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

Hon. NEWT GINGRICH,
*Speaker of the House of Representatives, Washington, DC.*

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

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

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

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

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

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

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

Sincerely,

BRUCE BABBIT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

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

The motion was agreed to.

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

## SPECIAL ORDERS

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

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

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

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

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

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

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

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

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