

**Statement for the Record  
U.S. Department of the Interior  
before the  
House Committee on Natural Resources  
Subcommittee on National Parks, Forests and Public Lands**

**Concerning Six Bills to Amend the Act Popularly Known as the  
Antiquities Act of 1906.**

**September 13, 2011**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Administration on six bills—H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846, and H.R. 2147—to amend the Act popularly known as the Antiquities Act of 1906 (“Antiquities Act”).

The Administration strongly opposes these six bills. The Antiquities Act has been used by presidents of both parties for more than 100 years as an instrument to preserve and protect critical natural, historical, and scientific resources on Federal lands for future generations. The authority has contributed significantly to the strength of the National Park System and the protection of special qualities of other Federal lands—resources that constitute some of the most important elements of our nation’s heritage. The six bills, which would limit the president’s authority in various ways, would undermine this vital authority.

Of the six bills under consideration, H.R. 845, H.R. 846, and H.R. 2147 would bar the use of the Antiquities Act to extend or establish new national monuments in Montana, Idaho, and Utah, respectively, unless authorized by Congress. H.R. 817 would require Congressional approval for national monuments designated by the president and would be applicable to designations in any state. H.R. 302 would require the approval of a state legislature and governor before the president could designate a national monument and would prohibit restrictions on public use of national monuments until there is a public review period and state approval of the monument. H.R. 758 would require national monument designations to be approved by Congress within two years of a presidential proclamation in order to maintain their national monument status and would also impose certain requirements affecting the processes for proposing and managing national monuments.

The use of the Antiquities Act was addressed in some of the listening sessions associated with the America’s Great Outdoors initiative last year, and the public voiced strong support for the designation of unique places as national monuments. As a result of this public input, one of the recommendations of the America’s Great Outdoors report, issued in February 2011, was to implement a transparent and open approach in the development and execution of new monument designations. The Administration supports conducting an open, public process that considers input from local, state, and national stakeholders

before any sites are considered for designation as national monuments through the Antiquities Act. All proposed designations would respect valid existing rights on federal lands and any other relevant provisions of law.

The Antiquities Act was the first U.S. law to provide general protection for any cultural or natural resource on Federal lands. In the last decades of the 19<sup>th</sup> Century, educators and scientists joined together in a movement to safeguard archeological sites on Federal lands, primarily in the West, that were endangered by haphazard digging and purposeful, commercial artifact looting. After a generation-long effort to pass such a law, President Theodore Roosevelt signed the Antiquities Act on June 8, 1906, thus establishing the first general legal protection of cultural and natural resources on Federal lands.

The Antiquities Act set an important precedent by asserting a broad public interest in the preservation of natural and cultural resources on public lands. The law provided much of the legal foundation for cultural preservation and natural resource conservation in the nation. It created the basis for the Federal government's current efforts to protect archeological sites from looting and vandalism.

After signing the Antiquities Act into law, President Roosevelt used the Antiquities Act eighteen times to establish national monuments. A number of those first monuments include what is now known as Grand Canyon National Park, Petrified Forest National Park, Chaco Culture National Historical Park, Lassen Volcanic National Park, Tumacacori National Historical Park, and Olympic National Park.

Since President Roosevelt, thirteen U.S. presidents have used the Antiquities Act one hundred and thirty-six times to establish or expand national monuments. Congress has redesignated thirty-four of these national monuments as other types of national park units. The National Park Service continues to administer another seventy-five as national monuments. Some of our most iconic national monuments established by presidential proclamation include Devils Tower, Muir Woods, Statue of Liberty, and Acadia National Park. In addition, the Bureau of Land Management administers fourteen national monuments designated by presidential proclamation, including Aqua Fria in Arizona and Canyons of the Ancients in Colorado, which preserve significant archeological sites, and the U. S. Fish and Wildlife Service administers three national monuments.

Most recently, President George W. Bush used the Act to issue proclamations that established six national monuments. The 2006 designation of the African Burial Ground National Monument in New York City preserves a section of what was the largest historic African and African-American cemetery in the country, honoring the early contributions of Africans and African-Americans to the development of our nation. President Bush also designated the Northwestern Hawaiian Islands Marine National Monument, renamed the Papahānaumokuākea Marine National Monument, which is the largest national monument ever proclaimed. In 2008, President Bush established by proclamation the World War II Valor in the Pacific National Monument to recognize the sacrifices made by military and civilians during the conflict. It protects the USS Arizona Memorial, one of the most heavily visited sites managed by the National Park Service, as

well as the Tule Lake Segregation Center in California, where Japanese Americans were confined against their will, and other important sites. Another three monuments were established in 2009 to protect marine resources. These sites are the Mariana Trench Marine, Pacific Remote Islands Marine, and Rose Atoll Marine National Monuments.

Without the president's authority under the Antiquities Act, it is unlikely that many of these special places would have been protected and preserved as quickly and as fully as they were. As Congress intended when it enacted the Antiquities Act, the statute provides the necessary flexibility to respond quickly to impending threats to resource protection, while striking an appropriate balance between legislative and executive decision making.

The Antiquities Act has a proven track record of protecting—at critical moments—especially sensitive Federal lands and the unique cultural and natural resources they possess. These monuments have become universally revered symbols of America's beauty and legacy. Though some national monuments have been established amidst controversy, who among us today would dam the Grand Canyon or turn Muir Woods over to development? These sites are much cherished landscapes which help to define the American spirit. They speak eloquently to the wisdom of retaining the Antiquities Act in its current form.

Mr. Chairman, thank you for the opportunity to present the views of the Administration.