

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.

(b) Certain leases authorized

(1) In general

Notwithstanding subsection (a), the Secretary—

(A) may enter into leases of power privileges for electric power generation in connection with any project constructed pursuant to this subchapter; and

(B) shall have authority over any project constructed pursuant to this subchapter in addition to and alternative to any existing authority relating to a particular project.

(2) Process

In entering into a lease of power privileges under paragraph (1), the Secretary shall use the processes, terms, and conditions applicable to a lease under section 485h(c) of title 43.

(3) Findings not required

No findings under section 590z-1 of this title shall be required for a lease under paragraph (1).

(4) Rights retained by lessee

Except as otherwise provided under paragraph (5), all right, title, and interest in and to installed power facilities constructed by non-Federal entities pursuant to a lease under paragraph (1), and any direct revenues derived from that lease, shall remain with the lessee.

(5) Lease charges

Notwithstanding section 590z-6 of this title, lease charges shall be credited to the project from which the power is derived.

(6) Effect

Nothing in this section alters or affects any agreement in effect on December 19, 2014, for

the development of hydropower projects or disposition of revenues.

(Aug. 11, 1939, ch. 717, §9, as added Oct. 14, 1940, ch. 861, 54 Stat. 1124; Pub. L. 113-291, div. B, title XXX, §3087, Dec. 19, 2014, 128 Stat. 3857.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (a), 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.

AMENDMENTS

2014—Pub. L. 113-291 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 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

Act of June 17, 1902, referred to in subsec. (a), is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. 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 Acts¹ 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.)

¹ So in original.

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.

§ 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.)

§ 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

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 chapter 12 (§371 et seq.) of Title 43, Public Lands. 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.

- Sec. 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.
- 611a. Permits to cut and remove timber; citizens of Bear Lake County, Idaho.
- 612. Permits to cut and remove timber to certain corporations.
- 613. Limitations of use of timber taken not to apply to certain territory.
- 614, 615. Repealed.
- 615a. Sale of timber in Alaska; appraisal; local consumption; accounting; deposit in Treasury.
- 615b. Exportation of timber pulp wood and wood pulp from Alaska.
- 616. Exportation of timber cut on national forest or public land in Alaska.
- 617. Exportation of unprocessed timber from Federal lands.
- 618. Timber contract payment modification.
- 619. Emergency stumpage rate redeterminations in Alaska.
- 620. Findings and purposes.
- 620a. Restrictions on exports of unprocessed timber originating from Federal lands.
- 620b. Limitations on substitution of unprocessed Federal timber for unprocessed timber exported from private lands.
- 620c. Restriction on exports of unprocessed timber from State and other public lands.
- 620d. Monitoring and enforcement.
- 620e. Definitions.
- 620f. Regulations and review.
- 620g. Authorization of appropriations.
- 620h. Savings provision.
- 620i. Eastern hardwoods study.
- 620j. Authority of Export Administration Act of 1979.

§§ 591, 592. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1349

Sections, R.S. §§2458, 2459, related to lands producing live oak and red cedar timbers needed by Navy.

§ 593. Protection of timber in Florida

The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

(R.S. §2460.)

CODIFICATION

R.S. §2460 derived from act Feb. 23, 1882, ch. 9, 3 Stat. 651.