

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Reform Act of 1982, which enacted this subchapter, amended sections 373a, 422e, 425b, and 485h of this title, and repealed section 383 of Title 25, Indians.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.<sup>1</sup>

(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

<sup>1</sup> So in original.