

108TH CONGRESS  
1ST SESSION

# S. 651

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 18, 2003

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

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## A BILL

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.

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 “National Trails System  
5 Willing Seller Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

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

9           (2) Nine of the twelve national scenic and his-  
10          toric trails designated between 1978 and 1986 are  
11          subject to restrictions totally excluding Federal au-  
12          thority for land acquisition outside the exterior  
13          boundaries of any federally administered area.

14          (3) To complete these nine trails as intended by  
15          Congress, acquisition authority to secure necessary  
16          rights-of-way and historic sites and segments, lim-  
17          ited to acquisition from willing sellers only, and spe-  
18          cifically excluding the use of condemnation, should  
19          be extended to the Secretary of the Federal depart-  
20          ment administering these trails.

21 **SEC. 3. SENSE OF THE CONGRESS REGARDING MULTI-**  
22 **JURISDICTIONAL AUTHORITY OVER THE NA-**  
23 **TIONAL TRAILS SYSTEM.**

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 Secretary of the Fed-  
 2 eral department with jurisdiction over a national scenic  
 3 or historic trail should—

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

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

12 **SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING**  
 13 **SELLERS FOR CERTAIN TRAILS OF THE NA-**  
 14 **TIONAL TRAILS SYSTEM ACT.**

15       (a) INTENT.—It is the intent of Congress that lands  
 16 and interests in lands for the nine components of the Na-  
 17 tional Trails System affected by the amendments made by  
 18 subsection (b) shall only be acquired by the Federal Gov-  
 19 ernment from willing sellers.

20       (b) LIMITED ACQUISITION AUTHORITY.—

21           (1) OREGON NATIONAL HISTORIC TRAIL.—  
 22 Paragraph (3) of section 5(a) of the National Trails  
 23 System Act (16 U.S.C. 1244(a)) is amended by add-  
 24 ing at the end the following new sentence: “No lands  
 25 or interests therein outside the exterior boundaries

1 of any federally administered area may be acquired  
2 by the Federal Government for the trail except with  
3 the consent of the owner thereof.”.

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

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

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

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

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

15           (7) ICE AGE NATIONAL SCENIC TRAIL.—Para-  
16 graph (10) of such section is amended by adding at  
17 the end the following new sentence: “No lands or in-  
18 terests therein outside the exterior boundaries of any  
19 federally administered area may be acquired by the  
20 Federal Government for the trail except with the  
21 consent of the owner thereof.”.

22           (8) POTOMAC HERITAGE NATIONAL SCENIC  
23 TRAIL.—Paragraph (11) of such section is amended  
24 in the fourth sentence by inserting before the period

1 the following: “except with the consent of the owner  
2 thereof.”.

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

8 (c) PROTECTION FOR WILLING SELLERS.—Section 7  
9 of the National Trails System Act (16 U.S.C. 1246) is  
10 amended by adding at the end the following new sub-  
11 section:

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

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

22 (1) by striking paragraph (1); and

23 (2) by striking “(2) Except” and inserting “Ex-  
24 cept”.

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