



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3396

Subject: Rescission of Secretary’s Order 3388, “Land and Water Conservation Fund Implementation by the U.S. Department of the Interior”

Sec. 1 Purpose. This Order rescinds Secretary’s Order No. 3388 (SO 3388), entitled “Land and Water Conservation Fund Implementation by the U.S. Department of the Interior.”

Sec. 2 Authority. This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; the Land and Water Conservation Fund Act (Pub. L. 88-578), as amended; the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Pub. L. 116-9); and the Great American Outdoors Act (Pub. L. 116-152).

Sec. 3 Background. On November 9, 2020, former Secretary David L. Bernhardt issued SO 3388, unilaterally conditioning the availability of State financial assistance on compliance with new policy prerogatives without meaningful consultation with stakeholders or the public. SO 3388 also imposed new restrictions not mandated by law on the availability of Land and Water Conservation (LWCF) funding for Federal acquisitions of land, water, or interests therein. These limitations were imposed immediately after Congress dramatically increased the annual funding level of the LWCF to in excess of \$900 million. SO 3388 needlessly inhibits availability of LWCF funds to State assistance programs and Federal land acquisitions and is not mandated by any existing statutory or regulatory requirement.

Sec. 4 Directive. SO 3388, “Land and Water Conservation Fund Implementation by the U.S. Department of the Interior,” is hereby revoked.

Sec. 5 Implementation.

a. The Directors of the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management are directed to:

1. Take all necessary actions, unless prohibited by law or regulation, to revise guidance for LWCF expenditures to no longer reflect the criteria mandated by SO 3388—this includes the revision of alterations that were made solely or primarily on account of such Order.
2. Undertake a policy review to determine any appropriate or necessary further guidance revisions.
3. Carry out LWCF Federal acquisition expenditures consistent with this Order.

b. The Director of the National Park Service is further directed to:

1. Revise the National Park Service Manual, entitled *Land and Water Conservation Fund Assistance Manual*, to no longer reflect the policy prescriptions mandated by SO 3388 where alterations were made solely or primarily on account of such Order.

2. Undertake a policy review to determine any appropriate or necessary further revisions to the *Land and Water Conservation Fund Assistance Manual*.

3. Implement the LWCF state assistance program and Outdoor Recreation Legacy Partnership Program consistent with this Order.

Sec. 6 Effect of this Order. This Order is intended to improve the internal management of the Department. This Order and any resulting report or recommendations are not intended to—and do not—create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 Expiration Date. This Order is effective immediately.



Scott A. de la Vega
Acting Secretary of the Interior

Date: **FEB 11 2021**