

Editorial Notes

CODIFICATION

This section and the second paragraph of section 556 of this title are from section 3 of act Mar. 4, 1913, popularly known as the "Rivers and Harbors Appropriation Act of 1913". That section superseded similar provisions of act June 25, 1910, ch. 382, § 3, 36 Stat. 668, for reports, investigations on review by the board of Engineers and for the printing of reports.

PRIOR PROVISIONS

Provision for report of examinations of river and harbor improvements appeared in R.S. §231, repealed by act Mar. 3, 1933, ch. 202, §1, 47 Stat. 1428, and read as follows: "The Secretary of War shall cause to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public moneys shall not be applied excepting where such improvements shall tend to subserve the general commercial and navigation interests of the United States."

Statutory Notes and Related Subsidiaries

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

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.

TEMPORARY PROHIBITORY PROVISIONS

Provisions prohibiting supplemental reports or estimates, prohibiting the making of examination or survey for new works not designated, and providing that projects were not to be deemed entered upon until appropriations were made, appeared in various rivers and harbors appropriation acts. They are omitted from the Code as superseded or temporary.

REPORT ON IMPROVEMENTS FOR COASTAL DEFENSE PURPOSES

The Secretary of War and the Secretary of the Navy were authorized and directed to report to Congress at the earliest practicable date, such specific plans for improvement of harbors, canals and connecting channels as would best provide adequate facilities for operations of the fleet for defense of the harbors on the Atlantic, Gulf, and Pacific coasts; also the feasible extensions requisite to make existing approved projects for improvement of such harbors, canals, and channels available for such purposes, and the cost of each such several improvements, calculated upon the basis of completion under contract within five years, by act Aug. 29, 1916, ch. 417, 39 Stat. 556, omitted from the Code as special and temporary.

PRELIMINARY EXAMINATIONS AND SURVEYS OF GREAT LAKES

The Secretary of War was directed to cause preliminary examinations and surveys to be made of the har-

bors and connecting waters of the Great Lakes with a view to determining what additional improvements would be necessary to permit those waterways to accommodate vessels to pass through the Welland Canal when enlarged by the Dominion of Canada, including report as to the character and draft of vessels which might be expected to use the canal when so enlarged, by a provision of the Rivers and Harbors Appropriation Act of 1916, act July 27, 1916, ch. 260, § 2, 39 Stat. 411, omitted from the Code as special and temporary.

§ 545a. Discontinuance

For preliminary examinations and surveys authorized in previous river and harbor and flood-control Acts, the Secretary of the Army is directed to cause investigations and reports for navigation and allied purposes to be prepared under the supervision of the Chief of Engineers in the form of survey reports, and that preliminary examination reports shall no longer be required to be prepared.

(Pub. L. 85-500, title I, §105, July 3, 1958, 72 Stat. 300.)

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REFERENCES IN TEXT

Previous river and harbor and flood-control Acts, referred to in text, means those acts prior to the River and Harbor Act of 1958 and the Flood Control Act of 1958, titles I and II, respectively, of Pub. L. 85-500.

§ 546. Investigation of stream flow and watersheds; surveys in connection with dams

The surveys of navigable streams shall include such stream-flow measurements and other investigations of the watersheds as may be necessary for preparation of plans of improvement and a proper consideration of all uses of the stream affecting navigation, and whenever necessary similar investigations may be made in connection with all navigable streams under improvement. Whenever permission for the construction of dams in navigable streams is granted, or is under consideration by Congress, such surveys and investigations of the sections of the streams affected may be made as are necessary to secure conformity with rational plans for the improvement of the streams for navigation.

(June 25, 1910, ch. 382, § 3, 36 Stat. 669.)

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CODIFICATION

Section is from section 3 of act June 25, 1910, popularly known as the "Rivers and Harbors Appropriation Act of 1910". Other provisions of such section were omitted, as superseded by section 545 of this title.

PRIOR PROVISIONS

General provisions regulating the construction of dams were made by the Dam Act of June 21, 1906, ch. 3508, 34 Stat. 386, as amended by act June 23, 1910, ch. 360, 36 Stat. 593, apparently omitted from the Code as superseded.

§ 546a. Information as to configuration of shore line

Every report submitted to Congress in pursuance of any provision of law for preliminary examination and survey looking to the improvement of the entrance at the mouth of any river

or at any inlet, in addition to other information which the Congress has directed shall be given, shall contain information concerning the configuration of the shore line and the probable effect thereon that may be expected to result from the improvement having particular reference to erosion and/or accretion for a distance of not less than ten miles on either side of the said entrance.

(Aug. 30, 1935, ch. 831, § 5, 49 Stat. 1048.)

§ 547. Reports as to local benefits of improvement and recommendations as to local cooperation

Every report submitted to Congress in pursuance of any provision of law for a survey, in addition to other information which the Congress has directed shall be given, shall contain a statement of special or local benefit which will accrue to localities affected by such improvement and a statement of general or national benefits, with recommendations as to what local cooperation should be required, if any, on account of such special or local benefit.

(June 5, 1920, ch. 252, § 2, 41 Stat. 1010.)

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CODIFICATION

Section is from act June 5, 1920, popularly known as the "Rivers and Harbors Appropriation Act of 1921".

§ 547a. Inclusion of regional economic development benefits in economic analysis for purposes of computing economic justification of project

In the case of any authorized navigation project which has been partially constructed, or is to be constructed, which is located in one or more States, and which serves regional needs, the Secretary of the Army, acting through the Chief of Engineers, may include in any economic analysis which is under preparation on October 22, 1976, such regional economic development benefits as he determines to be appropriate for purposes of computing the economic justification of the project.

(Pub. L. 94-587, § 140, Oct. 22, 1976, 90 Stat. 2930.)

§ 548. Omitted

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Section, act Mar. 3, 1925, ch. 467, § 7, 43 Stat. 1191, required a report on projects adopted prior to March 3, 1925.

§ 549. Repealed. Pub. L. 96-470, title I, § 104(c), Oct. 19, 1980, 94 Stat. 2238

Section, act Mar. 3, 1899, ch. 425, § 7, 30 Stat. 1150, provided that Chief of Engineers, in submitting his annual reports to Congress on river and harbor improvements, report on deterioration in improvements, estimate cost of repairing or rebuilding such works, and recommend discontinuance of appropriations for any works deemed unworthy of further improvement.

§ 549a. Review of navigation, flood control, and water supply projects

The Secretary of the Army, acting through the Chief of Engineers, is authorized to review

the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due¹ the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest.

(Pub. L. 91-611, title II, § 216, Dec. 31, 1970, 84 Stat. 1830.)

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Section is from Pub. L. 91-611, popularly known as the "Flood Control Act of 1970".

§ 549b. Inclusion of project or facility in Corps of Engineers workplan

(a) In general

The Secretary shall, to the maximum extent practicable, include in the future workplan of the Corps any authorized project or facility of the Corps of Engineers—

(1) that the Secretary has studied for disposition under an existing authority, including by carrying out a disposition study under section 549a of this title; and

(2) for which a final report by the Director of Civil Works has been completed.

(b) Notification to committees

Upon completion of a final report referred to in subsection (a), the Secretary shall transmit a copy of the report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(Pub. L. 115-270, title I, § 1117, Oct. 23, 2018, 132 Stat. 3776.)

Statutory Notes and Related Subsidiaries

"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.

§ 550. Report on water terminal and transfer facilities

The Chief of Engineers, United States Army, shall indicate in his annual reports the character of the terminal and transfer facilities existing on every harbor or waterway under maintenance or improvement by the United States, and state whether they are considered adequate for existing commerce. He shall also submit one or more special reports on this subject, as soon as possible after January 18, 1918, including, among other things, the following:

(a) A brief description of such water terminals, including location and the suitability of such terminals to the existing traffic conditions, and whether such terminals are publicly or privately owned, and the terms and conditions under which they may be subjected to public use.

¹ So in original. Probably should be "due to".