years, we have the very same problem. We have the Senators from Utah or elsewhere that decide they want to filibuster this act, and all the political dynamics kick in, with what else is going on in the Senate, and somehow we cannot report out provisions to protect these lands and we are right back where we are today before the President acted.

That is why, that is why we should keep the current law as it is. It provides for the protection of the lands. And if the Congress is so outraged, they can come back and modify, they can come back and repeal, they can come back and change the provisions of the Monuments Act.

If we listened to these people, we would have the President pick. Maybe this year he could pick the Grand Staircase, but that exceeds 50,000 acres, so he could not pick that one. But once he set notice that he was going to do the Grand Staircase, people would start filing, and the power would plateau, because they could see the handwriting on the wall. The President might be prepared to act.

Then people in the Canyon of the Escalante, they could start to file on those actions. All of a sudden, what we have done is caused the taxpayer a huge liability because we have decided that these people should have a right to file on these public lands for extractive permits.

The fact of the matter is that when we look at these lands and we see them and how they are intertwined, one of the things I thought we learned over the last 20 years is setting arbitrary acreages does not necessarily guarantee the protection of the ecosystem, the lands, the assets, or the interplay between those resources.

But again, this law that is being presented here tonight or this proposed law that is being presented here tonight is simply one to kick the teeth out of this act, and to somehow try to see if they can embarrass or punish this President for the actions he took. This President should neither be embarrassed nor should he be punished because he took these actions on behalf of the American people.

☐ 1945

And he did it properly so, and he did it over the actions that for years and years of people who decided that they were going to stand in the way of these public lands, they were not going to allow this to happen. And I think that is why the President acted and the President should be very proud of his actions and the American people should be very proud of these actions.

The authors of this legislation, they say they do not know why the President did that because there is nothing there. But then they say there is everything there because people are coming to see the antiquities and the geologic sites and the cultural sites and the beauty of this area.

Obviously, the people of this country understand the assets and value of these lands that are there, and they are obviously supportive of the efforts by the President to protect these lands. Now they can come there to utilize them, and, fortunately enough, we were able to get resources for interpretation of these sites and guidance at these sites. This can again be a wonderful experience for America's families, the millions who take to their automobiles and their vacations to visit and see these wonderful lands of the West, and the arches, and the bridges and canyons, and the rivers and ecosystems, and the riparian areas that are so unique to anything else that is offered in the United States.

We should continue with the current law as it is. Should this legislation pass the House, I would be surprised if it has much of a life after that. But people should not vote for a bad bill just because it is not going to go anywhere. We should turn this bill down and protect the Antiquities Act and protect the prerogatives of the President and, more important than that, protect these valuable, valuable lands of the United States of America.

Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that the Presidents have used this well and have done a good job with it. If we wanted to punish the President, we would repeal it. Of all of these hundred and something things, very, very few of them are over 100,000 acres, over 50,000 acres. It can still be used. This is just a modest approach to it.

Mr. Chairman, a lot of Members have talked about the idea of the threatened land that we are talking about. Those who put this together did not realize that. Let me quote from their letters to the White House, to another person in the White House, and I will not mention their names.

I realize the real remaining question is not so much what the letter says, but the political consequences of designating these lands as monuments when they are not threatened.

Let me repeat,

when they are not threatened with losing wilderness stature, and they are probably not the areas of the country most in need of designation.

Right from the White House.

Another one where they talk about, all we are worried about is how the ''enviros'' will react. This has nothing to do with the Grand Staircase-Escalante. It is talking about balance of power.

We talked about my amendment which I think will more than handle this area. And let me point out, there is no reason to be an apologist for the President or for anybody here. It was a mistake that was made, and therefore this is a very modest, reasonable approach to take care of it.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1127

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

SECTION 1. SHORT TITLE.

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

SEC. 2. CONSULTATION WITH THE GOVERNOR AND STATE LEGISLATURE.

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 under this section issued by the President to declare any area in excess of 50,000 acres in a single State in a single calendar year, to be a national monument shall not be final and effective unless and until the Secretary of the Interior submits the Presidential proclamation to Congress as a proposal and the proposal is passed as a law pursuant to the procedures set forth in Article 1 of the United States Constitution. Prior to the submission of the proposed proclamation to Congress, the Secretary of the Interior shall consult with and obtain the written comments of the Governor of the State in which the area is located. The Governor shall have 90 days to respond to the consultation concerning the area's proposed monument status. The proposed proclamation shall be submitted to Congress 90 days after receipt of the Governor's written comments or 180 days from the date of the consultation if no comments were received.''.

Amend the title so as to read: ''A bill to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 50,000 acres.''.

The CHAIRMAN. No amendment shall be in order except those printed or considered as though they were printed in House Report 105–283, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for the voting on the first question shall be a minimum of 15 minutes.

The Chair is advised that amendment No. 1 will not be offered and, consequently, it is now in order to consider amendment No. 2 printed in House Report 105–283.

AMENDMENT NO. 2 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO:

Page 3, line 14, strike ''unless and until'' and insert ''until 1 year after''.

Page 3, beginning on line 16, insert a period after ''Congress'' and strike all that follows through the period on line 18 and insert in lieu thereof: ''During the period of review, Federal lands within the proclamation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, or patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.''

The CHAIRMAN. Pursuant to House Resolution 256, the gentleman from Minnesota [Mr. VENTO] and the gentleman from Utah [Mr. HANSEN] will each control 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to offer an amendment with regards to this that will make it workable.

The fact is, the problem is with Congress not acting, and all the other versions that we here over 50,000 acres provide for Congress to sit on its hands and do nothing, and if they do that, that is simply enough not to, in fact, provide for the protection of these lands.

So, Mr. Chairman, this amendment is a very straightforward amendment. It says that the President can make the declaration, and if Congress does not act within a year, that declaration takes effect. During that pendency, during that period of time, those lands would be protected. They would be protected from mineral entry and from other types of appropriation.

These lands are all public lands we are talking about. They are owned by the Federal Government and by the people of this country, who are the Federal Government. The fact is, that is what this is about: To take away the power. This keeps the power in the hands of the President but gives us the opportunity, with the other types of proposals, to provide for the opportunity to act on this for Congress.

This would be, of course, a limitation in the powers of the President in this particular instance, but it would not inure to the damage in terms of what happens to taxpayers in this instance. It would provide for the conservation, and the other precepts of the Antiquities Act would be kept in place.

This makes sense. Instead of requiring Congress to act, my amendment preserves an option for us to act, and it would not permit us to get by by simply sitting on our hands. In fact, that is, of course, what the case is today with many of the other laws that we have, whether it is a park designation or wilderness designation. Just by doing nothing, we can avoid facing the issue. This gives the President the opportunity to do his job as steward of such lands.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, if I could ask a couple of questions, the gentleman from Minnesota said this would keep the power in the hands of the President. It would keep the power in the hands of the President to create a monument of over 50,000 acres?

Mr. VENTO. Mr. Chairman, reclaiming my time, I would say to the gentleman: To make the declaration.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. HANSEN. Mr. Chairman, the 1-year limit for Congress that the gentleman from Minnesota [Mr. VENTO] has come up with, to finalize the monument designation as the Vento amendment would enact, simply does not allow enough time for Congress to act to the Presidential proclamation. In fact, it takes way the power that this bill provides to Congress in order to pass the proposed designation.

Mr. Chairman, I would ask my colleagues to keep in mind, a case in point would be the most recent Presidential abuse of the Antiquities Act designating 1.7 million acres of mostly sagebrush and pinyon juniper in southern Utah as a national monument.

Mr. Chairman, it is well over a year since the purely political monument was established, yet there continues to be frequent congressional discussion of this blatant and insulting abuse of Presidential power designated as a national monument proclamation, so this amendment really does nothing.

Mr. Chairman, I find it interesting when I hear some say this is only Federal lands and we all own it. That is not what the antiquities law says. Let us go to the law when all else fails. It says ''on lands owned or controlled by.'' Well, they control everything, if we want to take the extreme interpretation of it. In fact, in this 1.7 million acres there are 200,000 acres that belonged to the schoolchildren of Utah. There are countless pieces of private ground that are encompassed. There are cities that are encompassed, but now they are ''controlled by.'' So I do not know where we get this type of thing. I really do not see a reason for this particular amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

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

Mr. VENTO. Mr. Chairman, I think that those lands are not part of the monument.

Mr. HANSEN. Mr. Chairman, reclaiming my time, they are inside the monument. What choice have they got? If they are completely surrounded, they are in the monument. Believe me.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Chairman, the gentleman from Minnesota has said several times today, and in the prior debate on the rule, that the problem is that Congress has not acted. Now, what the premise of that is is that there is a problem out there that needs to be solved. It is an urgent problem that requires what the Governor of Utah called a dictatorial action.

Mr. Chairman, I believe this is a straw man. The fact is, what we are saying here is that the people of Utah were somehow out committing depredations on this area. Remember, this is an area bigger than New Hampshire and Delaware combined. It is a huge area that has only about 10,000 people in the periphery, not even on the area.

Therefore, I would like to just point out that I do not think it is a reasonable thing for this body to look at itself and say we need to give up any authority we have because of some potential depredations and give dictatorial powers to the Presidency. I think in a matter of balance in this body that we should retain that balance, as opposed to the Presidency, and at the same time give him the ability to do what we need to do with monuments.

Mr. Chairman, no one could love monuments more than I. I grew up with Arches National Monument. I grew up with that monument. It is now a park, but I have a hard time calling it a park because it was such a wonderful monument.

We want monuments. America wants monuments, but we want them done in the light, not in the darkness, not hiding in saying, if people find this out, we will not be able to do it, not suggesting a straw man of people going out and making claims on land. Those are not fair things to do. We need policy and balance, and that is what this bill represents.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I simply want to point out and express my appreciation to the gentleman from Minnesota [Mr. VENTO], my friend, for his candor in his remarks in support of this particular amendment. He said, and I quote quite directly, ''This leaves the power in the hands of the President.'' And indeed that is precisely what the proponents of this amendment want to do. They want to leave the power under the Antiquities Act in the hands of the President.

Mr. Chairman, that might be a good idea and under prior Presidents probably was a good idea. But, regrettably, the most recent incident demonstrates that that power is awesome and can be, and in this case regrettably was, abused.

Even if my colleagues do not think it was abused in this case, they ought to be concerned about the power of the President to act unilaterally; to, as he did in this case, ignore the Utah delegation; to, as he did in this case, ignore the Governor of Utah, who is sitting in a hotel in Washington, DC, desperately trying to see the President.

I suggest that people who believe in sunshine, who believe in process, and who believe in the rule of law, should reject this amendment, because it leaves in the President's hands the power to unilaterally designate a national monument of 50,000 acres, as our bill would do, but to go beyond that and to designate 1.7 million, or 5 million, or 10 million, or 22 million, or, for that matter, 22 billion acres, and to ignore the Congress in doing that.

That simply is not good public policy in this country today, where we believe in the rule of law, where we believe in representational government, where we believe public policy should be debated openly in the Congress between people who represent all kinds of different views.

Mr. Chairman, to leave the President with that sole power to be abused when he wants to, as sadly happened in this case on the eve of an election, is a mistake, is wrong. I cannot believe that anyone does not see that. Sunshine is what we need. If my colleagues trust people and believe in representative government, I urge them to reject this amendment.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would say that this amendment does achieve a balance. I think we had a balance in terms of powers, in terms of many units, conservation units and other units we can designate. And my colleagues are failing to understand that in terms of opening up any of this to public announcement prior to the declaration, we will invite in various groups to make claims, and then the taxpayers have to buy back that which they already own, whether it is a claim for minerals, whether it is a claim for water, whatever the claim may be.

Mr. Chairman, I just think that that is wrong. It is one of the fatal flaws in the legislation, and all the variations that have been proposed by my subcommittee chairman have that particular problem in them. What we are saying here is, if this is an error on the part of the President, if Congress disagreed with it, within a year they could come back and prevent the declaration to occur.

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The fact is that even in this instance, where they are making these claims and some have been talking about the fact that it was unlawful, I am not aware of any court decision or any action, I am not aware of any court decision or action or anything pending in which the Antiquities Act has not been successfully upheld as being a proper and legal power of the President and constitutional. Unless there is something I am unaware of, I would be happy to yield to anyone to give me the name of a case in the last 91 years where that has occurred.

Of course, I think the issue here is, I think that maybe the last thing to

criticize, of course, is to say somehow this is political or that is political. There is a lot of politics that go on on the House floor, in our committees, and certainly I do not think the President is beyond that. But in this case, I think he did the right thing. I think that the laws were pending, measures were pending.

The gentleman from Utah quite rightly recognized, as I led the committee, I did not hear that bill or move on that bill of the gentleman from New York [Mr. OWENS] that he was concerned about. I did not do that. Perhaps I should have. We could have averted this particular designation by the President.

I think at that time he probably was giving me different advice than that which he might be giving me now. Today I think the advice he gives us is wrong. This is a prudent, a measured move that I have in this amendment in terms of providing for a year review and providing for the opportunity but avoiding the type of problem that can exist and has existed.

My view is not seeing the view of the bills that we have before us that would put oil wells in the Grand Canyon. It would put mines in various areas. We have had it. Even today the claims that are being made in Escalante are being honored. We have to honor those types of claims that are being made.

We are talking about Federal land and public land and, yes, there are lands that are included within these monuments. I hope that we could move fairly and expeditiously to deal with the trade-off of those lands so that they could be used and the benefit of that would be to the citizens and others in Utah that might be affected by that.

That is a different issue, though. We are not doing this on the basis of one monument. We are doing it forever. When we do that, we deny the children of the 21st century their legacy. I urge an ''aye'' vote for the Vento amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 256, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 105–283.

AMENDMENT NO. 3 OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr.MILLER of California:

Page 3, strike line 8 and all that follows through page 4, line 2, and insert the following:

Section 2 of the Act of June 8, 1906, commonly referred to as the Antiquities Act (34 Stat. 225; 16 U.S.C. 432), is amended by adding at the end the following: ''At least 60 days before the issuance of a proclamation under this section, the President shall consult with the Governor of the State in which the proposed monument is to be located and any other individuals or organizations the President deems advisable, unless the President determines and publishes a notice that a delay in issuing a proclamation will jeopardize the values for which such monument is to be established.''.

Amend the title to read ''To amend the Antiquities Act to provide for consultation in the establishment by the President of national monument.''.

The CHAIRMAN. Pursuant to House Resolution 256, the gentleman from California [Mr. MILLER], and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

The CHAIRMAN. Without objection, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will control the 5 minutes.

There was no objection.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield myself such time as I may consume.

As I noted during the general debate of this bill, from my perspective the problem with the Antiquities Act is that the President has the ability to declare national monuments without consulting with the elected officials from the State in which the monument is being considered. Mr. Chairman, my amendment deletes the language of H.R. 1127 and instead amends the Antiquities Act to require that the President consult with the governor of the State in which the proposed monument is to be located at least 60 days in advance of issuance of a proclamation. The only exception to this requirement is if the President publishes a notice that a delayed issuance of the proclamation would jeopardize the values for which the monument is being established.

Mr. Chairman, this proposal seems to be the right mix of authority vested in the executive while still giving State officials notification of action being considered. This gives the State an opportunity to take any action it seems appropriate before a proclamation is issued.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does gentleman from Utah [Mr. HANSEN] claim the time in opposition?

Mr. HANSEN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after looking at this, it appears to me the President has to consult with the governor of the affected State at lease 60 days prior to issuing a proclamation unless the President finds delay would jeopardize the value of such monument being established. As Members know here, I will be doing a manager's amendment which I think, my good friend from American Samoa, pretty well answers that. What it will say is when the President is ready to make his proclamation prior to doing that, he has 30 days in which to talk to the governor of that State.

So I think in a way this would pretty well resolve it without these things occurring that have occurred where the governor of the State is stonewalled in a hotel in Washington, DC, trying desperately to get in to the President of the United States, trying to find out what is going on. I was stonewalled as chairman of the committee, both Senators were stonewalled. But I do have to agree that at 2 in the morning our governor did get a call and then it was done at 10, no time to even react.

So I think the gentleman is on the right track, the gentleman from American Samoa, the gentleman from California. I support them, but I do not think they have gone quite far enough. With what they have said here, I can see where in their hearts they would see that maybe the Hansen amendment coming up would more than solve this. I would appreciate their support in this. I rise in opposition to this amendment. I would suggest it be rejected.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of this amendment. I think the distinction here with this amendment in addressing the question of consultation with the governor of the State in which a designation will be made and transmitting the proclamation to that governor is a matter of legitimate concern and interest.

But it is a far cry from this amendment to then be standing the act on its head and in effect sort of creating temporary monuments, as we may end up doing in this legislation, and then if the Congress does not act the monument goes away. That is to gut the Antiquities Act.

This is to try to address a problem that a number of Members believe is legitimate and of concern in terms of the communications between the Federal Government and local governments that are going to be impacted by these actions. I think this is a good amendment. The gentleman from American Samoa [Mr. FALEOMAVAEGA] has suggested this from the time of the hearings and during the legislative process. I believe that the amendment should be supported because I think this is a rational response, unlike the legislation

which then goes to the undermining of the entire current law with respect to presidential ability to protect these public lands.

Mr. FALEOMAVAEGA. Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] has 3½ minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I would urge colleagues to reject the Miller amendment that is before us at the moment. I ask this body to remember exactly what it is that this debate is all about.

This is not a discussion over safeguards against some prospective possibility of executive abuse where national monuments are concerned. This is a bill that is brought to us because of the demonstrated abuses that have already occurred, already occurred. What this amendment proposes to do is virtually nothing different than the President has already done in establishing the Escalante Grand Staircase National Monument.

Think of this, 1.7 million acres set aside in a State where the governor was not consulted, where the governor of that State of Utah heard by rumor that this might occur within his State. The President did not even exercise the courage of making the announcement from the State where the monument was to be designated. He made it one State over in Arizona. He consulted the governor of my State in Colorado, Roy Romer, who now is chairman of the Democratic National Committee, consulted him weeks before; consulted Robert Redford, an actor; but did not consult one member of the Utah delegation.

What this amendment suggests in front of us now is that the President will attempt to notify somebody. It does not say it has to be the governor of that State. It says that it may be some other individual, any other individual or organizations that he deems advisable. Well, who would that be?

Let me just tell my colleagues from past experience, it was not the governor of the State of Utah where this monument was in question. In fact, that governor flew all the way here to Washington, DC, camped out in a hotel, asked for meetings with the President of the United States and was denied that opportunity until 2 in the morning before that President set aside 1.7 million acres.

Let me suggest, this is not just an issue of great concern for those individuals here from Utah. It is of great concern to every Member of this Congress who has public lands within it or private land within it or State lands within it, because those are the kinds of lands we are talking about.

The Antiquities Act that we think of was designed quite frankly for small monuments. In fact, prior to this 1.7 million acre set-aside, that is what we saw, small areas of land with some unique feature.

But when this President decided to waltz into a State without notifying the congressional delegation, without notifying the Senators, without notifying one individual within that State of any elected capacity and set aside 1.7 million acres, we need to shut that authority off. We need to put that authority back in the hands of the people's House so that we can assure right here that our citizens and taxpayers, property rights holders and those who enjoy the use of public lands and who enjoy credible monuments have the opportunity to have input and a say-so and have full opportunity to deliberate the importance of those dramatic actions by this Congress.

Mrs. CUBIN. Mr. Chairman, I rise today in opposition to the Miller amendment that would allow the Antiquities Act to apply to all 50 states.

As you may know Mr. Chairman, Wyoming is fully exempt from the Antiquities Act—the President cannot designate a national monument in my State that is 50 acres, 5,000 acres, 50,000 acres or 5 million acres without the consent of Congress.

The legislation that established this important exemption was passed into law in 1950. The law is very simple, and very straight forward. It reads: ''No further extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.''

The State of Wyoming took civil action in February of 1945 against the administration of President Franklin D. Roosevelt, after he had used the Antiquities Act to designate the Jackson Hole National Monument.

The State claimed national interference with the use and maintenance of State highways, together with the loss of revenue from game and fish licenses by the exercise of federal control.

Finally, an agreement was reached between the parties and Congress that incorporated much of the Jackson Hole National Monument into Grand Teton National Park. In addition, legislation was also enacted that bars any future Presidential designation of any national monument in my State.

The Miller amendment, if passed, would submit the people of Wyoming to the possibility of the same treatment that occurred in 1945—the designation of a national monument without as much as a single comment from the people who live in the affected state.

President Clinton recently used the Antiquities Act to establish the Grand Staircase-Escalante National Monument in Utah.

He stood not in Utah, but on the north rim of the Grand Canyon in Arizona, to announce the creation of that monument. No member of Congress, local official or the Governor of Utah was ever consulted, nor was the public.

In 1976 this Nation made an important public policy decision. Congress passed landmark legislation in the Federal Land Policy and Management Act (FLPMA) requiring great deliberation, careful process, and above all public input in determining how public lands should be used.

I am not willing to submit my constituents—the citizens of the State of Wyoming—to a President, present or future, who is willing to skirt important environmental and public comment processes for purely political gain.

We must require, and our constituents expect, full and complete accountability of our elected officials—the President through the Antiquities Act must be accountable to the citizens he represents. If he is not, I believe that power should be taken away.

I am thankful that Wyoming had the foresight and courage to pass the law that exempts it from the Antiquities Act and from an outright abuse of power.

I ask that my colleagues oppose the Miller amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was rejected.

The CHAIRMAN. The Chair is advised that amendments 4 and 5 will not be offered.

It is now in order to consider the amendment made in order pursuant to House Resolution 256.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

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.''

The CHAIRMAN. Pursuant to House Resolution 256, the gentleman from Utah [Mr. HANSEN] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Since September 18, 1996, the Utah delegation, the Committee on Resources and many other Members of Congress have tried to figure out a way to both preserve the President's authority to designate national monuments in emergency situations but prevent the type of abuses the Clinton administration pulled last September in Utah.

After much discussion in committee and with other Members, since then I have agreed on a compromise proposal that addresses these many concerns. My amendment allows the President to unilaterally designate any, any national monument up to 50,000 acres in size. Remember, this is the approximate size of the District of Columbia.

If the President wants to designate a national monument over 50,000 acres, he must submit the proposal to the Governor of the affected State 30 days prior to the proclamation. After the 30-day period, the monument is created. However, after 2 years, the monument designation will sunset unless the Congress has passed a joint resolution approving the President's action. Thus, if Congress does not agree with the monument over 50,000 acres in size, the land will revert back to its former status.

I commend my colleague from New York for his willingness to reach this agreement. This is a compromise. It restores the balance of power between the President and the Congress while still allowing the President to act in emergency situations as originally intended in 1906.

I urge all Members to support this compromise which restores Congress' role in managing our Federal lands. I ask, what could be more fair than this? Fifty thousand acres he gets, like that. That seems very simple to me. Over that, he can still do it.

□ 2015

To me, that is a reasonable approach.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California [Mr. MILLER] claim the time in opposition?

Mr. MILLER of California. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER] for 5 minutes.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this. I commend my colleagues for trying to work out a compromise for his legislation, which he realizes has some problems or is flawed, but the fact is that this is just a perfect political solution: The President is able to declare, and then Congress will do what Congress has done, and that is sit on its hands and nothing would happen.

So it does not really put anything on us. It is the same problem that we had. We are right back where we started from. We are chasing our tail around a tree here. That is really what this amendment does.

I appreciate the fact that they have 2 years to go out and convince the public, but we have had many decades to try to convince them about the red rock country of southern Utah and we still have not come to a conclusion by setting a certain amount aside for conservation purposes. That is the problem with this amendment.

Far worse than that, this amendment says that 30 days before we have to send the proclamation to the Governor. I understand the gentleman's problem with the Governor and other people not being informed, but I want the gentleman to understand my problem. My problem is I do not think the taxpayers should get ripped off in the process. And once we set this proclamation in writing and put it out there, obviously it is open season in terms of making claims and making changes, and I think most of those are spurious, quite frankly. That is my concern.

So we have those two problems. Those are two big problems with this amendment, which is a good political compromise, I guess. The Presidents can go off and designate monuments every 2 years, Congress can sit on its hands. The Presidents would be happy. They would get the political credit for declaring the monuments, and in 2 years they would not be there, they would monument-for-the-day, the monuments would be gone, and the public would be the losers.

I think this is wrong. I think this process does not do it. The gentleman is not there yet with this amendment. This amendment is a bad amendment and its being offered as a compromise, I think, is a problem. It is no compromise for me, and its is no compromise for the 13 Presidents that have used this power. This would take away the authority and the ability to act as stewards for these conservation areas.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I believe that argument we just heard is a strawman: The idea that taxpayers are going to be ripped off earlier. I think it was said there would be claims filed that would take the value that belongs to American people.

If we look at those issues, and water was mentioned. The fact is water is already taken in these areas. We will not have spurious claims on waters. As to minerals, those that are known are pretty much taken. Those that are not known, if someone randomly goes out and decides to file a claim, they will not have value. And when they come back to the process of proving value, they will not have any.

We do believe in America still in the rule of law and in supporting contracts and the obligations of the American people. In this particular case, in the case of Utah, I do not think there is any question but that the President abused his power. There is no question by people looking at this dispassionately at how he hid his actions.

What we are talking about in this amendment is restoring balance to the process, limiting the extremes to which a President can go, and this President has said he would go or has gone. This is not only about the people of Utah, though. It is not just about the people in the western United States, the public land States. It is not just about those kinds of things. This is about the abuse of Presidential power generally and this is a particularly good bill that will rein in that power and allow this House its proper role in the balance of the policy decisions about how we use our public lands.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, this is the Here Today Gone Tomorrow Monument Act. It would make two changes in the law regarding large presidentially proclaimed monuments. First, it would require the President to provide 30 days notice prior to a proclamation. And that is no surprise. As Secretary Babbitt has said, and I quote, ''The notice period would provide both incentive and opportunity to stake mining claims and carry out other development activities which could irreparably impair the ability of the President to protect the area.''

That is not just speculation. The opponents of the Grand Canyon and Arches proclamations, to mention just two specifically, said they wanted to mine those areas. Second, it would sunset a monument proclamation after 2 years if Congress did not enact legislation approving it. That means that a single Senator opposed to a monument could block it by putting a hold on the bill or a monument could be gone tomorrow simply because of delays and oversights.

We can be sure once the monument declaration expired, the people who wanted to stake mining claims would be out there in force. That is what the gentleman from Minnesota [Mr. VENTO] meant about protecting the taxpayers.

Put another way, if this substitute had been in effect in 1908, the chances are that much of the Grand Canyon today would be an abandoned mining site; chances are that some of our other national monuments and others would be covered by mill tailings.

The ''Dear Colleague'' of the gentleman from New York [Mr. BOEHLERT] of last week made this same point. He said then, and I quote, ''A congressional approval process would enable any powerful committee chairman or a single Senator to single-handedly block monument declarations. And few monument declarations fail to attract at least one opponent. Just look back at the opposition that greeted the declaration concerning the Grand Canyon if you have any doubts.''

These words are equally true of the substitute being offered today. That is why this amendment should be defeated.

Mr. Chairman, I submit for the RECORD a letter from Secretary Babbitt to the Speaker regarding this legislation.

SECRETARY OF THE INTERIOR,
Washington, October 6, 1997.

HON. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We understand that the House soon will consider H.R. 1127, the proposed ''National Monument Fairness Act of 1997,'' a bill strongly opposed by the Administration and which I have stated would be the subject of a veto recommendation.

We have serious concerns with a new amendment to the bill made in order last Wednesday. The amendment does not correct the flaws in H.R. 1127, as noted in the attached Statement of Administration Policy. If this amendment is adopted, I would still recommend to the President that he veto H.R. 1127, as the bill would continue to infringe upon the power vested in him by the Antiquities Act.

The Antiquities Act is one of the most successful environmental laws in American history. Between 1906 and 1997, fourteen Presidents have proclaimed 105 national monuments, including Grand Canyon, Zion, Joshua Tree, the Statue of Liberty, Jackson Hole, Death Valley and most recently Grand Staircase-Escalante National Monument. These designations have not been without controversy, but it is clear that, without the President having the authority to act quickly, many of America's grandest places would never have been protected and preserved for future generations.

The proposed amendment would require the President to provide 30 days notice prior to a designation. Requiring 30 days public notice in advance of every land withdrawal severely undermines the purpose of the Act, which in part is to permit the President to protect federal lands on an immediate and time-sensitive basis. The notice period would provide both incentive and opportunity to stake mining claims and to carry out other development activities which could irreparably impair the ability of the President to preserve and protect the area.

Equally as damaging to our ability to protect public lands, the amendment would make each covered Presidential proclamation effectively temporary. It would require that such proclamations be nullified if Congress does not act affirmatively to ratify them within two years. Congress currently has the authority and opportunity to act to overturn any monument designation at any time by passing legislation to do so. To make permanent monument status dependent on affirmative Congressional action within a specified time limit presents too great a risk that the complexities of the Congressional process and scheduling will undermine the protections for these special places that all Americans want and deserve.

I urge the House to defeat this attempt and any others that would undermine the President's authority under the Antiquities Act.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

BRUCE BABBIT.

Mr. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

My two colleagues have pointed out exactly what is wrong with this. First of all, this leaves our public lands and the damage to public lands and the threat to public lands open to a policy by filibuster, by Senate holds, and by obstructionists. Those would be the people who win in the debate against protecting and creating the national monuments.

The second point, as the gentleman said, there is no mining here. Well, there is mining. In fact, in the Grand Canyon there was previously. But this is a generic law. This is not about these lands, this million 7, this is about lands in the future that may be declared monuments where there are serious issues over water rights, where there are mining claims, where there are all these issues.

If we give 30 days notice, we will have a gold rush out there for people who think they can come back and jack up the Federal Government for these things, because we deal with that in this committee and have for years and years and years by people who think they can then extract something from the Federal Government if they file a claim.

So, remember this, we are not writing a law about Utah. We are writing a law about the United States of America, and there are many assets that people would find valuable and would try to perfect and would try to hold up the Federal Government. So whether or not there is water in this particular area that would be in contention or not does not speak to this law. That is why the 30-day notice provision and the 2-year provision is simply bad public policy, because it leads into the policy of filibuster, the policy of hold rather than debate and action.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have a hard time believing my good friends from the other side, knowing how articulate and how well versed they are in the law, have forgotten there is a FLPMA Act. This happened in 1906. There is a Federal Land Management Policy Act that covers everything my three friends have just talked about.

One of those is emergency withdrawals. I will not quote the section, I am sure they know where it is. Another is general land withdrawals, and another is land classifications. So the opposition is using scare tactics here. With this act or without this act all three of these cover the problem.

The gentleman from New York talked about the idea if this had been there in 1906. Please keep in mind that only two since 1943, only two declarations would be affected by this amendment: The one in Alaska and the one in Utah. All the rest are all right. So the vast, vast, vast majority of all the monuments would not be affected at all because we are giving the President 50,000 acres. Carte blanche. Take it anywhere he wants. In the middle of his district. Wherever he wants it, he can do it.

So I say if there has ever been a fairness act that is reasonable, that restores the power to Congress where it belongs, this is the act. Nothing to do with the monument in Utah, nothing to do with the one in Alaska or the little teeny ones, like most of them are, of maybe 300 acres. So, Mr. Chairman, I urge support of this amendment and support of the bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Utah [Mr. HANSEN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 256, further proceedings on the amendment offered by the gentleman from Utah [Mr. HANSEN] will be postponed.

The point of no quorum is considered withdrawn.

Mr. HANSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOB SCHAFFER of Colorado) having assumed the chair, Mr. SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1127) to amend the Antiquities Act to require an act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

[Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

[Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized for 5 minutes.

[Mr. HUTCHINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]