

103^D CONGRESS
2^D SESSION

S. 2474

To amend the Intermodal Surface Transportation Efficiency Act of 1991 to improve the national recreational trails funding program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 12), 1994

Mr. CAMPBELL (for himself, Mr. CRAIG, Mr. KEMPTHORNE, Mr. LEAHY, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Intermodal Surface Transportation Efficiency Act of 1991 to improve the national recreational trails funding program, and for other purposes.

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 “National Recreational
5 Trails Act of 1994”.

6 **SEC. 2. ELIGIBILITIES.**

7 (a) STATE ELIGIBILITY.—Section 1302(c) of the
8 Intermodal Surface Transportation Efficiency Act of 1991
9 (16 U.S.C. 1261(c)) is amended—

1 (1) by striking “Act” each place it appears and
2 inserting “part”;

3 (2) in paragraph (2)—

4 (A) by striking subparagraph (B); and

5 (B) by redesignating subparagraphs (C)
6 and (D) as subparagraphs (B) and (C), respec-
7 tively; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(3) SIXTH-YEAR PROVISION.—Beginning on
11 the date that is 5 years after the date of enactment
12 of this part, a State shall be eligible to receive mon-
13 eys under this part for a fiscal year only if the State
14 agrees to expend, for the fiscal year, from non-Fed-
15 eral sources for carrying out projects under this part
16 an amount equal to 20 percent of the amount re-
17 ceived by the State under this part for the fiscal
18 year.”.

19 (b) ADMINISTRATIVE COSTS.—Section 1302(d)(1) of
20 such Act (33 U.S.C. 1261(d)(1)) is amended—

21 (1) by striking “(1) ADMINISTRATIVE COSTS.—
22 No more” and inserting the following:

23 “(1) ADMINISTRATIVE COSTS.—

24 “(A) IN GENERAL.—No more”;

1 (2) by striking “(A) approving” and inserting
2 the following:

3 “(i) approving”;

4 (3) by striking “(B) paying” and inserting the
5 following:

6 “(ii) paying”;

7 (4) by striking subparagraph (C) and inserting
8 the following new clause:

9 “(iii) contracting for services with
10 other land management agencies; and”;

11 (5) by striking “(D) if” and inserting the fol-
12 lowing:

13 “(iv) if”; and

14 (6) by adding at the end the following new sub-
15 paragraph:

16 “(B) NATIONAL SURVEY.—Amounts in the
17 Fund may be used to pay the cost to the Sec-
18 retary for conducting 1 national survey of non-
19 highway recreational fuel consumption by State,
20 for use in making determinations and esti-
21 mations pursuant to this part.”.

22 (c) ENVIRONMENTAL MITIGATION.—Section 1302(e)
23 of such Act (16 U.S.C. 1261(e)) is amended—

24 (1) by redesignating paragraphs (5) through
25 (8) as paragraphs (6) through (9), respectively; and

1 (2) by inserting after paragraph (4) the follow-
2 ing new paragraph:

3 “(5) ENVIRONMENTAL MITIGATION.—

4 “(A) REQUIREMENT.—To the extent prac-
5 ticable and consistent with other requirements
6 of this section, in complying with paragraph
7 (4), a State shall give priority to project propos-
8 als that provide for the redesign, reconstruc-
9 tion, nonroutine maintenance, or relocation of
10 trails in order to mitigate and minimize the im-
11 pact to the natural environment.

12 “(B) COMPLIANCE.—The State shall re-
13 ceive guidance for determining compliance with
14 subparagraph (A) from the recreational trail
15 advisory board of the State that meets the re-
16 quirements of subsection (c)(2)(A).”.

17 (d) EXCLUSIONS.—Section 1302(e)(7) of such Act
18 (16 U.S.C. 1261(e)(7)) (as redesignated by subsection
19 (c)(1)(A)) is further amended—

20 (1) by striking “(7) SMALL STATE EXCLU-
21 SION.—Any State” and inserting the following:

22 “(7) EXCLUSIONS.—

23 “(A) SMALL STATE.—Any State”; and

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

1 “(B) BEST INTEREST OF A STATE.—A
2 State that determines based on trail needs iden-
3 tified in the Statewide Comprehensive Outdoor
4 Recreation Plan of the State referred to in sub-
5 section (b) that it is in the best interest of the
6 State to be exempt from the requirements of
7 paragraph (4) may apply to the Secretary for
8 such an exemption. Before approving or dis-
9 approving an application for such an exemption,
10 the Secretary shall publish in the Federal Reg-
11 ister notice of receipt of the application and
12 provide an opportunity for public comment on
13 the application.”.

14 (e) RETURN OF MONEYS NOT EXPENDED.—Section
15 1302(e)(9)(B) of such Act (16 U.S.C. 1261(e)(9)(B)) (as
16 redesignated by subsection (c)(1)(A)) is further amend-
17 ed—

18 (1) by inserting “the State” before “may be ex-
19 empted”; and

20 (2) by striking “and expended or committed”
21 and all that follows before the period at the end.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
23 1302 of such Act (16 U.S.C. 1261) is amended—

24 (1) by redesignating subsection (g) as sub-
25 section (h); and

1 (2) by inserting after subsection (f) the follow-
2 ing new subsection:

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated from the Highway Trust Fund (other
6 than the Mass Transit Account) to carry out this
7 part \$6,000,000 for fiscal year 1995.

8 “(2) APPLICABILITY OF TITLE 23.—Funds
9 made available under paragraph (1) shall be avail-
10 able for obligation in the same manner as funds that
11 were apportioned under chapter 1 of title 23, United
12 States Code, except that—

13 “(A) the Federal share of the cost of ac-
14 tivities conducted under this part shall be as
15 provided in this section;

16 “(B) the funds shall not be subject to any
17 obligation limitation other than subsection
18 (d)(3); and

19 “(C) the funds shall remain available until
20 expended.

21 “(3) TREATMENT.—Funds made available
22 under paragraph (1) shall be treated as if the funds
23 were part of the Fund for the purpose of making al-
24 locations to the States under subsection (d).”.

1 (g) ADVISORY COMMITTEE.—Section 1303(b) of such
2 Act (16 U.S.C. 1262(b)) is amended—

3 (1) by striking “11 members” and inserting
4 “12 members”;

5 (2) by redesignating paragraphs (2), (3), and
6 (4) as paragraphs (3), (4), and (5), respectively; and

7 (3) by inserting after paragraph (1) the follow-
8 ing new paragraph:

9 “(2) 1 member appointed by the Secretary rep-
10 resenting individuals with disabilities;”.

11 (h) CONFORMING AMENDMENTS.—

12 (1) Section 1302(e) of such Act (16 U.S.C.
13 1261(e)) is amended—

14 (A) in paragraph (4), by striking “para-
15 graphs (6) and (8)(B)” and inserting “para-
16 graphs (7) and (9)(B)”;

17 (B) in paragraph (6)(A)(i) (as redesign-
18 dated by subsection (c)(1)(A)), by striking
19 “(g)(5)” and inserting “(h)(5)”.

20 (2) Section 1303(c) of such Act (16 U.S.C.
21 1262(c)) is amended by striking “(b)(2)” and insert-
22 ing “(b)(3)”.

23 (3) Section 9511(b) of the Internal Revenue
24 Code of 1986 is amended by striking “1302(e)(8)”
25 and inserting “1302(e)(9)”.

1 **SEC. 3. OFFSETTING RESCISSIONS.**

2 Effective October 1, 1994, each of the following unob-
3 ligated balances on September 30, 1994, of funds made
4 available for the following provisions of law is rescinded:

5 (1) \$65,787.32 made available for section
6 131(c) of the Surface Transportation Assistance Act
7 of 1982 (Public Law 97-424; 96 Stat. 2120).

8 (2) \$3,559,837 made available for section
9 149(a)(35) of the Surface Transportation and Uni-
10 form Relocation Assistance Act of 1987 (Public Law
11 100-17; 101 Stat. 187).

12 (3) \$942,249 made available for section
13 149(a)(66) of such Act (Public Law 100-17; 101
14 Stat. 191).

15 (4) \$797,800 made available for section
16 149(a)(100) of such Act (Public Law 100-17; 101
17 Stat. 195).

18 (5) \$376,194.94 made available for section
19 149(a)(111)(C) of such Act (Public Law 100-17;
20 101 Stat. 196).

21 (6) \$258,131.85 made available for section
22 149(a)(111)(L) of such Act (Public Law 100-17;
23 101 Stat. 197).

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