

§123(a), Mar. 10, 2000, 114 Stat. 29, provided that: “The Congress finds that the Federal Government, under the authority of the Reclamation Act [probably means act June 17, 1902, ch. 1093, 32 Stat. 388, see Short Title note under section 371 of Title 43, Public Lands] and other statutes, has developed man-made lakes and reservoirs that have become a powerful magnet for diverse recreational activities and that such activities contribute to the well-being of families and individuals and the economic viability of local communities. The Congress further finds that in order to further the purposes of the Land and Water Conservation Fund, the President should appoint an advisory commission to review the current and anticipated demand for recreational opportunities at federally managed man-made lakes and reservoirs through creative partnerships involving Federal, State, and local governments and the private sector and to develop alternatives for enhanced recreational use of such facilities.”

§ 4601-11. Transfers to and from land and water conservation fund

(a) Motorboat fuel taxes from highway trust fund into conservation fund

There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in sections 4601-4 to 4601-6a and 4601-7 to 4601-10e of this title the amounts specified in section 9503(c)(3)(A) of title 26 (relating to transfer to Land and Water Conservation Fund).

(b) Refunds of gasoline taxes for certain non-highway purposes or used by local transit systems and motorboat fuel taxes from conservation fund into general fund of Treasury

There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before April 1, 2013, under section 6421 of title 26 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before April 1, 2012; and

(2) 80 percent of the floor stocks refunds made before April 1, 2013, under section 6412 of title 26 with respect to gasoline to be used in motorboats.

(Pub. L. 88-578, title II, §201, Sept. 3, 1964, 78 Stat. 904; Pub. L. 91-605, title III, §302, Dec. 31, 1970, 84 Stat. 1743; Pub. L. 94-273, §3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-280, title III, §302, May 5, 1976, 90 Stat. 456; Pub. L. 95-599, title V, §503(b), Nov. 6, 1978, 92 Stat. 2757; Pub. L. 97-424, title V, §531(c), Jan. 6, 1983, 96 Stat. 2191; Pub. L. 99-514, §2, title XVIII, §1875(e), Oct. 22, 1986, 100 Stat. 2095, 2897; Pub. L. 100-17, title V, §503(c), Apr. 2, 1987, 101 Stat. 258; Pub. L. 101-508, title XI, §11211(g)(2), Nov. 5, 1990, 104 Stat. 1388-427; Pub. L. 102-240, title VIII, §8002(d)(2)(B), Dec. 18, 1991, 105 Stat. 2204; Pub. L. 105-178, title IX, §9002(c)(2)(B), June 9, 1998, 112 Stat. 500; Pub. L. 109-59, title XI, §11101(c)(2)(B), Aug. 10, 2005, 119 Stat. 1944; Pub. L. 112-30, title I, §142(e)(2)(B), Sept. 16, 2011, 125 Stat. 356.)

REFERENCES IN TEXT

Section 6412(a)(2) of title 26, referred to in subsec. (b)(2), was redesignated as “section 6412(a)(1) of title 26” by Pub. L. 94-455, §1906(22), Oct. 4, 1976, 90 Stat. 1827.

AMENDMENTS

2011—Subsec. (a). Pub. L. 112-30, §142(e)(2)(B)(ii)(I), substituted “section 9503(c)(3)(A) of title 26 (relating to transfer to Land and Water Conservation Fund)” for “section 9503(c)(4)(B) of title 26 (relating to special motor fuels and gasoline used in motorboats)”.

Subsec. (b)(1). Pub. L. 112-30, §142(e)(2)(B)(i), substituted “April 1, 2013” for “October 1, 2012” and “April 1, 2012” for “October 1, 2011”.

Subsec. (b)(2). Pub. L. 112-30, §142(e)(2)(B)(i)(I), (ii)(II), substituted “April 1, 2013” for “October 1, 2012” and “section 6412” for “section 6412(a)(2)”.

2005—Subsec. (b). Pub. L. 109-59 substituted “2011” for “2003” in par. (1) and “2012” for “2004” in pars. (1) and (2).

1998—Subsec. (b). Pub. L. 105-178 substituted “2003” for “1997” in par. (1) and “2004” for “1998” in pars. (1) and (2).

1991—Subsec. (b). Pub. L. 102-240 substituted “1997” for “1995” and “1998” for “1996” wherever appearing.

1990—Subsec. (b). Pub. L. 101-508 substituted “1995” for “1993” and “1996” for “1994” wherever appearing.

1987—Subsec. (b). Pub. L. 100-17 substituted “1993” for “1988” and “1994” for “1989” wherever appearing.

1986—Subsec. (a). Pub. L. 99-514, §2, substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Pub. L. 99-514, §1875(e), substituted “section 9503(c)(4)(B) of title 26” for “section 209(f)(5) of the Highway Revenue Act of 1956”.

Subsec. (b)(1). Pub. L. 99-514, §2, substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1983—Subsec. (b). Pub. L. 97-424 substituted “1989” for “1985” and “1988” for “1984” wherever appearing.

1978—Subsec. (b). Pub. L. 95-599 substituted “1984” for “1979” and “1985” for “1980” wherever appearing.

1976—Subsec. (b). Pub. L. 94-280 substituted “1979” for “1977” and “1980” for “1978” wherever appearing.

Pub. L. 94-273 substituted “October” for “July” wherever appearing.

1970—Subsec. (b). Pub. L. 91-605 substituted “1977” for “1972” and “1978” for “1973” wherever appearing.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-30, title I, §142(f), Sept. 16, 2011, 125 Stat. 357, provided that: “The amendments made by this section [amending this section and sections 4041, 4051, 4071, 4081, 4221, 4481 to 4483, 6412, and 9503 of Title 26, Internal Revenue Code] shall take effect on October 1, 2011.”

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1875(e) of Pub. L. 99-514 effective as if included in the provision of the Tax Reform Act of 1984, Pub. L. 98-369, to which such amendment relates, except as otherwise provided, see section 1881 of Pub. L. 99-514, set out as a note under section 48 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97-424 effective Jan. 1, 1983, see section 531(e) of Pub. L. 97-424, set out as an Effective Date; Savings Provision note under section 9503 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section effective Jan. 1, 1965, see note set out under section 4601-4 of this title.

PLAN AMENDMENTS NOT REQUIRED UNTIL
JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§1101-1147 and 1171-1177] of title XVIII [§§1800-1899A] of Pub. L. 99-514 require an amendment to any plan, such plan

amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99-514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

PART C—WATER RESOURCES PROJECTS

§ 4601-12. Recreation and fish and wildlife benefits of Federal multiple-purpose water resources projects; Congressional declaration of policy

It is the policy of the Congress and the intent of this part (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, whenever any such project can reasonably serve either or both of these purposes consistently with the provisions of this part, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(Pub. L. 89-72, § 1, July 9, 1965, 79 Stat. 213.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this Act", meaning Pub. L. 89-72, which enacted sections 4601-12 to 4601-21 of this title and amended sections 4601-5(a) and 662(d) of this title.

SHORT TITLE

Section 12 of Pub. L. 89-72 provided: "This Act [enacting this section and sections 4601-13 to 4601-21 of this title and amending sections 4601-5(a) and 662(d) of this title], may be cited as the 'Federal Water Project Recreation Act'."

§ 4601-13. Non-Federal administration of project land and water areas

(a) Allocation of costs

If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of

the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement and not less than one-half the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits or reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) Non-Federal share of costs

The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

(Pub. L. 89-72, § 2, July 9, 1965, 79 Stat. 214; Pub. L. 93-251, title I, § 77(a)(1), (2), Mar. 7, 1974, 88 Stat. 33; Pub. L. 102-575, title XXVIII, § 2804(a), Oct. 30, 1992, 106 Stat. 4691.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-575 substituted "not less than one-half the costs of operation" for "all the costs of operation" in introductory provisions.

1974—Subsec. (a). Pub. L. 93-251 substituted in text preceding item (1) "separable costs of the project allocated to recreation, and to bear one-quarter of such