

104TH CONGRESS  
2D SESSION

# H. R. 3108

To permit the construction of flood control projects by non-Federal interests.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1996

Mr. BENTSEN (for himself and Ms. LOFGREN) introduced the following bill;  
which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To permit the construction of flood control projects by non-Federal interests.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSTRUCTION OF FLOOD CONTROL**  
4 **PROJECTS BY NON-FEDERAL INTERESTS.**

5 (a) **AUTHORITY.**—Non-Federal interests are author-  
6 ized to undertake flood control projects in the United  
7 States, subject to obtaining any permits required pursuant  
8 to Federal and State laws, in advance of actual construc-  
9 tion.

10 (b) **STUDIES AND ENGINEERING.**—

1           (1) BY NON-FEDERAL INTERESTS.—A non-Fed-  
2           eral interest may prepare, for review and approval  
3           by the Secretary, the necessary studies and engi-  
4           neering for any construction to be undertaken pur-  
5           suant to subsection (a).

6           (2) BY SECRETARY.—Upon request of an ap-  
7           propriate non-Federal interest, the Secretary may  
8           undertake all necessary studies and engineering for  
9           any construction to be undertaken pursuant to sub-  
10          section (a) and provide technical assistance in ob-  
11          taining all necessary permits for such construction if  
12          the non-Federal interest contracts with the Sec-  
13          retary to furnish the United States funds for the  
14          studies and engineering during the period that the  
15          studies and engineering will be conducted.

16          (c) COMPLETION OF STUDIES.—The Secretary is au-  
17          thorized to complete and transmit to the appropriate non-  
18          Federal interests any study for flood control which was  
19          initiated before the date of the enactment of this Act or,  
20          upon the request of such non-Federal interests, to termi-  
21          nate the study and transmit the partially completed study  
22          to such non-Federal interests for completion. Studies sub-  
23          ject to this subsection shall be completed without regard  
24          to the requirements of subsection (b).

25          (d) AUTHORITY TO CARRY OUT IMPROVEMENT.—

1           (1) IN GENERAL.—Any non-Federal interest  
2           which has received from the Secretary pursuant to  
3           subsection (b) or (c) a favorable recommendation to  
4           carry out a flood control project or separable ele-  
5           ment thereof based on the results of completed stud-  
6           ies and engineering for the project or element, may  
7           carry out the project or element if a final environ-  
8           mental impact statement has been filed for the  
9           project or element.

10           (2) PERMITS.—Any plan of improvement pro-  
11           posed to be implemented in accordance with this  
12           subsection shall be deemed to satisfy the require-  
13           ments for obtaining the appropriate permits required  
14           under the Secretary’s authority and such permits  
15           shall be granted subject to the non-Federal interest’s  
16           acceptance of the terms and conditions of such per-  
17           mits if the Secretary determines that the applicable  
18           regulatory criteria and procedures have been satis-  
19           fied.

20           (3) MONITORING.—The Secretary shall monitor  
21           any project for which a permit is granted under this  
22           subsection in order to ensure that such project is  
23           constructed (and, in those cases where such activi-  
24           ties will not be the responsibility of the Secretary,

1 operated and maintained) in accordance with the  
2 terms and conditions of such permit.

3 (e) REIMBURSEMENT.—

4 (1) GENERAL RULE.—Subject to appropriation  
5 Acts, the Secretary is authorized to reimburse any  
6 non-Federal interest an amount equal to the esti-  
7 mate of the Federal share, without interest, of the  
8 cost of any authorized flood control project, or sepa-  
9 rable element thereof, constructed pursuant to this  
10 section—

11 (A) if, after authorization and before initi-  
12 ation of construction of the project or separable  
13 element, the Secretary approves the plans for  
14 construction of such project by the non-Federal  
15 interest; and

16 (B) if the Secretary finds, after a review of  
17 studies and engineering prepared pursuant to  
18 this section, that construction of the project or  
19 separable element is economically justified and  
20 environmentally acceptable.

21 (2) MATTERS TO BE CONSIDERED IN REVIEW-  
22 ING PLANS.—In reviewing plans under this sub-  
23 section, the Secretary shall consider budgetary and  
24 programmatic priorities and other factors that the  
25 Secretary deems appropriate.

1           (3) MONITORING.—The Secretary shall regu-  
2 larly monitor and audit any project for flood control  
3 constructed under this section by a non-Federal in-  
4 terest in order to ensure that such construction is in  
5 compliance with the plans approved by the Secretary  
6 and that the costs are reasonable.

7           (4) LIMITATION ON REIMBURSEMENTS.—No re-  
8 imbursement shall be made under this section unless  
9 and until the Secretary has certified that the work  
10 for which reimbursement is requested has been per-  
11 formed in accordance with applicable permits and  
12 approved plans.

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