§ 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.)

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, as amended, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see 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.)

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''.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 8(a) of Pub. L. 96–336 provided that the amendment made by such section 8(a) is effective Oct. 1, 1980.

§ 422k. Supplement to Federal reclamation laws; short title

This subchapter shall be a supplement to the Federal reclamation laws and may be cited as the Small Reclamation Projects Act of 1956.

(Aug. 6, 1956, ch. 972, § 11, 70 Stat. 1047.)

REFERENCES IN TEXT

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

§ 422k–1. Loan contracts for deferment of repayment installments; amendment or supplementation

A loan contract negotiated and executed pursuant to this subchapter may be amended or supplemented for the purpose of deferring repayment installments in accordance with the provisions of section 485b–1(b) of this title.

(Aug. 6, 1956, ch. 972, § 13, as added Pub. L. 92–167, § 1(8), Nov. 24, 1971, 85 Stat. 488.)

§ 422*l*. Application of this subchapter to Hawaii

This subchapter as heretofore and hereafter amended, shall apply to the State of Hawaii.

(Pub. L. 86–624, § 31, July 12, 1960, 74 Stat. 421.)

CODIFICATION

Section was enacted as a part of the Hawaii Omnibus Act, and not as a part of the Small Reclamation Projects Act of 1956 which comprises this subchapter.

SUBCHAPTER V—ADMINISTRATION OF EXISTING PROJECTS

§ 423. Permanently unproductive lands; exclusion from project; disposition of water right

All lands found by the classification made under the supervision of the Board of Survey and Adjustments (House Document 201, 69th Congress, 1st Session, checked and modified as outlined in General Recommendations numbered 2 and 4, Page 60 of said document), to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section, on terms and conditions to be approved by the Secretary of the Interior.

(May 25, 1926, ch. 383, §§ 40, 41, 44 Stat. 647.)

SECTIONS 423 TO 423g AND 610 UNAFFECTED BY SECTIONS 451 TO 451k OF THIS TITLE

Section 10 of act Aug. 13, 1953, ch. 428, 67 Stat. 568, provided in part that: ''Nothing contained in this Act [enacting sections 451 to 451k of this title] shall be held to repeal, supersede, or supplement the provisions for exchange and matters related thereto contained in the Act of May 25, 1926 (44 Stat. 636), as amended and supplemented [sections 423 to 423g and 610 of this title].''

§ 423a. Construction charges on permanently unproductive lands already paid; disposition

The construction charges prior to May 25, 1926, paid on permanently unproductive lands excluded from the project shall be applied as a credit on charges due or to become due on any remaining irrigable land covered by the same water-right contract or land taken in exchange as provided in section 423c of this title. If the charges so paid exceed the amount of all water-right charges due and unpaid, plus the construction charges not yet due, the balance shall be paid in cash to the holder of the water-right contract covering the land so excluded or to the irrigation district affected; which in turn shall be charged with the responsibility of making suitable adjustment with the landowners involved. Should all the irrigable lands of a water-right applicant be excluded from the project as permanently unproductive, and no exchange be made as provided in said section, the total construction charges paid before May 25, 1926, less any accrued charges on account of operation and maintenance, shall be refunded in cash, the water-right contract shall be canceled, and all liens on account of water-right charges shall be released.

(May 25, 1926, ch. 383, § 42, 44 Stat. 647.)

§ 423b. Suspension of payment of construction charges against areas temporarily unproductive

The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin, as the case may be. Any payments made on such areas shall be credited to the unpaid balance of the construction charge on the productive area of each unit. Such credit shall be applied on and after April 23, 1930, which shall not be construed to require revision of accounts adjusted before April 23, 1930, under the provisions of this section as originally enacted. While said lands so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in sections 423 to 423g and 610 of this title except that no refund shall be made of the construction charges paid on such unproductive areas and applied as a credit on productive areas as herein authorized.

(May 25, 1926, ch. 383, § 43, 44 Stat. 647; Apr. 23, 1930, ch. 205, 46 Stat. 249.)

REFERENCES IN TEXT

Sections 423 to 423g and 610 of this title, referred to in text, was in the original ''this Act'', meaning act of May 25, 1926, ch. 383, 44 Stat. 636, as amended, which enacted sections 423 to 423g and 610 of this title. Section 610 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1930—Act Apr. 23, 1930, provided that the credit shall be applied on or after April 23, 1930, and was not to be construed as requiring revision of accounts adjusted before such date, and that no refund shall be made of the charges on unproductive areas and applied as a credit on productive areas.

§ 423c. Exchange of unpatented entries; entries, farms or private lands, eliminated from project; rights not assignable; rights of lienholders; preference to ex-service men

Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project, with credit under the