

LAND AND WATER CONSERVATION FUND ACT OF 1965
(last amended 2000)

United States Code - **16 USC 460I-4 - 460I-11:**

Title 16-- Conservation:

Chapter 1--National Parks, Military Parks, Monuments, and Seashores:

Subchapter LXIX--Outdoor Recreation Programs:

Part B--Land and Water Conservation Fund

Sec.

460I-4. Land and water conservation provisions; statement of purposes

460I-5. Land and water conservation fund; establishment; covering certain revenues and collections into fund

460I-5a. Repealed

460I-6. Appropriations for expenditure of land and water conservation fund moneys; transfers to miscellaneous receipts of Treasury

Remainder of code 460I-6a – 11 can be found on [wais.access.gpo.gov](http://www.wais.access.gpo.gov)

Sec. 460I-4. Land and water conservation provisions; statement of purposes

The purposes of this part are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

(Pub. L. 88-578, title I, Sec. 1(b), Sept. 3, 1964, 78 Stat. 897.)

EFFECTIVE

Section 1(a) of Pub. L. 88-578 provided in part that: "This Act [see Short Title note below] shall become effective on January 1, 1965."

SHORT TITLE

Section 1(a) of Pub. L. 88-578 provided in part that: "This Act [enacting this part, amending section 460d, repealing section 14 of this title, and amending provisions set out as a note under section 120 of Title 23, Highways] may be cited as the 'Land and Water Conservation Fund Act of 1965'."

SURVEY OF ENTRANCE AND USER FEES

Secretary of the Interior required by section 4 of Pub. L. 91-308, July 7, 1970, 84 Stat. 410 to complete a survey as to policy to be implemented with regard to entrance and user fees and to report his findings to Senate and House Committees on Interior and Insular Affairs on or before Feb. 1, 1971.

Sec. 460I-5. Land and water conservation fund; establishment; covering certain revenues and collections into fund

During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) *Surplus property sales*

All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 572(a) or 574(a)-(c) of title 40 or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this part shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) *Motorboat fuels tax*

The amounts provided for in section 460I-11 of this title.

(c) *Other revenues*

- (1) In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, 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 \$300,000,000 for fiscal year 1977, and \$900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.
- (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 deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): Provided, That notwithstanding the provisions of section 460I-6 of this title, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this part.

Pub. L. 88-578, title I, Sec. 2, Sept. 3, 1964, 78 Stat. 897; Pub. L. 89-72, Sec. 11, July 9, 1965, 79 Stat. 218; Pub. L. 90-401, Secs. 1(a), 2, July 15, 1968, 82 Stat. 354, 355; Pub. L. 91-308, Sec. 2, July 7, 1970, 84 Stat. 410; Pub. L. 91-485, Sec. 1, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 94-273, Sec. 2(7), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-422, title I, Sec. 101(1), Sept. 28, 1976, 90 Stat. 1313; Pub. L. 95-42, Sec. 1(1), June 10, 1977, 91 Stat. 210; Pub. L. 100-203, title V, Sec. 5201(f)(1), Dec. 22, 1987, 101 Stat. 1330-267.)

REFERENCES IN

The provisions of the Independent Offices Appropriation Act, referred to in subsec. (a), are the provisions of Pub. L. 87-741, Oct. 3, 1962, 76 Stat. 716, appearing under the heading "Operating Expenses, Utilization and

Disposal Service" which were not classified to the Code. The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Except for title III of the Act, which is classified generally to subchapter IV (Sec. 251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107-217, Secs. 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works. The Outer Continental Shelf Lands Act, referred to in subsec. (c)(2), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (Sec. 1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

CODIFICATION

"Section 572(a) or 574(a)-(c) of title 40" substituted in subsec. (a) for "section 485(b)(e), title 40, United States Code," on authority of Pub. L. 107-217, Sec. 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1987--Pub. L. 100-203 substituted "2015" for "1989" in introductory provisions and in subsec. (c)(1).

1977--Subsec. (c)(1). Pub. L. 95-42 substituted "and \$900,000,000 for fiscal year 1978" for "\$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980".

1976--Pub. L. 94-422 struck out ", and during such additional period as may be required to repay any advances made pursuant to section 460l-7(b) of this title" after "September 30, 1989" in provisions preceding subsec. (a).

Pub. L. 94-273 substituted "September" for "June" wherever appearing.

Subsec. (a). Pub. L. 94-422 reenacted subsec. (a) without change except for reference to section 485(b)(e) which as originally enacted read "section 485(b)-(e)".

Subsec. (b). Pub. L. 94-422 reenacted subsec. (b) without change.

Subsec. (c)(1). Pub. L. 94-422 substituted "\$300,000,000 for fiscal year 1977, \$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989." for "\$200,000,000 for each of the fiscal years 1968, 1969, and 1970, and not less than \$300,000,000 for each fiscal year thereafter through September 30, 1989".

Subsec. (c)(2). Pub. L. 94-422 substituted "equivalent to the amounts" for "amount to \$200,000,000 or \$300,000,000 for each of such fiscal years, as".

1970--Subsec. (a)(i). Pub. L. 91-308 purported to substitute "not more than \$10" for "not more than \$7". See 1968 Amendment note below.

Subsec. (c)(1). Pub. L. 91-485, Sec. 1(a), substituted "fiscal years 1968, 1969, and 1970, and not less than \$300,000,000 for each fiscal year thereafter through June 30, 1989" for "five fiscal years beginning July 1, 1968, and ending June 30, 1973".

Subsec. (c)(2). Pub. L. 91-485, Sec. 1(b), substituted "\$200,000,000 or \$300,000,000 for each of such fiscal years, as provided in cl. (1)," for "\$200,000,000 for each of such fiscal years,".

1968--Subsec. (a). Pub. L. 90-401, Sec. 1(a), redesignated subsec. (b) as (a). Former subsec. (a), except for the fourth paragraph thereof, established a system of admission and user fees for all Federal recreation areas and was eliminated. The fourth paragraph covering the repeal of provisions prohibiting the collection of recreation fees and user charges was redesignated as section 10 of Pub. L. 88-587 and is set out as section 460I-10c. Subsecs. (b), (c). Pub. L. 90-401, Secs. 1(a), 2, added subsec. (c) and redesignated former subsecs. (b) and (c) as (a) and (b), respectively.

1965---Subsec. (a). Pub. L. 89-72 substituted "notwithstanding any other provision of law:" for "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:" and "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes" for "of any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law."

EFFECTIVE DATE OF 1968 AMENDMENT

Section 1(d) of Pub. L. 90-401, as amended by section 1 of Pub. L. 91-308, provided that: "The provisions of subsections (a) and (c) of this section [amending this section] shall be effective December 31, 1971. Until that date revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund."

ELIMINATION OF SYSTEM OF ADMISSION AND USER FEES FOR FEDERAL RECREATION AREAS

Pub. L. 90-401, Sec. 1(b), July 15, 1968, 82 Stat. 354, relating to admission and user fees for Federal recreation areas and facilities, was repealed by Pub. L. 92-347, Sec. 1, July 11, 1972, 86 Stat. 459.

Sec. 460I-6. Appropriations for expenditure of land and water conservation fund moneys; transfers to miscellaneous receipts of Treasury

Moneys covered into the fund shall be available for expenditure for the purposes of this part only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available

for obligation or expenditure from the fund or from the special account established under section 460I-6a(i)(1) of this title may be obligated or expended only as provided in this part.

(Pub. L. 88-578, title I, Sec. 3, Sept. 3, 1964, 78 Stat. 899; Pub. L. 100-203, title V, Sec. 5201(f)(2), Dec. 22, 1987, 101 Stat. 1330-267.)

AMENDMENTS

1987--Pub. L. 100-203 amended last sentence generally. Prior to amendment, last sentence read as follows: "Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460I-5, 460I-10a, 460I-10b of this title; title 43 section 2305.