Public Law 88-140

AN ACT

October 16, 1963

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Defining the interest of local public agencies in water reservoirs constructed by
the Government which have been financed partially by such agencies.

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That, cognizant that
many States and local interests have in the past contributed to the
Government, or have contracted to pay to the Government over a
specified period of years, money equivalent to the cost of providing for
them water storage space at Government-owned dams and reservoirs,
constructed by the Corps of Engineers of the United States Army, and
that such practices will continue, and, that no law defines the duration
of their interest in such storage space, and realizing that such States
and local interests assume the obligation of paying substantially their
portion of the cost of providing such facilities, their right to use may
be continued during the existence of the facility as hereinafter
provided.

SEC. 2. That this Act be applicable to all dams and reservoirs hereto­
fore or hereafter constructed by the United States Government (acting
through the Corps of Engineers of the United States Army) wherein
either a part of the construction cost thereof shall have been contrib­
uted or may be contributed by States or local interests (hereinafter
called "local interests") or local interests have acquired or may acquire
rights to utilize certain storage space thereof by making payments
during the period of such use as specified in the agreement with the
Government and wherein the amount of money paid, exclusive of
interest, is equivalent to the cost of providing that part of such dam
and reservoir which is allocated to such use, whether such share of cost
shall have been determined by the "incremental cost" method or by the
"separable costs-remaining benefits" method or by any other method.
Included among the dams and reservoirs affected by this Act are those
constructed by the Corps of Engineers of the Department of the
Army, but nothing in this Act shall be construed to affect or modify
section 8 of the Flood Control Act of 1944.

SEC. 3. The right thus acquired by any such local interest is hereby
declared to be available to the local interest so long as the space desig­
nated for that purpose may be physically available, taking into account
such equitable reallocation of reservoir storage capacities among the
purposes served by the project as may be necessary due to sedimenta­
tion, and not limited to the term of years which may be prescribed in
any lease agreement or other agreement with the Government, but the
enjoyment of such right will remain subject to performance of its
obligations prescribed in such lease agreement or agreement executed
in reference thereto. Such obligations will include continued payment
of annual operation and maintenance costs allocated to water supply.
In addition, local interests shall bear the costs allocated to the water
supply of any necessary reconstruction, rehabilitation, or replacement
of project features which may be required to continue satisfactory
operation of the project. Any affected local interest may utilize such
facility so long as it is operated by the Government. In the event
that the Government concludes that it can no longer usefully and eco­
nomically maintain and operate such facility, the responsible depart­
ment or agency of the Government is authorized to negotiate a contract
with the affected local interest under which the local interest may continue to operate such part of the facility as is necessary for utilization of the storage space allocated to it, under terms which will protect the public interest and provided that the Government is effectively absolved from all liability in connection with such operation.

Sec. 4. Upon application of any affected local interest its existing lease or agreement with the Government will be revised to evidence the conversion of its rights to the use of the storage as prescribed in this Act.


Public Law 88-141

AN ACT

To provide for the transfer for urban renewal purposes of land purchased for a low-rent housing project in the city of Detroit, Michigan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of title I of the Housing Act of 1949, as amended, and the United States Housing Act of 1937, as amended, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the city of Detroit, from its low-rent housing project numbered Michigan 1-11 to its Elmwood Park numbered 1 urban renewal project, Michigan R-40, of all real property, except the administration building and appurtenant land, acquired by the city for the low-rent housing project, on the condition that the sum of $1,246,987.31, plus interest thereon from September 9, 1960, to the date of payment at the rate specified in contract numbered C-102 between the city and the Public Housing Administration, will be paid by the city to the Public Housing Administration to be applied to the extent thereof against the city’s obligations in connection with the low-rent housing project, and that the amount of these payments will be included in the gross project cost of the Elmwood Park numbered 1 urban renewal project.

Sec. 2. The Housing and Home Finance Administrator and the Public Housing Commissioner are hereby authorized to modify any contracts heretofore entered into with the city of Detroit to the extent necessary to carry out the provisions of section 1 of this Act.


Public Law 88-142

AN ACT

To change the name of the Memphis lock and dam on the Tombigbee River near Aliceville, Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Memphis lock and dam near Aliceville, Alabama, on the Tombigbee River shall hereafter be known and designated as the Aliceville lock and dam. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the Aliceville lock and dam.