

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. 4601-5(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. 4601-5(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. 4601-5(a), 4601-7(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. 4601-7(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. Availability of funds

(a) IN GENERAL.—Any amounts deposited in the Fund under section 200302 for fiscal year 2020 and each fiscal year thereafter shall be made available for expenditure for fiscal year 2021 and each fiscal year thereafter, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund pursuant to the Further Consolidated Appropriations Act, 2020 (Public Law 116-94; 133 Stat. 2534)).

(b) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a) shall be in addition to amounts made available to the Fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) or otherwise appropriated from the Fund.

(c) ALLOCATION AUTHORITY.—

(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations of the full amount made available under subsection (a)—

(A) for fiscal year 2021, not later than 90 days after the date of enactment of the Great American Outdoors Act; and

(B) for each fiscal year thereafter, as part of the annual budget submission of the President.

(2) ALTERNATE ALLOCATION.—

(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (a), including allocations by account, program, and project.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under

subsection (a) shall be allocated by the President.

(ii) **INSUFFICIENT ALTERNATE ALLOCATION.**—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

(3) **RECREATIONAL PUBLIC ACCESS.**—Amounts expended from the Fund under this section shall be consistent with the requirements for recreational public access for hunting, fishing, recreational shooting, or other outdoor recreational purposes under section 200306(c).

(4) **ANNUAL REPORT.**—The President shall submit to Congress an annual report that describes the final allocation by account, program, and project of amounts made available under subsection (a), including a description of the status of obligations and expenditures.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3172; Pub. L. 116–152, § 3(a), Aug. 4, 2020, 134 Stat. 686.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
200303 .....	16 U.S.C. 4601–6.	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 4601–6a(i)(1) of this title” are omitted as obsolete.

#### Editorial Notes

##### REFERENCES IN TEXT

The Further Consolidated Appropriations Act, 2020, referred to in subsec. (a), is Pub. L. 116–94, Dec. 20, 2019, 133 Stat. 2534. For complete classification of this Act to the Code, see Tables.

Section 105 of the Gulf of Mexico Energy Security Act of 2006, referred to in subsec. (b), is section 105 of title I of div. C of Pub. L. 109–432, which is set out in a note under section 1331 of Title 43, Public Lands.

The date of enactment of the Great American Outdoors Act, referred to in subsec. (c)(1)(A), is the date of enactment of Pub. L. 116–152, which was approved Aug. 4, 2020.

##### AMENDMENTS

2020—Pub. L. 116–152 amended section generally. Prior to amendment, text read as follows: “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.”

#### Executive Documents

DELEGATION OF AUTHORITY FOR FISCAL YEAR 2021 COST ESTIMATES AND ANNUAL REPORTS TO THE CONGRESS FOR THE LAND AND WATER CONSERVATION FUND

Memorandum of President of the United States, Nov. 9, 2020, 85 F.R. 72889, provided:

Memorandum for the Secretary of the Interior [and] the Secretary of Agriculture

By the authority vested in me as President by the Constitution and the laws of the United States of

America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to submit, for their respective agencies:

(a) the cost estimates to the Congress required by 54 U.S.C. 200303(c)(1)(A), as amended by section 3(a) of the Great American Outdoors Act (Public Law 116–152) (the “Act”); and

(b) annually, the report to the Congress required by 54 U.S.C. 200303(c)(4), as amended by section 3(a) of the Act.

SEC. 2. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of the Interior is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

#### § 200304. Statement of estimated requirements

(a) **IN GENERAL.**—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.

(b) **ALLOCATION OF FUNDS.**—Of the total amount made available to the Fund through appropriations or deposited in the Fund under section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)—

(1) not less than 40 percent shall be used for Federal purposes; and

(2) not less than 40 percent shall be used to provide financial assistance to States.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3172; Pub. L. 116–9, title III, § 3001(b), Mar. 12, 2019, 133 Stat. 755.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
200304 .....	16 U.S.C. 4601–7.	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.

#### Editorial Notes

##### REFERENCES IN TEXT

Section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006, referred to in subsec. (b), is section