

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 un-