

dated shall be made by the Secretary of War upon recommendations by the Chief of Engineers. In case such works or items are consolidated and separate amounts are given with each project, the amounts so named shall be expended upon such separate projects unless, in the discretion of the Secretary of War, another allotment or division should be made of the same. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items."

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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

SIMILAR PROVISIONS

The Rivers and Harbors Appropriation Act, Mar. 2, 1919, ch. 95, § 2, 40 Stat. 1287, contained the following provision: "Where separate works or items are consolidated herein and an aggregate amount is appropriated therefor, the amount so appropriated shall, unless otherwise expressed, be expended in securing the maintenance and improvement according to the respective projects adopted by Congress after giving due regard to the respective needs of traffic. The allotments to the respective works so consolidated shall be made by the Chief of Engineers as authorized by the Secretary of War. In case such works or items are consolidated and separate amounts are given to individual projects the amounts so named shall be expended upon such separate projects. Any balances remaining to the credit of the consolidated items shall be carried to the credit of the respective aggregate amounts appropriated for the consolidated items."

Similar provisions were contained in act July 18, 1918, ch. 155, § 2, 40 Stat. 910.

§ 628. Expenditure for dredging within harbor lines

No money appropriated for the improvement of rivers and harbors shall be expended for dredging inside of harbor lines duly established.

(July 13, 1892, ch. 158, § 5, 27 Stat. 111.)

CODIFICATION

Section is from the Rivers and Harbors Appropriation Act of 1892.

§ 629. Contract for hire of dredging plant

Whenever it shall become, in the opinion of the Secretary of the Army, necessary or desirable to hire a dredging plant or plants for the performance of any of the public work carried on under his direction the said Secretary may, in his discretion, agree for the same, either in the manner customary on March 2, 1907, or on the basis of an equitable reimbursement for deterioration of plant when in use by the Government, and a reasonable percentage of the total cost of the work.

(Mar. 2, 1907, ch. 2509, § 5, 34 Stat. 1119; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is from the Rivers and Harbors Appropriation Act of 1907.

The part of the original text omitted here repealed act Apr. 28, 1904, ch. 1761, § 4, 33 Stat. 452.

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.

§ 630. Limitation on expenditure for purchase of dredges

No money authorized to be expended for the acquirement of any dredge or dredges shall be so expended for the purchase of any dredge or dredges from private contractors, which at the time of the proposed purchase can be manufactured at any navy yard or other government-owned factory for a sum less than it can be purchased for from such private contractor.

(Sept. 22, 1922, ch. 427, § 5, 42 Stat. 1042.)

CODIFICATION

Section is from part of section 5 of the Rivers and Harbors Appropriation Act for 1922.

The omitted portion of that section authorized the construction of six seagoing hopper dredges and limited the cost of each to \$750,000.

§ 631. Transfer of property between projects

The Secretary of the Army may direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable.

(June 13, 1902, ch. 1079, § 5, 32 Stat. 373; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is from part of section 5 of the Rivers and Harbors Appropriation Act of 1902.

The omitted part of that section is set out as section 558 of this title.

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.

§ 632. Omitted

CODIFICATION

Section, act June 25, 1910, ch. 382, § 5, 36 Stat. 676, provided that the requirements of R.S. § 3744, section 16 of former Title 41, Public Contracts, should not apply to the lease of certain property or hire of vessels for use in connection with river and harbor improvements where the period of the lease or hire did not exceed three months. R.S. § 3744, which required contracts by the Secretaries of War, Navy, and Interior to be in writing and filed in the returns office of the Interior Department, was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.

§ 633. Protection, alteration, reconstruction, relocation, or replacement of structures and facilities; contract standards; reasonable costs

Whenever, during the construction or reconstruction of any navigation, flood control, or related water development project under the direction of the Secretary of the Army, the Chief of Engineers determines that any structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of navigation or flood control, or both; or to preserve the safety or integrity of such facility when its safety or usefulness is determined by the Chief of Engineers to be adversely affected or threatened by the project, the Chief of Engineers may, if he deems such action to be in the public interest, enter into a contract providing for (1) the payment from appropriations made for the construction or maintenance of such project, of the reasonable cost of replacing, relocating, or reconstructing such facility to such standard as he deems reasonable but not to exceed the minimum standard of the State or political subdivision for the same type of facility involved, except that if the existing facility exceeds the minimum standard of the State or political subdivision, the Chief of Engineers may provide a facility of comparable standard, or (2) the payment of a lump sum representing the estimated reasonable cost thereof. This section shall not be construed as modifying any existing or future requirement of local cooperation, or as indicating a policy that local interests shall not hereafter be required to assume costs of modifying such facilities. The provisions of this section may be applied to projects hereafter authorized and to those heretofore authorized but not completed as of July 3, 1958, and notwithstanding the navigation servitude vested in the United States, they may be applied to such structures or facilities occupying the beds of navigable waters of the United States.

(Pub. L. 85-500, title I, §111, July 3, 1958, 72 Stat. 303; Pub. L. 89-298, title III, §309, Oct. 27, 1965, 79 Stat. 1094.)

AMENDMENTS

1965—Pub. L. 89-298 provided for payment of the reasonable cost of replacing, relocating, or reconstructing the facility to a reasonable standard, not exceeding minimum standard of State or political subdivision for same type of facility involved, except that if the existing facility exceeds the minimum standard of the State or political subdivision, the Chief of Engineers may provide a facility of comparable standard, in provision designated as clause (1), eliminated former provision for payment of reasonable actual cost of the remedial work, and designated existing provisions as clause (2).

CHAPTER 13—MISSISSIPPI RIVER COMMISSION

Sec.	
641.	Creation of Mississippi River Commission.
642.	Appointment of commissioners; vacancies; chairman; tenure of office.
642a.	Rank, pay, and allowances of Corps of Engineers officers serving as President of Mississippi River Commission.
643.	Omitted.
644.	Secretary of commission.

Sec.	
645.	Repealed.
646.	Headquarters and meetings of commission.
647.	Mississippi River survey.
648.	Arkansas River; levee and bank protection.
649.	Vicksburg Harbor and Ohio River below Cache River.
650.	Mississippi River below Rock Island; levee and bank protection.
651.	Tributaries of Mississippi River below Cairo; levee and bank protection.
652.	Upper Mississippi River Management.
653.	Extension of jurisdiction of Mississippi River Commission.
653a.	Extension of jurisdiction of Mississippi River Commission.

§ 641. Creation of Mississippi River Commission

A commission is created to be called "The Mississippi River Commission", to consist of seven members.

(June 28, 1879, ch. 43, §1, 21 Stat. 37.)

CODIFICATION

This was the first section of an act entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters".

APPROPRIATION FOR SALARIES AND EXPENSES

Section 7 of act June 28, 1879, omitted as temporary and executed, provided for the expenditure of an appropriation of \$175,000 for salaries of the commission and necessary expenses of surveys, examinations, etc.

MISSOURI RIVER COMMISSION

The Missouri River Commission was created by act July 5, 1884, ch. 229, §1, 23 Stat. 144, and repealed by act July 13, 1902, ch. 1079, §1, 32 Stat. 367.

§ 642. Appointment of commissioners; vacancies; chairman; tenure of office

The President of the United States shall appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the National Ocean Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed under sections 641 to 644, 646, and 647 of this title, except those appointed from civil life, shall remain in office subject to removal by the President of the United States. Each commissioner appointed from civil life after November 7, 1966, shall be appointed for a term of nine years.

(June 28, 1879, ch. 43, §2, 21 Stat. 37; Pub. L. 89-789, title II, §208, Nov. 7, 1966, 80 Stat. 1423; Pub. L. 112-166, §2(γ), Aug. 10, 2012, 126 Stat. 1289.)

AMENDMENTS

2012—Pub. L. 112-166 struck out " , by and with the advice and consent of the Senate," after "United States shall".

1966—Pub. L. 89-789 inserted " , except those appointed from civil life," and provided a nine year term for each commissioner appointed from civil life after Nov. 7, 1966.