

§ 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

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641.	Creation of Mississippi River Commission.
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647.	Mississippi River survey.
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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.