

16 USC Ch. 18: WATERSHED PROTECTION AND FLOOD PREVENTION

From Title 16—CONSERVATION

CHAPTER 18—WATERSHED PROTECTION AND FLOOD PREVENTION

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§1001. Declaration of policy

Erosion, floodwater, and sediment damages in the watersheds of the rivers and streams of the United States, causing loss of life and damage to property, constitute a menace to the national welfare; and it is the sense of Congress that the Federal Government should cooperate with States and their political subdivisions, soil or water conservation districts, flood prevention or control districts, and other local public agencies for the purpose of preventing such damages, of furthering the conservation, development, utilization, and disposal of water, and the conservation and utilization of land and thereby of preserving, protecting, and improving the Nation's land and water resources and the quality of the environment.

(Aug. 4, 1954, ch. 656, §1, 68 Stat. 666; Pub. L. 92-419, title II, §201(a), Aug. 30, 1972, 86 Stat. 667.)

EDITORIAL NOTES

AMENDMENTS

1972—Pub. L. 92-419 expanded the declaration of policy to include conservation and utilization of land, improvement of land and water resources, and quality of the environment.

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE

Act Aug. 4, 1954, ch. 656, §11, formerly §9, 68 Stat. 668, as renumbered by act Aug. 7, 1956, ch. 1027, §1(g), 70 Stat. 1090, provided that: "This Act [enacting this chapter, amending section 701b of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under this section and section 701b of Title 33] may be cited as the 'Watershed Protection and Flood Prevention Act'."

WATERSHED PROTECTION AND FLOOD PREVENTION PROJECTS EXEMPT FROM REQUIREMENTS FOR INDEPENDENT WATER PROJECT REVIEW

For exemption of projects under this chapter from independent water project review requirements of Ex. Ords. No. 12113 and 12141, see Pub. L. 96-528, title VI, §622, Dec. 15, 1980, 94 Stat. 3118, set out as a note under section 1962 of Title 42, The Public Health and Welfare.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Act Aug. 7, 1956, ch. 1027, §2, 70 Stat. 1090, provided that sections 1006a and 1006b of this title and the amendments made by act Aug. 7, 1956 to sections 1002 to 1005 of this title should be applicable to all works of improvement and plans for such works under the provisions of this chapter and that any plans for works of improvement with respect to which the Secretary of Agriculture was authorized prior to Aug. 7, 1956 to participate in the installation of works of improvement in accordance with such plan, or any plan for works of improvement which had received prior to Aug. 7, 1956 the approval of congressional committees, need not be submitted to the congressional committees as required by this chapter.

§1002. Definitions

For the purposes of this chapter, the following terms shall mean:

The "Secretary"—the Secretary of Agriculture of the United States.

"Works of improvement"—any undertaking for—

- (1) flood prevention (including structural and land treatment measures),
- (2) the conservation, development, utilization, and disposal of water, or
- (3) the conservation and proper utilization of land,

in watershed or subwatershed area not exceeding two hundred and fifty thousand acres and not including any single structure which provides more than twelve thousand five hundred acre-feet of floodwater detention capacity, and more than twenty-five thousand acre-feet of total capacity. No appropriation shall be made for any plan involving an estimated Federal contribution to construction costs in excess of \$25,000,000, or which includes any structure which provides more than twenty-five hundred acre-feet of total capacity unless such plan has been approved by resolutions adopted by the appropriate committees of the Senate and House of Representatives: *Provided*, That in the case of any plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and in the case of any plan involving any single structure of more than 4,000 acre-feet of total capacity the appropriate committees shall be the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, respectively. Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project. A number of such subwatersheds when they are component parts of a larger watershed may be planned together when the local sponsoring organizations so desire.

"Local organization"—any State, political subdivision thereof, soil or water conservation district, flood prevention or control district, or combinations thereof, or any other agency having authority under State law to carry out, maintain and operate the works of improvement; or any irrigation or reservoir company, water users' association, or similar organization having such authority and not being operated for profit that may be approved by the Secretary; or any Indian tribe or tribal organization, as defined in section 5304 of title 25, having authority under Federal, State, or Indian tribal law to carry out, maintain, and operate the works of improvement.

(Aug. 4, 1954, ch. 656, §2, 68 Stat. 666; Aug. 7, 1956, ch. 1027, §1(a), 70 Stat. 1088; Pub. L. 87–170, Aug. 30, 1961, 75 Stat. 408; Pub. L. 89–337, Nov. 8, 1965, 79 Stat. 1300; Pub. L. 92–419, title II, §201(b), Aug. 30, 1972, 86 Stat. 667; Pub. L. 95–113, title XV, §1506(a), Sept. 29, 1977, 91 Stat. 1022; Pub. L. 97–98, title XV, §1512(a), (b), Dec. 22, 1981, 95 Stat. 1332, 1333; Pub. L. 99–662, title IX, §929, Nov. 17, 1986, 100 Stat. 4196; Pub. L. 101–624, title XIV, §1461, Nov. 28, 1990, 104 Stat. 3615; Pub. L. 103–437, §6(v), Nov. 2, 1994, 108 Stat. 4587; Pub. L. 115–141, div. A, title VII, §761(a), Mar. 23, 2018, 132 Stat. 396.)

EDITORIAL NOTES

AMENDMENTS

2018—Pub. L. 115–141 substituted "\$25,000,000" for "\$5,000,000" in concluding provisions relating to definition of "Works of improvement".

1994—Pub. L. 103–437 in concluding provisions relating to definition of "Works of improvement" substituted "Committee on Agriculture, Nutrition, and Forestry" for "Committee on Agriculture and Forestry" and "Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House" for "Committee on Public Works of the Senate and the Committee on Public Works of the House".

1990—Pub. L. 101–624, which directed amendment of third sentence by substituting "Each project" for "Each such project submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives after July 1, 1987," and inserting ", including rural communities," after "agriculture", was executed to third sentence of par. defining "Works of improvement" to reflect the probable intent of Congress.

1986—Pub. L. 99–662 inserted in definition of "Works of improvement" provision requiring that projects submitted after July 1, 1987, contain benefits directly related to agriculture accounting for at least 20 percent of the total benefits of the project.

1981—Pub. L. 97–98 substituted "\$5,000,000" for "\$1,000,000" in definition of "Works of improvement" and expanded definition of "Local organization" to include any Indian tribe or tribal organization having authority under Federal, State, or Indian tribal law to carry out, maintain, and operate works of improvement.

1977—Pub. L. 95–113 substituted "\$1,000,000" for "\$250,000".

1972—Pub. L. 92–419 defined "Works of improvement" to include any undertaking for the conservation and proper utilization of land.

1965—Pub. L. 89–337 substituted "more than twelve thousand five hundred acre-feet of floodwater detention capacity" for "more than five thousand acre-feet of floodwater detention capacity".

1961—Pub. L. 87–170 included irrigation or reservoir companies, water users' associations and similar organizations not operated for profit in the definition of local organization.

1956—Act Aug. 7, 1956, struck out provisions which limited works of improvement to agriculture phases of conservation, development, utilization, and disposal of water, increased the limits of total capacity of any single structure from 5,000 acre-feet to 25,000 acre-feet, exclude single structures which provide more than 5,000 acre-feet of floodwater detention capacity, required approval of plans involving an estimated Federal contribution to construction costs of more than \$250,000, and specified the Congressional committees that must approve the plans where structures are under and over 4,000 acre-feet of total capacity.

STATUTORY NOTES AND RELATED SUBSIDIARIES

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of Title 7, Agriculture.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvements and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§1003. Assistance to local organizations

(a) In general

In order to assist local organizations in preparing and carrying out plans for works of improvement, the Secretary is authorized, upon application of local organizations if such application has been submitted to, and not

disapproved within 45 days by, the State agency having supervisory responsibility over programs provided for in this chapter, or by the Governor if there is no State agency having such responsibility—

- (1) to conduct such investigations and surveys as may be necessary to prepare plans for works of improvement;
- (2) to prepare plans and estimates required for adequate engineering evaluation;
- (3) to make allocations of costs to the various purposes to show the basis of such allocations and to determine whether benefits exceed costs;
- (4) to cooperate and enter into agreements with and to furnish financial and other assistance to local organizations: *Provided*, That, for the land-treatment measures, the Federal assistance shall not exceed the rate of assistance for similar practices under existing national programs;
- (5) to obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this section;
- (6) to enter into agreements with landowners, operators, and occupiers, individually or collectively, based on conservation plans of such landowners, operators, and occupiers which are developed in cooperation with and approved by the soil and water conservation district in which the land described in the agreement is situated, to be carried out on such land during a period of not to exceed ten years, providing for changes in cropping systems and land uses and for the installation of soil and water conservation practices and measures needed to conserve and develop the soil, water, woodland, wildlife, energy, and recreation resources of and enhance the water quality of lands within the area included in plans for works of improvement, as provided for in such plans, including watershed or subwatershed work plans in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented. Applications for assistance in developing such conservation plans shall be made in writing to the soil and water conservation district involved, and the proposed agreement shall be reviewed by such district. In return for such agreements by landowners, operators, and occupiers the Secretary shall agree to share the costs of carrying out those practices and measures set forth in the agreement for which he determines that cost sharing is appropriate and in the public interest. The portion of such costs, including labor, to be shared shall be that part which the Secretary determines is appropriate and in the public interest for the carrying out of the practices and measures set forth in the agreement, except that the Federal assistance shall not exceed the rate of assistance for similar practices and measures under existing national programs. The Secretary may terminate any agreement with a landowner, operator, or occupier by mutual agreement if the Secretary determines that such termination would be in the public interest, and may agree to such modifications of agreements, previously entered into hereunder, as he deems desirable to carry out the purposes of this paragraph or to facilitate the practical administration of the agreements provided for herein. Notwithstanding any other provision of law, the Secretary, to the extent he deems it desirable to carry out the purposes of this paragraph, may provide in any agreement hereunder for (1) preservation for a period not to exceed the period covered by the agreement and an equal period thereafter of the cropland, crop acreage, and allotment history applicable to land covered by the agreement for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation on the production of any crop; or (2) surrender of any such history and allotments.

(b) Waiver

The Secretary may waive the watershed plan for works of improvement if the Secretary determines that—

- (1) the watershed plan is unnecessary or duplicative; and
- (2) the works of improvement are otherwise consistent with applicable requirements under section 1004 of this title.

(Aug. 4, 1954, ch. 656, §3, 68 Stat. 666; Aug. 7, 1956, ch. 1027, §1(b), 70 Stat. 1088; Pub. L. 92-419, title II, §201(c), Aug. 30, 1972, 86 Stat. 667; Pub. L. 97-98, title XV, §1512(c), Dec. 22, 1981, 95 Stat. 1333; Pub. L. 101-624, title XIV, §1464, Nov. 28, 1990, 104 Stat. 3616; Pub. L. 115-334, title II, §2401(a), Dec. 20, 2018, 132 Stat. 4570.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, referred to in par. (6), is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 887, which was not classified to the Code.

AMENDMENTS

2018—Pub. L. 115-334 inserted section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1990—Par. (6). Pub. L. 101-624 inserted "and enhance the water quality of" after "recreation resources of".

1981—Par. (6). Pub. L. 97-98 inserted reference to energy in the enumeration of the various aspects of lands to be conserved and developed within areas included under plans for works of improvement.

1972—Par. (6). Pub. L. 92-419 added par. (6).

1956—Pars. (2) to (6). Act Aug. 7, 1956, substituted in par. (2) provisions authorizing the Secretary to prepare plans and estimates required for adequate engineering evaluation for provisions which

authorized the Secretary to make studies for physical and economic soundness of plans for works of improvement, added par. (3), and redesignated former pars. (3) and (4) as (4) and (5), respectively.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1002 of this title.

§1003a. Cost share assistance

(a) Easements

The Secretary may provide cost share assistance to project sponsors to enable such sponsors to acquire perpetual wetland or floodplain conservation easements to perpetuate, restore and enhance the natural capability of wetlands and floodplains to retain excessive floodwaters, improve water quality and quantity, and provide habitat for fish and wildlife.

(b) Amount

The Secretary shall require that project sponsors of watershed projects provide up to 50 percent of the cost of acquiring easements under subsection (a).

(Aug. 4, 1954, ch. 656, §3A, as added Pub. L. 101–624, title XIV, §1462, Nov. 28, 1990, 104 Stat. 3615.)

§1004. Conditions for Federal assistance

The Secretary shall require as a condition to providing Federal assistance for the installation of works of improvement that local organizations shall—

(1) acquire, or with respect to interests in land to be acquired by condemnation provide assurances satisfactory to the Secretary that they will acquire, without cost to the Federal Government from funds appropriated for the purposes of this chapter, such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with Federal assistance: *Provided*, That when a local organization agrees to operate and maintain any reservoir or other area included in a plan for public fish and wildlife or recreational development, the Secretary shall be authorized to bear not to exceed one-half of the costs of (a) the land, easements, or rights-of-way acquired or to be acquired by the local organization for such reservoir or other area, and (b) minimum basic facilities needed for public health and safety, access to, and use of such reservoir or other area for such purposes: *Provided further*, That the Secretary shall be authorized to participate in recreational development in any watershed project only to the extent that the need therefor is demonstrated in accordance with standards established by him, taking into account the anticipated man-days of use of the projected recreational development and giving consideration to the availability within the region of existing water-based outdoor recreational developments: *Provided further*, That the Secretary shall be authorized to participate in not more than one recreational development in a watershed project containing less than seventy-five thousand acres, or two such developments in a project containing between seventy-five thousand and one hundred and fifty thousand acres, or three such developments in projects exceeding one hundred and fifty thousand acres: *Provided further*, That when the Secretary and a local organization have agreed that the immediate acquisition by the local organization of land, easements, or rights-of-way is advisable for the preservation of sites for works of improvement included in a plan from encroachment by residential, commercial, industrial, or other development, the Secretary shall be authorized to advance to the local organization from funds appropriated for construction of works of improvement the amounts required for the acquisition of such land, easements or rights-of-way; and, except where such costs are to be borne by the Secretary, such advance shall be repaid by the local organization, with interest, prior to construction of the works of improvement, for credit to such construction funds: *Provided further*, That the Secretary shall be authorized to bear an amount not to exceed one-half of the costs of the land, easements, or rights-of-way acquired or to be acquired by the local

organization for mitigation of fish and wildlife habitat losses, and that such acquisition is not limited to the confines of the watershed project boundaries;

(2) assume (A) such proportionate share, as is determined by the Secretary to be equitable in consideration of national needs and assistance authorized for similar purposes under other Federal programs, of the costs of installing any works of improvement, involving Federal assistance (excluding engineering costs), which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land: *Provided*, That works of improvement for water quality management shall consist primarily of water storage capacity in reservoirs for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source, and shall be consistent with standards and regulations adopted by the Water Resources Council on Federal cost sharing for water quality management, and (B) all of the cost of installing any portion of such works applicable to other purposes except that any part of the construction cost (including engineering costs) applicable to flood prevention and features relating thereto shall be borne by the Federal Government and paid for by the Secretary out of funds appropriated for the purposes of this chapter: *Provided*, That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 1006a of this title, the Secretary may pay for any storage of water for present or anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this chapter as hereinafter provided: *Provided further*, That the cost of water storage to meet future demands may not exceed 30 per centum of the total estimated cost of such reservoir structure and the local organization shall give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of the cost of such storage: *Provided further*, That the Secretary shall determine prior to initiation of construction or modification of any reservoir structure including such water supply storage that there are adequate assurances by the local organization or by an agency of the State having authority to give such assurances, that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local organization will pay not less than 50 per centum of the cost of storage for present water supply demands: *And provided further*, That the cost to be borne by the local organization for anticipated future demands may be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for anticipated future water supply demands, except that (1) no reimbursement of the cost of such water supply storage for anticipated future demands need be made until such supply is first used, and (2) no interest shall be charged on the cost of such water-supply storage for anticipated future demands until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 1006a of this title.

(3) make arrangements satisfactory to the Secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to State law, as may be needed in the installation and operation of the work of improvement;

(5) obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the land situated in the drainage area above each retention reservoir to be installed with Federal assistance; and

(6) submit a plan of repayment satisfactory to the Secretary for any loan or advancement made under the provisions of section 1006a of this title.

(Aug. 4, 1954, ch. 656, §4, 68 Stat. 667; Aug. 7, 1956, ch. 1027, §1(c)–(e), 70 Stat. 1088; Pub. L. 85–865, §1, Sept. 2, 1958, 72 Stat. 1605; Pub. L. 86–545, June 29, 1960, 74 Stat. 254; Pub. L. 87–703, title I, §§103, 104, Sept. 27, 1962, 76 Stat. 608, 609; Pub. L. 92–419, title II, §201(d)–(f), Aug. 30, 1972, 86 Stat. 668; Pub. L. 97–98, title XV, §1512(d), Dec. 22, 1981, 95 Stat. 1333.)

EDITORIAL NOTES

AMENDMENTS

1981—Par. (1). Pub. L. 97–98 inserted proviso authorizing the Secretary to bear an amount not to exceed one-half of the costs of the land, easements, or rights-of-way acquired or to be acquired by the local organization for mitigation of fish and wildlife habitat losses and directing that such acquisitions are not limited to the confines of the watershed project boundaries.

1972—Par. (1). Pub. L. 92–419, §201(d), inserted "from funds appropriated for the purposes of this chapter" after "without cost to the Federal Government".

Par. (2)(A). Pub. L. 92–419, §201(e), substituted "fish and wildlife development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land", for "fish and wildlife or recreational development" and inserted water quality management proviso.

Par. (2)(B). Pub. L. 92–419, §201(f), in revising text and making changes in phraseology, authorized payment for water storage for present demands, inserted at end of first proviso "as hereinafter provided", substituted provisions respecting Secretary's determination of adequate assurances by the local agency or by an agency of the State having authority to give such assurances that the Secretary will be reimbursed the cost of water supply storage for anticipated future demands, and that the local

organization will pay not less than 50 per centum of the cost of storage for present water supply demands, for provisions respecting the giving of reasonable assurances by the local organization of repayment of cost of such water supply storage for anticipated future demands, and substituted permissive provisions for repayment of cost for anticipated future demands within life of the reservoir structure for former mandatory provisions.

1962—Par. (1). Pub. L. 87–703, §103(1), inserted provisos respecting cost sharing, participation, number of recreational developments and advances of funds.

Par. (2)(A). Pub. L. 87–703, §103(2), substituted "national needs and assistance authorized for similar purposes under other Federal programs" for "the direct identifiable benefits" and inserted "(excluding engineering costs)" after "Federal assistance" and "or recreational" before "development".

Par. (2)(B). Pub. L. 87–703, §104, inserted provisos respecting water storage payments and limitation on amount of such payments, repayment agreements and period of time for repayment and provisions for commencement of repayment, interest-free period and rate of interest.

1960—Par. (1). Pub. L. 86–545 inserted provisions requiring local organizations to provide assurances with respect to interests in land to be acquired by condemnation.

1958—Par. (2)(A). Pub. L. 85–865 inserted "or for fish and wildlife development" after "and disposal of water".

1956—Par. (2). Act Aug. 7, 1956, §1(c), required local organizations to assume a proportionate share of costs applicable to agricultural water management in consideration of the direct identifiable benefits, and all the costs of works applicable to other purposes, and provided that the Federal Government shall bear the entire construction costs for flood prevention.

Par. (4). Act Aug. 7, 1956, §1(d), inserted "or water users" after "landowners".

Par. (6). Act Aug. 7, 1956, §1(e), added par. (6).

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85–865, §2, Sept. 2, 1958, 72 Stat. 1605, provided that: "The Secretary of Agriculture shall not furnish or agree to furnish financial assistance to local organizations for the institution of works of improvement for fish and wildlife development pursuant to the authority of this Act [amending this section] prior to July 1, 1958."

PUBLIC ACCESS TO WATER IMPOUNDMENTS

Pub. L. 99–662, title IX, §930, Nov. 17, 1986, 100 Stat. 4196, provided that: "The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, shall study and report to the appropriate committees of the Senate and the House of Representatives by April 1, 1988, on the feasibility, the desirability, and the public interest involved in requiring that public access be provided to any or all water impoundments that have recreation-related potential and that were authorized pursuant to the Watershed Protection and Flood Protection Act (68 Stat. 666; 16 U.S.C. 1001 et seq.)."

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1002 of this title.

§1005. Works of improvement

(1) Engineering and other services; reimbursement; advances

At such time as the Secretary and the interested local organization have agreed on a plan for works of improvement, and the Secretary has determined that the benefits exceed the costs, and the local organization has

met the requirements for participation in carrying out the works of improvement as set forth in section 1004 of this title, the local organization may secure engineering and other services, including the design, preparation of contracts and specifications, awarding of contracts, and supervision of construction, in connection with such works of improvement, by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services: *Provided*, That if the local organization elects to employ a professional engineer or engineers, the Secretary shall reimburse the local organization for the costs of such engineering and other services secured by the local organization as are properly chargeable to such works of improvement in an amount not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof: *Provided further*, That the Secretary may advance such amounts as may be necessary to pay for such services, but such advances with respect to any works of improvement shall not exceed 5 per centum of the estimated installation cost of such works.

(2) Federal construction; request by local organization

Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided*, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.

(3) Transmission of certain plans to Congress

Whenever the estimated Federal contribution to the construction cost of works of improvement in the plan for any watershed or subwatershed area shall exceed \$25,000,000 or the works of improvement include any structure having a total capacity in excess of twenty-five hundred acre-feet, the Secretary shall transmit a copy of the plan and the justification therefor to the Congress through the President.

(4) Transmission of certain plans and recommendations to Congress

Any plans for works of improvement involving an estimated Federal contribution to construction costs in excess of \$25,000,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation or irrigation, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, (c) which includes features which may affect the public health, or (d) which includes measures for control or abatement of water pollution, shall be submitted to the Secretary of the Interior, the Secretary of the Army, the Secretary of Health and Human Services, or the Administrator of the Environmental Protection Agency, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President.

(5) Rules and regulations

Prior to any Federal participation in the works of improvement under this chapter, the President shall issue such rules and regulations as he deems necessary or desirable to carry out the purposes of this chapter, and to assure the coordination of the work authorized under this chapter and related work of other agencies, including the Department of the Interior and the Department of the Army.

(Aug. 4, 1954, ch. 656, §5, 68 Stat. 667; July 19, 1956, ch. 639, 70 Stat. 580; Aug. 7, 1956, ch. 1027, §1(f), 70 Stat. 1089; Pub. L. 87-703, title I, §105, Sept. 27, 1962, 76 Stat. 609; Pub. L. 90-361, June 27, 1968, 82 Stat. 250; Pub. L. 92-419, title II, §201(g), Aug. 30, 1972, 86 Stat. 669; Pub. L. 95-113, title XV, §1506(b), (c), Sept. 29, 1977, 91 Stat. 1022; Pub. L. 97-98, title XV, §1512(e), (f), Dec. 22, 1981, 95 Stat. 1333; Pub. L. 115-141, div. A, title VII, §761(b), Mar. 23, 2018, 132 Stat. 396; Pub. L. 115-334, title II, §2821(a), Dec. 20, 2018, 132 Stat. 4602.)

EDITORIAL NOTES

AMENDMENTS

2018—Subd. (3). Pub. L. 115-141, §761(b)(1), substituted "\$25,000,000" for "\$5,000,000".

Subd. (4). Pub. L. 115-334 substituted "Secretary of Health and Human Services" for "Secretary of Health, Education, and Welfare" in two places and, in item (b), substituted "floodwater" for "goodwater".

Pub. L. 115-141, §761(b)(2), substituted "\$25,000,000" for "\$5,000,000".

1981—Subd. (3). Pub. L. 97-98, §1512(e), substituted "\$5,000,000" for "\$1,000,000".

Subd. (4). Pub. L. 97-98, §1512(f), substituted "\$5,000,000" for "\$1,000,000".

1977—Subd. (3). Pub. L. 95-113, §1506(b), substituted "\$1,000,000" for "\$250,000".

Subd. (4). Pub. L. 95-113, §1506(c), substituted "\$1,000,000" for "\$250,000".

1972—Subd. (4). Pub. L. 92-419 substituted in item (a) "works of improvement for reclamation or irrigation" for "reclamation or irrigation works", in item (b) "goodwater" for "floodwater", added items (c) and (d), required submission of plans to Secretary of Health, Education, and Welfare, or the Administrator of the Environmental Protection Agency and transmittal of views and recommendations of such officials to the Congress.

1968—Subd. (2). Pub. L. 90-361 inserted proviso authorizing the Secretary to enter into contracts for the construction of structures if requested to do so by the local organization.

1962—Subd. (1). Pub. L. 87-703 designated existing provisions as subd. (1); substituted "local organization may secure" for "local organization with such assistance as it may request from the Secretary, which assistance the Secretary is authorized to give, shall secure" and "by retaining or employing a professional engineer or engineers satisfactory to the Secretary or may request the Secretary to provide such services" for "and in order to properly carry out such services in such projects as to such structures therein providing for municipal or industrial water supplies, the local organization shall, and in such projects not providing for municipal or industrial water supplies, the local organization may, retain or employ a professional engineer or engineers satisfactory to the Secretary"; struck out ", except that if the local organization decides not to retain or employ a professional engineer or if the Secretary determines that competent engineering services are not available he may contract for a competent engineer to provide such services or arrange for employees of the Federal Government to provide such services" after "chargeable to such works of improvement"; provided for reimbursement for other services; and required the reimbursement not to exceed the amount agreed upon in the plan for works of improvement or any modification thereof.

Subd. (2). Pub. L. 87-703 designated existing provisions as subd. (2), and struck out "unless there is no local organization authorized by State law to undertake such construction or to enter into such contract, and in no event after July 1, 1956: *Provided*, That in participating in the installation of such works of improvement the Secretary, as far as practicable and consistent with his responsibilities for administering the overall national agricultural program, shall utilize the authority conferred upon him by the provisions of this chapter" after "structure".

Subds. (3) to (5). Pub. L. 87-703 designated existing provisions as subds. (3) to (5) and made phraseological changes.

1956—Act Aug. 7, 1956, required local organization to secure engineering and other services and to employ engineers, except in projects not providing for municipal or industrial water supplies, when the local organization may or may not employ engineers, provided for reimbursement of costs of engineers, authorized the Secretary to contract for engineers or to utilize engineers employed by the Federal Government when local organizations do not employ any, permitted advances, required transmittal of plans when Federal contributions to construction costs are more than \$250,000 or the works include any structures with more than 2,500 acre-feet of total capacity, eliminated provisions which required transmittal 45 days prior to commencement of installation, and reduced the period for submission of plans to the Secretaries of the Interior and the Army from 60 days to 30 days prior to transmittal to Congress.

Act July 19, 1956, substituted "fifteen" for "forty-five".

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Amendment by act Aug. 7, 1956, as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1002 of this title.

EX. ORD. NO. 10584. RULES AND REGULATIONS RELATING TO ADMINISTRATION

Ex. Ord. No. 10584, Dec. 18, 1954, 19 F.R. 8725, as amended by Ex. Ord. No. 10913, Jan. 18, 1961, 26 F.R. 510, provided:

SECTION 1. *Scope of order.* This order shall apply (a) to the planning, construction, operation, and maintenance of all works of improvement under the authority of the Watershed Protection and Flood Prevention Act (Public Law 566, as approved August 4, 1954, as amended; U.S.C. 1001 et seq.) [this

chapter], hereinafter referred to as the Act, and (b) to other programs and projects of the Department of Agriculture, and to programs and projects of the Department of the Interior, the Department of the Army, and other Federal agencies to the extent that such programs or projects affect, or are affected significantly by, works of improvement provided for in the Act.

SEC. 2. General administration. The Secretary of Agriculture shall have the following-described responsibilities under the Act [this chapter]:

(a) Approval or disapproval of applications for Federal assistance in preparing plans for works of improvement, and the assignment of priorities for the provision of such assistance.

(b) Establishing criteria for the formulation and justification of plans for works of improvement and criteria for the sharing of the cost of both structural and land-treatment measures which conform with the provisions of the Act and with policies established by or at the direction of the President for watershed protection, flood prevention, irrigation, drainage, water supply, and related water-resources development purposes.

(c) Establishing engineering and economic standards and objectives, including standards as to degrees of flood protection, for works of improvement planned and carried out under the authority of the Act.

(d) Determination and definition of (1) those land-treatment measures and structural improvements for flood prevention and measures for the agricultural phases of conservation, development, use and disposal of water or for fish and wildlife development which are eligible for assistance under the Act and (2) the nature and extent of such assistance and the conditions under which such assistance shall be rendered.

(e) Planning and installing works of improvement on lands under his jurisdiction, and arranging for the participation of other Federal agencies in the planning and installation of works of improvement on lands under their jurisdiction. Recommendations of the heads of other Federal agencies for necessary works of improvement on lands under their jurisdiction shall be submitted as an integral part of the plans of the Department of Agriculture for works of improvement. Arrangements for construction, operation, and maintenance of works of improvement on such lands shall be mutually satisfactory to the Secretary of Agriculture and the head of the Federal agency concerned.

(f) Submitting plans for works of improvement to the State Governor or Governors concerned and to the Federal agencies concerned for review and comment when the Secretary and the interested local organization have agreed on such plans; and, when and as required by the Act, submitting such plans to the Secretary of the Interior and the Secretary of the Army for their review and comment prior to transmission of the plans to the Congress through the President.

(g) Giving full consideration to the recommendations concerning the conservation and development of fish and wildlife resources contained in any report of the Secretary of the Interior which is submitted to him, in accordance with section 12 of the Act [section 1008 of this title] and section 5 of this order, prior to the time he and the local organization have agreed on a plan for works of improvement, and including in the plan such works of improvement for fish and wildlife purposes recommended in the report as are acceptable to him and the local organization.

(h) Holding public hearings at suitable times and places when he determines that such action will further the purposes of the Act.

SEC. 3. Notification. (a) The Secretary of Agriculture shall:

(1) Notify in writing the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(2) Notify the following, severally, in writing of all approvals or disapprovals of applications for planning assistance: the sponsoring organization, the State Governor or Governors concerned, the Secretary of the Interior, the Secretary of the Army, and other Federal agencies concerned.

(b) The Secretary of the Interior shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Army, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

(c) The Secretary of the Army shall notify in writing the State Governor or Governors concerned, the Secretary of Agriculture, the Secretary of the Interior, and other Federal agencies concerned of his decision to initiate any survey or field investigation involving water-resources development work, and furnish them with appropriate information regarding the scope, nature, status, and results of such survey or investigation.

SEC. 4. Coordination. In order to assure the coordination of work authorized under the Act [this chapter] and the related work of other agencies, so that the proper use, conservation, and development of water and related land resources through Federal programs and financial assistance may be achieved in the most orderly, economical, and effective manner.

(a) The Secretary of Agriculture, before authorizing planning assistance in response to an application from a local organization for assistance under the Act [this chapter] shall:

(1) When an application applies to a watershed located in one of the seventeen western reclamation States or Hawaii and it appears that a major objective is the agricultural phases of the conservation, development, utilization, and disposal of water for irrigation purposes, request the views of the Secretary of the Interior concerning the feasibility of achieving equivalent irrigation benefits by means of works of improvement constructed pursuant to the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or by means of assistance furnished pursuant to the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(2) When it appears that a major objective of an application is the reduction of flood damages in urban areas (as defined in the most recent census), request the views of the Secretary of the Army concerning the feasibility of achieving equivalent urban flood protection benefits by means of works of improvement constructed pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), or acts amendatory or supplementary thereto, and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving that objective.

(3) When an application applies to a watershed located in the Tennessee River drainage basin, request the views of the Board of Directors of the Tennessee Valley Authority concerning the feasibility of achieving the objectives of the application by means of works of improvement for flood control or watershed protection constructed under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), and authorize planning assistance under the Act only after carefully considering whether works of improvement under the Act would be a more appropriate method of achieving such objectives; and when such planning assistance is authorized, consult with the Tennessee Valley Authority throughout all phases of project development concerning the relationship of works of improvement under the Act to the unified development and regulation of the Tennessee River system.

(b) The Secretary of the Interior shall, prior to undertaking any survey or field investigation under the Reclamation Act of June 17, 1902 (43 U.S.C. 391), and acts amendatory or supplementary thereto, or prior to initiating investigations after receipt of a Notice of Intent to apply for a loan under the Small Reclamation Projects Act of 1956, as amended (43 U.S.C. 422a–422k) [43 U.S.C. 422a to 422k–1], relating to works of improvements wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such a survey or field investigation or approve such application for assistance only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(c) The Secretary of the Army shall, prior to undertaking any survey or field investigation pursuant to the Flood Control Act of March 1, 1917 (39 Stat. 948), the Flood Control Act of May 15, 1928 (45 Stat. 534), the Flood Control Act of June 22, 1936 (49 Stat. 1570), and acts amendatory or supplementary thereto, relating to works of improvement wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the project proposal by means of Federal assistance furnished pursuant to the Act [this chapter], and submit a report on such survey or field investigation only after carefully considering whether works of improvement under his authorities would be a more appropriate method of achieving such objectives.

(d) The Board of Directors of the Tennessee Valley Authority shall, prior to undertaking any survey or field investigation under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831 et seq.), relating to works of improvement for flood control or watershed protection to be installed wholly within a watershed or subwatershed area of not more than 250,000 acres, request the views of the Secretary of Agriculture concerning the feasibility of achieving the major objectives of the works of improvement for flood control or watershed protections by means of works of improvement constructed under the Act [this chapter], and proceed with such survey or investigation only after carefully considering whether works of improvement under the Tennessee Valley Authority Act would be a more appropriate method of achieving such objectives.

(e) Whenever the foregoing provisions of this section require an agency head to request the views of another agency head, such request shall be effected prior to the making of any commitment to local interests, and local interests shall be informed at the outset of negotiations that any plan resulting therefrom is subject to coordination as required by this section.

(f) When any agency having responsibilities for water resources development is considering the initiation of surveys or field investigations in a watershed or subwatershed area of not more than 250,000 acres and it appears that the purposes to be served by the project under investigation could more advantageously be met by means of a combination of works of improvement under the statutory authority available to that and other agencies, the appropriate agency head shall consider with the

other agency heads concerned and the cooperating local interests the feasibility of preparing a jointly developed plan for coordinated action under available statutory authority.

SEC. 5. *Fish and wildlife development.* Upon receipt of the notice required by section 12 of the Act [section 1008 of this title] and section 3(a)(1) of this order, the Secretary of the Interior, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of fish and wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement which will be acceptable to the local organization and the Secretary of Agriculture.

SEC. 6. *Relationship to comprehensive development.* (a) The Secretary of Agriculture shall submit plans for installation of works of improvement under the Act [this chapter] to the Congress through the President only if the Secretary is satisfied that such works constitute needed and harmonious elements in the comprehensive development of the river subbasin or river basin involved.

(b) Federal agencies having responsibilities for water resource developments shall, in the design and justification of works of improvement, take cognizance of all upstream and downstream works in place and in operation, or soon to be brought into operation. The guiding principle shall be to adjust the nature, capacity, and operating characteristics of works of improvement in a manner that (1) reflects the respective contributions of upstream and downstream works to flood protection and to the conservation, development, use, and disposal of water, and (2) provides the best use and control of water resources at minimum cost. Whenever approximately equivalent benefits can be obtained from alternative works of improvement, or combinations of improvements, with approximately the same cost the alternative or combination least costly to the Federal Government shall be given preferential consideration. In case benefits are produced jointly by more than one work of improvement, or in case complementary relationships exist between the projects and plans of the several agencies, the benefits claimed in justification of a system of improvements shall not include any duplication or compounding of benefits.

SEC. 7. *Basic data.* In the utilization of existing basic physical and economic data, and in the acquisition of additional basic data required for planning, design, construction, operation and evaluation of works of improvement authorized under the Act [this chapter], the Department of Agriculture shall be assisted by the principal basic-data collection agencies, including the Geological Survey in the Department of the Interior and the Weather Bureau [now the National Weather Service] in the Department of Commerce. The basic-data collection agencies shall assist and cooperate with the Department of Agriculture with respect to the following:

(a) Provision of pertinent information in the preliminary planning of works of improvement.

(b) Collaboration in planning programs of hydrologic-data collection in project areas, in the selection of station sites and installation of equipment for collecting hydrologic data, and in the collection of such data.

(c) Collaboration in the analysis and interpretation of hydrologic data collected specifically for projects initiated under the Act, and of relevant data which may contribute to an analysis of the effects of such projects.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 10654. DELEGATION OF FUNCTIONS TO DIRECTOR OF BUREAU OF THE BUDGET

Ex. Ord. No. 10654, Jan. 20, 1956, 21 F.R. 511, provided:

The functions vested in the President by the third proviso of section 5 of the Watershed Protection and Flood Prevention Act (68 Stat. 667) [this section], relating to the transmittal to the Congress of copies of plans for certain works of improvement and the justifications therefor, are hereby delegated to the Director of the Bureau of the Budget.

DWIGHT D. EISENHOWER.

[Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget, referred to in Ex. Ord. No. 10654, transferred to President by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970 redesignated Bureau of the Budget as Office of Management and Budget and Director of Bureau of the Budget as Director of Office of Management and Budget.]

§1006. Cooperative programs

The Secretary is authorized in cooperation with other Federal and with States and local agencies to make investigations and surveys of the watershed of rivers and other waterways as a basis for the development of coordinated programs. In areas where the programs of the Secretary of Agriculture may affect public or other lands under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture in the planning and development of works or programs for such lands.

(Aug. 4, 1954, ch. 656, §6, 68 Stat. 668.)

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1002 of this title.

§1006a. Loans or advancements for financing local share of costs; repayment; interest; maximum amount

The Secretary is authorized to make loans or advancements (a) to local organizations to finance the local share of costs of carrying out works of improvement provided for in this chapter, and (b) to State and local agencies to finance the local share of costs of carrying out works of improvement (as defined in section 1002 of this title) in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented: *Provided*, That the works of improvement in connection with said eleven watershed improvement programs shall be integral parts of watershed or subwatershed work plans agreed upon by the Secretary of Agriculture and the concerned State and local agencies. A loan or advance under this section shall be made under a contract or agreement that provides, under such terms and conditions as the Secretary considers appropriate, for the repayment of the loan or advance in not more than 50 years from the date when the principal benefits of the works of improvement first become available, with interest at a rate not to exceed the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity for the loan, adjusted to the nearest 1/8 of 1 percent. With respect to any single plan for works of improvement, the amount of any such loan or advancement shall not exceed \$10,000,000.

(Aug. 4, 1954, ch. 656, §8, as added Aug. 7, 1956, ch. 1027, §1(g), 70 Stat. 1090; amended Pub. L. 86-468, §1, May 13, 1960, 74 Stat. 131; Pub. L. 95-113, title XV, §1508, Sept. 29, 1977, 91 Stat. 1022; Pub. L. 104-127, title VII, §791(b), Apr. 4, 1996, 110 Stat. 1151.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, referred to in text, is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 887, which was not classified to the Code.

AMENDMENTS

1996—Pub. L. 104-127 added second sentence and struck out former second sentence which read as follows: "Such loans or advancements shall be made under contracts or agreements which will provide, under such terms and conditions as the Secretary deems appropriate, for the repayment thereof in not more than fifty years from the date when the principal benefits of the works of improvement first become available, with interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan or advancement is made, which are neither due nor callable for redemption for fifteen years from date of issue."

1977—Pub. L. 95-113 substituted "\$10,000,000" for "five million dollars" as the maximum amount of a loan or advancement for any single plan for works of improvement.

1960—Pub. L. 86-468 authorized the Secretary to make loans or advancements to state and local agencies to finance the local share of costs of carrying out works of improvement in connection with the 11 watershed improvement programs authorized by section 13 of the act of Dec. 22, 1944.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Section as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1002 of this title.

§1006b. Territorial application

The provisions of this chapter shall be applicable to Hawaii, Alaska, Puerto Rico, and the Virgin Islands. (Aug. 4, 1954, ch. 656, §9, as added Aug. 7, 1956, ch. 1027, §1(g), 70 Stat. 1090.)

STATUTORY NOTES AND RELATED SUBSIDIARIES

EXTENSION OF BENEFITS TO PROJECTS AUTHORIZED BEFORE AUG. 7, 1956

Section as applicable to all works of improvement and plans for such works under the provisions of this chapter, see Extension of Benefits note set out under section 1001 of this title.

EXECUTIVE DOCUMENTS

ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as a note preceding former section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding former section 491 of Title 48.

§1007. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this chapter, such sums to remain available until expended. No appropriation hereafter available for assisting local organizations in preparing and carrying out plans for works of improvement under the provisions of section 1003 of this title or clause (a) of section 1006a of this title shall be available for any works of improvement pursuant to this chapter or otherwise in connection with the eleven watershed improvement programs authorized by section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, or for making loans or advancements to State and local agencies as authorized by clause (b) of section 1006a of this title.

(Aug. 4, 1954, ch. 656, §10, formerly §8, 68 Stat. 668; renumbered §10, Aug. 7, 1956, ch. 1027, §1(g), 70 Stat. 1090; amended Pub. L. 86–468, §3, May 13, 1960, 74 Stat. 132.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944 (58 Stat. 887), as amended and supplemented, referred to in text, is section 13 of act Dec. 22, 1944, ch. 665, 58 Stat. 887, which was not classified to the Code.

AMENDMENTS

1960—Pub. L. 86–468 prohibited appropriations available for assisting local organizations in preparing and carrying out plans for works of improvement under sections 1003 and 1006a(a) of this title from being used for works of improvement in connection with the 11 watershed improvement programs authorized by section 13 of the act of Dec. 22, 1944, or for making loans or advancements to state and local agencies as authorized by section 1006a(b) of this title.

§1008. Notification of Secretary of the Interior of approval of assistance; surveys and investigations; report and recommendations; consideration; cost of surveys, investigations and reports

When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 1003 of this title:

(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.

(Aug. 4, 1954, ch. 656, §12, as added Pub. L. 85-624, §3, Aug. 12, 1958, 72 Stat. 567.)

EXECUTIVE DOCUMENTS

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1002 of this title.

§1009. Joint investigations and surveys by Secretary of the Army and Secretary of Agriculture; reports to Congress

The Secretary of the Army and the Secretary of Agriculture, when authorized to do so by resolutions adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, are authorized and directed to make joint investigations and surveys in accordance with their existing authorities of watershed areas in the United States, Puerto Rico, and the Virgin Islands, and to prepare joint reports on such investigations and surveys setting forth their recommendations for the installation of the works of improvement needed for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes. Such joint reports shall be submitted to the Congress through the President for adoption and authorization by the Congress of the recommended works of improvement: *Provided*, That the project authorization procedure established by Public Law 566, Eighty-third Congress, as amended [16 U.S.C. 1001 et seq.], shall not be affected.

(Pub. L. 87-639, §1, Sept. 5, 1962, 76 Stat. 438; Pub. L. 103-437, §6(w), Nov. 2, 1994, 108 Stat. 4587.)

EDITORIAL NOTES

REFERENCES IN TEXT

Public Law 566, referred to in text, is act Aug. 4, 1954, ch. 656, 68 Stat. 666, known as the Watershed Protection and Flood Prevention Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Watershed Protection and Flood Prevention Act which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103-437 substituted "Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House" for "Committee on Public Works of the Senate or the Committee on Public Works of the House".

STATUTORY NOTES AND RELATED SUBSIDIARIES

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 87–639, §2, Sept. 5, 1962, 76 Stat. 438, provided that: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [this section], such sums to remain available until expended."

§1010. Data

The Secretary shall collect and maintain data on a national and State by State basis concerning—

- (1) expenditures for the individual flood control and conservation measures for which assistance is provided under this chapter; and
- (2) the expected flood control or environmental (including soil erosion) benefits that will result from the implementation of such measures.

(Aug. 4, 1954, ch. 656, §13, as added Pub. L. 101–624, title XIV, §1463, Nov. 28, 1990, 104 Stat. 3615.)

§1011. Watershed restoration and enhancement agreements

(a) In general

For fiscal year 1997 and each fiscal year thereafter, appropriations made for the Bureau of Land Management including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs may be used by the Secretary of the Interior for the purpose of entering into cooperative agreements with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened that benefit these resources on public lands within the watershed.

(b) Direct and indirect watershed agreements

The Secretary of the Interior may enter into a watershed restoration and enhancement agreement—

- (1) directly with a willing private landowner; or
- (2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) Terms and conditions

In order for the Secretary to enter into a watershed restoration and enhancement agreement—

- (1) the agreement shall—
 - (A) include such terms and conditions mutually agreed to by the Secretary and the landowner;
 - (B) improve the viability of and otherwise benefit the fish, wildlife, and other biotic resources on public land in the watershed;
 - (C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;
 - (D) provide for the sharing of costs of implementing the agreement among the Federal government,¹ the landowner, and other entities, as mutually agreed on by the affected interests; and
 - (E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

- (2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

(Pub. L. 104–208, div. A, title I, §101(d) [title I, §124], Sept. 30, 1996, 110 Stat. 3009–181, 3009-204; Pub. L. 105–277, div. A, §101(e) [title I, §136], Oct. 21, 1998, 112 Stat. 2681–231, 2681-266; Pub. L. 108–7, div. F, title I, §135, Feb. 20, 2003, 117 Stat. 243.)

EDITORIAL NOTES

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1997, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Watershed Protection and Flood Prevention Act which comprises this chapter.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–7 inserted "including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs" after "appropriations made for the Bureau of Land Management".

1998—Subsec. (a). Pub. L. 105–277 substituted "with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened" for "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both".

STATUTORY NOTES AND RELATED SUBSIDIARIES

FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION

Pub. L. 106–291, title III, §331, Oct. 11, 2000, 114 Stat. 996, as amended by Pub. L. 108–447, div. E, title III, §336, Dec. 8, 2004, 118 Stat. 3102; Pub. L. 111–88, div. A, title IV, §422, Oct. 30, 2009, 123 Stat. 2961; Pub. L. 113–76, div. G, title IV, §417, Jan. 17, 2014, 128 Stat. 341, authorized the Secretary of Agriculture and the Secretary of the Interior, through Sept. 30, 2018, to use cooperative agreements and contracts to permit State forestry programs to perform watershed restoration and protection services on National Forest System and Bureau of Land Management lands when similar and complementary services were being performed on adjacent State or private lands.

WATERSHED AGREEMENTS

Pub. L. 105–277, div. A, §101(e) [title III, §323], Oct. 21, 1998, 112 Stat. 2681–231, 2681–290, as amended, formerly set out as a note under this section, was transferred and is classified to section 1011a of this title.

¹ *So in original. Probably should be capitalized.*

§1011a. Watershed agreements

(a) Watershed restoration and enhancement agreements

For fiscal year 2006 and each fiscal year thereafter, to the extent funds are otherwise available, appropriations for the Forest Service may be used by the Secretary of Agriculture for the purpose of entering into cooperative agreements with willing Federal, tribal, State and local governments, private and nonprofit entities and landowners for the protection, restoration and enhancement of fish and wildlife habitat, and other resources on public or private land, the reduction of risk from natural disaster where public safety is threatened, or a combination thereof or both that benefit these resources within the watershed.

(b) Direct and indirect watershed agreements

The Secretary of Agriculture may enter into a watershed restoration and enhancement agreement—

- (1) directly with a willing private landowner; or
- (2) indirectly through an agreement with a State, local or tribal government or other public entity, educational institution, or private nonprofit organization.

(c) Terms and conditions

In order for the Secretary to enter into a watershed restoration and enhancement agreement—

- (1) the agreement shall—
 - (A) include such terms and conditions mutually agreed to by the Secretary and the landowner, state ¹ or local government, or private or nonprofit entity;
 - (B) improve the viability of and otherwise benefit the fish, wildlife, and other resources on national forests lands within the watershed;
 - (C) authorize the provision of technical assistance by the Secretary in the planning of management activities that will further the purposes of the agreement;
 - (D) provide for the sharing of costs of implementing the agreement among the Federal Government, the landowner(s), and other entities, as mutually agreed on by the affected interests; and
 - (E) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest; and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on non-Federal lands, provided such terms and conditions are mutually agreed to by the Secretary and other landowners, State and local governments or both.

(d) Applicable law

Chapter 63 of title 31 shall not apply to—

- (1) a watershed restoration and enhancement agreement entered into under this section; or

(2) an agreement entered into under section 565a-1 of this title.

(e) Reporting requirements

Not later than December 31, 1999, the Secretary shall submit a report to the Committees on Appropriations of the House and Senate, which contains—

(1) A ² concise description of each project, including the project purpose, location on federal ¹ and non-federal ³ land, key activities, and all parties to the agreement.

(2) the funding and/or other contributions provided by each party for each project agreement.

(Pub. L. 105-277, div. A, §101(e) [title III, §323], Oct. 21, 1998, 112 Stat. 2681-231, 2681-290; Pub. L. 107-63, title III, §330, Nov. 5, 2001, 115 Stat. 471; Pub. L. 109-54, title IV, §434, Aug. 2, 2005, 119 Stat. 557; Pub. L. 111-11, title III, §3001, Mar. 30, 2009, 123 Stat. 1126.)

EDITORIAL NOTES

CODIFICATION

Section was formerly set out as a note under section 1011 of this title.

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1999, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Watershed Protection and Flood Prevention Act which comprises this chapter.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-11, §3001(1), substituted "fiscal year 2006 and each fiscal year thereafter" for "each of fiscal years 2006 through 2011".

Subsecs. (d), (e). Pub. L. 111-11, §3001(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

2005—Subsec. (a). Pub. L. 109-54 substituted "each of fiscal years 2006 through 2011" for "fiscal year 1999, 2000 and 2001, and fiscal years 2002 through 2005".

2001—Subsec. (a). Pub. L. 107-63 inserted "and fiscal years 2002 through 2005," before "to the extent funds are otherwise available".

STATUTORY NOTES AND RELATED SUBSIDIARIES

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation act:
Pub. L. 105-83, title III, §334, Nov. 14, 1997, 111 Stat. 1601.

¹ So in original. Probably should be capitalized.

² So in original. Probably should not be capitalized.

³ So in original. Probably should be "non-Federal".

§1012. Rehabilitation of structural measures near, at, or past their evaluated life expectancy

(a) Definitions

For purposes of this section:

(1) Rehabilitation

The term "rehabilitation", with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

(2) Covered water resource project

The term "covered water resource project" means a work of improvement carried out under any of the following:

(A) This chapter.

(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

(C) The pilot watershed program authorized under the heading "FLOOD PREVENTION" of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

(3) Structural measure

The term "structural measure" means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

(b) Cost share assistance for rehabilitation

(1) Assistance authorized

The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

(2) Amount of assistance; limitations

The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

(3) Relation to land use and development regulations

As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

- (A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and
- (B) society can realize the full benefits of the rehabilitation investment.

(c) Technical assistance for watershed project rehabilitation

The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

(d) Prohibited use

(1) Performance of operation and maintenance

Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

(2) Renegotiation

Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

(e) Application for rehabilitation assistance

A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

(f) Ranking of requests for rehabilitation assistance

The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

(g) Prohibition on certain rehabilitation assistance

The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

(h) Funding

(1) Funds of Commodity Credit Corporation

In carrying out this section, of the funds of the Commodity Credit Corporation, the Secretary shall make available, to remain available until expended—

- (A) \$45,000,000 for fiscal year 2003;
- (B) \$50,000,000 for fiscal year 2004;
- (C) \$55,000,000 for fiscal year 2005;
- (D) \$60,000,000 for fiscal year 2006;
- (E) \$65,000,000 for fiscal year 2007;
- (F) \$0 for fiscal year 2008;
- (G) \$100,000,000 for fiscal year 2009, to be available until expended; and
- (H) \$250,000,000 for fiscal year 2014, to remain available until expended.

(2) Authorization of appropriations

In addition to amounts made available under paragraph (1), there are authorized to be appropriated to the Secretary to carry out this section, to remain available until expended—

- (A) \$45,000,000 for fiscal year 2003;
- (B) \$55,000,000 for fiscal year 2004;
- (C) \$65,000,000 for fiscal year 2005;
- (D) \$75,000,000 for fiscal year 2006; and
- (E) \$85,000,000 for each of fiscal years 2008 through 2023.

(i) Assessment of rehabilitation needs

The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

(j) Recordkeeping and reports

(1) Secretary

The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

(2) Grant recipients

Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.

(Aug. 4, 1954, ch. 656, §14, as added Pub. L. 106–472, title III, §313, Nov. 9, 2000, 114 Stat. 2077; amended Pub. L. 107–171, title II, §2505, May 13, 2002, 116 Stat. 274; Pub. L. 110–234, title II, §2803, May 22, 2008, 122 Stat. 1086; Pub. L. 110–246, §4(a), title II, §2803, June 18, 2008, 122 Stat. 1664, 1814; Pub. L. 113–79, title II, §2505, Feb. 7, 2014, 128 Stat. 752; Pub. L. 115–334, title II, §2401(b), Dec. 20, 2018, 132 Stat. 4570.)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 13 of the Act of December 22, 1944, referred to in subsec. (a)(2)(B), is section 13 of act [Dec. 22, 1944, ch. 665](#), 58 Stat. 905, which is not classified to the Code.

The Department of Agriculture Appropriation Act, 1954, referred to in subsec. (a)(2)(C), is act [July 28, 1953, ch. 251](#), 67 Stat. 205. Provisions under the heading "FLOOD PREVENTION" are not classified to the Code. For complete classification of this Act to the Code, see Tables.

The Agriculture and Food Act of 1981, referred to in subsec. (a)(2)(D), is Pub. L. 97–98, [Dec. 22, 1981](#), 95 Stat. 1213. Subtitle H of title XV of the Act is classified generally to subchapter V (§3451 et seq.) of chapter 54 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2018—Subsec. (h)(2)(E). Pub. L. 115–334 substituted "2023" for "2018".

2014—Subsec. (h)(1)(H). Pub. L. 113–79, §2505(a), added subpar. (H).
Subsec. (h)(2)(E). Pub. L. 113–79, §2505(b), substituted "2018" for "2012".

2008—Subsec. (h)(1)(G). Pub. L. 110–246, §2803(a), added subpar. (G).

Subsec. (h)(2)(E). Pub. L. 110–246, §2803(b), substituted "each of fiscal years 2008 through 2012" for "fiscal year 2007".

2002—Subsec. (h). Pub. L. 107–171 added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows: "There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

- "(1) \$5,000,000 for fiscal year 2001;
- "(2) \$10,000,000 for fiscal year 2002;
- "(3) \$15,000,000 for fiscal year 2003;
- "(4) \$25,000,000 for fiscal year 2004; and
- "(5) \$35,000,000 for fiscal year 2005."

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§1012a. Funding

In addition to any other funds made available by this chapter, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this chapter \$50,000,000 for fiscal year 2019 and each fiscal year thereafter.

(Aug. 4, 1954, ch. 656, §15, as added Pub. L. 115–334, title II, §2401(c), Dec. 20, 2018, 132 Stat. 4570.)