

113TH CONGRESS
1ST SESSION

H. R. 1769

To improve energy infrastructure resilience through federal water resource investments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. RICHMOND introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To improve energy infrastructure resilience through federal water resource investments, 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. SHORT TITLE.**

4 This Act may be cited as the “Recognizing the Na-
5 tional Benefits of Flood Protection Act of 2013”.

1 **SEC. 2. CALCULATION OF BENEFITS AND COSTS FOR**
2 **FLOOD DAMAGE REDUCTION AND HURRI-**
3 **CANE AND STORM DAMAGE REDUCTION**
4 **PROJECTS.**

5 (a) CALCULATION OF BENEFITS AND COSTS FOR
6 FLOOD DAMAGE REDUCTION AND HURRICANE AND
7 STORM DAMAGE REDUCTION PROJECTS.—A feasibility
8 study for a project for flood damage reduction or hurri-
9 cane and storm damage reduction shall include, as part
10 of the calculation of benefits and costs—

11 (1) a calculation of the anticipated reduction in
12 flood or hurricane damage to public and private
13 property and infrastructure resulting from the com-
14 pletion of the proposed project;

15 (2) a calculation of the anticipated direct and
16 indirect economic benefits resulting from the comple-
17 tion of the proposed project, including such benefits
18 from any potential reductions in national and re-
19 gional economic volatility, disruptions, and losses;
20 and

21 (3) a calculation of the anticipated benefits to
22 public safety, including protection of evacuation
23 routes, resulting from the completion of the pro-
24 posed project.

25 (b) APPLICABILITY.—This section shall apply to any
26 feasibility study for a project for flood damage reduction

1 or hurricane and storm damage reduction that has not
2 been completed before the date of enactment of this Act.

3 **SEC. 3. FLOOD DAMAGE REDUCTION AND HURRICANE AND**
4 **STORM DAMAGE REDUCTION PROJECT RE-**
5 **VIEWS.**

6 (a) IN GENERAL.—The non-Federal interest for a
7 project for flood damage reduction or hurricane and storm
8 damage reduction may submit to the Secretary a request
9 for a review under this section for the project if—

10 (1) the Secretary determines that the project is
11 not feasible;

12 (2) the Chief of Engineers issues an unfavor-
13 able report for the project; or

14 (3) the Secretary identifies the feasibility study
15 for the project as inactive.

16 (b) REVIEW PANELS.—

17 (1) ESTABLISHMENT.—The Secretary shall es-
18 tablish, for each division of the Corps of Engineers,
19 a review panel to conduct reviews and make deter-
20 minations under this section.

21 (2) MEMBERSHIP.—

22 (A) IN GENERAL.—The Secretary shall ap-
23 point to each review panel 5 members—

24 (i) each of whom shall have relevant
25 experience in flood damage reduction or

1 hurricane and storm damage reduction in
2 the geographic area represented by the di-
3 vision for which the review panel is estab-
4 lished; and

5 (ii) at least one of whom shall have
6 education or experience in the field of eco-
7 nomics.

8 (B) LIMITATION.—Not more than 2 mem-
9 bers of each review panel may be employees (in-
10 cluding uniformed members) or contractors of
11 the Corps of Engineers.

12 (C) TERM.—Each member shall be ap-
13 pointed to a review panel for a term of 4 years.

14 (3) DEADLINE.—The Secretary shall establish a
15 review panel for a division not later than 60 days
16 after the first request for a review under this section
17 is submitted for a project within the division.

18 (4) DUTIES.—A review panel established under
19 this section shall, with respect to each request for a
20 review submitted to the Secretary for a project with-
21 in the division for which the review panel is estab-
22 lished—

23 (A) conduct a review of—

24 (i) the feasibility study for the project;

1 (ii) the adequacy and acceptability of
2 the economic, engineering, and environ-
3 mental methods, models, and analyses used
4 by the Secretary in the preparation of the
5 feasibility study for the project;

6 (iii) the public written and oral com-
7 ments provided to the Secretary for the
8 project; and

9 (iv) any additional information sub-
10 mitted by the non-Federal interest as part
11 of the request for a review; and

12 (B) submit to the Secretary a final report
13 containing—

14 (i) an economic, engineering, and en-
15 vironmental analysis of the feasibility
16 study for the project, including an assess-
17 ment of the adequacy and acceptability of
18 the economic, engineering, and environ-
19 mental methods, models, and analyses used
20 by the Secretary in the preparation of the
21 feasibility study; and

22 (ii) a determination of the feasibility
23 of the project, taking into account calcula-
24 tions of costs and benefits described in sec-
25 tion 2(a).

1 (c) EFFECT OF REVIEW PANEL DETERMINATION.—

2 If a review panel determines that a project for which a
3 request for a review has been submitted is feasible, the
4 Chief of Engineers shall issue a favorable report for the
5 project.

6 (d) PROCEDURES.—Not later than 60 days after the
7 date of enactment of this Act, the Secretary shall establish
8 procedures for reviews under this section.

9 **SEC. 4. PRIORITY FOR FEASIBILITY STUDIES.**

10 In carrying out feasibility studies for projects for
11 flood damage reduction and hurricane and storm damage
12 reduction each year, the Secretary shall give priority to
13 the completion of such studies for projects in areas that
14 have experienced flooding or hurricane damage during the
15 preceding 10 years.

16 **SEC. 5. REPORT TO CONGRESS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Secretary shall submit to the Committees
19 on Homeland Security and Transportation and Infrastruc-
20 ture of the House of Representatives an analysis of the
21 connection between Corps of Engineers projects for flood
22 damage reduction, hurricane and storm damage reduction,
23 and navigation and the protection of energy infrastruc-
24 ture.

1 **SEC. 6. SECRETARY DEFINED.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Army, acting through the Chief of Engineers.

4 **SEC. 7. APPLICABILITY.**

5 This Act shall not apply to any project primarily de-
6 signed for the purposes of navigational improvements on
7 the Nation’s system of inland waterways.

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