

107TH 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 6, 2001

Mr. YOUNG of Alaska 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:

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

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

11          (3) Some international land designations, such  
12      as those under the United States Biosphere Reserve  
13      Program and the Man and Biosphere Program of  
14      the United Nations Scientific, Educational, and Cul-  
15      tural Organization, operate under independent na-  
16      tional committees, such as the United States Na-  
17      tional Man and Biosphere Committee, which have no  
18      legislative directives or authorization from the Con-  
19      gress.

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

23          (5) The sovereignty of the States is a critical  
24      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 nom-  
17 inated 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, 2003;

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”.

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