

Union Calendar No. 456

104TH CONGRESS
2^D SESSION

H. R. 3752

[Report No. 104-835]

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.

SEPTEMBER 24, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1996

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

SEPTEMBER 24, 1996

Additional sponsors: Mr. COBURN, Mr. NETHERCUTT, Mr. BONO, Mrs. CHENOWETH, Mr. MILLER of Florida, Mr. HERGER, Mrs. VUCANOVICH, Mr. HOSTETTLER, Mr. BARR of Georgia, Mr. STOCKMAN, Mr. STUMP, Mr. SOLOMON, Mr. TAYLOR of North Carolina, Ms. DUNN of Washington, Mr. HUTCHINSON, Mr. RADANOVICH, Mr. KIM, Mr. POMBO, Mr. WELDON of Florida, Mr. HASTINGS of Washington, Mr. DUNCAN, Mrs. SMITH of Washington, Mrs. CUBIN, Mr. SKEEN, Mr. COOLEY of Oregon, Mr. DICKEY, and Mr. CREMEANS

SEPTEMBER 24, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 27, 1996]

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:*

8 *(1) The power to dispose of and make all needful*
9 *rules and regulations governing lands belonging to the*
10 *United States is vested in the Congress under article*
11 *IV, section 3, of the Constitution.*

12 *(2) Some Federal land designations made pursu-*
13 *ant to international agreements concern land use*
14 *policies and regulations for lands belonging to the*
15 *United States which under article IV, section 3, of the*
16 *Constitution can only be implemented through laws*
17 *enacted by the Congress.*

18 *(3) Some international land designations, such*
19 *as those under the United States Biosphere Reserve*
20 *Program and the Man and Biosphere Program of the*
21 *United Nations Scientific, Educational, and Cultural*
22 *Organization, operate under independent national*

1 *committees, such as the United States National Man*
2 *and Biosphere Committee, which have no legislative*
3 *directives or authorization from the Congress.*

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

7 *(5) The sovereignty of the States is a critical*
8 *component of our Federal system of government and*
9 *a bulwark against the unwise concentration of power.*

10 *(6) Private property rights are essential for the*
11 *protection of freedom.*

12 *(7) Actions by the United States to designate*
13 *lands belonging to the United States pursuant to*
14 *international agreements in some cases conflict with*
15 *congressional constitutional responsibilities and State*
16 *sovereign capabilities.*

17 *(8) Actions by the President in applying certain*
18 *international agreements to lands owned by the Unit-*
19 *ed States diminishes the authority of the Congress to*
20 *make rules and regulations respecting these lands.*

21 *(b) PURPOSE.—The purposes of this Act are the follow-*
22 *ing:*

23 *(1) To reaffirm the power of the Congress under*
24 *article IV, section 3, of the Constitution over inter-*

1 (B) inserting “and subject to subsections
2 (b), (c), (d), (e), and (f)” before the period at the
3 end;

4 (2) in subsection (b) in the first sentence, by in-
5 serting “, subject to subsection (d),” after “shall”; and

6 (3) adding at the end the following new sub-
7 sections:

8 “(d) The Secretary of the Interior shall not nominate
9 any lands owned by the United States for inclusion on the
10 World Heritage List pursuant to the Convention unless such
11 nomination is specifically authorized by a law enacted after
12 the date of enactment of the American Land Sovereignty
13 Protection Act of 1996. The Secretary may from time to
14 time submit to the Speaker of the House and the President
15 of the Senate proposals for legislation authorizing such a
16 nomination.

17 “(e) The Secretary of the Interior shall object to the
18 inclusion of any property in the United States on the list
19 of World Heritage in Danger established under Article 11.4
20 of the Convention unless—

21 “(1) the Secretary has submitted to the Speaker
22 of the House and the President of the Senate a report
23 describing the necessity for including that property on
24 the list; and

1 “(2) the Secretary is specifically authorized to
2 assent to the inclusion of the property on the list, by
3 a joint resolution of the Congress enacted after the
4 date that report is submitted.

5 “(f) The Secretary of the Interior shall submit an an-
6 nual report on each World Heritage Site within the United
7 States to the Chairman and Ranking Minority member of
8 the Committee on Resources of the House of Representatives
9 and the Committee on Energy and Natural Resources of
10 the Senate, that contains the following information for each
11 site:

12 “(1) An accounting of all money expended to
13 manage the site.

14 “(2) A summary of Federal full time equivalent
15 hours related to management of the site.

16 “(3) A list and explanation of all nongovern-
17 mental organizations contributing to the management
18 of the site.

19 “(4) A summary and account of the disposition
20 of complaints received by the Secretary related to
21 management of the site.”.

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 amended*
5 *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 Unit-*
9 *ed Nations Educational, Scientific, and Cultural Organiza-*
10 *tion.*

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 Decem-*
19 *ber 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 “(c) *The Secretary of State shall submit an annual*
2 *report on each Biosphere Reserve within the United States*
3 *to the Chairman and Ranking Minority member of the*
4 *Committee on Resources of the House of Representatives*
5 *and the Committee on Energy and Natural Resources of*
6 *the Senate, that contains the following information for each*
7 *reserve:*

8 “(1) *An accounting of all money expended to*
9 *manage the reserve.*

10 “(2) *A summary of Federal full time equivalent*
11 *hours related to management of the reserve.*

12 “(3) *A list and explanation of all nongovern-*
13 *mental organizations contributing to the management*
14 *of the reserve.*

15 “(4) *A summary and account of the disposition*
16 *of the complaints received by the Secretary related to*
17 *management of the reserve.”.*

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

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

22 “**SEC. 404.** (a) *No Federal official may nominate, clas-*
23 *sify, or designate any lands owned by the United States*
24 *and located within the United States for a special or re-*
25 *stricted use under any international agreement unless such*

1 *nomination, classification, or designation is specifically au-*
2 *thorized by law. The President may from time to time sub-*
3 *mit to the Speaker of the House of Representatives and the*
4 *President of the Senate proposals for legislation authorizing*
5 *such a nomination, classification, or designation.*

6 “(b) *A nomination, classification, or designation of*
7 *lands owned by a State or local government, under any*
8 *international agreement shall have no force or effect unless*
9 *the nomination, classification, or designation is specifically*
10 *authorized by a law enacted by the State or local govern-*
11 *ment, respectively.*

12 “(c) *A nomination, classification, or designation of*
13 *privately owned lands under any international agreement*
14 *shall have no force or effect without the written consent of*
15 *the owner of the lands.*

16 “(d) *This section shall not apply to—*

17 “(1) *sites nominated under the Convention on*
18 *Wetlands of International Importance Especially as*
19 *Waterfowl Habitat (popularly known as the Ramsar*
20 *Convention);*

21 “(2) *agreements established under section 16(a)*
22 *of the North American Wetlands Conservation Act (16*
23 *U.S.C. 4413); and*

1 “(3) conventions referred to in section 3(h)(3) of
2 *the Fish and Wildlife Improvement Act of 1978 (16*
3 *U.S.C. 712(2)).*

4 “(e) *In this section, the term ‘international agreement’*
5 *means any treaty, compact, executive agreement, conven-*
6 *tion, or bilateral agreement between the United States or*
7 *any agency of the United States and any foreign entity or*
8 *agency of any foreign entity, having a primary purpose*
9 *of conserving, preserving, or protecting the terrestrial or*
10 *marine environment, flora, or fauna.”.*

11 **SEC. 6. CLERICAL AMENDMENT.**

12 *Section 401(b) of the National Historic Preservation*
13 *Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is amended*
14 *by striking “Committee on Natural Resources” and insert-*
15 *ing “Committee on Resources”.*