

§ 263.13 Program scope.

The Continuing Authorities Program (hereafter referred to as the "Program"), consists of the following legislative authorities, which are reproduced and accompanied by policy interpretation in subparts B, C and D of this part.

(a) *Small Flood Control Project Authority.* Section 205, Flood Control Act of 1948, as amended (33 U.S.C 701s).

(b) *Authority for snagging and clearing for flood control.* Section 208, Flood Control Act of 1954, as amended (33 U.S.C. 701g).

(c) *Authority for emergency streambank and shoreline protection of Public Works and nonprofit public services.* Section 14, Flood Control Act of 1946, as amended (33 U.S.C 701r).

(d) *Small navigation project authority.* Section 107, River and Harbor Act of 1960, as amended (33 U.S.C 577).

(e) *Authority for snagging and clearing for navigation.* Section 3, River and Harbor Act of 1945 (33 U.S.C 603a).

(f) *Small beach erosion control project authority.* Section 103, River and Harbor Act of 1962, as amended (33 U.S.C. 426g).

(g) *Authority for mitigation of shore damages attributable to navigation projects.* Section 111, River and Harbor Act of 1968 (33 U.S.C. 426i).

§ 263.14 Program eligibility requirements.

Work funded under this Program must meet the requirements of Federal interest and Corps responsibility set forth in one of the legislative authorities referenced in § 263.13. Any project recommended must be justified under established Federal planning criteria, must be complete in itself and must not obligate the Federal government to future work except for those cases in which maintenance by the Federal government is provided by applicable provisions of general law. Eligibility is not permitted for the following:

(a) *Projects specifically authorized by Congress.* The Program will not be used to implement any portion of a project specifically authorized by Congress, including postauthorization changes to such projects. However, once a project has been completed to the full extent permitted by its Congressional author-

ization, this Program could be utilized to provide for a new, complete-in-itself improvement which will not impair or substantially change the purposes of the specifically authorized project.

(b) *Existing non-Federal responsibility.* This Program may not be utilized for a project that would in effect nullify or change an existing condition of non-Federal responsibility required for a project specifically authorized by Congress, whether constructed or not. Such changes would require Congressional action.

(c) *Operation and maintenance of non-Federal projects.* This Program may not be used for adoption of a non-Federal project for future maintenance at Federal expense.

§ 263.15 Program policies.

(a) *Designation of authority.* One of the referenced legislative authorities must be designated as the primary purpose of the project for allocation of Program funds and for determining legislative funding limitations. However, other authorized project purposes are not precluded to meet related needs as determined appropriate by the Chief of Engineers. The cost limitation of Corps participation for the designated authority will prevail regardless of the number of project purposes served. Normally, only one authority will be used for each study accomplished and each project recommended. Certain authorizations specify individual project allotment ceilings "from the appropriations for any one fiscal year." It is the intent of Congress that such specified amount be the maximum limit for Corps of Engineers expenditures at each location or individual project undertaken, without regard to time.

(b) *Applicability of costs to Federal and non-Federal shares.* Unless otherwise specified in a legislative authority (§ 263.13), cost sharing policies applicable to Congressionally authorized projects are applicable to projects recommended under this Program. Any legislative limitation on Corps participation in project costs, however, takes precedence over the apportionment of costs resulting from established cost sharing policies.

(1) *Project first costs.* Project first costs include all Corps of Engineers