

§ 390vv. Excess crop restrictions**(a) Report to Congress on production of surplus crops on acreage served by irrigation water**

Within one year of October 12, 1982, the Secretary of Agriculture, with the cooperation of the Secretary of the Interior, shall transmit to the Congress a report on the production of surplus crops on acreage served by irrigation water. The report shall include—

- (1) data delineating the production of surplus crops on lands served by irrigation water;
- (2) the percentage of participation of farms served by irrigation water in set-aside programs, by acreage, crop, and State;
- (3) the feasibility and appropriateness of requiring the participation in acreage set-aside programs of farms served by irrigation water and the costs of such a requirement; and
- (4) any recommendations concerning how to coordinate national reclamation policy with agriculture policy to help alleviate recurring problems of surplus crops and low commodity prices.

(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 non-excess 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.