

TERMINATION OF BOARD OF ENGINEERS FOR RIVERS AND HARBORS AND REASSIGNMENT OF DUTIES AND RESPONSIBILITIES

Pub. L. 102-580, title II, §223, Oct. 31, 1992, 106 Stat. 4837, provided that: "The Board of Engineers for Rivers and Harbors, established by section 3 of the River and Harbor Act of June 13, 1902 (33 U.S.C. 541), shall cease to exist on the 180th day following the date of the enactment of this Act [Oct. 31, 1992]. The Secretary may reassign to other elements within the Department of the Army such duties and responsibilities of the Board as the Secretary determines to be necessary."

WATERWAYS COMMISSION

Act Aug. 8, 1917, ch. 49, §18, 40 Stat. 269, created a commission to be known as the Waterways Commission, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, etc., relating to study development, or control of waterways, etc., prior to repeal by act June 10, 1920, ch. 285, §29, 41 Stat. 1077.

**§ 542. Review by Board of Engineers of reports on examinations and surveys and special reports**

All reports on examinations and surveys authorized by law shall be reviewed by the Board of Engineers for Rivers and Harbors as provided for in section 541 of this title, and all special reports ordered by Congress shall, in the discretion of the Chief of Engineers, be reviewed in like manner by said board; and the said board shall also, on request by resolution of the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, submitted to the Chief of Engineers, examine and review the report of any examination or survey made pursuant to any Act or resolution of Congress, and report thereon through the Chief of Engineers, United States Army, who shall submit his conclusions thereon as in other cases: *Provided*, That in no case shall the board, in its report thus called for by committee resolution, extend the scope of the project contemplated in the original report upon which its examination and review has been requested, or in the provision of law authorizing the original examination or survey.

(Mar. 4, 1913, ch. 144, §4, 37 Stat. 826; Pub. L. 103-437, §12(b), Nov. 2, 1994, 108 Stat. 4590.)

CODIFICATION

Section is from part of section 4 of act Mar. 4, 1913, popularly known as the "Rivers and Harbors Act of 1913". The last proviso of said section 4 is set out in section 541 of this title.

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 of Representatives" for "Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives".

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.

TRANSFER OF FUNCTIONS

For transfer of certain functions insofar as they pertain to Air Force, and to extent that they were not previously transferred to Secretary of the Air Force and Department of the Air Force from Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

TERMINATION OF BOARD OF ENGINEERS FOR RIVERS AND HARBORS AND REASSIGNMENT OF DUTIES AND RESPONSIBILITIES

For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

**§ 543. Employment of civil engineers on western and northwestern rivers**

The Chief of Engineers may, with the approval of the Secretary of the Army, employ such civil engineers, not exceeding five in number, for the purpose of executing the surveys and improvements of western and northwestern rivers, ordered by Congress, as may be necessary to the proper and diligent prosecution of the same; and the persons so employed may be allowed a reasonable compensation for their services, not to exceed the sum of \$3,000 a year.

(R.S. §5253; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

R.S. §5253 derived from Res. Mar. 29, 1867, No. 27, 15 Stat. 28.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of certain functions insofar as they pertain to Air Force, and to extent that they were not previously transferred to Secretary of the Air Force and Department of the Air Force from Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

**§ 544. Repealed. Aug. 19, 1968, Pub. L. 88-448, § 402(a)(9), 78 Stat. 493**

Section, act June 3, 1896, ch. 314, §7, 29 Stat. 235, related to employment of retired officers of the Army or Navy on river and harbour improvements.

**§ 544a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650**

Section, act June 20, 1938, ch. 535, §5, 52 Stat. 805, related to employment of retired civil service employees. See section 3323 of Title 5, Government Organization and Employees.

**§ 544b. Employment of physicians to examine employees; fee or employment basis; validation of prior agreements**

The Chief of Engineers may authorize the employment of physicians under agreement, to

make such physical examinations of employees or prospective employees as he may consider essential, on a fee or regular employment basis, and all agreements entered into prior to March 2, 1945, for such purposes are validated, and the Comptroller General is authorized and directed to allow credit in the accounts of disbursing officers for reasonable payments made prior to March 2, 1945, for such services.

(Mar. 2, 1945, ch. 19, § 5, 59 Stat. 24.)

#### TRANSFER OF FUNCTIONS

For transfer of certain functions insofar as they pertain to Air Force, and to extent that they were not previously transferred to Secretary of the Air Force and Department of the Air Force from Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

#### § 544c. Minority group participation in construction of the Tennessee-Tombigbee Waterway project; annual report to Congress

The Secretary of the Army, acting through the Chief of Engineers, is directed to make a maximum effort to assure the full participation of members of minority groups, living in the States participating in the Tennessee-Tombigbee Waterway Development Authority, in the construction of the Tennessee-Tombigbee Waterway project, including actions to encourage the use, wherever possible, of minority owned firms.

(Pub. L. 94-587, § 185, Oct. 22, 1976, 90 Stat. 2941; Pub. L. 104-106, div. A, title X, § 1064(e), Feb. 10, 1996, 110 Stat. 445.)

#### AMENDMENTS

1996—Pub. L. 104-106 struck out at end “The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendation for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.”

#### § 545. Preliminary examinations and reports; surveys; contents of report to Congress generally

In all cases where preliminary examinations and surveys are authorized a preliminary examination of the river, harbor, or other proposed improvement mentioned shall first be made and a report as to the advisability of its improvement shall be submitted unless a survey or estimate is expressly directed. If upon such preliminary examination the proposed improvement is not deemed advisable, no further action shall be taken thereon without the further direction of Congress; but in case the report shall be favorable to such proposed improvement, or that a survey and estimate should be made to determine the advisability of improvement, the Secretary of the Army is authorized, in his discretion, to cause surveys to be made, and the cost and advisability to be reported to Congress. And such reports containing plans and estimates shall also contain a statement as to the rate at which the work should be prosecuted: *Provided*, That every report submitted to Congress, in addition to full information regarding the present and prospective commercial importance of the

project covered by the report and the benefit to commerce likely to result from any proposed plan of improvement, shall also contain such data as it may be practicable to secure in regard to the following subjects:

(a) The existence and establishment of both private and public terminal and transfer facilities contiguous to the navigable water proposed to be improved, and, if water terminals have been constructed, the general location, description, and use made of the same, with an opinion as to their adequacy and efficiency, whether private or public. If no public terminals have been constructed, or if they are inadequate in number, there shall be included in the report an opinion in general terms as to the necessity, number, and appropriate location of the same, and also the necessary relations of such proposed terminals to the development of commerce.

(b) The development and utilization of water power for industrial and commercial purposes.

(c) Such other subjects as may be properly connected with such project: *Provided*, That in the investigation and study of these questions consideration shall be given only to their bearing upon the improvement of navigation, to the possibility and desirability of their being coordinated in a logical and proper manner with improvements for navigation to lessen the cost of such improvements and to compensate the Government for expenditures made in the interest of navigation, and to their relation to the development and regulation of commerce: *Provided further*, That the investigation and study of these questions may, upon review by the Board of Engineers for Rivers and Harbors when called for as provided by law, be extended to any work of improvement under way and to any locality the examination and survey of which has heretofore been, or may hereafter be, authorized by Congress.

(Mar. 4, 1913, ch. 144, § 3, 37 Stat. 825; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CODIFICATION

This section and the second paragraph of section 556 of this title are from section 3 of act Mar. 4, 1913, popularly known as the “Rivers and Harbors Appropriation Act of 1913”. That section superseded similar provisions of act June 25, 1910, ch. 382, § 3, 36 Stat. 668, for reports, investigations on review by the board of Engineers and for the printing of reports.

#### PRIOR PROVISIONS

Provision for report of examinations of river and harbor improvements appeared in R.S. § 231, repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428, and read as follows: “The Secretary of War shall cause to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public moneys shall not be applied excepting where such improvements shall tend to subserve the general commercial and navigation interests of the United States.”

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Sec-