

## Calendar No. 623

110TH CONGRESS  
2D SESSION**S. 2807**

To protect the liberty and property of all Americans.

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## IN THE SENATE OF THE UNITED STATES

APRIL 2, 2008

Mr. COBURN introduced the following bill; which was read the first time

APRIL 3, 2008

Read the second time and placed on the calendar

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**A BILL**

To protect the liberty and property of all Americans.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3                               **TITLE I**

4       This Act may be cited as the “Land and Liberty Pro-  
5       tection Act of 2008”.

6                               **TITLE II**7       **SECTION 1. SHORT TITLE.**

8       This title may be cited as the “Protecting Americans  
9       From Violent Crime Act of 2008”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 Congress finds the following:

3 (1) The Second Amendment to the Constitution  
4 provides that “the right of the people to keep and  
5 bear Arms, shall not be infringed”.

6 (2) Section 2.4(a)(1) of title 36, Code of Fed-  
7 eral Regulations, provides that “except as otherwise  
8 provided in this section and parts 7 (special regula-  
9 tions) and 13 (Alaska regulations), the following are  
10 prohibited: (i) Possessing a weapon, trap or net, (ii)  
11 Carrying a weapon, trap or net, (iii) Using a weap-  
12 on, trap or net”.

13 (3) Section 27.42 of title 50, Code of Federal  
14 Regulations, provides that, except in special cir-  
15 cumstances, citizens of the United States may not  
16 “possess, use, or transport firearms on national  
17 wildlife refuges” of the United States Fish and  
18 Wildlife Service.

19 (4) The regulations described in paragraphs (2)  
20 and (3) prevent individuals complying with Federal  
21 and State laws from exercising the second  
22 amendment rights of the individuals while at units  
23 of—

24 (A) the National Park System; and

25 (B) the National Wildlife Refuge System.

1           (5) The existence of different laws relating to  
 2           the transportation and possession of firearms at dif-  
 3           ferent units of the National Park System and the  
 4           National Wildlife Refuge System entraps law-abiding  
 5           gun owners while at units of the National Park Sys-  
 6           tem and the National Wildlife Refuge System.

7           (6) The Federal laws should make it clear that  
 8           the second amendment rights of an individual at a  
 9           unit of the National Park System or the National  
 10          Wildlife Refuge System should not be infringed.

11 **SEC. 3. PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR**  
 12 **ARMS IN UNITS OF THE NATIONAL PARK SYS-**  
 13 **TEM AND THE NATIONAL WILDLIFE REFUGE**  
 14 **SYSTEM.**

15          The Secretary of the Interior shall not promulgate  
 16          or enforce any regulation that prohibits an individual from  
 17          possessing a firearm including an assembled or functional  
 18          firearm in any unit of the National Park System or the  
 19          National Wildlife Refuge System if—

20               (1) the individual is not otherwise prohibited by  
 21          law from possessing the firearm; and

22               (2) the possession of the firearm is in compli-  
 23          ance with the law of the State in which the unit of  
 24          the National Park System or the National Wildlife  
 25          Refuge System is located.

# **TITLE III**

## **SECTION 1. SHORT TITLE.**

This title may be cited as the “Government Real Estate Accountability and Transparency Act of 2008”.

## **SEC. 2. ANNUAL REPORT DETAILING AMOUNT OF LAND OWNED BY FEDERAL GOVERNMENT AND THE COST OF GOVERNMENT LAND OWNERSHIP TO TAXPAYERS.**

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the “Director”) shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required

1 under paragraphs (1), (2), and (3)(A) of sub-  
2 section (b); and

3 (B) as of May 15, 2010, post the segment  
4 of information required under subsection  
5 (b)(3)(B).

6 (b) REQUIRED INFORMATION.—An annual report de-  
7 scribed in subsection (a) shall contain, for the period cov-  
8 ered by the report—

9 (1) a description of the total quantity of—

10 (A) land located within the jurisdiction of  
11 the United States, to be expressed in acres;

12 (B) the land described in subparagraph  
13 (A) that is owned by the Federal Government,  
14 to be expressed—

15 (i) in acres; and

16 (ii) as a percentage of the quantity  
17 described in subparagraph (A); and

18 (C) the land described in subparagraph  
19 (B) that is located in each State, to be ex-  
20 pressed, with respect to each State—

21 (i) in acres; and

22 (ii) as a percentage of the quantity  
23 described in subparagraph (B);

24 (2) a description of the total annual cost to the  
25 Federal Government for maintaining all parcels of

1 administrative land and all administrative buildings  
2 or structures under the jurisdiction of each Federal  
3 agency; and

4 (3) a list and detailed summary of—

5 (A) with respect to each Federal agency—

6 (i) the number of unused or vacant  
7 assets;

8 (ii) the replacement value for each un-  
9 used or vacant asset;

10 (iii) the total operating costs for each  
11 unused or vacant asset; and

12 (iv) the length of time that each type  
13 of asset described in clause (i) has been  
14 unused or vacant, organized in categories  
15 comprised of periods of—

16 (I) not more than 1 year;

17 (II) not less than 1, but not more  
18 than 2, years; and

19 (III) not less than 2 years; and

20 (B) the estimated costs to the Federal  
21 Government of the maintenance backlog of each  
22 Federal agency, to be—

23 (i) organized in categories comprised  
24 of buildings and structures; and

25 (ii) expressed as an aggregate cost.

1       (c) USE OF EXISTING ANNUAL REPORTS.—An an-  
2 nual report required under subsection (a) may be com-  
3 prised of any annual report relating to the management  
4 of Federal real property that is published by a Federal  
5 agency.

## 6                                   **TITLE IV**

### 7   **SECTION 1. SHORT TITLE.**

8       This Act may be cited as the “No Trespassing Act  
9 of 2008”.

### 10   **SEC. 2. NOTIFICATION REQUIREMENT.**

11       The Secretary of the Interior shall not approve a  
12 management plan for a National Heritage Area unless the  
13 local coordinating entity of the proposed National Herit-  
14 age Area provides written notification through the United  
15 States mail of the designation to each individual who re-  
16 sides, or owns property that is located, in the proposed  
17 National Heritage Area.

### 18   **SEC. 3. WRITTEN CONSENT REQUIREMENT.**

19       With respect to each National Heritage Area, no em-  
20 ployee of the National Park Service or member of the local  
21 coordinating entity of the National Heritage Area (includ-  
22 ing any designee of the National Park Service or the local  
23 coordinating entity) may enter a parcel of private property  
24 located in the National Heritage Area without the written  
25 consent of the owner of the parcel of property.

## TITLE V

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Taxpayer Property Protection Act of 2008”.

### SEC. 2. REQUIRING CITIZEN APPROVAL OF GOVERNMENT LAND GRABS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Department of the Interior, the Department of Energy, and the Forest Service, acting individually or in coordination, shall not assume control of any parcel of land located in a State unless the citizens of each political subdivision of the State in which a portion of the parcel of land is located approve the assumption of control by a referendum.

(b) NATIONAL EMERGENCIES.—The requirement described in subsection (a) shall not apply in the case of a national emergency, as determined by the President.

(c) PRIVATE LANDOWNERS.—The requirement described in subsection (a) shall not apply in the case of an exchange between a private landowner and the Federal Government of a parcel of land.

(d) DURATION OF APPROVAL.—

(1) IN GENERAL.—With respect to a parcel of land described in subsection (a), the approval of the citizens of each political subdivision in which a por-

1       tion of the parcel of land is located terminates on  
 2       the date that is 10 years after the date on which the  
 3       citizens of each political subdivision approve the con-  
 4       trol of the parcel of land by the Department of the  
 5       Interior, the Department of Energy, or the Forest  
 6       Service under that subsection.

7               (2) RENEWAL OF APPROVAL.—With respect to  
 8       a parcel of land described in subsection (a), the De-  
 9       partment of the Interior, the Department of Energy,  
 10      or the Forest Service, as applicable, may renew, by  
 11      referendum, the approval of the citizens of each po-  
 12      litical subdivision in which a portion of the parcel of  
 13      land is located.

## 14                               **TITLE VI**

### 15   **SECTION 1. SHORT TITLE.**

16       This Act may be cited as the “Do No Harm Act of  
 17   2008”.

### 18   **SEC. 2. GUARANTEE OF NO ADVERSE AFFECTS TO CITI-** 19                               **ZENS AS A RESULT OF A NATIONAL HERIT-** 20                               **AGE AREA DESIGNATION.**

21       Each National Heritage Area designation shall not  
 22   take effect until the date on which the President certifies  
 23   that—

24               (1) the designation of each proposed National  
 25   Heritage Area will not cause an adverse impact on—

1 (A) agricultural or livestock production  
2 within the proposed National Heritage Area;

3 (B) energy exploration and production  
4 within the proposed National Heritage Area;

5 (C) critical infrastructure located within  
6 the proposed National Heritage Area, including  
7 the placement and maintenance of—

8 (i) electric transmission and distribu-  
9 tion lines (including related infrastruc-  
10 ture); and

11 (ii) natural gas pipelines (including  
12 related infrastructure); and

13 (D) the affordability of housing; and

14 (2) with respect to each State in which there is  
15 located a proposed National Heritage Area, the total  
16 deferred maintenance backlog of the State is an  
17 amount not greater than \$50,000,000, as reported  
18 by the Director of the National Park Service to the  
19 Federal Accounting Standards Advisory Board.



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2<sup>D</sup> Session

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