

the Appendix to Title 5, Government Organization and Employees.

**§ 385. Maintenance charges; reimbursement of construction costs; apportionment of cost**

For lands irrigable under any irrigation system or reclamation project the Secretary of the Interior may fix maintenance charges which shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected: *Provided further*, That all moneys expended under this provision shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

(Apr. 4, 1910, ch. 140, §§ 1, 3, 36 Stat. 270, 272; Aug. 1, 1914, ch. 222, § 1, 38 Stat. 583; Aug. 7, 1946, ch. 770, § 1(8), 60 Stat. 867; Pub. L. 97-293, title II, § 224(f), Oct. 12, 1982, 96 Stat. 1273.)

**Editorial Notes**

**CODIFICATION**

Section is based on sections 1 and 3 of act Apr. 4, 1910, and section 1 of act Aug. 1, 1914.

A provision in act Aug. 1, 1914, appropriated a specific sum for the construction, repair, etc., of ditches, reservoirs, etc., and for the pay of designated officials and employees.

**AMENDMENTS**

1982—Pub. L. 97-293 struck out provisions requiring Secretary of the Interior to transmit annual cost accounts to Congress of all moneys expended on each irrigation project.

1946—Act Aug. 7, 1946, discontinued provisions requiring Secretary of the Interior to transmit annual cost accounts to Congress of all moneys expended on each irrigation project.

**§ 385a. Irrigation projects; deposit of assessments as trust fund; disposition of fund**

Effective August 7, 1946, collections made from water users on each Indian irrigation project on account of assessments levied to meet the cost of operating and maintaining such project shall be deposited into the Treasury for credit to a trust-fund account pursuant to section 1321 of title 31, and shall be available for expenditure in carrying out the purposes for which collected.

(Aug. 7, 1946, ch. 802, § 1, 60 Stat. 895.)

**Editorial Notes**

**CODIFICATION**

“Section 1321 of title 31” substituted in text for “section 20 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227) [31 U.S.C. 725s]” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 725s-1 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

**§ 385b. Amounts creditable to fund**

There shall be credited to each trust-fund account established under section 385a of this title the excess, if any, of (1) the unexpended balance of any repealed special fund appropriation to which operation and maintenance collections were credited prior to July 1, 1935, and (2) the amount of receipts covered into the Treasury pursuant to section 4 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227), over expenditures from appropriations provided for the operation and maintenance of the irrigation project from which such unexpended balance or receipts were derived, and the amount so credited shall be subject to expenditure as prescribed in section 385a of this title.

(Aug. 7, 1946, ch. 802, § 2, 60 Stat. 895.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 4 of the Permanent Appropriation Repeal Act, 1934, referred to in text, is section 4 of act June 26, 1934, ch. 756, 48 Stat. 1227, which was classified to section 725c of former Title 31, and was omitted from the Code in the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877.

**CODIFICATION**

Section was formerly classified to section 725s-2 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

**§ 385c. Appropriation and disposition of power revenues**

Revenues collected after August 7, 1946, from power operations on each Indian irrigation project and deposited into the Treasury for credit to miscellaneous receipts pursuant to section 4 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227), or pursuant to other provisions of law, are authorized to be appropriated annually, in specific or in indefinite amounts, equal to the collections so credited, for the following purposes in connection with the respective projects from which such revenues are derived: (1) Payment of the expenses of operating and maintaining the power system; (2) creation and maintenance of reserve funds to be available for making repairs and replacements to, defraying emergency expenses for, and insuring continuous operation of the power system, the fund for each project to be maintained at such level, within limits set by the Director of the Office of Management and Budget, as may from time to time be prescribed by the Secretary of the Interior; (3) amortization, in accordance with the repayment provisions of the applicable statutes or contracts, of construction costs allocated to be returned from power revenues; and (4) payment of other expenses and obligations chargeable to power revenues to the extent required or permitted by law.

(Aug. 7, 1946, ch. 802, § 3, 60 Stat. 895; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

**Editorial Notes**

## REFERENCES IN TEXT

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## CODIFICATION

Section was formerly classified to section 725s-3 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

**Executive Documents**

## TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

**§ 386. Reimbursement of construction charges**

The Secretary of the Interior is authorized and directed to require the owners of irrigable land under any irrigation system constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land.

(Feb. 14, 1920, ch. 75, § 1, 41 Stat. 409.)

**§ 386a. Adjustment of reimbursable debts; construction charges**

The Secretary of the Interior is hereby authorized and directed to adjust or eliminate reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all the circumstances under which such charges were made: *Provided*, That the collection of all construction costs against any Indian-owned lands within any Government irrigation project is hereby deferred, and no assessments shall be made on behalf of such charges against such lands until the Indian title thereto shall have been extinguished, and any construction assessments heretofore levied against such lands in accordance with the provisions of section 386 of this title, and uncollected, are hereby canceled: *Provided further*, That the Secretary shall report such adjustments and eliminations to the Congress not later than sixty calendar days following the end of the fiscal year in which they are made: *Provided further*, That any proceedings hereunder shall not be effective until approved by Congress unless Congress shall have failed to act favorably or unfavorably thereon by concurrent resolution within ninety calendar days

after the filing of said report, in which case they shall become effective at the termination of the said ninety calendar days: *Provided further*, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.

(July 1, 1932, ch. 369, 47 Stat. 564; Pub. L. 97-375, title II, § 208(a), Dec. 21, 1982, 96 Stat. 1824; Pub. L. 104-42, title II, § 207, Nov. 2, 1995, 109 Stat. 364.)

**Editorial Notes**

## AMENDMENTS

1995—Pub. L. 104-42 inserted before period at end “: *Provided further*, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section”.

1982—Pub. L. 97-375, § 208(a)(1), substituted “That the Secretary shall report such adjustments and eliminations to the Congress not later than sixty calendar days following the end of the fiscal year in which they are made” for “That a report shall be made to Congress annually, on the first Monday in December, showing adjustments so made during the preceding fiscal year” in second proviso.

Pub. L. 97-375, § 208(a)(2), substituted “ninety calendar days” for “sixty legislative days” wherever appearing.

**§ 387. Omitted****Editorial Notes**

## CODIFICATION

Section, which related to basis of apportionment of costs of irrigation projects was from the Interior Department Appropriation Act, 1946, July 3, 1945, ch. 262, 59 Stat. 328, and was not repeated in the Interior Department Appropriation Act of 1947, act July 1, 1946, ch. 529, 60 Stat. 348. Similar provisions were contained in the following prior appropriation acts:

June 28, 1944, ch. 298, 58 Stat. 474.  
 July 12, 1943, ch. 219, 57 Stat. 461.  
 July 2, 1942, ch. 473, 56 Stat. 518.  
 June 28, 1941, ch. 259, 55 Stat. 317.  
 June 18, 1940, ch. 395, 54 Stat. 419.  
 May 10, 1939, ch. 119, 53 Stat. 700.  
 May 9, 1938, ch. 187, 52 Stat. 304.  
 Aug. 9, 1937, ch. 570, 50 Stat. 577.  
 June 22, 1936, ch. 691, 49 Stat. 1769.  
 May 9, 1935, ch. 101, 49 Stat. 186.  
 Mar. 2, 1934, ch. 38, 48 Stat. 370.  
 Feb. 17, 1933, ch. 98, 47 Stat. 829.  
 Apr. 22, 1932, ch. 125, 47 Stat. 100.  
 Feb. 14, 1931, ch. 187, 46 Stat. 1126.  
 May 14, 1930, ch. 273, 46 Stat. 290.  
 Mar. 4, 1929, ch. 705, 45 Stat. 1573.  
 Mar. 7, 1928, ch. 137, 45 Stat. 210.

**§ 388. Claims for damages; settlement by agreement**

The Secretary of the Interior is authorized to pay out of funds available for the Indian irrigation projects for damages caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation