LAND AND WATER CONSERVATION AUTHORIZATION AND FUNDING ACT

DECEMBER 11, 2018.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 569]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 569) to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Land and Water Conservation Authorization and Funding Act”.

SEC. 2. PERMANENT AUTHORIZATION AND FULL FUNDING OF THE LAND AND WATER CONSERVATION FUND.
(a) AUTHORIZATION.—Section 200302 of title 54, United States Code, is amended—
(1) in subsection (b), in the matter preceding paragraph (1), by striking “During the period ending September 30, 2018, there” and inserting “There”; and
(2) in subsection (c)—
(A) in paragraph (1), by striking “through September 30, 2018”; and
(B) by striking paragraph (3).
(b) FULL FUNDING.—
(1) IN GENERAL.—Section 200303 of title 54, United States Code, is amended to read as follows:

89–010
“§ 200303. Availability of funds

(a) IN GENERAL.—For fiscal year 2019 and each fiscal year thereafter, amounts deposited in the Fund under section 200302 shall be made available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235)).

(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 to be funded under subsection (a) 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 and program.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date that is 120 days after the date on which the applicable fiscal year begins, 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) 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.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 2003 of title 54, United States Code, is amended by striking the item relating to section 200303 and inserting the following:

“§ 200303. Availability of funds.”.

(e) PUBLIC ACCESS.—Section 200306 of title 54, United States Code, is amended by adding at the end the following:

“(c) PUBLIC ACCESS.—Not less than 1.5 percent of the annual authorized funding amount shall be made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, or other recreational purposes.”.

PURPOSE

The purpose of S. 569 is to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations.

BACKGROUND AND NEED

During the late 1950s and early 1960s, the public demand for areas to recreate was on the rise. A 1957 report of the Senate Interior and Insular Affairs Committee (the predecessor to the Energy and Natural Resources Committee) noted that national forest use tripled in the 20 years from 1926 to 1946, and then tripled again in the 10-year period between 1946 and 1956 (S. Rept. 85–471). Similar increases in visitation were causing management challenges in national parks.

Extensive private inholdings existed within the boundaries of Federally administered areas that could be acquired for their rec-
reational value or to improve administration. In 1958, Congress enacted Public Law 85–470 which established the Outdoor Recreation Resources Review Commission (ORRRC) to look at these issues. The ORRRC’s report to the President and Congress, which was completed in 1962, recommended a national outdoor recreation policy, including a dedicated source of Federal funding for outdoor recreation resources and comprehensive State planning for recreation.

Congress responded by enacting Public Law 88–578, the Land and Water Conservation Fund Act of 1965 (Act). The purpose of the Act was to help preserve, develop, and ensure access to outdoor recreation resources. The Act created the Land and Water Conservation Fund (LWCF) in the U.S. Treasury and authorized Congress to appropriate funds from the LWCF for the following general purposes: Federal acquisition of land, waters, and interests in land and waters; matching grants to States for recreation planning; acquiring recreational lands, waters, or related interests; or developing outdoor recreational facilities; and related purposes.

Currently, the LWCF is authorized to accrue $900 million annually under the Act in specified revenues from three sources: (1) surplus property sales; (2) the federal motorboat tax and (3) revenues from oil and gas leases on the Outer Continental Shelf (OCS). The vast majority of revenues deposited into the fund come from OCS oil and gas leases. The 1965 Act did not specify an authorized level of funding. In 1976, the Act was amended to specify the $900 million annual authorization level. This authorization for the LWCF to accrue $900 million annually expired on September 30, 2018. The authority to carry out the purposes of the Act, including the authority to appropriate monies from the LWCF, does not have an expiration date.

The LWCF receives additional revenue above the $900 million annually under the Act pursuant to under the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432, GOMESA). These monies from qualified OCS leases under GOMESA directed to the LWCF are mandatory, and can be used only for the state matching grant program in accordance with the terms of the Act. The authority for the LWCF to accrue revenues under GOMESA does not have an expiration date.

The $900 million in revenues that accrue to the LWCF under the LWCF Act are available only if appropriated by Congress. The level of annual Congressional appropriations has varied widely since the fund’s origin, and in most years LWCF programs have received far less than the $900 million authorized amount. In its August 17, 2018 report titled “Land and Water Conservation Fund: Overview, Funding History, and Issues,” the Congressional Research Service calculates that from fiscal year (FY) 1965 through FY 2018, approximately $40.0 billion has been credited to the LWCF but less than half of that amount has been appropriated, leaving an unappropriated balance of $21.6 billion.

S. 569 amends the LWCF Act to make the $900 million in annual LWCF revenues available without further legislative action (appropriations acts), thus providing mandatory spending authority of $900 million annually from the LWCF. S. 569 specifies that the $900 million in annual mandatory appropriations to be provided
under the bill would be in addition to the mandatory appropriations under GOMESA.

LEGISLATIVE HISTORY

S. 569 was introduced by Senators Cantwell, Baldwin, Bennet, Burr, Cardin, Casey, Coons, Feinstein, Franken, Gillibrand, Heinrich, Hirono, Klobuchar, Manchin, Markey, Merkley, Sanders, Schatz, Shaheen, Stabenow, Tester, and Wyden on March 8, 2017. Similar legislation, H.R. 6759, was introduced in the House of Representatives by Representative Grijalva on September 10, 2018.

In the 114th Congress, Senators Cantwell, Bennet, Heinrich, Tester, Udall, and Wyden introduced similar legislation, S. 890, which was referred to the Committee on Energy and Natural Resources.

In the 113th Congress, Senators Baucus, Burr, Wyden, Graham, Mark Udall, Tester, and Tom Udall introduced similar legislation, S. 338, which was referred to the Committee on Energy and Natural Resources.

At its business meeting on October 2, 2018, the Committee on Energy and Natural Resources, on a recorded vote, ordered S. 569 favorably reported as amended.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 2, 2018, by a majority vote of a quorum present, recommends that the Senate pass S. 569, if amended as described herein.

The roll call vote on reporting the measure was 16 yeas, 7 nays, as follows:

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<th>YEAS</th>
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<td>Mr. Daines</td>
<td>Ms. Murkowski</td>
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<td>Ms. Capito</td>
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<td>Ms. Cortez Masto</td>
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COMMITTEE AMENDMENT

During its consideration of S. 569, the Committee adopted an amendment in the nature of a substitute. The substitute amendment amends 54 U.S.C. 200302 to strike the September 30, 2018, expiration date for deposits to the LWCF and replace it with a requirement to deposit $900 million in specified revenues annually in
perpetuity beginning in FY2019. The substitute amendment further eliminates the unappropriated balance in the LWCF. The substitute amendment also strikes 54 U.S.C. 200303 and replaces it with a new section 200303 that provides $900 million in annual mandatory spending authority from the LWCF and specifies that the $900 million in annual mandatory spending is in addition to the mandatory appropriations under GOMESA. The substitute amendment also prescribes a procedure for allocating the $900 million in mandatory spending from the LWCF.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title
Section 1 contains the short title.

Sec. 2. Permanent authorization and full funding of the Land and Water Conservation Fund
Subsection (a) amends 52 U.S.C. 200302 to strike the September 30, 2018, expiration for the authorization to collect and deposit specified revenues into the LWCF. This subsection also requires that $900 million in specified revenues be deposited annually into the LWCF in perpetuity. Further Subsection (a) strikes the unappropriated balance in the LWCF.

Subsection (b) strikes section 200303 of title 54 and replaces it with a new section 200303 that includes the following: Section 200303(a) provides that the $900 million deposited into the Fund under section 200302 be made available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated and Further Continuing Appropriations Act, 2015). Section 200303(b) specifies that the amounts made available under the LWCF Act shall be in addition to any amounts made available to the Fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1131 note; Public Law 109–432). Section 200303(c) requires the President to submit to Congress detailed account, program, and project allocations to be funded from amounts deposited into the Fund under section 200303 as part of the annual budget submission of the President. Section 200303(c) also provides for alternate allocation of amounts, including allocations by account and program, by Appropriations Acts. The President is further required to submit an annual report to Congress that describes the final allocation by account, program, and project of amounts made available from the Fund, including a description of the status of obligations and expenditures.

Subsection (c) amends section 200306 of title 54 by providing that not less than 1.5 percent of the annual authorized funding amount shall be made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, or other recreational purposes.

Sec. 3. Report
Subsection (a) requires that not later than one year after the date of enactment, and annually thereafter, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to Con-
gress a report that describes the LWCF amounts that were expended in each State in the previous year. Subsection (b) requires that this report include a breakdown of all programs and activities for which amounts were expended in a State, including Federal land acquisitions; State grants, including competitive State grants; and all other programs and activities that use amounts from the fund.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

Summary: S. 569 would permanently authorize the annual deposit of at least $900 million from various federal sources into the Land and Water Conservation Fund (LWCF). The current authorization to make those deposits expired on October 1, 2018. The bill also would make the amounts deposited into the LWCF available to spend without further appropriation by the Department of the Interior (DOI) and the Forest Service to acquire land and to make grants to states to support outdoor recreation.

CBO estimates that enacting S. 569 would increase direct spending by $7.2 billion over the 2019–2028 period; therefore, pay-as-you-go procedures apply. The bill would not affect revenues or spending subject to appropriation.

CBO estimates that enacting S. 569 would increase net direct spending and on-budget deficits by more than $5 billion in each of the four consecutive 10-year periods beginning in 2029.

S. 569 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of S. 569 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and the environment).

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Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the start of 2019.

CBO estimates that enacting S. 569 would make $30.6 billion in new budget authority available to DOI and the Forest Service for land acquisition, state grants for outdoor recreation, and other purposes; resulting outlays would total $7.2 billion over the 2019–2028 period.

Background

Until October 1, 2018, the LWCF was authorized to receive annual deposits of at least $900 million from various federal sources. Most of those deposits are proceeds from offshore oil and gas leases; other sources include federal motorboat fuel taxes and proceeds from certain surplus property sales. Under current law, the LWCF is permanently authorized to spend amounts deposited into
the fund only if they are subsequently appropriated. In 2018, the Congress appropriated a total of $425 million from the LWCF to DOI and the Forest Service. Since the LWCF was established in 1965, about $18.4 billion has been appropriated from the fund, unadjusted for inflation.

In addition, under the Gulf of Mexico Energy Security Act of 2006 (GOMESA), 12.5 percent of proceeds from certain offshore oil and gas leases are deposited into the LWCF and are available to spend without further appropriation for a state grant program administered by the National Park Service (NPS). In CBO’s April 2018 baseline, CBO projects that about $125 million will be deposited annually over the 2019–2028 period from lease proceeds under GOMESA. Those amounts are in addition to amounts that would be made available under S. 569.

**Deposits into the LWCF**

S. 569 would permanently authorize the annual deposit of at least $900 million into the LWCF. Amounts in the fund would be available to DOI and the Forest Service for land acquisition, state grants, and other purposes. CBO expects that under the bill, the balance of unobligated funds credited to the LWCF at the start of 2019, which we estimate totals about $21.6 billion, also would be available for spending. That amount excludes funds credited and spent under GOMESA. Thus, CBO estimates that enacting S. 569 would make $22.5 billion in new budget authority available in 2019—the balance of unobligated funds, plus $900 million—and $900 million each year thereafter.

**Spendout of funds**

S. 569 would require the President to submit a proposed allocation of spending from the LWCF as part of the annual budget submission. Under the bill, the Congress could provide for alternate allocations in appropriations acts. If the Congress does not provide for alternate allocations within 120 days of the start of the applicable fiscal year, amounts in the LWCF would be allocated by the President. CBO expects that any changes in allocations by the Congress could affect the amount of direct spending. However, because any such changes would result from subsequent legislation, for this estimate, CBO does not assume any Congressional changes to the allocations.

CBO has no information on how the President would allocate amounts in the LWCF for spending. CBO contacted DOI, the Bureau of Land Management, the NPS, the U.S. Fish and Wildlife Service, and the Forest Service to collect information on current land acquisition needs and backlogs, demand for state grants, and historical appropriations. Using information from those agencies, and based on historical spending patterns for similar activities, CBO estimates that the federal government would spend, on average, about $720 million annually under the bill. That estimate re-
reflects an increase of 70 percent over the amount of funding provided in recent years for those purposes. In addition, CBO expects that the government would continue to spend from the LWCF after 2028.

Uncertainty: CBO aims to produce cost estimates that generally reflect the middle of a range of the most likely budgetary outcomes that would result if the legislation was enacted. In preparing this estimate, CBO accounted for several sources of uncertainty.

In CBO’s view, whether the unobligated balance credited to the LWCF would be available to spend under the bill is not clear. If those amounts are determined to be unavailable, the budget authority for 2019 would be reduced by $21.6 billion.

In addition, there is some uncertainty about how the allocation process would be implemented. Whether the bill would require the President to allocate a minimum or maximum amount in any year is not clear. The President could allocate more or less than the amounts included in this estimate. However, if the Congress enacts legislation that establishes alternate allocations, S. 569 would direct the President to allocate the difference between the budget authority made available in each year and the amount allocated by the Congress. Thus, CBO expects that any subsequent legislation that alters the allocations could increase the potential for direct spending from the LWCF, relative to this estimate.

Direct spending also could be higher or lower for the following reasons:

- Shifts in agencies’ land acquisition projects and priorities, which may affect the pace of future spending are hard to predict;
- Certain factors outside of the government’s control—including the identification and availability of willing sellers, or land values—could affect the rate of acquisitions; and
- States’ demand for land acquisition and recreation grants is hard to foresee. Shifts in state policies or fiscal climates could affect the demand for such grants and the resulting spending.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the table on page 5.

Increase in long-term direct spending and deficits: CBO estimates that enacting S. 569 would increase net direct spending and on-budget deficits by more than $5 billion in each of the four consecutive 10-year periods beginning in 2029.
Mandates: S. 569 contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO estimate: On September 25, 2018, CBO transmitted a cost estimate for H.R. 502, the Land and Water Conservation Fund Reauthorization and Fairness Act, as ordered reported by the House Committee on Natural Resources on September 13, 2018. Both bills would permanently authorize the annual deposit of at least $900 million into the fund; however, S. 569 would make those amounts available to spend without further appropriation. Accordingly, CBO’s estimates of their budgetary effects differ.

Estimate prepared by: Federal costs: Janani Shankaran; Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis; Theresa Gullo, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 569. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 569, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 569, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The Committee did not request Executive Agency views on S. 569.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 569, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle II—Outdoor Recreation Programs
CHAPTER 2003—LAND AND WATER CONSERVATION FUND

Sec.
200301. Definitions.
200303. Appropriations for expenditure of Fund amounts.
200304. Statement of estimated requirements.
200305. Financial assistance to States.
200307. Availability of Fund amounts for publicity purposes.
200308. Contracts for acquisition of land and water.
200309. Contracts for options to acquire land and water in System.
200310. Transfers to and from Fund.

§ 200301. Definitions

In this chapter:

(1) FUND.—The term “Fund” means the Land and Water Conservation Fund established under section 200302 of this title.

(2) STATE.—The term “State” means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200302. Establishment of Land and Water Conservation Fund

(a) EMBRACE.—There is established in the Treasury the Land and Water Conservation Fund.

(b) DEPOSITS.—During the period ending September 30, 2018, there shall be deposited in the Fund the following revenues and collections:

(1) All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of the provisions of law set forth in section 572(a) or 574(a) to (c) of title 40 or under authority of any appropriation Act that appropriates an amount, to be derived from proceeds from the transfer of excess property and the disposal of surplus property, for necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property) received from any disposal of surplus real property and related personal property under chapter 5 of title 40, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this chapter shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(2) The amounts provided for in section 200310 of this title.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the sum of the revenues and collections estimated by the Secretary to be deposited in the Fund pursuant to this section, there are authorized to be appropriated annually to the Fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the Fund not less than $900,000,000 for each fiscal year [through September 30, 2018].

(2) RECEIPTS UNDER OUTER CONTINENTAL SHELF LANDS ACT.—To the extent that amounts appropriated under paragraph (1) are not sufficient to make the total annual income of
the Fund equivalent to the amounts provided in paragraph (1), an amount sufficient to cover the remainder shall be credited to the Fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

[(3) AVAILABILITY OF DEPOSITS.—Notwithstanding section 200303 of this title, money deposited in the Fund under this subsection shall remain in the Fund until appropriated by Congress to carry out this chapter.]

[§ 200303. Appropriations for expenditure of Fund amounts

[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.]

“§ 200303. Availability of funds

“(a) IN GENERAL.—For fiscal year 2019 and each fiscal year thereafter, amounts deposited in the Fund under section 200302 shall be made available for expenditure, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund under the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235)).

“(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 to be funded under subsection (a) 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 and program.

“(B) ALLOCATION BY PRESIDENT.—

“(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date that is 120 days after the date on which the applicable fiscal year begins, 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) **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.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 2003 of title 54, United States Code, is amended by striking the item relating to section 200303 and inserting the following:

**§ 200303. Availability of funds.**

* * * * * * *

**§ 200306. Allocation of Fund amounts for Federal purposes**

(a) **ALLOWABLE PURPOSES AND SUBPURPOSES.**

(1) **IN GENERAL.**—Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) **ACQUISITION OF LAND, WATER, OR AN INTEREST IN LAND OR WATER.**

(A) **SYSTEM UNITS AND RECREATION AREAS ADMINISTERED FOR RECREATION PURPOSES.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of—

(i) a System unit authorized or established; and

(ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) **NATIONAL FOREST SYSTEM.**

(i) **IN GENERAL.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within—

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) **ADJACENT LAND.**—Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) **LIMITATION.**—Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) **ENDANGERED SPECIES AND THREATENED SPECIES; FISH AND WILDLIFE REFUGE AREAS; NATIONAL WILDLIFE REFUGE SYSTEM.**—Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for—
(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));
(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k–1);
(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and
(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) PAYMENT AS OFFSET OF CAPITAL COSTS.—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) AVAILABILITY OF APPROPRIATIONS.—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas, prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the 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 the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

(c) PUBLIC ACCESS.—Not less than 1.5 percent of the annual authorized funding amount shall be made available each year for projects that secure recreational public access to existing Federal public land for hunting, fishing, or other recreational purposes.