

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3723

To direct the Secretary of the Army to establish a program to provide environmental assistance to non-Federal interests in western Pennsylvania, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2002

Ms. HART introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Secretary of the Army to establish a program to provide environmental assistance to non-Federal interests in western Pennsylvania, and for other purposes.

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. WESTERN PENNSYLVANIA.**

4 (a) ESTABLISHMENT OF PROGRAM.—The Secretary  
5 of the Army, acting through the Chief of Engineers, shall  
6 establish a program to provide environmental assistance  
7 to non-Federal interests in Western Pennsylvania.

8 (b) FORM OF ASSISTANCE.—Assistance under this  
9 section may be in the form of design and construction as-

1 sistance for water-related environmental infrastructure  
2 and resource protection and development projects in West-  
3 ern Pennsylvania, including projects for—

4 (1) wastewater treatment and related facilities;

5 (2) combined sewer overflow, water supply,  
6 storage, treatment, and related facilities;

7 (3) mine drainage;

8 (4) environmental restoration; and

9 (5) surface water resource protection and devel-  
10 opment.

11 (c) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-  
12 retary may provide assistance for a project under this sec-  
13 tion only if the project is publicly owned.

14 (d) PROJECT COOPERATION AGREEMENTS.—

15 (1) IN GENERAL.—Before providing assistance  
16 under this section, the Secretary shall enter into a  
17 project cooperation agreement with a non-Federal  
18 interest to provide for design and construction of the  
19 project to be carried out with the assistance.

20 (2) REQUIREMENTS.—Each project cooperation  
21 agreement entered into under this subsection shall  
22 provide for the following:

23 (A) PLAN.—Development by the Secretary,  
24 in consultation with appropriate Federal and  
25 State officials, of a facilities development plan

1 or resource protection plan, including appro-  
2 priate plans and specifications.

3 (B) LEGAL AND INSTITUTIONAL STRUC-  
4 TURES.—Establishment of such legal and insti-  
5 tutional structures as are necessary to ensure  
6 the effective long-term operation of the project  
7 by the non-Federal interest.

8 (3) COST SHARING.—

9 (A) IN GENERAL.—The Federal share of  
10 project costs under each project cooperation  
11 agreement entered into under this subsection  
12 shall be 75 percent. The Federal share may be  
13 in the form of grants or reimbursements of  
14 project costs.

15 (B) CREDIT FOR DESIGN WORK.—The  
16 non-Federal interest shall receive credit for the  
17 reasonable costs of design work completed by  
18 the non-Federal interest before entering into a  
19 project cooperation agreement with the Sec-  
20 retary.

21 (C) CREDIT FOR CERTAIN FINANCING  
22 COSTS.—In case of a delay in the reimburse-  
23 ment of the non-Federal share of the costs of  
24 a project, the non-Federal interest shall receive  
25 credit for reasonable interest and other associ-

1           ated financing costs necessary for the non-Fed-  
2           eral interest to provide the non-Federal share of  
3           the project costs.

4           (D) LAND, EASEMENTS, RIGHTS-OF-WAY,  
5           AND RELOCATIONS.—The non-Federal interest  
6           shall receive credit for land, easements, rights-  
7           of-way, and relocations provided by the non-  
8           Federal interest toward the non-Federal share  
9           of project costs (including costs associated with  
10          obtaining permits necessary for the placement  
11          of the project on publicly owned or controlled  
12          land), but not to exceed 25 percent of total  
13          project costs.

14          (E) OPERATION AND MAINTENANCE.—The  
15          non-Federal share of operation and mainte-  
16          nance costs for projects constructed under an  
17          agreement entered into under this subsection  
18          shall be 100 percent.

19          (e) APPLICABILITY OF OTHER FEDERAL AND STATE  
20          LAWS.—Nothing in this section waives, limits, or other-  
21          wise affects the applicability of any provision of Federal  
22          or State law that would otherwise apply to a project to  
23          be carried out with assistance provided under this section.

1 (f) WESTERN PENNSYLVANIA.—In this section, the  
2 term “Western Pennsylvania” means Allegheny, Beaver,  
3 Butler, Lawrence, and Mercer Counties, Pennsylvania.

4 (g) REPORT.—Not later than December 31, 2004,  
5 the Secretary shall submit to Congress a report on the  
6 results of the program carried out under this section, in-  
7 cluding recommendations concerning whether the program  
8 should be implemented on a national basis.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section  
11 \$20,000,000.

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