

§ 535c. Secretary of Transportation's approval; commencement and completion requirements; extension of time limits

The approval of the Secretary of Transportation, as required by section 491 of this title, shall be given only subsequent to the President's approval, as provided for in section 535b of this title, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years from the date of the Secretary's approval: *Provided, however,* That the Secretary, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.

(Pub. L. 92-434, § 5, Sept. 26, 1972, 86 Stat. 732.)

§ 535d. Repealed. Pub. L. 100-17, title I, § 135(g), Apr. 2, 1987, 101 Stat. 174

Section, Pub. L. 92-434, § 6, Sept. 26, 1972, 86 Stat. 732, directed that tolls charged for use of an international bridge constructed or acquired under this subchapter by private individual, company, or other private entity be collected for a reasonable period for amortization of construction or acquisition costs, plus interest and reasonable return, that at end of such period the United States portion of bridge become the property of the State having jurisdiction over such United States portion, and that accurate records on expenditures and tolls collected be kept and annually reported to Secretary of Transportation, with authority for Secretary to conduct audits.

§ 535e. Ownership

(a) Sale, assignment, or transfer; Secretary of Transportation's approval

Nothing in this subchapter shall be deemed to prevent the individual, corporation, or other entity to which, pursuant to this subchapter, authorization has been given to construct, operate, and maintain an international bridge and the approaches thereto, from selling, assigning, or transferring the rights, powers, and privileges conferred by this subchapter: *Provided,* That such sale, assignment, or transfer shall be subject to approval by the Secretary of Transportation.

(b) State status of original applicant upon acquisition of right, title, and interest after termination of private entity licenses, contracts, or orders

Upon the acquisition by a State or States, or by a subdivision or instrumentality thereof, of the right, title, and interest of a private individual, corporation, or other private entity, in and to an international bridge, any license, contract, or order issued or entered into by the Secretary of Transportation, to or with such private individual, corporation, or other private entity, shall be deemed terminated forthwith. Thereafter, the State, subdivision, or instrumentality so acquiring shall operate and maintain such bridge in the same manner as if it had been the original applicant, and the provisions of section 535d¹ of this title shall not apply.

(Pub. L. 92-434, § 8, Sept. 26, 1972, 86 Stat. 732.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 535d of this title, referred to in subsec. (b), was repealed by Pub. L. 100-17, title I, § 135(g), Apr. 2, 1987, 101 Stat. 174.

§ 535f. Applicability of provisions

This subchapter shall apply to all international bridges constructed under the authority of this subchapter. Section 535a of this title and section 129(a)(3) of title 23, shall apply to all international bridges the construction of which has been heretofore approved by Congress, notwithstanding any conflicting provision in any Act authorizing the construction of such a bridge or in any agreement entered into by the Federal Government and a State.

(Pub. L. 92-434, § 9, Sept. 26, 1972, 86 Stat. 733.)

§ 535g. Federal navigable waters and commerce jurisdiction unaffected

Nothing in this subchapter shall be construed to affect, impair, or diminish any right, power, or jurisdiction of the United States over or in regard to any navigable water or any interstate or foreign commerce.

(Pub. L. 92-434, § 10, Sept. 26, 1972, 86 Stat. 733.)

§ 535h. Report of Secretary of Transportation's approval during fiscal year

The Secretary of Transportation shall make a report of all approvals granted by him during the fiscal year pursuant to section 535c of this title in each annual report of the activities of the Department required by section 308(a) of title 49.

(Pub. L. 92-434, § 11, Sept. 26, 1972, 86 Stat. 733.)

CODIFICATION

"Section 308(a) of title 49" substituted in text for "section 11 of the Department of Transportation Act (49 U.S.C. 1658)" on authority of Pub. L. 97-449, § 6(b), Jan. 12, 1983, 96 Stat. 2443, the first section of which enacted subtitle I (§101 et seq.) of Title 49, Transportation.

§ 535i. Reservation of right to alter or repeal

The right to alter, amend, or repeal this subchapter is expressly reserved.

(Pub. L. 92-434, § 12, Sept. 26, 1972, 86 Stat. 733.)

CHAPTER 12—RIVER AND HARBOR IMPROVEMENTS GENERALLY

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
540.	Investigations and improvements; control by Department of the Army; wildlife conservation.
540a.	Availability of appropriations for attendance by military personnel at meetings and for printing survey reports.
541.	Board of Engineers for Rivers and Harbors; establishment; duties and powers generally.
542.	Review by Board of Engineers of reports on examinations and surveys and special reports.
543.	Employment of civil engineers on western and northwestern rivers.
544, 544a.	Repealed.
544b.	Employment of physicians to examine employees; fee or employment basis; validation of prior agreements.

<p>Sec. 544c. Minority group participation in construction of the Tennessee-Tombigbee Waterway project; annual report to Congress.</p> <p>545. Preliminary examinations and reports; surveys; contents of report to Congress generally.</p> <p>545a. Discontinuance.</p> <p>546. Investigation of stream flow and watersheds; surveys in connection with dams.</p> <p>546a. Information as to configuration of shore line.</p> <p>547. Reports as to local benefits of improvement and recommendations as to local cooperation.</p> <p>547a. Inclusion of regional economic development benefits in economic analysis for purposes of computing economic justification of project.</p> <p>548, 549. Omitted or Repealed.</p> <p>549a. Review of navigation, flood control, and water supply projects.</p> <p>550. Report on water terminal and transfer facilities.</p> <p>551. Policy of Government as to terminal facilities for new projects.</p> <p>552. Repealed.</p> <p>553. Freight statistics.</p> <p>554. Duty of shipowners and officers to furnish information to person in local charge of improvement; penalty.</p> <p>555. Duty of shipowners and officers to furnish information required by Secretary of the Army.</p> <p>555a. Petroleum product information.</p> <p>556. Printing reports generally.</p> <p>557. Payment of costs of printing.</p> <p>557a. Publication of pamphlets, maps, brochures, and other material.</p> <p>557b. Sale of publications, charts, or other material; deposit of proceeds.</p> <p>558. Proceeds from sale or transfer of property acquired.</p> <p>558a. Repealed.</p> <p>558b. Exchange of land or property.</p> <p>558b-1. Application to authorized works of flood control.</p> <p>558c. Rights-of-way over United States land.</p> <p>559. Disposition of rentals for Government plants.</p> <p>560. Contributions from private parties; return of excess.</p> <p>561. Advances by private parties; repayment.</p> <p>561a. Contributions from local interests; reduction to meet lowered cost.</p> <p>562. Channel depths and dimensions defined.</p> <p>562a. Project depths for national defense purposes; waterways for general commerce.</p> <p>563, 564. Omitted or Repealed.</p> <p>565. River and harbor improvement by private or municipal enterprise.</p> <p>566. Improvement by or under authority of State of New Jersey.</p> <p>567. Navigation and flood control improvements by Minnesota, North Dakota, and South Dakota.</p> <p>567a. Flood and pollution control compacts between certain States.</p> <p>567b. Pollution of Potomac drainage basin; control by State compacts.</p> <p>567b-1. Amended compact.</p> <p>568. Limitation on power of committee of Congress to consider projects.</p> <p>569. Personal equipment for employees; use of funds for purpose.</p> <p>569a. Temporary employment of experts or consultants; compensation.</p> <p>569b. Contracts; architect and engineering services; surveying and mapping services.</p> <p>569c. Services of volunteers.</p> <p>569d. Safety award and promotional materials.</p> <p>569e. Use of private sector resources in surveying and mapping.</p>	<p>Sec. 569f. Debarment of persons convicted of fraudulent use of "Made in America" labels.</p> <p>570. Default in contract; disposition of amounts collected.</p> <p>571. Crediting reimbursements for lost, stolen, or damaged property.</p> <p>572. Collection and removal of drift in Baltimore Harbor.</p> <p>573, 574. Repealed or Omitted.</p> <p>574a. Training funds.</p> <p>575. Availability of appropriations for expenses incident to operation of power boats or vessels; expenses defined; certification of expenditures.</p> <p>576. Revolving fund; establishment; availability; reimbursement; transfer of funds; limitation.</p> <p>576a. Purchase of passenger motor vehicles by Corps of Engineers.</p> <p>576b. Lease authority.</p> <p>577. Small river and harbor improvement projects.</p> <p>577a. Small-boat navigation projects; charter fishing craft.</p> <p>577b. Cost of operation and maintenance of general navigation features of small boat harbor projects; applicable projects.</p> <p>578. Disposal of surplus property for development of public port or industrial facilities.</p> <p>579. Repealed.</p> <p>579a. Project deauthorizations.</p> <p>579b. Deauthorization of inactive projects.</p> <p>579c. Backlog prevention.</p> <p style="text-align: center;">SUBCHAPTER II—PAY AND ALLOWANCES; TRAVELING EXPENSES AND SUBSISTENCE</p> <p>581. Hiring special means of transportation.</p> <p>582. Repealed.</p> <p>583. Payment of allowances, etc., incident to change of station of Engineer officers from appropriation for improvements.</p> <p>583a. Payment of pay and allowances of officers of Corps of Engineers from appropriation for improvements.</p> <p>584, 584a. Repealed.</p> <p style="text-align: center;">SUBCHAPTER III—ACQUISITION OF LAND AND MATERIALS</p> <p>591. Condemnation, purchase, and donation of land and materials.</p> <p>592. Condemnation of land in aid of person, company, corporation, municipal or private.</p> <p>593. Condemnation of land in aid of State or State agency.</p> <p>594. When immediate possession of land may be taken.</p> <p>595. Consideration of benefits in assessing compensation.</p> <p>595a. Compensation for taking or condemnation of property for public improvements; fair market value; partial taking; effective date.</p> <p>596. Repealed.</p> <p>597. Acquisition of lands for water resource development projects; information as to probable timing for acquisition; public meetings; regulations.</p> <p>598. Resettlement of displaced families, individuals, and business concerns.</p> <p style="text-align: center;">SUBCHAPTER IV—PARTICULAR WORK OR IMPROVEMENTS</p> <p>601. Mississippi River; regulation of reservoirs at headwaters.</p> <p>602. Maintenance of channel of South Pass of Mississippi River.</p> <p>603. Repealed.</p> <p>603a. Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters.</p> <p>604. Removal of snags, etc., from Mississippi River.</p>
---	--

- Sec.
605. Operation of snag boats on Upper Mississippi River.
605a. Mississippi River forecasting improvements.
606. Removal of snags, and so forth, from Ohio River.
607. Removal of drift from New York Harbor.
607a. Appropriations; separate project.
608. Construction of fishways.
609. Sluices and other work in dams for development of water power.
610. Control of aquatic plant growths.
- SUBCHAPTER V—PROSECUTION OF WORK
GENERALLY
621. By what methods river and harbor work may be authorized to be prosecuted.
622. Contracts, etc., with private industry for implementation of projects for improvements and dredging; reduction of federally owned fleet.
623. Repealed.
624. Limitation on improvement work by private contract.
625. Repealed.
626. Prosecution of work when appropriation insufficient.
627. Application of appropriation when separate works are included therein.
628. Expenditure for dredging within harbor lines.
629. Contract for hire of dredging plant.
630. Limitation on expenditure for purchase of dredges.
631. Transfer of property between projects.
632. Omitted.
633. Protection, alteration, reconstruction, relocation, or replacement of structures and facilities; contract standards; reasonable costs.

SUBCHAPTER I—GENERAL PROVISIONS

§ 540. Investigations and improvements; control by Department of the Army; wildlife conservation

Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the Department of the Army under the direction of the Secretary of the Army and the supervision of the Chief of Engineers, except as otherwise specifically provided by Act of Congress, which said investigations and improvements shall include a due regard for wildlife conservation.

(June 20, 1938, ch. 535, §1, 52 Stat. 802; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

PRIOR PROVISIONS

Acts Aug. 30, 1935, ch. 831, 49 Stat. 1028; Aug. 26, 1937, ch. 832, 50 Stat. 844, contained similar provisions.

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.

WATERWAY IMPROVEMENTS STUDY AND REPORT; AVAILABILITY OF DATA TO NATIONAL TRANSPORTATION POLICY COMMISSION

Pub. L. 94-587, §158, Oct. 22, 1976, 90 Stat. 2933, directed the Secretary of the Army, acting through the

Chief of Engineers, to make a comprehensive study and report on the system of waterway improvements under his jurisdiction, including a review of emergency and defense requirements and an appraisal of additional improvements necessary to optimize the system and its intermodal characteristics, and to submit a report to Congress within three years after funds were first appropriated and made available for the study, together with his recommendations. The Secretary of the Army, acting through the Chief of Engineers, was to make available to the National Transportation Policy Study Commission established by section 154 of Public Law 94-280 [set out as a note under section 101 of Title 23, Highways], the information and other data developed as a result of the study.

REIMBURSEMENT OF STATES FOR WATER RESOURCES PROJECTS; STUDY

Pub. L. 89-298, title III, §314, Oct. 27, 1965, 79 Stat. 1096, authorized the Secretary of the Army, through the Chief of Engineers, to study the need for and feasibility of Federal reimbursement of certain public entities for their expenses incurred in connection with authorized projects for improvements of rivers, harbors, and certain other waterways, for various purposes, and to submit a report to Congress no later than Jan. 31, 1967, together with his recommendations in connection therewith.

§ 540a. Availability of appropriations for attendance by military personnel at meetings and for printing survey reports

Appropriations in this title¹ or appropriations made in this title¹ in subsequent Energy and Water Development Appropriations Acts shall on and after October 2, 1992, be available for expenses of attendance by military personnel at meetings in the manner authorized by section 4110 of title 5, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress.

(Pub. L. 102-377, title I, Oct. 2, 1992, 106 Stat. 1325.)

REFERENCES IN TEXT

This title, referred to in text, is title I of Pub. L. 102-377, Oct. 2, 1992, 106 Stat. 1315. For complete classification of title I to the Code, see Tables.

§ 541. Board of Engineers for Rivers and Harbors; establishment; duties and powers generally

There shall be organized in the office of the Chief of Engineers, United States Army, by detail from time to time from the Corps of Engineers, a board of seven engineer officers, a majority of whom shall be of rank not less than lieutenant colonel, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement prior to June 13, 1902, or thereafter provided for. And the board shall

¹ See References in Text note below.