

108TH CONGRESS
2D SESSION

S. 2052

To amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2004

Mrs. HUTCHISON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “El Camino Real de
5 los Tejas National Historic Trail Act of 2004”.

6 **SEC. 2. AUTHORIZATION AND ADMINISTRATION.**

7 Section 5(a) of the National Trails System Act (16
8 U.S.C. 1244(a)) is amended by adding at the end the fol-
9 lowing:

10 “(23) EL CAMINO REAL DE LOS TEJAS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), El Camino Real de los Tejas (The
3 Royal Road of historic Tejas) National Historic
4 Trail, a combination of historic routes totaling
5 2,580 miles in length from the Rio Grande near
6 Eagle Pass and Laredo, Texas, to Natchitoches,
7 Louisiana, and including the Old San Antonio
8 Road, as generally depicted on the maps enti-
9 tled ‘El Camino Real de los Tejas’, contained in
10 the report prepared pursuant to subsection (b)
11 entitled ‘National Historic Trail Feasibility
12 Study and Environmental Assessment: El Ca-
13 mino Real de los Tejas, Texas-Louisiana’, dated
14 July 1998. The National Park Service is au-
15 thorized to administer designated portions of
16 this trail system as a national historic trail as
17 set forth in this paragraph.

18 “(B) ESTABLISHMENT.—

19 “(i) PUBLICLY OWNED LANDS.—Con-
20 gress authorizes the establishment of El
21 Camino Real de los Tejas national historic
22 trail and the respective administration on
23 those portions of the historic trail routes
24 and related historic sites within publicly
25 owned lands when such trail related re-

1 sources meet the purposes of this Act or
2 certification criteria set by the Secretary of
3 the Interior per section 3(a)(3) of this Act.

4 “(ii) PRIVATELY OWNED LANDS.—
5 Congress authorizes the establishment of
6 El Camino Real de los Tejas national his-
7 toric trail and the respective administra-
8 tion on those portions of the historic trail
9 routes and related historic sites within pri-
10 vately owned lands only through the vol-
11 untary and expressed consent of the owner
12 and when such trails and sites qualify for
13 certification as officially established compo-
14 nents of the national historic trail. The
15 owner’s approval of a certification agree-
16 ment satisfies the consent requirement.
17 Certification agreements are not legally
18 binding and may be terminated at any
19 time. Should land ownership change at a
20 certified site, the certification will cease to
21 be valid unless the new owner consents to
22 a new agreement.

23 “(C) PRIVATE PROPERTY RIGHTS PROTEC-
24 TION.—Nothing in this Act or in the establish-
25 ment of any portion of the national historic

1 trail authorizes any person to enter private
2 property without the consent of the owner.
3 Nothing in this Act or in the establishment of
4 any portion of the national historic trail will au-
5 thorize the Federal Government to restrict pri-
6 vate property owner's use or enjoyment of their
7 property subject to other laws or regulations.
8 Authorization of El Camino Real de los Tejas
9 National Historic Trail under this Act does not
10 itself confer any additional authority to apply
11 other Federal laws and regulations on non-Fed-
12 eral lands along the trail. Laws or regulations
13 requiring public entities and agencies to take
14 into consideration a national historic trail shall
15 continue to apply notwithstanding the fore-
16 going. Notwithstanding section 7(g) of this Act,
17 the United States is authorized to acquire pri-
18 vately owned real property or an interest in
19 such property for purposes of the national his-
20 toric trail only with the consent of the owner of
21 such property and shall have no authority to
22 condemn or otherwise appropriate privately
23 owned real property or an interest in such prop-
24 erty for the purposes of El Camino Real de los
25 Tejas National Historic Trail.

1 “(D) COORDINATION OF ACTIVITIES.—The
2 Secretary of the Interior may coordinate with
3 United States and Mexican public and non-
4 governmental organizations, academic institu-
5 tions, and, in consultation with the Secretary of
6 State, the Government of Mexico and its polit-
7 ical subdivisions, for the purpose of exchanging
8 trail information and research, fostering trail
9 preservation and educational programs, pro-
10 viding technical assistance, and working to es-
11 tablish an international historic trail with com-
12 plementary preservation and education pro-
13 grams in each nation.

14 “(E) CONSULTATION.—The Secretary of
15 the Interior shall consult with appropriate State
16 agencies in the the planning, development, and
17 maintenance of El Camino Real de los Tejas
18 National Historic Trail.”.

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