

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.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,