

106TH CONGRESS  
1ST SESSION

# H. R. 883

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1999

Mr. YOUNG of Alaska (for himself, Ms. DANNER, Mr. DELAY, Mr. PICKETT, Mrs. EMERSON, Mr. TRAFICANT, Mr. COBURN, Mr. GOODE, Mr. POMBO, Mr. BARCIA, Mrs. CHENOWETH, Mr. HALL of Texas, Mrs. CUBIN, Mr. SHOWS, Mr. HASTINGS of Washington, Mr. BISHOP, Ms. DUNN, Mr. SISISKY, Mr. HERGER, Mr. CRAMER, Mrs. BONO, Mr. MCINTYRE, Mr. TAYLOR of North Carolina, Mr. GREEN of Texas, Mr. HILLEARY, Mr. DUNCAN, Mr. NORWOOD, Mr. KASICH, Mr. MCINTOSH, Mr. CUNNINGHAM, Mr. THOMAS, Mr. SKEEN, Mr. WELDON of Florida, Mr. NETHERCUTT, Mr. COMBEST, Mr. SENSENBRENNER, Mr. BACHUS, Mr. LEWIS of California, Mr. MCKEON, Mr. HOSTETTLER, Mr. STUMP, Mr. DOOLITTLE, Mr. STEARNS, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HUTCHINSON, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. KNOLLENBERG, Mr. GILLMOR, Mr. METCALF, Mr. LOBIONDO, Mr. WALDEN of Oregon, Mr. CRANE, Mr. BRYANT, Mr. ARCHER, Mr. TANCREDO, Mr. BLILEY, Mr. HILL of Montana, Mr. EVERETT, Mr. RADANOVICH, Mr. GOODLATTE, Mr. GIBBONS, Mr. MANZULLO, Mr. SPENCE, Mr. BARTLETT of Maryland, Mr. ISTOOK, Mr. HUNTER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. PAUL, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. FOLEY, Mr. LATHAM, Mr. BLUNT, Mr. LINDER, Mrs. MYRICK, Mr. SHADEGG, Mr. HOEKSTRA, Mr. PICKERING, Mr. NEY, Mr. MCINNIS, Mr. ROYCE, Mr. BAKER, Mr. CALLAHAN, Mr. WATKINS, Mr. DEAL of Georgia, Mr. PACKARD, Mr. ROGERS, Mr. BRADY of Texas, Mr. SMITH of Texas, Mr. SCHAFFER, Mr. LEWIS of Kentucky, Mr. WICKER, Mr. BURR of North Carolina, Mr. TIAHRT, Mr. COOKSEY, Mr. DICKEY, Mr. JONES of North Carolina, Mr. SOUDER, Mr. GRAHAM, Mr. DEMINT, Mr. HAYWORTH, Mr. ROGAN, Mr. OXLEY, Mr. PITTS, Mr. WELLER, Mr. BARR of Georgia, Mr. GOSS, Ms. GRANGER, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. LUCAS of Oklahoma, Mr. BASS, Mr. MORAN of Kansas, Mr. WAMP, Mrs. FOWLER, Mr. SMITH of Michigan, Mr. SWEENEY, Mr. ADERHOLT, Mr. RILEY, Mr. GOODLING, Mr. SIMPSON, Mr. BARTON of Texas, and Mr. FLETCHER)

introduced the following bill; which was referred to the Committee on Resources

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## 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”.

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.

1           (3) Some international land designations, such  
2           as those under the United States Biosphere Reserve  
3           Program and the Man and Biosphere Program of  
4           the United Nations Scientific, Educational, and Cul-  
5           tural Organization, operate under independent na-  
6           tional committees, such as the United States Na-  
7           tional Man and Biosphere Committee, which have no  
8           legislative directives or authorization from the Con-  
9           gress.

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

13           (5) The sovereignty of the States is a critical  
14           component of our Federal system of government and  
15           a bulwark against the unwise concentration of  
16           power.

17           (6) Private property rights are essential for the  
18           protection of freedom.

19           (7) Actions by the United States to designate  
20           lands belonging to the United States pursuant to  
21           international agreements in some cases conflict with  
22           congressional constitutional responsibilities and  
23           State sovereign capabilities.

24           (8) Actions by the President in applying certain  
25           international agreements to lands owned by the

1 United States diminishes the authority of the Con-  
2 gress to make rules and regulations respecting these  
3 lands.

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

6 (1) To reaffirm the power of the Congress  
7 under article IV, section 3, of the Constitution over  
8 international agreements which concern disposal,  
9 management, and use of lands belonging to the  
10 United States.

11 (2) To protect State powers not reserved to the  
12 Federal Government under the Constitution from  
13 Federal actions designating lands pursuant to inter-  
14 national agreements.

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

20 (4) To protect private interests in real property  
21 from diminishment as a result of Federal actions  
22 designating lands pursuant to international agree-  
23 ments.

1           (5) To provide a process under which the  
2           United States may, when desirable, designate lands  
3           pursuant to international agreements.

4 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**  
5 **WORLD HERITAGE SITE LISTING.**

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

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

10                   (A) striking “The Secretary” and inserting  
11                   “Subject to subsections (b), (c), (d), and (e),  
12                   the Secretary”; and

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

15           (2) by adding at the end the following new sub-  
16           sections:

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

21                   “(A) the Secretary finds with reasonable basis  
22                   that commercially viable uses of the nominated  
23                   lands, and commercially viable uses of other lands  
24                   located within 10 miles of the nominated lands, in  
25                   existence on the date of the nomination will not be

1 adversely affected by inclusion of the lands on the  
2 World Heritage List, and publishes that finding;

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

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

7 “(ii) the impacts that inclusion of the nom-  
8 inated lands on the World Heritage List would  
9 have on existing and future uses of the nomi-  
10 nated lands or other lands located within 10  
11 miles of the nominated lands; and

12 “(C) the nomination is specifically authorized  
13 by a law enacted after the date of enactment of the  
14 American Land Sovereignty Protection Act and after  
15 the date of publication of a finding under subpara-  
16 graph (A) for the nomination.

17 “(2) The President may submit to the Speaker of the  
18 House of Representatives and the President of the Senate  
19 a proposal for legislation authorizing such a nomination  
20 after publication of a finding under paragraph (1)(A) for  
21 the nomination.

22 “(e) The Secretary of the Interior shall object to the  
23 inclusion of any property in the United States on the list  
24 of World Heritage in Danger established under Article  
25 11.4 of the Convention, unless—

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

4                   “(A) the necessity for including that prop-  
5 erty on the list;

6                   “(B) the natural resources associated with  
7 the property; and

8                   “(C) the impacts that inclusion of the  
9 property on the list would have on existing and  
10 future uses of the property and other property  
11 located within 10 miles of the property pro-  
12 posed for inclusion; and

13           “(2) the Secretary is specifically authorized to  
14 assent to the inclusion of the property on the list,  
15 by a joint resolution of the Congress after the date  
16 of submittal of the report required by paragraph (1).

17           “(f) The Secretary of the Interior shall submit an an-  
18 nual report on each World Heritage Site within the United  
19 States to the Chairman and Ranking Minority member of  
20 the Committee on Resources of the House of Representa-  
21 tives and of the Committee on Energy and Natural Re-  
22 sources of the Senate, that contains for the year covered  
23 by the report the following information for the site:

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

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

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

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

9 **SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHOR-**  
10 **IZED UNITED NATIONS BIOSPHERE RE-**  
11 **SERVES.**

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

15       “SEC. 403. (a) No Federal official may nominate any  
16 lands in the United States for designation as a Biosphere  
17 Reserve under the Man and Biosphere Program of the  
18 United Nations Educational, Scientific, and Cultural Or-  
19 ganization.

20       “(b) Any designation on or before the date of enact-  
21 ment of the American Land Sovereignty Protection Act  
22 of an area in the United States as a Biosphere Reserve  
23 under the Man and Biosphere Program of the United Na-  
24 tions Educational, Scientific, and Cultural Organization



1 shall not have, and shall not be given, any force or effect,  
2 unless the Biosphere Reserve—

3 “(1) is specifically authorized by a law enacted  
4 after that date of enactment and before December  
5 31, 2000;

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

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

12 “(c) The Secretary of State shall submit an annual  
13 report on each Biosphere Reserve within the United States  
14 to the Chairman and Ranking Minority member of the  
15 Committee on Resources of the House of Representatives  
16 and the Committee on Energy and Natural Resources of  
17 the Senate, that contains for the year covered by the re-  
18 port the following information for the reserve:

19 “(1) An accounting of all money expended to  
20 manage the reserve.

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

23 “(3) A list and explanation of all nongovern-  
24 mental organizations that contributed to the man-  
25 agement of the reserve.

1           “(4) A summary and account of the disposition  
2           of the complaints received by the Secretary related  
3           to management of the reserve.”.

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

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

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

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

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

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

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

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

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

20 **SEC. 6. CLERICAL AMENDMENT.**

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

○