



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

16 JAN 1991

REPLY TO
ATTENTION OF:

CECW-ON

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS

SUBJECT: Contributions of Non-Federal Funds

1. This letter provides information and guidance concerning the acceptance of non-Federal funds.
2. USC Title 33, Chapter 15, Section 701h, Contributions by States and Political Subdivisions, authorizes the Secretary of the Army to receive funds from States and political subdivisions to be expended in connection with Federal funds for any authorized flood control work whenever such work is considered by the Secretary, on recommendation by the Chief of Engineers, as advantageous in the public interest. Such donations may be used for natural resources management work at Civil Works projects authorized for flood control.
3. USC Title 33, Chapter 12, Section 560, Contributions from Private Parties, authorizes the Secretary to receive funds from private parties, as well as states and political subdivisions, to be expended in connection with Federal funds for any authorized work of public improvement of rivers and harbors whenever such work is considered advantageous to the interests of navigation. Such donations may be used for natural resources management work at Civil Works projects authorized for navigation.
4. Approval of monetary donations must be obtained at the Division Level. A copy of this legislation is enclosed for reference. Thorough review and understanding of this material is advised prior to initiating any action to receive monetary donations. This legislation allows only for the acceptance of funds, not materials, supplies, or equipment.
5. Recently, under section 701h, the South Pacific Division accepted a grant of \$649,000 from the State of California for the rehabilitation of existing boating facilities at Englebright Lake and Lake Mendocino.

CECW-ON

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6. Divisions are encouraged to use this legislation to aid in operating and maintaining the natural resources management programs at our water resources development projects.

FOR THE DIRECTOR OF CIVIL WORKS:

Encl



JOHN P. ELMORE
Chief, Operations, Construction and
Readiness Division
Directorate of Civil Works

thority pursuant to the terms of the Tennessee Valley Authority Act [16 U.S.C. 831 et seq.]. (June 20, 1938, ch. 535, § 10, 52 Stat. 808.)

REFERENCES IN TEXT

The Tennessee Valley Authority Act, referred to in text, is act May 18, 1933, ch. 32, 48 Stat. 58, as amended, known as the Tennessee Valley Authority Act of 1933, which is classified generally to chapter 12A (§ 831 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see section 831 of Title 16 and Tables.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was 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 the Department of the Army under the administrative supervision of a Secretary of the Army.

§ 559. Disposition of rentals for Government plants

Amounts paid after August 8, 1917, by private parties or other agencies for rental of plant owned by the Government in connection with the prosecution of river and harbor works shall be deposited in each case to the credit of the appropriation to which the plant belongs.

(Aug. 8, 1917, ch. 49, § 13, 40 Stat. 268.)

CODIFICATION

Section is from act Aug. 8, 1917, popularly known as the Rivers and Harbors Appropriation Act of 1917.

§ 560. Contributions from private parties; return of excess

The Secretary of the Army is authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation: *Provided*, That when contributions heretofore or hereafter made by local interests for river and harbor improvements, in accordance with specific requirements or under general authority of Congress, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of the Army, be returned to the proper representatives of the contributing interests, unless the provision of law under which the contribution is made requires that the entire contribution be retained by the United States.

(Mar. 4, 1915, ch. 142, § 4, 38 Stat. 1053.)

CODIFICATION

Section is from act Mar. 4, 1915, popularly known as the Rivers and Harbors Appropriation Act of 1915.

PRIOR PROVISIONS

Section superseded act Mar. 4, 1913, ch. 144, § 8, 37 Stat. 827, which read as follows: "The Secretary of War is hereby authorized to receive from private par-

ties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors, whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation."

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CROSS REFERENCES

Classification as trust funds, appropriation and disbursement of funds contributed for improvement of rivers and harbors, see section 1321 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 561 of this title.

§ 561. Advances by private parties; repayment

Whenever local interests shall offer to advance funds for the prosecution of a work of river and harbor improvement duly adopted and authorized by law the Secretary of the Army may, in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of the Army is authorized and directed to repay without interest, from appropriations which may be provided by Congress for river and harbor improvements, the moneys so contributed and expended: *Provided*, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, nor under the authority of section 560 of this title shall be made.

(Mar. 3, 1925, ch. 467, § 11, 43 Stat. 1197.)

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CROSS REFERENCES

Classification as trust funds, appropriation and disbursement of funds advanced for improvement of rivers and harbors, see section 1321 of Title 31, Money and Finance.

§ 561a. Contributions from local interests; reduction to meet lowered cost

When the authorization of a project of river and harbor improvement requires that local interests shall contribute a specific sum of money toward its cost, the Secretary of the Army upon the recommendation of the Chief of Engi-

advisable in the interest of flood control: *Provided*, That not more than \$500,000 shall be expended for this purpose for any single tributary from the appropriations for any one fiscal year.

(Aug. 28, 1937, ch. 877, § 2, 50 Stat. 877; Aug. 11, 1939, ch. 699, § 1, 53 Stat. 1414; Aug. 18, 1941, ch. 377, § 9, 55 Stat. 650; July 24, 1946, ch. 596, § 13, 60 Stat. 652; Sept. 3, 1954, ch. 1264, title II, § 208, 68 Stat. 1266; Mar. 7, 1974, Pub. L. 93-251, title I, § 26, 88 Stat. 20; Nov. 17, 1986, Pub. L. 99-662, title IX, § 915(b), 100 Stat. 4191.)

AMENDMENTS

1986—Pub. L. 99-662 substituted "\$7,500,000" for "\$5,000,000" and "\$500,000" for "\$250,000".

1974—Pub. L. 93-251 substituted "\$5,000,000" for "\$2,000,000" and "\$250,000" for "\$100,000".

1954—Act Sept. 3, 1954, substituted "\$2,000,000" for "\$1,000,000" and "\$100,000" for "\$50,000".

1946—Act July 24, 1946, substituted "\$1,000,000" for "\$500,000" and "\$50,000" for "\$25,000".

1941—Act Aug. 18, 1941, substituted "\$500,000" for "\$300,000".

1939—Act Aug. 11, 1939, authorized Secretary to allot instead of to approve amount for flood control and limited amount allotted instead of expended for any single tributary.

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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.

CROSS REFERENCES

River and harbor improvements, removal of snags and debris, see section 603a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701b-4, 702a-12, 2282, 2290 of this title.

§ 701h. Contributions by States and political subdivisions

The Secretary of the Army is authorized to receive from States and political subdivisions thereof, such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized flood control work whenever such work and expenditure may be considered by the Secretary of the Army, on recommendation of the Chief of Engineers, as advantageous in the public interest, and the plans for any reservoir project may, in the discretion of the Secretary of the Army, on recommendation of the Chief of Engineers, be modified to provide additional storage capacity for domestic water supply or other conservation storage, on condition that the cost of such increased storage capacity is contributed by local agencies and that the local agencies agree to utilize such additional storage

capacity in a manner consistent with Federal uses and purposes: *Provided*, That when contributions made by States and political subdivisions thereof, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of the Army, be returned to the proper representatives of the contributing interests.

(June 22, 1936, ch. 688, § 5, as added July 19, 1937, ch. 511, § 1, 50 Stat. 518.)

CODIFICATION

Provisions of section 5 of act June 22, 1936, authorizing enumerated works of improvement were not classified to the Code.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 701b-2, 701b-7, 701c-1, 701e, 701h-1 of this title.

§ 701h-1. Contributions by States and political subdivisions for immediate use on authorized flood-control work; repayment

Whenever any State or political subdivision thereof shall offer to advance funds for a flood-control project duly adopted and authorized by law the Secretary of the Army may in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of the Army is authorized and directed to repay without interest, from appropriations which may be provided by Congress for flood-control work, the moneys so contributed and expended: *Provided, however*, That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 701h of this title, shall be made.

(Oct. 15, 1940, ch. 884, 54 Stat. 1176.)

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§ 701i. Elimination from protection of areas subject to evacuation

In any case where the construction cost of levees or flood walls included in any authorized project can be substantially reduced by the eva-