

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 expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof shall have exceeded the present estimated construction cost thereof, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost: *And provided further*, That when benefits of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, the Secretary of the Army with the consent of the State wherein the same are located may acquire the necessary lands, easements, and rights-of-way for said project or part thereof after he has received from the States, political subdivisions thereof, or responsible local agencies benefited the present estimated cost of said lands, easements, and rights-of-way, less one-half the amount by which the estimated cost of these lands, easements, and rights-of-way exceeds the estimated construction cost corresponding thereto: *And provided further*, That the Secretary of the Army shall determine the proportion of the present estimated cost of said lands, easements, and rights-of-way that each State, political subdivision thereof, or responsible local agency should contribute in consideration for the benefits to be received by such agencies: *And provided further*, That whenever not less than 75 per centum of the benefits as estimated by the Secretary of the Army of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, provision (c) of this section shall not apply thereto; nothing herein shall impair or abridge the powers now existing in the Department of the Army with respect to navigable streams: *And provided further*, That nothing herein shall be construed to interfere with the completion of any reservoir or flood control work authorized by the Congress and now under way.

(d) As a condition to the extending of any benefits, in prosecuting measures for run-off and water-flow retardation and soil erosion prevention authorized by Act of Congress pursuant to the policy declared in section 701a of this title, to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of such Act, require—

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on