

tion 16 of Title 41, 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. Said 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Secretaries of War, Navy, and Interior to be in writing and filed in the returns office of the Interior Department, was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.

Chapter 13.—MISSISSIPPI RIVER COMMISSION

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§ 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.)

§ 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 Coast and Geodetic 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, 642, 644, 646, and 647 of this title shall remain in office subject to removal by the President of the United States. (June 28, 1879, ch. 43, § 2, 21 Stat. 37.)

CROSS REFERENCES

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

§ 643. Compensation of commissioners.

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, is now covered by section 702h of this title.

§ 644. Secretary of commission.

The Secretary of War 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.)

§ 645. Traveling expenses of civilian members of commission and of Assistant Engineer of Board of Engineers for Rivers and Harbors.

The traveling expenses of the civilian members of the Mississippi River Commission, and of the Assistant

Engineer of the Board of Engineers for Rivers and Harbors, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said commission and of said board. (July 25, 1912, ch. 253, § 1, 37 Stat. 218.)

CROSS REFERENCES

Per diem in lieu of expenses allowed government officers and employees away on official business, see section 823 of Title 5, Executive Departments, and Government Officers and Employees.

§ 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 War, and the meetings of the commission except such as are held on Government boats during the time of the semiannual 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; Feb. 18, 1901, ch. 377, 31 Stat. 793.)

§ 647. Mississippi River survey; detail of assistants; vessels and 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 hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this chapter. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War 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 Coast and Geodetic 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 War, 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 War 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, 642, 644, 646, and 647 of this title, prepare and submit to the Secretary of War, 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, 1870, ch. 43, §§ 3-5, 21 Stat. 37, 38; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826.)

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 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.

§ 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 War, 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.)

§ 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.)

§ 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 War, 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.)

§ 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.)

Chapter 14.—CALIFORNIA DÉBRIS COMMISSION

Sec.

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