

104TH CONGRESS
2D SESSION

H. R. 3752

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1996

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

A BILL

To preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

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. SHORT TITLE.**

4 This Act may be cited as the “American Land Sov-
5 ereignty Protection Act of 1996”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The power to dispose of and make all need-
2 ful rules and regulations governing lands belonging
3 to the United States is vested in the Congress under
4 article IV, section 3, of the Constitution.

5 (2) Some Federal land designations made pur-
6 suant to international agreements concern land use
7 policies and regulations for lands belonging to the
8 United States which under article IV, section 3, of
9 the Constitution can only be implemented through
10 laws enacted by the Congress.

11 (3) Some international land designations, such
12 as those under the United States Biosphere Reserve
13 Program and the Man and Biosphere Program of
14 the United Nations Scientific, Educational, and Cul-
15 tural Organization, operate under independent na-
16 tional committees, such as the United States Na-
17 tional Man and Biosphere Committee, which have no
18 legislative directives or authorization from the Con-
19 gress.

20 (4) Actions by the United States in making
21 such designations may affect the use and value of
22 nearby or intermixed non-Federal lands.

23 (5) The sovereignty of the States is a critical
24 component of our Federal system of government and

1 a bulwark against the unwise concentration of
2 power.

3 (6) Private property rights are essential for the
4 protection of freedom.

5 (7) Actions by the United States to designate
6 lands belonging to the United States pursuant to
7 international agreements in some cases conflict with
8 congressional constitutional responsibilities and
9 State sovereign capabilities.

10 (8) Actions by the President in applying certain
11 international agreements to lands owned by the
12 United States diminishes the authority of the Con-
13 gress to make rules and regulations respecting these
14 lands.

15 (b) PURPOSE.—The purposes of this Act are the fol-
16 lowing:

17 (1) To reaffirm the power of the Congress
18 under article IV, section 3, of the Constitution over
19 international agreements which concern disposal,
20 management, and use of lands belonging to the
21 United States.

22 (2) To protect State powers not reserved to the
23 Federal Government under the Constitution from
24 Federal actions designating lands pursuant to inter-
25 national agreements.

1 (3) To ensure that no United States citizen suf-
2 fers any diminishment or loss of individual rights as
3 a result of Federal actions designating lands pursu-
4 ant to international agreements for purposes of im-
5 posing restrictions on use of those lands.

6 (4) To protect private interests in real property
7 from diminishment as a result of Federal actions
8 designating lands pursuant to international agree-
9 ments.

10 (5) To provide a process under which the
11 United States may, when desirable, designate lands
12 pursuant to international agreements.

13 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**
14 **WORLD HERITAGE SITE LISTING.**

15 Section 401 of the National Historic Preservation Act
16 Amendments of 1980 (Public Law 96–515; 94 Stat. 2987)
17 is amended—

18 (1) in subsection (a) in the first sentence, by—

19 (A) inserting “(in this section referred to
20 as the ‘Convention’)” after “1973”; and

21 (B) inserting “and subject to subsections
22 (b), (c), (d), and (e)” before the period at the
23 end; and

24 (2) adding at the end the following new sub-
25 sections:

1 “(d) The Secretary of the Interior shall not nominate
2 any lands owned by the United States for inclusion on the
3 World Heritage List pursuant to the Convention unless
4 such nomination is specifically authorized by a law enacted
5 after the date of enactment of the American Land Sov-
6 ereignty Protection Act of 1996. The President may from
7 time to time submit to the Speaker of the House and the
8 President of the Senate proposals for legislation authoriz-
9 ing such a nomination.

10 “(e) The Secretary of the Interior shall object to the
11 inclusion of any property in the United States on the list
12 of World Heritage in Danger established under Article
13 11.4 of the Convention unless—

14 “(1) the Secretary has submitted to the Speak-
15 er of the House and the President of the Senate a
16 report describing the necessity for including that
17 property on the list; and

18 “(2) the Secretary is specifically authorized to
19 assent to the inclusion of the property on the list,
20 by a joint resolution of the Congress enacted after
21 the date that report is submitted.”.

1 **SEC. 4. PROHIBITION AND TERMINATION OF UNITED**
2 **NATIONS BIOSPHERE RESERVES.**

3 Title IV of the National Historic Preservation Act
4 Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is
5 amended by adding at the end the following new section:

6 “SEC. 403. (a) No Federal official may nominate any
7 lands in the United States for designation as a Biosphere
8 Reserve under the Man and Biosphere Program of the
9 United Nations Educational, Scientific, and Cultural Or-
10 ganization.

11 “(b) Any designation of an area in the United States
12 as a Biosphere Reserve under the Man and Biosphere Pro-
13 gram of the United Nations Educational, Scientific, and
14 Cultural Organization shall not have, and shall not be
15 given, any force or effect, unless the Biosphere Reserve—

16 “(1) is specifically authorized by a law enacted
17 after the date of enactment of the American Land
18 Sovereignty Protection Act of 1996 and before De-
19 cember 31, 1999;

20 “(2) consists solely of lands that on the date of
21 that enactment are owned by the United States; and

22 “(3) is subject to a management plan that spe-
23 cifically ensures that the use of intermixed or adja-
24 cent non-Federal property is not limited or restricted
25 as a result of that designation.”.

1 **SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.**

2 Title IV of the National Historic Preservation Act
3 Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is fur-
4 ther amended by adding at the end the following new sec-
5 tion:

6 “SEC. 404. (a) no Federal official may nominate,
7 classify, or designate any lands owned by the United
8 States and located within the United States for a special
9 or restricted use under any international agreement unless
10 such nomination, classification, or designation is specifi-
11 cally authorized by law. The President may from time to
12 time submit to the Speaker of the House of Representa-
13 tives and the President of the Senate proposals for legisla-
14 tion authorizing such a nomination, classification, or des-
15 ignation.

16 “(b) A nomination, classification, or designation of
17 lands owned by a State or local government, under any
18 international agreement shall have no force or effect un-
19 less the nomination, classification, or designation is spe-
20 cifically authorized by a law enacted by the State or local
21 government, respectively.

22 “(c) A nomination, classification, or designation of
23 privately owned lands under any international agreement
24 shall have no force or effect without the written consent
25 of the owner of the lands.

1 “(d) In this section, the term ‘international agree-
2 ment’ means any treaty, compact, executive agreement,
3 convention, or bilateral agreement between the United
4 States or any agency of the United States and any foreign
5 entity or agency of any foreign entity, having a primary
6 purpose of conserving, preserving, or protecting the terres-
7 trial or marine environment, flora, or fauna.”.

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