NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Pursuant to House Resolution 296 and rule XVIII, 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. 1487.

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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. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, with Mr. MILLER of Florida 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 Minnesota (Mr. VENTO) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Chairman, I appreciate the opportunity to bring this important bill to the floor. H.R. 1487 was designed to inject more public participation and input into national monument proclamations. The bill as reported from the Committee on Resources is the result of a bipartisan cooperation between the gentleman from Minnesota (Mr. VENTO) and myself and would amend the Antiquities Act to require the President to allow public participation and solicit public comment prior to creating a national monument.

It would also require the President consult with a congressional delegation and governor of the affected States at least 60 days prior to any national monument proclamations. H.R. 1487 as reported from the Committee on Resources requires the President to solicit public participation and comment while preparing a national monument proposal, to the extent consistent with the protection of historic landmarks, historic and pre-historic structures and other objects of historic or scientific interest located on the public lands to be designated.

In addition, H.R. 1487 as reported requires the President to consult, to the extent practical, with the governor and the congressional delegation of the State in which the lands in question are located, at least 60 days before declaring a monument.

I have several specific concerns regarding the qualifiers. The first is the possibility that a President could still ignore the public consultation and official notice provisions of the Antiquities Act because of ambiguous phrases such as, quote, ''to the extent consistent,'' and, quote, ''to the extent practical.''

While such phrases are intended to give the President a certain amount of latitude to cope with unusual circumstances, they are not intended to give the President carte blanche to ignore the provisions of the Antiquities Act. Nor were they intended to preclude judicial review if the President does abuse the limited discretion.

The committee strongly intended that the phrases ''to the extent consistent'' and ''to the extent practical,'' should not be interpreted as allowing the President to ignore the public participation and consultation provisions of the Antiquities Act simply because he can point to possible problems that may occur from delay.

A certain amount of delay is inherent in a statutory scheme that requires public participation, and subsequent to the passage of this bill, Antiquities Act decisions should take considerably more time to make. The President, however, may not skip the public participation phase simply because it may take time. The President is expected to use other available provisions of law to protect the land if such protection is needed while public participation proceeds.

For example, the President should use all other tools at his disposal to protect lands short of a monument declaration. An example of this would be the secretarial ability to conduct a segregation or withdrawal, under Section 204 of the Federal Land Policy and Management Act, while public debate on the proposed monument proceeds.

The second issue is the nature of public participation that the President is required to allow prior to a national monument declaration. The original bill would have required the preparation of an environmental impact statement pursuant to NEPA. The bill as amended does not address, I want that point to be clear, does not address the NEPA issue, but comparable public participation is still required.

It is the committee's strong intent that the President, subject to a few modifications reflecting the peculiarities of national monument declarations and the intent of this legislation, should follow the same general public participation pattern that the Interior Department follows in compliance with NEPA.

The President should provide at all stages of the public process full dissemination of appropriate information, meaningful hearings and allow generous comment periods.

It is anticipated that the President may delegate the creation and administration of these procedures to an appropriate agency, such as the Department of Interior or the Department of Agriculture.

The committee also expects any designation process under the Antiquities Act to address pertinent issues that are necessary for meaningful public comment and sound decision-making.

Finally, H.R. 1487 would require any subsequent management plan developed for a national monument to comply with NEPA. The fact that the President has gone through an extensive public input process on a decision whether to declare a monument should not be interpreted to replace the NEPA process that is associated with the subsequent management plan.

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

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

Mr. Chairman, I want to commend my colleague, the gentleman from Utah (Mr. HANSEN), the chairman, for his work on this process. For the past 5 years, there has been a great deal of concern and some acrimony concerning the designation of the Escalante-Grand Staircase National Monument by President Clinton in his home State of Utah.

Clearly, that has propelled us to a point where we are seeking to try to make the Antiquities Act, the presidential power to declare national monuments, work in a way that does engage the public and does provide notification to elected Members of the House and Senate, and to the governor of the State. That is basically what this legislation does.

I know that there are a lot of other initiatives that he has put forth with regard to this, but I think this one does get to the issue at least of notification so that there can be perhaps somewhat of a more open debate with regards to this matter.

The legislation, as was amended in the Committee on Resources, offers a common sense approach to the designation of monuments under the Antiquities Act. I was pleased to work out the provisions with the chairman of the Subcommittee on National Parks and Public Lands. He initially wrote H.R. 1487 out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act.

Congress, of course, established the Antiquities Act in 1906 to provide the President an opportunity to protect historic landmarks, and pre-historic structures and other objects of historic or scientific significance that face possible damage or destruction due to Mother Nature or man's encroachment.

I might say that the Antiquities Act only applies to public lands. Generally, of course, we are talking about Federal lands. It does not apply to State lands. It does not apply to private lands, although sometimes there are, in terms of the Federal lands, those lands could be within those parcels.

At the time, of course, of its passage early in this century, Congress realized that its very nature as a deliberative body precluded the House and Senate from acting swiftly when important scientific and cultural objects or landscapes were at risk. Because of the potential threat with conflicting Federal land policies impacting public land, Congress recognized the need to expedite national monument designations and accorded presidents broad new powers embodied in the Antiquities Act

of 1906. Congress did not identify a specific plan for the level of public involvement, or notification that may be appropriate in the designation of national monuments by the President.

The fact of the matter is, even at that early date there was great controversy over it. In fact, then President Theodore Roosevelt was taken all the way to the Supreme Court for his designation of the Grand Canyon, which, of course, was something over a million acre designation. It was a very large designation at the time, because Congress has, then and now continued to jealously guard its role in terms of land use questions.

I mean, in fact, the committee that the chairman presides over is a committee that I chaired for almost 10 years; and I think that he will attest to, certainly I would, to the level of work that we are involved with. I think as a subcommittee, it probably acts on more legislation than almost any other subcommittee in the Congress. So it is, I think, an indication of not just the role of Congress but the exercise of that role in terms of making these land-use decisions.

The President at that time, when this issue was contested in the Supreme Court, the President's powers were upheld and to, in fact, make the types of designations that he has made. Since then, as has been rolled off my tongue so many times, there has been 105 such designations. Many of them have, such as the Grand Canyon, become really the gem stones, the jewels and the crown, we might say, of our national land conservation system.

Today, with the passage of various other public lands bills, such as the Organic Act or the Federal Lands Policy and Management Act, the laws that govern parks, wild and scenic rivers, the Antiquities Act has leveled the playing field for the President. That is, we do a lot more. If Congress languishes on a public land designation, of course, the President possesses the authority to immediately protect the land in question under the Antiquities Act, as he did in 1906. Congress, conversely, has been, I think, very aggressive over the last 2 or 3 decades in terms of moving to declare wilderness, to, in fact, designate parks and to, in fact, recognize the special qualities of our lands.

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I might say that one of the issues in terms of the Antiquities Act is that Congress has given great authority to in fact the use of our lands for public education purposes, under the Morrill Act and the 1872 Mining Act. There are laws that govern the appropriation of surface waters, largely, obviously, governed under the jurisdiction of some of the States, but nevertheless embodied in Federal policy. So there are many potentially conflicting uses of public lands under the governance of laws that frankly run to the earliest history of our Nation.

The Antiquities Act obviously was intended to recognize largely, as is indicated in its body, and as I have repeated, the cultural, the historic, the natural qualities, the natural landscapes that have become recognized as being very important.

As originally introduced, the measure we are considering I think was unworkable language that effectively would have undermined the authority of the President to designate threatened public lands as national monuments. This important power, while as important today as it was yesterday, obviously, being limited by other laws would have prevented the President from acting in a timely manner, indeed, if the need would arise.

The legislation led Members to believe it required the President to follow, for instance, the National Environmental Policy Act compliance requirements, although the requirement was unusual in itself, since actions taken, congressional or judicial or presidential actions, are not subject to NEPA. This legislation actually forced the President not just to follow NEPA, but even go beyond the requirements of NEPA.

The measure that was introduced attempted to identify the effects before any cause could be studied, and seriously deviated from the public view and comment period mandated in NEPA. It set, I think, an unfortunate precedent by subjecting the presidential actions to judicial review before a final decision on land designation was made. It allowed the President to withdraw land on an emergency basis for only a 24-month period.

Even after all of that process, any time you have a deadline of this nature, it works against the land designation, because surely that would run out. Congress may not act. There are, obviously, a group of competing interests in place practically, by definition, when the President would make such a declaration.

Finally, the time requirements on the environmental impact statement are such that land could still be open to development prior to the designation being made. For these reasons and many others, my colleagues in the committee and the administration, of course, strongly opposed the initial bill.

Prior to the committee meeting, the gentleman from Utah (Mr. HANSEN) and I agreed to a substitute amendment. We achieved, I think, the goal of public participation and notification, and also an amendment that Members on both sides of the committee could support. The substitute amendment directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment in the development of the declaration, to consult the Governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

As a result, of course, of this agreement, the amendment passed the full committee by voice vote. I would say with regard to NEPA that very often our public lands, whether it is under the Bureau of Land Management, resource management plans under the Forest Service, where we have the Forest Practices Act, there is a plan under Park Service lands, Fish and Wildlife, almost all of our public lands come under a guideline where periodically, ideally, at least every 10 years, there is a revision of that plan. That plan for the land use has to go through a NEPA process. So I would say embedded in the data system that we have, there are NEPA plans that exist that give us a good view or at least a current view of what the National Environmental Protection Act policy is with regard to plans that are proposed, so there is a body of information concerning that.

In fact, that does require public participation, and it is the action of the President, in this case in terms of the declaration of a monument, that does not in this instance, just as the actions of Congress or a court, do not require NEPA participation. Of course, once a monument is declared and a plan is put forth with regard to how to manage that, again, that would be subject. But the action itself would not be subject to NEPA.

I am also going to be offering an amendment today to this measure. This amendment, which the gentleman from Utah (Mr. HANSEN) has indicated his acceptance of, states that nothing in the Act should be construed to modify the current authority of the President to declare national monuments, as provided to him under the Antiquities Act. It reaffirms the intent of the bill's substitute amendment, which establishes public participation and consultation on the national monument designation to the extent consistent with the protection of the resource values of public lands to be designated.

I, of course, feel it is necessary to offer this amendment to rectify confusing report language to H.R. 1487 which did not accurately reflect the intent and the scope of our agreed-to substitute amendment.

Mr. Chairman, the Antiquities Act is a cornerstone, really, of the United States environmental policy. It springs from the earliest origins, in a sense, of the conservation movement under then President Theodore Roosevelt. It has been used throughout this century.

I believe this legislation is a good compromise. It allows this Antiquities Act to come full circle regarding its participation provisions, something I think that is desirable. It still grants the President full authority to designate national monuments. It provides for public input, and allows for

each congressional delegation to take part in the consultation process.

I am pleased that the gentleman from Utah (Mr. HANSEN) and I were able to work together on a potentially difficult issue that has divided the House for 5 years. I urge my colleagues to support this legislation, and hope that the Senate will act on it. I am optimistic that the President will accept these qualifications and process issues with regard to the Antiquities Act of 1906.

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

Mr. HANSEN. Mr. Chairman, I yield 90 seconds to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise today to support H.R. 1487, the National Monument NEPA compliance Act of 1999. I thank the gentleman from Utah (Mr. HANSEN) for his efforts in bringing this legislation to the floor.

Since President Clinton abused the 1906 Antiquities Act in 1996 and designated the Grand Staircase Escalante National Monument without any participation from the surrounding public interest directly affected, citizens from across eastern Washington have contacted me to express their concern about how this type of action could happen again and affect their livelihood.

While I, too, want to preserve the heritage of our public lands, especially given their importance to the history, commerce, and recreational possibilities of our region, we should not be afraid to let people participate in this process.

Mr. Chairman, experience has taught us that ambiguous laws and Federal directives give the power of interpretation and enforcement not to citizens and local elected officials, but to Federal agencies. This often means that they could set policy at odds with the priorities of local government, businesses, property owners, and other citizens. A great variety of individuals, from fishermen to farmers to businessmen to loggers to Native Americans, depend upon the public lands in the Pacific Northwest for their recreation and livelihood.

I have made it a priority to protect the people's right of access against intrusive Federal programs, and most importantly, to give my constituents an opportunity to participate in such important public policy decisions. Such public input should be an integral part of this process, and can still lead to environmentally sensitive policies.

Mr. Chairman, I urge my colleagues to vote to include the public, and join me in supporting H.R. 1487.

Mr. HANSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. STUMP).

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

Mr. STUMP. Mr. Chairman, I rise in support of this bill introduced by my good friend, the gentleman from Utah (Mr. HANSEN), the National Monument NEPA Compliance Act.

H.R. 1487 will provide a much needed fix to a very antiquated law. I commend the gentleman for introducing this bill.

Mr. Chairman, in 1906, the United States Congress provided the President of the United States or a representative, the opportunity to designate national monuments. When done correctly national monument designations are an important tool in preserving historic landmarks, and objects of historic and scientific interest. But, Mr. Chairman, the use of the Antiquities Act has been severely abused, most recently by the current Administration.

Mr. Chairman, H.R. 1487 will provide a much needed fix to an antiquated law. H.R. 1487 ensures public participation in the declaration of national monuments. H.R. 1487 would require the President to consult with the Governor and Congressional delegation of the affected State at least 60 days before a national monument proclamation can be signed. This legislation would also require the President to consider any information developed in forming existing plans before such declaration.

Mr. Chairman, I support this bill wholeheartedly and urge full House support of The National Monument Public Participation Act.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I want to commend the gentleman from Utah (Chairman HANSEN) for this legislation, the work that he has done, and the cooperation we have seen from the other side, as well.

I rise today in support of H.R. 1487, a bill that would require public participation, public participation in the declaration of national monuments under the Antiquities Act.

Today the President can create a national monument on virtually any Federal land that he or she believes contains an historic landmark, an historic structure, or other object of historic or scientific interest. In doing so, the President is to reserve ''the smallest area compatible with the proper care and management of the objects to be protected.''

Do we suppose when Congress passed the Antiquities Act in 1906 that they thought a future president would use the act to protect 56 million acres in one fell swoop, as President Carter did in Alaska? Did Members think that the residents of Utah would one day wake up to learn that 1.7 million acres of their State had in effect secretly been declared a national monument, again without any public hearings or comments?

That is the real issue here: Did Congress truly intend to abdicate its jurisdiction and empower a sitting president with the authority to designate literally millions of acres, without even notifying the Governor or the elected congressional delegations of the affected States? I do not think so.

This really hits home in my district. Farmers, ranchers, landowners in my district are frankly concerned. They are scared. They are scared that one morning they, too, will wake up to learn that the President has designated Steens Mountain as a national monument. They are afraid that the characteristics of that mountain will change with the impending influx of tourists who would travel to visit a national monument. We have seen this, and we have heard reference to the Grand Canyon. We know the kind of tourist activity that occurs after these things are highlighted.

Last month the Secretary of the Interior visited Steens and made it clear that if some form of legislative designation is not placed on the Steens, then this administration will act before they leave office.

Do Members understand why my constituents are afraid? They are afraid because something is going to happen that they do not have any ability to have any say in. That is what they are concerned about.

I went down there over Labor Day weekend and spent a couple of days looking firsthand at Steens Mountain. I toured it with ranchers, recreationalists, local Department of the Interior employees, and others who live and work, and have for centuries, around this mountain. I wanted to understand what it was the Secretary was talking about, and what it was that was going on in the Steens.

After a couple of days of walking and flying and horseback riding over this mountain, I ended up with more questions than answers about why the Secretary was making this threat. From what or from whom was he rushing to protect the Steens, and what will the local effects be of another divisive edict from Washington, D.C.?

That is what people are concerned about about our Federal Government, is that they pay the taxes and have no say; that these things come down in the middle of the night, and they are left out of the process. That is wrong.

Before someone blindly places a designation on Steens Mountain, we need to carefully ask, does the mountain really need Washington, D.C.'s protection or meddling, beyond the public and private cooperation that exists today, and has for nearly a century? From what I have seen, I am not convinced it does.

Steens Mountain is a treasure. The current management and protection of it appears to be working well. But as we progress, let us first clearly identify what the problems are, and then take the time to carefully consider the needs of the mountain and those whose livelihood depends on it for ranches, recreation, and tourism, before it is subject to some sort of executive mandate driven by political whim.

That is why this bill is so important, Mr. Chairman. It is an excellent bill because it gets at the very issue of public participation. What is wrong with requiring the President to solicit public participation and comment and then consider it? What is wrong with requiring consultation with a State's

delegation to Congress and the State's Governor? What is wrong with asking that a significant action affecting everyone have to meet the procedural requirements of the National Environmental Protection Act?

This bill is an important piece of legislation that will go a long way toward alleviating the fears of the residents of Harney County and others who live near proposed monuments.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

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Mr. GIBBONS. Mr. Chairman, I congratulate the gentleman from Utah (Mr. HANSEN) for his leadership on this issue, and I rise in strong support of the bill H.R. 1487, a bill that will ensure public participation in the creation of national monuments.

Quite frankly, I am surprised that there would be any type of opposition to this legislation. We are not abrogating the President's power or his authority under the Antiquities Act in any way except to require him to allow public participation into the process.

He can still create monuments. No size limitations will be imposed except those already existing or contained in the original 1906 act. The President can still act quickly. In fact, he can even avoid public participation provisions in this bill if there is some unforeseen emergency that cannot be taken care of by existing withdrawal authorities.

There is simply no reason to oppose this bill. All we are asking is that national monument proposals see the light of day before being sprung on Congress, a State, and the American public. Even President Clinton's most ardent supporters admit that the creation of the Grand Staircase-Escalante National Monument was unfair, discourteous, and partisan.

I would like to add that it was also a slap in the face of the people of Utah and showed general disdain and lack of respect for democratic principles. There is nothing to stop it from happening again in my State or in my colleagues'.

If we pass this legislation, the American public will be able to participate in the national monument proclamation process. That should not be too much to ask from any administration. In almost every other public lands decision, they are afforded the right to receive information on pending public lands decisions and afforded the right to submit comments.

This is not anything unusual. In fact, it is the right way to conduct business. Mr. Chairman, if the public participation is good, and I submit that it is, then it should be applied across the board.

H.R. 1487 is a great bill. It will inject light and open us into a process that needs to be more open. I intend to vote for H.R. 1487, and I urge all my colleagues to do likewise.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. CANNON). The district of the gentleman from Utah has the entire Grand Staircase in it.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 1487, which is a bill to ensure public participation in the monument designation process.

Our colleagues know all too well how President Clinton recently used the 93-year-old Antiquities Act to create the Grand Staircase-Escalante National Monument in my district in Utah. Although there are certainly lands within the monument that are worthy of designation, I believe that the process, or the lack thereof, was fundamentally flawed. Not one local elected official was included in the planning or evaluation of this designation. This, Mr. Chairman, is wrong and should not continue.

Mr. Chairman, millions of people have moved to Utah or remained in Utah for generations to enjoy our beautiful landscape and pristine environment. Utahans are very proud of and cherish our State and want to work to protect our lands. To suggest that Utah officials that have been elected by these Utahans are incapable of making or at least being included in land management decisions affecting our lands is deeply offensive.

This is exactly what occurred in 1996 when, literally, during the dark of night, the designation of the Grand Staircase-Escalante National Monument was drafted. Each and every public official in Utah was blindsided. For the last 2 years, businesses, citizens, and local government have had to react to the designation rather than to work with the administration to achieve some kind of beneficial outcome.

Since 1906, when the Antiquities Act became law, Congresses have passed legislation which requires public participation and input. Unfortunately, in 1996, the people of Utah were never given the opportunity for input. Had we been included in the deliberations of how to protect this land, much of the bitterness and heartache that is felt in southern Utah regarding the monument could have been avoided.

The use of the Antiquities Act in my district was wrong. It should not happen again. I am pleased that the gentleman from Utah (Chairman HANSEN) and the gentleman from Minnesota (Mr. VENTO) were able to craft language to improve the process. I congratulate them both on their work. The Hansen-Vento language simply requires the administration to notify, and consult with, the governor and the congressional delegation of the State at least 60 days prior to any monument designations in the State.

Mr. Chairman, there are rumors that many other monument designations are planned before the end of this administration, and to simply to require that the affected local officials be consulted is common sense and consistent with current law and congressional intent.

This is a common sense approach that will require that a little light be shed on the land management practices of this administration. The gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) worked hard on this bipartisan compromise legislation, and I urge all of our colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Montana (Mr. HILL).

(Mr. HILL of Montana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Utah (Chairman HANSEN), and I want to congratulate him for his good work on this bill.

We have a National Environmental Policy Act, and the intent of that act is so that, when public land management decisions are made in this country, those making the decisions are required to examine the environmental impacts, economic impacts, and social impacts. The process requires them to scope all those potential impacts and then to try to balance and mitigate how those will affect that decision-making process.

The 1906 Antiquities Act obviously was drafted before the National Environmental Policy, and so it is not subject to the NEPA process. So we really do not have a very good process for how those decisions will be made.

Of course, we have heard the President designated 1.7 million acres in the Escalante-Staircase as a national monument. He did so without any public comment at all. In fact, he sought secret input from selected groups but, in the process, actually ignored, even misled members of his own party and the local political leaders in making this decision.

This was a profound decision. It impacted 1.7 million acres. In the past, monument designations were relatively small parcels. So this decision by the President highlighted the weakness and the shortcomings of the Antiquities Act.

So this bill, while it does not subject that decision to the NEPA process, which I personally would prefer, does begin the process of opening it up. It requires the President to seek public comment and to consult with local leaders before making that decision.

We have always felt, or in recent years we felt, that public land management decisions should be made in an open process, that we ought to seek the input of citizens in making that decision. Why? So that we get input from the wide variety of different opinions about how that decision should be made.

This decision was made in secret. This decision was made in a fashion that actually misled local landowners, local political leaders, the governor, even the congressional delegation.

So this bill, in opening up the process, is really about good government. I think open government is good government.

Will this bill have any negative impact on the President's authority to protect the environment? No, it will not. The President has other emergency powers to withdraw lands temporarily and to propose permanent withdrawals to development if he feels there is a threat to the environment. This bill does not affect that at all.

However, I would point out to my colleagues that that kind of a decision is subject to the National Environmental Policy Act, and it would be my preference that we make this designation that way, too.

But this does not affect the President's emergency powers, temporary powers, or his permanent powers. This is a good government bill. I urge that we support this bill because it will open the process. I urge all my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very modest, common sense, and much-needed proposal. I thank the gentleman from Utah (Mr. HANSEN) for yielding me this time, and I commend him for bringing this very fine legislation to the floor of this House.

Our Founding Fathers established a Government which is supposed to be of, by, and for the people. Unfortunately, what happened in Utah shows that what we have now is a Government of, by, and for the bureaucrats and a few elitists at the top.

Unfortunately, what we saw with this Utah land grab was an abuse of power through a very old law that is really no longer needed. There were no checks and balances. There was no public discussion. There was no consultation with the Utah congressional delegation or the Governor of Utah. There was a deliberate attempt to keep this thing as secret as possible for as long as possible.

H.R. 1487 simply requires the administration to solicit public participation and comment while preparing a national monument proposal. It also requires that the President consult with the governor and congressional delegation of the State in which the lands are located.

To oppose this bill is to oppose even very minimal public participation in this process. What we saw with the designation of this 1.7 million acres in Utah was a very real abuse of power.

During a hearing before the House Committee on Resources in 1997, the Governor of Utah testified that the first reports that he had received regarding this proposal were from a story in the Washington Post. In addition, he testified that he did not receive official word of this proposal until 2 a.m. in the morning the night before the announcement was being made.

At this same hearing, Senator ROBERT BENNETT testified that his staff found a letter from the Interior Department to a Colorado professor who was responsible for drafting the proclamation. In this letter, the Interior Department official stated, ''I can't emphasize confidentiality too much. If word leaks out, it probably won't happen so take care.''

This almost makes one wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union and other dictatorships.

People in other parts of the country should be concerned about this. We should all be concerned because of the political wheeling and dealing, the arrogance, the extremism of the way this designation in Utah was carried out. But perhaps even more importantly, if they do it in one place, they will do it in another if people do not speak out against this type of political shenanigans.

With that said, let me just note that all this legislation would do is make a minor modification to make sure that the public can be involved in decisions that affect large portions of public land. This Utah land grab affected 1.7 million acres, which is three times the size of the Great Smoky Mountains National Park, the most heavily visited park in the country. So millions of people all across this country realize how significant this is.

Mr. Chairman, is it really so bad that we allow the public to participate in such important decisions? I do not believe the President should be able to designate such a huge amount of land as a national monument without some extensive public discussion and meaningful participation.

Mr. Chairman, this legislation is a modest proposal. This is not a Western or an Eastern issue; this is a democratic issue that affects us all. If my colleagues think that we should have just a small group of people at the top making significant, important decisions like this in secret, without any real meaningful public involvement, then they should vote against this bill. However, if they think it should be the right of the American people to have at least a small say in what their Government does, then I hope they will vote for this legislation.

I urge my colleagues to support H.R. 1487 so that we can put the people back in the process at least in a small way.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from the second district of Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise in strong support of H.R. 1487. This excellent bill will allow the public to participate and comment on any proposed national monument declaration. I commend the gentleman from Utah (Mr. HANSEN) for his tireless effort to protect democracy.

This bill requires the President to consult with the governor and the congressional delegation of the affected State 60 days prior to the designation of a monument. Now, this modification of the Antiquities Act, an act in large measure brought forth by one of the greatest Presidents of the United States, Teddy Roosevelt, is absolutely necessary to prevent the kind of abuse that this President was involved in in the creation of the Grand Staircase monument in Utah.

The bill of the gentleman from Utah (Mr. HANSEN) still gives the President the ability to move more quickly, if necessary, to protect an endangered site. I urge my colleagues to support the bill and to vote to protect America from presidential excesses.

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

Mr. Chairman, I wanted to point out the dilemma, frankly, that any chief executive faces with regards to these land-use decisions. As has been articulated accurately by my colleagues from the committee, the President has some emergency powers for 36 months to, in fact, withdraw public lands from mineral entry. Of course we have, through other land designations, excluded lands, some lands from mineral entry under the Wilderness Act and under other conservation designations that we make.

But we are still, in terms of looking at our National Forests and looking at our BLM lands, looking at about a half million acres of lands that lie within them; and better than about two-thirds of them are still open to mineral open, which would constitute some 300 to 350 million acres of land that would be open to such mineral entry and for other appropriations for water, for other uses, even under the Homestead Act and under other uses.

So the President, one of the phenomena that occurs whenever there is a suspicion that a chief executive or, for that matter, that Congress is going to take some action to, in fact, prevent the use under the mining acts, under various other limitations, wilderness designations, road-type of access issues, very often we see a phenomena where those interests that have an interest in mining claims or perfection of those mining claims or access questions or riparian questions with regard to water, when they see we are going to take any such action, they begin to make such claims on these lands.

□ 1015

This is a problem that we face. And, of course, because we are much more encumbered in Congress in terms of moving, we cannot just move without the Senate and without the President and without our colleagues supporting us, very often these instances of claims can take place and they really, in a sense, very much provide new barriers and provide new obstacles in terms of trying to clarify the use of such lands.

So, too, the President faces the same problem in this issue of monument declaration. It is sort of all or nothing. If in fact, he shares with the public the

fact that he intends to designate a piece north of the Grand Canyon, in the case of my colleague's concern, my friend and classmate, the gentleman from Arizona (Mr. STUMP), then, of course, there could be, obviously, activities that take place that would, in fact, contradict the various features that the President may seek in the end to protect. The particular corridor of my friend, who has introduced the bill, might be compromised in the process because we are not moving ahead on it. So I think this is the issue.

In terms of being open, yes, I think we want to be open, but we do not want to undercut the very purpose that the Antiquities Act or, for that matter, any proposals that we might make in Congress dealing with wilderness or dealing with park designations. So there has to be some degree of nondisclosure, I guess, with regards to specific actions. And that is one of the dilemmas that the President faced in this case in terms of not sharing all the actions he was going to take.

I would just say that there has been some challenge as to the nature of this, the appropriateness of this area, and some aspects about what is important about it. But it is a spectacular area. Southern Utah, since early in this century, has been recognized for the outstanding characteristics and landscapes that exist there. They are among some of the most remote areas on the North American continent. They were some of the last areas, in fact, to even be surveyed because of the remote nature of these vast lands that exist in southern Utah. In the 1930s, then Secretary of the Interior Ickes had proposed the designation of a significant-sized park in that area.

Now, some pieces of that had subsequently been declared national monuments and have evolved into becoming part of the park system, including Zion National Park, and, of course, we had spoken earlier about the Grand Canyon, but I do not know if Bryce was specifically in that area or how it was declared. But, again, as I talk to friends that have visited these areas, they are absolutely astounded at the beauty and the serenity of these magnificent landscapes in Utah.

And, of course, beyond that, since 1930, at the very least, all of my colleagues that are participating in this have been sponsoring legislation one way or another to place parts of what is the Grand Staircase-Escalante National Monument, prior to its being designated, putting part of it into wilderness. There have been proposals from Members of Utah, from the gentleman from Utah (Mr. HANSEN), from others that have served in this chamber, Congressman Wayne Owens, to, in fact, declare significant portions of this area as wilderness.

So they, too, have recognized that some of these landscapes are very special and deserving of our highest degree of protection that Congress and the national laws can accord; that these are special lands. Whether they agreed to precisely the boundaries and the final action and the process decision here will be debated for a long time. I will not get into that. I think the idea of having public participation, having notification is appropriate, where possible.

We also have to understand the dilemma that we are actually in a sense trying to face and that has to be resolved in these cases where conflicting claims can be made, even after we have made proposals in Congress, or if the President were to lay his cards on the table, so to speak, any president, with regards to this. He would be faced with conflicting uses and claims that may be made, may be made in some cases not even in good faith, solely to extract a payment from the national government for the purchase of that use or that right to use that public land for water, for mineral entry, for access and for other factors.

So we have to be cognizant of what is possible. We would hope that everyone would act in the spirit of good faith that this legislation would envision; that they would, in fact, conduct themselves in a way that would make the public participation meaningful, without contradicting and undercutting, at the expense of the U.S. taxpayer, the efforts to protect these conservation lands.

Mr. Chairman, I provide for the RECORD the Presidential Proclamation regarding the Grand Staircase-Escalante.

PRESIDENTIAL PROCLAMATION—GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multihued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare ''double arch.'' The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an

outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia, Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

Now, therefore, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Grand Staircase-Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interest in lands owned or controlled by the United States within the boundaries of the area described on the document entitled ''Grand Staircase-Escalante National Monument'' attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

WILLIAM J. CLINTON.

Mr. Chairman, may I inquire of the time remaining on each side at this point?

The CHAIRMAN (Mr. MILLER of Florida). The gentleman from Minnesota (Mr. VENTO) has 10 minutes remaining, and the gentleman from Utah (Mr. HANSEN) has 6 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), who has long been an advocate of participation in the land use decisions of the great State of Utah.

Mr. HINCHEY. Mr. Chairman, I thank my colleague, the gentleman from Minnesota, for offering me the opportunity to speak on behalf of the Grand Staircase-Escalante National Monument and the need to protect and preserve this very valuable piece of American heritage.

The first point that I think that I would like to make in this context is that the land in discussion with regard to Grand Staircase-Escalante is, of course, public land. It is land that is held in trust by the Federal Government for all of the people of the United States. And as the gentleman from Minnesota (Mr. VENTO) pointed out so clearly just a few moments ago, this is land that has been regarded as having great value for archeological reasons, historical reasons, and for the sheer extraordinary beauty of the landscape itself. And that regard dates back to the early days of exploration of the West in our country. And in terms of political action, it dates back to the early days of the Roosevelt administration, that is the Franklin Delano Roosevelt administration, and even, in fact, to the administration of Teddy Roosevelt, who recognized also the extraordinary importance of this landscape.

President Clinton, I think much to his credit and to the great joy and admiration of many people around the country, designated the Grand Staircase-Escalante as a national monument. He did so not completely out of the blue, as some people would contend, but he did so with very substantial indication and notice. It came as no surprise to me, it came as no surprise to any member of the Interior Committee at that time in the House, and it came as no surprise to a great many Americans who are concerned about these issues. The designation was a welcome one in almost every quarter.

And, in fact, that designation has resulted in very substantial and significant economic benefits as well as those benefits that arise from the protection of this federally protected, publicly-owned land held in trust by the Federal Government. Those economic benefits can be seen very dramatically in the communities surrounding the Grand Staircase-Escalante National Monument. They can be witnessed in the fact that a great many small businesses have now sprung up in that area. These small businesses are providing jobs for people in the community and they are also creating significant amount of wealth for those people who are the owners of these small businesses.

That is true entirely for only one reason, the designation of this national monument and the hundreds and thousands of people who have traveled to that part of the country to witness this national monument. And in so doing, of course, they spend their money in the surrounding region, in hotels and motels, and restaurants, and in various other establishments, all of which has been to the benefit of the local economy.

So the designation of this national monument was a very wise one. It was

the culmination of a tradition of interest by various administrations, both Republican and Democratic, over the course of this century in the United States. It is much to the credit of President Clinton that this designation went forward, and it is much to the benefit not only to the Nation and to every member of our public who values the extraordinary beauty that is so apparent in this part of the country, the most dramatic that can be found anywhere in the West, but also for the preservation of the ecological resources of this region, the archeological resources of this region, and the opportunity that it has provided for significant economic growth in the surrounding communities.

So this is a fine act, and any attempt, I think, to subvert the process by which presidents, again both Republican and Democrat, have used over the course of the years since it was first established to recognize the unique value of certain portions of our country and to so designate them then as national monuments, that process should not be subverted. It should be allowed to continue in the same vein that it has for many decades.

Notice, of course, is fine, and the amendment that the gentleman from Minnesota (Mr. VENTO) proposed in the Committee on Resources, and which was adopted by that committee, is very neat and fitting and suitable. However, any attempt to undermine the intent of that amendment, which was adopted by the majority of the members of that committee, and which I believe would be supported by the majority of the Members of this House, any attempt to subvert that language is wrong, it is out of place, and it ought to be rejected.

So I rise here in support of the activities of the gentleman from Minnesota on the Committee on Resources, in support of the President's naming of the Grand Staircase-Escalante as a national monument, and opposed to any action that might subvert those efforts.

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

In closing, I would just suggest that there will never be agreement, I expect, on the process that occurred with regard to Grand Staircase-Escalante. Our purpose here today is to obviously demonstrate the features of this area, to somehow talk about the problems that the President faces under the existing process, some of the problems we face under the process we have for designation of lands for various purposes, and some of the conflicting laws that we are trying to untangle in terms of clarifying or providing for public participation and notification so that there is a good understanding.

In any case, I think this legislation is a positive step, a very positive step in terms of addressing what has been, obviously, a contentious matter with regards to this recent designation and throughout the history, frankly, of the Antiquities Act. So, hopefully, with that said, Mr. Chairman, and with the action today and action on our amendments, we will help alleviate some of these problems.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Chairman, I think we have heard a lot about this 1906 Antiquities Act. Keep in mind that that is when it was passed, 1906; and from that time to this time, do we have other laws that protect the lands in the State of Utah? We have probably more than we need. We have the 1916 Organic Act, where the parks came from; we have the 1976 FLPMA; we have the 1969 NEPA; we have the 1964 Wilderness Act; we have the Wild and Scenic River Act. We have so many acts we do not know which ones we are dealing with. So we have all these acts. This truly is an antiquated law.

But we are not trying to change it, contrary to what some people are trying to allude to. We are merely making a minor, minor change in the law that says people should do things in the light of day. We are not going to do it in closets. We are going to do it on sunshine laws. Yesterday, as I sat in the Chair that is all I heard from the other side, there should be sunshine laws, when we were talking about juvenile justice and things such as that.

What is this bill about, Mr. Chairman? It is about the word abuse. That is what the word is, it is abuse. The 1906 Antiquities Act says this, it says that the President will designate why he is doing something; is it historic or an archeological reason.

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Now we look at things like where the two trains met, the Golden Spike, obviously a historic area of less than a hundred acres. Now look at the beautiful things such as the Rainbow Bridge, obviously archaeological.

Now read the proclamation of the 1906 Antiquity Law. Does anyone see anything in there where the President says, I am doing this for a historic area; I am doing it for an archaeological area? No, it does not say that anywhere. So why is he doing it? Again, it goes back to the word ''abuse.''

As my colleagues know, we were completely ignored in this issue, all members of the delegation, no member of our State legislature, no member of the governor's office, including the governor himself. And so, we subpoenaed all of these papers, we got them in our own hands, why did you do this? And we wrote a pamphlet and we happen to have copies of it here. It is called ''Behind Closed Doors: The Abuse of Trust in the Establishment of the Grand Staircase-Escalante National Monument.''

What did they say in this? Did anyone overhear or did anyone read it? Well, maybe we ought to take a look at some of the things that were said, which I find very interesting.

In a memo of August 14, 1996, a memo to the President from Kathleen McGinty, chair of the CEQ, candidly discusses this thing:

''The political purpose of the Utah event is to show distinct, Mr. President, your willingness to use the Office of President. It is our considered assessment that an action of this type of scale would help to overcome the negative effects toward the administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support you.''

On March 25, 1996: ''I am increasingly of the idea that we should drop these Utah ideas. We do not really know how the environs, how are the environs going to respond? I do think there is a danger of abuse.''

March 22: ''The real remaining question is not so much what this letter says but the political consequences.''

And then they go on to say: ''This ground is not worthy of protection.'' Is that not interesting? ''This ground is not worthy of protection.''

Well, did anybody know, yes, some people did know, the environmental community was told, I guess they are more important than the elected officials of the State of Utah, and a lot of movie actors were told; and they were standing there and cheering, and these people do not have a clue of what is going on in the West or any of our laws, not a clue; and yet they are told and they are standing there working on these particular issues.

So, Mr. Chairman, we may ask ourselves, I guess we get a little paranoid in this job and we start wondering what is happening. The paranoia, now we are hearing these rumors again, much like my AA calling up and saying is this going to happen and Ms. McGinty saying, no, we do not know anything about it; and yet this pamphlet here shows she knew about it for nine months and planned it herself, and the administration knew about, and the Department of the Interior knew about it and all these movie actors knew about it. But, of course, we are not told about it.

So here we find ourselves in a position, is anybody else going to get this? Who of the 435 districts is next? Who is the lucky guy that is next, has this thing come zooming down on him and all of a sudden he has it?

I am amazed at my Eastern brethren, who I have great respect for, who love to come out to Utah and the West and tell us how to run our ranches. I guess we are too stupid to know ourselves. But still, on the other hand, I would think the people that are there should have some input on what goes on.

People who have never been to the West drop bills in that particular area. Maybe it is a good throw-away vote. It

does not mean anything to us if they take 1.7 million acres of Utah, bigger than their entire State in many cases. Why do we care, or Nevada, or Wyoming, or any of those areas? Why do we care? It is nothing to us, who are a bunch of redneck Westerners. What do we care? They do not know anything.

So I really think a lot of us from other areas ought to think seriously. Maybe we ought to follow the administration of the gentleman from Alaska (Mr. YOUNG) when he says, why do they not just take care of their own district.

That is the theory of the gentleman from Alaska (Mr. YOUNG). I do not know if that entirely works. But still, on the other hand, still I think everybody in their own district knows what is going on there and does a good job of it.

Mr. Chairman, this is about abuse, that is the whole thing, and how to stop it. We are not changing the law that much. I urge people to support this bill.

Mr. UDALL of Colorado. Mr. Chairman, when the Resources Committee held a hearing on this bill earlier this year, I found it a very troubling measure—one that I could not then support. However, because the Committee made significant revisions in the bill, I joined in voting to send it forward for consideration and further refinement by the House.

Shortly, we will consider an amendment to further clarify the bill's very limited scope. I will support that amendment, and, if it is adopted, I then will support the bill for two reasons—because of what the bill as so amended will do, and because of what it will not do.

What it will do is highlight the value of public input about managing public lands—lands that belong to all the American people.

It will do that by urging the President, so far as practicable, to seek public participation and comment and to consult with relevant Governors and Members of Congress about possible actions under the Antiquities Act. It also will call on those involved with such possible actions to consider relevant information, including previous public comments about the management of the lands involved.

These are very modest provisions, but I think they are worthwhile.

Even more important is what the bill will not do. It will not weaken the Antiquities Act, and it will not diminish the ability of the President to act quickly when that's required to protect vulnerable resources and values of the public lands.

Mr. Chairman, the Antiquities Act is a very important law that has proved its value over the years. Since its enactment, almost every President—starting with Theodore Roosevelt—has used it to set aside some of the most special parts of our public lands as an enduring legacy for future generations. In some instances, those Presidential actions have been controversial when they were done. But they have stood the test of time.

In my own State of Colorado, we are very proud of the special places that have been set aside. We do not want to abolish the Colorado National Monument, as established by President Taft and enlarged and revised by Presidents Herbert Hoover and Dwight Eisenhower. We do not want to weaken the protection of Dinosaur National Monument, as established by Presidents Woodrow Wilson and Calvin Coolidge. We highly prize the archeological and other values of Yucca House, protected by President Wilson, just as we do those of Hovenweep, a National Monument set aside by President Harding and enlarged by Presidents Truman and Eisenhower.

And we are very protective of two more of our brightest gems—the Great Sand Dunes National Monument, first proclaimed by Herbert Hoover, then enlarged by Presidents Truman and Eisenhower, and the Black Canyon of the Gunnison National Monument, which also was established by President Hoover.

Coloradans do not want to lose those National Monuments—we know their value. That's why the Colorado delegation has taken the lead to further expand the Black Canyon monument and to redesignate it as a National Park—something I strongly support.

In Colorado, we know the value of the Antiquities Act, and we know why it should remain available to future Presidents. If the amendment I mentioned is adopted—as I hope and expect—this bill would not deprive future Presidents of this important tool.

Also, if amended as I expect, the bill would still let a future President act quickly—another reason I can then support it. So long as the mining laws allow anyone to stake a claim on public lands that aren't withdrawn, a President needs to be able to swiftly withdraw special areas before a speculative land rush could make it harder—maybe impossible—to give needed protection to threatened resources.

And, frankly, sometimes a future President may need to use the Antiquities Act on short notice to make sure that Congressional deadlocks don't endanger priceless parts of the public lands. That was why President Carter invoked the act when a filibuster threat by one member of the other body stalled passage of an Alaska lands bill shortly before the expiration of the statutory withdrawal of vulnerable areas in that state.

Thanks in large part to that timely use of the Antiquities Act, those areas now include important National Parks and National Wildlife Refuges as well as outstanding units of our National Wilderness Preservation System, all established by the Alaska National Interest Lands Conservation Act—that is, by Congressional action that built on and revised what the President had done.

In fact, Mr. Chairman, that's really the bottom line here—the Antiquities Act lets the President act, but what a President does Congress can undo. For example, by actions of Congress the Mount of the Holy Cross, that famous landmark near Minturn, Colorado, is no longer a national monument—instead now it is protected as part of the Holy Cross Wilderness within the White River National Forest.

As that and other examples show, if we in the Congress disagree with a President's decision to use the Antiquities Act, we can reverse or modify anything that the President has done through that authority—provided that our own preferences have enough support for them to be enacted into law. That's balanced and fair—and that would not be changed by this bill if it's amended as I expect. So, Mr. Chairman, I urge adoption of the amendment I mentioned—and, if that amendment is adopted, and if the bill is not further amended in a way that would throw it out of balance, I think the bill should be passed.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this legislation, though I believe it doesn't go nearly far enough to rein in the political chicanery surrounding Antiquities Act withdrawals and declarations.

I don't know whether to laugh or cry when I hear opponents of this bill deplore the simple requirement that the President follow the National Environmental Policy Act—NEPA—the same stringent environmental review law that other federal agencies have to follow.

Why does the President of the United States have the prerogative to make a small inholder in my state, owning just 20 acres inside a 6-million-acre park, pay hundreds of thousands of dollars to conduct extensive NEPA studies (on behalf of the Park Service) just to have access to his property. How can he justify this at the same time the public—American citizens—cannot demand these studies when millions of acres of land are about to be declared a monument?

This is about accountability and credibility. It's hard to believe, but the public knew less about the President's motives behind the Grand Staircase Escalante withdrawal, than about his mysterious motives behind the pardoning of Puerto Rican terrorists!

Only through the untiring work of my Committee on Resources did we reveal the politically motivated, back-room, election-year dealmaking to sacrifice the rights of Utah school children just to please a few Hollywood actors.

I am outraged at the abuse of the Antiquities Act, and it only makes me wonder who's next. Alaska? Arizona? Missouri? I guess that depends on where Republican districts are located, and which Hollywood celebrity bedazzles the President and his aides. But we all know that this is just politics as usual.

This bill simply makes the President do what all other Americans are forced to do for major federal actions: do a NEPA Environmental Impact Study.

If they truly believe that NEPA is a worthy law and protects our environment, then the Clinton/Gore Administration should be required to comply with it, just like everyone else.

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 is considered as an original bill for the purpose of amendment and is considered read.

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

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

SECTION 1. PUBLIC PARTICIPATION IN THE DECLARATION AND SUBSEQUENT MANAGEMENT OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431; popularly known as the Antiquities Act of 1906), is amended—

(1) by striking ''SEC. 2. That the'' and inserting ''SEC. 2. (a) The''; and

(2) by adding at the end the following:

''(b)(1) To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest located on the public lands to be designated, the President shall—

''(A) solicit public participation and comment in the development of a monument declaration; and

''(B) consult with the Governor and congressional delegation of the State or territory in

which such lands are located, to the extent practicable, at least 60 days prior to any national monument declaration.

''(2) Before issuing a declaration under this section, the President shall consider any information made available in the development of existing plans and programs for the management of the lands in question, including such public comments as may have been offered.

''(c) Any management plan for a national monument developed subsequent to a declaration made under this section shall comply with the procedural requirements of the National Environmental Policy Act of 1969.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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 voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. VENTO

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

The Clerk read as follows:

Amendment offered by Mr. VENTO:

At the end of the bill, add the following:

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to enlarge, diminish, or modify the authority of the President to act to protect public lands and resources.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I rise to offer an amendment to H.R. 1487.

When the bill was brought before the Committee on Resources, the gentleman from Utah (Mr. HANSEN) and I, of course, worked out a compromise legislation that all of our colleagues in the committee could support. I appreciate that ability to work with the gentleman on that.

The amendment that I offered was accepted in the committee, and it directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment on the development of the national monument declaration, to consult the governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

The intent of the amendment that I will offer today says nothing in this Act shall be construed to modify the current authority of the President to declare national monuments as provide to him under the Antiquities Act.

I feel obligated to offer such an amendment due to the report of the Committee on Resources on this measure which did not actively represent the intent and scope of my substitute amendment adopted in the committee. Since the committee did not discuss the substance of this report with me before it was printed, the intent of my substitute amendment was significantly misunderstood and I believe inaccurately represented.

I am concerned that the report directs the President before designating national monuments to go far beyond even the specifics of current law or the changes in the proposed legislation. The report, like the original legislation, discusses a public participation process that goes beyond that of NEPA public participation requirements. Such procedure and requirements discussed in the report would threaten to harm and possibly destroy the natural and cultural artifacts that the President is trying to protect under the Antiquities Act.

In addition, the report further misrepresents and rewrites the consultation provisions adopted by the full committee by making these consultations distinctly separate from the public participation provisions.

Therefore, Mr. Chairman, I offer this amendment, which is obviously a repeat of the powers of the President. It does not modify our intent that there be public participation and consultation unless it is not practicable, but the fact remains that these designations when necessary can and will and should override these procedures. I would hope and I think that in most instances that these public participation and consultation processes will be workable and will alleviate much of the misunderstanding and acrimony that has obviously surrounded the most recent declaration that the President has made in Utah.

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

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. VENTO) for his efforts to work out legislation that could be supported on both sides of the aisle.

I believe the substitute amendment offered by the gentleman in committee is very clear and the amendment offered here is somewhat superfluous. But it is there. There appears to be concern that that legislation will somehow restrict the authority of the President to act quickly if necessary. This certainly is not the case.

The committee language of the gentleman from Minnesota (Mr. VENTO) reads: ''To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures'' the President shall solicit public participation and comment.

The language goes on to state that the President shall also consult with the governor and the congressional delegation of the affected State ''to the extent practicable.''

This is clear that in a real emergency the President may act under the authority he enjoys today. So I think the amendment is unnecessary and really has no effect, but it is fine with me.

The language of the reported bill may be considered somewhat vague and does not specifically address what is meant by the phrase such as ''to the extent consistent'' and ''to the extent practicable.''

I assume this amendment is offered to clarify that if existing withdrawal authorities available to the President or his subordinates would not adequately protect endangered lands, the President can act under the Antiquities Act without following the public participation procedures.

The present administration also clarifies the point that while this bill will establish some prerequisites to the President's authority to act, it does not diminish his ultimate authority, after he has jumped through the appropriate hoops to act to protect public lands and resources. Thus, while it does not affect the timing and procedure of the President's authority to use the Antiquities Act, it does not restrict his authority to act to protect public lands and resources.

Mr. Chairman, when the Vento language was accepted at full committee, it was agreed between the gentleman from Minnesota (Mr. VENTO) and myself that bill report language would be written that would make it clear that the President could only avoid the public participation and consultation requirements of this bill in an emergency, specifically, when there is land in some sort of legitimate peril and the President or his appropriate secretaries could not protect the land in question under other withdrawal or protection authorities.

Mr. Chairman, we made that agreement in committee. We drew up appropriate report language. And the gentleman from Minnesota (Mr. VENTO) filed supplemental views. The supplemental view of the gentleman did not contradict the report language in any way. I assume that this was because the report language accurately reflected our agreement and sharpened the points that we agreed should be clarified.

We agreed that the acceptance of the Vento language was contingent on a bill report that would add some teeth to the Vento language. The agreement and the resulting bill report are part of the legislative history of this bill. Nothing in the Vento amendment now under consideration appears to change

that fact, and that is the reason I support the amendment. With this understanding, I support this and I ask my colleagues to do that.

Mr. Chairman, I would like to clarify a couple of points here that were brought up earlier when some people reported that this was all public land in the Grand Staircase-Escalante. That is completely false. 200,000 acres of this was not public land that is surrounded in the Staircase.

Also, the idea the great economic benefits brought about. The children of the State of Utah, those kids we are trying to educate, lost over $1 billion out of this. I would like to see somebody make up that appropriations that we lost.

Mr. Chairman, I support the Vento amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having resumed the chair, Mr. MILLER of Florida, 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. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, pursuant to House Resolution 296, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of clause XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1045

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. MCHUGH). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 be instructed to insist that the conference report not include Senate provisions that—

(1) do not recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and

(2) impose unconstitutional restrictions on the second amendment rights of individuals.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from California (Ms. Lofgren) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, I have heard numerous statements made about the further efforts to secure gun control which I believe to be in violation of our fundamental liberties as citizens of this Republic and which I believe do violence to our United States Constitution and the Second Amendment contained therein. And I offer this resolution to instruct our conferees to abide by the Constitution and to do no harm thereto in the deliberations that will occur in the points of agreement arrived at in this conference committee.

Mr. Speaker, let us begin with the Second Amendment: ''A well-regulated militia being necessary for security of a free state, the right of the people to keep and bear arms shall not be infringed.''

I would submit that it is not the right of the Army, not the right of the National Guard; it says the right of the people, an individual right.

In the Second Amendment, James Madison used the phrase: right of the people, as he often did throughout the entire Bill of Rights. In each case the right secured has been considered an individual right.

For example, the First Amendment contains the right of the people peaceably to assemble and to petition the government for a redress of grievances. The Fourth Amendment contains the provision, the right of the people to be secure in their persons, houses, papers, and affects against unreasonable searches and seizures.

The structure of the Constitution is persuasive, I believe, in upholding the right of the individual to exercise his Second Amendment rights. The right to bear arms appears early in the Bill of Rights, listed with other personal liberties such as the personal right to free speech, the right to the free exercise of religion, the right to assembly as well as the freedom from unreasonable searches and seizures. Even more persuasive evidence comes from Madison's original proposal to interlineate the new rights within the Constitution's text rather than placing them at the end of the original text as, in fact, actually happened. Madison in his proposed Constitution placed the First and Second Amendments immediately after Article 1, section 1, clause 3, which includes the Constitution's original guarantees of individual liberties, freedom from ex post facto laws, and from bills of attainder.

If, as some claim, that the Second Amendment protects a collective right that resides with the State or the local militia, in his original plan Madison surely would have placed the Second Amendment in Article 1, section 8, which deals with the powers of Congress including Congress' power to organize and call out the militia. But Madison did not do that. He placed it with the individual rights because that is what it was intended to protect.

In Federalist Paper No. 46, James Madison, who later drafted the Second Amendment, argued that, quote, the advantage of being armed, which the Americans possess over the people of almost every other Nation, would deter the central government from tyranny. That view was consistent with Madison's contemporaries and certainly with the framers of the Constitution.

The new Constitution respected individuals' rights, Madison wrote, whereas the old world governments, quote, were afraid to trust the people with arms. Surprise, surprise. Nothing has changed over 200 years later, and the present governments of the world are afraid to trust people with arms, and unfortunately some in their own government have now succumbed to that fear.

But indeed that is what we face today, a distrustful government that wants to take away guns from the people in the name of safety and which unfortunately at State and local levels all too often has been successful, and we see a direct rise in violent crimes as a result of that limitation of handguns.

Not only does this effort discount the thousands of lives saved by firearms each year, it strips away a precious freedom. Let us not forget what Benjamin Franklin said, quote:

Those who would give up essential liberty to purchase temporary safety deserve neither liberty nor safety.

The importance of individual gun rights was a point on which both the Federalists led by Madison and the anti-Federalists agree.

Though he was strongly critical of Madison in the course of many other