

Union Calendar No. 141

105TH CONGRESS
1ST Session

H. R. 901

[Report No. 105-245]

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 5, 1997

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

FEBRUARY 27, 1997

Mr. YOUNG of Alaska (for himself, Mr. CONDIT, Mr. SOLOMON, Mr. PICKETT, Mr. COBURN, Mr. TRAFICANT, Mr. POMBO, Mr. STENHOLM, Mr. HILLEARY, Ms. DANNER, Mrs. CHENOWETH, Mr. ORTIZ, Mrs. CUBIN, Mr. PETERSON of Minnesota, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Ms. DUNN, Mr. HOSTETTLER, Mr. HERGER, Mr. STUMP, Mr. BONO, Mr. SMITH of Oregon, Mr. TAYLOR of North Carolina, Mr. DOOLITTLE, Mr. DICKEY, Mr. DUNCAN, Mr. NORWOOD, Mr. HAYWORTH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. BARR of Georgia, Mr. SKEEN, Mr. WELDON of Florida, Mr. CANADY of Florida, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. GEKAS, Mrs. SMITH of Washington, Mr. COLLINS, Mr. STEARNS, Mr. LARGENT, Mr. MILLER of Florida, Mr. HUTCHINSON, Mr. KIM, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. TAUZIN, Mr. TALENT, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. BILBRAY, Mr. BLILEY, Mr. HILL, Mrs. EMERSON, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, and Mr. HULSHOF) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 5, 1997

Additional sponsors: Mr. PETERSON of Pennsylvania, Mr. SHADEGG, Mr. GRAHAM, Mr. CRAPO, Mr. JOHN, Mr. JONES, Mr. LEWIS of Kentucky, Mr. MCHUGH, Mr. CANNON, Mr. ISTOOK, Mrs. MYRICK, Mr. BLUNT, Mr. CHAMBLISS, Mr. LUCAS of Oklahoma, Mr. MCINNIS, Mr. WATKINS, Mr. PAXON, Mr. BONILLA, Mr. GOODE, Mr. WATTS of Oklahoma, Mr. HUNTER, Mr. TIAHRT, Mr. COOK, Mr. LIVINGSTON, Mr. HYDE, Mr. EVER-

ETT, Mr. THORNBERRY, Mr. COOKSEY, Mr. MICA, Mr. BISHOP, Mrs. NORTHUP, Mr. LATHAM, Mr. NEUMANN, Mr. HASTERT, Mr. WELLER, Mr. SOUDER, Mr. TURNER, Mr. HALL of Texas, Mr. BOEHNER, Mr. MCCOLLUM, Mr. BAKER, Mr. BURR of North Carolina, Mr. HOBSON, Mr. ROGERS, Mr. ROHRABACHER, Mr. MCCRERY, Mr. MCINTYRE, Mr. SMITH of Texas, Mr. DEAL of Georgia, Mr. BOB SCHAFFER of Colorado, Mr. MORAN of Kansas, Mr. BURTON of Indiana, Mr. CRAMER, Mr. NEY, Mr. SMITH of New Jersey, Mr. BARTON of Texas, Mr. DREIER, Mr. GANSKE, Mr. LINDER, Mr. CHABOT, Mr. CAMP, Mr. KING, Mr. PAPPAS, Mr. SESSIONS, Ms. GRANGER, Mr. DAN SCHAEFER of Colorado, Mr. PACKARD, Mr. ROYCE, Mr. PITTS, Mr. SALMON, Mr. WAMP, Mr. GOODLING, Mr. JENKINS, Mr. GUTKNECHT, Mr. KINGSTON, Mr. SAM JOHNSON of Texas, Mr. CALLAHAN, Mr. BARCIA, Mr. KOLBE, Mrs. FOWLER, Mr. UPTON, Mr. FOLEY, Mr. RIGGS, Mr. BRADY, Mr. SCARBOROUGH, Mr. DELAY, Mr. TAYLOR of Mississippi, Mr. PICKERING, Mr. BASS, Mr. THUNE, Mr. SISISKY, Mr. REDMOND, Mr. SCHIFF, Mr. INGLIS of South Carolina, Mr. ENSIGN, Mr. ADERHOLT, Mr. THOMAS, Mr. OXLEY, Mr. SNOWBARGER, Mr. CHRISTENSEN, Mr. LAHOOD, Mr. RILEY, Mr. SHIMKUS, Mr. PAUL, Mr. EHRLICH, Mr. NUSSLE, Mr. HOEKSTRA, and Mr. WICKER

SEPTEMBER 5, 1997

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 *italie*]

[For text of introduced bill, see copy of bill as introduced on February 27, 1997]

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”.*

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) *FINDINGS.*—Congress finds the following:

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

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

13 (3) *Some international land designations, such*
14 *as those under the United States Biosphere Reserve*
15 *Program and the Man and Biosphere Program of the*
16 *United Nations Scientific, Educational, and Cultural*
17 *Organization, operate under independent national*
18 *committees, such as the United States National Man*
19 *and Biosphere Committee, which have no legislative*
20 *directives or authorization from the Congress.*

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

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

1 (6) *Private property rights are essential for the*
2 *protection of freedom.*

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

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

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

14 (1) *To reaffirm the power of the Congress under*
15 *article IV, section 3, of the Constitution over inter-*
16 *national agreements which concern disposal, manage-*
17 *ment, and use of lands belonging to the United States.*

18 (2) *To protect State powers not reserved to the*
19 *Federal Government under the Constitution from Fed-*
20 *eral actions designating lands pursuant to inter-*
21 *national agreements.*

22 (3) *To ensure that no United States citizen suf-*
23 *fers any diminishment or loss of individual rights as*
24 *a result of Federal actions designating lands pursu-*

1 *ant to international agreements for purposes of im-*
2 *posing restrictions on use of those lands.*

3 (4) *To protect private interests in real property*
4 *from diminishment as a result of Federal actions des-*
5 *ignating lands pursuant to international agreements.*

6 (5) *To provide a process under which the*
7 *United States may, when desirable, designate lands*
8 *pursuant to international agreements.*

9 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**
10 **WORLD HERITAGE SITE LISTING.**

11 *Section 401 of the National Historic Preservation Act*
12 *Amendments of 1980 (Public Law 96–515; 94 Stat. 2987)*
13 *is amended—*

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

15 (A) *striking “The Secretary” and inserting*
16 *“Subject to subsections (b), (c), (d), and (e), the*
17 *Secretary”; and*

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

20 (2) *by adding at the end the following new sub-*
21 *sections:*

22 *“(d)(1) The Secretary of the Interior may not nomi-*
23 *nate any lands owned by the United States for inclusion*
24 *on the World Heritage List pursuant to the Convention, un-*
25 *less—*

1 “(A) the Secretary finds with reasonable basis
2 that commercially viable uses of the nominated lands,
3 and commercially viable uses of other lands located
4 within 10 miles of the nominated lands, in existence
5 on the date of the nomination will not be adversely
6 affected by inclusion of the lands on the World Herit-
7 age List, and publishes that finding;

8 “(B) the Secretary has submitted to the Congress
9 a report describing—

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

12 “(ii) the impacts that inclusion of the nomi-
13 nated lands on the World Heritage List would
14 have on existing and future uses of the nomi-
15 nated lands or other lands located within 10
16 miles of the nominated lands; and

17 “(C) the nomination is specifically authorized by
18 a law enacted after the date of enactment of the
19 American Land Sovereignty Protection Act and after
20 the date of publication of a finding under subpara-
21 graph (A) for the nomination.

22 “(2) The President may submit to the Speaker of the
23 House of Representatives and the President of the Senate
24 a proposal for legislation authorizing such a nomination

1 *after publication of a finding under paragraph (1)(A) for*
2 *the nomination.*

3 “(e) *The Secretary of the Interior shall object to the*
4 *inclusion of any property in the United States on the list*
5 *of World Heritage in Danger established under Article 11.4*
6 *of the Convention, unless—*

7 “(1) *the Secretary has submitted to the Speaker*
8 *of the House of Representatives and the President of*
9 *the Senate a report describing—*

10 “(A) *the necessity for including that prop-*
11 *erty on the list;*

12 “(B) *the natural resources associated with*
13 *the property; and*

14 “(C) *the impacts that inclusion of the prop-*
15 *erty on the list would have on existing and fu-*
16 *ture uses of the property and other property lo-*
17 *cated within 10 miles of the property proposed*
18 *for inclusion; and*

19 “(2) *the Secretary is specifically authorized to*
20 *assent to the inclusion of the property on the list, by*
21 *a joint resolution of the Congress after the date of sub-*
22 *mittal of the report required by paragraph (1).”.*

23 “(f) *The Secretary of the Interior shall submit an an-*
24 *nual report on each World Heritage Site within the United*
25 *States to the Chairman and Ranking Minority member of*

1 *the Committee on Resources of the House of Representatives*
2 *and of the Committee on Energy and Natural Resources*
3 *of the Senate, that contains for the year covered by the re-*
4 *port the following information for the site:*

5 “(1) *An accounting of all money expended to*
6 *manage the site.*”

7 “(2) *A summary of Federal full time equivalent*
8 *hours related to management of the site.*”

9 “(3) *A list and explanation of all nongovern-*
10 *mental organizations that contributed to the manage-*
11 *ment of the site.*”

12 “(4) *A summary and account of the disposition*
13 *of complaints received by the Secretary related to*
14 *management of the site.*”.

15 **SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHOR-**
16 **IZED UNITED NATIONS BIOSPHERE RE-**
17 **SERVES.**

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

21 “SEC. 403. (a) *No Federal official may nominate any*
22 *lands in the United States for designation as a Biosphere*
23 *Reserve under the Man and Biosphere Program of the Unit-*
24 *ed Nations Educational, Scientific, and Cultural Organiza-*
25 *tion.*”

1 “(b) Any designation on or before the date of enact-
2 ment of the American Land Sovereignty Protection Act of
3 an area in the United States as a Biosphere Reserve under
4 the Man and Biosphere Program of the United Nations
5 Educational, Scientific, and Cultural Organization shall
6 not have, and shall not be given, any force or effect, unless
7 the Biosphere Reserve—

8 “(1) is specifically authorized by a law enacted
9 after that date of enactment and before December 31,
10 2000;

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

13 “(3) is subject to a management plan that spe-
14 cifically ensures that the use of intermixed or adja-
15 cent non-Federal property is not limited or restricted
16 as a result of that designation.

17 “(c) The Secretary of State shall submit an annual
18 report on each Biosphere Reserve within the United States
19 to the Chairman and Ranking Minority member of the
20 Committee on Resources of the House of Representatives
21 and the Committee on Energy and Natural Resources of
22 the Senate, that contains for the year covered by the report
23 the following information for the reserve:

24 “(1) An accounting of all money expended to
25 manage the reserve.

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

3 “(3) *A list and explanation of all nongovern-*
4 *mental organizations that contributed to the manage-*
5 *ment of the reserve.*

6 “(4) *A summary and account of the disposition*
7 *of the complaints received by the Secretary related to*
8 *management of the reserve.”.*

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

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

13 “*SEC. 404. (a) No Federal official may nominate, clas-*
14 *sify, or designate any lands owned by the United States*
15 *and located within the United States for a special or re-*
16 *stricted use under any international agreement unless such*
17 *nomination, classification, or designation is specifically au-*
18 *thorized by law. The President may from time to time sub-*
19 *mit to the Speaker of the House of Representatives and the*
20 *President of the Senate proposals for legislation authorizing*
21 *such a nomination, classification, or designation.*

22 “*(b) A nomination, classification, or designation,*
23 *under any international agreement, of lands owned by a*
24 *State or local government shall have no force or effect unless*
25 *the nomination, classification, or designation is specifically*

1 *authorized by a law enacted by the State or local govern-*
2 *ment, respectively.*

3 “(c) *A nomination, classification, or designation,*
4 *under any international agreement, of privately owned*
5 *lands shall have no force or effect without the written con-*
6 *sent of the owner of the lands.*

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

8 “(1) *agreements established under section 16(a)*
9 *of the North American Wetlands Conservation Act (16*
10 *U.S.C. 4413); and*

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

14 “(e) *In this section, the term ‘international agreement’*
15 *means any treaty, compact, executive agreement, conven-*
16 *tion, bilateral agreement, or multilateral agreement between*
17 *the United States or any agency of the United States and*
18 *any foreign entity or agency of any foreign entity, having*
19 *a primary purpose of conserving, preserving, or protecting*
20 *the terrestrial or marine environment, flora, or fauna.”.*

21 **SEC. 6. CLERICAL AMENDMENT.**

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