

struction 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 main-

tenance 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 for the purpose of developing or encouraging the development of such facilities. In any case, where two or more political subdivisions thereof, or bodies created by, a State or group of States, seek to obtain the same land, the Secretary of the Army shall give preference to that political subdivision or body whose intended use of land will, in his opinion, best promote the purposes for which the project involved was authorized.

(b) Purchase price; conditions, reservations or restrictions

Any conveyance authorized by this section shall be made at the fair market value of the land, as determined by the Secretary of the Army, upon condition that the property shall be used for one of the purposes stated in the subsection (a) of this section only, and subject to such other conditions, reservations or restrictions as the Secretary may determine to be necessary for the development, maintenance, or operation of the project or otherwise in the public interest.

(c) Notice of proposed conveyance

Prior to the conveyance of any land under the provisions of this section, the Secretary of the Army shall, in the manner he deems reasonable, give public notice of the proposed conveyance and afford an opportunity to interested eligible bodies in the general vicinity of the land to apply for its purchase.

(d) Delegation of authority

The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

(e) Deposit of proceeds

The proceeds from any conveyance made under the provisions of this section shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 86-645, title I, § 108, July 14, 1960, 74 Stat. 486.)

CODIFICATION

In subsec. (a), “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” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 578a. Disposition studies

(a) In general

In carrying out a disposition study for a project of the Corps of Engineers, including a

disposition study under section 549a of this title or an assessment under section 6002 of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1349), the Secretary shall consider the extent to which the property concerned has economic, cultural, historic, or recreational significance or impacts at the national, State, or local level.

(b) Completion of assessment and inventory

Not later than 1 year after December 16, 2016, the Secretary shall complete the assessment and inventory required under section 6002(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1349).

(Pub. L. 114-322, title I, §1165, Dec. 16, 2016, 130 Stat. 1670.)

REFERENCES IN TEXT

Section 6002 of the Water Resources Reform and Development Act of 2014, referred to in text, is section 6002 of Pub. L. 113-121, title VI, June 10, 2014, 128 Stat. 1349, which is not classified to the Code.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of Pub. L. 114-322, set out as a note under section 2201 of this title.

§ 578b. Disposition of projects

(a) In general

In carrying out a disposition study for a project of the Corps of Engineers, or a separable element of such a project, including a disposition study under section 549a of this title, the Secretary shall consider modifications that would improve the overall quality of the environment in the public interest, including removal of the project or separable element of a project.

(b) Disposition study transparency

The Secretary shall carry out disposition studies described in subsection (a) in a transparent manner, including by—

- (1) providing opportunities for public input; and
- (2) publishing the final disposition studies.

(c) Removal of infrastructure

For disposition studies described in subsection (a) in which the Secretary determines that a Federal interest no longer exists, and makes a recommendation of removal of the project or separable element of a project, the Secretary is authorized, using existing authorities, to pursue removal of the project or separable element of a project in partnership with other Federal agencies and non-Federal entities with appropriate capabilities to undertake infrastructure removal.

(Pub. L. 115-270, title I, §1168, Oct. 23, 2018, 132 Stat. 3798.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 102 of Pub. L. 115-270, set out as a note under section 2201 of this title.

§ 579. Repealed. Pub. L. 101-640, title I, § 119(b), Nov. 28, 1990, 104 Stat. 4630

Section, Pub. L. 93-251, title I, §12, Mar. 7, 1974, 88 Stat. 16; H. Res. 988, Oct. 8, 1974; Pub. L. 94-587, §157(a),

Oct. 22, 1976, 90 Stat. 2933; S. Res. 4, Feb. 4, 1977, provided for deauthorization of projects of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which the Secretary of the Army determined should no longer be authorized.

§ 579a. Corps budgeting; project deauthorizations; comprehensive backlog report

(a) Funds to be obligated for construction to avoid deauthorization

Any project authorized for construction by this Act shall not be authorized after the last day of the 5-year period beginning on November 17, 1986, unless during such period funds have been obligated for construction, including planning and designing, of such project.

(b) Transmission to Congress of list of unconstructed projects or separable elements authorized but not receiving obligations during 10 fiscal years preceding transmission; two-year updates of list

(1) Not later than one year after November 17, 1986, the Secretary shall transmit to Congress a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have received no obligations during the 10 full fiscal years preceding the transmittal of such list. A project or separable element included in such list is not authorized after December 31, 1989, if funds have not been obligated for construction of such project or element after November 17, 1986, and before December 31, 1989.

(2) Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), every year after the transmittal of the list under paragraph (1), the Secretary shall transmit to Congress a list of projects or separable elements of projects which have been authorized, but have received no obligations during the 5 full fiscal years preceding the transmittal of such list. Upon submission of such list to Congress, the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, a project (including any part thereof) on such list would be located. A project or separable element included in such list is not authorized after the date which is the last date of the fiscal year following the fiscal year in which the list is so transmitted if funds have not been obligated for the planning, design, or construction of such project or element during such period.

(3) COMPREHENSIVE CONSTRUCTION BACKLOG AND OPERATION AND MAINTENANCE REPORT.—

(A) IN GENERAL.—The Secretary, once every 2 years, shall compile and publish—

- (i) a complete list of all projects and separable elements of projects of the Corps of Engineers that are authorized for construction but have not been completed;
- (ii) a complete list of all feasibility studies of the Corps of Engineers that Congress has authorized the Secretary to carry out for which a Report of the Chief of Engineers has not been issued;
- (iii) a complete list of all environmental infrastructure projects authorized by Con-