

students formed an organization to call on Congress to approve reasonable, common-sense gun control measures. Without question, these students, some from Columbine High School, are the best authorities on the terrible effects of gun violence. Childhood is supposed to be a time of shelter and learning. Instead, our Nation and our youth are facing an epidemic of gun violence. I believe that there are more steps that we can take to help restore innocence, a sense of security, and safety to childhood.

Unfortunately, it has taken another shooting at one of our schools, in this case, the Santana High School in Santee, California, to remind us of our duty.

The plague of gun violence too often attacks the most innocent members of our society. Every day in our Nation, 13 young people are senselessly killed in homicides, suicides, and unintentional shootings. We lose the equivalent of a classroom of students every two days. According to a study by the Centers for Disease Control, the rate of firearm death of children in the United States is nearly twelve times higher than in 25 other industrialized countries combined. It is clear that we must have an increased commitment to responsibility, education, and safety.

As a Nation, as a community, we have the responsibility to protect our children from the horrors of gun violence. Limiting their access to firearms and ending the violence should be a common goal for the Nation.

I want to thank the leadership for bringing this resolution to the floor and I wish to extend my condolences to the families of the victims and commend the staff and faculty of Santana High School for their rapid response to the situation. It is my hope that we, in Congress, can prevent a tragedy of this nature from ever happening again.

Mr. CUNNINGHAM. Mr. Speaker, I rise today with a heavy heart. A little over a week ago, a troubled young man committed an act of unspeakable evil, which changed the lives of all San Diegans forever.

Today we consider a resolution to condemn the heinous atrocities that occurred on March 5, 2001, at Santana High School in Santee, California. I rise to support the resolution offered by my good friend and colleague from California.

Tragically, today nearly 1,900 students will return to Santana High School without many of their classmates, one teacher, and one security guard.

Among these students who will never return to Santana High School are Randy Gordon, a 17 year old who talked about going into the Navy after he graduated and Brian Zuckor, a 14 year old who thought someday he might become a stuntman. They went to school last week, figuring it would be just another day. Tragically, it was their last.

Other students injured in this terrible incident include: Heather Cruz, Trevor Edwards, Travis Gallegos-Tate, Barry Gibson, Matthew Heier, James Jackson, Karla Leyva, Scott Marshall, Melissa McNulty, Triston Salladay, and Raymond Serrato. Also among the wounded was Tim Estes, a student teacher, and Peter Ruiz Jr., a campus security guard.

This tragedy has caused us all to reevaluate and reflect on our own moral and social values and to reexamine the role that we play as parents, relatives, and family members in the lives of our country's children. This tragedy

has driven many of us to work to bring not only healing, but also a reformation of our way of life. Every America felt what happened to those students. The phrase, "it can't happen in my backyard" is now gone for the residents of Santee.

I ask that my colleagues in the United States Congress and my fellow citizens, pray for the students of Santana High School. Pray that carefree feelings that come with youth return to these students. Pray that we have the power and commitment to do our part to ensure that this horrible violation of innocence is never repeated again.

Mr. Speaker, we should all hope that this never happens again, we should all work to see that it doesn't.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 57, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

NATIONAL TRAILS SYSTEM WILLING SELLER ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 834) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

The Clerk read as follows:

H.R. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Trails System Willing Seller Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In spite of commendable efforts by State and local governments and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails designated by Act of Congress in section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)), the rate of progress towards developing and completing the trails is slower than anticipated.

(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area.

(3) To complete these nine 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 the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

SEC. 3. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.

It is the sense of the Congress that in order to address the problems involving multi-jurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

(1) cooperate with appropriate officials of each State and political subdivisions of each State in which the trail is located and private persons with an interest in the trail to pursue the development of the trail; and

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

SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.

(a) INTENT.—It is the intent of Congress that lands and interests in lands for the nine components of the National Trails System affected by the amendments made by subsection (b) shall only be acquired by the Federal Government from willing sellers.

(b) LIMITED ACQUISITION AUTHORITY.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Paragraph (3) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Paragraph (4) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Paragraph (5) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Paragraph (6) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Paragraph (7) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Paragraph (8) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(7) ICE AGE NATIONAL SCENIC TRAIL.—Paragraph (10) of such section is amended by adding at the end the following new sentence: "No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof."

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Paragraph (11) of such section is

amended in the fourth sentence by inserting before the period the following: "except with the consent of the owner thereof."

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Paragraph (14) of such section is amended in the fourth sentence by inserting before the period the following: "except with the consent of the owner thereof."

(c) PROTECTION FOR WILLING SELLERS.—Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

"(1) PROTECTION FOR WILLING SELLERS.—If the Federal Government fails to make payment in accordance with a contract for the sale of land or an interest in land for one of the national scenic or historic trails designated by section 5(a), the seller may utilize any of the remedies available to the seller under all applicable law, including electing to void the sale."

(d) CONFORMING AMENDMENT.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended—

(1) by striking paragraph (1); and

(2) by striking "(2) Except" and inserting "Except".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 834, introduced by the gentleman from Colorado (Mr. MCINNIS), amends the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers. The gentleman from Colorado is to be commended for correcting a longstanding problem with the National Trails System Act.

Mr. Speaker, under existing law, nine of the 20 National Scenic and Historic Trails have restrictions preventing the Federal Government from acquiring land for the trails outside of the exterior boundaries of any federally administered area. This has created problems even when there are willing sellers of desired property. This bill corrects the situation by allowing lands to be purchased by the Federal Government. However, H.R. 834 specifically provides that such purchase can only be made with the consent of the owner of the land or interest.

This bill greatly improves our trails system. I urge my colleagues to support H.R. 834.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, as currently written, the National Trails System Act authorizes the Federal Government to acquire property for use as part of a national trail in some cases and not in others. In still other instances, Federal authority regarding land purchases under the Act is simply unclear. The development of a system of trails that is truly national in scope

has been slower than supporters of the program had hoped, and we fear that this inconsistency regarding Federal land acquisition may be a contributing factor.

H.R. 834 will amend the Act to specify that, as long as there is a willing seller, the Federal Government may acquire land under the Trails Act. We support such a change in the hope that clarity on this issue will allow the development of a national trails system to progress more quickly.

We urge our colleagues to support H.R. 834.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I do rise in strong support of H.R. 834, the Willing Seller amendments act.

I would like to begin by commending the distinguished gentleman from Colorado (Mr. MCINNIS) for his introduction of this legislation; and I also commend the distinguished gentleman from Colorado (Mr. HEFLEY) the subcommittee chairman, and the distinguished gentleman from Utah (Mr. HANSEN) the chairman, for their assistance in bringing this legislation to the floor.

Mr. Speaker, as cochairman of the House Trails Caucus this Member is keenly aware of the many benefits which the trails provide. Sections of the National Trails System cross nearly every congressional district throughout the country.

The willing seller legislation being considered today will help to correct a shortcoming in the National Trails System that has developed over a period of time. Currently, the managers of nine National Scenic and Historic Trails are prohibited from using Federal funds to acquire land from willing sellers. The other 13 National Scenic and Historic Trails do not have such restrictions placed upon them. This bill would correct the inequity by placing all of the Scenic and National Historic Trails in the system on an equal footing when it comes to the acquisition of land from willing sellers.

Quite simply, H.R. 834 will provide more alternatives for protecting irreplaceable national resources. The current prohibition often prevents the protection of historic sites and trails corridors. It also limits the options of landowners who may want to sell to the Federal Government; and, of course, that is the restriction. It is a willing seller arrangement.

Mr. Speaker, as an original cosponsor of this bill, I urge my colleagues to support it in order to help ensure that future generations can enjoy all the benefits of our National Trails System.

Mr. MCINNIS. Mr. Speaker, I'd like to start by thanking the Resources Committee for the prompt attention to this important legislation that aims to correct a serious disparity in the National Trails System. Currently, the federal government is authorized to buy land from willing sellers along 11 of the 20 National Scenic and Historic Trails, but is excluded from doing so on the remaining 9, including the Continental Divide Trail. H.R. 834 intends to remove the current statutory prohibition on the federal government's ability to acquire lands or interest in lands from willing-sellers for these nine trails. Under this legislation, owners of private tracts that interrupt the continuity of these trails could sell their property to the government for inclusion in the National Trail System, clearing the way for the completion of a system of trails as Congress intended through the National Trails System Act. H.R. 834 is a private property rights bill that restores the right of the landowner to sell his or her land. The willing-seller language in my legislation reiterates the basics of contract law—in order to have a valid contract, there must be an exchange. In the case of H.R. 834, no contract is valid unless the landowner receives compensation for his or her land. I worked extensively in the last Congress with the gentleman from California, Representative POMBO, a long-time champion of private property rights, to ensure that the property rights aspects of the legislation were both comprehensive and concise. This much anticipated legislation is essential in protecting valuable resources and rights-of-way critical to the integrity and continuity of these trails. In enacting the National Trails System Act, congress provided for a national system of trails rather than just a national designation for trails. H.R. 834 enables the federal agencies administering these trails to respond to conservation, recreation and historic education opportunities afforded by willing landowners in an effort to create and manage a consistent national system of trails. I would like to extend special recognition to several individuals in Colorado, Bruce and Paula Ward, who have given deep devotion to the Continental Divide Trail. In addition, I'd like to recognize Gary Werner of the Partnership for the National Trails System. Without their efforts our progress on this legislation would not have been the success it is today. Mr. Speaker, in closing, I'd like to again thank Chairman HANSEN and Chairman HEFLEY and the staff of the Parks and Public Lands Subcommittee, and urge passage of H.R. 834.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of this bill, I rise in its support. I also want to commend my colleague from Colorado, Mr. MCINNIS, for his initiative and persistence in connection with this legislation.

The bill makes a modest but very important improvement in the laws that govern the National Trails system. It would relax the current restrictions that now limit the ability of the federal government to acquire lands needed for proper management of some trails.

Under the bill, the federal government would be authorized to acquire appropriate lands from willing sellers. The bill would not authorize use of condemnation to acquire any lands.

Among the trails covered by the bill is the Continental Divide National Scenic Trail, which runs from Canada to Mexico along the spine of the continent—the Continental Divide that separates the drainages of the Pacific Ocean and Gulf of California from that of the Atlantic Ocean and the Gulf of Mexico.

That trail runs through the heart of Colorado, from our border with Wyoming to the New Mexico state line. Over the years, the Forest Service, assisted by thousands of volunteers organized by the Continental Trail Alliance, has worked to complete it and to make it available to all who would travel along it through some of America's most remarkable wild country.

This bill will greatly assist in that effort by allowing private landowners who wish to do so to provide easements or other interests in lands for the purposes of this and the other trails covered by the bill. I urge its adoption.

Mr. BLUMENAUER. Mr. Speaker, our National Trails System promotes wilderness appreciation, historic preservation and a healthy lifestyle, which are all key components of livable communities. H.R. 834, the National Trails System Willing Seller Act, is an important bill that restores parity to the National Trails System and provides authority to protect critical resources along the nation's treasured scenic and historic trails. Passage of this bill will ensure that the federal government can be a better partner with trails advocates and private property owners across the nation.

Acquiring land from willing sellers to complete nine national scenic and historic trails, including the Oregon and Lewis and Clark trails, is of vital interest to my constituents in Oregon. As the nation begins its focus on the bicentennial of Lewis & Clark's Corps of Discovery trip to the Pacific Ocean, purchasing and preserving historic sites along their journey will serve generations to come.

Without willing seller authority, federal trail managers' hands are tied when development threatens important links in the wild landscapes of the trails or in the sites that tell the stories of the historic trails. With willing seller authority, sections of trails can be moved from roads where trail users are potentially unsafe, and critical historic sites can be preserved for future generations to experience. Ensuring safety and access for the many families and individuals who enjoy our national trails is certainly an important effort and one that this Congress should support.

I urge my colleagues to support H.R. 834.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 834.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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PROVIDING FOR ACQUISITION OF PROPERTY IN WASHINGTON COUNTY, UTAH

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 880) to provide for the acquisition of property in Washington County, Utah, for implementation of a desert tortoise habitat conservation plan.

The Clerk read as follows:

H.R. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this Act, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by Environmental Land Technology, Ltd. (ELT), within the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) COMPENSATION FOR PROPERTY.—Subject to section 309(f) of the Omnibus Parks and Public Lands Management of 1996 (Public Law 104-333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this Act. An initial payment of \$15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this Act; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this Act, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as determined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund.

Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b(b)(2)(B)), except that the reference in that provision to "the date of the enactment of the Manassas National Battlefield Park Amendments of 1988" shall be deemed to be a reference to the date of the enactment of this Act.

(c) DETERMINATION BY COURT IN LIEU OF NEGOTIATED SETTLEMENT.—In the absence of a negotiated settlement, or an action by the owner, the Secretary of the Interior shall initiate within 90 days after the date of the enactment of this section a proceeding in the United States Federal District Court for the District of Utah, seeking a determination, subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), of the value of the real property, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the

gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 880 is a voluntary legislative taking of approximately 1,550 acres of land in Washington County, Utah. The land is located in the Red Cliffs Preserve, which is the designated habitat conservation area set aside in Utah to protect the endangered desert tortoise.

The Red Cliffs Reserve also happens to be located in Washington County, the fastest growing county in Utah. The owner of this property has been unable to sell, trade or develop this property for years because of the actions of the Fish and Wildlife Service and the Bureau of Land Management's inability to exchange this owner out of the preserve. In fact, \$15 million was appropriated by the 105th Congress to buy this land, but the former administration unwisely chose to spend the money in other areas, rather than protecting habitat for this endangered species.

This disagreement goes back to 1983 when Environmental Land Technology, Ltd. acquired 2,440 acres of school trust lands located just north of St. George, Utah, intended for residential and recreational development. Environmental Land Technology began to develop the property by purchasing water rights while conducting the requisite series of appraisals, cost estimates, and surveys.

Unfortunately, shortly thereafter, the desert tortoise was designated as threatened under the Endangered Species Act. Following years of negotiations, in 1996, a Habitat Conservation Plan and Implementation Agreement for the desert tortoise was reached between the BLM, Fish and Wildlife, Washington County, and the State of Utah. As part of that agreement, the Bureau of Land Management assumed the obligation to acquire from willing sellers approximately 12,600 acres of non-Federal land to create the Red Cliffs Reserve for the protection of the desert tortoise. The lands described in this legislation are part of that original obligation.

Since that time, the BLM has been able to acquire most of the property in the area, except for the property owned by ELT. After a series of extensive land exchanges, BLM now has insufficient land available for an interstate transfer with ELT. For the past 10 years, ELT has paid taxes and interest on its property without the ability to sell or develop that land or even set foot on it.

This legislation-taking would include the 1,516 acres located within the reserve, and 34 acres adjacent to the reserve, all of which is owned by ELT. Mr. Speaker, H.R. 880 authorizes the United States to acquire the title of this property, which would then eliminate the last private inholding within the Red Cliff Reserve.