

control of the Department of the Army: *Provided*, That no contracts for such water shall adversely affect then existing lawful uses of such water. All moneys received from such contracts shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Dec. 22, 1944, ch. 665, § 6, 58 Stat. 890; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; May 23, 1952, ch. 328, § 1(a), 66 Stat. 93.)

AMENDMENTS

1952—Act May 23, 1952, revived and reenacted section.

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

REPEALS

Act May 23, 1952, § 1(b), repealed paragraph (59) of section 1 of act Oct. 31, 1951, ch. 654, 65 Stat. 703, which had previously repealed this section.

TRANSFER OF FUNCTIONS

For transfer of certain personal property and functions relating thereto, insofar as they pertain to Air Force, from Secretary of the Army and Department of 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.

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Provisions of this section as not amended, modified or repealed by the Submerged Lands Act, see section 1303 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 839e.

§ 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 839e.

§ 709a. Information on floods and flood damage

(a) Compilation and dissemination

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, 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. 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.

(b) Flood prevention coordination

The Secretary shall coordinate with the Director 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) Fiscal year limitation on expenditures

The Secretary of the Army is authorized to expend not to exceed \$15,000,000 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.)

AMENDMENTS

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”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 709b. Flood hazard information

The Secretary, the Director 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.)

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency,

including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 313(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“SECRETARY” DEFINED

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

CHAPTER 16—LIGHTHOUSES

Sec.

711 to 716. Omitted or Repealed.

717. Detail of Army engineers as construction aids.

717a to 724. Repealed or Omitted.

725. Prohibition against officers and employees being interested in contracts for materials, etc.

726. Repealed.

727. Lighthouse and other sites; necessity for cession by State of jurisdiction.

728. Sufficiency of cession by State; service of State process in lands ceded.

729, 730. Repealed.

730a. Sites for pierhead beacons.

731 to 734. Repealed or Transferred.

735. Marking pierheads in certain lakes.

736 to 742. Repealed or Omitted.

743. Lighthouse districts.

744, 745. Omitted or Repealed.

745a. Traveling expenses of new appointees to isolated posts outside United States.

746 to 747a. Repealed.

747b. Lighthouse keepers; traveling expenses incurred in obtaining medical attention.

748. Teachers for children of lighthouse keepers.

748a. Transportation expenses for school children.

749 to 754. Repealed or Omitted.

754a. Purchase of commissary and quartermaster supplies.

755 to 762. Repealed.

763. Retirement for age of officers and employees generally; retirement pay; waiver of retirement pay.

763-1. Increase of retired pay.

763-2. Additional increase of retired pay.

763a. Repealed.

763a-1. Retirement, exceptions for age and period of service.

763a-2. Application to persons of Coast Guard.

763b to 764. Repealed or Omitted.

765. Retirement for disability.

766. Restoration to active duty after retirement for disability.

767 to 769. Repealed.

770. Regulations for expenditure of moneys accruing from commutation of rations and provisions.

771. Benefits for surviving spouses of Lighthouse Service employees; death of employee during retirement; amount of payment.

772. Death of employee due to non-service-connected causes after 15 years' service; amount of payment.

773. Application for benefits.

774. Rules and regulations.

775. Payments nonassignable and exempt from process.

776. Payment out of Civil Service Retirement and Disability Fund.

§§ 711 to 715. Omitted

CODIFICATION

Sections related to the establishment of the Bureau of Lighthouses in the Department of Commerce. The