

# Union Calendar No. 501

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2267

[Report No. 106-846]

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

SEPTEMBER 14, 2000

Additional sponsors: Mr. HINCHEY, Ms. BALDWIN, Mr. FOLEY, Mr. RODRIGUEZ, Mr. BOEHLERT, Mr. COOK, Mr. SHAW, Mr. TRAFICANT, Mr. KLECZKA, Mr. GILCHREST, Mr. DOOLITTLE, Mr. EHLERS, Mr. KNOLLENBERG, Mr. BROWN of Ohio, Mrs. WILSON, Mr. REGULA, Mr. OBEY, Mr. PETRI, Mr. KLINK, Mr. ENGLISH, Mr. WAMP, Mr. BONIOR, Mr. CANNON, Mr. HOUGHTON, Mr. WEXLER, Ms. LEE, Mr. PETERSON of Pennsylvania, and Mr. SCARBOROUGH

SEPTEMBER 14, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 17, 1999]

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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 2000 to the National Trails System Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress makes the following findings:*

8 *(1) In spite of commendable efforts by the gov-*  
9 *ernments of States and political subdivisions of States*  
10 *and private volunteer trail groups to develop, operate,*  
11 *and maintain the national scenic and national his-*  
12 *toric trails (referred to in this Act as the “trails”),*  
13 *the rate of progress towards developing and com-*  
14 *pleting the trails is slower than anticipated.*

15 *(2) Nine national scenic and historic trails were*  
16 *authorized by Congress between 1978 and 1986 with*  
17 *restrictions totally excluding Federal authority for*  
18 *land acquisition. To complete these trails as intended*  
19 *by Congress, acquisition authority to secure necessary*  
20 *rights-of-way and historic sites and segments, limited*  
21 *to acquisition from willing sellers only, and specifi-*  
22 *cally excluding condemnation, should be extended to*  
23 *the Secretary administering those trails.*

1 **SEC. 3. SENSE OF CONGRESS.**

2 *It is the sense of Congress that in order to address the*  
3 *problems involving multijurisdictional authority over the*  
4 *national trails system, the head of each Federal agency with*  
5 *jurisdiction over an individual trail should—*

6 *(1) cooperate with appropriate officials of States*  
7 *and political subdivisions of States and private per-*  
8 *sons with an interest in the trails to pursue the devel-*  
9 *opment of the trails; and*

10 *(2) be granted sufficient authority to purchase*  
11 *lands from willing sellers that are critical to the com-*  
12 *pletion of the trails.*

13 **SEC. 4. INTENT.**

14 *It is the intent of Congress that lands or interests in*  
15 *lands for the 9 components of the National Trails System*  
16 *affected by this Act shall only be acquired by the Federal*  
17 *Government from willing sellers.*

18 **SEC. 5. AMENDMENTS TO THE NATIONAL TRAILS SYSTEM**  
19 **ACT.**

20 *The National Trails System Act (16 U.S.C. 1241 et*  
21 *seq.) is amended—*

22 *(1) in section 5(a)—*

23 *(A) in the fourth sentence of paragraph*

24 *(11)—*

25 *(i) by striking “No lands or interest*  
26 *therein outside the exterior” and inserting*

1           *“No lands or interest in lands outside of the*  
2           *exterior”*; and

3                     *(ii) by inserting before the period the*  
4           *following: “without the consent of the owner*  
5           *of the land or interest”*; and

6           *(B) in the fourth sentence of paragraph*  
7           *(14)—*

8                     *(i) by striking “No lands or interests*  
9           *therein outside the exterior” and inserting*  
10          *“No land or interest in land outside of the*  
11          *exterior”*; and

12                    *(ii) by inserting before the period the*  
13          *following: “without the consent of the owner*  
14          *of the land or interest”*; and

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

17          *“(c)(1) Notwithstanding any other provision of law*  
18          *(including any other provision of this Act), no funds may*  
19          *be expended by the Federal Government for the acquisition*  
20          *of any land or interest in land outside of the exterior bound-*  
21          *aries of existing Federal lands for the Continental Divide*  
22          *National Scenic Trail, the North Country National Scenic*  
23          *Trail, the Ice Age National Scenic Trail, the Potomac Her-*  
24          *itage National Scenic Trail, the Oregon National Historic*  
25          *Trail, the Mormon Pioneer National Historic Trail, the Nez*

1 *Perce National Historic Trail, the Lewis and Clark Na-*  
2 *tional Historic Trail, or the Iditarod National Historic*  
3 *Trail, except with the consent of the owner of the land or*  
4 *interest. If the Federal Government fails to make payment*  
5 *in accordance with a contract for sale of land or an interest*  
6 *in land transferred under this paragraph, the seller may*  
7 *avail himself of all remedies available under all applicable*  
8 *law, including electing to void the sale.”.*

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