

## Calendar No. 677

108TH CONGRESS  
2D SESSION**S. 2052****[Report No. 108-321]**

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

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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

AUGUST 25, 2004

Reported under authority of the order of the Senate of July 22, 2004, by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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”.

1 **SEC. 2. AUTHORIZATION AND ADMINISTRATION.**

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

5 “(23) EL CAMINO REAL DE LOS TEJAS.—

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

23 “(B) ESTABLISHMENT.—

24 “(i) PUBLICLY OWNED LANDS.—Con-  
25 gress authorizes the establishment of El  
26 Camino Real de los Tejas national historic

1 trail and the respective administration on  
2 those portions of the historic trail routes  
3 and related historic sites within publicly  
4 owned lands when such trail related re-  
5 sources meet the purposes of this Act or  
6 certification criteria set by the Secretary of  
7 the Interior per section 3(a)(3) of this Act.

8 “(ii) PRIVATELY OWNED LANDS.—

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

1           be valid unless the new owner consents to  
2           a new agreement.

3           ~~“(C) PRIVATE PROPERTY RIGHTS PROTEC-~~  
4           ~~TION.—~~Nothing in this Act or in the establish-  
5           ment of any portion of the national historic  
6           trail authorizes any person to enter private  
7           property without the consent of the owner.  
8           Nothing in this Act or in the establishment of  
9           any portion of the national historic trail will au-  
10          thorize the Federal Government to restrict pri-  
11          vate property owner’s use or enjoyment of their  
12          property subject to other laws or regulations.  
13          Authorization of El Camino Real de los Tejas  
14          National Historic Trail under this Act does not  
15          itself confer any additional authority to apply  
16          other Federal laws and regulations on non-Fed-  
17          eral lands along the trail. Laws or regulations  
18          requiring public entities and agencies to take  
19          into consideration a national historic trail shall  
20          continue to apply notwithstanding the fore-  
21          going. Notwithstanding section 7(g) of this Act,  
22          the United States is authorized to acquire pri-  
23          vately owned real property or an interest in  
24          such property for purposes of the national his-  
25          toric trail only with the consent of the owner of

1 such property and shall have no authority to  
2 condemn or otherwise appropriate privately  
3 owned real property or an interest in such prop-  
4 erty for the purposes of El Camino Real de los  
5 Tejas National Historic Trail.

6 “(D) COORDINATION OF ACTIVITIES.—The  
7 Secretary of the Interior may coordinate with  
8 United States and Mexican public and non-  
9 governmental organizations, academic institu-  
10 tions, and, in consultation with the Secretary of  
11 State, the Government of Mexico and its polit-  
12 ical subdivisions, for the purpose of exchanging  
13 trail information and research, fostering trail  
14 preservation and educational programs, pro-  
15 viding technical assistance, and working to es-  
16 tablish an international historic trail with com-  
17plementary preservation and education pro-  
18grams in each nation.

19 “(E) CONSULTATION.—The Secretary of  
20 the Interior shall consult with appropriate State  
21 agencies in the the planning, development, and  
22 maintenance of El Camino Real de los Tejas  
23 National Historic Trail.”.

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “El Camino Real de los*  
 3 *Tejas National Historic Trail Act”.*

4 **SEC. 2. DESIGNATION OF EL CAMINO REAL DE LOS TEJAS**  
 5 **NATIONAL HISTORIC TRAIL.**

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

9       “(24) *EL CAMINO REAL DE LOS TEJAS NATIONAL HIS-*  
 10 *TORIC TRAIL.—*

11           “(A) *IN GENERAL.—El Camino Real de los Tejas*  
 12 *(the Royal Road to the Tejas) National Historic*  
 13 *Trail, a combination of historic routes (including the*  
 14 *Old San Antonio Road) totaling approximately 2,580*  
 15 *miles, extending from the Rio Grande near Eagle*  
 16 *Pass and Laredo, Texas, to Natchitoches, Louisiana,*  
 17 *as generally depicted on the map entitled ‘El Camino*  
 18 *Real de los Tejas’ contained in the report entitled*  
 19 *‘National Historic Trail Feasibility Study and Envi-*  
 20 *ronmental Assessment: El Camino Real de los Tejas,*  
 21 *Texas-Louisiana’, dated July 1998.*

22           “(B) *MAP.—A map generally depicting the trail*  
 23 *shall be on file and available for public inspection in*  
 24 *the appropriate offices of the National Park Service.*

1           “(C) *ADMINISTRATION.*—(i) *The Secretary of the*  
 2           *Interior (referred to in this paragraph as ‘the Sec-*  
 3           *retary’) shall administer the trail.*

4           “(ii) *The Secretary shall administer those por-*  
 5           *tions of the trail on non-Federal land only with the*  
 6           *consent of the owner of such land and when such trail*  
 7           *portion qualifies for certification as an officially es-*  
 8           *tablished component of the trail, consistent with sec-*  
 9           *tion 3(a)(3). An owner’s approval of a certification*  
 10           *agreement shall satisfy the consent requirement. A*  
 11           *certification agreement may be terminated at any*  
 12           *time.*

13           “(iii) *The designation of the trail does not au-*  
 14           *thorize any person to enter private property without*  
 15           *the consent of the owner.*

16           “(D) *CONSULTATION.*—*The Secretary shall con-*  
 17           *sult with appropriate State and local agencies in the*  
 18           *planning and development of the trail.*

19           “(E) *COORDINATION OF ACTIVITIES.*—*The Sec-*  
 20           *retary may coordinate with United States and Mexi-*  
 21           *can public and nongovernmental organizations, aca-*  
 22           *ademic institutions, and, in consultation with the Sec-*  
 23           *retary of State, the Government of Mexico and its po-*  
 24           *litical subdivisions, for the purpose of exchanging*  
 25           *trail information and research, fostering trail preser-*

1        *vation and educational programs, providing technical*  
2        *assistance, and working to establish an international*  
3        *historic trail with complementary preservation and*  
4        *education programs in each nation.*

5                *“(F) LAND ACQUISITION.—The United States*  
6        *shall not acquire for the trail any land or interest in*  
7        *land outside the exterior boundary of any federally-*  
8        *administered area without the consent of the owner of*  
9        *the land or interest in land.”.*



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