

**§ 391b. Omitted**

## CODIFICATION

Section, act Mar. 3, 1931, ch. 435, § 2, 46 Stat. 1507, related to reimbursement of general fund for moneys advanced under section 391a of this title. See section 391a-1 of this title.

**§ 392. Payments into reclamation fund of moneys received from entrymen and water right applicants**

All moneys received from entrymen or applicants for water rights shall be paid into the reclamation fund.

(June 17, 1902, ch. 1093, § 5, 32 Stat. 389.)

## CODIFICATION

Section is comprised of fourth sentence of section 5 of act June 17, 1902. First, second and fifth sentences of such section 5 were classified to sections 439, 431 and 381 of this title, respectively; part of third sentence was classified to section 476 of this title.

## SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of this title.

**§ 392a. Payment into reclamation fund of receipts from irrigation projects; transfer of power revenues to General Treasury after repayment of construction costs**

All moneys received by the United States in connection with any irrigation projects, including the incidental power features thereof, constructed by the Secretary of the Interior through the Bureau of Reclamation, and financed in whole or in part with moneys heretofore or hereafter appropriated or allocated therefor by the Federal Government, shall be covered into the reclamation fund, except in cases where provision has been made by law or contract for the use of such revenues for the benefit of users of water from such project: *Provided*, That after the net revenues derived from the sale of power developed in connection with any of said projects shall have repaid those construction costs of such project allocated to power to be repaid by power revenues therefrom and shall no longer be required to meet the contractual obligations of the United States, then said net revenues derived from the sale of power developed in connection with such project shall, after the close of each fiscal year, be transferred to and covered into the General Treasury as "miscellaneous receipts": *Provided further*, That nothing in this section shall be construed to amend the Boulder Canyon Project Act (45 Stat. 1057), as amended [43 U.S.C. 617 et seq.], or to apply to irrigation projects of the Office of Indian Affairs.

(May 9, 1938, ch. 187, 52 Stat. 322.)

## REFERENCES IN TEXT

The Boulder Canyon Project Act (45 Stat. 1057), as amended, referred to in text, is act Dec. 21, 1928, ch. 42, 45 Stat. 1057, as amended, which is classified generally to subchapter I (§617 et seq.) of chapter 12A of this title. For complete classification of this Act to the Code, see section 617t of this title and Tables.

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with cer-

tain 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 under section 1451 of this title.

**§ 393. Proceeds from sale of materials, etc.**

There shall be covered into the reclamation fund the proceeds of the sales of material utilized for temporary work and structures in connection with the operations under the Act of June 17, 1902, known as the reclamation Act, as well as of the sales of all other condemned property which had been purchased under the provisions thereof, and also any moneys refunded in connection with the operations under said reclamation Act.

(Mar. 3, 1905, ch. 1459, 33 Stat. 1032.)

## REFERENCES IN TEXT

Act of June 17, 1902, known as the reclamation Act, referred to in text, is act June 17, 1902, ch. 1093, 32 Stat. 388, as amended, 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.

**§ 394. Proceeds from sale of products of or leases of withdrawn or reserved lands**

The proceeds heretofore or hereafter received from the lease of any lands reserved or withdrawn under the reclamation law or from the sale of the products therefrom shall be covered into the reclamation fund; and where such lands are affected by a reservation or withdrawal under some other law, the proceeds from the lease of land and the sale of products therefrom shall likewise be covered into the reclamation fund in all cases where such lands are needed for the protection or operation of any reservoir or other works constructed under the reclamation law, and such lands shall be and remain under the jurisdiction of the Secretary of the Interior. (July 19, 1919, ch. 24, 41 Stat. 202.)

## REFERENCES IN TEXT

The reclamation law, referred to in text, is identified in act July 19, 1919, ch. 24, 41 Stat. 200, under the heading "RECLAMATION SERVICE", as act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

**§ 395. Contributions by State, municipality, etc.**

All moneys received after March 4, 1921, from any State, municipality, corporation, association, firm, district, or individual for investigations, surveys, construction work, or any other development work incident thereto involving operations similar to those provided for by the reclamation law shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

(Mar. 4, 1921, ch. 161, 41 Stat. 1404.)

## REFERENCES IN TEXT

The reclamation law, referred to in text, is identified in act Mar. 4, 1921, ch. 161, 41 Stat. 1402, under the head-

ing "RECLAMATION SERVICE", as act June 17, 1902, ch. 1093, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto. Act June 17, 1902, popularly known as the Reclamation Act, is classified generally to this chapter. For complete classification of act June 17, 1902, to the Code, see Short Title note set out under section 371 of this title and Tables.

**§ 396. Return of contributions to cooperative investigations of projects**

On and after December 25, 1924, the Secretary of the Interior is authorized to receive moneys from any State, municipality, irrigation district, individual, or other interest, public or private, expend the same in connection with moneys appropriated by the United States for any cooperative investigation of the feasibility of reclamation projects, and return to the contributor any moneys so contributed in excess of the actual cost of that portion of the work properly chargeable to the contribution.

(Dec. 5, 1924, ch. 4, § 1, 43 Stat. 685.)

**§ 397. Advances by Government for completion of projects initiated prior to June 25, 1910**

To enable the Secretary of the Interior to complete Government reclamation projects begun prior to June 25, 1910, the Secretary of the Treasury is authorized, as of June 25, 1910, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by section 391 of this title, such sum or sums, not exceeding in the aggregate \$20,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects, and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof or to protect water rights pertaining thereto claimed by the United States, provided the same shall be approved by the President of the United States; and such sum or sums as may be required to comply with the foregoing authority are appropriated, as of June 25, 1910, out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law: *And provided further*, That all sums so transferred shall be reimbursed to the Treasury from the reclamation fund, as hereinafter provided: *And provided further*, That no part of this appropriation shall be expended upon any project existing June 25, 1910, until it shall have been examined and reported upon by a board of engineer officers of the Army, designated by the President of the United States, and until it shall be approved by the President as feasible and practicable and worthy of such expenditure; nor shall any portion of this appropriation be expended upon any project initiated after June 25, 1910.

(June 25, 1910, ch. 407, § 1, 36 Stat. 835.)

**§ 397a. Advances for operation and maintenance of projects**

Any moneys which may have been heretofore or may be hereafter advanced for operation and maintenance of any project or any division of a

project shall be covered into the reclamation fund and shall be available for expenditure for the purposes for which advanced in like manner as if said funds had been specifically appropriated for said purposes.

(Jan. 12, 1927, ch. 27, 44 Stat. 957.)

**§ 398. Sales of Government certificates to obtain funds for advances**

For the purpose of providing the Treasury with funds for the advances to the reclamation fund, provided for in section 397 of this title, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of \$50, or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding 3 per centum per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of \$20,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority; and a sum not exceeding one-tenth of 1 per centum of the amount of the certificates of indebtedness issued under this section is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

(June 25, 1910, ch. 407, § 2, 36 Stat. 835.)

**§ 399. Omitted**

CODIFICATION

Section, acts June 25, 1910, ch. 407, § 3, 36 Stat. 836; June 12, 1917, ch. 27, 40 Stat. 149, related to repayment of advances made under sections 397 and 398 of this title. See section 391a-1 of this title.

**§ 400. Advances as item of cost of construction and maintenance of project**

All money placed to the credit of the reclamation fund in pursuance of sections 397 and 398 to 400, of this title shall be devoted exclusively to the completion of work on reclamation projects begun prior to June 25, 1910, as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance.

(June 25, 1910, ch. 407, § 4, 36 Stat. 836.)

REFERENCES IN TEXT

Section 399 of this title, included within reference in text to sections 398 to 400, was omitted from the Code. See section 391a-1 of this title.