

106TH CONGRESS
2D SESSION

H. R. 2267

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2000

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Willing Seller Amend-
3 ments of 2000 to the National Trails System Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

23 **SEC. 3. SENSE OF THE CONGRESS.**

24 It is the sense of the Congress that in order to ad-
25 dress the problems involving multijurisdictional authority

1 over the national trails system, the head of each Federal
2 agency with jurisdiction over an individual trail should—

3 (1) cooperate with appropriate officials of
4 States and political subdivisions of States and pri-
5 vate persons with an interest in the trails to pursue
6 the development of the trails; and

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

10 **SEC. 4. INTENT.**

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

15 **SEC. 5. AMENDMENTS TO THE NATIONAL TRAILS SYSTEM**
16 **ACT.**

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

19 (1) in section 5(a)—

20 (A) in the fourth sentence of paragraph

21 (11)—

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

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

4 (B) in the fourth sentence of paragraph
5 (14)—

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

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

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

15 “(c)(1) Notwithstanding any other provision of law
16 (including any other provision of this Act), no funds may
17 be expended by the Federal Government for the acquisi-
18 tion of any land or interest in land outside of the exterior
19 boundaries of existing Federal lands for the Continental
20 Divide National Scenic Trail, the North Country National
21 Scenic Trail, the Ice Age National Scenic Trail, the Poto-
22 mac Heritage National Scenic Trail, the Oregon National
23 Historic Trail, the Mormon Pioneer National Historic
24 Trail, the Nez Perce National Historic Trail, the Lewis
25 and Clark National Historic Trail, or the Iditarod Na-

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

Passed the House of Representatives September 26,
2000.

Attest:

JEFF TRANDAHL,

Clerk.