

105TH CONGRESS  
1ST SESSION

# H. R. 901

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IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 1997

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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”.

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

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

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

12            (2) Some Federal land designations made pur-  
13 suant 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  
16 the Constitution can only be implemented through  
17 laws 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  
21 the United Nations Scientific, Educational, and Cul-  
22 tural Organization, operate under independent na-  
23 tional committees, such as the United States Na-  
24 tional Man and Biosphere Committee, which have no

1 legislative directives or authorization from the Con-  
2 gress.

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

6 (5) The sovereignty of the States is a critical  
7 component of our Federal system of government and  
8 a bulwark against the unwise concentration of  
9 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  
16 State sovereign capabilities.

17 (8) Actions by the President in applying certain  
18 international agreements to lands owned by the  
19 United States diminishes the authority of the Con-  
20 gress to make rules and regulations respecting these  
21 lands.

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

24 (1) To reaffirm the power of the Congress  
25 under article IV, section 3, of the Constitution over

1 international agreements which concern disposal,  
2 management, and use of lands belonging to the  
3 United States.

4 (2) To protect State powers not reserved to the  
5 Federal Government under the Constitution from  
6 Federal actions designating lands pursuant to inter-  
7 national agreements.

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

13 (4) To protect private interests in real property  
14 from diminishment as a result of Federal actions  
15 designating lands pursuant to international agree-  
16 ments.

17 (5) To provide a process under which the  
18 United States may, when desirable, designate lands  
19 pursuant to international agreements.

20 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**  
21 **WORLD HERITAGE SITE LISTING.**

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

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

1 (A) striking “The Secretary” and inserting  
2 “Subject to subsections (b), (c), (d), and (e),  
3 the Secretary”; and

4 (B) inserting “(in this section referred to  
5 as the ‘Convention’)” after “1973”; and

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

8 “(d)(1) The Secretary of the Interior may not nomi-  
9 nate any lands owned by the United States for inclusion  
10 on the World Heritage List pursuant to the Convention,  
11 unless—

12 “(A) the Secretary finds with reasonable basis  
13 that commercially viable uses of the nominated  
14 lands, and commercially viable uses of other lands  
15 located within 10 miles of the nominated lands, in  
16 existence on the date of the nomination will not be  
17 adversely affected by inclusion of the lands on the  
18 World Heritage List, and publishes that finding;

19 “(B) the Secretary has submitted to the Con-  
20 gress a report describing—

21 “(i) natural resources associated with the  
22 lands referred to in subparagraph (A); and

23 “(ii) the impacts that inclusion of the nomi-  
24 nated lands on the World Heritage List would  
25 have on existing and future uses of the nomi-

1           nated lands or other lands located within 10  
2           miles of the nominated lands; and

3           “(C) the nomination is specifically authorized  
4           by a law enacted after the date of enactment of the  
5           American Land Sovereignty Protection Act and after  
6           the date of publication of a finding under subpara-  
7           graph (A) for the nomination.

8           “(2) The President may submit to the Speaker of the  
9           House of Representatives and the President of the Senate  
10          a proposal for legislation authorizing such a nomination  
11          after publication of a finding under paragraph (1)(A) for  
12          the nomination.

13          “(e) The Secretary of the Interior shall object to the  
14          inclusion of any property in the United States on the list  
15          of World Heritage in Danger established under Article  
16          11.4 of the Convention, unless—

17                  “(1) the Secretary has submitted to the Speak-  
18                  er of the House of Representatives and the Presi-  
19                  dent of the Senate a report describing—

20                          “(A) the necessity for including that prop-  
21                          erty on the list;

22                          “(B) the natural resources associated with  
23                          the property; and

24                          “(C) the impacts that inclusion of the  
25                          property on the list would have on existing and

1 future uses of the property and other property  
2 located within 10 miles of the property pro-  
3 posed for inclusion; and

4 “(2) the Secretary is specifically authorized to  
5 assent to the inclusion of the property on the list,  
6 by a joint resolution of the Congress after the date  
7 of submittal of the report required by paragraph  
8 (1).”.

9 “(f) The Secretary of the Interior shall submit an an-  
10 nual report on each World Heritage Site within the United  
11 States to the Chairman and Ranking Minority member of  
12 the Committee on Resources of the House of Representa-  
13 tives and of the Committee on Energy and Natural Re-  
14 sources of the Senate, that contains for the year covered  
15 by the report the following information for the site:

16 “(1) An accounting of all money expended to  
17 manage the site.

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

20 “(3) A list and explanation of all nongovern-  
21 mental organizations that contributed to the man-  
22 agement of the site.

23 “(4) A summary and account of the disposition  
24 of complaints received by the Secretary related to  
25 management of the site.”.

1 **SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHOR-**  
2 **IZED UNITED NATIONS BIOSPHERE RE-**  
3 **SERVES.**

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

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

12 “(b) Any designation on or before the date of enact-  
13 ment of the American Land Sovereignty Protection Act  
14 of an area in the United States as a Biosphere Reserve  
15 under the Man and Biosphere Program of the United Na-  
16 tions Educational, Scientific, and Cultural Organization  
17 shall not have, and shall not be given, any force or effect,  
18 unless the Biosphere Reserve—

19 “(1) is specifically authorized by a law enacted  
20 after that date of enactment and before December  
21 31, 2000;

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

24 “(3) is subject to a management plan that spe-  
25 cifically ensures that the use of intermixed or adja-



1 cent non-Federal property is not limited or restricted  
2 as a result of that designation.

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

10 “(1) An accounting of all money expended to  
11 manage the reserve.

12 “(2) A summary of Federal full time equivalent  
13 hours related to management of the reserve.

14 “(3) A list and explanation of all nongovern-  
15 mental organizations that contributed to the man-  
16 agement of the reserve.

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

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

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

1       “SEC. 404. (a) No Federal official may nominate,  
2 classify, or designate any lands owned by the United  
3 States and located within the United States for a special,  
4 including commercial, or restricted use under any inter-  
5 national agreement unless such nomination, classification,  
6 or designation is specifically authorized by law. The Presi-  
7 dent may from time to time submit to the Speaker of the  
8 House of Representatives and the President of the Senate  
9 proposals for legislation authorizing such a nomination,  
10 classification, or designation.

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

17       “(c) A nomination, classification, or designation,  
18 under any international agreement, of privately owned  
19 lands shall have no force or effect without the written con-  
20 sent of the owner of the lands.

21       “(d) This section shall not apply to—

22               “(1) agreements established under section 16(a)  
23               of the North American Wetlands Conservation Act  
24               (16 U.S.C. 4413); and

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

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

12 **SEC. 6. CLERICAL AMENDMENT.**

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

        Passed the House of Representatives October 8,  
1997.

Attest:

ROBIN H. CARLE,

*Clerk.*