Section 1961c–6, Pub. L. 88–379, title III, §306, July 17, 1964, 78 Stat. 333; Pub. L. 92–175, §6, Dec. 2, 1971, 85 Stat. 494, defined ''State''. See section 7817 of this title.

Section 1961c–7, Pub. L. 88–379, title III, §307, as added Pub. L. 89–404, §2, Apr. 19, 1966, 80 Stat. 130, and amended Pub. L. 92–175, §7, Dec. 2, 1971, 85 Stat. 494, required Secretary of the Interior to make an annual report to the President and Congress. See section 7880 of this title.

Section 1961c–8, Pub. L. 88–379, title III, §308, as added Pub. L. 92–175, §8, Dec. 2, 1971, 85 Stat. 494, empowered Secretary of the Interior to convey excess personal property to cooperating institutes, educational institutions and nonprofit organizations. See section 7878 of this title.

CHAPTER 19B—WATER RESOURCES PLANNING

Sec.

1962. Congressional statement of policy.

1962–1. Effect on existing laws.

1962–2. Congressional statement of objectives.

SUBCHAPTER I—WATER RESOURCES COUNCIL

1962a. Establishment; composition; other Federal agency participation; designation of Chairman.

1962a–1. Powers and duties.

1962a–2. Principles, standards, and procedures for Federal projects.

(a) Establishment, consultation, revision.

(b) Economic evaluation; primary criterion.

1962a–3. Review of river basin commission plans; report to President and Congress.

1962a–4. Administrative provisions.

(a) Hearings, proceedings, evidence, reports; office space; use of mails; personnel; consultants; motor vehicles; necessary expenses; other powers.

(b) Oaths.

(c) Records; public inspection.

(d) Information and personnel from other Federal agencies.

(e) Responsibility for personnel and funds.

SUBCHAPTER II—RIVER BASIN COMMISSIONS

1962b. Creation of commissions; powers and duties.

1962b–1. Membership of commissions; appointment of chairman.

1962b–2. Organization of commissions.

(a) Commencement of functions; transfer of property, assets, and records upon termination of commission; availability of studies, data, and other materials to participants.

(b) Vice chairman; State election; State representation.

(c) Vacancies; alternates for chairman and vice chairman.

(d) Consensus of members on issues; opportunities for individual views; record of position of chairman and vice chairman; final authority on procedural questions.

1962b–3. Duties of commissions.

1962b–4. Administrative provisions.

Sec.

(a) Hearings, proceedings, evidence, reports; office space; use of mails; personnel, consultants, and professional service contracts; personnel from other agencies; retirement and employee benefit system for personnel without coverage; motor vehicles; necessary expenses; other powers.

(b) Oaths.

(c) Records; public inspection.

(d) Information and personnel from other Federal agencies.

(e) Responsibility for personnel and funds.

1962b–5. Compensation of members and chairmen.

(a) Additional compensation prohibited to members appointed from Federal departments, agencies, and international commissions.

(b) Compensation of members from States and interstate agencies.

(c) Compensation of chairman.

1962b–6. Expenses of commissions.

(a) Federal share; apportionment of remainder; annual budget; estimates of proposed Federal appropriations; advances against delayed State appropriations; credit to account in the Treasury.

(b) Acceptance, reception, utilization, and disposal of appropriations, donations, and grants.

(c) Accounts of receipts and disbursements; annual audit; inclusion in annual report.

(d) Inspection of accounts.

SUBCHAPTER III—FINANCIAL ASSISTANCE TO STATES FOR COMPREHENSIVE PLANNING GRANT AUTHORIZATIONS

1962c. Authorization of appropriations; coordination of related Federal planning assistance programs; utilization of Federal agencies administering programs contributing to water resources planning.

1962c–1. Allotments to States: basis, population and land area determinations; payments to States: amount.

1962c–2. State programs; approval by Council; submission; requirements; notice and hearing prior to disapproval.

1962c–3. Noncompliance; curtailing of payments.

1962c–4. Payments to States; computation of amount.

1962c–5. ''State'' defined.

1962c–6. Records; audit and examination.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

1962d. Authorization of appropriations to the Water Resources Council.

(a) Limitation for single river basin commission.

(b) Limitation on the expenses of the Water Resources Council.

(c) Limitation on availability of funds for preparation of certain studies and for assessments and plans.

1962d–1. Rules and regulations.

1962d–2. Delegation of functions.

Sec.
1962d–3. Utilization of personnel.
1962d–4. Northeastern United States water supply.
(a) Plans for Federal construction, operation, and maintenance of reservoir system within certain river basins and conveyance and purification facilities through cooperation of Secretary of the Army and government agencies; financial participation of States.
(b) Construction, operation, and maintenance of reservoirs and conveyance and purification facilities.
(c) Reservoirs as components of river basin and water supply plans.
1962d–5. Water resources development projects involving navigation, flood control, and shore protection.
(a) Construction, operation, and maintenance; limitation on estimated Federal first cost of construction; Congressional committee approval of projects; reports to Congress.
(b) Local cooperation requirements based on certain estimated Federal first cost of construction.
1962d–5a. Reimbursement to States.
(a) Combination of reimbursement of installation costs and reduction in contributions; single project limitation.
(b) Agreement provisions; termination of agreement for failure to commence work.
(c) Certification of performance.
(d) Beach erosion control projects.
(e) Prohibition of construction for Federal assumption of responsibilities of non-Federal bodies or for Federal liability for unnecessary or inapplicable project work of such bodies.
(f) Allotment limitation for any fiscal year; specific project reimbursement authorizations.
1962d–5b. Water resources projects; written agreement requirement.
(a) Cooperation of non-Federal interest.
(b) Definition of non-Federal interest.
(c) Enforcement; jurisdiction.
(d) Nonperformance of terms of agreement by non-Federal interest; notice; reasonable opportunity for performance; performance by Chief of Engineers.
(e) Effective date.
1962d–5c. Non-Federal public bodies, installment construction payments.
(a) Annual installments during period of construction in absence of other provision for extended repayment.
(b) Cost sharing; modification.
1962d–5d. Authorization of Secretary of the Army to contract with States and political subdivisions for increased law enforcement services during peak visitation periods; authorization of appropriations.
1962d–5e. Wetland areas.
(a) Authorization of Secretary of the Army to plan and establish wetland areas; criteria for establishment.
(b) Reports to Congress.
(c) Cost.
1962d–5f. Beach nourishment.
1962d–5g. Hydroelectric power resources.
(a) Study; plan.
(b) Transmittal of plan to Congressional committees.
(c) Authorization of appropriation.
(d) Feasibility studies of specific hydroelectric power installations; authorization of appropriations.
1962d–6. Feasibility studies; acceleration; advancement of costs by non-Federal sources.
1962d–7. Delmarva Peninsula hydrologic study; duties of Secretary of the Interior.
1962d–8. Reports on Delmarva Peninsula hydrologic study.
1962d–9. Information from Federal agencies for Delmarva Peninsula study.
1962d–10. Cooperation with agencies on Delmarva Peninsula study.
1962d–11. Authorization of appropriation for Delmarva Peninsula study.
1962d–11a. Potomac River water diversion structure.
(a) Consent of Congress for construction; written agreement providing schedule for allocation among parties for withdrawal of waters.
(b) Authorization of Secretary of the Army to enter written agreement; amendments or revisions.
(c) Riparian rights or other authority of Maryland, Virginia, political subdivisions; authority of District of Columbia.
1962d–11b. Dalecarlia Reservoir; delivery of water to metropolitan Maryland; expenses; payments; purchase of water from State or local authorities in Maryland or Virginia.
1962d–12 to 1962d–14. Repealed.
1962d–14a. Alaska hydroelectric power development.
(a) Congressional findings and declaration.
(b) Establishment of fund; composition.
(c) Authorization of appropriation.
(d) Investments; deposits.
(e) Expenditures for phase I design memorandum stage of advanced engineering and design; withholding of favorable report to Congress prior to repayment; expenditures from non-Federal funds.
(f) Authorization to construct projects; expenditures.
(g) Agreement with non-Federal public authorities and submittal to Congressional committees, payment of total non-Federal obligations; conditions of United States assumption of excess over costs fixed in agreement, payment subject to appropriations acts.

Sec.

(h) Conveyance of title, rights, and interests of United States; Federal requirements, reservations, and provisions.

(i) Short title.

1962d–15. Protection of United States from liability for damages; exception of damages due to fault or negligence of United States.

1962d–16. Comprehensive plans for development, utilization, and conservation of water and related resources.

(a) Federal and State cooperation.

(b) Fees.

(c) Authorization of appropriations; general and State limitation.

(d) ''State'' defined.

1962d–17. Regional or river basin plans and Federal water and related land resources projects; preparation, formulation, and evaluation.

(a) Interest rate formula for discounting future benefits and cost computations; repeal of conflicting provisions and administrative actions.

(b) Interest rate for prior authorized projects assured of non-Federal share of project costs; continuation of rate.

(c) Water and related resources projects; Presidential study; scope of study; report to Congress.

1962d–18. Study of depletion of natural resources of regions of Colorado, Kansas, New Mexico, Oklahoma, Texas, and Nebraska utilizing Ogallala aquifer; plans; reports to Congress; authorization of appropriation.

1962d–19. Cooperation of Secretary of the Interior with State and local regulatory and law enforcement officials in enforcement of laws or ordinances in connection with Federal resource protection, etc., within Federal water resource development project; funding.

1962d–20. Prohibition on Great Lakes diversions.

(a) Congressional findings and declarations.

(b) Congressional declaration of purpose and policy.

(c) ''Great Lakes State'' defined.

(d) Approval by Governors for diversion of water.

(e) Approval of Governors for diversion studies.

(f) Previously authorized diversions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1962d–4 of this title; title 16 section 1275; title 22 section 2361; title 33 section 1289; title 43 section 1511.

§ 1962. Congressional statement of policy

In order to meet the rapidly expanding demands for water throughout the Nation, it is hereby declared to be the policy of the Congress to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned.

(Pub. L. 89–80, § 2, July 22, 1965, 79 Stat. 244.)

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93–251, title I, § 109, Mar. 16, 1974, 88 Stat. 49, provided that: ''This title [enacting sections 1962d–5c and 1962d–15 to 1962d–17 of this title, section 460ee of Title 16, Conservation, and sections 50c–2, 50k, 579, 701b–11, and 1252a of Title 33, Navigation and Navigable Waters, amending section 4482 of this title, sections 460*l*–13(a), (a)(3) and 460*l*–14(b)(1) of Title 16, section 275a of Title 22, Foreign Relations and Intercourse, and sections 701g, 701n, 701r, 701r–1(c), 701s, 709a(b), and 1165a(d) of Title 33, and enacting provisions set out as notes under sections 1962d–5 and 1962d–7 of this title and section 460*l*–13 of Title 16] may be cited as the 'Water Resources Development Act of 1974'.''

SHORT TITLE

Section 1 of Pub. L. 89–80 provided that: ''This Act [enacting this chapter] may be cited as the 'Water Resources Planning Act'.''

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

Provisions exempting watershed projects under the Watershed Protection and Flood Prevention Act, Aug. 4, 1954, ch. 656, 68 Stat. 666, which is classified generally to chapter 18 (§ 1001 et seq.) of Title 16, Conservation, from the requirements of Executive Orders 12113 and 12141, formerly set out below, were contained in the following appropriation acts:

Pub. L. 97–370, title VI, § 619, Dec. 18, 1982, 96 Stat. 1811.

Pub. L. 97–103, title VI, § 619, Dec. 23, 1981, 95 Stat. 1490.

Pub. L. 96–528, title VI, § 622, Dec. 15, 1980, 94 Stat. 3118.

EXECUTIVE ORDER NO. 12113

Ex. Ord. No. 12113, Jan. 4, 1979, 44 F.R. 1955, as amended by Ex. Ord. No. 12141, June 5, 1979, 44 F.R. 32635, which provided for independent review of Federal water resources programs and projects by the Water Resources Council, was revoked by section 4 of Ex. Ord. No. 12322, Sept. 17, 1981, 46 F.R. 46561, set out below.

EX. ORD. NO. 12322. WATER RESOURCES PROGRAMS AND PROJECTS REVIEW

Ex. Ord. No. 12322, Sept. 17, 1981, 46 F.R. 46561, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure efficient and coordinated planning and review of water resources programs and projects, it is hereby ordered as follows:

SECTION 1. Before any agency or officer thereof submits to the Congress, or to any committee or member thereof, for approval, appropriations, or legislative action any report, proposal, or plan relating to a Federal or Federally assisted water and related land resources project or program, such report, proposal, or plan shall be submitted to the Director of the Office of Management and Budget.

SEC. 2. The Director of the Office of Management and Budget shall examine each report, proposal, or plan for consistency with, and shall advise the agency of the relationship of the project to, the following:

(a) the policy and programs of the President;

(b) the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies or other such planning guidelines