

TO AMEND THE WILDERNESS ACT TO ENSURE THAT THE USE OF BICYCLES, WHEELCHAIRS, STROLLERS, AND GAME CARTS IS NOT PROHIBITED IN WILDERNESS AREAS, AND FOR OTHER PURPOSES

NOVEMBER 16, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

## R E P O R T

together with

### DISSENTING AND ADDITIONAL VIEWS

[To accompany H.R. 1349]

[Including cost estimate of the Congressional Budget Office]

The Committee Natural Resources, to whom was referred the bill (H.R. 1349) to amend the Wilderness Act to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas, 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. USE OF CERTAIN WHEELED DEVICES NOT PROHIBITED IN WILDERNESS AREAS.**

Section 4 of the Wilderness Act (16 U.S.C. 1133) is amended by adding at the end of subsection (d) the following:

“(8) ALLOWABLE USES.—Each agency administering any area designated as wilderness may allow the use of motorized wheelchairs, non-motorized wheelchairs, non-motorized adaptive cycles, non-motorized bicycles, non-motorized strollers, non-motorized wheelbarrows, non-motorized survey wheels, non-motorized measuring wheels, or non-motorized game carts within any wilderness area. For the purposes of this paragraph, the term ‘wheelchair’ means a device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area.”.

### PURPOSE OF THE BILL

The purpose of H.R. 1349 is to amend the Wilderness Act to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas.

## BACKGROUND AND NEED FOR LEGISLATION

The Wilderness Act of 1964 (Public Law 88–577, 16 U.S.C.1131 et seq.) established the National Wilderness Preservation System (NWPS) and reserved to Congress the authority to designate federal lands as a part of the NWPS. The law’s enactment initially designated 54 wilderness areas encompassing 9.1 million acres of national forest lands. Subsequently, Congress has enacted more than 100 laws designating new wilderness areas. Today, the NWPS consists of roughly 110 million acres across 765 units managed by the U.S. Forest Service (USFS), National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management.<sup>1</sup>

The Wilderness Act describes wilderness as areas of generally undisturbed federal lands and ascribes certain goals for the management of wilderness, noting the lands should be “administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.”<sup>2</sup> Generally, the Wilderness Act prohibits commercial activities, motorized uses, and the building of roads, structures and facilities. However, specific management criteria of wilderness lands can differ between land management agencies and acreages because of differing statutorily-prescribed management provisions and administrative land management regulations.

For example, although section 508 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12207) reaffirms Congress’ intent that nothing in the Wilderness Act should be “construed as prohibiting the use of a wheelchair in a wilderness area by an individual whose disability requires use of a wheelchair,” a study by the National Council on Disability found differences across land management agencies in the use of motorized and non-motorized wheelchairs, and in one case a lack of policies regarding persons with disabilities in the NWPS.<sup>3</sup>

Similarly, although the Wilderness Act allows travel across NWPS lands on foot and with the use of horses and pack animals, the use of bicycles in NWPS lands has had a varied history. In 1966, USFS banned the use of “mechanical transport” propelled by a nonliving power source<sup>4</sup>—a definition that made bicycles an allowable form of transportation in wilderness. In 1977, USFS issued a new regulation specifically prohibiting the use of bicycles (and hang gliders) on NWPS lands.<sup>5</sup> However, although the USFS regulations broadly ban the use of bicycles on NWPS lands, the use of bicycles is still allowed in some wilderness areas.

In 1980, Congress passed the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96–476), which identified cycling as “primitive recreation” and thus an allowable use in the Rattlesnake Wilderness of the Lolo National Forest. In 1981,

<sup>1</sup> CRS Report R41610, *Wilderness: Issues and Legislation*, Katie Hoover.

<sup>2</sup> 16 U.S.C. 1131(a).

<sup>3</sup> “Wilderness Accessibility for People with Disabilities: A Report to the President and the Congress of the United States on Section 507(a) of the Americans with Disabilities Act,” National Council on Disability, Dec. 1992. [ncd.gov/publications/1992/December1992#8](http://ncd.gov/publications/1992/December1992#8).

<sup>4</sup> 36 CFR 251.75 (1966).

<sup>5</sup> 36 CFR 261.18.

USFS issued a third regulation declaring bicycles to be permissible on wilderness lands unless expressly prohibited.<sup>6</sup> Finally, in 1986, USFS announced in the Federal Register that the regulation, which allows for Wilderness travel by living power sources, should be read as prohibiting wilderness travel by certain living power sources, including bicycles.<sup>7</sup>

Annually 40 million Americans participate in mountain biking activities, making it the second most popular trail activity in the U.S.<sup>8</sup> As ordered reported, H.R. 1349 would amend section 4(c) of the Wilderness Act to clarify that federal land managers may allow the use of motorized wheelchairs, non-motorized wheelchairs, non-motorized adaptive cycles, non-motorized bicycles, non-motorized strollers, non-motorized wheelbarrows, non-motorized survey wheels, non-motorized measuring wheels, or non-motorized game carts on NWPS lands.

The legislation is supported by the Sustainable Trails Coalition and the Folsom Auburn Trail Riders Action Coalition.

#### COMMITTEE ACTION

H.R. 1349 was introduced on March 2, 2017, by Congressman Tom McClintock (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The Subcommittee held a hearing on the bill on December 7, 2017. On December 12, 2017, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Tom McClintock (R-CA) offered an amendment designated #1; it was adopted by voice vote. No additional amendments were offered. The bill, as amended, was then not ordered favorably reported to the House of Representatives on December 13, 2017, by a roll call vote of 15 ayes to 19 noes, as follows:

---

<sup>6</sup>36 CFR 261.57(h).

<sup>7</sup>51 FR 13835.

<sup>8</sup>"Demographics of Mountain Biking." *International Mountain Bicycling Association*, 2005, [www.imba.com/resources/research/demographics-mountain-biking](http://www.imba.com/resources/research/demographics-mountain-biking).

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 12-13-17

Recorded Vote #: 1

Meeting on / Amendment on: **FC Mark Up on Favorably Reporting H.R. 1349**, To amend the Wilderness Act to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas, and for other purposes.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>		X		<b>Mr. Cook, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>		X	
<b>Mr. Young, AK, Chairman Emeritus</b>	X			<b>Mr. Westerman, AR</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. McEachin, VA</i>		X	
<b>Mr. Gohmert, TX, Vice Chairman</b>	X			<b>Mr. Graves, LA</b>	X		
<i>Ms. Bordallo, Guam</i>		X		<i>Mr. Brown, MD</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Clay, MO</i>		X	
<b>Mr. Wittman, VA</b>				<b>Mrs. Radewagen, AS</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Gomez, CA</i>		X	
<b>Mr. McClintock, CA</b>	X			<b>Mr. LaHood, IL</b>			
<i>Ms. Tsongas, MA</i>		X		<b>Mr. Webster, FL</b>	X		
<b>Mr. Pearce, NM</b>	X			<b>Mr. Bergman, MI</b>			
<i>Mr. Huffman, CA</i>		X		<b>Ms. Cheney, WY</b>		X	
<b>Mr. Thompson, PA</b>				<b>Mr. Johnson, LA</b>			
<i>Mr. Lowenthal, CA</i>		X		<b>Ms. González-Colón, PR</b>	X		
<b>Mr. Gosar, AZ</b>	X			<b>Mr. Gianforte, MT</b>	X		
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>							
<i>Mrs. Torres, CA</i>							
<b>Mr. Tipton, CO</b>							
<i>Mr. Gallego, AZ</i>		X					
<b>Mr. LaMalfa, CA</b>	X						
<i>Ms. Hanabusa, HI</i>		X					
<b>Mr. Denham, CA</b>							
<i>Ms. Barragán, CA</i>		X		<b>TOTAL:</b>	15	19	

Later in the same markup, Chairman Rob Bishop (R-UT) moved to reconsider the vote by which H.R. 1349, as amended, was not ordered favorably reported; the motion was adopted by a roll call vote of 22 to 17. Immediately after this vote, on December 13, 2017, the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 22 ayes to 18 noes, as follows:

## Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 12-13-17

Recorded Vote #: 9

Meeting on / Amendment on: **FC Mark Up on Favorably Reporting H.R. 1349**, To amend the Wilderness Act to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas, and for other purposes.

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
<b>Mr. Bishop, UT, Chairman</b>	X			<b>Mr. Cook, CA</b>	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. Soto, FL</i>		X	
<b>Mr. Young, AK, Chairman Emeritus</b>	X			<b>Mr. Westerman, AR</b>	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. McEachin, VA</i>		X	
<b>Mr. Gohmert, TX, Vice Chairman</b>				<b>Mr. Graves, LA</b>	X		
<i>Ms. Bordallo, Guam</i>				<i>Mr. Brown, MD</i>		X	
<b>Mr. Lamborn, CO</b>	X			<b>Mr. Hice, GA</b>	X		
<i>Mr. Costa, CA</i>		X		<i>Mr. Clay, MO</i>		X	
<b>Mr. Wittman, VA</b>	X			<b>Mrs. Radewagen, AS</b>	X		
<i>Mr. Sablan, CNMI</i>		X		<i>Mr. Gomez, CA</i>		X	
<b>Mr. McClintock, CA</b>	X			<b>Mr. LaHood, IL</b>	X		
<i>Ms. Tsongas, MA</i>		X		<b>Mr. Webster, FL</b>	X		
<b>Mr. Pearce, NM</b>	X			<b>Mr. Bergman, MI</b>	X		
<i>Mr. Huffman, CA</i>		X		<b>Ms. Cheney, WY</b>		X	
<b>Mr. Thompson, PA</b>	X			<b>Mr. Johnson, LA</b>	X		
<i>Mr. Lowenthal, CA</i>		X		<b>Ms. González-Colón, PR</b>	X		
<b>Mr. Gosar, AZ</b>	X			<b>Mr. Gianforte, MT</b>	X		
<i>Mr. Beyer, VA</i>		X					
<b>Mr. Labrador, ID</b>	X						
<i>Mrs. Torres, CA</i>		X					
<b>Mr. Tipton, CO</b>							
<i>Mr. Gallego, AZ</i>		X					
<b>Mr. LaMalfa, CA</b>	X						
<i>Ms. Hanabusa, HI</i>		X					
<b>Mr. Denham, CA</b>	X						
<i>Ms. Barragán, CA</i>		X		<b>TOTAL:</b>	22	18	

## 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, January 11, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1349, a bill to amend the Wilderness Act to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas, and for other purposes.

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

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 1349—A bill to amend the Wilderness Act to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas, and for other purposes*

H.R. 1349 would clarify that certain nonmotorized vehicles, including bicycles, strollers, and game carts can be used in wilderness areas administered by the federal government. The bill also would clarify that the use of motorized and nonmotorized wheelchairs is allowed in those areas. CBO estimates that implementing the bill would not affect the federal budget.

Enacting H.R. 1349 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1349 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1349 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill is to ensure that the use of bicycles, wheelchairs, strollers, and game carts is not prohibited in Wilderness Areas.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any 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 italics, and existing law in which no change is proposed is shown in roman):

### **WILDERNESS ACT**

\* \* \* \* \*

#### USE OF WILDERNESS AREAS

SEC. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forest and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act

(Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with section 100101(b)(1), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and chapters 3201 and 3203 of title 54, United States Code.

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

#### PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

#### SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent

with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forest designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interest of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(6) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

*(8) ALLOWABLE USES.—Each agency administering any area designated as wilderness may allow the use of motorized wheelchairs, non-motorized wheelchairs, non-motorized adaptive cycles, non-motorized bicycles, non-motorized strollers, non-motorized wheelbarrows, non-motorized survey wheels, non-motorized measuring wheels, or non-motorized game carts within any wilderness area. For the purposes of this paragraph, the term 'wheelchair' means a device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area.*

\* \* \* \* \*

## DISSENTING VIEWS

H.R. 1349 is a short bill with a huge impact that cuts right at the heart of the Wilderness Act, one of our most unique and successful conservation laws. This bill authorizes the use of bicycles and other forms of mechanical transport in wilderness areas—an amendment to the statute that is far from a simple technical fix.

For over 50 years, the Wilderness Act has helped protect our most pristine wild places, something that is increasingly important as open space and intact natural areas continue to disappear across the country. But the promise of wilderness goes beyond conservation and land protection—wilderness provides opportunities for “quiet recreation” in areas “untrammelled by man.” Bikes are not—and never have been—part of the wilderness experience.

Unfortunately, proponents of this bill are intent on spreading misinformation designed to undermine the congressional intent and history of the Wilderness Act. It is true that the Forest Service made a mistake and allowed bikes for a short period of time, but that error was corrected decades ago and the legislative history clearly supports the prohibition of bikes.

Congress debated the Wilderness Act for eight years before it finally became law in 1964. In the Act’s legislative history, there is no mention of exempting bicycles from the law’s prohibition on mechanical transportation. In fact, the statute is quite clear that “no form of mechanical transport” is allowed in designated wilderness areas.

The one clear exemption from this prohibition is for wheelchairs, which Congress expressly authorized to access wilderness areas when it passed the Americans with Disabilities Act of 1990. Federal land management agency protocols and guidelines for managing wilderness areas do not place restrictions on the legitimate use of wheelchairs. In fact, the definition of mechanical transportation in the Forest Service manual for *Recreation, Wilderness, and Related Resource Management* clearly states that it does not include “wheelchairs when used as necessary medical appliances”.<sup>1</sup> Wheelchair access in wilderness is a non-issue and its inclusion in H.R. 1349 is a red herring meant to distract from the true purpose of the bill.

Our opposition to this bill is not about blocking access to wilderness or any other public lands. Everyone has a right to experience wilderness. However, this bill is meant to undermine the history and legacy of the Wilderness Act merely to prove a political point. There are plenty of opportunities for biking on federal lands and we should be looking at positive ways to enhance that access, not rip apart the National Wilderness Preservation System.

---

<sup>1</sup>US Forest Service. Forest Service Manual 2300—Recreation, Wilderness, and Related Resource Management: Amendment No: 2300-2007-1. Approved by Frederick Norbury, Associate Deputy Chief, NFS, Washington DC: US Forest Service, December 26, 2006.

We are not creating wilderness where none exists. Instead, we are finding the last remaining wilderness areas and trying to protect them. H.R. 1349 threatens that mission and should be rejected.

RAÚL M. GRIJALVA,  
*Ranking Member.*  
ALAN LOWENTHAL.  
COLLEEN HANABUSA.  
GRACE F. NAPOLITANO.  
NIKI TSONGAS.  
JARED HUFFMAN.

#### ADDITIONAL VIEWS

I wish to clarify my roll call vote on the motion to report H.R. 1349, as amended, favorably to the House.

Because I do not postpone votes in committee during markups, at the time of the first motion to report H.R. 1349, it was clear that many of our colleagues who supported the bill were not present. Therefore, I changed my vote from “aye” to “no” so that I could later move to reconsider the vote by which H.R. 1349, as amended, was ordered reported.

This was a procedural action only, and was not meant to indicate that my backing of this common-sense measure had changed. My final vote for the motion to favorably report the bill to the House of Representatives reflects my strong support for this measure, which I look forward to having considered by the House during the 115th Congress.

ROB BISHOP.

