

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 examinations of localities under investigation: *Provided further*, That the salary of the civilian members shall be paid by their respective States, but the traveling and other necessary expenses connected with their duties on the board shall be paid in accordance with the law and regulations governing the payment of such expenses to civilian employees of the Engineer Department. (July 3, 1930, c. 847, § 2, 46 Stat. 945.)

OIL POLLUTION OF COASTAL WATERS

★ 431. Short title; "Oil Pollution Act."—

"chapter" in line 1 of this section should read "subchapter."

POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA

★ 461. Deposit in river, etc., of materials generally.—

This section relates to the District of Columbia and should probably be omitted from this Code.

★ 462. Deposit of offal.—

This section relates to the District of Columbia and should probably be omitted from this Code.

★ 463. Penalty for violation of preceding sections.—

This section relates to the District of Columbia and should probably be omitted from this Code.

NAVIGABLE WATERS OF MARYLAND

465. Authority to dredge; riparian rights of United States.—

Subject to the provisions of section 403 of this title authority is granted to dredge, without cost to the United States, in the navigable waters of the United States included within the State of Maryland and outside the limits of projects for improvement of navigation facilities approved by Congress, regardless of rights accruing to the United States as riparian owner under the laws of the State of Maryland: *Provided*, That in the opinion of the Chief of Engineers such dredging will improve facilities for navigation. (July 3, 1930, c. 847, § 12, 46 Stat. 949.)

Chapter 11.—BRIDGES OVER NAVIGABLE WATERS.

Section 498a. Application of sections 491 to 497 to bridges authorized prior to June 10, 1930.—In the case of bridges heretofore authorized by Acts of Congress specifically reserving to Congress the right to subsequently regulate tolls on such bridges, such bridges shall, in respect of the regulation of all tolls, be subject to the provisions of sections 491 to 497 of this title. (June 10, 1930, c. 441, § 17, 46 Stat. 552.)

The Act cited to the text was entitled "An Act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States."

Sections 1 to 16 of said act are local.

Section 18 of the Act cited to the text (46 Stat. 552) provided as follows: "The right to alter, amend, or repeal this Act [this section] is hereby expressly reserved."

498b. Application of sections 491 to 497 to bridges authorized prior to March 23, 1906.—Any bridge authorized, prior to March 23, 1906, by Act of Congress specifically reserving to Congress the right to alter, amend, or repeal such Act, shall, in respect of the regulation of all tolls, be subject to the provisions of sections 491 to 497 of this title. (June 27, 1930, c. 640, § 1, 46 Stat. 821.)

The Act cited to the text was entitled "An Act to provide for the regulation of tolls over certain bridges."

Section 2 of said Act (46 Stat. 821) provided as follows: "The right to alter, amend, or repeal this Act [this section] is hereby expressly reserved."

502. Criminal liability for failure to alter bridge obstructing navigation.—

The proviso in this section is affected by § 345 of Title 28.

The provisions of this section are made applicable to the Virgin Islands by section 1399 of Title 48.

Chapter 12.—RIVER AND HARBOR IMPROVEMENTS GENERALLY.

GENERAL PROVISIONS

Section 541. Board of Engineers for Rivers and Harbors; establishment; duties and powers generally.—* * * may be deemed desirable. As used in this section the term "commerce" shall include the use of waterways by seasonal passenger craft, yachts, house boats, fishing boats, motor boats, and other similar water craft, whether or not operated for hire. (As amended Feb. 10, 1932, c. 26, 47 Stat. 42.)

* * * * *

The amendment added the sentence set out in the text at the end of the first paragraph of the section.

★ 548. Reports on discontinuance or curtailment of projects.—

The War Department recommends the omission of this section from the Code as fully executed.

552. Reports as to employment of civil engineers.—[Repealed.]

This section was repealed by Act May 29, 1928, c. 901, § 1, 45 Stat. 986, 988, entitled "An Act to discontinue certain reports now required by law to be made to Congress," which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * * 28. Report of the name and place of residence of each civilian engineer employed in the work of improving rivers and harbors, time employed, compensation paid, and place at and work on which employed. (Statutes at Large, volume 24, page 335; title 33, section 552, United States Code.)"

★ 556. Printing reports generally.—

The War Department recommends the omission of the first paragraph of this section from the Code as superseded by § 108 of Title 5.

569. Personal equipment for employees; use of funds for purpose.—Funds heretofore or hereafter appropriated for rivers and harbors to be expended under the supervision of the Secretary of War shall be available for expenditure in the purchase of such personal equipment for employees as in the opinion of the Chief of Engineers are essential for the efficient prosecution of the works. (Jan. 21, 1927, c. 47, § 5 (b), 44 Stat. 1021.)

The Act cited to the text was entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

569a. Public hearings; expert assistance; stenographic assistance; authority of Chief of Engineers.—The Chief of Engineers is authorized to engage under agreement, when deemed necessary, expert assistance in the various arts and sciences, including expert stenographic assistance for reporting the proceedings of public hearings held in connection with preliminary examinations, surveys, or improvements of rivers and harbors, upon terms and rates of compensation for services and incidental expenses in excess of the maximum of the salaries authorized by chapter 13 of Title 5; and all agreements heretofore entered into for such purposes are validated to the amount of the current rates charged for such services. (July 3, 1930, c. 847, § 6, 46 Stat. 942.)

TRAVELING EXPENSES AND SUBSISTENCE

584. Expenses incident to transportation of household effects of civilian employees.—Actual expenses heretofore and hereafter incurred by civilian employees on river and harbor works for packing, crating, hauling, and transporting household

effects, within the weight limits as prescribed in Army Regulations, when making permanent change of station under competent orders, may, on approval of the Chief of Engineers, be paid or reimbursed from funds pertaining to river and harbor works. (Jan. 21, 1927, c. 47, § 5 (d), 45 Stat. 1021.)

For title of Act see § 569.

584a. Travel expenses of civilian employees on river and harbor works; available funds for payment.—Actual expenses incurred by civilian employees on river and harbor works for travel when making permanent change of station under competent orders, may, on approval of the Chief of Engineers, be paid or reimbursed from funds pertaining to river and harbor works. (July 3, 1930, c. 817, § 6, 46 Stat. 918.)

PARTICULAR WORK OR IMPROVEMENTS

603. Removal of snags, etc., from tributaries.—The Chief of Engineers, in his discretion, and after approval by the Secretary of War, is authorized to make preliminary examinations and minor surveys preliminary thereto and to remove snags and other temporary or readily removable obstructions from tributaries of waterways already under Federal improvement or in general use by navigation, to be paid from funds allotted to the adjoining waterways: *Provided*, That the cost of such work in any single year shall not exceed \$1,000 per tributary. (As amended July 3, 1930, c. 817, § 3, 46 Stat. 916.)

607a. Same; appropriations; separate project.—Direct allotments from appropriations for maintenance and improvement of existing river and harbor works or other available appropriation may be made by the Secretary of War for the collection and removal of drift in New York Harbor and its tributary waters, and this work shall be carried as a separate and distinct project. (July 3, 1930, c. 817, § 6, 46 Stat. 917.)

PROSECUTION OF WORK GENERALLY

★ **625. Combining several projects in one contract.**—

"100 of chapter 1 of Title 40, PUBLIC BUILDINGS, PROPERTY AND WORKS," should read "9 of Title 41, PUBLIC CONTRACTS."

★ **632. Written contracts; application of section 16 of Title 41 to contracts relating to river and harbor improvements.**—

The requirements of section 16 of Title 41 shall not apply to the lease of lands, or easements therein, or of buildings, rooms, wharves, or rights of wharfage or dockage, or to the hire of vessels, boats, and other floating craft, for use in connection with river and harbor improvements, where the period of any such lease or hire is not to exceed three months. (June 25, 1910, c. 382, § 5, 36 Stat. 676.)

This section omitted from the Code appears to be still in force.

Chapter 13.—MISSISSIPPI RIVER COMMISSION.

Section 642. Appointment of commissioners; vacancies; chairman; tenure of office.—

This section is affected by § 702h of this title.

★ **643. Compensation of commissioners.**—

This section is affected by a proviso in Act June 25, 1910, c. 382, § 1, 36 Stat. 658, which reads as follows:

"That from and after the date of the approval of this Act [June 25, 1910] the member of said commission appointed from the Coast and Geodetic Survey shall receive the same annual compensation as other civilian members of said commission, and the excess of said compensation over and above the compensation he receives from the Coast and Geodetic Survey shall be paid from the funds of said commission."

This section may be further affected by §§ 661 to 674 of Title 5.

The compensation of members of the Mississippi River Commission is changed by § 702h of this title.

Chapter 14.—CALIFORNIA DÉBRIS COMMISSION.

★ **Section 662. Organization; compensation of members; rules and regulations of procedure.**—

The War Department recommends the omission of this section from the Code as superseded by § 601 of this title.

Chapter 15.—FLOOD CONTROL.

Section 702. Mississippi River.—

Paragraph (b) of this section is temporarily affected by a provision in the War Department Appropriation Act of Mar. 23, 1928, c. 232, Title II, 45 Stat. 359, as follows: "The provisions of the Flood Control Act approved March 1, 1917, in so far as they forbid expenditures by the Mississippi River Commission for levee work unless local interests contribute one-third the cost thereof, shall not apply to emergency levee work done, or to be done, on account of the flood of 1927."

702a. Mississippi River; adoption of 1927 project; execution; creation of board; scope of authority; appropriation.—The project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Missouri, in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document Numbered 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and he paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 702h of this title. Such surveys shall be made between Baton Rouge, Louisiana, and Cape Girardeau, Missouri, as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees, before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided*, That all diversion works and outlets constructed under the provisions of sections 702a to 702m, or 704 of this title shall be built in a manner and of a character which will fully and amply protect the adjacent lands: *Provided further*, That pending completion of any floodway, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said floodway, but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

All unexpended balances of appropriations heretofore made for prosecuting work of flood control on the Mississippi River in accordance with the provisions of section 702 of this title, are hereby made available for expenditure under the provisions of sections 702a to 702m of this title. (May 15, 1928, c. 509, § 1, 45 Stat. 534.)

The Act cited to the text was entitled "An Act for the control of floods on the Mississippi River and its tributaries, and for other purposes."