

project: *Provided*, That the Secretary shall ensure that all documents associated with the preparation of planning and feasibility studies and applicable environmental reviews under the National Environmental Policy Act [42 U.S.C. 4321 et seq.] for a project covered by this section shall be made available to any joint powers authority with whom the Secretary enters into an agreement to advance such project: *Provided further*, That the Secretary, acting through the Commissioner of the Bureau of Reclamation, shall ensure that all applicable environmental reviews under the National Environmental Policy Act, to the degree such reviews are required, are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized, including in the completion of feasibility studies, Draft Environmental Impact Statements (DEIS) and Final Environmental Impact Statements (FEIS): *Provided further*, That the Bureau of Reclamation need not complete the applicable feasibility study, DEIS or FEIS if the Commissioner determines, and the Secretary concurs, that the project can be expedited by a joint powers authority as a non-Federal project or if the project fails to meet applicable Federal cost-benefit requirements or standards: *Provided further*, That the Secretary shall not provide financial assistance towards these studies or projects, unless there is a demonstrable Federal interest.

(Pub. L. 113-76, div. D, title II, §208, Jan. 17, 2014, 128 Stat. 164.)

#### REFERENCES IN TEXT

The National Environmental Policy Act, referred to in text, probably means the National Environmental Policy Act of 1969, Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

#### § 374. Sale of lands acquired in connection with irrigation project

Whenever in the opinion of the Secretary of the Interior any lands which have been acquired under the provisions of the Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), commonly called the "reclamation Act," or under the provisions of any Act amendatory thereof or supplementary thereto, for any irrigation works contemplated by said reclamation Act are not needed for the purposes for which they were acquired, said Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land.

Upon payment of the purchase price, the Secretary of the Interior is authorized by appropriate deed to convey all the right, title, and in-

terest of the United States of, in, and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been acquired.

(Feb. 2, 1911, ch. 32, §§1-3, 36 Stat. 895.)

#### REFERENCES IN TEXT

Act of June seventeenth, nineteen hundred and two, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

#### § 375. Sale of land improved at expense of reclamation fund

Whenever in the opinion of the Secretary of the Interior any public lands which have been withdrawn for or in connection with construction or operation of reclamation projects under the provisions of the Act of June 17, 1902, known as the Reclamation Act<sup>1</sup> and Acts amendatory thereof and supplementary thereto, which are not otherwise reserved and which have been improved by and at the expense of the reclamation fund for administration or other like purposes, are no longer needed for the purposes for which they were withdrawn and improved, the Secretary of the Interior may cause said lands, together with the improvements thereon, to be appraised by three disinterested persons to be appointed by him, and thereafter sell the same, for not less than the appraised value, at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than thirty days in a newspaper of general circulation in the vicinity of the land; not less than one-fifth the purchase price shall be paid at the time of sale, and the remainder in not more than four annual payments with interest at 6 per centum per annum, payable annually, on deferred payments.

Upon payment of the purchase price the Secretary of the Interior is authorized, by appropriate patent, to convey all the right, title, and interest of the United States in and to said lands to the purchaser at said sale, subject, however, to such reservations, limitations, or conditions as said Secretary may deem proper: *Provided*, That not over one hundred and sixty acres shall be sold to any one person, and if said lands are irrigable under the project in which located they shall be sold subject to compliance by the purchaser with all the terms, conditions, and limitations of the reclamation law applicable to lands of that character: *Provided*, That the accepted bidder must, prior to issuance of patent, furnish satisfactory evidence that he or she is a citizen of the United States.

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been withdrawn.

<sup>1</sup> So in original. Probably should be followed by a comma.

(May 20, 1920, ch. 192, §§1-3, 41 Stat. 605, 606.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, 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.

**§ 375a. Sale under sections 374 and 375 of lands appraised at not exceeding \$300**

The Secretary in his discretion, in any instances where property to be sold under section 374 or 375 of this title, is appraised at not to exceed \$300, may sell said property at public or private sale without complying with the provisions of said sections as to notice, publication, and mode of sale.

(Aug. 4, 1939, ch. 418, §11, 53 Stat. 1197.)

CODIFICATION

Section was enacted as part of the Reclamation Project Act of 1939. See sections 387 to 389 and 485 et seq. of this title.

DEFINITIONS

The definitions in section 485a of this title apply to this section.

**§ 375b. Disposal of tracts too small to be classed farm units**

In accordance with the provisions of sections 375b to 375f of this title and notwithstanding the provisions of any other law, the Secretary of the Interior, hereinafter styled the Secretary, is authorized, in connection with any Federal irrigation project for which water is available, and after finding that such action will be in furtherance of the irrigation project and the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplemental thereto, hereinafter styled the Reclamation Act, to dispose of any tract of withdrawn public land which, in the opinion of the Secretary, has less than sufficient acreage reasonably required for the support of a family and is too small to be opened to homestead entry and classed as a farm unit under the Reclamation Act.

(Mar. 31, 1950, ch. 78, §1, 64 Stat. 39.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in text, is 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.

**§ 375c. Sales of small tracts to resident farm owners and entrymen; price; terms; acreage purchasable**

The Secretary is authorized to sell such land to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That such resident farm landowner or resident entryman shall be permitted to purchase under sections 375b to 375f of this title not more than one hun-

dred and sixty acres of such land, or an area which, together with land already owned or entered on such project shall not exceed one hundred and sixty irrigable acres.

(Mar. 31, 1950, ch. 78, §2, 64 Stat. 39.)

**§ 375d. Issuance of patent for small tracts; reservations**

After the purchaser has paid to the United States all the amount on the purchase price of such land, a patent shall be issued. Such patents shall contain a reservation of a lien for water charges when deemed appropriate by the Secretary, and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws and also other reservations, limitations, or conditions as now provided by law.

(Mar. 31, 1950, ch. 78, §3, 64 Stat. 40.)

**§ 375e. Moneys from sale of small tracts covered into reclamation fund; credit**

The moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project on which such lands are located.

(Mar. 31, 1950, ch. 78, §4, 64 Stat. 40.)

**§ 375f. Rules and regulations**

The Secretary of the Interior is authorized to perform any and all acts and to make rules and regulations necessary and proper for carrying out the purposes of sections 375b to 375f of this title.

(Mar. 31, 1950, ch. 78, §5, 64 Stat. 40.)

**§ 376. Return of land donations not needed**

Where real property or any interest therein heretofore has been, or hereafter shall be, donated and conveyed to the United States for use in connection with a project, and the Secretary decides not to utilize the donation, he is authorized without charge to reconvey such property or any part thereof to the donating grantor, or to the heirs, successors, or assigns of such grantor.

(Dec. 5, 1924, ch. 4, §4, subsec. Q, 43 Stat. 704.)

DEFINITIONS

The definitions in section 371 of this title apply to this section.

**§ 377. General expenses of Bureau of Reclamation chargeable to general reclamation fund**

The cost and expense after June 30, 1945, of the office of the Commissioner in the District of Columbia, and, except for such cost and expense as are incurred on behalf of specific projects, of general investigations and of nonproject offices outside the District of Columbia, shall be charged to the reclamation fund and shall not be charged as a part of the reimbursable construction or operation and maintenance costs.

(Dec. 5, 1924, ch. 4, §4, subsec. O, 43 Stat. 704; Apr. 19, 1945, ch. 80, 59 Stat. 54.)

AMENDMENTS

1945—Act Apr. 19, 1945, amended section generally and made it applicable after June 30, 1945.