

## TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army and other offices and officers of Department of the Army under section 401 of this title to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, §6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941, which created Department of Transportation. Pub. L. 97-449 amended section 401 of this title to reflect transfer made by section 6(g)(6)(A) of Pub. L. 89-670, and repealed section 6(g)(6)(A).

## § 425. Omitted

## CODIFICATION

Section, act June 7, 1924, ch. 316, §9, 43 Stat. 606, directed Secretary of War to investigate depositing of polluting substances into navigable streams and report the results to Congress not later than two years from June 7, 1924.

## § 426. Investigations concerning erosion of shores of coastal and lake waters

The Chief of Engineers of the United States Army, under the direction of the Secretary of the Army, is authorized and directed to cause investigations and studies to be made in cooperation with the appropriate agencies of the various States on the Atlantic, Pacific, and gulf coasts and on the Great Lakes, and of the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, and the possessions of the United States, with a view to devising effective means of preventing erosion of the shores of coastal and lake waters by waves and currents; and any expenses incident and necessary thereto may be paid from funds appropriated for General Investigations, Civil Functions, Department of the Army: *Provided*, That the Department of the Army may release to the appropriate cooperating agencies information obtained by these investigations and studies prior to the formal transmission of reports to Congress: *Provided further*, That no money shall be expended under authority of this section in any State which does not provide for cooperation with the agents of the United States and contribute to the project such funds or services as the Secretary of the Army may deem appropriate and require; that there shall be organized under the Chief of Engineers, United States Army, a Board of seven members, of whom four shall be officers of the Corps of Engineers and three shall be civilian engineers selected by the Chief of Engineers with regard to their special fitness in the field of beach erosion and shore protection. The Board will furnish such technical assistance as may be directed by the Chief of Engineers in the conduct of such studies as may be undertaken and will review the reports of the investigations made. In the consideration of such studies as may be referred to the Board by the Chief of Engineers, the Board shall, when it considers it necessary and with the sanction of the Chief of Engineers, make, as a board or through its members, personal examination of localities under investigation: *Provided further*, That the civilian members of the Board may be paid at rates not to exceed \$100 a day for each day of attendance at Board meetings, not to exceed thirty days per annum, in addition to the traveling

and other necessary expenses connected with their duties on the Board in accordance with the provisions of section 5703 of title 5.

(July 3, 1930, ch. 847, §2, 46 Stat. 945; Pub. L. 86-645, title I, §103, July 14, 1960, 74 Stat. 484.)

## REFERENCES IN TEXT

The Board, referred to in text, means the Beach Erosion Board, which was abolished by Pub. L. 88-172, §1, Nov. 7, 1963, 77 Stat. 304. See note set out below.

## CODIFICATION

“Section 5703 of title 5” substituted in text for “section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2)”, on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

## AMENDMENTS

1960—Pub. L. 86-645, among other changes, substituted provisions requiring the three civilian members of the Board to be civilian engineers selected by the Chief of Engineers with regard to their special fitness in the field of beach erosion and shore protection for provisions which required the civilian members to be selected with regard to their special fitness from among the State agencies cooperating with the Department of the Army, and provisions authorizing payment of civilian members at rates not to exceed \$100 a day, for not more than 30 days per annum, for provisions which required the States to pay the salaries of the civilian members.

## ABOLITION OF BEACH EROSION BOARD

Pub. L. 88-172, §1, Nov. 7, 1963, 77 Stat. 304, provided in part: “That the Board established by section 2 of the River and Harbor Act approved July 3, 1930, as amended (33 U.S.C. 426), referred to as the Beach Erosion Board, is hereby abolished.” For the transfer of functions of the Beach Erosion Board to the Coastal Engineering Research Center and the Board of Engineers for Rivers and Harbors, see sections 426-1 and 426-3 of this title. For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

## GREAT LAKES LEVELS STUDY

Pub. L. 99-662, title VII, §706, Nov. 17, 1986, 100 Stat. 4158, authorized Secretary of the Army, in cooperation with National Oceanic and Atmospheric Administration, Federal Emergency Management Agency, International Joint Commission, and other appropriate Federal, State, and local agencies and the private sector, to conduct a study of shoreline protection and beach erosion control policy and related projects of the Secretary, in view of the current situation and long-term expected increases in levels of the Great Lakes and directed Secretary, within three years after Nov. 17, 1986, to transmit the study, together with supporting documentation and recommendations to Congress.

## STUDY OF RISING OCEANS

Pub. L. 99-662, title VII, §731, Nov. 17, 1986, 100 Stat. 4165, authorized Secretary of the Army, in cooperation with National Oceanic and Atmospheric Administration, Federal Emergency Management Agency, and other appropriate Federal, State, and local agencies and the private sector, to conduct a study of shoreline protection and beach erosion control policy and related projects of the Secretary, in view of the prospect for long-term increases in levels of the ocean and directed Secretary, within three years after Nov. 17, 1986, to transmit the study, together with supporting documentation and recommendations to Congress.

APPLICATION OF EXISTING LAW TO SURVEYS RELATING  
TO SHORE PROTECTION

Pub. L. 87-874, §103(b), Oct. 23, 1962, 76 Stat. 1179, provided that: "All provisions of existing law relating to surveys of rivers and harbors shall apply to surveys relating to shore protection and section 2 of the River and Harbor Act approved July 3, 1930, as amended (33 U.S.C. 426), is modified to the extent inconsistent herewith."

**§ 426-1. Coastal Engineering Research Center; establishment; powers and functions**

There shall be established under the Chief of Engineers, United States Army, a Coastal Engineering Research Center which, except as hereinafter provided in section 426-3 of this title, shall be vested with all the functions of the Beach Erosion Board, including the authority to make general investigations as provided in section 426a of this title, and such additional functions as the Chief of Engineers may assign.

(Pub. L. 88-172, §1, Nov. 7, 1963, 77 Stat. 304.)

CODIFICATION

Section was enacted as part of section 1 of Pub. L. 88-172. The remainder of said section 1, abolishing the Beach Erosion Board, is classified as a note under section 426 of this title.

ABOLITION OF BEACH EROSION BOARD

Section 1 of Pub. L. 88-172 abolished Beach Erosion Board, and is set out as a note under section 426 of this title. For the transfer of certain functions of said Board to Board of Engineers for Rivers and Harbors, see section 426-3 of this title. For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

**§ 426-2. Board on Coastal Engineering Research**

The functions of the Coastal Engineering Research Center established by section 426-1 of this title, shall be conducted with the guidance and advice of a Board on Coastal Engineering Research, constituted by the Chief of Engineers in the same manner as the present Beach Erosion Board.

(Pub. L. 88-172, §2, Nov. 7, 1963, 77 Stat. 305.)

COMPENSATION OF BOARD

Pub. L. 91-611, title I, §105, Dec. 31, 1970, 84 Stat. 1819, provided that: "The civilian members of the Board on Coastal Engineering Research authorized by the Act of November 7, 1963 (33 U.S.C. 426-2) may be paid at rates not to exceed the daily equivalent of the rate for GS-18 for each day of attendance at Board meetings, not to exceed thirty days per year, in addition to the traveling and other necessary expenses connected with their duties on the Board in accordance with the provisions of 5 U.S.C. 5703(b), (d), and 5707."

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

ABOLITION OF BEACH EROSION BOARD

Section 1 of Pub. L. 88-172 abolished Beach Erosion Board, and is set out as a note under section 426 of this title. For transfer of functions of Board to Coastal Engineering Research Center and Board of Engineers for

Rivers and Harbors, see sections 426-1 and 426-3 of this title. For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

**§ 426-3. Transfer of functions of Beach Erosion Board**

All functions of the Beach Erosion Board pertaining to review of reports of investigations made concerning erosion of the shores of coastal and lake waters, and the protection of such shores, are hereby transferred to the Board established by section 541 of this title, referred to as the Board of Engineers for Rivers and Harbors.

(Pub. L. 88-172, §3, Nov. 7, 1963, 77 Stat. 305.)

TERMINATION OF BOARD OF ENGINEERS FOR RIVERS AND  
HARBORS AND REASSIGNMENT OF DUTIES AND RESPONSIBILITIES

For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

ABOLITION OF BEACH EROSION BOARD

Section 1 of Pub. L. 88-172 abolished Beach Erosion Board, and is set out as a note under section 426 of this title. For transfer of certain functions of Board to Coastal Engineering Research Center, see section 426-1 of this title.

**§ 426a. Additional investigations concerning erosion of shores of coastal and lake waters; payment of costs; "shores" defined**

In addition to participating in cooperative investigations and studies with agencies of the various States as authorized in section 426 of this title, it shall be the duty of the Chief of Engineers, through the Coastal Engineering Research Center, to make general investigations with a view to preventing erosion of the shores of the United States by waves and currents and determining the most suitable methods for the protection, restoration, and development of beaches; and to publish from time to time such useful data and information concerning the erosion and protection of beaches and shore lines as the Center may deem to be of value to the people of the United States. The cost of the general investigations authorized by sections 426a to 426d of this title shall be borne wholly by the United States. As used in said sections, the word "shores" includes the shore lines of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, Lake Champlain, and estuaries and bays directly connected therewith.

(July 31, 1945, ch. 334, §1, 59 Stat. 508; Pub. L. 88-172, §1, Nov. 7, 1963, 77 Stat. 304.)

CODIFICATION

Coastal Engineering Research Center has been substituted for Beach Erosion Board pursuant to Pub. L. 88-172, §1, providing in part for the abolition of the Beach Erosion Board, which is set out as a note under section 426 of this title. For transfer of investigatory functions of the Beach Erosion Board to the Coastal Engineering Research Center, see section 426-1 of this title.