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-

tively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subparagraph (B) of this paragraph; and it supersedes other rules only to the extent that it is inconsistent therewith; and

"(ii) with full recognition of the constitutional right of either House to change the rules (so far as those rules relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

"(B) For purposes of this section, the term 'resolution' means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the Presidential decision on the establishment of a national monument submitted to the Congress on XXXXXX."; the blank space therein shall be filled with the date on which the President submits his decision to the House of Representatives and the Senate.

"(C) A resolution once introduced with respect to a Presidential proclamation establishing a national monument shall be referred to one or more committees (and all resolutions with respect to the same Presidential proclamation shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

"(D)(i) If any committee to which a resolution with respect to a Presidential proclamation has been referred has not reported it at the end of 30 calendar days after its referral, it shall be in order to move either to discharge such committee from further consideration of such resolution or to discharge such committee from consideration of any other resolution with respect to such Presidential proclamation which has been referred to such committee.

"(ii) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same Presidential proclamation, and debate thereon shall

be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(iii) If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential proclamation.

"(E)(i) When any committee has reported, or has been discharged from further consideration of, a resolution, but in no case earlier than 30 days after the date of receipt of the President's proclamation to the Congress, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

"(ii) Debate on the resolution described in subparagraph (B)(i) of this paragraph shall be limited to not more than 10 hours and on any resolution under this subsection. This time shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to or, thereafter within such 180-day period, to consider any other resolution respecting the same Presidential proclamation.

"(F)(i) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

"(ii) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedures relating to a resolution shall be decided without debate."