

Public Law 1018

CHAPTER 1027

August 7, 1956
[H. R. 8750]

AN ACT

To amend the Watershed Protection and Flood Prevention Act.

Watershed Pro-
tection and Flood
Prevention Act,
amendments.
16 USC 1001
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Watershed Protection and Flood Prevention Act (68 Stat. 666) is amended as follows:

(a) Amend the second and third sentences of section 2 to read as follows: "Works of improvement—any undertaking for—

"(1) flood prevention (including structural and land treatment measures) or

"(2) the conservation, development, utilization, and disposal of water

in watershed or subwatershed areas not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than five thousand acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$250,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, respectively."

16 USC 1003.

(b) Amend section 3 by striking out clause (2), and inserting in lieu thereof the following:

"(2) to prepare plans and estimates required for adequate engineering evaluation;

"(3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;"

and by renumbering clauses (3) and (4) as (4) and (5) respectively.

(c) Amend clause (2) of section 4 to read as follows:

"(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of the direct identifiable benefits, of the costs of installing any works of improvement, involving Federal assistance, which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this Act;"

16 USC 1004.

(d) Add after the word "landowners" in clause (4) in section 4, the words "or water users".

(e) Strike out the word "and" at the end of clause (4) in section 4; strike out the period at the end of clause (5) and insert in lieu thereof a semicolon and the word "and"; and after clause (5) insert a new clause as follows:

"(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 8."

(f) Amend section 5 to read as follows:

"SEC. 5. At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has met the requirements for participation in carrying out the works of improvement as set forth in section 4, the local organization with such assistance as it may request from the Secretary, which assistance the Secretary is hereby authorized to give, shall secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, and in order to properly carry out such services in such projects as to such structures therein providing for municipal or industrial water supplies, the local organization shall, and in such projects not providing for municipal or industrial water supplies, the local organization may, retain or employ a professional engineer or engineers satisfactory to the Secretary, and the Secretary shall reimburse the local organization for the cost it may incur for the services of such engineer or engineers as is properly chargeable to such works of improvement, except that if the local organization decides not to retain or employ a professional engineer or if the Secretary determines that competent engineering services are not available he may contract for a competent engineer to provide such services or arrange for employees of the Federal Government to provide such services: *Provided*, That at the request of the local organization which retains or employs a professional engineer or engineers as aforesaid, the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated total cost of such works: *Provided further*, That, except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: *Provided*, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this Act: *Provided further*, That whenever the estimated Federal contribution to the construction cost of works of improvement in any watershed or subwatershed area shall exceed \$250,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President: *Provided further*, That any such plan involving an estimated Federal contribution to construction costs in excess of \$250,000 or containing any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes reclamation or irrigation works or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, or (b) which includes Federal assistance for floodwater detention structures, shall be submitted to the Secretary of the Interior or the Secretary of the Army, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, and the Secretary of the Army, if received by the Secretary of

16 USC 1005.

Works of improvement.

Transmittal of plan to Congress.

Rules and regulations.

Agriculture prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary of Agriculture to the Congress through the President: *Provided further*, That, prior to any Federal participation in the works improvement under this Act, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this Act, and to assure the coordination of the work authorized under this Act and related work of other agencies including the Department of the Interior and the Department of the Army."

Loans to local organizations.

(g) After section 7 insert the following two new sections and renumber subsequent sections of the Act to conform:

"SEC. 8. The Secretary is authorized to make loans or advancements to local organizations to finance the local share of costs of carrying out works of improvement provided for in this Act. Such loans or advancements shall be made under contracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed five million dollars.

Applicability of Act.

"SEC. 9. The provisions of this Act shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands."

SEC. 2. The amendments made by this Act shall be applicable to all works of improvement and plans for such works under the provisions of the Watershed Protection and Flood Prevention Act. Any plans for works of improvement with respect to which the Secretary of Agriculture was authorized prior to the date of this Act to participate in the installation of works of improvement in accordance with such plan, or any plan for works of improvement which has received prior to the date of this Act the approval of congressional committees, as required by such Act, need not be submitted to the congressional committees as required by the Watershed Protection and Flood Prevention Act as amended by this Act.

Approved August 7, 1956.

Public Law 1019

CHAPTER 1028

August 7, 1956
[H. R. 9874]

AN ACT

To authorize Canadian vessels to be employed in the coastwise transportation of coal to Ogdensburg, New York.

Canadian vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until June 30, 1957, notwithstanding the provisions of law of the United States restricting to vessels of the United States the transportation of merchandise, directly or indirectly, from any port in the United States to another port of the United States, Canadian vessels may transport coal to Ogdensburg, New York, from other points in the United States, on the Great Lakes, or their connecting or tributary waters.

Approved August 7, 1956.