Public Law 91-270

AN ACT

May 28, 1970
[H. R. 780]

To authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of providing irrigation water for approximately nine thousand three hundred acres, flood control, area redevelopment, and providing municipal and industrial water supply, fish and wildlife enhancement, and recreation benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Act amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon. The principal works of the division shall consist of Sexton Dam and Reservoir, diversion and distribution facilities, and drainage facilities.

Rogue River Basin project, Ore. Merlin division, authorization.

43 USC 371 note, 391 note.

SEC. 2. Irrigation repayment contracts shall provide with respect to any contract unit, for repayment of the irrigation construction costs assigned for repayment to the irrigators over a period of not more than fifty years, exclusive of any development period authorized by law. Irrigation repayment contracts shall further provide for the assessment and collection of a service charge of not less than $40 per annum for each identifiable ownership receiving irrigation service from and through the works of the Merlin division, such charge to be in addition to the repayment capacity of the lands as determined by the Secretary on the basis of studies of the value of water for full-time family-size farm operations. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

Irrigation, repayment period.

Service charge.

Construction costs.

16 USC 835j-835m and notes.

SEC. 3. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Merlin division shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Recreation; fish and wildlife enhancement.

16 USC 460*l*-12 note.

SEC. 4. Before the works are transferred to an irrigation water user's organization for care, operation, and maintenance, the organization shall have agreed to operate them in such fashion, satisfactory to the Secretary, as to achieve the benefits to fish and wildlife enhancement, and recreation on which the allocations of costs therefor are predicated, and to operate them in accordance with regulations prescribed by the Secretary of the Army to achieve the benefits to flood control on which the allocation of casts therefor is predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with the requirements to achieve such benefits.

Transfer terms.

SEC. 5. Power and energy required for irrigation water pumping for the Merlin division shall be made available by the Secretary from the Federal Columbia River system at charges determined by him.

Power and energy.

SEC. 6. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as

Newly irrigated lands, use restriction.

63 Stat. 1051.
7 USC 1421 note, 1428.

62 Stat. 1251.
7 USC 1301.

defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Appropriation.

SEC. 7. There is hereby authorized to be appropriated for construction of the works herein authorized the sum of $28,470,000 (July 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the costs of construction as indicated by engineering costs indexes applicable to the type of construction involved therein. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

Approved May 28, 1970.

Public Law 91-271

June 2, 1970
[S. 2624]

AN ACT

To improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes.

Customs courts.
Procedural changes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

SHORT TITLE

Citation of title.

SEC. 101. This title may be cited as "The Customs Courts Act of 1970".

APPEALS FROM CUSTOMS COURT DECISIONS—JURISDICTION

62 Stat. 942.

SEC. 102. Section 1541 of title 28 of the United States Code is amended to read as follows: