



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.C.M. 2008

urging Congress; Antiquities Act; repeal

Purpose

Urges the U.S. Congress and U.S. President to repeal or amend the Antiquities Act of 1906 and to refrain from expanding or establishing a national monument in Arizona.

Background

An Act for the Preservation of American Antiquities was signed into law on June 8, 1906. The Antiquities Act was the first U.S. law to provide general legal protection of cultural and natural resources of historic or scientific interest on federal lands. The Antiquities Act established several tools for archeological resource protection on public lands, including: 1) requirement to secure permission from federal land managers to conduct archeological investigations and remove objects from federal lands; 2) penalties upon conviction for unauthorized activities, such as excavation and removal of objects; 3) authority of the President of the United States to establish national monuments from existing federal lands; 4) authority of the Secretaries of Agriculture, Interior and War to review and grant permits to qualified institutions; 5) requirement that excavated materials be permanently preserved in public museums; and 6) authority to develop uniform rules and regulations to carry out the Antiquities Act ([U.S. National Parks Service](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Urges the U.S. Congress to repeal the Antiquities Act of 1906 or amend it to reaffirm that entire landscapes, animate life, such as birds and mammals, and common plants and vegetation not be considered landmarks, structures or objects under federal law.
2. Urges that any proclamation made by the President of the United States be stated publicly and must specifically name and describe the location of each landmark, structure and object to be protected.
3. Urges that the limitation on extending or establishing a national monument, which requires the express authorization of Congress and is currently offered only to the State of Wyoming, be offered to all western states.
4. Urges that no new national monument or federal reservation or expansion of an existing national monument or federal reservation be established in Arizona, unless with the express authorization of:
 - a) the Arizona State Legislature while in session; and
 - b) the members of the county board of supervisors in all the counties that would be impacted by the monument or reservation.

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5. Requests the Secretary of State to transmit copies of this memorial to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each Member of Congress from Arizona.
6. Becomes effective on the general effective date.

House Action

LARA	2/12/24	DP	5-4-0-0
3 rd Read	2/28/24		31-28-0-0-1

Prepared by Senate Research

March 12, 2024

RA/KP/slp