

SEC. 2. There is hereby conferred upon the States of Minnesota and Wisconsin, jointly or separately, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 28, 1938.

[CHAPTER 795]

AN ACT

Authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress.

SEC. 2. That section 3 of the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as heretofore amended and as herein further modified, shall apply to all flood control projects, except as otherwise specifically provided by law.

That in case of any dam and reservoir project, or channel improvement or channel rectification project for flood control, herein authorized or heretofore authorized by the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as amended, and by the Act of May 15, 1928 (Public, Numbered 391, Seventieth Congress) as amended by the Act of June 15, 1936 (Public, Numbered 678, Seventy-fourth Congress), as amended, title to all lands, easements, and rights-of-way for such project shall be acquired by the United States or by States, political subdivisions thereof or other responsible local agencies and conveyed to the United States, and provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall not apply thereto. Notwithstanding any restrictions, limitations, or requirement of prior consent provided by any other Act, the Secretary of War is hereby authorized and directed to acquire in the name of the United States title to all lands, easements, and rights-of-way necessary for any dam and reservoir project or channel improvement or channel rectification project for flood control, with funds heretofore or hereafter appropriated or made available for such projects, and States, political subdivisions thereof, or other responsible local agencies, shall be granted and reimbursed, from such funds, sums equivalent to actual expenditures deemed reasonable by the Secretary of War and

Acquisition of approaches, etc.

Amendment.

June 28, 1938
[H. R. 10618]
[Public, No. 761]

Flood control of rivers, etc.; run-off retardation, etc., on watersheds.
Jurisdiction and prosecution.

State, etc., cooperation.
49 Stat. 1571; 50 Stat. 877.
33 U. S. C., Supp. III, § 701c.

Title to lands, easements, etc.

49 Stat. 1570.
33 U. S. C., Supp. III, §§ 701a-701h.
45 Stat. 534; 49 Stat. 1508.
33 U. S. C. §§ 702a-702m, 704; Supp. III, §§ 702a-1-702a-10, 702g-1, 702j-1, 2, 702k-1, 2.

Dam and reservoir projects, channel improvements, etc.

Reimbursement of funds expended.

Provisos.
Indirect or speculative damages excluded.
Lands included.

Levees or flood walls; modifications to reduce construction cost.

Provisos.
Use of sum saved.

Accomplishment through agreements with States, etc.

Projects adopted and authorized to be prosecuted.

Proviso.
Installation of penstocks.

Merrimack River Basin.

Approval of plan.

49 Stat. 1592.

49 Stat. 1572.

Construction of flood control reservoirs, etc.

Connecticut River Basin.

Approval of plan.

Appropriation authorized for local protection works.

Proviso.
East Hartford, Conn., project abandoned.
49 Stat. 1029.

the Chief of Engineers and made by them in acquiring lands, easements, and rights-of-way for any dam and reservoir project, or any channel improvement or channel rectification project for flood control heretofore or herein authorized: *Provided*, That no reimbursement shall be made for any indirect or speculative damages: *Provided further*, That lands, easements and rights-of-way shall include lands on which dams, reservoirs, channel improvements, and channel rectifications are located; lands or flowage rights in reservoirs and highway, railway, and utility relocation.

SEC. 3. That in any case where the construction cost of levees or flood walls included in any authorized project can be substantially reduced by the evacuation of a portion or all of the area proposed to be protected and by the elimination of that portion or all of the area from the protection to be afforded by the project, the Chief of Engineers may modify the plan of said project so as to eliminate said portion or all of the area: *Provided*, That a sum not substantially exceeding the amount thus saved in construction cost may be expended by the Chief of Engineers, or in his discretion may be transferred to any other appropriate Federal agency for expenditure, toward the evacuation of the locality eliminated from protection and the rehabilitation of the persons so evacuated: *And provided further*, That the Chief of Engineers may, if he so desires, enter into agreement with States, local agencies, or the individuals concerned for the accomplishment by them, of such evacuation and rehabilitation and for their reimbursement from said sum for expenditures actually incurred by them for this purpose.

SEC. 4. That the following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated: *Provided*, That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers and of the Federal Power Commission.

MERRIMACK RIVER BASIN

The general comprehensive plan for flood control and other purposes, as approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by the Act of June 22, 1936, is approved and the project for flood control in the Merrimack River Basin, as authorized by the Flood Control Act approved June 22, 1936, is modified to provide, in addition to the construction of a system of flood control reservoirs, related flood control works which may be found justified by the Chief of Engineers.

CONNECTICUT RIVER BASIN

The general comprehensive plan for flood-control and other purposes as set forth in House Document Numbered 455, Seventy-fifth Congress, second session, is approved, and there is hereby authorized \$11,524,000 for the construction of local flood-protection works in said plan: *Provided*, That the flood-protection project for East Hartford, Connecticut, authorized by the River and Harbor Act of August 30, 1935, is hereby abandoned; all as set forth in House Document Numbered 455, Seventy-fifth Congress, second session.

MARSHY HOPE CREEK, MARYLAND

The protection of the city of Federalsburg, Maryland, by a system of levees and flood walls in combination with channel improvement, in accordance with the report of the Chief of Engineers dated June 7, 1938, made pursuant to a preliminary examination and survey authorized by the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), is hereby authorized at an estimated cost of \$220,000.

HUDSON AND MOHAWK RIVERS

The protection of the city of Waterford, New York, by a system of levees and flood walls in accordance with plans approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by resolution adopted March 19, 1937, by the Committee on Flood Control of the House of Representatives, United States, is hereby authorized at an estimated cost of \$315,000.

SAVANNAH RIVER

In view of the flood control and other general benefits to accrue from the project known as the Clark Hill Project on the Savannah River, Georgia-South Carolina, described in the "Report To The President," Through the Secretary of War, The Secretary of the Interior, and The Federal Power Commission, by The Savannah River Special Board, and dated at Washington, District of Columbia, February 29, 1936, The Secretary of War is hereby authorized to reimburse out of flood control appropriations not to exceed \$1,700,000 to the State of South Carolina, or to a local political subdivision thereof for the actual costs to it of the lands, easements and rights of way needed and acquired for this project.

OHIO RIVER BASIN

The general comprehensive plan for flood control and other purposes in the Ohio River Basin, as set forth in Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and for the initiation and partial accomplishment of said plan there is hereby authorized \$75,000,000 for reservoirs and \$50,300,000 for local flood-protection works; the reservoirs and local protection projects to be selected and approved by the Chief of Engineers: *Provided*, That this authorization shall include the diversion of Cache River above Cairo, Illinois, from its outlet into the Ohio River to an outlet into the Mississippi River, and the protection of the area north of the Cairo drainage district by levees extending from said drainage district along the Ohio and Mississippi Rivers to high ground, with an estimated cost of \$2,000,000: *Provided further*, That the provisions of Executive Order Numbered 7183A, dated September 12, 1935, are approved, and the acquisition at the cost of the United States of all lands, easements, and rights-of-way needed for the Bluestone Reservoir project are hereby authorized: *Provided further*, That the Secretary of War is hereby authorized and directed to reimburse the Muskingum Conservancy District in Ohio a sum not to exceed the actual expenditures made by it in acquiring lands, easements and rights-of-way for reservoirs in the Muskingum River Valley, but such reimbursement shall not exceed \$4,500,000, nor include any expenditures for lands, easements and rights-of-way heretofore or hereafter purchased from said District by the United States.

Marshy Hope
Creek, Md.
Protection of Fed-
eralsburg, Md.

49 Stat. 1593.

Hudson and Mo-
hawk Rivers.
Protection of Water-
ford, N. Y.

Savannah River.

Clark Hill Project,
reimbursement to
South Carolina, etc.

Ohio River Basin.

Approval of plan.

Appropriation au-
thorized for initiation,
etc.

Provisos.
Diversion of Cache
River above Cairo,
Ill.

Levees.

Bluestone Reser-
voir.

Muskingum Con-
servancy District,
Ohio, reimbursement.

Upper Mississippi River Basin.

UPPER MISSISSIPPI RIVER BASIN

Approval of plan.

The general comprehensive plan for flood control and other purposes in the Upper Mississippi River Basin, described in Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and there is hereby authorized \$6,600,000 for reservoirs and \$2,700,000 for local flood-protection works on the Upper Mississippi and Illinois Rivers; the reservoirs and local protection projects to be selected and approved by the Chief of Engineers: *Provided*, That this authorization shall include the enlargement and extension of a system of levees located on the south side of the Sangamon River east of the town of Chandlerville, Illinois, as set forth in House Document Numbered 604, Seventy-fifth Congress, third session.

Appropriation authorized.

Proviso.
Extension of levee system.

Missouri River Basin.

MISSOURI RIVER BASIN

Approval of plan.

The general comprehensive plan for flood control and other purposes in the Missouri River Basin, as set forth in Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and for the initiation and partial accomplishment of said plan there is hereby authorized \$9,000,000 for reservoirs; the reservoirs to be selected and approved by the Chief of Engineers.

Appropriation authorized.

White River Basin.

WHITE RIVER BASIN

Approval of plan.

The general comprehensive plan for flood control and other purposes in the White River Basin, as set forth in Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved and for the initiation and partial accomplishment of said plan there is hereby authorized \$25,000,000 for reservoirs; the reservoirs to be selected and approved by the Chief of Engineers.

Appropriation authorized.

Arkansas River Basin.

ARKANSAS RIVER BASIN

Approval of plan.

The general comprehensive plan for flood control and other purposes in the Arkansas River Basin, as set forth in Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is approved, and for the initiation and partial accomplishment of said plan there is hereby authorized \$21,000,000 for reservoirs; the reservoirs to be selected and approved by the Chief of Engineers: *Provided*, That this authorization shall include the Canton Reservoir on the North Canadian River in Oklahoma, as set forth in House Document Numbered 569, Seventy-fifth Congress, third session.

Appropriation authorized.

Proviso.
Canton Reservoir included.

Ouachita River, Ark., and La., multiple-use reservoir, Blakely Mountain site.

Provisos.
Participating expenses limited.

For the purposes of preventing or controlling floods, and of facilitating navigation on the Ouachita River in Arkansas and Louisiana, authority is hereby conferred on the Secretary of War and the Chief of Engineers to participate on behalf of the United States in the cost of construction of a multiple-use reservoir at the Blakely Mountain site on the Ouachita River in Arkansas, according to plans and estimates duly approved by the Secretary of War and the Chief of Engineers, pursuant to a resolution of the Committee on Flood Control of the House of Representatives, adopted May 11, 1938: *Provided*, That the sum of money expended in said participation shall not exceed a just and reasonable proportion of the total cost of the multiple-use

reservoir as allocated according to the proportionate storage capacity reserved or utilized for flood-control purposes, nor exceed the estimated value of the flood control to be achieved, nor in any event to exceed the sum of \$2,000,000: *Provided further*, That the Secretary of War is authorized to pay for said participation in said multiple-use reservoir out of any funds authorized for flood control in the Arkansas River Basin when the flood-control portion of the project is completed: *Provided further*, That the Federal Power Commission is hereby authorized and directed to retain and exercise the authority heretofore conferred on it by law with respect to that portion of the project constructed and operated for power purposes: *Provided further*, That the improvements shall be operated and maintained at the expense of the private parties constructing said project in accordance with regulations approved by the Secretary of War and the Chief of Engineers with respect to navigation and flood control and by the Federal Power Commission with respect to the operations for power which regulations shall provide for payments to the United States for the use for power purposes of any flood waters temporarily stored for flood control in the flood control portion of the reservoir, at such rates as the Federal Power Commission shall determine to be fair and reasonable.

RED RIVER BASIN

The Denison Reservoir on Red River in Texas and Oklahoma for flood control and other purposes as described in House Document Numbered 541, Seventy-fifth Congress, third session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, is adopted and authorized at an estimated cost of \$54,000,000: *Provided*, That in the consideration of benefits in connection with the Denison Reservoir all benefits that can be assigned to the proposed Altus project and other such projects in Oklahoma shall be reserved for said projects.

The Lugert-Altus Flood Control and Reclamation Reservoir located on the North Fork of the Red River in Oklahoma, is hereby authorized for construction at an estimated cost of \$2,497,000, on the following basis as to a division of the cost of construction:

(a) The Chief of Engineers shall report to the President on or before November 1, 1938, the value of said Lugert Reservoir as a flood control works, and the value so reported shall be the maximum amount herein authorized to be appropriated as a charge against any funds appropriated and available for the construction for flood control projects.

(b) The remainder of the estimated cost of such Lugert Reservoir, namely, the estimated total cost of the reservoir, less the amount reported by the Chief of Engineers as the value of said reservoir as a flood control project, is also hereby authorized to be appropriated out of the special fund in the Treasury of the United States created by the Act of June 17, 1902 (43 U. S. C. 391, 411), and therein designated "the reclamation fund" for the construction of said Lugert Reservoir for reclamation and irrigation as reported in Senate Document Numbered 153, Seventy-fifth Congress, third session, and as further authorized by the last paragraph on page 37 of Public Act Numbered 497, Seventy-fifth Congress, third session, providing that the construction of said Lugert Reservoir and Altus reclamation project shall not be undertaken until the Chief of Engineers and the Secretary of the Interior join in an agreement as to the division of cost of the construction of the said reservoir as provided herein.

The Government of the United States acknowledges the right of the States of Oklahoma and Texas to continue to exercise all existing proprietary or other rights of supervision of and jurisdiction over the

Funds available.

Federal Power Commission, authority over power project.

Operation of improvements at expense of private parties.

Red River Basin.

Denison Reservoir.

Proviso. Assignment of benefits.

Lugert-Altus Flood Control and Reclamation Reservoir.

Division of cost.

Amount from fund for flood control projects.

Amount from reclamation fund.

32 Stat. 388.
43 U. S. C. §§ 391, 411.

Ante, p. 324.

Acknowledgment of certain State jurisdiction.

waters of all tributaries of Red River within their borders above Denison Dam site and above said dam, if and when constructed, in the same manner and to the same extent as is now or may hereafter be provided by the laws of said States, respectively, and all of said laws as they now exist or as same may be hereafter amended or enacted and all rights thereunder, including the rights to impound or authorize the retardation or impounding thereof for flood control above the said Denison Dam and to divert the same for municipal purposes, domestic uses, and for irrigation, power generation, and other beneficial uses, shall be and remain unaffected by or as a result hereof. All such rights are hereby saved and reserved for and to the said States and the people and the municipalities thereof, and the impounding of any such waters for any and all beneficial uses by said States or under their authority may be as freely done after the passage hereof as the same may now be done.

Hempstead County
Levee District No. 1,
Ark.

Hempstead County Levee District Numbered 1, Arkansas: Raising, enlarging, and extending existing levee system to improve flood protection in accordance with plans approved by the Chief of Engineers, at a construction cost not to exceed \$200,000.

Colfax, Grant Parish,
La.

Colfax, Grant Parish, Louisiana: Remedial measures to stop serious bank caving and to improve flood protection at Colfax, Louisiana, in accordance with plans approved by the Chief of Engineers, at a construction cost not to exceed \$50,000.

Grant Parish, below
Colfax, La.

Grant Parish, below Colfax, Louisiana: Continuation of levees on east (left) bank of Red River below Colfax, Louisiana, to the north bank of Bayou Darrow to increase flood protection in Grant Parish; in accordance with plans approved by the Chief of Engineers at a construction cost not to exceed \$71,000.

Reservoir, etc., construction in lieu of floodway project, Bayou Bodeau and Cypress Bayou, La.

The construction of a reservoir and other control works, in accordance with plans in the Office of the Chief of Engineers, in lieu of the construction of a floodway for the diversion of Bayou Bodeau and Cypress Bayou, Louisiana, to improve flood protection, as authorized in section 5 of the Flood Control Act approved June 22, 1936, provided that the total estimated cost shall not be increased, is approved.

49 Stat. 1576.

LOWER MISSISSIPPI RIVER

Lower Mississippi
River.
Modification and
approval of project.
Ante, p. 1154.

That in accordance with the recommendations of the Chief of Engineers, as set forth in his report of April 6, 1937, and published as Flood Control Committee Document Numbered 1, Seventy-fifth Congress, first session, paragraph 38 (b), except subparagraph (1), the project for flood control of the Lower Mississippi River adopted by the Act of May 15, 1928, as amended by the Act of June 15, 1936, as amended, is hereby modified and, as modified, is hereby adopted, and there is hereby authorized to be appropriated in addition to the sums previously authorized \$40,000,000 to be applied for the purposes set forth in said document covering the said recommendations, with the exceptions mentioned, subject to the provisions hereinafter made.

45 Stat. 534; 49 Stat.
1508.

Additional appro-
priation authorized.

49 Stat. 1508.

Morganza floodway;
acquisition of easements,
construction.

That the Flood Control Act of June 15, 1936, as amended, is amended as follows:

Modification of design and inflow.

"The United States may, within the discretion of the Chief of Engineers, irrespective of other provisions of law, proceed to acquire all easements needed and of the character considered advisable in the Morganza floodway and to construct said Morganza floodway. Said Morganza floodway may, within the discretion of the Chief of Engineers, be modified as to its design and inflow.

Immediate construction.

"The said Morganza floodway may be initiated and constructed without delay; and the United States may, within the discretion of

the Chief of Engineers, irrespective of other provisions of law, proceed to the acquisition of flowage rights and flowage easements in the Eudora floodway, and to its construction as authorized by existing law: *Provided*, That the intakes of such Eudora floodway shall include an automatic masonry weir with its sill at such an elevation that it will not be overtopped by stages other than those capable of producing a stage of fifty-one feet or over on the Vicksburg gage: *Provided further*, That a fuseplug levee loop may be constructed behind said sill to prevent flow into the floodway until the predicted flood exceeds the safe capacity of the main river leveed channel, with a free-board of at least three feet, but said fuseplug levee may be artificially breached when in the opinion of the Chief of Engineers such breaching is advisable to insure the safety of the main river controlling levee line: *Provided further*, That the authority to acquire lands, flowage rights, and easements for floodways shall be confined to the floodways proper and to the northward extension of Eudora: *Provided further*, That within the discretion of the Chief of Engineers, the guide line levees of the Eudora floodway may be extended south toward Old River: *Provided further*, That the Chief of Engineers is hereby authorized to construct the said Eudora floodway at such location as he may determine, in the vicinity of Eudora. The United States may, within the discretion of the Chief of Engineers irrespective of other provisions of law, proceed to acquire flowage rights and flowage easements in the northward extension of the Eudora floodway, as authorized by existing law, provided that pending the completion of such northward extension all the Riverside fuseplug levee extending south from the vicinity of Yancopin to the vicinity of Vau Cluse, Arkansas, and so as to connect with the existing levee of 1928 grade and section, shall be reconstructed to the 1914 grade and 1928 section: *Provided further*, That if the back protection levee is constructed prior to the construction of Eudora floodway, it shall be connected with the main Mississippi River levee and subsequently connected with the Eudora floodway when constructed: *Provided further*, That the Chief of Engineers is authorized, in his discretion, to negotiate options, make agreements and offers with respect to lands, flowage rights, easements, and rights-of-way involved, as provided by law, at prices deemed reasonable by him.

"The United States, irrespective of other provisions of law, may, within the discretion of the Chief of Engineers, acquire flowage easements over all lands not subject to frequent overflow in the Atchafalaya Basin below the latitude of Krotz Springs.

"Said Morganza floodway shall not be operated until the Wax Lake outlet has been put into operative condition.

"The fuseplug levees at the head of the Atchafalaya Basin on the east side of the Atchafalaya River shall be reconstructed to the 1928 grade and section.

"The United States may, in the discretion of the Chief of Engineers, acquire all flowage rights, flowage easements, rights-of-way for levee foundations, and titles in fee simple as herein provided, either by voluntary acquisition or in accordance with the condemnation proceedings by the Secretary of War as provided for in section 4 of the Flood Control Act of May 15, 1928.

"In the event the United States acquires or owns title to any lands in fee simple under the provisions of the Act of May 15, 1928, as amended and supplemented, the United States may retain the ownership thereof, or any part thereof instead of turning over such lands to the ownership of States or local interests as provided in section 4

Provisos.
Eudora floodway intakes.

Construction of fuseplug levee loop to control flow.

Acquisition of lands, flowage rights, etc., limitation.

Extension of Eudora floodway guide line levees.
Location.

Acquisition of flowage rights and easements, northward extension.

Connection with main Mississippi River levee.

Lands, flowage rights, rights-of-way.

Atchafalaya Basin, acquisition of flowage easements.

Wax Lake outlet.

Reconstruction of fuseplug levees on east side of Atchafalaya River.

Flowage rights, etc., for levee foundations.

45 Stat. 536.
33 U. S. C. § 702d.

Retention of acquired lands.
45 Stat. 536.

Provisos.
Payments for benefit of public schools and roads.

Division where property is situated in more than one State or county.

Other use forbidden.

Provision respecting Act of May 15, 1928.
45 Stat. 534; 49 Stat. 1598.
Homochitto River, Miss.
Additional channel improvements, etc.
40 Stat. 1575.

Santa Ana River Basin, Calif.
Modification of project.
49 Stat. 1589.

50 Stat. 679.

Willamette River Basin.
Approval of plan.

Spokane River and tributaries.
Protection of Spokane, Wash., and Coeur d'Alene and Saint Maries, Idaho.
49 Stat. 1596, 1164.

Mill Creek.
Protection of Walla Walla, Wash.

of said Act of May 15, 1928, and may lease such lands: *Provided*, That 25 per centum of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of such leases shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated: *Provided further*, That when such property is situated in more than one State or county the distributive share to each from the proceeds of such property shall be proportional to its area therein: *Provided further*, That no part of the appropriations herein or heretofore authorized for said Morganza and Eudora floodways and extension shall be used for any other purpose."

Except as herein amended, the Act of May 15, 1928, as amended by the Act of June 15, 1936, as amended, shall remain in full force and effect.

HOMOCHITTO RIVER

The project for flood control on the Homochitto River in Mississippi, authorized by the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), is hereby modified to provide for additional channel improvements and related works for flood control in accordance with plans approved by the Chief of Engineers, and for the execution of these plans there is hereby authorized \$100,000.

SANTA ANA RIVER BASIN

The project for flood control in the Santa Ana River Basin of California, authorized by the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), is hereby modified to provide for the control of floods on San Antonio Creek and Chino Creek in accordance with plans approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by the Act of August 28, 1937 (Public, Numbered 406, Seventy-fifth Congress), and for the initiation and partial accomplishment of these plans there is hereby authorized \$6,500,000.

WILLAMETTE RIVER BASIN

The general comprehensive plan for flood control, navigation, and other purposes in the Willamette River Basin as set forth in House Document Numbered 544, Seventy-fifth Congress, third session, is approved and for the initiation and partial accomplishment of the plan recommended for initial development in said document there is hereby authorized \$11,300,000; the reservoirs and related works to be selected and approved by the Chief of Engineers.

SPOKANE RIVER AND TRIBUTARIES

The protection of certain low-lying areas in Spokane, Washington, and Coeur d'Alene and Saint Maries, Idaho, in accordance with plans approved by the Chief of Engineers pursuant to preliminary examinations and surveys authorized by the Flood Control Act approved June 22, 1936, and Act of Congress approved March 18, 1938¹, is hereby authorized at an estimated cost of \$308,000.

MILL CREEK, WASHINGTON

The plan for protection of the city of Walla Walla, Washington, and adjacent lands by means of a reservoir and related works, as set forth in House Document Numbered 578, Seventy-fifth Congress, third session, is approved and for the execution of this plan there is hereby authorized \$1,608,000.

¹ So in original.

YAKIMA RIVER, WASHINGTON

The plan for protection of the city of Yakima, Washington, on the Yakima River, by means of levees as set forth in House Document Numbered 579, Seventy-fifth Congress, third session, is approved and for the execution of this plan there is hereby authorized \$163,000.

Yakima River.
Protection of Yakima, Wash.

TANANA RIVER AND CHENA SLOUGH, ALASKA

The plan for protection of the city of Fairbanks, Alaska, and vicinity by means of an earth and rock levee and for the relocation of a portion of the Richardson Highway as set forth in House Document Numbered 561, Seventy-fifth Congress, third session, is approved and for the execution of this plan there is hereby authorized \$565,000.

Tanana River and Chena Slough.
Protection of Fairbanks, Alaska.

SEC. 5. That, in carrying out the purposes of this Act, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for official use, and for other necessary expenses.

Utilization of other public agencies, etc.

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control including floods aggravated by or due to tidal effect at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior Act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as hereby authorized on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this Act until the project for the proposed work shall have been adopted by law:

Preliminary flood control examinations, etc., authorized.

Provisos.
Surveys, etc., for new works; restriction.

Supplementary reports; specific authority required.

Adoption of projects by law.

Thames River and its tributaries, Connecticut.
Chittenango Creek and its tributaries, New York.
Ellicott Creek, New York.
Smokes Creek at Lackawanna, New York.
Bellows Pond and Canada Lake drainage area, Fulton County, New York.
Kayaderosseras Creek, Fish Creek, and their tributaries, and Saratoga Lake, New York.
Frankford Creek, Philadelphia County, Pennsylvania.
Big Elk Creek and Elk River, Cecil County, Maryland.
Smith River and its tributaries, Virginia and North Carolina.
Tensas River, Franklin, Madison, Tensas, East Carroll, Concordia, and Catahoula Parishes, Louisiana.

Connecticut.
New York.

Pennsylvania.
Maryland.
Virginia and North Carolina.
Louisiana.

- Bayous Rapides, Boeuf, Cocodrie, and the watersheds thereof from their source in Rapides Parish to their outlet in Saint Landry Parish, Louisiana.
- East bank of Red River, beginning at the south bank of Loggy Bayou at the hill line, and thence along the south bank of Loggy Bayou to the east bank of Red River, and from thence along the east bank of Red River to Coushatta Bayou, Red River Parish, Louisiana.
- Oklahoma. Salt Fork of Red River and its tributaries, Oklahoma.
Kiamichi River, Oklahoma.
- Texas and New Mexico. Pecos River and tributaries, Texas and New Mexico.
Texas. Sulphur River, Texas.
Lavaca River, Texas.
Santa Isabel Creek, located northwest of Laredo, Webb County, Texas.
- Arkansas. Smackover Creek, in Union, Ouachita, and Nevada Counties, Arkansas.
Bartholomew Bayou of Ashley and other counties, Arkansas.
Ouachita River near Calion, Arkansas.
Six Mile Creek in Logan County, Arkansas.
Cadron Creek, Arkansas.
- Missouri and Arkansas. Black River, Missouri and Arkansas.
Kansas and Nebraska. Republican River, Beaver and Sappa Creeks, Kansas and Nebraska.
- Missouri. Fox River and its tributaries, Missouri.
Chariton River, Missouri.
Dam at northern end of Fox Island, Clark County, Missouri.
Grand River and tributaries, Missouri.
- Illinois. Henderson River, Illinois.
Kaskaskia River, Illinois.
Embarrass River, Illinois.
Rock River, Illinois.
McCraney Creek, Hadley Creek, Kaiser Creek, Six Mile Creek, and Bay Creek, and their tributaries in Pike County, Illinois.
Rochester and McClearys Bluff Levee Unit on Wabash River, Illinois.
England Pond Levee Unit on Wabash River, Illinois.
Russell and Allison Levee Unit on Wabash River, Illinois.
Tri Pond Levee Unit on Wabash River, Illinois.
- Indiana. Wabash River at Terre Haute, Indiana.
Lost River and tributaries in the vicinity of Orleans, Indiana.
- Ohio. Miami River, Ohio.
Chagrin River and its tributaries, Ohio.
Muskingum River and its tributaries, Ohio.
Cowan Creek, Ohio.
Short Creek and its tributaries, in Jefferson and Harrison Counties, Ohio.
- Ohio and Michigan. Tiffin River and its tributaries, Ohio and Michigan.
- Ohio. Bellevue Conservancy District, Ohio.
Hocking River, Ohio, and in the vicinity of Athens, Ohio.
- Tennessee and Georgia. Chattanooga, Tennessee, and Rossville, Georgia.
- North and South Carolina. Waccamaw River, North and South Carolina.
- West Virginia. Deckers Creek, Monongalia County, West Virginia.
- Iowa. Soldier River, Iowa.
Perry Creek, Iowa.
- Minnesota. Hay Creek, Goodhue County, Minnesota.
Wells Creek and Bullard Creek, Goodhue County, Minnesota.
Red Lake River, and its tributaries, Minnesota.
Clear Water River, Minnesota.

Gila River and tributaries, Arizona and New Mexico.	Arizona and New Mexico.
Virgin River and tributaries, in Nevada, Arizona, and Utah.	Nevada, Arizona, and Utah.
Kanab Creek, Utah and Arizona.	Utah and Arizona.
Streams draining into the Great Salt Lake, and the Great Basin, Utah and Nevada.	Utah and Nevada.
Short Creek, Arizona and Utah.	Arizona and Utah.
Beaver Dam Wash, Arizona, Utah, and Nevada.	Arizona, Utah, and Nevada.
Colorado River and its tributaries above Lees Ferry, Arizona.	Arizona.
Humboldt River and tributaries, in Nevada.	Nevada.
Owyhee River and tributaries, in Nevada.	
Saint Regis River, Montana.	Montana.
Flathead River and tributaries in Flathead County, Montana.	
Rio Grande and tributaries, Colorado, above the Colorado-New Mexico boundary line.	Colorado.
La Plata River, Colorado.	
Paonia (North Fork of Gunnison River), Colorado.	
West Divide, Colorado.	
Mancos River, Colorado.	
Yampa River, Colorado.	
Montezuma River, Colorado.	
Kremmling, Troublesome River.	
Apishapa River, Colorado.	
Long's Canyon, Colorado.	
Wray, Colorado.	
Fontaine Qui Vouille ¹ River, Colorado.	
Pembina River and its tributaries, North Dakota.	North Dakota.
Kootenai River and tributaries, Idaho.	Idaho.
Boise River, Idaho.	
Carson River and tributaries, in California and Nevada.	California and Nevada.
Walker River and tributaries, in California and Nevada.	
Truckee River and tributaries, in California and Nevada.	
Humboldt River and tributaries, in Nevada.	Nevada.
Virgin River and tributaries, in Nevada, Arizona, and Utah.	Nevada, Arizona, and Utah.
Owyhee River and tributaries, in Nevada.	Nevada.
Sonoma Creek, California.	California.
Streams in Los Angeles and Ventura Counties draining the Santa Monica Mountains, California, directly into the Pacific Ocean.	
North Fork of the Yuba River, at city of Downieville and vicinity, Sierra County, California.	
Santa Ynez River and its tributaries, California.	
Santa Margarita River and its tributaries, California.	
Deer Creek in the county of Tehama, California.	
Paynes Creek, Tehama County, California.	
Cottonwood Creek, Shasta and Tehama Counties, California.	
Battle Creek, Shasta and Tehama Counties, California.	
Cow Creek, Shasta County, California.	
Mill Creek, Tehama County, California.	
Napa River and its tributaries, California.	
San Lorenzo River, in Santa Cruz County, California.	
Naselle River, in Pacific County, Washington.	Washington.
Lands below and contiguous to Vancouver Lake area in Clark County, Washington, with a view to providing flood protection for lowlands along Columbia River between Whipple Creek and mouth of Lake and/or Lewis Rivers.	
Willapa River, in Pacific County, Washington.	
SEC. 7. That in order to effectuate the policy declared in sections one and two of the Act of June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), and to correlate the program for the improvement of rivers and other waterways by the Department of	Appropriation authorized for prosecution of projects. 49 Stat. 1570.

¹ So in original.

Run-off retardation, etc., works on watersheds, prosecution.

Proviso.
Works on watersheds of Rio Grande and Pecos Rivers.

49 Stat. 1570.

Weather Bureau.
Current information service on precipitation, flood forecasts, etc., establishment and maintenance.
Expenditure authorized.

Appropriations authorized.
Division of expenditure.

Ante, p. 1116.

War with the program for the improvement of watersheds by the Department of Agriculture, works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention on the watersheds of waterways, for which works of improvement for the benefit of navigation and the control of destructive floodwaters and other provisions have been adopted and authorized to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, are hereby authorized to be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and in accordance with plans approved by him. For prosecuting said work and measures there is hereby authorized to be appropriated the sum of \$10,000,000 to be expended at the rate of \$2,000,000 per annum during the five-year period ending June 30, 1944: *Provided*, That such works and measures which are herein authorized to be prosecuted by the Department of Agriculture may be carried out on the watersheds of the Rio Grande and Pecos Rivers subject to the proviso in section 2 of the said Act of June 22, 1936.

SEC. 8. That there is hereby authorized an expenditure of not to exceed \$375,000 per annum, from any appropriations heretofore or hereafter made for flood control by the United States, for the establishment, operation, and maintenance by the Weather Bureau of a current information service on precipitation, flood forecasts, and flood warnings, whenever in the opinion of the Chief of Engineers and the Chief of the Weather Bureau such service is advisable in connection with either preliminary examinations and surveys or works of improvement authorized by the law for flood-control purposes, and the Secretary of War upon the recommendation of the Chief of Engineers is authorized to allot the Weather Bureau funds for said expenditure.

SEC. 9. That the sum of \$375,000,000 is hereby authorized to be appropriated for carrying out the improvements herein over the five-year period ending June 30, 1944, and the sum of \$10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and any other Acts of Congress, to be prosecuted by said Departments. The sum of \$1,500,000 additional is authorized to be appropriated and expended by the Federal Power Commission for carrying out any examinations and surveys provided for in this Act or any other Acts of Congress, to be prosecuted by the said Federal Power Commission.

Approved, June 28, 1938.

[CHAPTER 796]

AN ACT

June 29, 1938
[H. R. 10380]
[Public, No. 762]

To amend the Act entitled "An Act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia".

Society of American Florists and Ornamental Horticulturists.

Act of incorporation amended.
31 Stat. 1453.

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Society of American Florists and Ornamental Horticulturists within the District of Columbia", approved March 3, 1901 (31 U. S. Stat. L., ch. 876, p. 1453), is amended to read as follows:

"SECTION 1. That James Dean, of Freeport; Charles W. Ward, of Queens; William Scott, of Buffalo; and Charles Henderson, of New York City, all in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston; Edmund M. Wood, of Natick; and Lawrence Cotter, of Dorchester, all in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana;