

Calendar No. 623

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

To protect the liberty and property of all Americans.

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

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

1

2 SECTION 1. SHORT TITLE.

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

5 SEC. 2. REQUIRING CITIZEN APPROVAL OF GOVERNMENT

6 LAND GRABS.

7 (a) IN GENERAL.—Subject to subsections (b) and (c),
8 the Department of the Interior, the Department of En-
9 ergy, and the Forest Service, acting individually or in co-
10 ordination, shall not assume control of any parcel of land
11 located in a State unless the citizens of each political sub-
12 division of the State in which a portion of the parcel of
13 land is located approve the assumption of control by a ref-
14 erendum.

15 (b) NATIONAL EMERGENCIES.—The requirement de-
16 scribed in subsection (a) shall not apply in the case of
17 a national emergency, as determined by the President.

18 (c) PRIVATE LANDOWNERS.—The requirement de-
19 scribed in subsection (a) shall not apply in the case of
20 an exchange between a private landowner and the Federal
21 Government of a parcel of land.

22 (d) DURATION OF APPROVAL.—

23 (1) IN GENERAL.—With respect to a parcel of
24 land described in subsection (a), the approval of the
25 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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