

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.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

113 Stat. 285, 293; Pub. L. 109–295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 113–121, title I, § 1030(h), June 10, 2014, 128 Stat. 1232; Pub. L. 116–260, div. AA, title I, § 111(a), Dec. 27, 2020, 134 Stat. 2625; Pub. L. 117–263, div. H, title LXXXI, § 8104, Dec. 23, 2022, 136 Stat. 3698.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–263, § 8104(1), inserted section catchline.

Subsec. (a). Pub. L. 117–263, § 8104(1), inserted heading.

Subsec. (a)(1). Pub. L. 117–263, § 8104(1), (2)(B), designated first sentence of subsec. (a) as par. (1), inserted heading, and inserted “identification of areas subject to floods due to accumulated snags and other debris,” after “inundation by floods of various magnitudes and frequencies.”

Subsec. (a)(2). Pub. L. 117–263, § 8104(2)(A), designated second sentence of subsec. (a) as par. (2) and inserted heading.

Subsec. (a)(3). Pub. L. 117–263, § 8104(2)(C), added par. (3).

Subsecs. (d), (e). Pub. L. 117–263, § 8104(3), (4), added subsec. (d) and redesignated former subsec. (d) as (e).

2020—Subsec. (a). Pub. L. 116–260 inserted “, 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” after “in planning to ameliorate the flood hazard”.

2014—Subsec. (d). Pub. L. 113–121 substituted “\$50,000,000” for “\$15,000,000”.

1999—Subsec. (b). Pub. L. 106–53, § 216, added subsec. (b). Former subsec. (b) redesignated (c).

Pub. L. 106–53, § 202, inserted before period at end of third sentence “, 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”.

Subsecs. (c), (d). Pub. L. 106–53, § 216(1), redesignated subsecs. (b) and (c) as (c) and (d), respectively.

1990—Pub. L. 101–640 added subsec. (b) and redesignated former subsec. (b) as (c).

1974—Subsec. (b). Pub. L. 93–251 substituted “\$15,000,000” for “\$11,000,000”.

1970—Subsec. (b). Pub. L. 91–611 substituted “\$11,000,000” for “\$7,000,000”.

1966—Subsec. (a). Pub. L. 89–789, in amending subsec. (a) generally, substituted “political subdivisions thereof” for “municipalities” and “advice” for “engineering advice”, inserted provision “to assure that Federal departments and agencies may take proper cognizance of flood hazards”, provided for guidance of Federal and non-Federal interests and agencies and advice to other Federal agencies, and for surveys and guides upon request of a State or political subdivision in lieu of surveys and studies for specific localities upon request of a State or responsible local governmental agency.

Subsec. (b). Pub. L. 89–789 substituted “expend not to exceed \$7,000,000 per fiscal year for the compilation and dissemination of information under this section” for “allot, from any appropriations hereafter made for flood control, sums not to exceed \$2,500,000 in any one fiscal year for the compilation and dissemination of such information”.

1965—Subsec. (b). Pub. L. 89–298 substituted “\$2,500,000” for “\$1,000,000”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (b) on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security.

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

WATERSHED PLANNING AND TECHNICAL ASSISTANCE

Pub. L. 117–263, div. H, title LXXXI, § 8119(b), Dec. 23, 2022, 136 Stat. 3711, provided that: “In providing assistance under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) or pursuant to section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary [of the Army] shall, upon request, provide such assistance at a watershed scale.”

PRIORITIZING FLOOD RISK RESILIENCY TECHNICAL ASSISTANCE

Pub. L. 116–260, div. AA, title I, § 111(b), Dec. 27, 2020, 134 Stat. 2625, provided that: “In carrying out section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a), the Secretary [of the Army] shall prioritize the provision of technical assistance to support flood risk resiliency planning efforts of economically disadvantaged communities or communities subject to repetitive flooding.”

[For definition of “economically disadvantaged community” as used in section 111(b) of div. AA of Pub. L. 116–260, set out above, see section 160 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.]

§ 709b. Flood hazard information

The Secretary, the Administrator of the Federal Emergency Management Agency, and the Administrator of the Soil Conservation Service shall take necessary actions, including the posting and distribution of information and the preparation and distribution of educational materials and programs, to ensure that information relating to flood hazard areas is generally available to the public.

(Pub. L. 99–662, title IX, § 944, Nov. 17, 1986, 100 Stat. 4200; Pub. L. 109–295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in text on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2201 of this title.

§ 709c. Emergency communication of risk

(a) Definitions

In this section:

(1) Affected government

The term “affected government” means a State, local, or tribal government with jurisdiction over an area that will be affected by a flood.