

Calendar No. 595107TH CONGRESS
2^D SESSION**S. 1069****[Report No. 107-276]**

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

JUNE 20, 2001

Mr. LEVIN (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. JOHNSON, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 12, 2002

Reported by Mr. BINGAMAN, with amendments

[Omit the part struck through 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~~ *area*,
19 *including the North Country National Scenic Trail,*
20 *the Ice Age National Scenic Trail, and the Potomac*
21 *Heritage National Scenic Trail.*

22 (3) To complete ~~these nine trails~~ *the North*
23 *Country National Scenic Trail, the Ice Age National*
24 *Scenic Trail, and the Potomac Heritage National*
25 *Scenic Trail* as intended by Congress, acquisition
26 authority to secure necessary rights-of-way and his-

1 toric sites and segments, limited to acquisition from
2 willing sellers only, and specifically excluding the use
3 of condemnation, should be extended to the Sec-
4 retary of the Federal department administering
5 these trails.

6 **SEC. 3. SENSE OF THE CONGRESS REGARDING MULTI-**
7 **JURISDICTIONAL AUTHORITY OVER THE NA-**
8 **TIONAL TRAILS SYSTEM.**

9 It is the sense of the Congress that in order to ad-
10 dress the problems involving multijurisdictional authority
11 over the National Trails System, the Secretary of the Fed-
12 eral department with jurisdiction over a national scenic
13 or historic trail should—

14 (1) cooperate with appropriate officials of each
15 State and political subdivisions of each State in
16 which the trail is located and private persons with
17 an interest in the trail to pursue the development of
18 the trail; and

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

1 **SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING**
2 **SELLERS FOR CERTAIN TRAILS OF THE NA-**
3 **TIONAL TRAILS SYSTEM ACT.**

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

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

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

18 (2) **MORMON PIONEER NATIONAL HISTORIC**
19 **TRAIL.**—Paragraph (4) 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.”.

25 (3) **CONTINENTAL DIVIDE NATIONAL SCENIC**
26 **TRAIL.**—Paragraph (5) of such section is amended

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

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

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

20 (6) NORTH COUNTRY NATIONAL SCENIC
21 TRAIL.—Paragraph (8) of such section is amended
22 by adding at the end the following new sentence:
23 “No lands or interests therein outside the exterior
24 boundaries of any federally administered area may

1 be acquired by the Federal Government for the trail
2 except with the consent of the owner thereof.”.

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

10 (8) POTOMAC HERITAGE NATIONAL SCENIC
11 TRAIL.—Paragraph (11) of such section is amended
12 in the fourth sentence by inserting before the period
13 the following: “except with the consent of the owner
14 thereof.”.

15 (9) NEZ PERCE NATIONAL HISTORIC TRAIL.—
16 Paragraph (14) of such section is amended in the
17 fourth sentence by inserting before the period the
18 following: “except with the consent of the owner
19 thereof.”.

20 (e) PROTECTION FOR WILLING SELLERS.—Section 7
21 of the National Trails System Act (16 U.S.C. 1246) is
22 amended by adding at the end the following new sub-
23 section:

24 “(1) PROTECTION FOR WILLING SELLERS.—If the
25 Federal Government fails to make payment in accordance

1 with a contract for the sale of land or an interest in land
 2 for one of the national scenic or historic trails designated
 3 by section 5(a), the seller may utilize any of the remedies
 4 available to the seller under all applicable law, including
 5 electing to void the sale.”.

6 (d) CONFORMING AMENDMENT.—Section 10(e) of
 7 the National Trails System Act (16 U.S.C. 1249(e)) is
 8 amended—

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

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

12 (a) LIMITED ACQUISITION AUTHORITY.—

13 (1) NORTH COUNTRY NATIONAL SCENIC TRAIL.—

14 Section 5(a)(8) of the National Trails System Act (16

15 U.S.C. 1244(a)(8)) is amended by adding at the end:

16 “No lands or interests therein outside the exterior

17 boundaries of any federally administered area may be

18 acquired by the Federal Government for the trail ex-

19 cept with the consent of the owner thereof.”.

20 (2) ICE AGE NATIONAL SCENIC TRAIL.—Section

21 5(a)(10) of the National Trails System Act (16 U.S.C.

22 1244(a)(10)) is amended by adding at the end: “No

23 lands or interests therein outside the exterior bound-

24 aries of any federally administered area may be ac-

1 *quired by the Federal Government for the trail except*
2 *with the consent of the owner thereof.”.*

3 (3) *POTOMAC HERITAGE NATIONAL SCENIC*
4 *TRAIL.—Section 5(a)(11) of the National Trails Sys-*
5 *tem Act (16 U.S.C. 1244(a)(11)) is amended by add-*
6 *ing at the end: “No lands or interests therein outside*
7 *the exterior boundaries of any federally administered*
8 *area may be acquired by the Federal Government for*
9 *the trail except with the consent of the owner there-*
10 *of.”.*

11 (b) *CONFORMING AMENDMENT.—Section 10(c)(1) of*
12 *the National Trails System Act (16 U.S.C. 1249(c)(1)) is*
13 *amended by striking “the North Country National Scenic*
14 *Trail, The Ice Age National Scenic Trail.*

Calendar No. 595

107TH CONGRESS
2^D SESSION

S. 1069

[Report No. 107-276]

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.

SEPTEMBER 12, 2002

Reported with amendments