(b) Restrictions prohibiting delivery of irrigation water for production of excess basic agricultural commodities

In addition, notwithstanding any other provision of law, in the case of any Federal reclamation project authorized before October 12, 1982, any restriction prohibiting the delivery of irrigation water for the production of excess basic agricultural commodities shall extend for a period no longer than ten years after the date of the initial authorization of such project.

(Pub. L. 97–293, title II, § 222, Oct. 12, 1982, 96 Stat. 1272.)

§ 390ww. Administrative provisions

(a) Existing Federal reclamation law

The provisions of Federal reclamation law shall remain in full force and effect, except to the extent such law is amended by, or is inconsistent with, this subchapter.

(b) Existing statutory exemptions from ownership or pricing limitations of Federal reclamation law

Nothing in this subchapter shall repeal or amend any existing statutory exemptions from the ownership or pricing limitations of Federal reclamation law.

(c) Regulations; collection of necessary data

The Secretary may prescribe regulations and shall collect all data necessary to carry out the provisions of this subchapter and other provisions of Federal reclamation law.

(d) Omitted

(e) Sale of nonexcess land acquired into excess status pursuant to involuntary process of law, etc.

Any nonexcess land which is acquired into excess status pursuant to involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise, may be sold at its fair market value without regard to any other provision of this subchapter or to section 423e of this title: *Provided*, That if the status of mortgaged land changes from nonexcess into excess after the mortgage is recorded and is subsequently acquired by the lender by involuntary foreclosure or similar involuntary process of law, by bona fide conveyance in satisfaction of the mortgage, such land may be sold at its fair market value.

(f) Omitted

(g) Annual audit of compliance with reclamation laws

In addition to any other audit or compliance activities which may otherwise be undertaken, the Secretary of the Interior, or his designee, shall conduct a thorough audit of the compliance with the reclamation law of the United States, specifically including this subchapter, by legal entities and individuals subject to such law. At a minimum, the Secretary shall complete audits of those legal entities and individuals whose landholdings or operations exceed 960 acres within 3 years.

(h) Recordable contracts executed prior to October 12, 1982

The provisions of section 390ee(c) of this title are and have been applicable to all recordable contracts executed prior to October 12, 1982, and any decision, rule, or regulation promulgated by the Department of the Interior to the contrary is hereby revoked: *Provided*, That notwithstanding the provisions of subsection (i) of this section, the Secretary shall not seek reimbursement for any amounts due under this subsection or section 390ee(c) of this title which was due prior to December 22, 1987.

(i) Collection of underpayment with interest for irrigation water

When the Secretary finds that any individual or legal entity subject to reclamation law, including this subchapter, has not paid the required amount for irrigation water delivered to a landholding pursuant to reclamation law, including this subchapter, he shall collect the amount of any underpayment with interest accruing from the date the required payment was due until paid. The interest rate shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing marketable issues sold by the Treasury during the period of underpayment.

(Pub. L. 97–293, title II, § 224, Oct. 12, 1982, 96 Stat. 1272; Pub. L. 100–203, title V, § 5302(a), Dec. 22, 1987, 101 Stat. 1330–268; Pub. L. 103–437, § 16(a)(3), Nov. 2, 1994, 108 Stat. 4594; Pub. L. 104–66, title I, § 1081(d), Dec. 21, 1995, 109 Stat. 721.)

REFERENCES IN TEXT

The Federal reclamation law, referred to in subsecs. (a) to (c), is defined in section 390aa of this title.

This subchapter, referred to in subsecs. (a) to (c) and (e), was in the original ''this title'', meaning title II (§§ 201–230) of Pub. L. 97–293, Oct. 12, 1982, 96 Stat. 1263, known as the Reclamation Reform Act of 1982, which enacted this subchapter, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of title II to the Code, see Tables.

This subchapter, referred to in subsecs. (g) and (i), was in the original ''this Act'' and was translated as reading ''this title''. See note above.

CODIFICATION

Section is comprised of section 224 of Pub. L. 97–293. Subsec. (d) of section 224 amended section 425 of this title. Subsec. (f) of section 224 repealed section 383 of Title 25, Indians, and amended section 385 of Title 25.

AMENDMENTS

1995—Subsec. (g). Pub. L. 104–66 struck out at end ''The Secretary shall submit an annual written report to the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources. Such report shall summarize the legal entities and individuals audited, the results of such audits, and the actions taken by the Secretary to correct any instances of noncompliance with the reclamation law.''

1994—Subsec. (g). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''House Committee on''.

1987—Subsecs. (g) to (i). Pub. L. 100–203 added subsecs. (g) to (i).

§ 390xx. Validation of contracts entered into prior to October 1, 1981

The provisions of any contract entered into prior to October 1, 1981, by the Secretary with a

district, which define project or nonproject water, or describe the delivery of project water through nonproject facilities or nonproject water through project facilities to lands within the district, are hereby authorized and validated on the part of the United States.

(Pub. L. 97–293, title II, § 225, Oct. 12, 1982, 96 Stat. 1273.)

§ 390yy. Leasing requirements

Notwithstanding any other provision of Federal reclamation law, including this subchapter, lands which receive irrigation water may be leased only if the lease instrument is—

(1) written; and

(2) for a term not to exceed ten years, including any exercisable options: *Provided, however*, That leases of lands for the production of perennial crops having an average life of more than ten years may be for periods of time equal to the average life of the perennial crop but in any event not to exceed twenty-five years.

(Pub. L. 97–293, title II, § 227, Oct. 12, 1982, 96 Stat. 1273.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390zz. Reporting

Any contracting entity subject to the ownership or pricing limitations of Federal reclamation law shall compile and maintain such records and information as the Secretary deems reasonably necessary to implement this subchapter and Federal reclamation law. On a date set by the Secretary following October 12, 1982, and annually thereafter, every such contracting entity shall provide in a form suitable to the Secretary such reports on the above matters as the Secretary may require.

(Pub. L. 97–293, title II, § 228, Oct. 12, 1982, 96 Stat. 1274.)

REFERENCES IN TEXT

Federal reclamation law, referred to in text, is defined in section 390aa of this title.

§ 390zz–1. Severability

If any provision of this subchapter or the applicability thereof to any person or circumstances is held invalid, the remainder of this subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Pub. L. 97–293, title II, § 230, Oct. 12, 1982, 96 Stat. 1274.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'', meaning title II (§§ 201–230) of Pub. L. 97–293, Oct. 12, 1982, 96 Stat. 1263, known as the Reclamation Reform Act of 1982, which enacted this subchapter, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians. For complete classification of title II to the Code, see Tables.

SUBCHAPTER II—RECLAMATION FUND GENERALLY

§ 391. Establishment of "reclamation fund"

All moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to officers designated by the Secretary of the Interior, and excepting the 5 per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the ''reclamation fund'', to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this Act.

The provisions of the Act entitled ''An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,'' approved June seventeenth, nineteen hundred and two, be, and the same are hereby, extended so as to include and apply to the State of Texas, American Samoa, Guam, the Northern Mariana Islands and the Virgin Islands..[1]

(June 17, 1902, ch. 1093, § 1 (part), 32 Stat. 388; June 12, 1906, ch. 3288, 34 Stat. 259; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat. 1145; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100; Pub. L. 99–396, § 17, Aug. 27, 1986, 100 Stat. 843.)

REFERENCES IN TEXT

This Act, referred to in first par., and the Act entitled ''An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands,'' approved June seventeenth, nineteen hundred and two, referred to in second par., are act June 17, 1902, popularly known as the Reclamation Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this Title and Tables.

CODIFICATION

The first paragraph of this section is comprised of act June 17, 1902, and the second paragraph is comprised of act June 12, 1906, as amended.

AMENDMENTS

1986—Pub. L. 99–396 inserted reference to American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands in second par.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with

[1] So in original.