

- Sec.
582. Repealed.
583. Payment of allowances, etc., incident to change of station of Engineer officers from appropriation for improvements.
583a. Payment of pay and allowances of officers of Corps of Engineers from appropriation for improvements.
584, 584a. Repealed.

SUBCHAPTER III—ACQUISITION OF LAND AND MATERIALS

591. Condemnation, purchase, and donation of land and materials.
592. Condemnation of land in aid of person, company, corporation, municipal or private.
593. Condemnation of land in aid of State or State agency.
594. When immediate possession of land may be taken.
595. Consideration of benefits in assessing compensation.
595a. Compensation for taking or condemnation of property for public improvements; fair market value; partial taking; effective date.
596. Repealed.
597. Acquisition of lands for water resource development projects; information as to probable timing for acquisition; public meetings; regulations.
598. Resettlement of displaced families, individuals, and business concerns.

SUBCHAPTER IV—PARTICULAR WORK OR IMPROVEMENTS

601. Mississippi River; regulation of reservoirs at headwaters.
602. Maintenance of channel of South Pass of Mississippi River.
603. Repealed.
603a. Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters.
604. Removal of snags, etc., from Mississippi River.
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 Repealed.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 Repealed.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

¹ See References in Text note below.

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 submit to the Chief of Engineers recommendations as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to cost of construction and maintenance, to the public commercial interests involved, and the public necessity for the work and propriety of its construction, continuance, or maintenance at the expense of the United States. And such consideration shall be given as time permits to such works as have, prior to June 13, 1902, been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary, and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities. And all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing, and made a part of the records of the office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Environment and Public Works of the Senate, in the same manner to ex-

amine and report through the Chief of Engineers upon any projects adopted, prior to June 13, 1902, by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same or upon any modifications thereof which may be deemed desirable. As used in this section the term “commerce” shall include the use of waterways by seasonal passenger craft, yachts, house boats, fishing boats, motor boats, and other similar water craft, whether or not operated for hire.

The board shall have authority, with the approval of the Chief of Engineers, to rent quarters, if necessary, for the proper transaction of its business, and to employ such civil employees as may, in the opinion of the Chief of Engineers, be required for properly transacting the business assigned to it, and the necessary expenses of the board shall be paid from allotments made by the Chief of Engineers from any appropriations made by Congress for the work or works to which the duties of the board pertain.

(June 13, 1902, ch. 1079, § 3, 32 Stat. 372; Mar. 4, 1913, ch. 144, § 4, 37 Stat. 827; Feb. 10, 1932, ch. 26, 47 Stat. 42; Pub. L. 103–437, § 12(a), Nov. 2, 1994, 108 Stat. 4590.)

CODIFICATION

The original text of section 3 of act June 13, 1902, provided for “a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers.” The last proviso of act Mar. 4, 1913, provided “that said board shall consist of seven members, a majority of whom shall be of rank not less than lieutenant colonel.”

Other parts of section 4 of act Mar. 4, 1913, are set out in section 542 of this title.

AMENDMENTS

1994—Pub. L. 103–437 substituted “Committee on Public Works and Transportation of the House of Representatives, or the Committee on Environment and Public Works of the Senate” for “Committee on Rivers and Harbors of the House of Representatives, or the Committee on Commerce of the Senate”.

1932—Act Feb. 10, 1932, inserted sentence defining “commerce”.

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.

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.