

PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida).

The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 296 would grant H.R. 1487, the National Monument NEPA Compliance Act, an open rule

providing one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for purpose of amendment which shall be open for amendment at any point. The rule further authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

H.R. 1487, the National Monument NEPA Compliance Act, would provide for much needed public participation prior to the designation of national monuments under the Antiquities Act of 1906. Unfortunately, under current law such designations can be made by the administration acting without the benefit of public input into the decision-making process.

For example, on September 18, 1996, President Clinton designated the Grand Staircase-Escalante National Monument in Utah without informing or consulting with the citizens of the State or their elected congressional representatives. This incident is especially troubling in light of documents obtained from the Clinton administration indicating that the monument in question was being planned for months. Incredibly, Mr. Speaker, State officials in Utah were not even notified, or I should say were notified only at 2 a.m. in the morning of the day that the proclamation was signed into law.

Enactment of H.R. 1487 will ensure that this never happens again. Mr. Speaker, the bill requires the President to actively solicit public participation and comment before creating any national monument and to consult with the Governor and the congressional delegation of the affected State at least 60 days prior to the designation.

After all, the establishment of a national monument is a significant step with far-reaching consequences for surrounding States and communities. Simple common sense dictates that local jurisdictions at least should be consulted before any land use change as dramatic as the designation of a national monument.

The authors of H.R. 1487 have proposed a mechanism for doing exactly that. The bill received bipartisan support in the Committee on Resources, and the Congressional Budget Office estimates that enactment of H.R. 1487 would have no significant impact on the Federal budget.

Accordingly, Mr. Speaker, I urge my colleagues to adopt both this open rule and the underlying bill.

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

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

Mr. Speaker, I thank the gentleman from Washington for yielding me the time.

This is an open rule which will allow consideration of H.R. 1487, a bill to clarify the requirement for public involvement in the designation of national monuments under the Antiquities Act.

As my colleague from Washington explained, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. Under this rule germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

The Antiquities Act of 1906 permits the President to protect a historic or scientific landmark by designating it as a national monument. This bill requires that the President seek public participation and consult with the affected Governor and congressional delegation before making such a designation. Although the bill was reported out of the Committee on Resources on a voice vote with bipartisan support, some changes are needed in the bill to clarify congressional intent. Since this is an open rule, Members will have the opportunity to offer amendments improving the bill. The rule was adopted by a voice vote of the Committee on Rules. I urge my colleagues to support the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Utah (Mr. Hansen), the chairman of the subcommittee dealing with this legislation.

Mr. HANSEN. I appreciate the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. Today is an important day where we have a chance to restore the right to the American people and their elected representatives to have input in public land discussions.

Mr. Speaker, I would like to talk about two things. First, I want to talk about United States Constitution.

The Constitution gives the authority over the public lands to the Congress. It does not give the authority to the President. Yes, Congress can delegate a certain amount of that power to the Executive Branch, but Congress also has indisputable right to take that power back if it is being abused. The antiquities law is being abused. Huge national monuments have been created

and are currently in the process of being created for political reasons and to avoid congressional scrutiny and public input. Congress has the right to stop this abuse and has the obligation to stop this abuse.

This public participation, Mr. Speaker, it is very important in a democracy that the public have the right to participate in important decisions. I think it is particularly important for all the public to participate in public land decisions. It is after all, it is their land; is it not?

As my colleagues know, Mr. Speaker, on September 16, 1969, the President of the United States did the same thing in Arizona and declared 1.7 million acres a national monument. How many of us were aware of this? Very, very few. In fact my AA called up the White House the day before and said, We are hearing this rumor. Is it true that the President is going to declare part of southern Utah, a piece bigger than most of our eastern states; it would take all of the eastern States for a lot of my colleagues in one fell swoop.

Oh, no, we do not know anything about it; we have heard the same rumor. Yet later in that day, the next day they declared this huge, huge piece of land a national monument.

Now why did they do it? Well, we wanted to know. Of course we wanted to know. I chair the Subcommittee on Public Lands and National Parks; I really thought I had a right to know. Did not Governor Leavitt have a right to know? Did not our two senators have a right to know? Did the rest of the delegation? What about the people in Utah; did they not have a right to know? Apparently not, Mr. Speaker.

So we subpoena all these papers, the volumes of papers after a little hassle with the White House. Do my colleagues know what they said? We are doing it for political reasons. We are doing it because the environmental community will think it is wonderful. As my colleagues know, these folks from New York and other areas, they think that is great. What about the people who live there? Do they not have a say in anything?

So we have a national monument, yet to this day I do not think anyone has delineated what it really protects. So we have this huge piece of ground of rolling hills, of sagebrush and rattlesnakes, and I sure hope somebody enjoys it because everyone that goes there only goes once, and anyway all this little simple bill is about is to say: "Let us have a little notice, Mr. President. We don't want to take away your rights."

In the last term on this floor, we passed one that said let us reduce it to 50,000 acres. We have 73 national monuments, most of them are very small, and let us make sure that the President names what the historic or scientific area is.

How big is 50,000 acres? Pretty good chunk of ground. Realize all of Washington, D.C. is 38,000 acres; bigger than Washington, D.C., and yet the other body did not see fit to pass the legislation.

So this bill is about public participation. All we are saying is the Governor of the State, the congressional delegation of the State really ought to have the courtesy, that word that does not seem to be so prevalent recently, just the courtesy for someone to let us know when we are going to do this, 60 days so someone can react.

I urge support of this rule, Mr. Speaker.

□ 0930

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the rule. I appreciate the work of the Committee on Rules providing for an opportunity to fully consider this matter. Hopefully we have come to a resolution and an agreement with regards to public participation in the notification.

The 1906 law that we are amending has had an important history. Over 105 monuments have been declared over the history of presidential use of this power, which is, I think, essential to try to keep intact with some public participation, notification requirements as are outlined in the bill. This is a meaningful step, a necessary step, and I think it will provide for the opportunity where emergencies dictate for the President to take alternative action. I intend to offer an amendment during the consideration of the bill. I appreciate the format and the House consideration of this matter, and this process.

Mr. Speaker, I rise in support of an open rule to H.R. 1487.

H.R. 1487 was written out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act. Although I had several concerns with the original legislation, Mr. HANSEN and I worked together and offered an amendment that Members on both sides of the aisle could support. As a result, I offered an amendment in the nature of a substitute that passed the committee by voice vote.

Because of the bipartisan work on this legislation, I see no reason why this Chamber should not fully discuss the merits of this legislation under an open rule. Mr. HANSEN and I worked through our differences to achieve an equitable solution to a problem that divided this House last year. I plan to offer an amendment today whose intent states that nothing in this Act shall be construed to modify the current authority of the President to declare a national monument as provided to him under the Antiquities Act. I am offering this amendment because the Resource Committee's report didn't accurately represent the intent and scope of my substitute amendment.

I realize that this legislation does not accomplish everyone's goals, but I also must ac-

knowledge that it is legislation that we can all support. Mr. HANSEN and I have worked on this legislation to try and resolve the issue of the monument declaration procedures and are pleased to offer a proposal that hopefully can win broad support. I would like to express my thanks to the Rules Committee for the positive response and action in approving an open rule for the House consideration. This House should openly debate and openly discuss the merits of this proposal and this important presidential power. I urge my colleagues to vote in favor of this rule.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2559, AGRICULTURE RISK PROTECTION ACT

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a "dear colleague" letter will be sent to all the Members informing them that the Committee on Rules is planning to meet the week of September 27 to grant a rule for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The Committee on Rules may grant a rule which would require that amendments be pre-printed in the CONGRESSIONAL RECORD. In this case, amendments must be pre-printed prior to consideration of the bill on the floor. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the office of the parliamentarian to be certain that their amendments comply with the House rule.

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.

□ 0932

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