

108TH CONGRESS
2D SESSION

H. R. 4645

To authorize the Secretary of the Army to provide Federal assistance for environmental infrastructure projects in northern and northeastern Kentucky.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2004

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

A BILL

To authorize the Secretary of the Army to provide Federal assistance for environmental infrastructure projects in northern and northeastern Kentucky.

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 “PRIDE Plus Act”.

5 **SEC. 2. NORTHERN AND NORTHEASTERN KENTUCKY.**

6 (a) NORTHERN AND NORTHEASTERN KENTUCKY
7 DEFINED.—In this section, the term “Northern and
8 Northeastern Kentucky” means the counties of Bath,
9 Boone, Boyd, Bracken, Campbell, Carroll, Carter, Elliot,
10 Fleming, Gallatin, Grant, Greenup, Harrison, Henry,

1 Kenton, Lewis, Mason, Nicholas, Oldham, Owen, Pen-
2 dleton, Robertson, Scott, and Trimble, Kentucky.

3 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
4 of the Army may establish a program to provide environ-
5 mental assistance to non-Federal interests in Northern
6 and Northeastern Kentucky.

7 (c) FORM OF ASSISTANCE.—Assistance under this
8 section may be in the form of design and construction as-
9 sistance for water-related environmental infrastructure
10 and resource protection and development projects in
11 Northern and Northeastern Kentucky, including projects
12 for wastewater treatment and related facilities, water sup-
13 ply and related facilities, environmental restoration, and
14 surface water resource protection and development.

15 (d) PUBLIC OWNERSHIP REQUIREMENT.—The Sec-
16 retary may provide assistance for a project under this sec-
17 tion only if the project is publicly owned.

18 (e) LOCAL COOPERATION AGREEMENTS.—

19 (1) IN GENERAL.—Before providing assistance
20 under this section, the Secretary shall enter into a
21 local cooperation agreement with a non-Federal in-
22 terest to provide for design and construction of the
23 project to be carried out with the assistance.

1 (2) REQUIREMENTS.—Each local cooperation
2 agreement entered into under this subsection shall
3 provide for the following:

4 (A) PLAN.—Development by the Secretary,
5 in consultation with appropriate Federal and
6 State officials, of a facilities or resource protec-
7 tion and development plan, including appro-
8 priate engineering plans and specifications.

9 (B) LEGAL AND INSTITUTIONAL STRUC-
10 TURES.—Establishment of such legal and insti-
11 tutional structures as are necessary to ensure
12 the effective long-term operation of the project
13 by the non-Federal interest.

14 (3) COST SHARING.—

15 (A) IN GENERAL.—The Federal share of
16 the project costs under each local cooperation
17 agreement entered into under this subsection
18 shall be 75 percent. The Federal share may be
19 in the form of grants or reimbursements of
20 project costs.

21 (B) CREDIT FOR DESIGN WORK.—The
22 non-Federal interest shall receive credit for the
23 reasonable costs of design work completed by
24 the non-Federal interest before entering into a

1 local cooperation agreement with the Secretary
2 for a project.

3 (C) CREDIT FOR INTEREST.—In case of a
4 delay in the funding of the non-Federal share
5 of a project that is the subject of an agreement
6 under this section, the non-Federal interest
7 shall receive credit for reasonable interest in-
8 curred in providing the non-Federal share of
9 the project's costs.

10 (D) LAND, EASEMENTS, AND RIGHTS-OF-
11 WAY CREDIT.—The non-Federal interest shall
12 receive credit for land, easements, rights-of-
13 way, and relocations toward the non-Federal
14 share of project costs (including all reasonable
15 costs associated with obtaining permits nec-
16 essary for the construction, operations, and
17 maintenance of the project on publicly owned or
18 controlled land), but not to exceed 25 percent
19 of total project costs.

20 (E) OPERATIONS AND MAINTENANCE.—
21 The non-Federal share of operation and mainte-
22 nance costs for projects constructed with assist-
23 ance provided under this section shall be 100
24 percent.

1 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
2 LAWS.—Nothing in this section waives, limits, or other-
3 wise affects the applicability of any provision of Federal
4 or State law that would otherwise apply to a project to
5 be carried out with assistance provided under this section.

6 (g) REPORT.—Not later than December 31, 2005,
7 the Secretary shall transmit to Congress a report on the
8 results of the program carried out under this section, in-
9 cluding a recommendation concerning whether the pro-
10 gram should be implemented on a national basis.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$10,000,000. Such funds shall remain available until ex-
14 pended.

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