

106TH CONGRESS
1ST SESSION

H. R. 883

IN THE SENATE OF THE UNITED STATES

MAY 20, 1999

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

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 (1).

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

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

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

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

22 “(4) A summary and account of the disposition
23 of complaints received by the Secretary related to
24 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 the enactment and before Decem-
21 ber 31, 2003;

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 designation does not
26 adversely affect State or local government revenue,

1 including revenue for public education programs,
2 and that specifically ensures that the use of
3 intermixed or adjacent non-Federal property is not
4 limited or restricted as a result of that designation.

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

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

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

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

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

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

23 Title IV of the National Historic Preservation Act
24 Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is fur-

1 ther amended by adding at the end the following new sec-
2 tion:

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

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

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

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

1 “(1) agreements established under section 16(a)
2 of the North American Wetlands Conservation Act
3 (16 U.S.C. 4413); and

4 “(2) conventions referred to in section 3(h)(3)
5 of the Fish and Wildlife Improvement Act of 1978
6 (16 U.S.C. 712(2)).

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

15 **SEC. 6. CLERICAL AMENDMENT.**

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

20 **SEC. 7. INTERNATIONAL AGREEMENTS CONCERNING THE**
21 **DISPOSAL, MANAGEMENT, AND USE OF**
22 **LANDS BELONGING TO THE UNITED STATES.**

23 Title IV of the National Historic Preservation Act
24 Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is fur-

1 ther amended by adding at the end the following new sec-
2 tion:

3 “SEC. 405. No Federal official may enter into an
4 agreement with any international or foreign entity (includ-
5 ing any subsidiary thereof) providing for the disposal,
6 management, and use of any lands owned by the United
7 States and located within the United States unless such
8 agreement is specifically authorized by law. The President
9 may from time to time submit to the Speaker of the House
10 of Representatives and the President of the Senate pro-
11 posals for legislation authorizing such agreements.”.

Passed the House of Representatives May 20, 1999.

Attest:

JEFF TRANDAHL,

Clerk.