

WILLING SELLER AMENDMENTS OF 2000 TO THE
NATIONAL TRAILS SYSTEM ACT

SEPTEMBER 14, 2000.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2267]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Willing Seller Amendments of 2000 to the National Trails System Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In spite of commendable efforts by the governments of States and political subdivisions of States and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails (referred to in this Act as the “trails”), the rate of progress towards developing and completing the trails is slower than anticipated.

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

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that in order to address the problems involving multi-jurisdictional authority over the national trails system, the head of each Federal agency with jurisdiction over an individual trail should—

(1) cooperate with appropriate officials of States and political subdivisions of States and private persons with an interest in the trails to pursue the development of the trails; and

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

SEC. 4. INTENT.

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

SEC. 5. AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT.

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

(1) in section 5(a)—

(A) in the fourth sentence of paragraph (11)—

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

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

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

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

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

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

“(c)(1) Notwithstanding any other provision of law (including any other provision of this Act), no funds may be expended by the Federal Government for the acquisition of any land or interest in land outside of the exterior boundaries of existing Federal lands for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Nez Perce National Historic Trail, the Lewis and Clark National Historic Trail, or the Iditarod National Historic Trail, except with the consent of the owner of the land or interest. If the Federal Government fails to make payment in accordance with a contract for sale of land or an interest in land transferred under this paragraph, the seller may avail himself of all remedies available under all applicable law, including electing to void the sale.”

PURPOSE OF THE BILL

The purpose of H.R. 2267 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The National Trails System Act originally established 20 trails. Along nine of the 20 trails, the federal government is not authorized to acquire any land outside of the exterior boundaries of any federally-administered area. H.R. 2267 would give the federal government the authority to purchase land from willing sellers along these nine trails to secure necessary rights-of-way and historic sites and segments. H.R. 2267 specifically provides that such purchase requires the consent of the owner of the land or interest.

H.R. 2267 also assures that the land owner, if a willing seller, is entitled to prompt compensation under the terms of the sale contract. Specifically, the seller will be able to use all remedies under the law if the federal government fails to make payment in accordance with the contract for the sale of land or interest. Remedies available to the seller include voiding the sale.

The nine trails which will be affected by this legislation are: the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Potomac

Heritage National Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Nez Perce National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail.

COMMITTEE ACTION

H.R. 2267 was introduced by Congressman Scott McInnis (R-CO) on June 17, 1999. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On May 9, 2000, the Subcommittee held a hearing on the bill. On May 18, 2000, the Subcommittee met to consider the bill. A technical amendment was offered by Congressman James V. Hansen (R-UT). The amendment was adopted by voice vote. No further amendments were offered and the bill, as amended, was ordered favorably reported to the Full Committee by voice vote. On July 26, 2000 the Resources Committee met to consider the bill. No amendments were offered and the bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.* Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.* As required by clause 3(c)(2) of rule XIII of the rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.* Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.* Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 12, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2267, the Willing Seller Amendments of 2000 to the National Trails System Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2267—Willing Seller Amendments of 2000 to the National Trails System Act

H.R. 2267 would amend the National Trails System Act to allow the federal government to purchase land from willing sellers for nine of the 20 national trails. Under current law, federal agencies are not authorized to spend funds to acquire land for these nine trails that is outside of existing federal areas such as national forests or parks. (An exception to this prohibition is that one site in each state crossed by each trail may be acquired for an interpretive site.)

The costs of implementing H.R. 2267 are uncertain because the federal agencies that administer national trails have not completed land protection plans for most of the nine trails affected by the legislation. CBO expects that relatively little land along the nearly 19,000 miles composing the nine trails would be acquired because most land can probably be protected in other ways, as it is for other trails in the system. Nevertheless, total acquisition costs could be significant because some of the longest trails would probably require large areas to be purchased. For example, acquisitions for multistate trails such as the 3,200-mile North Country National Scenic Trail could cost over \$100 million, assuming appropriation of the necessary amounts. For some of the shorter trails, costs would be much lower. For example, trails located primarily on state or federal lands, such as the Iditarod National Historic Trail in Alaska, would probably require few or no purchases. In any case, all acquisition funding would be subject to the appropriation of the necessary amounts and would probably be spent over a period of several years.

Of the other 11 existing national trails (not covered by this legislation), only the Appalachian National Scenic Trail has ever received significant appropriated funds for land acquisition (almost \$230 million to date); the other trails have been protected by other methods, including state acquisition, cooperative agreements with landowners, and inclusion in other federally administered areas.

H.R. would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no inter-

governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

This estimate is based on information provided by the National Park Service and the Forest Service, which administer most of the national trails affected by this bill.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL TRAILS SYSTEM ACT

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NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) * * *

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(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as "National Trails System, Proposed Potomac Heritage Trail" in "The Potomac Heritage Trail", a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. **[No lands or interests therein outside the exterior]** *No lands or interest in lands outside of the exterior* boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail *without the consent of the owner of the land or interest*. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this Act and are administered by such agencies without

expenses to the United States. The trail shall be administered by the Secretary of the Interior.

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(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in "Nez Perce (Nee-Me-Poo) Trail Study Report" prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. **[No lands or interests therein outside the exterior]** *No land or interest in land outside of the exterior* boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail *without the consent of the owner of the land or interest*. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency.

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AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a) * * *

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[(c)(1) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), (8), (9), and (10): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, The Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 7(c), along with such trail in each State crossed by the trail.]

(c)(1) Notwithstanding any other provision of law (including any other provision of this Act), no funds may be expended by the Fed-

eral Government for the acquisition of any land or interest in land outside of the exterior boundaries of existing Federal lands for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Nez Perce National Historic Trail, the Lewis and Clark National Historic Trail, or the Iditarod National Historic Trail, except with the consent of the owner of the land or interest. If the Federal Government fails to make payment in accordance with a contract for sale of land or an interest in land transferred under this paragraph, the seller may avail himself of all remedies available under all applicable law, including electing to void the sale.

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