

Union Calendar No. 117

105TH CONGRESS
1ST SESSION

H. R. 1127

[Report No. 105-191]

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. HANSEN (for himself, Mr. CANNON, and Mr. COOK) introduced the following bill; which was referred to the Committee on Resources

JULY 21, 1997

Additional sponsors: Mr. SHADEGG, Mr. STUMP, Mr. DAN SCHAEFER of Colorado, Mr. HEFLEY, Mr. HUNTER, Mr. CRAPO, Mr. GIBBONS, Mr. HERGER, Mrs. CHENOWETH, Mr. HASTINGS of Washington, Ms. DUNN, Mr. DUNCAN, Mr. BOB SCHAFFER of Colorado, Mrs. EMERSON, and Mr. SMITH of Oregon

JULY 21, 1997

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Monument
5 Fairness Act of 1997”.

6 **SEC. 2. CONSULTATION WITH THE GOVERNOR AND STATE**
7 **LEGISLATURE.**

8 Section 2 of the Act of June 8, 1906, commonly re-
9 ferred to as the “Antiquities Act” (34 Stat. 225; 16
10 U.S.C. 432) is amended by adding the following at the
11 end thereof: “A proclamation under this section issued by
12 the President to declare any area in excess of 5,000 acres
13 to be a national monument shall not be final and effective
14 unless and until the Secretary of the Interior submits the
15 Presidential proclamation to Congress as a proposal and
16 the proposal is passed as a law pursuant to the procedures
17 set forth in Article 1 of the United States Constitution.
18 Prior to the submission of the proposed proclamation to
19 Congress, the Secretary of the Interior shall consult with
20 and obtain the written comments of the Governor of the
21 State in which the area is located. The Governor shall have
22 90 days to respond to the consultation concerning the
23 area’s proposed monument status. The proposed procla-
24 mation shall be submitted to Congress 90 days after re-
25 ceipt of the Governor’s written comments or 180 days

1 from the date of the consultation if no comments were re-
2 ceived.”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Monument*
5 *Fairness Act of 1997”.*

6 **SEC. 2. CONSULTATION WITH THE GOVERNOR AND STATE**
7 **LEGISLATURE.**

8 *Section 2 of the Act of June 8, 1906, commonly re-*
9 *ferred to as the “Antiquities Act” (34 Stat. 225; 16 U.S.C.*
10 *431) is amended by adding the following at the end thereof:*
11 *“A proclamation under this section issued by the President*
12 *to declare any area in excess of 50,000 acres in a single*
13 *State in a single calendar year, to be a national monument*
14 *shall not be final and effective unless and until the Sec-*
15 *retary of the Interior submits the Presidential proclamation*
16 *to Congress as a proposal and the proposal is passed as*
17 *a law pursuant to the procedures set forth in Article 1 of*
18 *the United States Constitution. Prior to the submission of*
19 *the proposed proclamation to Congress, the Secretary of the*
20 *Interior shall consult with and obtain the written comments*
21 *of the Governor of the State in which the area is located.*
22 *The Governor shall have 90 days to respond to the consulta-*
23 *tion concerning the area’s proposed monument status. The*
24 *proposed proclamation shall be submitted to Congress 90*
25 *days after receipt of the Governor’s written comments or*

- 1 *180 days from the date of the consultation if no comments*
- 2 *were received.”.*

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

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A BILL

To amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres.

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