

Public Law 95-51
95th Congress

An Act

To amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978.

June 20, 1977
[H.R. 6197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 606 of the Disaster Relief Act of 1974 is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1980".

Disaster relief
programs.
Appropriation
authorization
42 USC 5202.

SEC. 2. Section 5 of the Flood Control Act approved August 18, 1941 (33 U.S.C. 701n) is amended by inserting "(a)" immediately after "SEC. 5." and by adding at the end thereof the following new subsection:

"(b) (1) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that (A) as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water, (B) an adequate supply of water can be made available to such farmer, rancher, or political subdivision through the construction of a well, and (C) as a result of the drought such well could not be constructed by a private business, the Secretary, subject to paragraph (3) of this subsection, may enter into an agreement with such farmer, rancher, or political subdivision for the construction of such well.

Construction of
wells in drought
areas.

"(2) The Secretary, upon a written request for assistance under this paragraph made by any farmer, rancher, or political subdivision within a distressed area, and after a determination by the Secretary that as a result of the drought such farmer, rancher, or political subdivision has an inadequate supply of water and water cannot be obtained by such farmer, rancher, or political subdivision, the Secretary may transport water to such farmer, rancher, or political subdivision by methods which include, but are not limited to, small-diameter emergency water lines and tank trucks, until such time as the Secretary determines that an adequate supply of water is available to such farmer, rancher, or political subdivision.

Transportation
of water.

"(3) (A) Any agreement entered into by the Secretary pursuant to paragraph (1) of this subsection shall require the farmer, rancher, or political subdivision for whom the well is constructed to pay to the United States the reasonable cost of such construction, with interest, over such number of years, not to exceed thirty, as the Secretary deems appropriate. The rate of interest shall be that rate which the Secretary determines would apply if the amount to be repaid was a loan made pursuant to section 7(b) (2) of the Small Business Act.

Costs.

"(B) The Secretary shall not construct any well pursuant to this subsection unless the farmer, rancher, or political subdivision for whom the well is being constructed has obtained, prior to construction, all necessary State and local permits.

Rate of
interest.
15 USC 636.

"(4) The Federal share for the transportation of water pursuant to paragraph (2) of this subsection shall be 100 per centum.

Federal share.

Definitions.

"(5) For purposes of this subsection—

"(A) the term 'construction' includes construction, reconstruction, or repair;

"(B) the term 'distressed area' means an area which the Secretary determines due to drought conditions has an inadequate water supply which is causing, or is likely to cause, a substantial threat to the health and welfare of the inhabitants of the area including threat of damage or loss of property;

"(C) the term 'political subdivision' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over the water supply of such public body;

"(D) the term 'reasonable cost' means the lesser of (i) the cost to the Secretary of constructing a well pursuant to this subsection exclusive of the cost of transporting equipment used in the construction of wells, or (ii) the cost to a private business of constructing such well;

"(E) the term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers; and

"(F) the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

Approved June 20, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-302 (Comm. on Public Works and Transportation).

SENATE REPORT No. 95-154 accompanying S. 1512 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 24, considered and passed Senate, amended, in lieu of S. 1512.

June 8, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 26:

June 21, Presidential statement.