

26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

§ 630. Limitation on expenditure for purchase of dredges

No money authorized to be expended for the acquirement of any dredge or dredges shall be so expended for the purchase of any dredge or dredges from private contractors, which at the time of the proposed purchase can be manufactured at any navy yard or other government-owned factory for a sum less than it can be purchased for from such private contractor.

(Sept. 22, 1922, ch. 427, § 5, 42 Stat. 1042.)

CODIFICATION

Section is from part of section 5 of the Rivers and Harbors Appropriation Act for 1922.

The omitted portion of that section authorized the construction of six seagoing hopper dredges and limited the cost of each to \$750,000.

§ 631. Transfer of property between projects

The Secretary of the Army may direct a temporary transfer of any property employed in the improvement of rivers and harbors whenever, in his judgment, such transfer would secure efficient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable.

(June 13, 1902, ch. 1079, § 5, 32 Stat. 373; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is from part of section 5 of the Rivers and Harbors Appropriation Act of 1902.

The omitted part of that section is set out as section 558 of this title.

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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

CROSS REFERENCES

Transfer of material, see section 483 of Title 40. Public Buildings, Property, and Works.

§ 632. Omitted

CODIFICATION

Section, act June 25, 1910, ch. 382, § 5, 36 Stat. 676, provided that the requirements of R.S. § 3744, section 16 of Title 41, Public Contracts, should not apply to the lease of certain property or hire of vessels for use in connection with river and harbor improvements where the period of the lease or hire did not exceed three months. R.S. § 3744, which required contracts by the Secretaries of War, Navy, and Interior to be in writing and filed in the returns office of the Interior Department, was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.

§ 633. Protection, alteration, reconstruction, relocation, or replacement of structures and facilities; contract standards; reasonable costs

Whenever, during the construction or reconstruction of any navigation, flood control, or related water development project under the direction of the Secretary of the Army, the Chief of Engineers determines that any structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of navigation or flood control, or both; or to preserve the safety or integrity of such facility when its safety or usefulness is determined by the Chief of Engineers to be adversely affected or threatened by the project, the Chief of Engineers may, if he deems such action to be in the public interest, enter into a contract providing for (1) the payment from appropriations made for the construction or maintenance of such project, of the reasonable cost of replacing, relocating, or reconstructing such facility to such standard as he deems reasonable but not to exceed the minimum standard of the State or political subdivision for the same type of facility involved, except that if the existing facility exceeds the minimum standard of the State or political subdivision, the Chief of Engineers may provide a facility of comparable standard, or (2) the payment of a lump sum representing the estimated reasonable cost thereof. This section shall not be construed as modifying any existing or future requirement of local cooperation, or as indicating a policy that local interests shall not hereafter be required to assume costs of modifying such facilities. The provisions of this section may be applied to projects hereafter authorized and to those heretofore authorized but not completed as of July 3, 1958, and notwithstanding the navigation servitude vested in the United States, they may be applied to such structures or facilities occupying the beds of navigable waters of the United States.

(Pub. L. 85-500, title I, § 111, July 3, 1958, 72 Stat. 303; Pub. L. 89-298, title III, § 309, Oct. 27, 1965, 79 Stat. 1094.)

AMENDMENTS

1965—Pub. L. 89-298 provided for payment of the reasonable cost of replacing, relocating, or reconstructing the facility to a reasonable standard, not exceeding minimum standard of State or political subdivision for same type of facility involved, except that if the existing facility exceeds the minimum standard of the State or political subdivision, the Chief of Engineers may provide a facility of comparable standard, in provision designated as clause (1), eliminated former provision for payment of reasonable actual cost of the remedial work, and designated existing provisions as clause (2).

CHAPTER 13—MISSISSIPPI RIVER COMMISSION

Sec.	
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653a. Extension of jurisdiction of Mississippi River Commission.

§ 641. Creation of Mississippi River Commission

A commission is created to be called "The Mississippi River Commission", to consist of seven members.

(June 28, 1879, ch. 43, § 1, 21 Stat. 37.)

CODIFICATION

This was the first section of an act entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters".

APPROPRIATION FOR SALARIES AND EXPENSES

Section 7 of act June 28, 1879, omitted as temporary and executed, provided for the expenditure of an appropriation of \$175,000 for salaries of the commission and necessary expenses of surveys, examinations, etc.

MISSOURI RIVER COMMISSION

The Missouri River Commission was created by act July 5, 1884, ch. 229, § 1, 23 Stat. 144, and repealed by act July 13, 1902, ch. 1079, § 1, 32 Stat. 367.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 642, 647, 653, 653a of this title.

§ 642. Appointment of commissioners; vacancies; chairman; tenure of office

The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the National Ocean Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed under sections 641 to 644, 646, and 647

of this title, except those appointed from civil life, shall remain in office subject to removal by the President of the United States. Each commissioner appointed from civil life after November 7, 1966, shall be appointed for a term of nine years.

(June 28, 1879, ch. 43, § 2, 21 Stat. 37; Nov. 7, 1966, Pub. L. 89-789, title II, § 208, 80 Stat. 1423.)

AMENDMENTS

1966—Pub. L. 89-789 inserted "except those appointed from civil life," and provided a nine year term for each commissioner appointed from civil life after Nov. 7, 1966.

CHANGE OF NAME

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes set out under section 311 of Title 15, Commerce and Trade.

TRANSFER OF FUNCTIONS

Functions of all officers of Department of Commerce and functions of all officers and employees of such Department transferred, with a few exceptions, to Secretary of Commerce, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies and employees, by Reorg. Plan No. 5 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

President of commission as executive officer, qualifications, rank, etc., see section 702h of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 647 of this title.

§ 642a. Rank, pay, and allowances of Corps of Engineers officers serving as President of Mississippi River Commission

Any officer of the Corps of Engineers who has served or shall serve four years as President of the Mississippi River Commission and who has been or shall subsequently be retired, shall, from the date of such retirement, receive the rank, pay, and allowances of a retired major general.

(June 15, 1936, ch. 548 (pt.), as added Aug. 18, 1941, ch. 377, § 3, 55 Stat. 644.)

CODIFICATION

Section was formerly classified to section 1026b of title 10 prior to the general revision and enactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1.

§ 643. Omitted

CODIFICATION

Section, acts June 28, 1879, ch. 43, § 2, 21 Stat. 37; June 25, 1910, ch. 382, § 1, 36 Stat. 658; Mar. 1, 1917, ch. 144, § 4, 39 Stat. 951, related to compensation of commissioners. See section 702h of this title.

§ 644. Secretary of commission

The Secretary of the Army may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

(June 28, 1879, ch. 43, § 6, 21 Stat. 38; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 642, 647 of this title.

§ 645. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section, act July 25, 1912, ch. 253, § 1, 37 Stat. 218, related to traveling expenses of civilian members of commission and of Assistant Engineer of Board of Engineers for Rivers and Harbors.

§ 646. Headquarters and meetings of commission

The headquarters and general offices of said commission shall be located at some city or town on the Mississippi River, to be designated by the Secretary of the Army, and the meetings of the commission except such as are held on Government boats during the time of the semi-annual inspection trips of the commission shall be held at said headquarters and general offices, the times of said meetings to be fixed by the president of the commission, who shall cause due notice of such meetings to be given members of the commission and the public.

(June 28, 1879, ch. 43, § 8, as added Feb. 18, 1901, ch. 377, 31 Stat. 793; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 642, 647 of this title.

§ 647. Mississippi River survey

Detail of assistants; vessels; instruments—It shall be the duty of the Mississippi River Commission to direct and complete such surveys of the Mississippi River, between the Head of the Passes near its mouth to its headwaters as may have been in progress June 28, 1879, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydro-

metrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of sections 641 to 644, 646, and 647 of this title. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of the Army shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the Secretary of Commerce shall, when requested by said commission in like manner detail from the National Ocean Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of the Army, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

Plans; report—It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of the Army a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

Plans for immediate works—The said commission may, prior to the completion of all the surveys and examinations contemplated by sections 641 to 644, 646, and 647 of this title, prepare and submit to the Secretary of the Army, plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

(June 28, 1879, ch. 43, §§ 3-5, 21 Stat. 37, 38; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See

notes set out under section 311 of Title 15, Commerce and Trade.

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.

TRANSFER OF FUNCTIONS

"Secretary of Commerce" substituted for "Secretary of the Treasury" in the first par. pursuant to sections 4 and 10 of act Feb. 14, 1903, which are classified to sections 1511, 1513, 1515, and 1516 of Title 15, Commerce and Trade, and which transferred Coast and Geodetic Survey, and powers and duties pertaining thereto, from Department of the Treasury to Department of Commerce.

Functions of all officers of Department of Commerce and functions of all officers and employees of such Department transferred, with a few exceptions, to Secretary of Commerce, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in Appendix to Title 5, Government Organization and Employees.

TRIBUTARIES

Act Mar. 3, 1881, ch. 136, 21 Stat. 474, provided in part as follows: "It shall be the duty of said commission to take into consideration, and of the Secretary of War [now Secretary of the Army] to extend operations, under their supervision, to tributaries of the Mississippi River to the extent, and not further, that may be necessary in the judgment of said commission to the perfection of the general and permanent improvement of said Mississippi River."

CROSS REFERENCES

Flood control work for Mississippi River, see section 702 of this title.

Printing reports of the Mississippi River Commission, see section 556 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 642 of this title.

§ 648. Arkansas River; levee and bank protection

The jurisdiction of the Mississippi River Commission is extended so as to include that part of the Arkansas River between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, and any funds which are appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended within the limits of said extended jurisdiction under the direction of the Secretary of the Army, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, and upon like terms and conditions for levees and bank revetment upon any part of the Mississippi River now under the jurisdiction of said commission, and in such manner as will best promote and accomplish the purposes for which commission was created, in so far as the territory hereby added to its said jurisdiction may be involved.

(July 27, 1916, ch. 260, §1, 39 Stat. 402; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

Section is from part of section 1 of the Rivers and Harbors Appropriation Act of 1916.

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.

§ 649. Vicksburg Harbor and Ohio River below Cache River

The harbor at Vicksburg, Mississippi, and the Ohio River from its mouth to the mouth of the Cache River, are transferred to and placed under the control and jurisdiction of the Mississippi River Commission: *Provided*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission.

(July 27, 1916, ch. 260, §1, 39 Stat. 402.)

CODIFICATION

Section is from part of section 1 of the Rivers and Harbors Appropriation Act of 1916.

§ 650. Mississippi River below Rock Island; levee and bank protection

Any funds which are appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended, under the direction of the Secretary of the Army, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for levees upon any part of said river between Head of Passes and Rock Island, Illinois, in such manner as, in their opinion, shall best improve navigation and promote the interest of commerce at all stages of the river.

(July 27, 1916, ch. 260, §1, 39 Stat. 402; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

Section is from part of section 1 of the Rivers and Harbors Appropriation Act of 1916.

PRIOR PROVISIONS

This provision superseded act June 4, 1906, ch. 2572, 34 Stat. 208, which 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.

§ 651. Tributaries of Mississippi River below Cairo; levee and bank protection

The jurisdiction of the Mississippi River Commission is extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Illinois, and the Head of the Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River.

(Sept. 22, 1922, ch. 427, §13, 42 Stat. 1047.)

CODIFICATION

Section is from the Rivers and Harbors Appropriation Act for the year 1922.

§ 652. Upper Mississippi River Management

(a) Short title; Congressional declaration of intent

(1) This section may be cited as the “Upper Mississippi River Management Act of 1986”.

(2) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) Definitions

For purposes of this section—

(1) the terms “Upper Mississippi River system” and “system” mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term “Master Plan” means the comprehensive master plan for the management of the Upper Mississippi River system, dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502;

(3) the term “GREAT I, GREAT II, and GRRM studies” means the studies entitled “GREAT Environmental Action Team—GREAT I—A Study of the Upper Mississippi River”, dated September 1980, “GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River”, dated December 1980, and “GREAT River Resource Management Study”, dated September 1982; and

(4) the term “Upper Mississippi River Basin Association” means an association of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, formed for the purposes of cooperative effort and united assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River System.

(c) Congressional approval of Master Plan

(1) Congress hereby approves the Master Plan as a guide for future water policy on the Upper

Mississippi River system. Such approval shall not constitute authorization of any recommendation contained in the Master Plan.

(2) Omitted.

(d) Cooperative effort and mutual assistance among States

(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into negotiations for agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements. To the extent required by Article I, section 10 of the Constitution, such agreements shall become final only after ratification by an Act of Congress.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) For the purpose of ensuring the coordinated planning and implementation of programs authorized in subsections (e) and (h)(2) of this section, the Secretary shall enter into an inter-agency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of such programs.

(4) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such association or agency may make such comments with respect to such recommendations and offer other recommended changes to the master plan as such association or agency deems appropriate and shall transmit such comments and other recommended changes to the Secretary. The Secretary shall transmit such recommendations along with the comments and other recommended changes of such association or agency to the Congress for approval within 90 days of the receipt of such comments or recommended changes.

(e) Program authority

(1) The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

(2) Each program referred to in paragraph (1) shall be carried out for 15 years. Before the last day of such 15-year period, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$8,200,000 for the first fiscal year beginning after November 17, 1986, not to exceed \$12,400,000 for the second fiscal year beginning after November 17, 1986, and not to exceed \$13,000,000 per fiscal year for each of the succeeding 13 fiscal years.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$7,680,000 for the first fiscal year beginning after November 17, 1986, and not to exceed \$5,080,000 per fiscal year for each of the succeeding 14 fiscal years.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$40,000 for the first fiscal year beginning after November 17, 1986, not to exceed \$280,000 for the second fiscal year beginning after November 17, 1986, not to exceed \$1,220,000 for the third fiscal year beginning after November 17, 1986, and not to exceed \$875,000 per fiscal year for each of the succeeding 12 fiscal years.

(6) TRANSFER OF AMOUNTS.—

(A) GENERAL RULE.—Subject to subparagraph (B), for each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior, and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amount appropriated to carry out each of subparagraphs (A), (B), and (C) of paragraph (1) to carry out any other of such subparagraphs.

(B) LIMITATION.—The aggregate amounts obligated in fiscal years 1988 through 2002—

- (i) to carry out paragraph (1)(A) may not exceed \$189,600,000;
- (ii) to carry out paragraph (1)(B) may not exceed \$78,800,000; and
- (iii) to carry out paragraph (1)(C) may not exceed \$12,040,000.

(7)(A) Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 2283(e) of this title; except that the costs of operation and maintenance of projects located on Federal lands or lands owned or operated by a State or local government shall be borne by the Federal, State, or local agency that is respon-

sible for management activities for fish and wildlife on such lands.

(B) Notwithstanding the provisions of subsection (a)(2) of this section, the cost of implementing the activities authorized by paragraphs (1)(B) and (1)(C) of this subsection shall be allocated in accordance with the provisions of section 2283 of this title, as if such activity was required to mitigate losses to fish and wildlife.

(8) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f) Recreational projects authority

(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary, in consultation with any such agency, shall, at Federal expense, conduct an assessment of the economic benefits generated by recreational activities in the system. The cost of each such project shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with title I of this Act [33 U.S.C. 2211 et seq.].

(2)(A) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$500,000 per fiscal year for each of the first 15 fiscal years beginning after November 17, 1986.

(B) For purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$300,000 per fiscal year for the first and second fiscal years beginning after the computerized inventory and analysis system implemented pursuant to subsection (e)(1)(C) of this section is fully functional and \$150,000 for the third such fiscal year.

(g) Increases in lock capacity

The Secretary shall, in his budget request, identify those measures developed by the Secretary, in consultation with the Secretary of Transportation and any agency established under subsection (d)(1) of this section, to be undertaken to increase the capacity of specific locks throughout the system by employing non-structural measures and making minor structural improvements.

(h) Monitoring of traffic movements

(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation

and environmental enhancement and protection based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) of this section and paragraph (1) of this subsection.

(3) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.

(i) Disposal of dredged material

(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j) Construction of second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri

The Secretary is authorized to provide for the engineering, design, and construction of a second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri, at a total cost of \$220,000,000, with a first Federal cost of \$220,000,000. Such second lock shall be one hundred and ten feet by six hundred feet and shall be constructed at or in the vicinity of the location of the replacement lock authorized by section 102 of Public Law 95-502. Section 2212 of this title shall apply to the project authorized by this subsection.

(Pub. L. 99-662, title XI, §1103, Nov. 17, 1986, 100 Stat. 4225; Pub. L. 101-640, title IV, §405, Nov. 28, 1990, 104 Stat. 4646; Pub. L. 102-580, title I, §107, Oct. 31, 1992, 106 Stat. 4815.)

REFERENCES IN TEXT

Public Law 95-502, referred to in subsecs. (b)(2) and (j), is Pub. L. 95-502, Oct. 21, 1978, 92 Stat. 1693, as amended. Section 102 of Pub. L. 95-502 is not classified to the Code. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (f)(1), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082, as amended, known as the Water Resources Development Act of 1986. Title I of this Act is classified generally to subchapter I (§2211 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

CODIFICATION

Subsec. (c)(2) of this section amended section 101 of Pub. L. 95-502, which is set out as a note under section 1962b-3 of Title 42, The Public Health and Welfare.

AMENDMENTS

1992—Subsec. (e)(2). Pub. L. 102-580, §107(a)(1), which directed the substitution of “15” for “ten” each place it appears, could not be executed because “ten” did not appear subsequent to amendment by Pub. L. 101-640, §405(1). See 1990 Amendment note below.

Subsec. (e)(6). Pub. L. 102-580, §107(a)(3), added par. (6). Former par. (6) redesignated (7).

Subsec. (e)(7). Pub. L. 102-580, §107(a)(2), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (e)(7)(A). Pub. L. 102-580, §107(b), added subpar. (A) and struck out former subpar. (A) which read

as follows: “Notwithstanding the provisions of subsection (a)(2) of this section, the costs of each project carried out pursuant to paragraph (1)(A) of this subsection shall be allocated between the Secretary and the appropriate non-Federal sponsor in accordance with the provisions of section 2283 of this title.”

Subsec. (e)(8). Pub. L. 102-580, §107(a)(2), redesignated par. (7) as (8).

1990—Subsec. (e)(2). Pub. L. 101-640, §405(1), substituted “15” for “ten” in two places.

Subsec. (e)(3). Pub. L. 101-640, §405(2), substituted “13” for “eight”.

Subsec. (e)(4). Pub. L. 101-640, §405(3), substituted “14” for “nine”.

Subsec. (e)(5). Pub. L. 101-640, §405(4), substituted “12” for “seven”.

Subsec. (f)(2)(A). Pub. L. 101-640, §405(5), substituted “15” for “ten”.

DEFINITIONS

Secretary means the Secretary of the Army, see section 2201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2212 of this title.

§ 653. Extension of jurisdiction of Mississippi River Commission

The jurisdiction of the Mississippi River Commission (established by the Act of June 29, 1879¹ (33 U.S.C. 641)) is extended to include—

- (1) Terrebonne Parish, Louisiana; and
- (2) the area bounded by the East Atchafalaya Basin Protection Levee, the Mississippi River Levee, and Bayou Lafourche and extending from Morganza, Louisiana, to the Gulf of Mexico, insofar as such area is affected by the flood waters of the Mississippi River.

(Pub. L. 102-580, title III, §301, Oct. 31, 1992, 106 Stat. 4838.)

REFERENCES IN TEXT

Act of June 29, 1879 (33 U.S.C. 641), referred to in text, probably means the act of June 28, 1879, ch. 43, 21 Stat. 37, which enacted sections 641 to 644, 646, and 647 of this title.

§ 653a. Extension of jurisdiction of Mississippi River Commission

The jurisdiction of the Mississippi River Commission, established by section 641 of this title, is extended to include—

- (1) all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico;
- (2) Alexander County, Illinois; and
- (3) the area in the State of Illinois from the confluence of the Mississippi and Ohio Rivers northward to the vicinity of Mississippi River mile 39.5, including the Len Small Drainage and Levee District, insofar as such area is affected by the flood waters of the Mississippi River.

(Pub. L. 104-303, title V, §517, Oct. 12, 1996, 110 Stat. 3764.)

¹ See References in Text note below.

CHAPTER 14—CALIFORNIA DEBRIS COMMISSION

- Sec. 661. Creation of commission; appointment of members; vacancies; powers generally.
- 662. Organization; compensation of members; rules and regulations of procedure; traveling expenses.
- 663. Territorial jurisdiction over hydraulic mining; hydraulic mining injurious to navigation prohibited.
- 664. General duties as to plans for protection of navigation.
- 665. Survey for debris reservoirs; study of methods of mines and mining.
- 666. Noting conditions of navigable channels.
- 667. Annual reports.
- 668. "Hydraulic mining" and "mining by hydraulic process" defined.
- 669. Petition by hydraulic miners.
- 670. Surrender to United States of right to regulate debris of mine.
- 671. Petition for common dumping ground, etc.
- 672. Notice of petition for dumping grounds, etc.; hearing.
- 673. Order by commission directing method of mining, etc.; expenses of complying with order; exemption from mining taxes.
- 674. Plans for and supervision of work required by order; permit to commence mining.
- 675. Conditions precedent for commencement of mining operations.
- 676. Allotment of expenses for common dumping grounds; location of impounding works.
- 677. Limitation as to quantity of debris washed away.
- 678. Modification and revocation of permit to mine.
- 679. Violation of permit to mine; penalty.
- 680. Examination of mines; reports.
- 681. Repealed.
- 682. Malicious injury to works; injury to navigable waters by hydraulic mining; penalty.
- 683. Tax on operation of hydraulic mines; "debris fund"; advances by mine owners; storage for water and use of outlet facilities.
- 684. Cooperation by commission with State authorities.
- 685. Construction by commission of restraining works, etc.; use of debris fund.
- 686. Construction of restraining works in conjunction with State.
- 687. Use of State dredge and appliances in river and harbor improvements.

§ 661. Creation of commission; appointment of members; vacancies; powers generally

A commission is created, to be known as the California Debris Commission, consisting of three members. The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from officers of the Corps of Engineers, United States Army. Vacancies occurring therein shall be filled in like manner. It shall have the authority, and exercise the powers set forth in sections 662 to 685 of this title, under the supervision of the Chief of Engineers and direction of the Secretary of the Army.

(Mar. 1, 1893, ch. 183, §1, 27 Stat. 507; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

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.

ABOLITION OF CALIFORNIA DEBRIS COMMISSION

Pub. L. 99-662, title XI, §1106, Nov. 17, 1986, 100 Stat. 4229, provided that:

"(a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

"(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary [meaning Secretary of the Army, see 33 U.S.C. 2201].

"(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950 [see 31 U.S.C. 1531], are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

"(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures."

§ 662. Organization; compensation of members; rules and regulations of procedure; traveling expenses

Said commission shall organize by the selection of such officers as may be required in the performance of its duties the same to be selected from the members thereof. The members of said commission shall receive no greater compensation than is now allowed by law to each, respectively, as an officer of said Corps of Engineers. It shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations and prescribe the method of procedure under the provisions of this chapter. While traveling on duty the officers of the commission shall receive the mileage allowed by law.

(Mar. 1, 1893, ch. 183, §2, 27 Stat. 507; June 6, 1900, ch. 791, §1, 31 Stat. 631.)

CODIFICATION

The last sentence of this section is from a provision accompanying an appropriation for the expenses of the Commission in the Sundry Civil Appropriation Act for 1901, which originally read as follows: "So much of the Act of March third, eighteen hundred and ninety-nine, as provides that the members of the California Debris Commission shall receive only actual expenses in lieu of mileage while traveling on duty is hereby repealed, and hereafter the officers of the commission shall receive the mileage allowed by law."