ATTACHMENT

CONSERVATION

$4601-5

(1) In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be derived from the fund pursuant to this section, as amended, there is authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated for the purpose of making the income of the fund not less than $300,000,000 for fiscal year 1977, and $300,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 1989.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposits in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (section 1331 et seq. of Title 43): Provided, That notwithstanding the provisions of section 4601-6 of this title, monies covered into the fund under this paragraph shall be available only to the Ninety-Fifth Congress to carry out the purposes of sections 4601-4 to 4601-11 of this title.


§ 4601-6. Financial assistance to States—Authority of Secretary of Interior; payments to carry out purposes of land and water conservation provisions

(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States for projects for State purposes. Payments may be made to the States by the Secretary as hereinafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of sections 4601-4 to 4601-11 of this title, for outdoor recreation, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(2) At any time, the remaining appropriations 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 sections 4601-4 to 4601-11 of this title. The grants shall include among other things a consideration of the proportion which the population of each State bears to the total population. 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 land or waters within the exterior boundaries, as follows:

(1) the national park system;

(2) the national wildlife refuge system;

(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.


§ 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 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 be distributed to the extent of such amounts, in proportion to such amounts, in proportion to the amounts authorized by section 4601-5 of this title. Amounts credited to this account shall remain in the account until appropriated.
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 paragraph (1) and (3) 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 heretofore 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 repaid to 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 4601-11 of this title.

Matching requirements

(c) 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.

Comprehensive State plans: necessity; adequacy; content; correlation with other plans; factors for formulation of Housing and Home Finance Agency planned programs; planning and development

(d) 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 in the judgment of the Secretary. It encompasses and will promote the purposes of sections 4601-4 to 4601-11 of this title: 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 sections 4601-4 to 4601-11 of this title;
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 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 sections 4601-4 to 4601-11 of this title shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financial 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.

Projects for land and water acquisition and development

(i) In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects and acquire sites therefor if they are in accordance with the State comprehensive plan:

1. For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not for incidental costs relating to acquisition.

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(f) of Title 42.

(iii) 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 sections 4601-4 to 4601-11 of this title to enclose or shelter facilities for recreational purposes other than 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 weather or climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

Requirements for project approval: conditions; program payments; payments to Governors or State officials or agencies; State transfer of funds to public institutions of higher education; Federal transfer of funds to public or private nonprofit institutions of higher education requirements; reporting to Secretary; accounting; records; audits; evaluations by States; discrimination prohibited

(i) 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 which has not been approved by him. No payment may be made for any project under sections 4601-4 to 4601-11 of this title; and for any project for which financial assistance may be given 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 sections 4601-4 to 4601-11 of this title.

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 proper written assurance from the State that the State has the ability and intention to finance in whole or in part 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.

(ii) 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 con-
§ 4601-9

CONSERVATION


(1) Any amendment, Subsec. (a), Pub.L. 94-422
(2) Subsec. (b), Pub.L. 94-422
(3) Subsec. (c), Pub.L. 94-422
(4) Subsec. (d), Pub.L. 94-422
(5) Subsec. (e), Pub.L. 94-422
(6) Subsec. (f), Pub.L. 94-422
(7) Subsec. (g), Pub.L. 94-422
(8) Subsec. (h), Pub.L. 94-422

§ 4601-9. Allocation of land and water conservation fund monies for Federal purposes—Allotment of land and water conservation fund monies for Federal purposes—Allowable purposes and subpurposes; acquisition of land and waters and interests therein; offset for specified capital costs (a) monies appropriated from the fund for Federal purposes shall, unless prohibited from being so allocated 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 established as and of areas now or hereafter established as recreation areas 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 Fund program, or in any national forest boundary, not to exceed three thousand acres in any single case of any one forest, which would comprise an integral part of a forest recreational management area. Such an area may also be acquired with monies appropriated from this fund: Provided further, that except for areas specifically excluded by Act of Congress, not more than 16 percent 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, threatened species, and species to be designated in the future by the President in accordance with section 1533(a) of this title; (b) areas authorized by section 1609(a) of this title; (c) National Wildlife Refuges under section 1632(a) of this title; or (d) areas designated as wetlands under section 1609(a) of this title and added to the system pursuant to this Act are not eligible to be acquired with monies appropriated from this fund: Provided further, that areas specifically excluded by Act of Congress, not more than 16 percent of the acreage added to the National Wildlife Refuge System pursuant to this section shall be west of the 100th meridian.

§ 4601–8

CONSERVATION


(1) Any amendment, Subsec. (a), Pub.L. 94-422
(2) Subsec. (b), Pub.L. 94-422
(3) Subsec. (c), Pub.L. 94-422
(4) Subsec. (d), Pub.L. 94-422
(5) Subsec. (e), Pub.L. 94-422
(6) Subsec. (f), Pub.L. 94-422

§ 4601–8. Sufficient with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(1) 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, but the Secretary shall permit 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.

(2) No payment shall be made to any State until the State has agreed to (1) provide the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under sections 4601–4 to 4601–11 of this title, and to (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 sections 4601–4 to 4601–11 of this title.

(3) Each recipient of assistance under sections 4601–4 to 4601–11 of this title shall keep such records as the Secretary shall prescribes, 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.

(4) 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 sections 4601–4 to 4601–11 of this title.

(5) Each State shall evaluate its grant programs annually under guidelines set forth by the Secretary and shall transmit to the Secretary, together with a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project. Such evaluation and the publication of same shall be eligible for funding on a 50-50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committees on Interior and Insular Affairs of the United States Congress. Each report to the Committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund programs.

(6) With respect to properly acquired or developed with assistance from the fund, discrimination on the basis of race, color, religion, national origin, or sex is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

Coordination with Federal agencies

(7) In order to assure consistency in policies and actions under sections 4601–4 to 4601–11 of this title, with other related Federal programs and activities (including those conducted pursuant to sections 1508 to 1509 of Title 30, United States Code), the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.