

106TH CONGRESS  
1ST SESSION

# S. 1729

To amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 14, 1999

Mr. CAMPBELL (for himself and 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, 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 “Trails Willing Seller  
5       Act of 1999”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) despite commendable efforts by the State  
9       governments (including political subdivisions) and

1 private volunteer trail groups to develop, operate,  
2 and maintain the national scenic and national his-  
3 toric trails, the rate of progress toward developing  
4 and completing the trails is slower than anticipated;

5 (2) Congress authorized several national scenic  
6 and historic trails between 1978 and 1986, with re-  
7 strictions excluding Federal authority for land acqui-  
8 sition;

9 (3) to develop and complete the authorized  
10 trails as intended by Congress, acquisition authority  
11 to secure necessary rights-of-way and historic sites  
12 and segments specifically excluding condemnation  
13 authority should be extended to the head of each  
14 Federal agency administering a trail;

15 (4) to address the problems involving multi-  
16 jurisdictional authority over the national trails sys-  
17 tem, the head of each Federal agency with jurisdic-  
18 tion over an individual trail—

19 (A) should cooperate with appropriate offi-  
20 cials of States (including political subdivisions)  
21 and private persons with an interest in the  
22 trails to complete the development of the trails;  
23 and

1 (B) should be granted sufficient authority  
2 to purchase land from willing sellers that is  
3 critical to the completion of the trails; and  
4 (5) land or interests in land for the authorized  
5 components of the National Trails System affected  
6 by this Act should only be acquired by the Federal  
7 Government only from willing sellers.

8 **SEC. 3. ACQUISITION OF TRAILS FROM WILLING SELLERS.**

9 (a) ACQUISITION AUTHORITY.—Section 5(a) of the  
10 National Trails System Act (16 U.S.C. 1244(a)) is  
11 amended—

12 (1) in the fourth sentence of paragraph (11)—

13 (A) by striking “No lands or interest  
14 therein outside the exterior” and inserting “No  
15 land or interest in land outside of the exterior”;  
16 and

17 (B) by inserting before the period the fol-  
18 lowing: “without the consent of the owner of  
19 the land or interest”; and

20 (2) in the fourth sentence of paragraph (14)—

21 (A) by striking “No lands or interests  
22 therein outside the exterior” and inserting “No  
23 land or interest in land outside of the exterior”;  
24 and

1 (B) by inserting before the period the fol-  
 2 lowing: “without the consent of the owner of  
 3 the land or interest”.

4 (b) EXPENDITURE OF FUNDS.—Section 10(c) of the  
 5 National Trails System Act (16 U.S.C. 1249(c)) is amend-  
 6 ed by striking subsection (c) and all that follows through  
 7 the end of paragraph (1) and inserting the following:

8 “(c) EXPENDITURE OF FUNDS.—

9 “(1) TRAILS.—

10 “(A) IN GENERAL.—Notwithstanding any  
 11 other provision of law (including any other pro-  
 12 vision of this Act), except as provided in sub-  
 13 paragraph (B), no funds may be expended by  
 14 the Federal Government for the acquisition of  
 15 any land or interest in land outside of the exte-  
 16 rior boundaries of Federal land that, on the  
 17 date of enactment of this subparagraph,  
 18 comprises—

19 “(i) the Continental Divide National  
 20 Scenic Trail;

21 “(ii) the North Country National Sce-  
 22 nic Trail;

23 “(iii) the Ice Age National Scenic  
 24 Trail;

1 “(iv) the Oregon National Historic  
2 Trail;

3 “(v) the Mormon Pioneer National  
4 Historic Trail;

5 “(vi) the Lewis and Clark National  
6 Historic Trail; and

7 “(vii) the Iditarod National Historic  
8 Trail.

9 “(B) CONSENT OF LANDOWNER.—The  
10 Federal Government may acquire land or an in-  
11 terest in land outside the exterior boundary of  
12 Federal land described in subparagraph (A)  
13 with the consent of the owner of the land or in-  
14 terest.

15 “(2) FAILURE TO MAKE PAYMENT.—If the Fed-  
16 eral Government fails to make payment in accord-  
17 ance with a contract for sale of land or an interest  
18 in land under this subsection, the seller may use all  
19 remedies available under all applicable law, including  
20 electing to void the sale.”.

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