

to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

“(B) STATE, TRIBAL, REGIONAL, AND LOCAL ENTITIES.—The Secretary shall consider and accept recommendations from any State, tribal, regional, or local entity for vegetation management policies for levees that conform with Federal and State laws and other applicable requirements, including recommendations relating to the review of guidelines under subsection (b) and the consideration of variances under subsection (c)(2).

“(e) INDEPENDENT CONSULTATION.—

“(1) IN GENERAL.—As part of the review, the Secretary shall solicit and consider the views of independent experts on the engineering, environmental, and institutional considerations underlying the guidelines, including the factors described in subsection (c) and any information obtained by the Secretary under subsection (d).

“(2) AVAILABILITY OF VIEWS.—The views of the independent experts obtained under paragraph (1) shall be—

“(A) made available to the public; and

“(B) included in supporting materials issued in connection with the revised guidelines required under subsection (f).

“(f) REVISION OF GUIDELINES.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [June 10, 2014], the Secretary shall—

“(A) revise the guidelines based on the results of the review, including—

“(i) recommendations received as part of the consultation described in subsection (d)(1); and

“(ii) the views received under subsection (e);

“(B) provide the public not less than 30 days to review and comment on draft guidelines before issuing final guidelines; and

“(C) submit to Congress and make publicly available a report that contains a summary of the activities of the Secretary and a description of the findings of the Secretary under this section.

“(2) CONTENT; INCORPORATION INTO MANUAL.—The revised guidelines shall—

“(A) provide a practical, flexible process for approving Statewide, tribal, regional, or watershed variances from the guidelines that—

“(i) reflect due consideration of the factors described in subsection (c); and

“(ii) incorporate State, tribal, and regional vegetation management guidelines for specific areas that—

“(I) are consistent with the guidelines; and

“(II) have been adopted through a formal public process; and

“(B) be incorporated into the manual proposed under section 5(c) of the Act of August 18, 1941 (33 U.S.C. 701n(c)).

“(3) FAILURE TO MEET DEADLINES.—If the Secretary fails to submit a report by the required deadline under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed explanation of—

“(A) why the deadline was missed;

“(B) solutions needed to meet the deadline; and

“(C) a projected date for submission of the report.

“(g) INTERIM ACTIONS.—

“(1) IN GENERAL.—Until the date on which revisions to the guidelines are adopted in accordance with subsection (f), the Secretary shall not require the removal of existing vegetation as a condition or requirement for any approval or funding of a project, or any other action, unless the specific vegetation has been demonstrated to present an unacceptable safety risk.

“(2) REVISIONS.—Beginning on the date on which the revisions to the guidelines are adopted in accord-

ance with subsection (f), the Secretary shall reconsider, on request of an affected entity, any previous action of the Corps of Engineers in which the outcome was affected by the former guidelines.”

Pub. L. 104-303, title II, §202(g), Oct. 12, 1996, 110 Stat. 3676, provided that:

“(1) REVIEW.—The Secretary shall undertake a comprehensive review of the current policy guidelines on vegetation management for levees. The review shall examine current policies in view of the varied interests in providing flood control, preserving, protecting, and enhancing natural resources, protecting the rights of Native Americans pursuant to treaty and statute, and such other factors as the Secretary considers appropriate.

“(2) COOPERATION AND CONSULTATION.—The review under this section [subsection] shall be undertaken in cooperation with interested Federal agencies and in consultation with interested representatives of State and local governments and the public.

“(3) REVISION OF GUIDELINES.—Based upon the results of the review, the Secretary shall revise, not later than 270 days after the date of the enactment of this Act [Oct. 12, 1996], the policy guidelines so as to provide a coherent and coordinated policy for vegetation management for levees. Such revised guidelines shall address regional variations in levee management and resource needs and shall be incorporated in the manual proposed under section 5(c) of such Act of August 18, 1941 (33 U.S.C. 701n[(c)]).”

## § 701n-1. Biennial report to Congress

### (A) In general

Not later than 2 years after June 10, 2014, and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing the amounts expended in the previous 5 fiscal years to carry out Corps of Engineers projects under section 701n of this title.

### (B) Inclusions

A report under subparagraph (A) shall, at a minimum, include a description of—

(i) each structure, feature, or project for which amounts are expended, including the type of structure, feature, or project and cost of the work; and

(ii) how the Secretary has repaired, restored, replaced, or modified each structure, feature, or project or intends to restore the structure, feature, or project to the design level of protection for the structure, feature, or project.

(Pub. L. 113-121, title III, §3029(c)(1), June 10, 2014, 128 Stat. 1307.)

### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

## § 701o. Omitted

### CODIFICATION

Section, act June 30, 1948, ch. 771, title II, §202, 62 Stat. 1175, related to conditions precedent on unauthorized projects and modifications. Similar provisions were contained in act July 24, 1946, ch. 596, §2, 60 Stat. 641. See section 701b-8 of this title.

## § 701p. Railroad bridge alterations at Federal expense

On and after July 24, 1946, for authorized flood protection projects which include alterations of

railroad bridges the Chief of Engineers is authorized to include at Federal expense the necessary alterations of railroad bridges and approaches in connection therewith.

(July 24, 1946, ch. 596, § 3, 60 Stat. 642.)

**§ 701q. Repair and protection of highways, roads, and utilities damaged by operation of dams or reservoir**

Whenever the Chief of Engineers shall find that any highway, railway, or utility has been or is being damaged or destroyed by reason of the operation of any dam or reservoir project under the control of the Department of the Army, he may utilize any funds available for the construction, maintenance, or operation of the project involved for the repair, relocation, restoration, or protection of such highway, railway, or utility: *Provided*, That this section shall not apply to highways, railways, and utilities previously provided for by the Department of the Army, unless the Chief of Engineers determines that the actual damage has or will exceed that for which provision had previously been made.

(July 24, 1946, ch. 596, § 9, 60 Stat. 643; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

**§ 701r. Protection of highways, bridge approaches, public works, and nonprofit public services**

The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed \$20,000,000 per year, for the construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services, when in the opinion of the Chief of Engineers such work is advisable: *Provided*, That not more than \$5,000,000 shall be allotted for this purpose at any single locality from the appropriations for any one fiscal year.

(July 24, 1946, ch. 596, § 14, 60 Stat. 653; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 93-251, title I, § 27, Mar. 7, 1974, 88 Stat. 20; Pub. L. 99-662, title IX, § 915(c), Nov. 17, 1986, 100 Stat. 4191; Pub. L. 104-303, title II, § 219, Oct. 12, 1996, 110 Stat. 3696; Pub. L. 110-114, title II, § 2023, Nov. 8, 2007, 121 Stat. 1078; Pub. L. 113-121, title I, § 1030(i), June 10, 2014, 128 Stat. 1232.)

AMENDMENTS

2014—Pub. L. 113-121 substituted "\$20,000,000" for "\$15,000,000" and "\$5,000,000" for "\$1,500,000".

2007—Pub. L. 110-114 substituted "\$1,500,000" for "\$1,000,000".

1996—Pub. L. 104-303 substituted "\$15,000,000" for "\$12,500,000" and "\$1,000,000" for "\$500,000".

1986—Pub. L. 99-662 substituted "\$12,500,000" for "\$10,000,000" and "\$500,000" for "\$250,000".

1974—Pub. L. 93-251 substituted "\$10,000,000" for "\$1,000,000", "\$250,000" for "\$50,000", and "construction, repair, restoration, and modification of emergency streambank and shoreline protection works to prevent flood damages to highways, bridge approaches, and public works, churches, hospitals, schools, and other nonprofit public services," for "construction of emergency bank-protection works to prevent flood damages to highways, bridge approaches, and public works,".

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-662 not applicable to any project under contract for construction on Nov. 17, 1986, see section 915(i) of Pub. L. 99-662, set out as a note under section 426g of this title.

**§ 701r-1. Utilization of public roads**

**(a) Definitions**

When used in this section—

(1) The term "Agency" means the Corps of Engineers, United States Army or the Bureau of Reclamation, United States Department of the Interior, whichever has jurisdiction over the project concerned.

(2) The term "head of the Agency concerned" means the Chief of Engineers or the Commissioner, Bureau of Reclamation, or their respective designees.

(3) The term "water resources projects to be constructed in the future" includes all projects not yet actually under construction, and, to the extent of work remaining to be completed, includes projects presently under construction where road relocations or identifiable components thereof are not complete as of the date of this section.

(4) The term "time of the taking" is the date of the relocation agreement, the date of the filing of a condemnation proceeding, or a date agreed upon between the parties as the date of taking.

**(b) Improvement, reconstruction, and maintenance**

Whenever, in connection with the construction of any authorized flood control, navigation, irrigation, or multiple purpose project for the development of water resources, the head of the Agency concerned determines it to be in the public interest to utilize existing public roads as a means of providing access to such projects during construction, such Agency may improve, reconstruct, and maintain such roads and may contract with the local authority having jurisdiction over the roads to accomplish the necessary work. The accomplishment of such work of improvement may be carried out with or without obtaining any interest in the land on which the road is located in accordance with