

104TH CONGRESS
2D SESSION

H. R. 4214

To amend the Antiquities Act to provide for the Congressional approval of the establishment of national monuments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1996

Mr. ORTON introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Antiquities Act to provide for the Congressional approval of the establishment of national monuments, and for other purposes.

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. LIMITATION OF ANTIQUITIES ACT AUTHORITY.**

4 Section 2 of the Act of June 8, 1906 (34 Stat. 225;
5 16 U.S.C 431, 432, 433), commonly known as the Antiq-
6 uities Act, is amended as follows:

7 (1) By inserting “(a) IN GENERAL.—” imme-
8 diately before the first sentence.

1 (2) By adding the following after the last sen-
2 tence: “Any proclamation of the President under
3 this section declaring any area a national monument
4 shall be submitted to the Congress, and such procla-
5 mation shall cease to have any force and effect after
6 the expiration of 180 calendar days of continuous
7 session of Congress after the date of issuance unless
8 the Congress approves such proclamation by adop-
9 tion of a joint resolution of approval within such 180
10 day period in accordance with subsection (b).”

11 (3) By adding the following at the end thereof:
12 “(b) CONGRESSIONAL REVIEW.—

13 “(1) SESSIONS OF CONGRESS.—For purposes of
14 this section—

15 “(A) continuity of session of Congress is
16 broken only by an adjournment sine die; and

17 “(B) the days on which either House is not
18 in session because of an adjournment of more
19 than 3 days to a day certain are excluded in the
20 computation of the 180-day calendar period.

21 “(2) PROCEDURE.—

22 “(A) This subsection is enacted by Con-
23 gress—

24 “(i) as an exercise of the rulemaking
25 power of each House of Congress, respec-

1 tively, and as such it is deemed a part of
2 the rules of each House, respectively, but
3 applicable only with respect to the proce-
4 dure to be followed in that House in the
5 case of resolutions described by subpara-
6 graph (B) of this paragraph; and it super-
7 sedes other rules only to the extent that it
8 is inconsistent therewith; and

9 “(ii) with full recognition of the con-
10 stitutional right of either House to change
11 the rules (so far as those rules relate to
12 the procedure of that House) at any time,
13 in the same manner and to the same ex-
14 tent as in the case of any other rule of
15 such House.

16 “(B) For purposes of this section, the term
17 ‘resolution’ means a joint resolution, the resolv-
18 ing clause of which is as follows: “That the
19 House of Representatives and Senate approve
20 the Presidential decision on the establishment
21 of a national monument submitted to the Con-
22 gress on XXXXX.”; the blank space therein
23 shall be filled with the date on which the Presi-
24 dent submits his decision to the House of Rep-
25 resentatives and the Senate.

1 “(C) A resolution once introduced with re-
2 spect to a Presidential proclamation establish-
3 ing a national monument shall be referred to
4 one or more committees (and all resolutions
5 with respect to the same Presidential proclama-
6 tion shall be referred to the same committee or
7 committees) by the President of the Senate or
8 the Speaker of the House of Representatives, as
9 the case may be.

10 “(D)(i) If any committee to which a reso-
11 lution with respect to a Presidential proclama-
12 tion has been referred has not reported it at the
13 end of 30 calendar days after its referral, it
14 shall be in order to move either to discharge
15 such committee from further consideration of
16 such resolution or to discharge such committee
17 from consideration of any other resolution with
18 respect to such Presidential proclamation which
19 has been referred to such committee.

20 “(ii) A motion to discharge may be made
21 only by an individual favoring the resolution,
22 shall be highly privileged (except that it may
23 not be made after the committee has reported
24 a resolution with respect to the same Presi-
25 dential proclamation, and debate thereon shall

1 be limited to not more than 1 hour, to be di-
2 vided equally between those favoring and those
3 opposing the resolution. An amendment to the
4 motion shall not be in order, and it shall not be
5 in order to move to reconsider the vote by
6 which the motion was agreed to or disagreed to.

7 “(iii) If the motion to discharge is agreed
8 to or disagreed to, the motion may not be made
9 with respect to any other resolution with re-
10 spect to the same Presidential proclamation.

11 “(E)(i) When any committee has reported,
12 or has been discharged from further consider-
13 ation of, a resolution, but in no case earlier
14 than 30 days after the date of receipt of the
15 President’s proclamation to the Congress, it
16 shall be at any time thereafter in order (even
17 though a previous motion to the same effect has
18 been disagreed to) to move to proceed to the
19 consideration of the resolution. The motion
20 shall be highly privileged and shall not be de-
21 batable. An amendment to the motion shall not
22 be in order, and it shall not be in order to move
23 to reconsider the vote by which the motion was
24 agreed to or disagreed to.

1 “(ii) Debate on the resolution described in
2 subparagraph (B)(i) of this paragraph shall be
3 limited to not more than 10 hours and on any
4 resolution under this subsection. This time shall
5 be divided equally between those favoring and
6 those opposing such resolution. A motion fur-
7 ther to limit debate shall not be debatable. An
8 amendment to, or motion to recommit the reso-
9 lution shall not be in order, and it shall not be
10 in order to move to reconsider the vote by
11 which such resolution was agreed to or dis-
12 agreed to or, thereafter within such 180-day pe-
13 riod, to consider any other resolution respecting
14 the same Presidential proclamation.

15 “(F)(i) Motions to postpone, made with re-
16 spect to the discharge from committee, or the
17 consideration of a resolution and motions to
18 proceed to the consideration of other business,
19 shall be decided without debate.

20 “(ii) Appeals from the decision of the
21 Chair relating to the application of the rules of
22 the Senate or the House of Representatives, as
23 the case may be, to the procedures relating to
24 a resolution shall be decided without debate.”

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