

§ 576. Revolving fund; establishment; availability; reimbursement; transfer of funds; limitation

(a) Revolving fund

For establishment of a revolving fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of the plant and equipment of the Corps of Engineers used in civil works functions, including acquisition of plant and equipment, maintenance, repair, and purchase, operation, and maintenance of not to exceed four aircraft at any one time, temporary financing of services finally chargeable to appropriations for civil works functions, and the furnishing of facilities and services for military functions of the Department of the Army and other Government agencies and private persons, as authorized by law. In addition, the Secretary of the Army is authorized to provide capital for the fund by capitalizing the present inventories, plant and equipment of the civil works functions of the Corps of Engineers. The fund shall be credited with reimbursements or advances for the cost of equipment, facilities, and services furnished, at rates which shall include charges for overhead and related expenses, depreciation of plant and equipment, and accrued leave: *Provided*, That on July 1, 1953, (1) the fund shall assume the assets, liabilities, and obligations of the Plant accounts, as carried on the records of the Corps of Engineers as of June 30, 1953, under the appropriations for "Maintenance and improvement of existing river and harbor works", "Flood control, general", and "Flood control, Mississippi River and tributaries", and (2) there shall be transferred from said appropriations to the fund amounts equivalent to the unexpended cash balances of the Plant accounts on June 30, 1953: *Provided further*, That the total capital of said fund shall not exceed \$140,000,000.

(b) Prohibition

(1) In general

No funds may be expended or obligated from the revolving fund described in subsection (a) to newly construct, or perform a major renovation on, a building for use by the Corps of Engineers unless specifically authorized by law.

(2) Statutory construction

Nothing in this subsection may be construed to—

- (A) change any authority provided under subchapter I of chapter 169 of title 10;¹ or
- (B) change the use of funds under subsection (a) for purposes other than those described in paragraph (1).

(c) Transmission to Congress of prospectus

To secure consideration for an authorization under subsection (b), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representative and the Committee on Environment and Public Works of the Senate a prospectus of the proposed construction or major renovation of a building that includes—

- (1) a brief description of the building;

- (2) the location of the building;
- (3) an estimate of the maximum cost to be provided by the revolving fund for the building to be constructed or renovated;
- (4) the total size of the building after the proposed construction or major renovation;
- (5) the number of personnel proposed to be housed in the building after the construction or major renovation;
- (6) a statement that other suitable space owned by the Federal Government is not available;
- (7) a statement of rents and other housing costs currently being paid for the tenants proposed to be housed in the building; and
- (8) the size of the building currently housing the tenants proposed to be housed in the building.

(d) Provision of building project surveys

(1) In general

If requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, the Secretary shall create a building project survey for the construction or major renovation of a building described in subsection (b).

(2) Report

Within a reasonable time after creating a building project survey under paragraph (1), the Secretary shall submit to Congress a report on the survey that includes the information required to be included in a prospectus under subsection (c).

(e) Major renovation defined

In this section, the term "major renovation" means a renovation or alteration of a building for use by the Corps of Engineers with a total expenditure of more than \$20,000,000.

(July 27, 1953, ch. 245, §101, 67 Stat. 199; Pub. L. 114-322, title I, §1160, Dec. 16, 2016, 130 Stat. 1667.)

Editorial Notes

REFERENCES IN TEXT

Subchapter I of chapter 169 of title 10, referred to in subsec. (b)(2)(A), probably means subchapter I (§2801 et seq.) of chapter 169 of Title 10, Armed Forces.

CODIFICATION

Section was formerly classified to section 190b of Title 10 prior to the general revision and enactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, §1, 70A Stat. 1.

AMENDMENTS

2016—Pub. L. 114-322 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (e).

Statutory Notes and Related Subsidiaries

HEADQUARTERS AIRCRAFT; TRANSFER AND REASSIGNMENT OF PROPERTY ACCOUNTABILITY TO ARMY MILITARY ACTIVITY

Pub. L. 101-101, title I, §105, Sept. 29, 1989, 103 Stat. 649, provided that: "Notwithstanding section 110 of the Energy and Water Development Appropriation Act, 1988, Public Law 100-202 [set out below], the Secretary

¹ See References in Text note below.

of the Army is authorized to transfer and reassign property accountability for the headquarters aircraft of the Corps of Engineers, Serial Number 045, from the assets of the civil works revolving fund, to the military activity of the Army that the Secretary determines is appropriate, except that the aircraft shall be made available on a priority basis as necessary for activities in support of the Army's civil works mission."

RETENTION OF THREE OPERATIONAL AIRCRAFT; NOTICE OF INTENDED USE OUTSIDE UNITED STATES

Pub. L. 100-202, §101(d) [title I, §110], Dec. 22, 1987, 101 Stat. 1329-104, 1329-112, provided that: "The Chief of Engineers is directed to retain three operational aircraft authorized pursuant to section 101 of the Act of July 27, 1953, 67 Stat. 199 [33 U.S.C. 576], together with their attendant crews, and may only dispose of any of these aircraft if authorized to do so by a future congressional enactment for that purpose. The Chief of Engineers shall provide at least thirty days advance written notification to the Appropriations Committees of the Senate and House of Representatives of any intended use of any of these aircraft for a trip destined outside the United States or its territories or possessions."

§ 576a. Purchase of passenger motor vehicles by Corps of Engineers

On and after March 4, 1933, the provisions of section 1343 of title 31 shall be construed as applying to the Corps of Engineers as to the purchase of motor-propelled passenger-carrying vehicles.

(Mar. 4, 1933, ch. 281, title II, §1, 47 Stat. 1599.)

Editorial Notes

CODIFICATION

"Section 1343 of title 31" substituted in text for "section 5 of the Act of July 16, 1914 (U.S.C., title 5, sec. 78)" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 638b of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877.

Section was also formerly classified to section 78a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

§ 576b. Lease authority

Notwithstanding any other provision of law, the Secretary may lease space available in buildings for which funding for construction or purchase was provided from the revolving fund established by the 1st section of the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576; 67 Stat. 199), under such terms and conditions as are acceptable to the Secretary. The proceeds from such leases shall be credited to the revolving fund for the purposes set forth in such Act. (Pub. L. 104-303, title II, §213, Oct. 12, 1996, 110 Stat. 3684.)

Editorial Notes

REFERENCES IN TEXT

The Civil Functions Appropriations Act, 1954, referred to in text, is act July 27, 1953, ch. 245, 67 Stat. 197. For complete classification of this Act to the Code, see Tables.

§ 576c. Corps of Engineers operation of unmanned aircraft systems

(a) In general

The Secretary shall designate an individual, within the headquarters office of the Corps of Engineers, who shall serve as the coordinator and principal approving official for developing the process and procedures by which the Corps of Engineers—

(1) operates and maintains small unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101¹ note)) systems in support of civil works and emergency response missions of the Corps of Engineers; and

(2) acquires, applies for, and receives any necessary Federal Aviation Administration authorizations for such operations and systems.

(b) Requirements

A small unmanned aircraft system acquired, operated, or maintained for carrying out the missions specified in subsection (a) shall be operated in accordance with regulations of the Federal Aviation Administration as a civil aircraft or public aircraft, at the discretion of the Secretary, and shall be exempt from regulations of the Department of Defense, including the Department of the Army, governing such system.

(c) Limitation

A small unmanned aircraft system acquired, operated, or maintained by the Corps of Engineers 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

¹ See References in Text note below.