

***In the Senate of the United States,***

*November 20 (legislative day, November 19), 2002.*

*Resolved*, That the bill from the House of Representatives (H.R. 37) entitled “An Act to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1    ***TITLE I—NATIONAL HISTORIC***  
2                   ***TRAILS STUDIES***  
3    ***SEC. 101. REVISION OF FEASIBILITY AND SUITABILITY***  
4                   ***STUDIES OF EXISTING NATIONAL HISTORIC***  
5                   ***TRAILS.***

6           *Section 5 of the National Trails System Act (16 U.S.C.*  
7    *1244) is amended by inserting the following new subsection:*

1       “(g) *The Secretary shall revise the feasibility and suit-*  
 2 *ability studies for certain national trails for consideration*  
 3 *of possible additions to the trails:*

4               “(1) *IN GENERAL.—*

5                       “(A) *DEFINITIONS.—In this subsection:*

6                               “(i) *ROUTE.—The term ‘route’ includes*  
 7 *a trail segment commonly known as a cut-*  
 8 *off.*

9                               “(ii) *SHARED ROUTE.—The term*  
 10 *‘shared’ route means a route that was a seg-*  
 11 *ment of more than one historic trail, in-*  
 12 *cluding a route shared with an existing na-*  
 13 *tional historic trail.*

14                       “(B) *STUDY REQUIREMENTS AND OBJEC-*  
 15 *TIVES.—The study requirements and objectives*  
 16 *specified in subsection (b) shall apply to a study*  
 17 *required by this subsection.*

18                       “(C) *COMPLETION AND SUBMISSION OF*  
 19 *STUDY.—A study listed in this subsection shall*  
 20 *be completed and submitted to the Congress not*  
 21 *later than 3 complete fiscal years from the date*  
 22 *of the enactment of this subsection, or from the*  
 23 *date of the enactment of the addition of the study*  
 24 *to this subsection, whichever is later.*

25               “(2) *OREGON NATIONAL HISTORIC TRAIL.—*

“(A) *STUDY REQUIRED.*—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

“(B) *COVERED ROUTES.*—The routes to be studied under subparagraph (A) shall include the following:

“(i) *Whitman Mission route.*

“(ii) *Upper Columbia River.*

“(iii) *Cowlitz River route.*

“(iv) *Meek cutoff.*

“(v) *Free Emigrant Road.*

“(vi) *North Alternate Oregon Trail.*

“(vii) *Goodale’s cutoff.*

“(viii) *North Side alternate route.*

“(ix) *Cutoff to Barlow Road.*

“(x) *Naches Pass Trail.*

1           “(3) *PONY EXPRESS NATIONAL HISTORIC*  
 2           *TRAIL.—The Secretary of the Interior shall undertake*  
 3           *a study of the approximately 20-mile southern alter-*  
 4           *native route of the Pony Express Trail from Wathena,*  
 5           *Kansas, to Troy, Kansas, and such other routes of the*  
 6           *Pony Express Trail that the Secretary considers ap-*  
 7           *propriate, to determine the feasibility and suitability*  
 8           *of designation of one or more of the routes as compo-*  
 9           *nents of the Pony Express National Historic Trail.*

10           “(4) *CALIFORNIA NATIONAL HISTORIC TRAIL.—*

11                   “(A) *STUDY REQUIRED.—The Secretary of*  
 12           *the Interior shall undertake a study of the Mis-*  
 13           *souri Valley, central, and western routes of the*  
 14           *California Trail listed in subparagraph (B) and*  
 15           *generally depicted on the map entitled ‘Western*  
 16           *Emigrant Trails 1830/1870’ and dated 1991/*  
 17           *1993, and of such other and shared Missouri*  
 18           *Valley, central, and western routes that the Sec-*  
 19           *retary considers appropriate, to determine the*  
 20           *feasibility and suitability of designation of one*  
 21           *or more of the routes as components of the Cali-*  
 22           *fornia National Historic Trail.*

23                   “(B) *COVERED ROUTES.—The routes to be*  
 24           *studied under subparagraph (A) shall include the*  
 25           *following:*

1 “(i) *MISSOURI VALLEY ROUTES.*—

2 “(I) *Blue Mills-Independence*  
3 *Road.*

4 “(II) *Westport Landing Road.*

5 “(III) *Westport-Lawrence Road.*

6 “(IV) *Fort Leavenworth-Blue*  
7 *River route.*

8 “(V) *Road to Amazonia.*

9 “(VI) *Union Ferry Route.*

10 “(VII) *Old Wyoming-Nebraska*  
11 *City cutoff.*

12 “(VIII) *Lower Plattsmouth Route.*

13 “(IX) *Lower Bellevue Route.*

14 “(X) *Woodbury cutoff.*

15 “(XI) *Blue Ridge cutoff.*

16 “(XII) *Westport Road.*

17 “(XIII) *Gum Springs-Fort Leav-*  
18 *enworth route.*

19 “(XIV) *Atchison/Independence*  
20 *Creek routes.*

21 “(XV) *Fort Leavenworth-Kansas*  
22 *River route.*

23 “(XVI) *Nebraska City cutoff*  
24 *routes.*

1 “(XVII) *Minersville-Nebraska*  
2 *City Road.*

3 “(XVIII) *Upper Plattsmouth*  
4 *route.*

5 “(XIX) *Upper Bellevue route.*

6 “(ii) *CENTRAL ROUTES.—*

7 “(I) *Cherokee Trail, including*  
8 *splits.*

9 “(II) *Weber Canyon route of*  
10 *Hastings cutoff.*

11 “(III) *Bishop Creek cutoff.*

12 “(IV) *McAuley cutoff.*

13 “(V) *Diamond Springs cutoff.*

14 “(VI) *Secret Pass.*

15 “(VII) *Greenhorn cutoff.*

16 “(VIII) *Central Overland Trail.*

17 “(iii) *WESTERN ROUTES.—*

18 “(I) *Bidwell-Bartleson route.*

19 “(II) *Georgetown/Dagget Pass*  
20 *Trail.*

21 “(III) *Big Trees Road.*

22 “(IV) *Grizzly Flat cutoff.*

23 “(V) *Nevada City Road.*

24 “(VI) *Yreka Trail.*

25 “(VII) *Hennes Pass route.*

1 “(VIII) *Johnson cutoff.*

2 “(IX) *Luther Pass Trail.*

3 “(X) *Volcano Road.*

4 “(XI) *Sacramento-Coloma Wagon*  
5 *Road.*

6 “(XII) *Burnett cutoff.*

7 “(XIII) *Placer County Road to*  
8 *Auburn.*

9 “(5) *MORMON PIONEER NATIONAL HISTORIC*  
10 *TRAIL.—*

11 “(A) *STUDY REQUIRED.—The Secretary of*  
12 *the Interior shall undertake a study of the routes*  
13 *of the Mormon Pioneer Trail listed in subpara-*  
14 *graph (B) and generally depicted on the map en-*  
15 *titled ‘Western Emigrant Trails 1830/1870’ and*  
16 *dated 1991/1993, and of such other routes of the*  
17 *Mormon Pioneer Trail that the Secretary con-*  
18 *siders appropriate, to determine the feasibility*  
19 *and suitability of designation of one or more of*  
20 *the routes as components of the Mormon Pioneer*  
21 *National Historic Trail.*

22 “(B) *COVERED ROUTES.—The routes to be*  
23 *studied under subparagraph (A) shall include the*  
24 *following:*

1                   “(i) 1846 Subsequent routes A and B  
2                   (Lucas and Clarke Counties, Iowa).

3                   “(ii) 1856–57 Handcart route (Iowa  
4                   City to Council Bluffs).

5                   “(iii) Keokuk route (Iowa).

6                   “(iv) 1847 Alternative Elkhorn and  
7                   Loup River Crossings in Nebraska.

8                   “(v) Fort Leavenworth Road; Ox Bow  
9                   route and alternates in Kansas and Mis-  
10                  souri (Oregon and California Trail routes  
11                  used by Mormon emigrants).

12                  “(vi) 1850 Golden Pass Road in Utah.

13                  “(6) SHARED CALIFORNIA AND OREGON TRAIL  
14                  ROUTES.—

15                  “(A) STUDY REQUIRED.—The Secretary of  
16                  the Interior shall undertake a study of the shared  
17                  routes of the California Trail and Oregon Trail  
18                  listed in subparagraph (B) and generally de-  
19                  picted on the map entitled ‘Western Emigrant  
20                  Trails 1830/1870’ and dated 1991/1993, and of  
21                  such other shared routes that the Secretary con-  
22                  siders appropriate, to determine the feasibility  
23                  and suitability of designation of one or more of  
24                  the routes as shared components of the California



1           *National Historic Trail and the Oregon National*  
 2           *Historic Trail.*

3           “(B) COVERED ROUTES.—*The routes to be*  
 4           *studied under subparagraph (A) shall include the*  
 5           *following:*

6                     “(i) *St. Joe Road.*

7                     “(ii) *Council Bluffs Road.*

8                     “(iii) *Sublette cutoff.*

9                     “(iv) *Applegate route.*

10                    “(v) *Old Fort Kearny Road (Oxbow*  
 11                    *Trail).*

12                    “(vi) *Childs cutoff.*

13                    “(vii) *Raft River to Applegate.”.*

14   ***TITLE II—NATIONAL TRAILS SYS-***  
 15       ***TEM ACQUISITION AUTHORI-***  
 16       ***TIES***

17   ***SEC. 201. SHORT TITLE.***

18           *This title may be cited as the “National Trails System*  
 19           *Willing Seller Act”.*

20   ***SEC. 202. FINDINGS.***

21           *The Congress finds the following:*

22                    (1) *In spite of commendable efforts by State and*  
 23                    *local governments and private volunteer trail groups*  
 24                    *to develop, operate, and maintain the national scenic*  
 25                    *and national historic trails designated by Act of Con-*

1        *gress in section 5(a) of the National Trails System*  
2        *Act (16 U.S.C. 1244(a)), the rate of progress towards*  
3        *developing and completing the trails is slower than*  
4        *anticipated.*

5            *(2) Nine of the 12 national scenic and historic*  
6        *trails designated between 1978 and 1986 are subject*  
7        *to restrictions totally excluding Federal authority for*  
8        *land acquisition outside the exterior boundaries of*  
9        *any federally administered area, including the North*  
10       *Country National Scenic Trail, the Ice Age National*  
11       *Scenic Trail, and the Potomac Heritage National*  
12       *Scenic Trail.*

13           *(3) To complete the North Country National Sce-*  
14       *nic Trail, the Ice Age National Scenic Trail, and the*  
15       *Potomac Heritage National Scenic Trail as intended*  
16       *by Congress, acquisition authority to secure necessary*  
17       *rights-of-way and historic sites and segments, limited*  
18       *to acquisition from willing sellers only, and specifi-*  
19       *cally excluding the use of condemnation, should be ex-*  
20       *tended to the Secretary of the Federal department ad-*  
21       *ministering these trails.*

1 **SEC. 203. SENSE OF THE CONGRESS REGARDING MULTI-**  
 2 **JURISDICTIONAL AUTHORITY OVER THE NA-**  
 3 **TIONAL TRAILS SYSTEM.**

4 *It is the sense of the Congress that in order to address*  
 5 *the problems involving multijurisdictional authority over*  
 6 *the National Trails System, the Secretary of the Federal*  
 7 *department with jurisdiction over a national scenic or his-*  
 8 *toric trail should—*

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

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

17 **SEC. 204. AUTHORITY TO ACQUIRE LANDS FROM WILLING**  
 18 **SELLERS FOR CERTAIN TRAILS OF THE NA-**  
 19 **TIONAL TRAILS SYSTEM ACT.**

20 *(a) LIMITED ACQUISITION AUTHORITY.—*

21 *(1) NORTH COUNTRY NATIONAL SCENIC TRAIL.—*  
 22 *Section 5(a)(8) of the National Trails System Act (16*  
 23 *U.S.C. 1244(a)(8)) is amended by adding at the end:*  
 24 *“No lands or interests therein outside the exterior*  
 25 *boundaries of any federally administered area may be*

1        *acquired by the Federal Government for the trail ex-*  
 2        *cept with the consent of the owner thereof.”.*

3            (2) *ICE AGE NATIONAL SCENIC TRAIL.*—Section  
 4        *5(a)(10) of the National Trails System Act (16 U.S.C.*  
 5        *1244(a)(10)) is amended by adding at the end: “No*  
 6        *lands or interests therein outside the exterior bound-*  
 7        *aries of any federally administered area may be ac-*  
 8        *quired by the Federal Government for the trail except*  
 9        *with the consent of the owner thereof.”.*

10           (3) *POTOMAC HERITAGE NATIONAL SCENIC*  
 11        *TRAIL.*—Section *5(a)(11) of the National Trails Sys-*  
 12        *tem Act (16 U.S.C. 1244(a)(11)) is amended by add-*  
 13        *ing at the end: “No lands or interests therein outside*  
 14        *the exterior boundaries of any federally administered*  
 15        *area may be acquired by the Federal Government for*  
 16        *the trail except with the consent of the owner there-*  
 17        *of.”.*

18           (b) *CONFORMING AMENDMENT.*—Section *10(c)(1) of*  
 19        *the National Trails System Act (16 U.S.C. 1249(c)(1)) is*  
 20        *amended by striking “the North Country National Scenic*  
 21        *Trail, The Ice Age National Scenic Trail.”.*

1    ***TITLE III—OLD SPANISH TRAIL***  
 2    ***NATIONAL HISTORIC TRAIL***

3    ***SEC. 301. SHORT TITLE.***

4       *This title may be cited as the “Old Spanish Trail Rec-*  
 5    *ognition Act of 2002”.*

6    ***SEC. 302. AUTHORIZATION AND ADMINISTRATION.***

7       *Section 5(a) of the National Trails System Act (16*  
 8    *U.S.C. 1244(a)) is amended—*

9           *(1) by redesignating the second paragraph (21)*  
 10       *as paragraph (22); and*

11       *(2) by adding at the end the following:*

12           “(23) *OLD SPANISH NATIONAL HISTORIC*  
 13       *TRAIL.—*

14           “(A) *IN GENERAL.—The Old Spanish Na-*  
 15       *tional Historic Trail, an approximately 2,700*  
 16       *mile long trail extending from Santa Fe, New*  
 17       *Mexico, to Los Angeles, California, that served as*  
 18       *a major trade route between 1829 and 1848, as*  
 19       *generally depicted on the maps numbered 1*  
 20       *through 9, as contained in the report entitled*  
 21       *‘Old Spanish Trail National Historic Trail Fea-*  
 22       *sibility Study’, dated July 2001, including the*  
 23       *Armijo Route, Northern Route, North Branch,*  
 24       *and Mojave Road”.*

1           “(B) *MAP.*—A map generally depicting the  
 2           trail shall be on file and available for public in-  
 3           spection in the appropriate offices of the Depart-  
 4           ment of the Interior.

5           “(C) *ADMINISTRATION.*—The trail shall be  
 6           administered by the Secretary of the Interior (re-  
 7           ferred to in this paragraph as the ‘Secretary’).

8           “(D) *LAND ACQUISITION.*—The United  
 9           States shall not acquire for the trail any land or  
 10          interest in land outside the exterior boundary of  
 11          any federally-managed area without the consent  
 12          of the owner of the land or interest in land.

13          “(E) *CONSULTATION.*—The Secretary shall  
 14          consult with other Federal, State, local, and trib-  
 15          al agencies in the administration of the trail.

16          “(F) *ADDITIONAL ROUTES.*—The Secretary  
 17          may designate additional routes to the trail if—

18               “(i) the additional routes were in-  
 19               cluded in the Old Spanish Trail National  
 20               Historic Trail Feasibility Study, but were  
 21               not recommended for designation as a na-  
 22               tional historic trail; and

23               “(ii) the Secretary determines that the  
 24               additional routes were used for trade and  
 25               commerce between 1829 and 1848.”.

1 ***TITLE IV—LEWIS AND CLARK NA-***  
 2 ***TIONAL HISTORIC TRAIL AD-***  
 3 ***DITION***

4 ***SEC. 401. SHORT TITLE.***

5 *This title may be cited as the “Lewis and Clark Na-*  
 6 *tional Historic Trail Amendments Act of 2002”.*

7 ***SEC. 402. FINDINGS.***

8 *Congress finds that—*

9 *(1) the National Trails System—*

10 *(A) was established in 1968 to—*

11 *(i) provide additional recreational op-*  
 12 *portunities to the people of the United*  
 13 *States; and*

14 *(ii) preserve access to outdoor areas*  
 15 *and historical resources of the United*  
 16 *States; and*

17 *(B) since 1968, has been modified to—*

18 *(i) recognize new categories of trails;*  
 19 *and*

20 *(ii) expand trails;*

21 *(2) the Lewis and Clark National Historic Trail,*  
 22 *as designated in 1978, omits several historically sig-*  
 23 *nificant sites relating to the Lewis and Clark Expedi-*  
 24 *tion;*

1           (3) Meriwether Lewis and William Clark gath-  
2           ered at the Falls of the Ohio, located in Clarksville,  
3           Indiana, and Louisville, Kentucky, to plan and pre-  
4           pare for the expedition;

5           (4) the Falls of the Ohio was also the site at  
6           which—

7           (A) Lewis and Clark selected the first en-  
8           listed members of the expedition; and

9           (B) those members were sworn into the  
10          Army at a ceremony witnessed by General  
11          George Rogers Clark;

12          (5) on July 13, 2001, the National Park Service  
13          certified the Falls of the Ohio as an official Lewis and  
14          Clark site associated with the Lewis and Clark Na-  
15          tional Historic Trail;

16          (6) on July 22, 2002, the National Park Service  
17          certified historic Locust Grove in Louisville, Ken-  
18          tucky, as an official Lewis and Clark site associated  
19          with the Lewis and Clark National Historic Trail;

20          (7) the National Council of the Lewis and Clark  
21          Bicentennial has designated the Falls of the Ohio as  
22          a national signature event site at which to commemo-  
23          rate, during October 2003, the bicentennial of events  
24          in the area relating to the Lewis and Clark Expedi-  
25          tion; and



(8) *the areas in and around Clarksville, Indiana, and Louisville, Kentucky, including the Falls of the Ohio—*

*(A) are the sites of events that were significant to the Lewis and Clark Expedition; and*

*(B) should be recognized and protected as components of the Lewis and Clark National Historic Trail.*

**SEC. 403. EXTENSION OF LEWIS AND CLARK NATIONAL HISTORIC TRAIL.**

*Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended—*

*(1) by striking “(6) The” and inserting the following:*

*“(6) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—*

*“(A) IN GENERAL.—The”; and*

*(2) by inserting after subparagraph (A) (as designated by paragraph (1)) the following:*

*“(B) ADDITIONAL ROUTE.—In addition to the route described in subparagraph (A), the Lewis and Clark National Historic Trail shall include the route traveled by Meriwether Lewis and William Clark from the Falls of the Ohio,*

- 1           *located in Clarksville, Indiana, and Louisville,*
- 2           *Kentucky, to Wood River, Illinois.”.*

Attest:

*Secretary.*

107TH CONGRESS  
2D SESSION

**H. R. 37**

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**AMENDMENT**