Public Law 85-843

August 28, 1958
[H. R. 12216]

AN ACT

To designate the dam and reservoir to be constructed on the Cumberland River near Carthage, Tennessee, as the "Cordell Hull Dam and Reservoir" and to establish the United States Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins, and intervening areas.

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

TITLE I

Cordell Hull Dam and Reservoir. Designation.

SECTION 101. That the dam and reservoir to be constructed on the Cumberland River near Carthage, Tennessee, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 24, 1946 (60 Stat. 634; Public Law 525, Seventy-ninth Congress), shall be known and designated hereafter as the "Cordell Hull Dam and Reservoir". Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to shall be held to refer to such dam and reservoir as the "Cordell Hull Dam and Reservoir".

TITLE II

SEC. 201. That the purpose of this title is—

Commission. Survey.

(a) to provide for an integrated and cooperative investigation, study, and survey by a commission created pursuant to this title and composed of representatives of certain departments and agencies of the United States, and of the State of Texas, in connection with, and in promotion of, the conservation, utilization, and development of the land and water resources of the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces and San Jacinto River Basins (and intervening areas) in the State of Texas in order to formulate a comprehensive and coordinated plan for—

(1) flood control and prevention;

(2) domestic and municipal water supplies;

(3) the improvement and safeguarding of navigation;

(4) the reclamation and irrigation of land, including drainage;

(5) possibilities of hydroelectric power and industrial development and utilization;

(6) soil conservation and utilization;

(7) forest conservation and utilization;

(8) preservation, protection, and enhancement of fish and wildlife resources;

(9) the development of recreation;

(10) salinity and sediment control;

(11) pollution abatement and the protection of public health; and

(12) such other beneficial and useful purposes not herein enumerated; and

(b) to formulate, within the time provided for in section 209 of this title, a basic, comprehensive and integrated plan of development of the land water resources within the area described in this section for submission to, and consideration by, the President and the Congress, and to make recommendations, after adequate

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study, for executing and keeping current such plan. It is not the purpose of this title to create any continuing or permanent instrumentality of the Federal Government or to take from, or reassign, the duties and powers of any department or agency of the United States represented on the Commission, except as herein provided in this title.

SEC. 202. In carrying out the purposes of this title it shall be the policy of Congress to—

(1) recognize and protect the rights and interests of the State of Texas in determining the development of the watersheds of the rivers herein mentioned and its interests and rights in water utilization and control, as well as the preservation and protection of established uses;

(2) protect existing and authorized projects and projects under construction whether public or private;

(3) utilize the services, studies, surveys, and continuing investigational programs of the departments, bureaus, and agencies of the United States;

(4) recognize an important body of existing Federal law affecting the public lands, irrigation, reclamation, flood control, grazing, geological survey, national parks, mines, and minerals; and

(5) to recognize the primary responsibilities of the State of Texas and local interests in such State in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with such State and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

SEC. 203. (a) In order to carry out the purposes of this title, there is hereby established a commission to be known as the United States Study Commission on the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins and intervening areas (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of fourteen members appointed by the President as follows:

(1) One member, who shall serve as Chairman, and who shall be a resident from the area comprising the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces and San Jacinto River Basins (and intervening areas) embraced within the State of Texas and who shall not, during the period of his service on the Commission, hold any other position as an officer or employee of the United States, except that a retired military officer or a retired Federal civilian officer or employee may be appointed under this title without prejudice to his retired status, and he shall receive compensation as authorized herein in addition to his retired pay or annuity, but the sum of his retired pay or annuity and such compensation as may be payable hereunder shall not exceed $12,000 in any one calendar year;

(2) Six members, of whom one shall be from the Department of the Army, one from the Department of Commerce, one from the Department of Health, Education, and Welfare, one from the Department of Agriculture, one from the Department of Interior, and one from the Federal Power Commission; and

(3) Seven members, nominated by the Governor of Texas subject to the provisions of subsection (c) of this section, each of

which shall be a resident of a different one of the following geographical areas of Texas:

(A) Neches River Basin;
(B) Trinity River Basin;
(C) Brazos River Basin;
(D) Colorado River Basin;
(E) Guadalupe-San Antonio River Basin;
(F) Nueces River Basin; and
(G) San Jacinto River Basin.

(c) In the event of the failure of the Governor of the State of Texas to nominate a person or persons in accordance with the provisions of paragraph (3) of subsection (b) of this section satisfactory to the President within sixty days after a request by the President for such nomination, the President shall then select and appoint a qualified resident from the State of Texas.

(d) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) Within thirty days after the appointment of the members of the Commission by the President, and funds have been made available by the Congress as provided for in this title, the Commission shall organize for the performance of its functions.

(f) The Commission shall elect a Vice Chairman from among its members.

(g) Eight members of the Commission, of whom at least four shall have been appointed pursuant to subsection (b) (3) or (c) of this section, shall constitute a quorum for the transaction of business.

(h) Members of the Commission shall report from time to time to their respective departments or agencies, or to the Governor of the State of Texas if appointed pursuant to subsection (b) (3) or (c) of this section, on the work of the Commission, and any comments and suggestions pertaining to such work from such departments, agencies, or governor shall be placed before the Commission for its consideration.

(i) The Commission shall cease to exist within three months from the date of its submission to the President of its final report as provided for in section 209 of this title. All property, assets, and records of the Commission shall thereupon be turned over for liquidation and disposition to such agency or agencies in the executive branch as the President shall designate.

SEC. 204. The Commission may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, take such testimony, administer such oaths, and publish so much of its proceedings and the reports thereon as it may deem advisable; lease, furnish, and equip such office space in the District of Columbia and elsewhere as it may deem necessary; use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States Government; have printing and binding done in its discretion by establishments other than the Government Printing Office; employ and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended; purchase or hire, operate, maintain, and dispose of such vehicles as it may require; secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized to furnish such information, suggestions, esti-

mates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman, and employees of the departments or agencies from which persons have been appointed to the Commission pursuant to section 203 (b) (2) of this title may be assigned upon request by the Chairman of the Commission to temporary duty with the Commission without loss of seniority, pay, or other employee status; pay travel in accordance with standardized Government Travel Regulations and other necessary expenses incurred by it, or any of its officers or employees, in the performance of duties vested in such Commission; and exercise such other powers as are consistent with and reasonably required to perform the functions vested in such Commission under this title.

Chairman.

SEC. 205. Responsibility shall be vested in the Chairman for (1) the appointment and supervision of personnel employed under the Commission, (2) the distribution of business among such personnel, and (3) the use and expenditure of funds: *Provided*, That in carrying out his functions under the provisions of this section, the Chairman shall be governed by the general policies of the Commission.

Members of the Commission.

SEC. 206. (a) Members of the Commission appointed pursuant to section 203 (b) (2) of this title shall receive no additional compensation by virtue of their membership on the Commission, but shall continue to receive the salary of their regular position when engaged in the performance of the duties vested in the Commission. Such members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Members of the Commission, other than those appointed pursuant to section 203 (b) (2) of this title, shall each receive compensation at the rate of $50 per day when engaged in the performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties, but the aggregate compensation received by the members of the Commission pursuant to this subsection shall not exceed $12,000 per annum in the case of the Chairman, and $7,500 per annum in the case of members of the Commission other than those members appointed pursuant to section 203 (b) (2) of this title.

SEC. 207. In the formulation of a comprehensive and coordinated plan or plans for (a) the control, conservation, and utilization of the waters of the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins (and intervening areas), (b) conservation and development of the land resources of such area; (c) flood control, navigation, reclamation, agriculture purposes, power, recreation, fish and wildlife, and (d) such other needs as are set forth in paragraph (a) of the first section of this title, the Commission shall—

(1) seek to secure maximum public benefits for the State of Texas and the Nation consistent with the specific directions contained in section 208 and elsewhere in this title;

(2) utilize the services, studies, surveys, and reports of existing Government agencies and shall encourage the completion of such current and additional studies and investigations by such agencies as will further the purposes of this title, and such agencies are authorized to cooperate within the limits of available funds and personnel to the end that the Commission may carry out its functions as expeditiously as possible;

(3) take into consideration the financial, physical, and economic benefits of existing and prospective Federal works constructed or to be constructed consistent with the purposes of this title:

(4) include in its plan or plans estimated costs and benefits; recommendations relating to the establishment of pay-out schedules (areawide or otherwise) taking into account the Federal Government's present and prospective investment in the area; costs reimbursable and nonreimbursable; sources for reimbursement; returns heretofore made from existing projects and estimates of returns from recommended projects; repayment schedules for water, irrigation, industrial, and other uses; power rates and recommendations for the marketing thereof in such manner as to encourage its most widespread use at the lowest possible rates consistent with the return of capital investment and interest thereon; and

(5) offer in its plan or plans proposals for the construction and operation of the projects contained therein, and designate the functions and activities of the various Federal departments and agencies in connection therewith consistent with existing law, except that no such plan or plans shall include final project designs and estimates.

Report to President.

SEC. 208. In the formulation of its plan or plans and in the preparation of its report to the President, the Commission shall comply with the following directives:

(1) The report shall contain the basic comprehensive plan for the development of the water and land resources of the Neches, Trinity, Brazos, Colorado, Guadalupe-San Antonio, Nueces, and San Jacinto River Basins (and intervening areas) formulated by the Commission in accordance with the provisions of, and to accomplish the purposes of, this title;

(2) The Commission and the participating Federal departments and agencies shall comply substantially with the intent, purposes, and procedure set forth in the first section of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control and other purposes", approved December 22, 1944 (58 Stat. 887).

Final report.

SEC. 209. (a) The Commission is authorized and directed to prepare a final report, within the time provided for in this section, for submission to the President. Before the Commission takes final action on the approval of such report for submission to the President, it shall transmit a copy of such report to each department, agency, and to the Governor of the State of Texas referred to in subsection (b) of section 203 of this title. Within ninety days from the date of receipt by each such department and agency, and by the Governor of the State of Texas of such proposed report, the written views, comments, and recommendations of such department, agency, and Governor shall be submitted to the Commission. The Commission may adopt in its report to the President any views, comments, and recommendations so submitted and change its report accordingly. The Commission shall transmit to the President, with its final report, the submitted views, comments, and recommendations of each such department and agency, and of the Governor of the State of Texas whether or not adopted by such Commission.

Report by the President to Congress.

(c) The President shall, within ninety days after the receipt by him of the final report of the Commission, transmit it to Congress with his views, comments, and recommendations.

(d) The final report of the Commission and its attachments shall be printed as a House or Senate document.

Appropriation.

SEC. 210. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this title.

Approved August 28, 1958.