

(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) located outside the boundaries of a conservation system unit or National Forest if any such portion is—

(A) not adjacent to or contiguous with any portion of the public lands; or

(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1713], to be suitable for sale.

Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (1) of this subsection.

(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the Land and Water Conservation Fund as provided in section 200302 of title 54.

(4) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress.

(f) "Conservation system unit" and "public lands" defined

As used in this section—

(1) The term "conservation system unit" has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.), except that such term shall also include units outside Alaska.

(2) The term "public lands" has the same meaning given such term in the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(Pub. L. 90-543, § 9, Oct. 2, 1968, 82 Stat. 925; Pub. L. 95-91, title III, § 301(b), Aug. 4, 1977, 91 Stat. 578; Pub. L. 100-470, § 3, Oct. 4, 1988, 102 Stat. 2281; Pub. L. 104-88, title III, § 317(2), Dec. 29, 1995, 109 Stat. 949; Pub. L. 113-287, § 5(d)(25), Dec. 19, 2014, 128 Stat. 3266.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subssecs. (d)(2) and (f)(2), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Alaska National Interest Lands Conservation Act, referred to in subsec. (f)(1), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

AMENDMENTS

2014—Subsec. (e)(3). Pub. L. 113-287 substituted "section 200302 of title 54" for "section 4601-5 of this title".

1995—Subsec. (b). Pub. L. 104-88 substituted "Surface Transportation Board" for "Interstate Commerce Commission".

1988—Subsecs. (c) to (f). Pub. L. 100-470 added subssecs. (c) to (f).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective

Date note under section 1301 of Title 49, Transportation.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under this chapter and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

"Secretary of Energy" substituted for "Federal Power Commission" in subsec. (b) pursuant to Pub. L. 95-91, § 301(b), which is classified to section 7151(b) of Title 42, The Public Health and Welfare.

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions which were transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42.

ABANDONED RAILROAD GRANTS; CONGRESSIONAL FINDINGS

Pub. L. 100-470, § 2, Oct. 4, 1988, 102 Stat. 2281, provided that: "Congress hereby finds that—

"(1) State and local governments have a special role to play under the National Trails System Act [16 U.S.C. 1241 et seq.] in acquiring and developing trails for recreation and conservation purposes.

"(2) Many miles of public land rights-of-way have been granted to the railroads by the United States, and much of this mileage could be suitable for trail use at such time as it may be abandoned.

"(3) The United States should retain any residual interest it may have in such public land rights-of-way and relinquish it, where appropriate, in favor of State and local governments or other nonprofit entities for trail purposes."

CONDEMNATION

Pub. L. 100-470, § 5, Oct. 4, 1988, 102 Stat. 2283, provided that:

"(a) Nothing in this Act [amending this section and section 1244 of this title and enacting provisions set out as notes under this section and section 1241 of this title] shall be construed as authorizing the Secretary of the Interior to use condemnation proceedings to retain or acquire all or any portion of a right-of-way described in this Act.

"(b) Nothing in this Act shall be construed to expand or diminish existing condemnation authorities contained in the National Trails System Act, as amended [16 U.S.C. 1241 et seq.]."

§ 1249. Authorization of appropriations

(a) Appalachian and Pacific Crest National Scenic Trails

(1) There are hereby authorized to be appropriated for the acquisition of lands or interests

in lands not more than \$5,000,000 for the Appalachian National Scenic Trail and not more than \$500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to chapter 2003 of title 54, not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this chapter: for the Appalachian National Scenic Trail, not to exceed \$30,000,000 for fiscal year 1979, \$30,000,000 for fiscal year 1980, and \$30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following March 21, 1978.

(b) Land deemed to qualify for funding

For the purposes of Public Law 95-42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act.

(c) Authorization of appropriations

(1) In general

Except as otherwise provided in this chapter, there are authorized to be appropriated such sums as are necessary to implement the provisions of this chapter relating to the trails designated by section 1244(a) of this title.

(2) Natchez Trace National Scenic Trail

(A) In general

With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the "trail") designated by section 1244(a)(12) of this title—

- (i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and
- (ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

(B) Participation by volunteer trail groups

The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.

(Pub. L. 90-543, §10, Oct. 2, 1968, 82 Stat. 926; Pub. L. 95-248, §1(5), Mar. 21, 1978, 92 Stat. 160; Pub. L. 95-625, title V, §551(23), Nov. 10, 1978, 92 Stat. 3517; Pub. L. 96-199, title I, §101(b)(4), Mar. 5, 1980, 94 Stat. 68; Pub. L. 96-370, §1(b), Oct. 3, 1980, 94 Stat. 1360; Pub. L. 98-11, title II, §209, Mar. 28, 1983, 97 Stat. 48; Pub. L. 100-35, §1(b), May 8, 1987, 101 Stat. 302; Pub. L. 100-192, §2, Dec. 16, 1987, 101 Stat. 1309; Pub. L. 101-365, §2(b), Aug. 15, 1990, 104 Stat. 429; Pub. L. 103-437, §6(d)(38), Nov. 2, 1994, 108 Stat. 4585; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(J), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 108-352, §14(2), Oct. 21, 2004, 118 Stat. 1397; Pub. L. 111-11, title V, §5301(b), Mar. 30, 2009, 123 Stat. 1161; Pub. L. 113-287, §5(d)(26), Dec. 19, 2014, 128 Stat. 3266.)

REFERENCES IN TEXT

Public Law 95-42 (91 Stat. 211), referred to in subsec. (b), is Pub. L. 95-42, June 10, 1977, 91 Stat. 210, which, to the extent classified to the Code, amended former sections 4601-5, 4601-7, and 4601-9 of this title. Section 1, clause 2 of said Act amended former section 4601-7 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-287 substituted "chapter 2003 of title 54" for "the Land and Water Conservation Fund Act (78 Stat. 897), as amended".

2009—Subsec. (c). Pub. L. 111-11 added subsec. (c) and struck out former subsec. (c) which appropriated such sums as necessary to implement the provisions of this chapter relating to the trails designated by section 1244(a) of this title.

2004—Subsec. (c)(1). Pub. L. 108-352 substituted "the Ice Age" for "The Ice Age".

1996—Subsec. (a)(2). Pub. L. 104-333 struck out at end "Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives:

"(A) the amount of land acquired during the fiscal year and the amount expended therefor;

"(B) the estimated amount of land remaining to be acquired; and

"(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof."

1994—Subsec. (a)(2). Pub. L. 103-437 in introductory provisions substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1990—Subsec. (c)(2). Pub. L. 101-365 amended first sentence generally. Prior to amendment, first sentence read as follows: "There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this chapter relating to the trails designated by paragraphs (9), (10), (11), (12), (13), (15), and (16) of section 1244(a) of this title."

1987—Subsec. (c)(2). Pub. L. 100-192 substituted "(10), (11), (12), (13), (15), and (16)" for "through (13) and (15)". Pub. L. 100-35 inserted "and (15)" after "(13)".

1983—Subsec. (a)(1). Pub. L. 98-11, §209(1), (2), inserted "(a)(1)" before "There are hereby authorized to be appropriated" at beginning of undesignated opening paragraph, and substituted "for the" for "(a) The" before "Appalachian National Scenic Trail" at beginning of former subsec. (a).

Subsec. (a)(2). Pub. L. 98-11, §209(3), (4), inserted "(2)" before sentence beginning "It is the express intent of the Congress" and substituted "protection of the Appalachian Trail" for "protection of the Trail".

Subsec. (c). Pub. L. 98-11, §209(5), designated existing provisions as par. (1), inserted provision that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 1246(c) of this title, and added par. (2).

1980—Subsec. (c). Pub. L. 96-370 substituted "(7), (8), (9), and (10)" for "(7), and (8)" and inserted reference to the Ice Age National Scenic Trail.

Pub. L. 96-199 inserted references to the North Country National Scenic Trail in two places, once by its full name and once by the designation as the trail "designated by" section 1244(a)(8) of this title, substituted "appropriated prior to October 1, 1978" for "appropriated prior to October 1, 1979", and substituted "no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal area" for "no funds may be expended for the acquisition of lands or interests in lands".

1978—Pub. L. 95-248 inserted provisions relating to determinations respecting appropriations authorized for fiscal year 1979 and succeeding fiscal years.

Subsec. (a). Pub. L. 95-625 struck out par. (1) designation, substituted “in subsequent fiscal years” for “in the subsequent fiscal year” and struck out par. (2) which provided for transmission of a report to Congressional committees by the Appalachian Trail Conference at the close of each fiscal year, until entire acquisition program was completed, covering conduct of negotiations for acquisition program and whether larger interests in land were being acquired than were necessary for the purposes of this chapter.

Subsec. (c). Pub. L. 95-625 added subsec. (c).

EFFECTIVE DATE OF APPROPRIATION AUTHORIZATIONS UNDER PUB. L. 98-11; CONTRACT AUTHORITY

Pub. L. 98-11, title I, §101, Mar. 28, 1983, 97 Stat. 42, provided that: “Authorizations of appropriations under this Act [enacting sections 1250 and 1251 of this title, amending this section and sections 1241 to 1247 of this title, and enacting provisions set out as a note under section 1241 of this title] shall be effective only for the fiscal year beginning on October 1, 1983, and subsequent fiscal years. Notwithstanding any other provision of this Act, authority to enter into contracts, and to make payments, under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.”

APPROPRIATIONS FOR OVERMOUNTAIN VICTORY NATIONAL HISTORIC TRAIL AND ICE AGE NATIONAL SCENIC TRAIL; EFFECTIVE DATE; CONTRACT AUTHORITY

Pub. L. 96-370, §2, Oct. 3, 1980, 94 Stat. 1360, provided that: “Authorizations of moneys to be appropriated under this Act [amending sections 1244 and 1249 of this title] shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.”

§ 1250. Volunteer trails assistance

(a) Volunteer planning, development, maintenance, and management of trails

(1) In addition to the cooperative agreement and other authorities contained in this chapter, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this chapter, the Secretaries are authorized and encouraged to utilize section 102301 of title 54, the Volunteers in the Forests Act of 1972 [16 U.S.C. 558a et seq.], and 200305¹ of title 54 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Scope of volunteer work

Each Secretary or the head of any Federal land managing agency may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

(c) Use of Federal facilities, equipment, tools, and technical assistance

The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

(Pub. L. 90-543, §11, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 49; amended Pub. L. 113-287, §5(d)(27), Dec. 19, 2014, 128 Stat. 3267.)

REFERENCES IN TEXT

The Volunteers in the Forests Act of 1972, referred to in subsec. (a)(2), probably means the Volunteers in the National Forests Act of 1972, Pub. L. 92-300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-287 substituted “section 102301 of title 54” for “the Volunteers in the Parks Act of 1969” and “200305 of title 54” for “section 460L-8 of this title”.

§ 1251. Definitions

As used in this chapter:

(1) The term “high potential historic sites” means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term “high potential route segments” means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term “without expense to the United States” means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under chapter 2003 of title 54 or any other pro-

¹ So in original. Probably should be preceded by “section”.