

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041 70A Stat. 641.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.

§ 687. Use of State dredge and appliances in river and harbor improvements

The Secretary of the Army is authorized to accept from the State of California the use of any dredger, or appliances owned or controlled by said State, conformably to any offer thereof by the said State; and the Secretary of the Army is authorized to use any such dredger or appliances in any river or harbor improvement that may be prosecuted therein by the United States, either on the part of the United States alone or conjointly with said State: *Provided*, That nothing shall be paid to the State of California for the use of said dredger, and that nothing herein contained shall create any liability against the United States.

(Mar. 3, 1899, ch. 425, §1, 30 Stat. 1148; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

Section was enacted as part of act Mar. 3, 1899, popularly known as the "Rivers and Harbors Appropriation Act of 1899", and not as part of act Mar. 1, 1893, ch. 183, 27 Stat. 507, which comprises this chapter.

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

CHAPTER 15—FLOOD CONTROL

- Sec.
- 701. Flood control generally.
- 701-1. Declaration of policy of 1944 act.
- 701a. Declaration of policy of 1936 act.
- 701a-1. "Flood control" defined; jurisdiction of Federal investigations.
- 701b. Supervision of Secretary of the Army; reclamation projects unaffected.
- 701b-1. Transfer of jurisdiction in certain cases to Department of Agriculture.
- 701b-2. Cooperation by Secretaries of the Army and Agriculture; expenditures.
- 701b-3. Examinations and surveys; availability of appropriations.
- 701b-4. Administration of surveys; number authorized; reports.
- 701b-5. Omitted.
- 701b-6. Examinations and surveys by Secretary of Agriculture.
- 701b-7. Supplemental reports to Senate Environment and Public Works Committee and House Public Works Committee.
- 701b-8. Submission of report by Chief of Engineers.
- 701b-8a. Discontinuance of preliminary examination reports.
- 701b-9. Availability of appropriations for expenses incident to operation of power boats or vessels; expenses defined; certification of expenditures.

- Sec.
- 701b-10. Omitted.
- 701b-11. Flood protection projects.
- 701b-12. Floodplain management requirements.
- 701b-13. Repealed.
- 701b-14. Structural integrity evaluations.
- 701b-15. Non-Federal plans to provide additional flood risk reduction.
- 701b-16. Management of flood risk reduction projects.
- 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.
- 701c-1. Acquisition of titles for certain projects and to lands, easements, rights-of-way; reimbursement of local agencies.
- 701c-2. Acquisition and sale of land.
- 701c-3. Lease receipts; payment of portion to States.
- 701d. Compacts between States; consent of Congress.
- 701e. Effect of act June 22, 1936, on provisions for Mississippi River and other projects.
- 701f. Authorization of appropriations.
- 701f-1. Additional authorization.
- 701f-2. Funds for specific and authorized projects merged with and accounted for under regular annual appropriation.
- 701f-3. Expenditure in watersheds of funds appropriated for flood prevention purposes.
- 701g. Removal of obstructions; clearing channels.
- 701h. Contributions by States, political subdivisions, and other non-Federal interests.
- 701h-1. Contributions by States and political subdivisions for immediate use on authorized flood-control work; repayment.
- 701i. Elimination from protection of areas subject to evacuation.
- 701j. Installation in dams of facilities for future development of hydroelectric power.
- 701k. Crediting reimbursements for lost, stolen, or damaged property.
- 701l, 701l-1. Repealed.
- 701m. Insufficient Congressional authorization; preparations for and modification of project.
- 701n. Emergency response to natural disasters.
- 701n-1. Biennial report to Congress.
- 701o. Omitted.
- 701p. Railroad bridge alterations at Federal expense.
- 701q. Repair and protection of highways, railroads, and utilities damaged by operation of dams or reservoir.
- 701r. Protection of highways, bridge approaches, public works, and nonprofit public services.
- 701r-1. Utilization of public roads.
- 701s. Small flood control projects; appropriations; amount limitation for single locality; conditions.
- 701t. Emergency fund for flood damage; amount; commitments to be fulfilled by local interests.
- 701u. International engineering or scientific conferences; attendance.
- 702. Mississippi River.
- 702a. Adoption of 1927 project; execution; creation of board; scope of authority; appropriation.
- 702a-1. Modification of project of 1927; adoption.
- 702a-1a. Further modification of 1927 project; adoption; appropriation.
- 702a-1b. Further modification; adoption.
- 702a-2. Abandonment of Boeuf Floodway.
- 702a-3. Levees; raising and enlarging.
- 702a-4. Fuse-plug levees.
- 702a-5. Back levee north of Eudora Floodway.
- 702a-6. Drainage necessitated by floodway levees.
- 702a-7. Railroad and highway crossings over floodways.

- Sec.
- 702a-8. Additional roads; construction by United States.
- 702a-9. Lands, easements, and rights-of-way; acquisition by local authorities; reimbursement; protection of United States from liability for damages.
- 702a-10. Flowage rights and rights-of-way; reimbursement of local authorities; highway crossings; use of properties for national forests or wildlife refuges.
- 702a-11. Morganza Floodway; Eudora Floodway.
- 702a-12. Modified Lower Mississippi River project as of August 18, 1941.
- 702b. Local contribution toward cost of flood control work.
- 702c. Expenditures for construction work; conditions precedent; liability for damage from flood waters; condemnation proceedings; floodage rights.
- 702d. Flowage rights; condemnation proceedings; benefits to property.
- 702d-1. Bonnet Carre Spillway and Floodway; rights-of-way, etc., over lands.
- 702e. Maps for project; preparation.
- 702f. Expenditures for earlier projects.
- 702g. Appropriation for emergency fund.
- 702g-1. Additional appropriation for emergency fund.
- 702h. Prosecution of project by Mississippi River Commission; president of commission; salaries.
- 702h-1. Transferred.
- 702i. Certain sections applicable to property and rights acquired or constructed.
- 702j. Projects relating to tributary streams; report to Congress; appropriation.
- 702j-1. Saint Francis and Yazoo Rivers; lands and easements; alteration of highways; cooperation of States.
- 702j-2. White River Levee District; rights-of-way; drainage facilities; flowage rights; acquisition by local authorities; protection of United States from liability for damages.
- 702k. Surveys below Cape Girardeau, Missouri; re-survey of levee in Tennessee.
- 702k-1. Authorization of appropriation.
- 702k-2. Separability.
- 702l. Repeal of inconsistent laws.
- 702m. Interest of Members of Congress in contracts for acquisition of land.
- 702n. Levee rights-of-way; payment or reimbursement for.
703. Sacramento River, California.
704. Modification of project.
705. Salmon River, Alaska; flood control work authorized.
706. Secretary of Commerce; current precipitation information; appropriation.
707. Sumner Dam and Lake Sumner; declaration of purpose; report to Congress; appropriation.
708. Sale of surplus waters for domestic and industrial uses; disposition of moneys.
709. Regulations for use of storage waters; application to Tennessee Valley Authority.
- 709a. Information on floods and flood damage.
- 709b. Flood hazard information.
- 709c. Emergency communication of risk.

§ 701. Flood control generally

Laws applicable to works of improvement relating to flood control—All the provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, so far as applicable to examinations and surveys and to works of improvement relating to flood control. And all expenditures of funds appropriated for works and projects relat-

ing to flood control shall be made in accordance with and subject to the law governing the disbursement and expenditure of funds appropriated for the improvement of rivers and harbors.

Examinations and surveys; details from Government departments; reports—All examinations and surveys of projects relating to flood control shall include a comprehensive study of the watershed or watersheds, and the report thereon in addition to any other matter upon which a report is required shall give such data as it may be practicable to secure in regard to (a) the extent and character of the area to be affected by the proposed improvement; (b) the probable effect upon any navigable water or waterway; (c) the possible economical development and utilization of water power; and (d) such other uses as may be properly related to or coordinated with the project. And the heads of the several departments of the Government may, in their discretion, and shall upon the request of the Secretary of the Army, detail representatives from their respective departments to assist the Engineers of the Army in the study and examination of such watersheds, to the end that duplication of work may be avoided and the various services of the Government economically coordinated therein: *Provided*, That all reports on preliminary examinations hereafter authorized, together with the report of the Board of Engineers for Rivers and Harbors thereon and the separate report of the representative of any other department, shall be submitted to the Secretary of the Army by the Chief of Engineers, with his recommendations, and shall be transmitted by the Secretary of the Army to the House of Representatives, and are ordered to be printed when so made.

Reports by Board of Engineers for Rivers and Harbors—In the consideration of all works and projects relating to flood control which may be submitted to the Board of Engineers for Rivers and Harbors for consideration and recommendation, said board shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) what Federal interest, if any, is involved in the proposed improvement; (b) what share of the expense, if any, should be borne by the United States; and (c) the advisability of adopting the project.

(Mar. 1, 1917, ch. 144, §3, 39 Stat. 950; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 103-437, §12(c), Nov. 2, 1994, 108 Stat. 4590.)

CODIFICATION

Sections 1 and 2 of act Mar. 1, 1917, are classified to sections 702 and 703 of this title. Section 4 amended section 643 of this title. See section 702h of this title.

AMENDMENTS

1994—Pub. L. 103-437 struck out par. at end which read as follows: "All examinations and reports which may now be made by the Board of Engineers for Rivers and Harbors upon request of the Committee on Rivers and Harbors relating to works or projects of navigation shall in like manner be made upon request of the Committee on Flood Control on all works and projects relating to flood control."

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Sec-