

Editorial Notes**CODIFICATION**

When originally enacted, section 5 of act June 22, 1936, which consisted of a paragraph (including a proviso) authorizing works of improvement followed by numerous headings and paragraphs describing those authorized works, was not classified to the Code. Act July 19, 1937, amended section 5 of act June 22, 1936, by inserting two additional provisos at the end of the first paragraph. The provisos inserted by the 1937 Act, as amended, form the sole basis for the text appearing in this section, with minor editorial changes to the introductory language of the provisos. Subsequent amendments to section 5 of act June 22, 1936, have generally been directed to the text of section 5 as it has appeared in the Code and have not taken into account the portion of that section that has never been set out. Those amendments have been executed as directed, to reflect the probable intent of Congress, and amendment notes below reflect such execution without further comment.

AMENDMENTS

2018—Pub. L. 115-270 inserted “*Provided further*, That the Secretary is authorized to receive and expend funds from an owner of a non-Federal reservoir to formulate, review, or revise operational documents for any non-Federal reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood control or navigation pursuant to section 709 of this title:” after “authorized purposes of the project:”.

2014—Pub. L. 113-121, § 1015(a)(4), substituted “: *Provided further*, That the term ‘non-Federal interest’ has the meaning given that term in section 1962d-5b of title 42.” for period at end.

Pub. L. 113-121, § 1015(a)(3), substituted “*Provided*, That the Secretary is authorized to receive and expend funds from a State or a political subdivision thereof, and other non-Federal interests or private entities, to operate a hurricane barrier project to support recreational activities at or in the vicinity of the project, at no cost to the Federal Government, if the Secretary determines that operation for such purpose is not inconsistent with the operation and maintenance of the project for the authorized purposes of the project: *Provided further*, That when” for “*Provided*, That when”.

Pub. L. 113-121, § 1015(a)(1), (2), inserted “and other non-Federal interests” after “States and political subdivisions thereof” in two places and inserted “, including a project for navigation on the inland waterways,” after “study or project”.

2011—Pub. L. 112-74 substituted “water resources development study or project” for “flood control or environmental restoration work” and inserted “for work, which includes planning and design,” before “to be expended” and “: *Provided further*, That the term ‘States’ means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes” before period at end.

1999—Pub. L. 106-53 inserted “or environmental restoration” after “flood control”.

1937—Act July 19, 1937, inserted text of section.

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.

NOTIFICATION FOR CONTRIBUTED FUNDS

Pub. L. 113-121, title I, § 1015(b), June 10, 2014, 128 Stat. 1223, provided that: “Prior to accepting funds contrib-

uted under section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), the Secretary [of the Army] shall provide written notice of the funds to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.”

§ 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 federally authorized water resources development project, the Secretary of the Army may in his discretion, receive such funds and expend the same in the immediate prosecution of such project. The Secretary of the Army is authorized and directed to repay without interest, if appropriations are provided by Congress for such purpose, 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. For purposes of this section, the term “State” means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Indian tribes (as defined in section 5304(e) of title 25).

(Oct. 15, 1940, ch. 884, 54 Stat. 1176; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 115-270, title I, § 1166(a), Oct. 23, 2018, 132 Stat. 3797.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115-270 substituted “a federally authorized water resources development project,” for “a flood-control project duly adopted and authorized by law”, “such project” for “such work”, and “if appropriations are provided by Congress for such purpose” for “from appropriations which may be provided by Congress for flood-control work” and inserted at end “For purposes of this Act, the term ‘State’ means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Indian tribes (as defined in section 5304(e) of title 25).”

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§ 701h-2. No adverse effect on processes

In implementing any provision of law that authorizes a non-Federal interest to provide, advance, or contribute funds to the Secretary for the development or implementation of a water resources development project (including sections 2231 and 2232 of this title, section 701h of this title, and section 701h-1 of this title), the