

eral interest before January 4, 2025, may be amended to reflect the requirements of this section.

(Pub. L. 118-272, div. A, title I, §1104, Jan. 4, 2025, 138 Stat. 3000.)

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of div. A of Pub. L. 118-272, set out as a note under section 2201 of this title.

§ 598c. Easements for hurricane and storm damage reduction projects

(a) In general

With respect to a project for hurricane and storm damage reduction for which the Secretary is requiring a perpetual easement, the Secretary shall, upon request by the non-Federal interest for the project, certify real estate availability and proceed to construction of such project with a nonperpetual easement if—

(1) such certification and construction are in compliance with the terms of the report of the Chief of Engineers for the project and the applicable project partnership agreement; and

(2) the Secretary provides the non-Federal interest with formal notice that, in the event in which the nonperpetual easement expires and is not extended, the Secretary will be unable to—

(A) fulfill the Federal responsibility with respect to the project or carry out any required nourishment of the project under the existing project authorization;

(B) carry out repair and rehabilitation of the project under section 701n of this title; and

(C) provide any other relevant Federal assistance with respect to the project.

(b) Disclosure

For any project for hurricane storm damage risk reduction, or a proposal to modify such a project, that is authorized after January 4, 2025, for which a perpetual easement is required for Federal participation in the project, the Secretary shall include in the report of the Chief of Engineers for the project a disclosure of such requirement.

(c) Management

To the maximum extent practicable, the Secretary shall, at the request of the non-Federal interest for a project for hurricane storm damage risk reduction, identify and accept the minimum real estate interests necessary to carry out the project, in accordance with section 598b of this title.

(d) Hurricane and storm damage reduction project implementation

(1) In general

During the 2-year period beginning on January 4, 2025, notwithstanding any requirement of the Secretary for a covered project to comply with the memorandum of the Corps of Engineers entitled “Standard Estates – Perpetual Beach Nourishment and Perpetual Restrictive Dune Easement” and dated August 4, 1995, the

Secretary shall carry out each covered project in a manner consistent with the previously completed initial construction and periodic nourishments of the project, including repair and restoration work on the project under section 701n(a) of this title.

(2) Covered project defined

In this subsection, the term “covered project” means an authorized project for hurricane and storm damage reduction in any one of the following locations:

(A) Brevard County, Canaveral Harbor, Florida – Mid Reach.

(B) Brevard County, Canaveral Harbor, Florida – North Reach.

(C) Brevard County, Canaveral Harbor, Florida – South Reach.

(D) Broward County, Florida – Segment II.

(E) Broward County, Florida – Segment III.

(F) Dade County, Florida – Main Segment.

(G) Dade County, Florida – Sunny Isles Segment.

(H) Duval County, Florida.

(I) Fort Pierce Beach, Florida.

(J) Lee County, Florida – Captiva.

(K) Lee County, Florida – Gasparilla.

(L) Manatee County, Florida.

(M) Martin County, Florida.

(N) Nassau County, Florida.

(O) Palm Beach County, Florida – Jupiter/Carlin Segment.

(P) Palm Beach County, Florida – Delray Segment.

(Q) Palm Beach County, Florida – Mid Town.

(R) Palm Beach County, Florida – North Boca.

(S) Palm Beach County, Florida – Ocean Ridge.

(T) Panama City Beaches, Florida.

(U) Pinellas County, Florida – Long Key.

(V) Pinellas County, Florida – Sand Key Segment.

(W) Pinellas County, Florida – Treasure Island.

(X) Sarasota, Lido Key, Florida.

(Y) Sarasota County, Florida – Venice Beach.

(Z) St. Johns County, Florida – St. Augustine Beach.

(AA) St. Johns County, Florida – Vilano Segment.

(BB) St. Lucie County, Florida – Hutchinson Island.

(3) Sense of Congress

It is the sense of Congress that, for the purpose of constructing and maintaining a project for hurricane and storm damage risk reduction, the minimum estate necessary for easements may not exceed the life of the project nor be less than 50 years.

(e) Savings clause

Nothing in this section may be construed to affect the requirements of section 2213(d) of this title.

(Pub. L. 118-272, div. A, title I, §1145, Jan. 4, 2025, 138 Stat. 3035.)

Statutory Notes and Related Subsidiaries

"SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 1002 of div. A of Pub. L. 118-272, set out as a note under section 2201 of this title.

SUBCHAPTER IV—PARTICULAR WORK OR IMPROVEMENTS

§ 601. Mississippi River; regulation of reservoirs at headwaters

It shall be the duty of the Secretary of the Army to prescribe such rules and regulations in respect to the use and administration of the reservoirs at the headwaters of the Mississippi River as in his judgment the public interest and necessity may require; which rules and regulations shall be posted in some conspicuous place or places for the information of the public. And any person knowingly and willfully violating such rules and regulations shall be liable to a fine not exceeding \$500, or imprisonment, not exceeding six months, the same to be enforced by prosecution in any district court of the United States within whose territorial jurisdiction such offense may have been committed. And the Secretary of the Army shall cause such gaugings to be made at or near Saint Paul during the annual operation of said reservoirs as shall determine accurately the discharge at that point, the cost of same to be paid out of the annual appropriation for gauging the waters of the Mississippi River and its tributaries.

(Aug. 11, 1888, ch. 860, §1, 25 Stat. 419; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

Editorial Notes

CODIFICATION

Section is from act Aug. 11, 1888, the River and Harbor Appropriation Act of 1888.

In the original text the words "said reservoirs" appeared instead of "reservoirs at the headwaters of the Mississippi river." The provision from which this section is derived, however, followed an appropriation "for continuing operations upon the reservoirs at the headwaters of the Mississippi river."

Statutory Notes and Related Subsidiaries

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.

§ 602. Maintenance of channel of South Pass of Mississippi River

Upon the termination of the contract entered into with the late James B. Eads for the maintenance of the channel through the South Pass of the Mississippi River, the Secretary of the Army is directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass

Channel; and for that purpose he is authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year \$100,000. For that purpose any available Government dredge may be used.

For the purpose of securing the uninterrupted examinations and surveys of the South Pass of the Mississippi River, the Secretary of the Army, upon the application of the Chief of Engineers, is authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the sum of \$10,000.

(Aug. 11, 1888, ch. 860, §§1, 4, 25 Stat. 422, 424; June 6, 1900, ch. 790, §3, 31 Stat. 584; June 13, 1902, ch. 1079, §1, 32 Stat. 340; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Aug. 30, 1954, ch. 1076, §1(15), 68 Stat. 967.)

Editorial Notes

CODIFICATION

Except for the last sentence, the first paragraph of this section was from a part of section 3 of act June 6, 1900. The omitted portion of the original text authorized the Secretary of War, in his discretion, to terminate the contract with James B. Eads and provided that the Secretary of War should take charge of the channel "in case of the termination of said contract, by virtue of the provisions hereof or by expiration of said contract."

The last sentence of the first paragraph of this section was from a provision of section 1 of act June 13, 1902. Further provisions of the original text, for the purchase of lands and buildings on either side of the South Pass, were temporary merely and are omitted. The original text provided for the use of "the dredge boat Beta, or any other available government dredge."

The second paragraph of this section was from section 4 of act Aug. 11, 1888. In the original text, following the words "Mississippi river," the following words appeared: "As provided for in the Act of Mar. third, eighteen hundred and seventy-five."

The words "the sum of \$10,000," are substituted for "the amount appropriated in this act for such purpose." \$10,000 was the amount appropriated for such purpose by section 1 of act June 13, 1902.

Act Mar. 3, 1875, ch. 134, mentioned in the original text, provided in section 4 et seq., 18 Stat. 463 to 466, for a contract with James B. Eads and others to construct jetties, etc., to maintain the channel at the South Pass.

The provisions of that act and of act Aug. 11, 1888, with regard to examinations and surveys at the South Pass, remained in force notwithstanding the termination of said contract, by a provision of act June 13, 1902.

AMENDMENTS

1954—Act Aug. 30, 1954, repealed proviso requiring that an itemized statement of expenses incurred for maintenance of the channel through, and securing uninterrupted examinations and surveys of, the South Pass of the Mississippi River, as provided in this section, should accompany the annual report of the Chief of Engineers.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Sec-