

(15) Buffalo Bayou, Texas

A project for flood control, Buffalo Bayou, Texas, to provide an alternative to the project authorized by the first section of the River and Harbor Act of June 20, 1938 (52 Stat. 804) and modified by section 3a of the Flood Control Act of August 11, 1939 (53 Stat. 1414).

(16) Halls Bayou, Texas

A project for flood control, Halls Bayou, Texas, to provide an alternative to the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (104 Stat. 4610).

(17) Menomonee River Watershed, Wisconsin

The project for the Menomonee River Watershed, Wisconsin, including—

(A) the Underwood Creek diversion facility project (Milwaukee County Grounds); and

(B) the Greater Milwaukee Rivers watershed project.

(g) Treatment of flood damage prevention measures

For the purposes of this section, flood damage prevention measures at or in the vicinity of Morgan City and Berwick, Louisiana, shall be treated as an authorized separable element of the Atchafalaya Basin feature of the project for flood control, Mississippi River and Tributaries.

(Pub. L. 104-303, title II, §211, Oct. 12, 1996, 110 Stat. 3681; Pub. L. 106-53, title II, §223, Aug. 17, 1999, 113 Stat. 296; Pub. L. 106-60, title VI, §606, Sept. 29, 1999, 113 Stat. 501; Pub. L. 110-114, title V, §5157, Nov. 8, 2007, 121 Stat. 1257.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Section 101 of the Water Resources Development Act of 1990, referred to in subsec. (f)(1), (2), (6), (16), is section 101 of Pub. L. 101-640, title I, Nov. 28, 1990, 104 Stat. 4605, which is not classified to the Code.

Section 101(13) of the Water Resources Development Act of 1992, referred to in subsec. (f)(5), is section 101(13) of Pub. L. 102-580, title I, Oct. 31, 1992, 106 Stat. 4803, which is not classified to the Code.

The first section of the River and Harbor Act of June 20, 1938, referred to in subsec. (f)(15), is section 1 of act June 20, 1938, ch. 535, 52 Stat. 802, which is classified in part to section 540 of this title.

Section 3a of the Flood Control Act of August 11, 1939, referred to in subsec. (f)(15), is section 3a of act Aug. 11, 1939, ch. 699, 53 Stat. 1414, which is not classified to the Code.

AMENDMENTS

2007—Subsec. (f)(12) to (17). Pub. L. 110-114 added pars. (12) to (17).

1999—Subsec. (d)(1). Pub. L. 106-53, §223(a)(1), added subpar. (A), designated existing provisions as subpar. (B), inserted subpar. heading, and substituted “under subsection (c)” for “pursuant to subsection (b) or (c)”.

Subsec. (d)(2). Pub. L. 106-53, §223(a)(2), inserted “(other than paragraph (1)(A))” after “this subsection” in first sentence.

Subsec. (e)(1). Pub. L. 106-53, §223(b)(1), inserted “and provide credit for the non-Federal share of the project”

after “constructed pursuant to this section” in introductory provisions, and added subpar. (C).

Subsec. (e)(2)(A). Pub. L. 106-60, which directed the amendment of subpar. (A) by striking out “in advance in appropriations Acts”, could not be executed because that phrase did not appear in text subsequent to the amendment by Pub. L. 106-53, §223(b)(2). See below.

Pub. L. 106-53, §223(b)(2), in subpar. heading, inserted “or credit” after “Reimbursement” and, in text, substituted “subject to the availability of appropriations” for “subject to amounts being made available in advance in appropriations Acts” and inserted “, or provide credit (depending on the request of the non-Federal interest) for the non-Federal share of such work,” after “the cost of such work”.

Subsec. (e)(6). Pub. L. 106-53, §223(b)(3), added par. (6).

§ 701b-14. Structural integrity evaluations**(a) In general**

Upon request of a non-Federal interest, the Secretary shall evaluate the structural integrity and effectiveness of a project for flood damage reduction and, if the Secretary determines that the project does not meet such minimum standards as the Secretary may establish and absent action by the Secretary the project will fail, the Secretary may take such action as may be necessary to restore the integrity and effectiveness of the project.

(b) Priority

The Secretary shall carry out an evaluation and take such actions as may be necessary under subsection (a) for the project for flood damage reduction, Arkansas River Levees, Arkansas.

(Pub. L. 110-114, title V, §5004, Nov. 8, 2007, 121 Stat. 1191.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 701c. Rights-of-way, easements, etc.; acquisition by local authorities; maintenance and operation; protection of United States from liability for damages; requisites to run-off and water-flow retardation and soil erosion prevention assistance

After June 22, 1936, no money appropriated under authority of section 701f of this title shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of the Army that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army: *Provided*, That the construction of any dam authorized herein, may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area: *And provided further*, That whenever