

Calendar No. 203108TH CONGRESS
1ST SESSION**S. 651****[Report No. 108-95]**

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.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2003

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

JULY 11, 2003

Reported by Mr. DOMENICI, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Trails System
3 Willing Seller Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

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

14 (2) Nine of the twelve national scenic and his-
15 toric trails designated between 1978 and 1986 are
16 subject to restrictions totally excluding Federal au-
17 thority for land acquisition outside the exterior
18 boundaries of any federally administered area.

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

1 **SEC. 3. 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 ad-
 5 dress the problems involving multijurisdictional authority
 6 over the National Trails System, the Secretary of the Fed-
 7 eral department with jurisdiction over a national scenic
 8 or historic 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
 12 an interest in the trail to pursue the development of
 13 the 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. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING**
 18 **SELLERS FOR CERTAIN TRAILS OF THE NA-**
 19 **TIONAL TRAILS SYSTEM ACT.**

20 (a) **INTENT.**—It is the intent of Congress that lands
 21 and interests in lands for the nine components of the Na-
 22 tional Trails System affected by the amendments made by
 23 subsection (b) shall only be acquired by the Federal Gov-
 24 ernment from willing sellers.

25 (b) **LIMITED ACQUISITION AUTHORITY.**—

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

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

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

23 (4) LEWIS AND CLARK NATIONAL HISTORIC
24 TRAIL.—Paragraph (6) of such section is amended
25 by adding at the end the following new sentence:

1 “No lands or interests therein outside the exterior
2 boundaries of any federally administered area may
3 be acquired by the Federal Government for the trail
4 except with the consent of the owner thereof.”.

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

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

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

1 (8) POTOMAC HERITAGE NATIONAL SCENIC
2 TRAIL.—Paragraph (11) of such section is amended
3 in the fourth sentence by inserting before the period
4 the following: “except with the consent of the owner
5 thereof.”.

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

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

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

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

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

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as “National Trails System*
5 *Willing Seller Act”.*

6 **SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING**
7 **SELLERS FOR CERTAIN TRAILS.**

8 (a) *OREGON NATIONAL HISTORIC TRAIL.*—Section
9 *5(a)(3) of the National Trails System Act (16 U.S.C.*
10 *1244(a)(3)) is amended by adding at the end the following:*
11 *“No lands or interests therein outside the exterior bound-*
12 *aries of any Federally administered area may be acquired*
13 *by the Federal government for the trail except with the con-*
14 *sent of the owner thereof. The authority of the Federal gov-*
15 *ernment to acquire fee title under this paragraph shall be*
16 *limited to an average of not more than one-quarter mile*
17 *on either side of the trail.”.*

18 (b) *MORMON PIONEER NATIONAL HISTORIC TRAIL.*—
19 *Section 5(a)(4) of the National Trails System Act (16*
20 *U.S.C. 1244(a)(4)) is amended by adding at the end the*
21 *following: “No lands or interests therein outside the exterior*
22 *boundaries of any Federally administered area may be ac-*
23 *quired by the Federal government for the trail except with*
24 *the consent of the owner thereof. The authority of the Fed-*
25 *eral government to acquire fee title under this paragraph*

1 *shall be limited to an average of not more than one-quarter*
2 *mile on either side of the trail.”.*

3 (c) *CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—*
4 *Section 5(a)(5) of the National Trails System Act (16*
5 *U.S.C. 1244(a)(5)) is amended by adding at the end the*
6 *following: “No lands or interests therein outside the exterior*
7 *boundaries of any Federally administered area may be ac-*
8 *quired by the Federal government for the trail except with*
9 *the consent of the owner thereof. The authority of the Fed-*
10 *eral government to acquire fee title under this paragraph*
11 *shall be limited to an average of not more than one-quarter*
12 *mile on either side of the trail.”.*

13 (d) *LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—*
14 *Section 5(a)(6) of the National Trails System Act (16*
15 *U.S.C. 1244(a)(6)) is amended by adding at the end the*
16 *following: “No lands or interests therein outside the exterior*
17 *boundaries of any Federally administered area may be ac-*
18 *quired by the Federal government for the trail except with*
19 *the consent of the owner thereof. The authority of the Fed-*
20 *eral government to acquire fee title under this paragraph*
21 *shall be limited to an average of not more than one-quarter*
22 *mile on either side of the trail.”.*

23 (e) *IDITAROD NATIONAL HISTORIC TRAIL.—Section*
24 *5(a)(7) of the National Trails System Act (16 U.S.C.*
25 *1244(a)(7)) is amended by adding at the end the following:*

1 “No lands or interests therein outside the exterior bound-
2 aries of any Federally administered area may be acquired
3 by the Federal government for the trail except with the con-
4 sent of the owner thereof. The authority of the Federal gov-
5 ernment to acquire fee title under this paragraph shall be
6 limited to an average of not more than one-quarter mile
7 on either side of the trail.”.

8 (f) *NORTH COUNTRY NATIONAL SCENIC TRAIL.*—Sec-
9 tion 5(a)(8) of the National Trails System Act (16 U.S.C.
10 1244(a)(8)) is amended by adding at the end the following:
11 “No lands or interests therein outside the exterior bound-
12 aries of any Federally administered area may be acquired
13 by the Federal government for the trail except with the con-
14 sent of the owner thereof.”.

15 (g) *ICE AGE NATIONAL SCENIC TRAIL.*—Section
16 5(a)(10) of the National Trails System Act (16 U.S.C.
17 1244(a)(10)) is amended by adding at the end the following:
18 “No lands or interests therein outside the exterior bound-
19 aries of any Federally administered area may be acquired
20 by the Federal government for the trail except with the con-
21 sent of the owner thereof.”.

22 (h) *POTOMAC HERITAGE NATIONAL SCENIC TRAIL.*—
23 Section 5(a)(11) of the National Trails System Act (16
24 U.S.C. 1244(a)(11)) is amended by adding at the end the
25 following: “No lands or interests therein outside the exterior

1 *boundaries of any Federally administered area may be ac-*
 2 *quired by the Federal government for the trail except with*
 3 *the consent of the owner thereof.”.*

4 (i) *NEZ PERCE NATIONAL HISTORIC TRAIL.*—Section
 5 *5(a)(14) of the National Trails System Act (16 U.S.C.*
 6 *1244(a)(14)) is amended by adding at the end the following:*
 7 *“No lands or interests therein outside the exterior bound-*
 8 *aries of any Federally administered area may be acquired*
 9 *by the Federal government for the trail except with the con-*
 10 *sent of the owner thereof. The authority of the Federal gov-*
 11 *ernment to acquire fee title under this paragraph shall be*
 12 *limited to an average of not more than one-quarter mile*
 13 *on either side of the trail.”.*

14 **SEC. 3. CONFORMING AMENDMENT.**

15 Section 10(c) of the National Trails System Act (16
 16 U.S.C. 1249(c)) is amended to read as follows:

17 “(c)(1) *Except as otherwise provided in this Act, there*
 18 *is authorized to be appropriated such sums as may be nec-*
 19 *essary to implement the provisions of this Act relating to*
 20 *the trails designated by section 5(a).*

21 “(2) *Not more than \$500,000 may be appropriated for*
 22 *the purposes of land acquisition and interests therein for*
 23 *the Natchez Trace National Scenic Trail designated by sec-*
 24 *tion 5(a)(12) of this Act, and not more than \$2,000,000*
 25 *may be appropriated for the purposes of the development*

1 *of such trail. The administering agency for the trail shall*
2 *encourage volunteer trail groups to participate in the devel-*
3 *opment of the trail.”.*

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