

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200303	16 U.S.C. 460l–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 460l–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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
200304	16 U.S.C. 460l–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

105(a)(2)(B) 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.

AMENDMENTS

2019—Pub. L. 116-9 designated existing provisions as subsec. (a) and inserted heading, struck out “Not less than 40 percent of such appropriations shall be available for Federal purposes.” after “Fund.”, and added subsec. (b).

§ 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.

(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