

without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

**(f) Processing of permit applications**

The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

(Pub. L. 106-206, §1, May 26, 2000, 114 Stat. 314.)

REFERENCES IN TEXT

Public Law 104-134, referred to in subsec. (e)(1), is Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321, known as the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The Recreational Fee Demonstration Program was authorized by Pub. L. 104-134, title I, §101(c) [title III, §315], Apr. 26, 1996, 110 Stat. 1321-156, 1321-200, as amended, which was set out as a note under section 4601-6a of this title, prior to repeal by Pub. L. 108-447, div. J, title VIII, §813(b), Dec. 8, 2004, 118 Stat. 3390. For complete classification of Pub. L. 104-134 to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Land and Water Conservation Fund Act of 1965 which comprises this part.

**§ 4601-7. Allocation of land and water conservation fund for State and Federal purposes**

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 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 4601-5 of this title. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

- (1) the national park system;
- (2) national scenic trails;
- (3) the national wilderness preservation system;
- (4) federally administered components of the National Wild and Scenic Rivers System; and
- (5) national recreation areas administered by the Secretary of Agriculture.

(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; amended 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.)

REFERENCES IN TEXT

The convening of the Ninety-fifth Congress, referred to in text, took place on Jan. 4, 1977.

PRIOR PROVISIONS

A prior section 5 of Pub. L. 88-578 was renumbered section 6 and is classified to section 4601-8 of this title.

AMENDMENTS

1977—Pub. L. 95-42 inserted last four sentences providing that appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 continue to be allocated in accordance with this section, that there be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 4601-5 of this title, that amounts credited to this account remain in the account until appropriated, and that appropriations from the special account be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries of the national park system, national scenic trails, the national wilderness preservation system, federally administered components of the National Wild and Scenic Rivers System, and national recreation areas administered by the Secretary of Agriculture.

1976—Pub. L. 94-422 revised subsec. (a), striking out designation “(a)” and striking out provisions relating to the authority of the President to vary percentages of the fund to be made available to the States and Federal government, and struck out subsec. (b) relating to advance appropriations to be allocated for State and Federal purposes and the schedule and procedure for repayment of such appropriations.

Subsec. (b). Pub. L. 94-273 substituted “October” for “July” wherever appearing.

1968—Subsec. (b). Pub. L. 90-401 substituted “until the end of fiscal year 1969” for “for a total of eight years” in provision spelling out the term during which the advance appropriations are authorized from moneys in the Treasury not otherwise appropriated in amounts averaging not more than \$60,000,000 for each fiscal year.

**§ 4601-8. Financial assistance to States**

**(a) Authority of Secretary of the Interior; payments to carry out purposes of land and water conservation provisions**

The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this part, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

**(b) Apportionment among States; finality of administrative determination; formula; notification; reapportionment of unobligated amounts; definition of State**

Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

- (1) Forty per centum of the first \$225,000,000;
- thirty per centum of the next \$275,000,000; and
- twenty per centum of all additional appropriations shall be apportioned equally among the several States; and<sup>1</sup>

<sup>1</sup> So in original. Probably should end with period instead of “; and”.

(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 his judgment will best accomplish the purposes of this part. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

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

(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of sections 4601-4 to 4601-6a and 4601-7 to 4601-10e of this title.

**(c) Matching requirements**

Payments to any State shall cover not more than 50 per centum 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 such funds or services as shall be satisfactory to the Secretary. 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.

**(d) Comprehensive State plan; necessity; adequacy; contents; correlation with other plans; factors for formulation of Housing and Home Finance Agency financed plans; planning projects; wetlands consideration; wetlands priority plan**

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 part: *Provided*, That no plan shall be approved unless the Governor of the respective 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 Governor. The plan shall contain—

(1) 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 part;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

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 Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this part shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that 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 of the National Park Service, 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 3921 of this title or, if such national plan has not been completed, consistent with the provisions of that section<sup>2</sup>

**(e) Projects for land and water acquisition; development**

In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) For the acquisition of land, waters, or interests in land or waters, or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

<sup>2</sup> So in original. Probably should be followed by a period.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 4623, 4624, 4625, and 4626 of title 42 and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(2) For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this part to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after September 28, 1976, not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

**(f) Requirements for project approval; conditions; progress payments; payments to Governors or State officials or agencies; State transfer of funds to public agencies; conversion of property to other uses; reports to Secretary; accounting; records; audit; discrimination prohibited**

(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary 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 may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this part. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That 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 the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder 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) 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 uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.<sup>3</sup> *Provided*, That 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 that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this part, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this part.

(5) Each recipient of assistance under this part shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and 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.

(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this part.

(7) Repealed. Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(H), Nov. 12, 1996, 110 Stat. 4196.

(8) 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.

**(g) Coordination with Federal agencies**

In order to assure consistency in policies and actions under this part with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 [42 U.S.C. 1500 et seq.] and section 701<sup>4</sup> of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regula-

<sup>3</sup> So in original. The period probably should not appear.

<sup>4</sup> See References in Text note below.

tions with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

**(h) Capital improvement and other projects to reduce crime**

**(1) Availability of funds**

In addition to assistance for planning projects, and in addition to the projects identified in subsection (e) of this section, 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 phone 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 be dependent upon 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) of this section, the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State.

(Pub. L. 88-578, title I, § 6, formerly § 5, Sept. 3, 1964, 78 Stat. 900; renumbered § 6, Pub. L. 92-347, § 2, July 11, 1972, 86 Stat. 459; amended 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; 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.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this Act", meaning Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified principally to this part. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

The Housing Act of 1961, referred to in subsec. (g), is Pub. L. 87-70, June 30, 1961, 75 Stat. 149, as amended.

Title VII of the Housing Act of 1961 was classified generally to chapter 8C (§1500 et seq.) of Title 42, The Public Health and Welfare, and was omitted from the Code pursuant to section 5316 of Title 42 which terminated authority to make grants or loans under title VII of that Act after Jan. 1, 1975. For complete classification of this Act to the Code, see Short Title of 1961 Amendment note set out under section 1701 of Title 12, Banks and Banking, and Tables.

Section 701 of the Housing Act of 1954, referred to in subsec. (g), is section 701 of act Aug. 2, 1954, ch. 649, title VII, 68 Stat. 640, as amended, which was classified to section 461 of former Title 40, Public Buildings, Property, and Works, and was repealed by Pub. L. 97-35, title III, § 313(b), Aug. 13, 1981, 95 Stat. 398.

PRIOR PROVISIONS

A prior section 6 of Pub. L. 88-578 was renumbered section 7 and is classified to section 4601-9 of this title.

AMENDMENTS

1996—Subsec. (f)(7). Pub. L. 104-333 struck out par. (7) relating to annual State evaluations, lists of funded projects, and reports.

1994—Subsec. (f)(7). Pub. L. 103-437 substituted "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" for "Committees on Interior and Insular Affairs of the United States Congress".

Subsec. (h). Pub. L. 103-322 added subsec. (h).

1986—Subsec. (d). Pub. L. 99-645, § 303(1), inserted provision requiring that for fiscal year 1988 and thereafter, each comprehensive statewide outdoor recreation plan specifically address wetlands within the State as an important outdoor recreation resource, or alternatively, submission of a wetlands priority plan developed in consultation with the State agency responsible for fish and wildlife resources in the State.

Subsec. (e)(1). Pub. L. 99-645, § 303(2), inserted " , or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan".

Subsec. (f)(3). Pub. L. 99-645, § 303(3), inserted provision that 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 that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

1978—Subsec. (f)(7). Pub. L. 95-625 provided that grant program evaluations be transmitted so as to be received by the Secretary no later than December 31 and that reports to Congressional committees be made by no later than March 1 of each year.

1976—Subsec. (a). Pub. L. 94-422 reenacted subsec. (a) without change.

Subsec. (b)(1). Pub. L. 94-422 substituted "Forty per centum of the first \$275,000,000; thirty per centum of the next \$275,000,000; and twenty per centum of all additional appropriations" for "two-fifths".

Subsec. (b)(2). Pub. L. 94-422 substituted "At any time, the remaining appropriations" for "three-fifths".

Subsec. (b)(3). Pub. L. 94-422 designated as par. (3) the first paragraph following par. (2), and substituted "10 per centum" for "7 per centum".

Subsec. (b)(4). Pub. L. 94-422 designated as par. (4) the second paragraph following par. (2), and substituted "in accordance with paragraph 2 of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection" for "in accordance with paragraph 2 of this subsection".

Subsec. (b)(5). Pub. L. 94-422 designated as par. (5) the third paragraph following par. (2), and added Northern Mariana Islands to those areas to be treated and provision that such areas be treated collectively as one State for purposes of subsec. (b)(1) and substituted requirement that a State shall receive shares of apportionment in proportion to their population for require-

ment that the State's population shall be included as part of the total population in computing apportionment under subsec. (b)(2).

Subsec. (c). Pub. L. 94-422 reenacted subsec. (c) without change.

Subsec. (d). Pub. L. 94-422 inserted proviso that no plan shall be approved unless certified by the Governor that public participation in plan development and revision has been accorded and that the Secretary shall develop criteria for public participation to form basis of certification by Governor.

Subsec. (e). Pub. L. 94-422 inserted proviso that no assistance shall be available under this part to enclose or shelter facilities normally used for outdoor recreation activities and authorized Secretary to permit local funding after Sept. 28, 1976, not to exceed 10 per centum of total amount allocated to States.

Subsec. (f). Pub. L. 94-422 designated existing six paragraphs as pars. (1) to (6), respectively, and added pars. (7) and (8).

Subsec. (g). Pub. L. 94-422 reenacted subsec. (g) without change.

1974—Subsec. (e)(1). Pub. L. 93-303 inserted sentence relating to waiver of benefits by an owner of a single-family residence who elects to retain a right of use and occupancy for not less than six months from the date of acquisition of the residence.

#### TRANSFER OF FUNCTIONS

All functions of the Housing and Home Finance Agency and the Administrator thereof were transferred to the Secretary of Housing and Urban Development by section 5(a) of the Department of Housing and Urban Development Act (Pub. L. 89-174, Sept. 9, 1965, 79 Stat. 669) which is classified to section 3534(a) of Title 42, The Public Health and Welfare.

#### EXECUTIVE ORDER NO. 11237

Ex. Ord. No. 11237, July 27, 1965, 30 F.R. 9433, which related to coordinating planning and acquisition of land under outdoor recreation and open space programs, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

### § 4601-9. Allocation of land and water conservation fund moneys for Federal purposes

#### (a) Allowable purposes and subpurposes; acquisition of land and waters and interests therein; offset for specified capital costs

Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

*National Park System; recreation areas*—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

*National Forest System*—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral

part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

*National Wildlife Refuge System*—Acquisition for (a) endangered species and threatened species authorized under section 1534(a) of this title; (b) areas authorized by section 460k-1 of this title; (c) national wildlife refuge areas under section 742f(a)(4) of this title and wetlands acquired under section 3922 of this title; (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(3) Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings "National Park System; Recreation Areas" and "National Forest System" in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appropriations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such 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 such acquisition is otherwise authorized by law: *Provided, however*, That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

#### (c) Boundary changes; donations; authority of Secretary

(1) Whenever the Secretary of the Interior determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of an area of the national park system, he may, following timely notice in writing to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of his intention to do so, and by publication of a revised boundary map or other description in the Federal Register, (i) make minor revisions of the boundary of the area, and moneys appropriated from the fund shall be available for acquisition of any lands, waters, and interests therein added to the area by such boundary revision subject to such statutory limitations, if any, on methods of acquisi-