

Editorial Notes**AMENDMENTS**

1986—Subsec. (b). Pub. L. 99-546, §306, struck out “and” before “(5)” and substituted “and flood control, which are nonreimbursable under general provisions of law applicable to such projects; and (6) that portion of the estimated cost of constructing the project which is allocable to flood control and which would be non-reimbursable under general provisions of law applicable to projects constructed by the Secretary of the Army.” for “, which are nonreimbursable under general provisions of law applicable to such projects: *Provided*, That the cost of constructing the project as used in this subsection shall be exclusive of the cost of lands and interests in land;”.

Subsec. (c)(1). Pub. L. 99-546, §307(a), substituted “forty” for “fifty”.

Subsec. (c)(2). Pub. L. 99-546, §307(b), amended cl. (2) generally. Prior to amendment, cl. (2) read as follows: “interest, as determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the contract is executed, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such average rate to the nearest one-eighth of 1 per centum, on that portion of the loan which is attributable to furnishing irrigation benefits in each particular year to land held in private ownership by a qualified recipient, as such term is defined in section 390bb of this title, in excess of nine hundred and sixty irrigable acres, or by a limited recipient, as such term is defined in section 390bb of this title, in excess of three hundred and twenty irrigable acres; and”.

Subsec. (c)(3). Pub. L. 99-546, §307(c), struck out cl. (3) which read as follows: “in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or public recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above; Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;”.

1982—Subsec. (c)(2). Pub. L. 97-293 substituted “by a qualified recipient, as such term is defined in section 390bb of this title, in excess of nine hundred and sixty irrigable acres, or by a limited recipient, as such term is defined in section 390bb of this title, in excess of three hundred and twenty irrigable acres” for “by any one owner in excess of one hundred and sixty irrigable acres”.

1980—Subsec. (c). Pub. L. 96-336 inserted “Except that portion of said allocation attributable to furnishing benefits to a facility operated by an agency of the United States, which portion shall bear no interest;” at end of subsec. (c).

1975—Subsec. (a)(1). Pub. L. 94-181 substituted “two-thirds of the maximum allowable estimated total project cost as determined by section 422b(f) of this title,” for “\$10,000,000”.

1971—Subsec. (a)(1). Pub. L. 92-167, §1(3), substituted “\$10,000,000” for “\$6,500,000”.

Subsec. (b)(2). Pub. L. 92-167, §1(4), substituted provision for inclusion of one-half of land acquisition costs to serve exclusively the purposes of fish and wildlife enhancement and public recreation, for prior inclusion of such costs for a reservoir or other area to be operated for fish and wildlife enhancement and public recreation purposes and provided for inclusion of costs of acquiring joint use lands and interests therein properly allocable to fish and wildlife enhancement and public recreation.

Subsec. (b)(5). Pub. L. 92-167, §1(5), inserted proviso excluding from cost of constructing projects, as used in this subsection, cost of lands and interests in land.

Subsec. (c)(3). Pub. L. 92-167, §1(6), required reimbursable fish and wildlife and recreation costs to be repaid

with interest at rate determined by formula set forth in subsec. (c)(2) of this section.

1966—Pub. L. 89-553 substituted the lesser of \$6,500,000 or the estimated total cost of the project minus the contribution of the local organization as provided in section 422d(b) of this title and the amount of the grant for the portion of the estimated cost of constructing the project which, if it were being constructed as a Federal reclamation project, would be properly allocable to reimbursable functions under general provisions of law applicable to such projects as the maximum amount of the loan, struck out the time and method of paying a grant to an organization from the list of contract terms, added factors involving fish and wildlife enhancement and public recreation to the factors adding up to the figure comprising the maximum allowable grant, and altered the requirements of the interest term by substituting the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue for the estimate of the average annual yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May preceding the fiscal year in which the loan is made, on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from May 1 of the year.

1957—Pub. L. 85-47 substituted “Upon approval of any project proposal by the Secretary under the provisions of section 422d of this title, he may negotiate a contract which” for “Any contract authorized to be negotiated under the provisions of subsection (c) of section 422d of this title”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1986 AMENDMENT**

Amendment by Pub. L. 99-546 applicable to all proposals for which draft applications are received by Secretary after Aug. 15, 1986, see section 310 of Pub. L. 99-546, set out as a note under section 422a of this title.

RETROACTIVE EFFECT OF 1966 AMENDMENT

Amendment by Pub. L. 89-553 not to be applicable to or affect in any way the terms on which any loan or grant was made prior to the effective date of Pub. L. 89-553, Sept. 2, 1966, see section 2 of Pub. L. 89-553, set out as a note under section 422b of this title.

§ 422f. Proposals for projects previously authorized; waiver of requirements; approval; negotiation of contract

Any proposal with respect to the construction of a project which has theretofore been authorized for construction under the Federal reclamation laws shall be made in like manner as a proposal under section 422d of this title, but the Secretary may waive such requirements of subsections (a) and (b) of section 422d of this title as he finds to be duplicative of, or rendered unnecessary or impossible by, action already taken by the United States. Upon approval of any such proposal by the Secretary he may negotiate and execute a contract which conforms, as nearly as may be, to the provisions of section 422e of this title.

(Aug. 6, 1956, ch. 972, § 6, 70 Stat. 1046.)

Editorial Notes**REFERENCES IN TEXT**

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422g. Information from Federal agencies; costs

Upon request of an organization which has made or intends to make a proposal under this subchapter, the head of any Federal department or agency may make available to the organization any existing engineering, economic, or hydrologic information and printed material that it may have and that will be useful in connection with the planning, design, construction, or operation and maintenance of the project concerned. The reasonable cost of any plans, specifications, and other unpublished material furnished by the Secretary pursuant to this section and the cost of making and administering any loan under this subchapter shall, to the extent that they would not be nonreimbursable in the case of a project constructed under the Federal reclamation laws, be treated as a loan and covered in the provisions of the contract entered into under section 422e of this title unless they are otherwise paid for by the organization.

(Aug. 6, 1956, ch. 972, § 7, 70 Stat. 1047.)

Editorial Notes

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are defined in section 422b of this title.

§ 422h. Planning and construction; transfer of funds

The planning and construction of projects undertaken pursuant to this subchapter shall be subject to all procedural requirements and other provisions of the Fish and Wildlife Coordination Act (48 Stat. 401), as amended (16 U.S.C. 661 et seq.). The Secretary shall transfer to the Fish and Wildlife Service or to the National Marine Fisheries Service, out of appropriations or other funds made available under this subchapter, such funds as may be necessary to conduct the investigations required to carry out the purposes of this section.

(Aug. 6, 1956, ch. 972, § 8, 70 Stat. 1047; Pub. L. 89-553, § 1(5), Sept. 2, 1966, 80 Stat. 377; Pub. L. 99-546, title III, § 308, Oct. 27, 1986, 100 Stat. 3055.)

Editorial Notes

REFERENCES IN TEXT

The Fish and Wildlife Coordination Act (48 U.S.C. 401), as amended, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c-1 of Title 16, Conservation. For complete classification of this Act to the Code, see section 661(a) of Title 16, Short Title note set out under section 661 of Title 16, and Tables.

AMENDMENTS

1986—Pub. L. 99-546 inserted provisions which related to transfer of funds for conduct of investigations to Fish and Wildlife Service or to National Marine Fisheries Service.

1966—Pub. L. 89-553 substituted “the Fish and Wildlife Coordination Act, as amended” for “the Act of Aug. 14, 1946 (60 Stat. 1080)”.

§ 422i. Rules and regulations

The Secretary is authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of this subchapter.

(Aug. 6, 1956, ch. 972, § 9, 70 Stat. 1047.)

§ 422j. Appropriations; notice to Congress of receipt of proposal; funds to initiate proposal; availability of appropriations; reimbursement; limitations on expenditures in any single State; waiver

There are authorized to be appropriated, such sums as may be necessary, but not to exceed \$600,000,000, to carry out the provisions of this subchapter and, effective October 1, 1986, not to exceed an additional \$600,000,000: *Provided*, That the Secretary shall advise the Congress promptly on the receipt of each proposal referred to in section 422c of this title, and no contract shall become effective until appropriated funds are available to initiate the specific proposal covered by each contract. All such appropriations shall remain available until expended and shall, insofar as they are used to finance loans made under this subchapter, be reimbursable in the manner hereinabove provided. Not more than 20 percent of the total amount of additional funds authorized to be appropriated effective October 1, 1986, for loans and grants pursuant to this subchapter shall be for projects in any single State: *Provided*, That beginning five years after October 27, 1986, the Secretary is authorized to waive the 20 percent limitation for loans and grants which meet the purposes set forth in section 422a of this title: *Provided further*, That the decision of the Secretary to waive the limitation shall be submitted to the Congress together with the project proposal pursuant to section 422d(c) of this title and shall become effective only if the Congress has not, within 60 legislative days, passed a joint resolution of disapproval for such a waiver.

(Aug. 6, 1956, ch. 972, § 10, 70 Stat. 1047; Pub. L. 89-553, § 1(6), Sept. 2, 1966, 80 Stat. 377; Pub. L. 92-167, § 1(7), Nov. 24, 1971, 85 Stat. 488; Pub. L. 94-181, § 1(g), Dec. 27, 1975, 89 Stat. 1050; Pub. L. 96-336, § 8(a), Sept. 4, 1980, 94 Stat. 1065; Pub. L. 99-546, title III, § 309, Oct. 27, 1986, 100 Stat. 3055.)

Editorial Notes

CODIFICATION

“October 27, 1986,” substituted in text for “the date of enactment of this Act”, meaning the date of enactment of Pub. L. 99-546, which amended this section, rather than August 6, 1956, the date of enactment of this section, as the probable intent of Congress.

AMENDMENTS

1986—Pub. L. 99-546 inserted “and effective October 1, 1986, not to exceed an additional \$600,000,000” and inserted provisions at end limiting allocation for projects in any single State to 20 percent of additional funds authorized to be appropriated effective Oct. 1, 1986, authorizing waiver of that limitation, and requiring submission of waiver decision to Congress.

1980—Pub. L. 96-336 substituted “\$600,000,000” for “\$400,000,000”.

1975—Pub. L. 94-181 substituted “\$400,000,000” for “\$300,000,000”.

1971—Pub. L. 92-167 substituted “\$300,000,000” for “\$200,000,000”.

1966—Pub. L. 89-553 substituted “\$200,000,000” for “\$100,000,000”.