To establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers.

IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 3), 2013

Mr. VITTER (for himself and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers.

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 “Corps of Engineers

5 Project Delivery Flexibility Act of 2013”.

S. 66
SEC. 2. PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall establish a pilot program to evaluate the cost-effectiveness and project delivery efficiency of non-Federal sponsors as the lead project delivery team for authorized civil works flood control and navigation construction projects of the Corps of Engineers.

(b) PURPOSES.—The purposes of the pilot program are—

(1) to identify project delivery and cost-saving alternatives that reduce the backlog of Corps of Engineers construction projects;

(2) to evaluate the technical, financial, and organizational efficiencies of a non-Federal sponsor operating as the lead project manager for the design, execution, management, and construction of a project; and

(3) to evaluate alternatives for the decentralization of the project planning, management, and operational decisionmaking process of the Corps of Engineers.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out the pilot program, the Secretary of the Army shall—
(A) identify not less than 12 congressionally authorized flood control and navigation construction projects of the Corps of Engineers that—

(i) have received Federal funds and have experienced delays or missed scheduled deadlines in the 5 fiscal years prior to the date of enactment of this Act;

(ii) have an unobligated funding balance in the Corps of Engineers Construction Account; and

(iii) include levees, floodwalls, flood control channels, water control structures, or navigation locks and channels;

(B) enter into a project partnership agreement with the non-Federal sponsor for the non-Federal sponsor to provide full project management control for the design and construction of the flood control or navigation project, including preconstruction engineering and design, project implementation, and construction activities; and

(C) in consultation with the district engineer and the non-Federal sponsor, develop a detailed project management plan for each project.
under the pilot program that outlines the scope, budget, design, and construction resource requirements necessary for execution of the project by the non-Federal sponsor.

(2) **Restrictions.**—

(A) **In general.**—A flood control or navigation project shall only receive Federal funding under this Act if the project is federally owned.

(B) **Project delivery team.**—As a condition of receiving amounts under this Act, the non-Federal sponsor, in consultation with the district engineer and local project stakeholders, shall establish to oversee the execution of the project management plan a project delivery team, which shall, at a minimum, consist of—

(i) a project manager; and

(ii) a Corps of Engineers official, who shall provide technical assistance and guidance on compliance with Corps of Engineers engineering manuals and regulations.

(3) **Technical assistance.**—On the request of the non-Federal sponsor and in consultation with other appropriate Federal agencies, the Secretary of the Army shall provide the non-Federal sponsor with any necessary technical assistance, including assist-
ance relating to Federal acquisition regulations, contracting requirements, and environmental regulations.

(d) APPLICABILITY.—Nothing in this Act alters any cost-sharing requirement established before the date of enactment of this Act for a project carried out under this Act.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Army shall submit to the appropriate committees of Congress a report detailing the results of the pilot program carried out under this Act, including any recommendations of the Secretary concerning whether the program or any component of the program should be implemented on a national basis.

SEC. 3. FUNDING.

(a) RESCISSION OF UNOBLIGATED AMOUNTS.—Notwithstanding any other provision of law, $200,000,000 of discretionary amounts that have been appropriated for fiscal years 2008 through 2012 and remain unobligated on the date of enactment of this Act—

(1) is rescinded on the date of enactment of this Act; and

(2) shall be made available to the Secretary of the Army, without further appropriation or fiscal
year limitation, for use only in accordance with this Act.

(b) Implementation.—

(1) In general.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of the rescission that shall apply to each such account.

(2) Report.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress and the Secretary of the Treasury a report of the accounts and amounts determined and identified for rescission under paragraph (1).

(c) Exception.—This section shall not apply to the unobligated funds of the Department of Defense, including the Corps of Engineers, or the Department of Veterans Affairs.

(d) Use of amounts.—The Secretary of the Army shall use the amounts made available to the Secretary under subsection (a)(2) to provide grants to non-Federal sponsors participating in the pilot program established under section 2.