

a court of the United States to enforce any provision or amendment made by this Act.

**SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

**HIBBEN CENTER ACT**

The Senate proceeded to consider the bill (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu of thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 643

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**[SECTION 1. SHORT TITLE.**

[This Act may be cited as the "Hibben Center for Archaeological Research Act of 2003".

**[SEC. 2. FINDINGS.**

[Congress finds that—

[(1) when the Chaco Culture National Historical Park was established in 1907 as the Chaco Canyon National Monument, the University of New Mexico owned a significant portion of the land located within the boundaries of the Park;

[(2) during the period from the 1920's to 1947, the University of New Mexico conducted archaeological research in the Chaco Culture National Historical Park;

[(3) in 1949, the University of New Mexico—

[(A) conveyed to the United States all right, title, and interest of the University in and to the land in the Park; and

[(B) entered into a memorandum of agreement with the National Park Service establishing a research partnership with the Park;

[(4) since 1971, the Chaco Culture National Historical Park, through memoranda of understanding and cooperative agreements with the University of New Mexico, has maintained a research museum collection and archive at the University;

[(5) both the Park and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories; and

[(6) insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collections difficult.

**[SEC. 3. DEFINITIONS.**

[In this Act:

[(1) **HIBBEN CENTER.**—The term "Hibben Center" means the Hibben Center for Archaeological Research to be constructed at the University under section 4(a).

[(2) **PARK.**—The term "Park" means the Chaco Culture National Historical Park in the State of New Mexico.

[(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

[(4) **TENANT IMPROVEMENT.**—The term "tenant improvement" includes—

[(A) finishing the interior portion of the Hibben Center leased by the National Park Service under section 4(c)(1); and

[(B) installing in that portion of the Hibben Center—

[(i) permanent fixtures; and

[(ii) portable storage units and other removable objects.

[(5) **UNIVERSITY.**—The term "University" means the University of New Mexico.

**[SEC. 4. HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH.**

[(a) **ESTABLISHMENT.**—The Secretary may, in cooperation with the University, construct and occupy a portion of the Hibben Center for Archaeological Research at the University.

[(b) **GRANTS.**—

[(1) **IN GENERAL.**—The Secretary may provide to the University a grant to pay the Federal share of the construction and related costs for the Hibben Center under paragraph (2).

[(2) **FEDERAL SHARE.**—The Federal share of the construction and related costs for the Hibben Center shall be 37 percent.

[(3) **LIMITATION.**—Amounts provided under paragraph (1) shall not be used to pay any costs to design, construct, and furnish the tenant improvements under subsection (c)(2).

[(c) **LEASE.**—

[(1) **IN GENERAL.**—Before funds made available under section 5 may be expended for construction costs under subsection (b)(1) or for the costs for tenant improvements under paragraph (2), the University shall offer to enter into a long-term lease with the United States that—

[(A) provides to the National Park Service space in the Hibben Center for storage, research, and offices; and

[(B) is acceptable to the Secretary.

[(2) **TENANT IMPROVEMENTS.**—The Secretary may design, construct, and furnish tenant improvements for, and pay any moving costs relating to, the portion of the Hibben Center leased to the National Park Service under paragraph (1).

[(d) **COOPERATIVE AGREEMENTS.**—To encourage collaborative management of the Chacoan archaeological objects associated with northwestern New Mexico, the Secretary may enter into cooperative agreements with the University, other units of the National Park System, other Federal agencies, and Indian tribes for—

[(1) the curation of and conduct of research on artifacts in the museum collection described in section 2(4); and

[(2) the development, use, management, and operation of the portion of the Hibben Center leased to the National Park Service under subsection (c)(1).

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

[(a) **IN GENERAL.**—There are authorized to be appropriated—

[(1) to pay the Federal share of the construction costs under section 4(b), \$1,574,000; and

[(2) to pay the costs of carrying out section 4(c)(2), \$2,198,000.

[(b) **AVAILABILITY.**—Amounts made available under subsection (a) shall remain available until expended.

[(c) **REVERSION.**—If the lease described in section 4(c)(1) is not executed by the date that is 2 years after the date of enactment of this Act, any amounts made available under subsection (a) shall revert to the Treasury of the United States.

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Hibben Center Act".*

**SEC. 2. LEASE AGREEMENT.**

(a) **AUTHORIZATION.**—*The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.*

(b) **TERM; RENT.**—*The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.*

(c) **OPERATING EXPENSES.**—*The lease may require the Secretary to contribute a pro rata share of the Hibben Center's annual operating expenses, in addition to any nominal annual rent.*

(d) **IMPROVEMENTS.**—*The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.*

**SEC. 3. GRANT.**

*Upon execution of the lease, the Secretary may contribute to the University of New Mexico up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000.*

**SEC. 4. COOPERATIVE AGREEMENT.**

*The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.*

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.*

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 643), as amended, was read the third time and passed.

**NATIONAL TRAILS SYSTEM  
WILLING SELLER ACT**

The Senate proceeded to consider the bill (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, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

The committee amendment, in the nature of a substitute, was agreed to.

The bill (S. 651), as amended, was read the third time and passed.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 651

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**[SECTION 1. SHORT TITLE.**

[This Act may be cited as the "National Trails System Willing Seller Act".

**[SEC. 2. FINDINGS.**

[The Congress finds the following:

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

[(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area.

[(3) To complete these nine trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

**[SEC. 3. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.]**

[It is the sense of the Congress that in order to address the problems involving multijurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

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

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

**[SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.]**

[(a) INTENT.—It is the intent of Congress that lands and interests in lands for the nine components of the National Trails System affected by the amendments made by subsection (b) shall only be acquired by the Federal Government from willing sellers.

[(b) LIMITED ACQUISITION AUTHORITY.—

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

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

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

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

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

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

[(7) ICE AGE NATIONAL SCENIC TRAIL.—Paragraph (10) of such section is amended by add-

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

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

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

[(c) PROTECTION FOR WILLING SELLERS.—Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

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

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

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

[(2) by striking “(2) Except” and inserting “Except”.]

**SECTION 1. SHORT TITLE.**

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

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

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

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

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be lim-

ited to an average of not more than one-quarter mile on either side of the trail.”

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

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

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

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

**SEC. 3. CONFORMING AMENDMENT.**

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

“(c)(1) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) Not more than \$500,000 may be appropriated for the purposes of land acquisition and interests therein for the Natchez Trace National Scenic Trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”

**BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003**

The Senate proceeded to consider the bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]