

neers is excluded from use by the Department of Defense, including the Department of the Army, for any mission of the Department of Defense other than a mission specified in subsection (a). (Pub. L. 114-322, title I, §1124, Dec. 16, 2016, 130 Stat. 1647.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 331 of the FAA Modernization and Reform Act of 2012, referred to in subsec. (a)(1), is section 331 of Pub. L. 112-95, which was set out in a note under section 40101 of Title 49, Transportation, and was transferred and is now set out in a note under section 44802 of Title 49.

#### Statutory Notes and Related Subsidiaries

##### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of Pub. L. 114-322, set out as a note under section 2201 of this title.

### § 577. Small river and harbor improvement projects

#### (a) Allotment from appropriations for construction

The Secretary of the Army is authorized to allot from any appropriations hereafter made for rivers and harbors not to exceed \$62,500,000 for any one fiscal year for the construction of small river and harbor improvement projects not specifically authorized by Congress which will result in substantial benefits to navigation and which can be operated consistently with appropriate and economic use of the waters of the Nation for other purposes, when in the opinion of the Chief of Engineers such work is advisable, if benefits are in excess of the cost.

#### (b) Limitation on allotment

Not more than \$15,000,000 shall be allotted for the construction of a project under this section at any single locality and the amount allotted shall be sufficient to complete the Federal participation in the project under this section.

#### (c) Lands, easements, and rights-of-way; indemnification; assurances of local cooperation

Local interests shall provide without cost to the United States all necessary lands, easements and rights-of-way for all projects to be constructed under the authority of this section. In addition, local interests may be required to hold and save the United States free from damages that may result from the construction and maintenance of the project and may be required to provide such additional local cooperation as the Chief of Engineers deems appropriate. A State, county, municipality or other responsible local entity shall give assurance satisfactory to the Chief of Engineers that such conditions of cooperation as are required will be accomplished.

#### (d) Sharing of costs by non-Federal interests

Non-Federal interests may be required to share in the cost of the project to the extent that the Chief of Engineers deems that such cost should not be borne by the Federal Government in view of the recreational or otherwise special or local nature of the project benefits.

#### (e) Completeness of project

Each project for which money is allotted under this section shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, other than routine maintenance, and except as may result from the normal procedure applying to projects authorized after submission of survey reports, and projects constructed under the authority of this section shall be considered as authorized projects.

#### (f) Low water access navigation channels from existing channel of Mississippi River

This section shall apply to, but not be limited to, the provision of low water access navigation channels from the existing channel of the Mississippi River to harbor areas heretofore or now established and located along the Mississippi River.

(Pub. L. 86-645, title I, §107, July 14, 1960, 74 Stat. 486; Pub. L. 89-298, title III, §310(a), Oct. 27, 1965, 79 Stat. 1095; Pub. L. 91-611, title I, §112(a), Dec. 31, 1970, 84 Stat. 1821; Pub. L. 94-587, §133(a), Oct. 22, 1976, 90 Stat. 2928; Pub. L. 99-662, title IX, §915(d), Nov. 17, 1986, 100 Stat. 4191; Pub. L. 110-114, title II, §2022, Nov. 8, 2007, 121 Stat. 1078; Pub. L. 113-121, title I, §1030(b), June 10, 2014, 128 Stat. 1231; Pub. L. 115-270, title I, §1157(b), Oct. 23, 2018, 132 Stat. 3794; Pub. L. 118-272, div. A, title I, §1107(d), Jan. 4, 2025, 138 Stat. 3004.)

#### Editorial Notes

##### AMENDMENTS

2025—Subsec. (b). Pub. L. 118-272 substituted “\$15,000,000” for “\$10,000,000”.  
 2018—Subsec. (a). Pub. L. 115-270 substituted “\$62,500,000” for “\$50,000,000”.  
 2014—Subsec. (a). Pub. L. 113-121, §1030(b)(1), substituted “\$50,000,000” for “\$35,000,000”.  
 Subsec. (b). Pub. L. 113-121, §1030(b)(2), substituted “\$10,000,000” for “\$7,000,000”.  
 2007—Subsec. (b). Pub. L. 110-114 substituted “\$7,000,000” for “\$4,000,000”.  
 1986—Subsec. (a). Pub. L. 99-662 substituted “\$35,000,000” for “\$25,000,000”.  
 Subsec. (b). Pub. L. 99-662 substituted “\$4,000,000” for “\$2,000,000”.  
 1976—Subsec. (b). Pub. L. 94-587 substituted “\$2,000,000” for “\$1,000,000”.  
 1970—Subsec. (a). Pub. L. 91-611 substituted “\$25,000,000” for “\$10,000,000”.  
 Subsec. (b). Pub. L. 91-611 substituted “\$1,000,000” for “\$500,000”.  
 1965—Subsec. (a). Pub. L. 89-298, §310(a)(1), substituted “\$10,000,000” for “\$2,000,000”.  
 Subsec. (b). Pub. L. 89-298, §310(a)(2), substituted “\$500,000” for “\$200,000”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-662 not applicable to any project under contract for construction on Nov. 17, 1986, see section 915(i) of Pub. L. 99-662, set out as a note under section 426g of this title.

##### EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-587, §133(c), Oct. 22, 1976, 90 Stat. 2928, provided that: “The amendments made by this section [amending this section and section 701s of this title] shall not apply to any project under contract for construction on the date of enactment of the Water Resources Development Act of 1976 [Oct. 22, 1976].”

## EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-611 not applicable to any project under contract for construction on Dec. 31, 1970, see section 112(c) of Pub. L. 91-611, set out as a note under section 426g of this title.

**§ 577a. Small-boat navigation projects; charter fishing craft**

The Chief of Engineers, for the purpose of determining Federal and non-Federal cost sharing, relating to proposed construction of small-boat navigation projects, shall consider charter fishing craft as commercial vessels.

(Pub. L. 91-611, title I, § 119, Dec. 31, 1970, 84 Stat. 1822.)

**§ 577b. Cost of operation and maintenance of general navigation features of small boat harbor projects; applicable projects**

The cost of operation and maintenance of the general navigation features of small boat harbor projects shall be borne by the United States. This section shall apply to any such project authorized (A) under section 201 of the Flood Control Act of 1965 [42 U.S.C. 1962d-5], (B) under section 107 of the River and Harbor Act of 1960 [33 U.S.C. 577], (C) between January 1, 1970, and December 31, 1970, under authority of this Act, and to projects heretofore authorized in accordance with the policy set forth in the preceding sentence and to such projects authorized in this Act or which are hereafter authorized.

(Pub. L. 91-611, title I, § 103, Dec. 31, 1970, 84 Stat. 1819; Pub. L. 93-251, § 6, Mar. 7, 1974, 88 Stat. 15.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 91-611, Dec. 31, 1970, 84 Stat. 1818. For complete classification of this Act to the Code, see Tables.

Hereafter, referred to in text, probably means after Dec. 31, 1970.

AMENDMENTS

1974—Pub. L. 93-251 amended section generally. Prior to amendment, section read as follows: “The costs of operation and maintenance of the general navigation features of small boat harbor projects authorized between January 1, 1970, and December 31, 1970, under the authority of this Act, section 201 of the Flood Control Act of 1965 [42 U.S.C. 1962d-5], or section 107 of the River and Harbor Act of 1960 [33 U.S.C. 577], shall be borne by the United States.”

**§ 578. Disposal of surplus property for development of public port or industrial facilities**

**(a) Conveyance by Secretary of the Army**

Whenever the Secretary of the Army, upon the recommendation of the Chief of Engineers, determines that notwithstanding the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, with respect to disposal of surplus real property, (1) the development of public port or industrial facilities on land which is part of a water resource development project under his jurisdiction will be in the public interest; (2) that such development will not interfere with the operation and main-

tenance of the project; and (3) that disposition of the property for these purposes under this section will serve the objectives of the project within which the land is located, he may convey the land by quitclaim deed to a State, political subdivision thereof, port district, port authority, or other body created by the State or through a compact between two or more States for the purpose of developing or encouraging the development of such facilities. In any case, where two or more political subdivisions thereof, or bodies created by, a State or group of States, seek to obtain the same land, the Secretary of the Army shall give preference to that political subdivision or body whose intended use of land will, in his opinion, best promote the purposes for which the project involved was authorized.

**(b) Purchase price; conditions, reservations or restrictions**

Any conveyance authorized by this section shall be made at the fair market value of the land, as determined by the Secretary of the Army, upon condition that the property shall be used for one of the purposes stated in the subsection (a) of this section only, and subject to such other conditions, reservations or restrictions as the Secretary may determine to be necessary for the development, maintenance, or operation of the project or otherwise in the public interest.

**(c) Notice of proposed conveyance**

Prior to the conveyance of any land under the provisions of this section, the Secretary of the Army shall, in the manner he deems reasonable, give public notice of the proposed conveyance and afford an opportunity to interested eligible bodies in the general vicinity of the land to apply for its purchase.

**(d) Delegation of authority**

The Secretary of the Army may delegate any authority conferred upon him by this section to any officer or employee of the Department of the Army. Any such officer or employee shall exercise the authority so delegated under rules and regulations approved by the Secretary.

**(e) Deposit of proceeds**

The proceeds from any conveyance made under the provisions of this section shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 86-645, title I, § 108, July 14, 1960, 74 Stat. 486.)

**Editorial Notes**

CODIFICATION

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.