

Union Calendar No. 81

106TH CONGRESS
1ST Session

H. R. 883

[Report No. 106-142]

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.

MAY 13, 1999

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

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

MAY 13, 1999

Additional sponsors: Mr. FORBES, Mr. PETERSON of Minnesota, Mr. COOK, Mr. STENHOLM, Mr. SESSIONS, Mr. SMITH of New Jersey, Mr. COLLINS, Mr. GUTKNECHT, Mr. HOBSON, Mr. WATTS of Oklahoma, Mr. TALENT, Mr. MCCRERY, Mr. SALMON, Mr. CHABOT, Mr. HAYES, Mr. DREIER, Mr. SHERWOOD, Mrs. NORTHUP, Mr. UPTON, Mr. BUYER, Mr. BATEMAN, Mr. NUSSLE, Mr. MILLER of Florida, Mr. HYDE, Mr. LAHOOD, Mr. BERRY, Mr. SHIMKUS, Mr. HULSHOF, Mr. CANADY of Florida, Mr. GALLEGLY, Mr. ORTIZ, Mr. WHITFIELD, Mr. GREEN of Wisconsin, Mr. BALLENGER, Mr. COBLE, Mr. COX, Mr. TERRY, Mr. RYUN of Kansas, Mr. LUCAS of Kentucky, Mr. SCARBOROUGH, Mr. REYNOLDS, Mr. TAUZIN, Mr. PEASE, Mr. THUNE, Mr. HOLDEN, Mr. CHAMBLISS, Mr. HANSEN, Mr. MCCOLLUM, Mr. GEKAS, Mr. SKELTON, Mr. TURNER, Mr. JENKINS, Mr. ISAKSON, Mr. SUNUNU, Mr. EHRLICH, and Mr. CAMP

MAY 13, 1999

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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 need-
4 ful rules and regulations governing lands belonging
5 to the United States is vested in the Congress under
6 article IV, section 3, of the Constitution.

7 (2) Some Federal land designations made pur-
8 suant 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
11 the Constitution can only be implemented through
12 laws 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
16 the United Nations Scientific, Educational, and Cul-
17 tural Organization, operate under independent na-
18 tional committees, such as the United States Na-
19 tional Man and Biosphere Committee, which have no
20 legislative directives or authorization from the Con-
21 gress.

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

25 (5) The sovereignty of the States is a critical
26 component of our Federal system of government and

1 a bulwark against the unwise concentration of
2 power.

3 (6) Private property rights are essential for the
4 protection of freedom.

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

10 (8) Actions by the President in applying certain
11 international agreements to lands owned by the
12 United States diminishes the authority of the Con-
13 gress to make rules and regulations respecting these
14 lands.

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

17 (1) To reaffirm the power of the Congress
18 under article IV, section 3, of the Constitution over
19 international agreements which concern disposal,
20 management, and use of lands belonging to the
21 United States.

22 (2) To protect State powers not reserved to the
23 Federal Government under the Constitution from
24 Federal actions designating lands pursuant to inter-
25 national agreements.

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

6 (4) To protect private interests in real property
7 from diminishment as a result of Federal actions
8 designating lands pursuant to international agree-
9 ments.

10 (5) To provide a process under which the
11 United States may, when desirable, designate lands
12 pursuant to international agreements.

13 **SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN**
14 **WORLD HERITAGE SITE LISTING.**

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

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

19 (A) striking “The Secretary” and inserting
20 “Subject to subsections (b), (c), (d), and (e),
21 the Secretary”; and

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

24 (2) by adding at the end the following new sub-
25 sections:

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

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

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

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

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

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

1 “(2) The President may submit to the Speaker of the
2 House of Representatives and the President of the Senate
3 a proposal for legislation authorizing such a nomination
4 after publication of a finding under paragraph (1)(A) for
5 the nomination.

6 “(e) The Secretary of the Interior shall object to the
7 inclusion of any property in the United States on the list
8 of World Heritage in Danger established under Article
9 11.4 of the Convention, unless—

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

13 “(A) the necessity for including that prop-
14 erty on the list;

15 “(B) the natural resources associated with
16 the property; and

17 “(C) the impacts that inclusion of the
18 property on the list would have on existing and
19 future uses of the property and other property
20 located within 10 miles of the property pro-
21 posed for inclusion; and

22 “(2) the Secretary is specifically authorized to
23 assent to the inclusion of the property on the list,
24 by a joint resolution of the Congress after the date
25 of submittal of the report required by paragraph (1).

1 “(f) The Secretary of the Interior shall submit an an-
2 nual report on each World Heritage Site within the United
3 States to the Chairman and Ranking Minority member of
4 the Committee on Resources of the House of Representa-
5 tives and of the Committee on Energy and Natural Re-
6 sources of the Senate, that contains for the year covered
7 by the report the following information for the site:

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

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

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

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

18 **SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHOR-**
19 **IZED UNITED NATIONS BIOSPHERE RE-**
20 **SERVES.**

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

24 “SEC. 403. (a) No Federal official may nominate any
25 lands in the United States for designation as a Biosphere

1 Reserve under the Man and Biosphere Program of the
2 United Nations Educational, Scientific, and Cultural Or-
3 ganization.

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

11 “(1) is specifically authorized by a law enacted
12 after that date of enactment and before December
13 31, 2000;

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

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

20 “(c) The Secretary of State shall submit an annual
21 report on each Biosphere Reserve within the United States
22 to the Chairman and Ranking Minority member of the
23 Committee on Resources of the House of Representatives
24 and the Committee on Energy and Natural Resources of

1 the Senate, that contains for the year covered by the re-
2 port the following information for the reserve:

3 “(1) An accounting of all money expended to
4 manage the reserve.

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

7 “(3) A list and explanation of all nongovern-
8 mental organizations that contributed to the man-
9 agement of the reserve.

10 “(4) A summary and account of the disposition
11 of the complaints received by the Secretary related
12 to management of the reserve.”.

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

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

18 “SEC. 404. (a) No Federal official may nominate,
19 classify, or designate any lands owned by the United
20 States and located within the United States for a special
21 or restricted use under any international agreement unless
22 such nomination, classification, or designation is specifi-
23 cally authorized by law. The President may from time to
24 time submit to the Speaker of the House of Representa-
25 tives and the President of the Senate proposals for legisla-

1 tion authorizing such a nomination, classification, or des-
2 ignation.

3 “(b) A nomination, classification, or designation,
4 under any international agreement, of lands owned by a
5 State or local government shall have no force or effect un-
6 less the nomination, classification, or designation is spe-
7 cifically authorized by a law enacted by the State or local
8 government, respectively.

9 “(c) A nomination, classification, or designation,
10 under any international agreement, of privately owned
11 lands shall have no force or effect without the written con-
12 sent of the owner of the lands.

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

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

17 “(2) conventions referred to in section 3(h)(3)
18 of the Fish and Wildlife Improvement Act of 1978
19 (16 U.S.C. 712(2)).

20 “(e) In this section, the term ‘international agree-
21 ment’ means any treaty, compact, executive agreement,
22 convention, bilateral agreement, or multilateral agreement
23 between the United States or any agency of the United
24 States and any foreign entity or agency of any foreign en-
25 tity, having a primary purpose of conserving, preserving,

1 or protecting the terrestrial or marine environment, flora,
2 or fauna.”.

3 **SEC. 6. CLERICAL AMENDMENT.**

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