

ceived 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 requirement 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 acquisition and appropriations thereof as may be specifically applicable to such area; and (ii) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, lands, waters, or interests therein adjacent to such area, except that in exercising his authority under this clause (ii) the Secretary may not alienate property administered as part of the national park system in order to acquire lands by exchange, the Secretary may not acquire property without the consent of the owner, and the Secretary may acquire property owned by a State or political subdivision thereof only by donation. Prior to making a determination under this subsection, the Secretary shall consult with the duly elected governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of such proposed action, and he shall also take such steps as he may deem appropriate to advance local public awareness of the proposed action. Lands, waters, and interests therein acquired in accordance with this subsection shall be administered as part of the area to which they are added, subject to the laws and regulations applicable thereto.

(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the lands, waters, and interests therein to be

added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

(D) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director of the National Park Service obtains written consent for the boundary modification from all property owners whose lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein, will be added to or deleted from the area by the boundary modification.

(G) The lands abut other Federal lands administered by the Director of the National Park Service.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.

(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.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (a)(1), means the effective date of Pub. L. 88-578, which was Jan. 1, 1965. See Effective Date note set out under section 4607-4 of this title.

The convening of the Ninety-fifth Congress, referred to in subsec. (a)(3), took place on Jan. 4, 1977.

The convening of the Ninety-sixth Congress, referred to in subsec. (a)(3), took place on Jan. 15, 1979.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 88-578 was renumbered section 8 and is classified to section 4607-10 of this title.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106-176, §129, which directed the amendment of section 814(b)(2)(G) of Pub. L. 104-333 by substituting “abut” for “are adjacent to” was executed by making the substitution in subsec. (c)(2)(G) of this section which had been added by section 814(b)(2)(B) of Pub. L. 104-333, to reflect the probable intent of Congress. See 1996 Amendment note below.

Subsec. (c)(2)(C). Pub. L. 106-176, §120(b)(1), substituted “lands, waters, and interests therein” for “lands, water, and interest therein”.

Subsec. (c)(2)(F). Pub. L. 106-176, §120(b)(2), substituted “lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,” for “lands, water, or interests therein, or a portion of whose lands, water, or interests therein.”

1996—Subsec. (a)(3). Pub. L. 104-333, §814(d)(2)(C), struck out at end “The Secretary of the Interior shall, prior to the expenditure of funds which would cause a statutory ceiling to be exceeded by \$1,000,000 or more, and with respect to each expenditure of \$1,000,000 or

more in excess of such a ceiling, provide written notice of such proposed expenditure not less than thirty calendar days in advance to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate."

Subsec. (c). Pub. L. 104-333, §814(b)(2)(B), as amended by Pub. L. 106-176, §129, designated existing provisions as par. (1) and added par. (2).

Pub. L. 104-333, §814(b)(1), (2)(A), substituted "Committee on Resources" for "Committee on Natural Resources" and struck out "": *Provided, however*, That such authority shall apply only to those boundaries established subsequent to January 1, 1965" before "": and (ii)".

1994—Subsecs. (a)(3), (c). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1986—Subsec. (a)(1). Pub. L. 99-645, in provisions relating to the National Wildlife Refuge System, substituted "national wildlife refuge areas under section 742f(a)(4) of this title and wetlands acquired under section 3922 of this title" for "national wildlife refuge areas under section 742f(a)(5) of this title except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended".

1980—Subsec. (a)(3). Pub. L. 96-203, §2(1), inserted provisions relating to applicability to national recreation areas.

Subsec. (c). Pub. L. 96-203, §2(2), substituted "apply only to those boundaries established subsequent to January 1, 1965" for "expire ten years from the date of enactment of the authorizing legislation establishing such boundaries".

1977—Subsec. (a)(3). Pub. L. 95-42, §1(3), added par. (3).

Subsec. (b). Pub. L. 95-42, §1(4), inserted proviso that appropriations from the fund may be used for pre-acquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

Subsec. (c). Pub. L. 95-42, §1(5), added subsec. (c).

1976—Subsec. (a)(1). Pub. L. 94-422 in paragraph designated "National Forest System" inserted "or purchase units approved by the National Forest Reservation Commission, subsequent to September 3, 1965, all of" after "January 1, 1965," and substituted "three thousand" for "five hundred" and incorporated provisions contained in paragraphs designated "Endangered Species and Threatened Species" and "Recreation at refuges" into paragraph designated "National Wildlife Refuge System" inserting references to section 742f(a)(5) of this title, the Migratory Bird Conservation Act of 1929, and areas authorized for the National Wildlife Refuge System by specific Acts.

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

1973—Subsec. (a)(1). Pub. L. 93-205 substituted reference to "Endangered species and threatened species" followed by a definition covering "lands, waters, or interests therein, the acquisition of which is authorized under section 1533(a) of this title, needed for the purpose of conserving endangered or threatened species of fish or wildlife or plants" for a reference to "Threatened species" followed by a definition covering "any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction".

1968—Subsec. (a). Pub. L. 90-401 struck out "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 4601-5 of this title" after "purposes and subpurposes" in text preceding par. (1).

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-205 effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

For effective date of amendment by Pub. L. 90-401, see section 1(d) of Pub. L. 90-401, as amended by section 1 of Pub. L. 91-308, set out as a note under section 4601-5 of this title.

§ 4601-10. Availability of land and water conservation fund for publicity purposes; standardized temporary signing; standards and guidelines

Moneys derived from the sources listed in section 4601-5 of this title shall not be available for publicity purposes: *Provided, however*, That in each 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 Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application.

(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; amended Pub. L. 94-422, title I, §101(5), Sept. 28, 1976, 90 Stat. 1318.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 88-578 was renumbered section 9 and is classified to section 4601-10a of this title.

AMENDMENTS

1976—Pub. L. 94-422 inserted proviso that temporary standardized signs shall be placed at or near any acquisition or development project undertaken through use of the fund and that the Secretary is to determine the standards and guidelines of such signing.

§ 4601-10a. Contracts for acquisition of lands and waters

Not to exceed \$30,000,000 of the money authorized to be appropriated from the fund by section 4601-6 of this title may be obligated by contract during each fiscal year for the acquisition of lands, waters, or interests therein within areas specified in section 4601-9(a)(1) of this title. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

(Pub. L. 88-578, title I, §9, formerly §8, as added Pub. L. 90-401, §4, July 15, 1968, 82 Stat. 355;