

**STATEMENT OF CAM SHOLLY, ASSOCIATE DIRECTOR, VISITOR AND RESOURCE PROTECTION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION OF THE HOUSE NATURAL RESOURCES COMMITTEE CONCERNING H.R. 1495 AND H.R. 2192—BILLS TO AMEND THE ACT POPULARLY KNOWN AS THE ANTIQUITIES ACT OF 1906.**

**June 6, 2013**

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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 1495 and H.R. 2192, bills to amend the Act popularly known as the Antiquities Act of 1906 (“Antiquities Act”).

The Administration strongly opposes these two 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. These two bills, which would limit the president’s authority in various ways, would undermine this vital authority.

H.R. 1495 would prohibit the use of the Antiquities Act to extend or establish national monuments in the State of Arizona unless authorized by Congress. H.R. 2192 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 in 2010, and the public voiced strong support for the designation of unique places on Federal land 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 national monument designations respect valid existing rights on Federal lands and any other relevant provisions of law. National Monument designations only apply to lands owned or controlled by the Federal government.

The Antiquities Act was the first U.S. law to provide general protection for objects of historic or scientific interest 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 of historic or scientific interest.

The Antiquities Act set an important precedent by asserting a broad public interest in the preservation of natural and cultural resources on Federal lands. The law provided much of the legal foundation for cultural preservation and natural resource conservation in the Nation.

After signing the Antiquities Act into law, President Roosevelt used the Antiquities Act eighteen times to establish national monuments. Those first monuments included what are 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, fourteen U.S. presidents have used the Act over 150 times to establish or expand national monuments. Congress has redesignated many of these national monuments as other types of national park units. Some of our most iconic resources that were initially established by presidential proclamation include Devils Tower, Muir Woods, Statue of Liberty, and Acadia National Park. The National Park Service currently manages seventy-eight national monuments. The Bureau of Land Management also administers nineteen national monuments designated by presidential proclamation, including Agua Fria in Arizona and Canyons of the Ancients in Colorado, which preserve significant archeological sites, and the Fish and Wildlife Service administers four national monuments.

Most recently, on March 25, 2013, President Obama used the Act to issue proclamations that established five national monuments, three of which are now part of the National Park System: Charles Young Buffalo Soldiers National Monument (OH), First State National Monument (DE), Harriet Tubman Underground Railroad National Monument (MD). President Obama also used the Act to establish two monuments that are being managed by the Bureau of Land Management: Rio Grande del Norte National Monument (NM) and San Juan Islands National Monument (WA). In these cases, the Department engaged in discussions with national, state, local, and Tribal stakeholders, and each monument enjoyed a broad spectrum of enthusiastic support.

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. The statute provides the necessary flexibility to respond quickly to impending threats to scientific and historic resources, 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, turn Muir Woods over to development, or deny the historic significance of Harriet Tubman's struggle against slavery? 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.