

(c) Replacement roads; construction to higher standards

For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road. The head of the agency concerned is authorized to construct such substitute roads to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected). In any case where a State or political subdivision thereof requests that such a substitute road be constructed to a higher standard than that provided for in the preceding provisions of this subsection, and pays, prior to commencement of such construction, the additional costs involved due to such higher standard, such agency head is authorized to construct such road to such higher standard. Federal costs under the provisions of this subsection shall be part of the nonreimbursable project costs.

(Pub. L. 86-645, title II, §207, July 14, 1960, 74 Stat. 500; Pub. L. 87-874, title II, §208, Oct. 23, 1962, 76 Stat. 1196; Pub. L. 93-251, title I, §13, Mar. 7, 1974, 88 Stat. 17.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-251 lower cased “agency” in two places, and substituted “to the design standards which the State or owning political division would use in constructing a new road under similar conditions of geography and under similar traffic loads (present and projected).” for “to design standards comparable to those of the State, or, where applicable State standards do not exist, those of the owning political division in which the road is located, for roads of the same classification as the road being replaced. The traffic existing at the time of the taking shall be used in the determination of the classification.”

1962—Subsec. (a). Pub. L. 87-874 added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 87-874 redesignated former subsec. (a) as (b), and among other changes, inserted “irrigation,” before “or multiple-purpose project” and substituted references to head of the Agency concerned, for references to Chief of Engineers. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 87-874 redesignated former subsec. (b) as (c), substituted construction authority to head of the agency concerned for authority to Chief of Engineers, provided that where State standards do not exist, those of the owning political division in which the road is located shall be used, that where a State or political subdivision requests a substitute road to be constructed to a higher standard than provided in this subsection, and pays the additional costs, the Agency head is authorized to so construct the road, and that the Federal costs under this subsection shall be part of the nonreimbursable costs.

§ 701s. Small flood control projects; appropriations; amount limitation for single locality; conditions

The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed \$50,000,000 for any one fiscal year, for the implementation of small structural and nonstructural projects for flood control and related purposes

not specifically authorized by Congress, which come within the provisions of section 701a of this title, when in the opinion of the Chief of Engineers such work is advisable. The amount allotted for a project shall be sufficient to complete Federal participation in the project. Not more than \$7,000,000 shall be allotted under this section for a project at any single locality. The provisions of local cooperation specified in section 701c of this title shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

(June 30, 1948, ch. 771, title II, §205, 62 Stat. 1182; May 17, 1950, ch. 188, title II, §212, 64 Stat. 183; July 11, 1956, ch. 558, 70 Stat. 522; Pub. L. 87-874, title II, §205, Oct. 23, 1962, 76 Stat. 1194; Pub. L. 93-251, title I, §61, Mar. 7, 1974, 88 Stat. 29; Pub. L. 94-587, §133(b), Oct. 22, 1976, 90 Stat. 2928; Pub. L. 97-140, §2(a), Dec. 29, 1981, 95 Stat. 1717; Pub. L. 99-662, title IX, §915(a), Nov. 17, 1986, 100 Stat. 4191; Pub. L. 106-53, title II, §201, Aug. 17, 1999, 113 Stat. 285; Pub. L. 106-541, title II, §218, Dec. 11, 2000, 114 Stat. 2596.)

AMENDMENTS

2000—Pub. L. 106-541 substituted “\$50,000,000” for “\$40,000,000” in first sentence.

1999—Pub. L. 106-53, in first sentence, substituted “implementation of small structural and nonstructural projects” for “construction of small projects” and, in third sentence, substituted “\$7,000,000” for “\$5,000,000”.

1986—Pub. L. 99-662 substituted “\$40,000,000” for “\$30,000,000” and “\$5,000,000” for “\$4,000,000”.

1981—Pub. L. 97-140 substituted “Not more than \$4,000,000 shall be allotted under this section for a project at any single locality” for “Not more than \$2,000,000 shall be allotted under this section for a project in any single locality, except that not more than \$3,000,000 shall be allotted under this section for a project at a single locality if such project protects an area which has been declared to be a major disaster area pursuant to the Disaster Relief Act of 1966 or the Disaster Relief Act of 1970 in the five-year period immediately preceding the date the Chief of Engineers deems such work advisable”.

1976—Pub. L. 94-587 increased limitation on allotment for a project at a single locality from \$1,000,000 to \$2,000,000 and for such a project protecting a major disaster area from \$2,000,000 to \$3,000,000.

1974—Pub. L. 93-251, in revising provisions, increased fiscal year allotment to \$30,000,000 from \$25,000,000 and required allotment of \$2,000,000 for a project at a single locality if such locality protects an area declared to be a major-disaster area pursuant to Disaster Relief Act of 1966 or Disaster Relief Act of 1970 in five-year period immediately preceding the date the Chief of Engineers deems such work advisable.

1962—Pub. L. 87-874 substituted “\$25,000,000” for “\$10,000,000”, “projects for flood control and related purposes” for “flood control projects”, and provisions limiting the allotment for a single project to \$1,000,000 and providing that such allotment shall be sufficient to complete Federal participation, for provisions limiting the allotment for any single project to \$400,000 from the appropriations for any fiscal year.

1956—Act July 11, 1956, substituted “\$10,000,000” for “\$3,000,000”, struck out “and not within areas intended to be protected by projects so authorized” before “which come within the provisions of section 701a of this title”, and substituted “\$400,000” for “\$150,000”.

1950—Act May 17, 1950, substituted “\$3,000,000” for “\$2,000,000” and “\$150,000” for “\$100,000”.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-662 not applicable to any project under contract for construction on Nov. 17, 1986, see section 915(i) of Pub. L. 99-662, set out as a note under section 426g of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 2(b) of Pub. L. 97-140 provided that: "The amendment made by this section [amending this section] shall not apply to any project under contract for construction on the date of enactment of this Act [Dec. 29, 1981]."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-587 not applicable to any project under contract for construction on Oct. 22, 1976, see section 133(c) of Pub. L. 94-587, set out as a note under section 577 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2282, 2290 of this title.

§ 701t. Emergency fund for flood damage; amount; commitments to be fulfilled by local interests

The sum of \$25,000,000 is authorized to be appropriated as an emergency fund to be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for the repair, restoration, and strengthening of levees and other flood control works which have been threatened or destroyed by recent floods, or which may be threatened or destroyed by later floods, including the raising, extending, or other modification of such works as may be necessary in the discretion of the Chief of Engineers for the adequate functioning of the works for flood control: *Provided*, That local interests shall provide without cost to the United States all lands, easements, and rights of way necessary for the work and shall maintain and operate all the works after completion in a manner satisfactory to the Chief of Engineers: *Provided further*, That pending the appropriation of said sum, the Secretary of the Army may allot from existing flood-control appropriations such sums as may be necessary for the immediate prosecution of the work authorized by this section, such appropriations to be reimbursed from said emergency fund when appropriated: *And provided further*, That funds allotted under this authority shall not be diverted from the unobligated funds from the appropriation "Flood control, general", made available in War Department Civil Functions Appropriation Acts for specific purposes.

(June 30, 1948, ch. 771, title II, § 208, 62 Stat. 1182.)

§ 701u. International engineering or scientific conferences; attendance

The Secretary of the Army is authorized to allot from any appropriations heretofore or hereafter made for flood control or rivers and harbors, funds for payment of expenses of representatives of the Corps of Engineers engaged on flood control and river and harbor work to international engineering or scientific conferences to be held outside the United States: *Provided*, That not more than ten representatives of the Corps of Engineers shall attend any one conference.

(May 17, 1950, ch. 188, title II, § 211, 64 Stat. 183; Pub. L. 104-303, title II, § 222, Oct. 12, 1996, 110 Stat. 3697.)

AMENDMENTS

1996—Pub. L. 104-303 substituted "outside the United States" for "outside the continental limits of the United States" and struck out before period at end "And provided further, That not more than \$25,000 shall be allotted during any one fiscal year for this purpose".

§ 702. Mississippi River

Authorization of flood-control work—For controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of the Army is empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission, prior to March 3, 1923, or thereafter adopted, to be paid for as appropriations may from time to time be made by law.

Allotments for improvement of watercourses connected with Mississippi River—The watercourses connected with the Mississippi River to such extent as may be necessary to exclude the flood waters from the upper limits of any delta basin, together with the Ohio River from its mouth to the mouth of the Cache River, may, in the discretion of said commission, receive allotments for improvements under way March 1, 1917, or thereafter to be undertaken.

Maintenance of levees constructed for flood control—Upon the completion of any levee constructed for flood control under authority of this section, said levee shall be turned over to the levee district protected thereby for maintenance thereafter; but for all other purposes the United States shall retain such control over the same as it may have the right to exercise upon such completion.

(Mar. 1, 1917, ch. 144, § 1, 39 Stat. 948; Mar. 4, 1923, ch. 277, 42 Stat. 1505; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Last clause of first paragraph was originally limited to appropriations made for a period of six years beginning July 1, 1924.

The portion of the first paragraph providing "and a sum not to exceed \$10,000,000 annually is hereby authorized to be appropriated for that purpose, for a period of six years beginning July 1, 1924" together with the fourth paragraph, relating to expenditures for improvements between Head of Passes and Rock Island, were from act Mar. 4, 1923, which superseded provisions on the same subjects contained in act Mar. 1, 1917, from which the rest of the section was derived, and were omitted as executed.

Sections 2 and 3 of act Mar. 1, 1917, are classified to sections 703 and 701, respectively, of this title, and section 4 of act Mar. 1, 1917, amended section 643 of this title.

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, en-