

Sec.  
701m. Insufficient Congressional authorization; preparations for and modification of project.

701n. Emergency response to natural disasters.

701n-1. Biennial report to Congress.

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701n-3. Permanent measures to reduce emergency flood fighting needs for communities subject to repetitive flooding.

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.

701q-1. Repair and restoration of embankments.

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

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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.

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.

Sec.  
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.

702o. Mississippi River and Tributaries Project.

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 relating 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.)

### Editorial Notes

#### 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."

### 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.

#### TERMINATION OF BOARD OF ENGINEERS FOR RIVERS AND HARBORS AND REASSIGNMENT OF DUTIES AND RESPONSIBILITIES

For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

### Executive Documents

#### FLOODPLAIN MANAGEMENT

For provisions relating to the reduction of the risk of flood loss, the minimization of the impact of floods on human safety, health, and welfare, and the management of floodplains, see Ex. Ord. No. 11988, May 24, 1977, 42 F.R. 26951, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

#### EXECUTIVE ORDER NO. 11296

Ex. Ord. No. 11296, Aug. 10, 1966, 31 F.R. 10663, as amended by Pub. L. 90-608, ch. IV, § 402, Oct. 21, 1968, 82

Stat. 1194, which related to the evaluation of flood hazard in locating federally owned or financed buildings, roads, and other facilities, and in disposing of federal lands and properties, was revoked by Ex. Ord. No. 11988, May 24, 1977, 42 F.R. 26951, set out as a note under section 4321 of Title 42, The Public Health and Welfare.

### § 701-1. Declaration of policy of 1944 act

In connection with the exercise of jurisdiction over the rivers of the Nation through the construction of works of improvement, for navigation or flood control, as herein authorized, it is declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water utilization and control, as herein authorized to preserve and protect to the fullest possible extent established and potential uses, for all purposes, of the waters of the Nation's rivers; to facilitate the consideration of projects on a basis of comprehensive and coordinated development; and to limit the authorization and construction of navigation works to those in which a substantial benefit to navigation will be realized therefrom and which can be operated consistently with appropriate and economic use of the waters of such rivers by other users.

In conformity with this policy:

(a) Plans, proposals, or reports of the Chief of Engineers, Department of the Army, for any works of improvement for navigation or flood control not heretofore or herein authorized, shall be submitted to the Congress only upon compliance with the provisions of this paragraph (a). Investigations which form the basis of any such plans, proposals, or reports shall be conducted in such a manner as to give to the affected State or States, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and, to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. If such investigations in whole or part are concerned with the use or control of waters arising west of the ninety-seventh meridian, the Chief of Engineers shall give to the Secretary of the Interior, during the course of the investigations, information developed by the investigations and also opportunity for consultation regarding plans and proposals, and to the extent deemed practicable by the Chief of Engineers, opportunity to cooperate in the investigations. The relations of the Chief of Engineers with any State under this paragraph (a) shall be with the Governor of the State or such official or agency of the State as the Governor may designate. The term "affected State or States" shall include those in which the works or any part thereof are proposed to be located; those which in whole or part are both within the drainage basin involved and situated in a State lying wholly or in part west of the ninety-eighth meridian; and such of those which are east of the ninety-eighth meridian as, in the judgment of the Chief of Engineers, will be substantially affected. Such plans, proposals, or reports and related investigations shall be made to the end, among other things, of facilitating the coordination of plans for the