

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Statement of Chairman Rob Bishop
Committee on Natural Resources
Full Committee Markup
10/11/17

Today, the Committee will consider two measures - one from the Majority and one from the Minority. H.R. 3990, the “National Monument Creation and Protection Act” or “National Monument CAP Act,” introduced by myself, and House Resolution 555, introduced by my friend and colleague from Arizona, Ranking Member Raul Grijalva.

In certain ways, these measures are similar. Both seek greater transparency as it relates to the Antiquities Act. For my colleagues to my right, this approach is a long-standing position. For my colleagues to the left, this is different, something new.

In other ways, the measures are very different. Under my bill, transparency and public input are required by law – from any president, Republican or Democrat – in perpetuity. The Ranking Member’s measure seeks transparency from one president, from one political party.

My bill has an H.R. in front of it, which means it carries the force of law. The Ranking Member’s doesn’t. It has no enforcement mechanism and is futile.

Further, I find it worth noting that while the minority seeks greater transparency when it comes to a review of the national monument process, it seems entirely content to leave the monument creation process hidden, behind closed doors, outside of the public eye.

With that said, perhaps we really aren’t all that far apart. It is my sincere, perhaps naive, hope that we can find some common ground this afternoon. At the end of the day, any call for transparency within the Antiquities Act is a step in the right direction.

I do hope that all of my colleagues understand that our problem isn't President Obama or President Trump. It's the underlying law - a statute that provides unilateral authority to dictate national monument decisions in secrecy and without public input. We must also realize that the only path to the transparency and accountability we all seek – no matter which party controls the White House - is to amend the Act itself.

Passed in 1906, the law was created with worthy intent and for honest purposes. It was tailored for specific uses and limited circumstances. It met the needs and filled in the statutory gaps of the day. However, any reasonable reading of its history and text reveals that it was intended to protect “landmarks,” “structures,” and “objects” under imminent threat - not vast landscapes.

Congress never intended to give one individual the power to unilaterally dictate the manner in which all Americans may enjoy enormous swathes of our nation’s public lands. Unfortunately, overreach in recent administrations has brought us to this point and it is Congress’ duty to clarify the law and end the abuse.

Last week, after months of dialogue with stakeholders, and following multiple hearings over several Congresses, I introduced the “National Monument Creation and Protection Act.” The legislation corrects the Act’s flawed process that has allowed unintended consequences and permanently addresses my colleagues’ concerns about transparency and local input.

Under this new, tiered framework, no longer would we have to blindly trust the judgment or fear the whims of any president. The bill ensures a reasonable degree of consultation with local stakeholders and an open public process would be required *by law*. It strengthens the president’s authority to protect actual antiquities without the threat of disenfranchising people, something we can all agree is a bad thing.

Ultimately, if enacted, it will strengthen the original intent of the law while also providing much needed accountability. If my Democratic colleagues are serious about their calls for transparency, they will realize their resolution fails their professed goals; they will realize my bill fulfills them. Together, we can place people over politics.