

54 USC Ch. 2003: LAND AND WATER CONSERVATION FUND**From Title 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS**

Subtitle II—Outdoor Recreation Programs

CHAPTER 2003—LAND AND WATER CONSERVATION FUND

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§200301. Definitions

In this chapter:

(1) **FUND.**—The term "Fund" means the Land and Water Conservation Fund established under section 200302 of this title.

(2) **STATE.**—The term "State" means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3171.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200301(1)	no source.	
200301(2)	16 U.S.C. 460I–8(b)(5) (last sentence).	Pub. L. 88–578, title I, §6(b)(5) (last sentence), formerly §5, Sept. 3, 1964, 78 Stat. 900; renumbered §6, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; Pub. L. 94–422, title I, §101(3), Sept. 28, 1976, 90 Stat. 1315.

§200302. Establishment of Land and Water Conservation Fund

(a) **ESTABLISHMENT.**—There is established in the Treasury the Land and Water Conservation Fund.

(b) **DEPOSITS.**—During the period ending September 30, 2018, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of

any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than \$900,000,000 for each fiscal year through September 30, 2018.

(2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3171; Pub. L. 114–113, div. O, title VIII, §801(a), Dec. 18, 2015, 129 Stat. 3030.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200302	16 U.S.C. 460I–5.	Pub. L. 88–578, title I, §2, Sept. 3, 1964, 78 Stat. 897; Pub. L. 89–72, §11, July 9, 1965, 79 Stat. 218; Pub. L. 90–401, §§1(a), 2, July 15, 1968, 82 Stat. 354, 355; Pub. L. 91–308, §2, July 7, 1970, 84 Stat. 410; Pub. L. 91–485, §1, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 94–273, §2(7), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94–422, title I, §101(1), Sept. 28, 1976, 90 Stat. 1313; Pub. L. 95–42, §1(1), June 10, 1977, 91 Stat. 210; Pub. L. 100–203, title V, §5201(f)(1), Dec. 22, 1987, 101 Stat. 1330–267.

In subsection (b), the words "section 572(a) or 574(a) to (c) of title 40" are substituted for "section 485(b)(e)[sic], title 40, United States Code", and the words "chapter 5 of title 40" are substituted for "the Federal Property and Administrative Services Act of 1949, as amended" because of section 5(c) of the Act of August 21, 2002 (Public Law 107–217, 116 Stat. 1303), the 1st section of which enacted Title 40, United States Code, and in the case of "chapter 5 of title 40", to provide a more precise cross reference. The words "any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property" are substituted for "the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act" to update the reference.

In subsection (c)(1), reference to fiscal years 1977 and 1978 and the word "thereafter" are omitted as obsolete.

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in subsec. (c)(2), is act [Aug. 7, 1953, ch. 345](#), 67 Stat. 462, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 43 and Tables.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–113, §801(a)(1), substituted "September 30, 2018" for "September 30, 2015" in introductory provisions.

Subsec. (c)(1). Pub. L. 114–113, §801(a)(2), substituted "September 30, 2018" for "September 30, 2015".

ESTABLISHMENT AND COLLECTION OF USE OR ROYALTY FEES FOR MANUFACTURE, REPRODUCTION, OR USE OF "GOLDEN EAGLE INSIGNIA"

Pub. L. 92–347, §3(a), [July 11, 1972](#), 86 Stat. 461, provided that: "The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of 'The Golden Eagle Insignia', originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund."

TERMINATION OF RIGHTS IN "GOLDEN EAGLE INSIGNIA"

Pub. L. 92-347, §3(d), July 11, 1972, 86 Stat. 462, provided that: "The rights in 'The Golden Eagle Insignia' under this Act [see Tables for classification], shall terminate if the use by the Secretary of the Interior of 'The Golden Eagle Insignia' is abandoned. Nonuse for a continuous period of two years shall constitute abandonment."

EX. ORD. NO. 11200. ESTABLISHMENT OF RECREATION USER FEES

Ex. Ord. No. 11200, Feb. 26, 1965, 30 F.R. 2645, provided:

WHEREAS it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

WHEREAS these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

WHEREAS the Act of May 28, 1963, 77 Stat. 49 [see 54 U.S.C. 200101 et seq.], vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

WHEREAS it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

WHEREAS the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88-578; 78 Stat. 897 [see 54 U.S.C. 200301 et seq.] (hereafter in this order referred to as "the Act");

NOW, THEREFORE, by virtue of the authority vested in me by the Act, by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Designation of areas for 1965. (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act [former 16 U.S.C. 460I-5(a)], as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. Designation of areas for years after 1965. (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c)(1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore

been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. Criteria for designation of areas. Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

- (1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;
 - (2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;
 - (3) The area has recreation facilities or services provided at Federal expense; and
 - (4) The nature of the area is such that fee collection is administratively and economically practical.
- (b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. Posting of designated areas. The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. Establishment of fees. (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fees, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act [former 16 U.S.C. 460I-5(a)(i)] and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act [former 16 U.S.C. 460I-5(a)(iii)]. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fees. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

SEC. 6. Coordination. (a) The Secretary of the Interior shall after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act [former 16 U.S.C. 460I-5(a), 460I-7(a)] and the provisions of this order.

(b)(1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the act [former 16 U.S.C. 460I-7(a)].

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 [superseded by Ex. Ord. No. 11278, which in turn was revoked by Ex. Ord. No. 11472, which is set out as a note under section 4321 of Title 42, The Public Health and Welfare] for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials

described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provision shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON.

§200303. Appropriations for expenditure of Fund amounts

Amounts deposited in the Fund shall be available for expenditure for the purposes of this chapter only when appropriated for those purposes. The appropriations may be made without fiscal-year limitation. Amounts made available for obligation or expenditure from the Fund may be obligated or expended only as provided in this chapter.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3172.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200303	16 U.S.C. 460I–6.	Pub. L. 88–578, title I, §3, Sept. 3, 1964, 78 Stat. 899; Pub. L. 100–203, title V, §5201(f) (2), Dec. 22, 1987, 101 Stat. 1330-267.

The words "or from the special account established under section 460I–6a(i)(1) of this title" are omitted as obsolete.

§200304. Statement of estimated requirements

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Fund. Not less than 40 percent of such appropriations shall be available for Federal purposes.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3172.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200304	16 U.S.C. 460I–7.	Pub. L. 88–578, title I, §5, formerly §4, Sept. 3, 1964, 78 Stat. 900; Pub. L. 90–401, §3, July 15, 1968, 82 Stat. 355; renumbered §5, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; Pub. L. 94–273, §3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94–422, title I, §101(2), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95–42, §1(2), June 10, 1977, 91 Stat. 210.

The references to fiscal years 1978 and 1979 and the special account are omitted as obsolete.

§200305. Financial assistance to States

(a) **AUTHORITY OF SECRETARY TO MAKE PAYMENTS.**—The Secretary may provide financial assistance to the States from amounts available for State purposes. Payments may be made to the States by the Secretary as provided in

this section, subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this chapter, for outdoor recreation:

- (1) Planning.
- (2) Acquisition of land, water, or interests in land or water.
- (3) Development.

(b) **APPORTIONMENT AMONG STATES.**—Amounts appropriated and available for State purposes for each fiscal year shall be apportioned among the States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty percent of the 1st \$225,000,000; 30 percent of the next \$275,000,000; and 20 percent of all additional appropriations shall be apportioned equally among the States.

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in the Secretary's judgment will best accomplish the purposes of this chapter. The determination of need shall include consideration of—

- (A) the proportion that the population of each State bears to the total population of the United States;
- (B) the use of outdoor recreation resources of each State by persons from outside the State; and
- (C) the Federal resources and programs in each State.

(3) The total allocation to a State under paragraphs (1) and (2) shall not exceed 10 percent of the total amount allocated to all of the States in any one year.

(4) The Secretary shall notify each State of its apportionments. The amounts shall be available for payment to the State for planning, acquisition, or development projects as prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given and for 2 fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) without regard to the 10 percent limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one State, and shall receive shares of the apportionment in proportion to their populations.

(c) **MATCHING REQUIREMENTS.**—Payments to any State shall cover not more than 50 percent of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with funds or services as shall be satisfactory to the Secretary.

(d) **COMPREHENSIVE STATE PLAN.**—

(1) **REQUIRED FOR CONSIDERATION OF FINANCIAL ASSISTANCE.**—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this chapter. No plan shall be approved unless the chief executive official of the State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the chief executive official. The plan shall contain—

- (A) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this chapter;
- (B) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;
- (C) a program for the implementation of the plan; and
- (D) other necessary information, as determined by the Secretary.

(2) **FACTORS TO BE CONSIDERED.**—The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Secretary of Housing and Urban Development, any statewide outdoor recreation plan prepared for purposes of this part shall be based on the same population, growth, and other pertinent factors as are used in formulating plans financed by the Secretary of Housing and Urban Development.

(3) **PROVISION OF ASSISTANCE WHEN PLAN NOT OTHERWISE AVAILABLE OR TO MAINTAIN PLAN.**—The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when the plan is not otherwise available or for the maintenance of the plan.

(4) **WETLANDS.**—A comprehensive statewide outdoor recreation plan shall specifically address wetlands within the State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3921) or, if the national plan has not been completed, consistent with the provisions of that section.

(e) PROJECTS FOR LAND AND WATER ACQUISITION AND DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—

(1) IN GENERAL.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the types of projects described in paragraphs (2) and (3), or combinations of those projects, if the projects are in accordance with the State comprehensive plan.

(2) ACQUISITION OF LAND OR WATER.—

(A) IN GENERAL.—Under paragraph (1), the Secretary may provide financial assistance for a project for the acquisition of land, water, or an interest in land or water, or a wetland area or an interest in a wetland area, as identified in the wetlands provisions of the comprehensive plan (other than land, water, or an interest in land or water acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(B) RETENTION OF RIGHT OF USE AND OCCUPANCY.—When a State provides that the owner of a single-family residence may, at the owner's option, elect to retain a right of use and occupancy for not less than 6 months after the date of acquisition of the residence and the owner elects to retain such a right—

(i) the owner shall be deemed to have waived any benefits under sections 203 to 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623 to 4626); and

(ii) for the purposes of those sections the owner shall not be deemed to be a displaced person as defined in section 101 of that Act (42 U.S.C. 4601).

(3) DEVELOPMENT OF BASIC OUTDOOR RECREATION FACILITIES.—Under paragraph (1), the Secretary may provide financial assistance for a project for development of basic outdoor recreation facilities to serve the general public, including the development of Federal land under lease to States for terms of 25 years or more. No assistance shall be available under this chapter to enclose or shelter a facility normally used for an outdoor recreation activity, but the Secretary may permit local funding, not to exceed 10 percent of the total amount allocated to a State in any one year, to be used for construction of a sheltered facility for a swimming pool or ice skating rink in an area where the Secretary determines that the construction is justified by the severity of climatic conditions and the increased public use made possible by the construction.

(f) PAYMENTS.—

(1) CRITERIA FOR MAKING PAYMENTS.—The Secretary may make a payment to a State only for a planning, acquisition, or development project that is approved by the Secretary. The Secretary shall not make a payment for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance shall be given under any other Federal program or activity for or on account of any project with respect to which the assistance has been given or promised under this chapter. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of a project. The approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of all of the projects, and to operate and maintain by acceptable standards, at State expense, the properties or facilities acquired or developed for public outdoor recreation use.

(2) PAYMENT RECIPIENTS.—Payments for all projects shall be made by the Secretary to the chief executive official of the State or to a State official or agency designated by the chief executive official or by State law having authority and responsibility to accept and to administer funds paid under this section for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use. The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) REPORTS AND ACCOUNTING PROCEDURES.—No payment shall be made to any State until the State has agreed to—

(A) provide such reports to the Secretary in such form and containing such information as may be reasonably necessary to enable the Secretary to perform the Secretary's duties under this chapter; and

(B) provide such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement and accounting for Federal funds paid to the State under this chapter.

(g) RECORDS.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records that fully disclose—

- (1) the amount and the disposition by the recipient of the proceeds of the assistance;
- (2) the total cost of the project or undertaking in connection with which the assistance is given or used; and
- (3) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(h) ACCESS TO RECORDS.—The Secretary, and the Comptroller General, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(i) PROHIBITION OF DISCRIMINATION.—With respect to property acquired or developed with assistance from the Fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(j) COORDINATION WITH FEDERAL AGENCIES.—To ensure consistency in policies and actions under this chapter with other related Federal programs and activities and to ensure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities—

- (1) the President may issue such regulations with respect thereto as the President considers desirable; and
- (2) the assistance may be provided only in accordance with the regulations.

(k) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

(1) AVAILABILITY AND PURPOSE OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

- (A) increase lighting within or adjacent to public parks and recreation areas;
- (B) provide emergency telephone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;
- (C) increase security personnel within or adjacent to public parks and recreation areas; and
- (D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) ELIGIBILITY.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall depend on a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) FEDERAL SHARE.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by a State for the purposes described in this subsection.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3172.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200305	16 U.S.C. 460/–8(less (b)(5) (last sentence)).	Pub. L. 88–578, title I, §6, formerly §5(less (b)(5) (last sentence)), Sept. 3, 1964, 78 Stat. 900; renumbered §6, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; Pub. L. 93–303, §2, June 7, 1974, 88 Stat. 194; Pub. L. 94–422, title I, §101(3), Sept. 28, 1976, 90 Stat. 1314. 1315; Pub. L. 95–625, title VI, §606, Nov. 10, 1978, 92 Stat. 3519; Pub. L. 99–645, title III, §303, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103–322, title IV, §40133, Sept. 13, 1994, 108 Stat. 1918; Pub. L. 103–437, §6(p)(2), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–333, div. I, title VIII, §814(d)(1)(H), Nov. 12, 1996, 110 Stat. 4196.

In subsection (b)(5), the words "(when such islands achieve Commonwealth status)" are omitted as obsolete.

In subsection (c), the words "No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to September 3, 1964" are omitted as obsolete.

In subsection (d)(2), the words "Secretary of Housing and Urban Development" are substituted for "Housing and Home Finance Agency" because of 42 U.S.C. 3534.

In subsection (d)(4), the words "For fiscal year 1988 and thereafter" are omitted as obsolete.

In subsection (e)(3), the words "and after September 28, 1976" are omitted as obsolete.

In subsection (f)(2), the words "chief executive official" are substituted for "Governor" for clarity and for consistency in the new title.

In subsection (j), the words "(including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954)" are omitted as obsolete. The authority to make grants or loans under title VII terminated on December 31, 1974. Section 701 was repealed by section 313(b) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 398).

In subsection (k)(3), the words "and the remaining share of the cost shall be borne by the State" are omitted as unnecessary.

§200306. Allocation of Fund amounts for Federal purposes

(a) ALLOWABLE PURPOSES AND SUBPURPOSES.—

(1) **IN GENERAL.**—Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR WATER.—

(A) SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR RECREATION PURPOSES.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of—

- (i) a System unit authorized or established; and
- (ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) NATIONAL FOREST SYSTEM.—

(i) **IN GENERAL.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within—

- (I) wilderness areas of the National Forest System; and
- (II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) **ADJACENT LAND.**—Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) **LIMITATION.**—Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for

- (i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));
- (ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k-1);
- (iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and
- (iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) **PAYMENT AS OFFSET OF CAPITAL COSTS.**—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) **AVAILABILITY OF APPROPRIATIONS.**—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas, prior to January 15, 1979, except

that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or \$1,000,000, whichever is greater.

(b) ACQUISITION RESTRICTIONS.—Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized. (Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3177.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200306	16 U.S.C. 460I–9(a), (b).	Pub. L. 88–578, title I, §7, formerly §6, Sept. 3, 1964, 78 Stat. 903; Pub. L. 90–401, §1(c), July 15, 1968, 82 Stat. 355; renumbered §7, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93–205, §13(c), Dec. 28, 1973, 87 Stat. 902; Pub. L. 94–422, title I, §101(4), Sept. 28, 1976, 90 Stat. 1317; Pub. L. 95–42, §1(3)–(5), June 10, 1977, 91 Stat. 210, 211; Pub. L. 96–203, §2, Mar. 10, 1980, 94 Stat. 81; Pub. L. 99–645, title III, §302, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103–437, §6(p)(3), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–333, div. I, title VIII, §814(b), (d)(2)(C), Nov. 12, 1996, 110 Stat. 4194, 4196; Pub. L. 106–176, title I, §§120(b), 129, Mar. 10, 2000, 114 Stat. 28, 30.

In subsection (a)(4), the words "January 4, 1977" are substituted for "the convening of the Ninety-fifth Congress", and the words "January 15, 1979" are substituted for "the convening of the Ninety-sixth Congress", for clarity.

§200307. Availability of Fund amounts for publicity purposes

(a) IN GENERAL.—Amounts derived from the sources listed in section 200302 of this title shall not be available for publicity purposes.

(b) EXCEPTION FOR TEMPORARY SIGNING.—In a case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Fund. The signing may indicate the percentage amounts and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes amounts derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of the signing to ensure consistency of design and application.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3179.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200307	16 U.S.C. 460I–10.	Pub. L. 88–578, title I, §8, formerly §7, Sept. 3, 1964, 78 Stat. 903; renumbered §8, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; Pub. L. 94–422, title I, §101(5), Sept. 28, 1976, 90 Stat. 1318.

§200308. Contracts for acquisition of land and water

Not more than \$30,000,000 of the amount authorized to be appropriated from the Fund by section 200303 of this title may be obligated by contract during each fiscal year for the acquisition of land, water, or interest in land or water within areas specified in section 200306(a)(2) of this title. The contract may be executed by the head of the

department concerned, within limitations prescribed by the Secretary. The contract shall be a contractual obligation of the United States and shall be liquidated with money appropriated from the Fund specifically for liquidation of that contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless the acquisition is otherwise authorized by Federal law.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3179.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200308	16 U.S.C. 460I–10a.	Pub. L. 88–578, title I, §9, formerly §8, as added Pub. L. 90–401, §4, July 15, 1968, 82 Stat. 355; Pub. L. 91–308, §3, July 7, 1970, 84 Stat. 410; renumbered §9, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; Pub. L. 93–303, §3, June 7, 1974, 88 Stat. 194.

RESCISSION OF CONTRACT AUTHORITY

Provisions rescinding contract authority provided for specific fiscal years by 16 U.S.C. 460I–10a (now this section) were contained in the appropriation acts listed in a note under former section 460I–10a of Title 16, Conservation, and in the following appropriation acts:

Pub. L. 114–113, div. G, title I, Dec. 18, 2015, 129 Stat. 2532.

Pub. L. 113–235, div. F, title I, Dec. 16, 2014, 128 Stat. 2402.

Pub. L. 113–76, div. G, title I, Jan. 17, 2014, 128 Stat. 295.

§200309. Contracts for options to acquire land and water in System

The Secretary may enter into contracts for options to acquire land, water, or interests in land or water within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the System. The minimum period of any such option shall be 2 years, and any sums expended for the purchase of an option shall be credited to the purchase price of the area. Not more than \$500,000 of the sum authorized to be appropriated from the Fund by section 200303 of this title may be expended by the Secretary in any one fiscal year for the options.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3179.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200309	16 U.S.C. 460I–10b.	Pub. L. 88–578, title I, §10, formerly §9, as added Pub. L. 90–401, §4, July 15, 1968, 82 Stat. 355; renumbered §10, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459.

§200310. Transfers to and from Fund

(a) MOTORBOAT FUEL TAXES.—There shall be set aside in the Fund the amounts specified in section 9503(c)(3)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(3)(B)).

(b) REFUNDS OF TAXES.—There shall be paid from time to time from the Fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before October 1, 2017, under section 6421 of the Internal Revenue Code of 1986 (26 U.S.C. 6421) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 2016; and

(2) 80 percent of the floor stocks refunds made before October 1, 2017, under section 6412(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 6412(a)(1)) with respect to gasoline to be used in motorboats.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3179; Pub. L. 114–94, div. C, title XXXI, §31102(e)(2)(B), Dec. 4, 2015, 129 Stat. 1728.)

AMENDMENT OF SECTION

Pub. L. 114–94, div. C, title XXXI, §31102(e)(2)(B), (f), Dec. 4, 2015, 129 Stat. 1728, provided that, effective Oct. 1, 2016, this section is amended as follows:

(1) by striking "October 1, 2017" each place it appears and inserting "October 1, 2023"; and

(2) by striking "October 1, 2016" and inserting "October 1, 2022".
See 2015 Amendment notes below.

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200310	16 U.S.C. 460/-11.	Pub. L. 88-578, title II, §201, Sept. 3, 1964, 78 Stat. 904; Pub. L. 91-605, title III, §302, Dec. 31, 1970, 84 Stat. 1743; Pub. L. 94-273, §3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-280, title III, §302, May 5, 1976, 90 Stat. 456; Pub. L. 95-599, title V, §503(b), Nov. 6, 1978, 92 Stat. 2757; Pub. L. 97-424, title V, §531(c), Jan. 6, 1983, 96 Stat. 2191; Pub. L. 99-514, §2, title XVIII, §1875(e), Oct. 22, 1986, 100 Stat. 2095, 2897; Pub. L. 100-17, title V, §503(c), Apr. 2, 1987, 101 Stat. 258; Pub. L. 101-508, title XI, §11211(g)(2), Nov. 5, 1990, 104 Stat. 1388-427; Pub. L. 102-240, title VIII, §8002(d)(2)(B), Dec. 18, 1991, 105 Stat. 2204; Pub. L. 105-178, title IX, §9002(c)(2)(B), June 9, 1998, 112 Stat. 500; Pub. L. 109-59, title XI, §11101(c)(2)(B), Aug. 10, 2005, 119 Stat. 1944; Pub. L. 112-30, title I, §142(e)(2)(B), Sept. 16, 2011, 125 Stat. 356; Pub. L. 112-102, title IV, §402(e)(2)(B), Mar. 30, 2012, 126 Stat. 282; Pub. L. 112-140, title IV, §402(d)(2)(B), June 29, 2012, 126 Stat. 403; Pub. L. 112-141, div. D, title I, §40102(e)(2)(B), July 6, 2012, 126 Stat. 845.

In subsection (a), the words "(relating to special motor fuels and gasoline used in motorboats)" are omitted as unnecessary.

In subsection (b), the words "(relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems)" are omitted as unnecessary.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114-94 substituted "October 1, 2023" for "October 1, 2017" and "October 1, 2022" for "October 1, 2016".

Subsec. (b)(2). Pub. L. 114-94, §31102(e)(2)(B)(i), substituted "October 1, 2023" for "October 1, 2017".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2016, see section 31102(f) of Pub. L. 114-94, set out as a note under section 4041 of Title 26, Internal Revenue Code.