

106TH CONGRESS  
1ST SESSION

# H. R. 2267

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1999

Mr. McINNIS (for himself, Mr. HEFLEY, Mr. SCHAFFER, Mr. TANCREDO, Mr. UDALL of Colorado, Mr. BARRETT of Wisconsin, Mr. KIND, Mr. WHITFIELD, Mr. POMBO, Mr. BEREUTER, Mr. VENTO) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, 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 “Willing Seller Amend-  
5       ments of 1999 to the National Trails System Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) In spite of commendable efforts by the gov-  
2           ernments of States and political subdivisions of  
3           States and private volunteer trail groups to develop,  
4           operate, and maintain the national scenic and na-  
5           tional historic trails (referred to in this Act as the  
6           “trails”), the rate of progress towards developing  
7           and completing the trails is slower than anticipated.

8           (2) Nine national scenic and historic trails were  
9           authorized by Congress between 1978 and 1986 with  
10          restrictions totally excluding Federal authority for  
11          land acquisition. To complete these trails as in-  
12          tended by Congress, acquisition authority to secure  
13          necessary rights-of-way and historic sites and seg-  
14          ments, limited to acquisition from willing sellers  
15          only, and specifically excluding condemnation, should  
16          be extended to the Secretary administering those  
17          trails.

18 **SEC. 3. SENSE OF CONGRESS.**

19          It is the sense of Congress that in order to address  
20          the problems involving multijurisdictional authority over  
21          the national trails system, the head of each Federal agency  
22          with jurisdiction over an individual trail should—

23                 (1) cooperate with appropriate officials of  
24          States and political subdivisions of States and pri-

1 vate persons with an interest in the trails to pursue  
2 the development of the trails; and

3 (2) be granted sufficient authority to purchase  
4 lands from willing sellers that are critical to the  
5 completion of the trails.

6 **SEC. 4. INTENT.**

7 It is the intent of Congress that lands or interests  
8 in lands for the 9 components of the National Trails Sys-  
9 tem affected by this Act shall only be acquired by the Fed-  
10 eral Government from willing sellers.

11 **SEC. 5. AMENDMENTS TO THE NATIONAL TRAILS SYSTEM**

12 **ACT.**

13 The National Trails System Act (16 U.S.C. 1241 et  
14 seq.) is amended—

15 (1) in section 5(a)—

16 (A) in the fourth sentence of paragraph

17 (11)—

18 (i) by striking “No lands or interest  
19 therein outside the exterior” and inserting  
20 “No lands or interest in lands outside of  
21 the exterior”; and

22 (ii) by inserting before the period the  
23 following: “without the consent of the  
24 owner of the land or interest”; and

1 (B) in the fourth sentence of paragraph  
2 (14)—

3 (i) by striking “No lands or interests  
4 therein outside the exterior” and “No land  
5 or interest in land outside of the exterior”;  
6 and

7 (ii) by inserting before the period the  
8 following: “without the consent of the  
9 owner of the land or interest”; and

10 (2) in section 10(c), by striking paragraph (1)  
11 and inserting the following new paragraph:

12 “(c)(1) Notwithstanding any other provision of law  
13 (including any other provision of this Act), no funds may  
14 be expended by the Federal Government for the acquisi-  
15 tion of any land or interest in land outside of the exterior  
16 boundaries of existing Federal lands for the Continental  
17 Divide National Scenic Trail, the North Country National  
18 Scenic Trail, the Ice Age National Scenic Trail, the Or-  
19 egon National Historic Trail, the Mormon Pioneer Na-  
20 tional Historic Trail, the Lewis and Clark National His-  
21 toric Trail, or the Iditarod National Historic Trail, except  
22 with the consent of the owner of the land or interest. If  
23 the Federal Government fails to make payment in accord-  
24 ance with a contract for sale of land or an interest in land  
25 transferred under this paragraph, the seller may avail

- 1 himself of all remedies available under all applicable law,
- 2 including electing to void the sale.”.

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