

116TH CONGRESS  
2D SESSION

# S. 3295

To amend the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”), to authorize the Secretary to provide reimbursement to non-Federal sponsors for emergency response repair and restoration work, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2020

Mrs. FISCHER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”), to authorize the Secretary to provide reimbursement to non-Federal sponsors for emergency response repair and restoration work, 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. REIMBURSEMENT FOR NON-FEDERAL SPON-**  
4 **SOR WORK.**

5 Section 5(a) of the Act of August 18, 1941 (com-  
6 monly known as the “Flood Control Act of 1941”) (55

1 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended  
2 by adding at the end the following:

3 “(5) WORK CARRIED OUT BY A NON-FEDERAL  
4 SPONSOR.—

5 “(A) IN GENERAL.—The Secretary may  
6 authorize a non-Federal sponsor to plan, de-  
7 sign, or construct repair or restoration work de-  
8 scribed in paragraph (1).

9 “(B) REQUIREMENTS.—To be eligible for  
10 reimbursement under subparagraph (C), the  
11 non-Federal sponsor shall—

12 “(i) enter into a written agreement  
13 with the Secretary prior to carrying out  
14 the work; and

15 “(ii) carry out all activities in compli-  
16 ance with—

17 “(I) subchapter IV of chapter 31  
18 of title 40, United States Code (com-  
19 monly known as the ‘Davis–Bacon  
20 Act’);

21 “(II) chapter 37 of title 40,  
22 United States Code (commonly known  
23 as the ‘Contract Work Hours and  
24 Safety Standards Act’); and

1                   “(III) any other terms and condi-  
2                   tions as the Secretary may require.

3                   “(C) REIMBURSEMENT.—

4                   “(i) IN GENERAL.—After the Sec-  
5                   retary determines that activities carried  
6                   out by a non-Federal sponsor pursuant to  
7                   an agreement under subparagraph (B) are  
8                   complete, the Secretary shall reimburse the  
9                   non-Federal sponsor for the Federal share  
10                  of the cost of any planning, design, or con-  
11                  struction activities for the repair or res-  
12                  toration work carried out.

13                  “(ii) ADDITIONAL AMOUNTS.—If the  
14                  Federal share of the cost of the activities  
15                  exceeds the amount obligated by the Sec-  
16                  retary under the agreement under subpara-  
17                  graph (B), reimbursement of any addi-  
18                  tional amounts shall be at the discretion of  
19                  the Secretary.

20                  “(D) ANNUAL LIMIT ON REIMBURSEMENTS  
21                  NOT APPLICABLE.—Section 102 of the Energy  
22                  and Water Development Appropriations Act,  
23                  2006 (33 U.S.C. 2221), shall not apply to an  
24                  agreement under subparagraph (B).”.

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