

law. In addition, the Secretary of the Army is authorized to provide capital for the fund by capitalizing the present inventories, plant and equipment of the civil works functions of the Corps of Engineers. The fund shall be credited with reimbursements or advances for the cost of equipment, facilities, and services furnished, at rates which shall include charges for overhead and related expenses, depreciation of plant and equipment, and accrued leave: *Provided*, That on July 1, 1953, (1) the fund shall assume the assets, liabilities, and obligations of the Plant accounts, as carried on the records of the Corps of Engineers as of June 30, 1953, under the appropriations for "Maintenance and improvement of existing river and harbor works", "Flood control, general", and "Flood control, Mississippi River and tributaries", and (2) there shall be transferred from said appropriations to the fund amounts equivalent to the unexpended cash balances of the Plant accounts on June 30, 1953: *Provided further*, That the total capital of said fund shall not exceed \$140,000,000.

(July 27, 1953, ch. 245, § 101, 67 Stat. 199.)

#### CODIFICATION

Section is also set out as section 701b-10 of this title. Section was formerly classified to section 190b of Title 10 prior to the general revision and enactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1.

#### HEADQUARTERS AIRCRAFT; TRANSFER AND REASSIGNMENT OF PROPERTY ACCOUNTABILITY TO ARMY MILITARY ACTIVITY

Pub. L. 101-101, title I, § 105, Sept. 29, 1989, 103 Stat. 649, provided that: "Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202 [set out below], the Secretary of the Army is authorized to transfer and reassign property accountability for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission."

#### RETENTION OF THREE OPERATIONAL AIRCRAFT; NOTICE OF INTENDED USE OUTSIDE UNITED STATES

Pub. L. 100-202, § 101(d) [title I, § 110], Dec. 22, 1987, 101 Stat. 1329-104, 1329-112, provided that: "The Chief of Engineers is directed to retain three operational aircraft authorized pursuant to section 101 of the Act of July 27, 1953, 67 Stat. 199 [33 U.S.C. 576], together with their attendant crews, and may only dispose of any of these aircraft if authorized to do so by a future congressional enactment for that purpose. The Chief of Engineers shall provide at least thirty days advance written notification to the Appropriations Committees of the Senate and House of Representatives of any intended use of any of these aircraft for a trip destined outside the United States or its territories or possessions."

#### § 576a. Purchase of passenger motor vehicles by Corps of Engineers

On and after March 4, 1933, the provisions of section 1343 of title 31 shall be construed as applying to the Corps of Engineers as to the purchase of motor-propelled passenger-carrying vehicles.

(Mar. 4, 1933, ch. 281, title II, § 1, 47 Stat. 1599.)

#### CODIFICATION

"Section 1343 of title 31" substituted in text for "section 5 of the Act of July 16, 1914 (U.S.C., title 5, sec. 78)"

on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 638b of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877.

Section was also formerly classified to section 78a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

#### § 576b. Lease authority

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199), under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act.

(Pub. L. 104-303, title II, § 213, Oct. 12, 1996, 110 Stat. 3684.)

#### REFERENCES IN TEXT

The Civil Functions Appropriations Act, 1954, referred to in text, is act July 27, 1953, ch. 245, 67 Stat. 197. For complete classification of this Act to the Code, see Tables.

#### § 577. Small river and harbor improvement projects

##### (a) Allotment from appropriations for construction

The Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed \$35,000,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

##### (b) Limitation on allotment

Not more than \$7,000,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

##### (c) Lands, easements, and rights-of-way; indemnification; assurances of local cooperation

Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

**(d) Sharing of costs by non-Federal interests**

Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal Government in view of the recreational or otherwise special or local nature of the project benefits.

**(e) Completeness of project**

Each project for which money is allotted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

**(f) Low water access navigation channels from existing channel of Mississippi River**

This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

(Pub. L. 86-645, title I, § 107, July 14, 1960, 74 Stat. 486; Pub. L. 89-298, title III, § 310(a) Oct. 27, 1965, 79 Stat. 1095; Pub. L. 91-611, title I, § 112(a), Dec. 31, 1970, 84 Stat. 1821; Pub. L. 94-587, § 133(a), Oct. 22, 1976, 90 Stat. 2928; Pub. L. 99-662, title IX, § 915(d), Nov. 17, 1986, 100 Stat. 4191; Pub. L. 110-114, title II, § 2022, Nov. 8, 2007, 121 Stat. 1078.)

## AMENDMENTS

2007—Subsec. (b). Pub. L. 110-114 substituted “\$7,000,000” for “\$4,000,000”.

1986—Subsec. (a). Pub. L. 99-662 substituted “\$35,000,000” for “\$25,000,000”.

Subsec. (b). Pub. L. 99-662 substituted “\$4,000,000” for “\$2,000,000”.

1976—Subsec. (b). Pub. L. 94-587 substituted “\$2,000,000” for “\$1,000,000”.

1970—Subsec. (a). Pub. L. 91-611 substituted “\$25,000,000” for “\$10,000,000”.

Subsec. (b). Pub. L. 91-611 substituted “\$1,000,000” for “\$500,000”.

1965—Subsec. (a). Pub. L. 89-298, § 310(a)(1), substituted “\$10,000,000” for “\$2,000,000”.

Subsec. (b). Pub. L. 89-298, § 310(a)(2), substituted “\$500,000” for “\$200,000”.

## EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-662 not applicable to any project under contract for construction on Nov. 17, 1986, see section 915(i) of Pub. L. 99-662, set out as a note under section 426g of this title.

## EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-587, § 133(c), Oct. 22, 1976, 90 Stat. 2928, provided that: “The amendments made by this section [amending this section and section 701s of this title] shall not apply to any project under contract for construction on the date of enactment of the Water Resources Development Act of 1976 [Oct. 22, 1976].”

## EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-611 not applicable to any project under contract for construction on Dec. 31, 1970, see section 112(c) of Pub. L. 91-611, set out as a note under section 426g of this title.

**§ 577a. Small-boat navigation projects; charter fishing craft**

The Chief of Engineers, for the purpose of determining Federal and non-Federal cost sharing, relating to proposed construction of small-boat navigation projects, shall consider charter fishing craft as commercial vessels.

(Pub. L. 91-611, title I, § 119, Dec. 31, 1970, 84 Stat. 1822.)

**§ 577b. Cost of operation and maintenance of general navigation features of small boat harbor projects; applicable projects**

The cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States. This section shall apply to any such project authorized (A) under section 201 of the Flood Control Act of 1965 [42 U.S.C. 1962d-5], (B) under section 107 of the River and Harbor Act of 1960 [33 U.S.C. 577], (C) between January 1, 1970, and December 31, 1970, under authority of this Act, and to projects heretofore authorized in accordance with the policy set forth in the preceding sentence and to such projects authorized in this Act or which are hereafter authorized.

(Pub. L. 91-611, title I, § 103, Dec. 31, 1970, 84 Stat. 1819; Pub. L. 93-251, § 6, Mar. 7, 1974, 88 Stat. 15.)

## REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 91-611, Dec. 31, 1970, 84 Stat. 1818, as amended. For complete classification of this Act to the Code, see Tables.

Hereafter, referred to in text, probably means after Dec. 31, 1970.

## AMENDMENTS

1974—Pub. L. 93-251 amended section generally. Prior to amendment, section read as follows: “The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965 [42 U.S.C. 1962d-5], or section 107 of the River and Harbor Act of 1960 [33 U.S.C. 577], shall be borne by the United States.”

**§ 578. Disposal of surplus property for development of public port or industrial facilities****(a) Conveyance by Secretary of the Army**

Whenever the Secretary of the Army, upon the recommendation of the Chief of Engineers, determines that notwithstanding the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, with respect to disposal of surplus real property, (1) the development of public port or industrial facilities on land which is part of a water resource development project under his jurisdiction will be in the public interest; (2) that such development will not interfere with the operation and maintenance of the project; and (3) that disposition of the property for these purposes under this section will serve the objectives of the project within which the land is located, he may convey the land by quitclaim deed to a State, political subdivision thereof, port district, port authority, or other body created by the State or through a compact between two or more States