cilitate the practical administration of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage from eroding and free from weeds and rodents in accordance with good conservation systems.

(c) Annual adjustment payments

In consideration for such agreement, the Secretary shall make annual adjustment payments to the owner or operator for the period of the agreement at such rate or rates not in excess of $30 per acre as the Secretary determines to be fair and reasonable. The Secretary may use an advertising and bid procedure in determining the lands in any area to be covered by agreements and the payment rate therefor. The Secretary and the owner or operator may agree that the annual adjustment payments for the agreement period shall be made either upon approval of the agreement or in such installments as they may agree to be desirable: *Provided*, That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

(d) Termination of agreements

The Secretary may terminate any agreement under the program, by mutual agreement with the owner or operator, if the Secretary determines that such termination would be in the public interest, and may agree with the owner or operator to such modification of agreements as the Secretary may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(e) Preservation of cropland, crop acreage, and allotment history

The Secretary may, to the extent the Secretary deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

(f) Utilization of Federal and non-Federal offices

In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 590h of this title and the technical services of the Soil Conservation Service and soil and water conservation districts.

(g) Program payments

In case any producer who is entitled to any payment under the program dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable.

(h) Tenants and sharecroppers

The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

(i) Rules and regulations

The Secretary shall prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

(j) Authorization of appropriations; utilization of Commodity Credit Corporation

There are authorized to be appropriated for the period beginning October 1, 1977, and ending September 30, 1981, such sums as may be necessary to carry out the program provided for in this section. The Secretary is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation in discharging the Secretary's functions and responsibilities under the program, including payment of costs of administration: *Provided*, That the Commodity Credit Corporation shall not make any expenditures for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this section.

(Pub. L. 95–113, title XV, § 1511, Sept. 29, 1977, 91 Stat. 1022.)

REFERENCES IN TEXT

Section 590p of this title, referred to in subsec. (a), was repealed by Pub. L. 104–127, title III, § 336(b)(1), Apr. 4, 1996, 110 Stat. 1006.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1977, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of Title 7, Agriculture.

CHAPTER 3C—WATER CONSERVATION

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

Sec.
590r to 590x–4. Repealed.

SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS

590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs.
590z. Utilization of services, materials, funds, etc., of Federal, State, or municipal agencies, or of individuals.
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(b) Utilization of other agencies.
(c) Advertisement for purchases or services.
590z–4. Cooperative agreements with other agencies.
590z–5. Repealed.
590z–6. Disposition of receipts from repayment contracts and project operations.

Sec.
590z–7. Provisions for furnishing surplus power and municipal or miscellaneous water supplies.
590z–8. Authority of Secretary of the Interior over lands, contracts, water rights, etc.
(a) Utilization of lands.
(b) Contracts, land acquisitions, etc.
590z–9. Powers and duties of Secretaries of the Interior and Agriculture; rules and regulations.
590z–10. Authorization of appropriations.
590z–11. Delegation of powers and duties by Secretary of the Interior.

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

§§ 590r to 590x–4. Repealed. Pub. L. 87–128, title III, § 341(a), Aug. 8, 1961, 75 Stat. 318

Section 590r, acts Aug. 28, 1937, ch. 870, § 1, 50 Stat. 869; Aug. 17, 1954, ch. 751, § 1(1), (2), 68 Stat. 734; July 12, 1960, Pub. L. 86–624, § 9, 74 Stat. 412, related to Congressional declaration of policy.

Section 590s, acts Aug. 28, 1937, ch. 870, § 2, 50 Stat. 869; Aug. 17, 1954, ch. 751, § 1(3), 68 Stat. 735, related to powers and duties of Secretary of Agriculture.

Section 590t, act Aug. 28, 1937, ch. 870, § 3, 50 Stat. 869, related to location of projects.

Section 590u, act Aug. 28, 1937, ch. 870, § 4, 50 Stat. 870, related to State aid and certain requirements.

Section 590v, act Aug. 28, 1937, ch. 870, § 5, 50 Stat. 870, related to use of employees and agencies within Department of Agriculture.

Section 590w, act Aug. 28, 1937, ch. 870, § 6, 50 Stat. 870, related to cooperation of governmental agencies, expenditures and rules and regulations.

Section 590x, act Aug. 28, 1937, ch. 870, § 7, 50 Stat. 870, authorized appropriations.

Section 590x–1, act Aug. 28, 1937, ch. 870, § 8, as added Aug. 17, 1954, ch. 751, § 1(4), 68 Stat. 735, prescribed limitations on aid.

Section 590x–2, act Aug. 28, 1937, ch. 870, § 9, as added Aug. 17, 1954, ch. 751, § 1(4), 68 Stat. 735, authorized loans for farm land improvement.

Section 590x–3, act Aug. 28, 1937, ch. 870, § 10(a)–(e), as added Aug. 17, 1954, ch. 751, § 1(4), 68 Stat. 735, provided for an insurance program for loans by other than United States, an insurance fund, contents of fund, selling and reinsuring of notes, disposition of insurance charges, insurance contract as United States obligation, incontestability, discharge of obligations, and limitation on aggregate amount of obligations.

Section 590x–4, act Aug. 28, 1937, ch. 870, § 11, as added Aug. 25, 1958, Pub. L. 85–748, § 2, 72 Stat. 841, related to authorization of Secretary for execution, insurance and sale of loans, insurance, appraisal and delinquency charges, use of proceeds for expenses; computation of aggregate amount of principal obligations which may be insured, insurance of loans from funds advanced by lenders other than United States, provisions applicable to loans, conversion of loans to insured loans, expense funds, sale of loans on noninsured basis and assignment of loans.

The subject matter of former sections 590r to 590x–4 of this title is covered by section 1921 et seq. of Title 7, Agriculture.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective one hundred and twenty days after Aug. 8, 1961, or such earlier date as the provisions of section 1921 et seq. of Title 7, Agriculture, are made effective by regulations of Secretary of Agriculture, see section 341(a) of Pub. L. 87–128, set out as a note under section 1921 of Title 7.

Sections repealed effective Oct. 15, 1961, by section 300.1 of former Title 6, Code of Federal Regulations, see Effective Date note under section 1921 of Title 7.

SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 43 section 505.

§ 590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs

For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as ''the Secretary'') is authorized to investigate and, upon compliance with the provisions of this subchapter, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this subchapter; *Provided*, That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further*, That expenditures from appropriations made directly pursuant to the authority contained in section 590z–10(1) of this title to meet reimbursable construction costs allocated to irrigation as defined in section 590z–2(b) of this title shall not exceed $2,000,000 for dams and reservoirs in any one project, and that expenditures from appropriations made directly pursuant to the authority contained in section 590z–10(1) of this title to meet costs allocated to flood control by the Secretary after consultation with the Chief of Engineers, Department of the Army, shall not exceed $500,000 on any one project.

(Aug. 11, 1939, ch. 717, § 1, 53 Stat. 1418; Oct. 14, 1940, ch. 861, 54 Stat. 1119; Mar. 7, 1942, ch. 164, 56 Stat. 142; July 16, 1943, ch. 242, § 1, 57 Stat. 566; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

AMENDMENTS

1943—Act July 16, 1943, raised amount of expenditures for dams and reservoirs on any one project from $1,000,000 to $2,000,000.

1942—Act Mar. 7, 1942, amended last proviso.

1940—Act Oct. 14, 1940, reenacted section.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted ''Title 10, Armed Forces'' which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

ANGOSTURA PROJECT

Act Aug. 9, 1955, ch. 630, 69 Stat. 552, provided: ''That the provisions of sections 41(g), 43, and 51 of the Bankhead-Jones Farm Tenant Act, as amended [sections 1015(g), 1017, and 1025 of Title 7, Agriculture], are hereby extended to apply on the obligations of settlers on the Angostura project in South Dakota developed under the Act of August 11, 1939, as amended [this section].''

§ 590z. Utilization of services, materials, funds, etc., of Federal, State, or municipal agencies, or of individuals

In connection with the investigation, construction, or operation and maintenance of a

project, pursuant to the authority of this subchapter, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the water users' ability to repay costs as found by the Secretary under section 590z–1(a)(iv) of this title; and (2) such services, labor, materials, easements or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this subchapter. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(Aug. 11, 1939, ch. 717, § 2, 53 Stat. 1419; Oct. 14, 1940, ch. 861, 54 Stat. 1120.)

AMENDMENTS

1940—Act Oct. 14, 1940, reenacted section.

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 power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Works Projects Administration and its functions transferred to Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 306, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, set out in the Appendix to Title 5.

Functions of Federal Works Agency transferred to General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380, which is classified to section 753 of Title 40, Public Buildings, Property and Works.

Civilian Conservation Corps and its functions consolidated with other agencies under Federal Security Agency, to be administered by Director of Corps under direction and supervision of Federal Security Administration by Reorg. Plan No. 1 of 1939, §§ 201, 207, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1425, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Security Agency was abolished by section 8 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, and its functions transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953.

Department of Health, Education, and Welfare was redesignated Department of Health and Human Services by section 3508(b) of Title 20, Education.

DRAINAGE FACILITIES AND MINOR CONSTRUCTION

Contracts with repayment organizations for construction of drainage facilities and minor items in irrigation works, see section 505 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590z–1, 590z–2 of this title.

§ 590z–1. Prerequisites for construction of project

(a) Investigation and report to President

No construction of a project may be undertaken pursuant to the authority of this subchapter unless and until the Secretary has made an investigation thereof and has submitted to the President his report and findings on—

(i) the engineering feasibility of the proposed construction;

(ii) the estimated cost of the proposed construction;

(iii) the part of the estimated cost which properly can be allocated to irrigation;

(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 590z–2 of this title;

(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;

(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable in accordance with existing law relating to Indian lands;

(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Secretary after consultation with the Chief of Engineers, Department of the Army.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 590z–3 and 590z–4 of this title; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this subchapter if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 590z–2 of this title an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 590z–10(1) of this title; and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for the construction of the project, should be made available to the Department of the Interior by the Works Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 590z–10(1) of this title, together with (ii) such services, materials, money, easements, and other property as

non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 590z of this title.

(b) Construction of physical features

No actual construction of the physical features of a project shall be undertaken unless and until (1) the Secretary has found that lands, or interests in lands, deemed necessary for the construction and operation of the major features of the projects have been secured, or sufficient progress made in their procurement to indicate the probability that all these lands or interests in lands can be secured, with titles and at prices satisfactory to him; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or that such water rights have been initiated and in his judgment can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him.

(c) Division of project

Any part of a project hereunder may be designated as a division of the project by the Secretary if he, after consultation with the Secretary of Agriculture, deems this desirable for orderly and efficient construction or administration. The term ''project'', as used in subsection (b) of this section and section 590z–2 of this title, shall be deemed to mean also ''division of a project'', designated as provided in this subsection. Any project authorized for construction from appropriations under the head ''Water Conservation and Utility Projects'' in the Interior Department Appropriation Act, 1940 [ch. 119] (53 Stat. 685), hereinafter called the 1940 water conservation appropriation, may be designated by the Secretary, upon agreement with the Secretary of Agriculture, a project under this subchapter, and shall thereupon be subject to all the provisions and requirements thereof, except those of subsections (a) and (b) of this section.

(Aug. 11, 1939, ch. 717, § 3, 53 Stat. 1419; Oct. 14, 1940, ch. 861, 54 Stat. 1120; July 16, 1943, ch. 242, §§ 2–4, 57 Stat. 567; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

REFERENCES IN TEXT

The head ''Water Conservation Utility Projects'' in the Interior Department Appropriation Act, 1940 [ch. 119] (53 Stat. 685), referred to in subsec. (c), was not classified to the Code.

AMENDMENTS

1943—Subsec. (a)(vii). Act July 16, 1943, § 2, inserted ''Secretary after consultation with the'' after ''as recommended''.

Subsec. (b). Act July 16, 1943, § 3, amended subsec. (b) generally.

Subsec. (c). Act July 16, 1943, § 4, added subsec. (c).

1940—Act Oct. 14, 1940, reenacted section.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted ''Title 10, Armed Forces'' which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

CONSTRUCTION WITH SECTION 701–1 OF TITLE 33

Section as amended and modified by act Dec. 22, 1944, ch. 665, § 1(c), 58 Stat. 665, see section 701–1(c) of Title 33, Navigation and Navigable Waters.

TRANSFER OF FUNCTIONS

Works Projects Administration and its functions transferred to Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 306, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of Federal Works Agency transferred to General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380, which is classified to section 753 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590z of this title; title 33 section 701–1.

§ 590z–2. Repayment contracts

(a) Necessity

No water for irrigation may be delivered from the works of any project constructed under the authority of this subchapter until after the repayment contract or contracts required by this section have been executed. Where practicable in the judgment of the Secretary, the repayment contract shall be with a water users' organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual landowners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this subchapter and to protect the interests of the United States.

(b) "Reimbursable construction cost" defined

The term ''reimbursable construction costs'' as used in this subchapter means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 590z–10(1) of this title, plus such amounts as the President, under section 590z(1) of this title, may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

(c) Terms

The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among other things, that—

(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary's judgment are justified by the rate of project development, including as a minimum the return over the full development period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secretary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election, suspend operations in whole or in part.

(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c)(1) of this section: *Provided*, That the provisions of this subsection shall not be construed to modify the provisions of special legislation pertaining to any particular project.

(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c)(1) of this section, or in arrears for more than twelve months in the payment of an installment of the reimbursable construction costs.

(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

(Aug. 11, 1939, ch. 717, § 4, as added Oct. 14, 1940, ch. 861, 54 Stat. 1121; amended July 16, 1943, ch. 242, § 5, 57 Stat. 567.)

REFERENCES IN TEXT

Herein, referred to in subsec. (c)(5), means act Aug. 11, 1939, which comprises this subchapter.

PRIOR PROVISIONS

A prior section 4 of act Aug. 11, 1939, ch. 717, 53 Stat. 1419, covered authorization of appropriations, prior to the general amendment of that act by act Oct. 14, 1940. See section 590z–10 of this title.

AMENDMENTS

1943—Subsec. (d). Act July 16, 1943, added subsec. (d).

EXPIRATION OF SUBSECTION (d)

Subsection (d) of this section, by the terms thereof, ceased to be of force and effect, except as to certain projects, six months after cessation of hostilities of World War II, which was proclaimed at 12 o'clock noon of December 31, 1946, by Proc. No. 2714, 12 F.R. 1, set out as a note preceding section 1 of Appendix to Title 50, War and National Defense.

EXTENSION OF VARIABLE PAYMENT PLAN

Authority of Secretary to extend benefits of variable payment plan to organizations with which he contracts or has contracted for the repayment of construction costs allocated to irrigation on any project undertaken by the United States, including contracts under this subchapter, see section 2 of Pub. L. 85–611, Aug. 8, 1958, 72 Stat. 542, set out as a note under section 485h of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590y, 590z–1, 590z–3, 590z–4, 590z–6, 590z–7 of this title.

§ 590z–3. Settlement of projects on agricultural basis

(a) Rehabilitation; stabilization of agricultural economy; maximum utilization of funds

In connection with the construction or operation and maintenance of projects undertaken

pursuant to the authority of this subchapter, and in order to further in the Great Plains and arid and semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the location thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 590z–10(2) of this title, except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 590z–2 of this title.

(b) Utilization of other agencies

For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State or political subdivision thereof State agency, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(c) Advertisement for purchases or services

Where the aggregate amount involved does not exceed $300, the provisions of section 5 of title 41 shall not apply to any purchase or service authorized for the Department of Agriculture under this subchapter or under the 1940 water conservation appropriation.

(Aug. 11, 1939, ch. 717, § 5, as added Oct. 14, 1940, ch. 861, 54 Stat. 1122; amended July 16, 1943, ch. 242, § 6, 57 Stat. 568.)

REFERENCES IN TEXT

For 1940 water conservation appropriation citation, referred to in subsec. (c), see section 590z–1(c) of this title.

AMENDMENTS

1943—Subsec. (c). Act July 16, 1943, added subsec. (c).

TRANSFER OF FUNCTIONS

Works Projects Administration and its functions transferred to Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 306, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, set out in the Appendix to Title 5, Government Organization and Employees.

Functions of Federal Works Agency transferred to General Services Administration by act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380, which is classified to section 753 of Title 40, Public Buildings, Property, and Works.

Civilian Conservation Corps and its functions consolidated with other agencies under Federal Security Agency, to be administered by Director of Corps under direction and supervision of Federal Security Administration by Reorg. Plan No. 1 of 1939, §§ 201, 207, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1425, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Security Agency abolished by section 8 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, and its functions transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan. No. 1 of 1953.

Department of Health, Education, and Welfare redesignated Department of Health and Human Services by section 3508(b) of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590z–1, 590z–4, 590z–8 of this title.

§ 590z–4. Cooperative agreements with other agencies

The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this subchapter; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required by section 590z–2 of this title and shall handle the collections of repayments and shall take over the other administrative duties connected with the project, after the Secretary of the Interior announces that the

project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 590z–2 of this title, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 590z–3(a) of this title; and (4) that any repayment contract with a water user or water users' organization entered into pursuant to section 590z–2 of this title and any land contract with the same water user or organization entered into pursuant to section 590z–3(a) of this title, if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is authorized to carry out the provision of any such cooperative agreements.

(Aug. 11, 1939, ch. 717, § 6, as added Oct. 14, 1940, ch. 861, 54 Stat. 1123.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590z–1 of this title.

§ 590z–5. Repealed. Aug. 17, 1954, ch. 751, § 2, 68 Stat. 736

Section, act Aug. 11, 1939, ch. 717, § 7, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124; amended June 10, 1949, ch. 195, 63 Stat. 171, related to limitations on expenditures under former sections 590r to 590x of this title.

§ 590z–6. Disposition of receipts from repayment contracts and project operations

All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 590z–2 and 590z–7 of this title shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 590z–2(c)(1) of this title, excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 590z–2(c)(2) of this title shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes.

(Aug. 11, 1939, ch. 717, § 8, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124.)

§ 590z–7. Provisions for furnishing surplus power and municipal or miscellaneous water supplies

In connection with any project undertaken pursuant to this subchapter, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided*, That expenditures from appropriations made directly pursuant to the authority contained in section 590z–10(1) of this title to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed $500,000 for any one project: *Provided further*, That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 590z–2 of this title. All right, title, and interest in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: *And provided further*, That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 [7 U.S.C. 901 et seq.] and any amendments thereof.

(Aug. 11, 1939, ch. 717, § 9, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in text, is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§ 901 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 901 of Title 7 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 590z–6 of this title.

§ 590z–8. Authority of Secretary of the Interior over lands, contracts, water rights, etc.

(a) Utilization of lands

In connection with any project constructed pursuant to the provisions of this subchapter, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired under section 590z–3 of this title as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17,

1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

(b) Contracts, land acquisitions, etc.

In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this subchapter, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects under the Federal reclamation laws.

(Aug. 11, 1939, ch. 717, § 10, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in subsecs. (a) and (b), are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

Act of June 17, 1902 (32 Stat. 388), referred to in subsec. (a), is popularly known as the ''Reclamation Act'' and is classified generally to chapter 12 (§ 371 et seq.) of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

§ 590z–9. Powers and duties of Secretaries of the Interior and Agriculture; rules and regulations

The Secretary of the Interior and the Secretary of Agriculture are authorized to perform any and all Acts[1] and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this subchapter and for the purpose of carrying the provisions of this subchapter into full force and effect.

(Aug. 11, 1939, ch. 717, § 11, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

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 power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Delegation of powers and duties of Secretary of the Interior, see section 590z–11 of this title.

§ 590z–10. Authorization of appropriations

To carry out the purposes of this subchapter there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this subchapter, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this subchapter.

(Aug. 11, 1939, ch. 717, § 12, as added Oct. 14, 1940, ch. 861, 54 Stat. 1125.)

[1] So in original.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 590y, 590z–1, 590z–2, 590z–3, 590z–7 of this title.

§ 590z–11. Delegation of powers and duties by Secretary of the Interior

For the purpose of facilitating and simplifying the administration of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and this subchapter, the Secretary of the Interior is authorized to delegate, from time to time and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Reclamation, an Assistant Commissioner, or the officer in charge of any office, division, district, or project of the Bureau of Reclamation.

(Dec. 19, 1941, ch. 595, 55 Stat. 842.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

Act of June 17, 1902, 32 Stat. 388, referred to in text, is popularly known as the ''Reclamation Act'' and is classified generally to chapter 12 (§ 371 et seq.) of Title 43. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

CODIFICATION

This section was not enacted as part of act Aug. 11, 1939, ch. 717, 53 Stat. 1418, which comprises this subchapter.

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 power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 4—PROTECTION OF TIMBER, AND DEPREDATIONS

Sec.
591, 592. Repealed.
593. Protection of timber in Florida.
594. Protection of timber owned by United States from fire, disease, or insect ravages.
594–1 to 600. Repealed.
601. Disposition of moneys collected for depredations.
602. Seizure of timber cut.
603. Omitted.
604. Cutting timber on certain mineral lands; permits to corporations; railroad corporations.
605. Unlawful cutting on mineral lands; notice to Secretary.
606. Offense for unlawful cutting on mineral lands; punishment.
607. Cutting and removal of timber on certain public lands for certain purposes.
607a. Cutting and use of timber in Alaska by settlers, residents, miners, etc.
608. Permits to cut and remove timber; citizens of Malheur County, Oregon.
609. Permits to cut and remove timber; citizens of Modoc County, California.
610. Permits to cut and remove timber; citizens of Washington County and Kane County, Utah.
611. Permits to cut and remove timber; citizens of Idaho and Wyoming.