

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.

§ 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Secretaries of War, Navy, and Interior to be in writing and filed in the returns office of the Interior Department, was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.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. 641. Creation of Mississippi River Commission.
- 642. Appointment of commissioners; vacancies; chairman; tenure of office.
- 642a. Rank, pay, and allowances of Corps of Engineers officers serving as President of Mississippi River Commission.
- 643. Omitted.
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- 645. Repealed.
- 646. Headquarters and meetings of commission.
- 647. Mississippi River survey.
- 648. Arkansas River; levee and bank protection.
- 649. Vicksburg Harbor and Ohio River below Cache River.
- 650. Mississippi River below Rock Island; levee and bank protection.
- 651. Tributaries of Mississippi River below Cairo; levee and bank protection.
- 652. Upper Mississippi River Management.
 - (a) Short title; Congressional declaration of intent.
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 - (c) Congressional approval of Master Plan.
 - (d) Cooperative effort and mutual assistance among States.
 - (e) Program authority.
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 - (g) Increases in lock capacity.
 - (h) Monitoring of traffic movements.
 - (i) Disposal of dredged material.
 - (j) Construction of second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri.
- 653. Extension of jurisdiction of Mississippi River Commission.
- 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.