

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

Pub. L. 96-336, §8(a), Sept. 4, 1980, 94 Stat. 1065, provided that the amendment made by 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.)

#### § 422l. 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

Act Aug. 13, 1953, ch. 428, §10, 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.)