

agency in Department of Commerce to be known as Environmental Science Services Administration and office of Chief of Weather Bureau abolished by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees. All functions of Bureau and Chief of Bureau transferred to Secretary of Commerce by Reorg. Plan. Subsequently, Environmental Science Services Administration abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, which created National Oceanic and Atmospheric Administration in Department of Commerce. By Department Organization Order 25-5A, republished 39 F.R. 27486, Secretary of Commerce delegated to NOAA his functions relating to Weather Bureau. By order of Acting Associate Administrator of NOAA, organization name of Weather Bureau changed to National Weather Service. For further details, see Codification note set out under section 311 of Title 15, Commerce and Trade.

**§ 707. Sumner Dam and Lake Sumner; declaration of purpose; report to Congress; appropriation**

The Sumner Dam and Lake Sumner on the Pecos River, New Mexico, is authorized and declared to be for the purposes of controlling floods, regulating the flow of the Pecos River, providing for storage and for delivery of stored waters, for the reclamation of lands, and other beneficial uses, and said dam and reservoir shall be used, first, for irrigation; second, for flood control and river regulation; and third, for other purposes. The Chief of Engineers and the Secretary of the Army are directed to report to the Congress the amount of the total cost of said Sumner Dam and Lake Sumner which is properly allocable to flood control. The appropriation and transfer of such amount from the general fund of the Treasury to the reclamation fund, for credit by reduction of the maximum obligation of the Carlsbad Irrigation District to repay the total cost thereof, is authorized.

(Aug. 11, 1939, ch. 699, § 7, 53 Stat. 1417; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 93-447, Oct. 17, 1974, 88 Stat. 1363.)

**Editorial Notes**

**AMENDMENTS**

1974—Pub. L. 93-447 substituted “Sumner Dam and Lake Sumner” for “Alamogordo Dam and Reservoir” wherever appearing.

**Statutory Notes and Related Subsidiaries**

**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.

**ALAMOGORDO DAM AND RESERVOIR REDESIGNATED AS SUMNER DAM AND LAKE SUMNER**

Pub. L. 93-447, Oct. 17, 1974, 88 Stat. 1363, provided: “That the Alamogordo Dam and Reservoir, New Mexico, referred to in the Act of August 11, 1939 (53 Stat. 1414) [which enacted this section], are redesignated as Sumner Dam and Lake Sumner, respectively. Any law,

regulation, map, document, record, or other paper of the United States in which such dam or reservoir is referred to shall be held to refer to such dam as Sumner Dam or such reservoir as Lake Sumner.”

**§ 708. Sale of surplus waters for domestic and industrial uses; disposition of moneys**

The Secretary of the Army is authorized to make contracts with States, municipalities, private concerns, or individuals, at such prices and on such terms as he may deem reasonable, for domestic and industrial uses for surplus water that may be available at any reservoir under the control of the Department of the Army: *Provided*, That no contracts for such water shall adversely affect then existing lawful uses of such water. All moneys received from such contracts shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Dec. 22, 1944, ch. 665, § 6, 58 Stat. 890; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; May 23, 1952, ch. 328, § 1(a), 66 Stat. 93.)

**Editorial Notes**

**AMENDMENTS**

1952—Act May 23, 1952, revived and reenacted section.

**Statutory Notes and Related Subsidiaries**

**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.

**REPEALS**

Act May 23, 1952, § 1(b), repealed paragraph (59) of section 1 of act Oct. 31, 1951, ch. 654, 65 Stat. 703, which had previously repealed this section.

**SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT**

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

**CONVERSION OF SURPLUS WATER AGREEMENTS**

Pub. L. 114-322, title I, § 1174, Dec. 16, 2016, 130 Stat. 1673, provided that: “For the purposes of section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708), in any case in which a water supply agreement with a duration of 30 years or longer was predicated on water that was surplus to a purpose and provided for the complete payment of the actual investment costs of storage to be used, and that purpose is no longer authorized as of the date of enactment of this section [Dec. 16, 2016], the Secretary [of the Army] shall provide to the non-Federal entity an opportunity to convert the agreement to a permanent storage agreement in accordance with section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b), with the same payment terms incorporated in the agreement.”

**Executive Documents**

**TRANSFER OF FUNCTIONS**

For transfer of certain personal property and functions relating thereto, insofar as they pertain to Air Force, from Secretary of the Army and Department of

the Army to Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order No. 39, eff. May 18, 1949, and 40 [App. B (98)], July 22, 1949.

**§ 709. Regulations for use of storage waters; application to Tennessee Valley Authority**

On and after December 22, 1944, it shall be the duty of the Secretary of the Army to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: *Provided*, That this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the Department of the Army.

(Dec. 22, 1944, ch. 665, §7, 58 Stat. 890; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

**Statutory Notes and Related Subsidiaries**

**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.

**SECTION AS UNAFFECTED BY SUBMERGED LANDS ACT**

Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

**§ 709a. Information on floods and flood damage**

**(a) Compilation and dissemination**

**(1) In general**

In recognition of the increasing use and development of the flood plains of the rivers of the United States and of the need for information on flood hazards to serve as a guide to such development, and as a basis for avoiding future flood hazards by regulation of use by States and political subdivisions thereof, and to assure that Federal departments and agencies may take proper cognizance of flood hazards, the Secretary of the Army, through the Chief of Engineers, is hereby authorized to compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies, identification of areas subject to floods due to accumulated snags and other debris, and general criteria for guidance of Federal and non-Federal interests and agencies in the use of flood plain areas; and to provide advice to other Federal agencies and local interests for their use in planning to ameliorate the flood hazard, to avoid repetitive flooding impacts, to anticipate, prepare, and adapt to changing climatic

conditions and extreme weather events, and to withstand, respond to, and recover rapidly from disruption due to the flood hazards.

**(2) Surveys and guides**

Surveys and guides will be made for States and political subdivisions thereof only upon the request of a State or a political subdivision thereof, and upon approval by the Chief of Engineers, and such information and advice provided them only upon such request and approval.

**(3) Identification of assistance**

**(A) In general**

To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests specific opportunities to partner with the Corps of Engineers to address flood hazards.

**(B) Coordination**

The Secretary shall coordinate activities under this paragraph with activities described in section 1962d–16 of title 42.

**(b) Flood prevention coordination**

The Secretary shall coordinate with the Administrator of the Federal Emergency Management Agency and the heads of other Federal agencies to ensure that flood control projects and plans are complementary and integrated to the extent practicable and appropriate.

**(c) Fees**

The Secretary of the Army is authorized to establish and collect fees from Federal agencies and private persons for the purpose of recovering the cost of providing services pursuant to this section. Funds collected pursuant to this section shall be deposited into the account of the Treasury of the United States entitled "Contributions and Advances, Rivers and Harbor, Corps of Engineers (8862)" and shall be available until expended to carry out this section. No fees shall be collected from State, regional, or local governments or other non-Federal public agencies for services provided pursuant to this section, but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities.

**(d) Institutions of higher education**

Notwithstanding section 4141 of title 10, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.

**(e) Fiscal year limitation on expenditures**

The Secretary of the Army is authorized to expend not to exceed \$50,000,000 per fiscal year for the compilation and dissemination of information under this section.

(Pub. L. 86–645, title II, §206, July 14, 1960, 74 Stat. 500; Pub. L. 89–298, title II, §220, Oct. 27, 1965, 79 Stat. 1089; Pub. L. 89–789, title II, §206, Nov. 7, 1966, 80 Stat. 1422; Pub. L. 91–611, title II, §225, Dec. 31, 1970, 84 Stat. 1832; Pub. L. 93–251, title I, §64, Mar. 7, 1974, 88 Stat. 30; Pub. L. 101–640, title III, §321, Nov. 28, 1990, 104 Stat. 4643; Pub. L. 106–53, title II, §§202, 216, Aug. 17, 1999,