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Corps of Engineers Flood Control Projects Could Be Completed Faster through Legislative and Managerial Changes. CFD-78-179; B-178737. September 22, 1978. Released September 29, 1978. 27 pp. + 3 appendices (8 pp.).

Report to Rep. William H. Harsha, Ranking Minority Member, House Committee on Public Works and Transportation; Rep. Matthew J. Rinaldo; by Flæer B. Staats, Comptroller General.

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As part of its responsibility for prevention of flood damage, the Corps of Engineers studies, designs, and constructs flood-control projects. Concerns have been expressed about the length of time being taken to complete these projects. Findings/Conclusions: The survey investigation and advanced engineering and design phases accounted for 60% to 80% of the time spent to complete the projects. Survey-phase studies ranged from 4.5 years to 40 years, and design phase projects ranged from 2.2 to 25 years. Only about half the time was used for actual survey and design work, with most of the remaining time being used in waiting for authorization or appropriation of funds. An average of about 3 years was used for review of survey reports. Delays in preconstruction work have been attributed to procedures followed to obtain authorizations and appropriations and to a legislative requirement for a written cooperative agreement between the Federal government and non-Federal participating interests. This requirement causes delays in States with constitutions which prohibit the future obligation of State appropriations. In four projects reviewed by GAO, factors cited by the Corps (personnel shortages, new evaluation criteria, and local opposition) did not cause significant delays. The Corps did not use its management information system effectively to identify project delays. Alternatives to the current authorization and appropriation process were presented which would reduce the time between authorization and contract award. Recommendations: The Secretary of the Army should direct the Corps to use its management information system to identify unnecessary delays and control the progress of projects and

determine the possibilities of expediting the review process.
(HTW)

1912

REPORT BY THE

Comptroller General

OF THE UNITED STATES

Corps Of Engineers Flood Control Projects Could Be Completed Faster Through Legislative And Managerial Changes

Stating that the average time to complete U.S. Corps of Engineers flood control projects had increased from 18 to 23 years over the past 6 years, Congressmen William H. Harsha and Matthew J. Rinaldo asked GAO to find out why it takes so long and whether that time can be shortened. If projects were completed sooner the flood hazard would be lessened, the inflationary effects of project costs would be reduced, and other project benefits would be reaped earlier.

GAO limited its review to the survey investigation and advanced engineering and design phases of projects. These two phases together account for from 60 to 80 percent of the time spent getting flood control projects completed.

The report describes delays encountered at four projects and shows that most delays occur because of the authorization and appropriation process which is largely beyond Corps control. GAO offers optional authorization and appropriation approaches to eliminate unproductive time and suggests ways to strengthen Corps project management.



CEG-78-179
SEPTEMBER 22, 1978



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

B-178737

The Honorable William H. Harsha
Ranking Minority Member
Committee on Public Works
and Transportation
The Honorable Matthew J. Rinaldo
House of Representatives

In accordance with your requests, this report discusses why it takes so long for the Corps of Engineers to complete its flood control projects, recommends managerial changes, and offers optional authorization and appropriation approaches to shorten the timeframe.

As previously agreed, we did not obtain written agency comments. The matters covered in the report, however, were discussed with Corps of Engineers officials, and their comments are incorporated where appropriate.

James P. Shields
Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO
THE HONORABLE WILLIAM H. HARSHA
RANKING MINORITY MEMBER
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION

AND TO
THE HONORABLE MATTHEW J. RINALDO
HOUSE OF REPRESENTATIVES

CORPS OF ENGINEERS FLOOD
CONTROL PROJECTS COULD BE
COMPLETED FASTER THROUGH
LEGISLATIVE AND MANAGERIAL
CHANGES

D I G E S T

There is continuing concern over the length of time being taken to investigate, design, and build Army Corps of Engineers flood control projects. If projects can be completed sooner flood hazards will be lessened, inflationary effects on project costs reduced, and other benefits reaped.

The survey investigation and advanced engineering and design phases account for 60 to 80 percent of the time spent to complete flood control projects. GAO statistics for 77 projects for which the Corps completed survey investigation or design phases during fiscal years 1975, 1976, and 1977 showed that an average of 26 years is spent on planning and design activities before construction is begun. (According to Corps statistics it takes about 5 additional years to construct civil works projects.)

Survey phase studies ranged from 4.5 years to 40 years and design phase projects ranged from 2.2 to 25 years. Only about half of the 26 years, however, was used for the actual survey study and project design work. Of the remaining time, about 10 years were used waiting for authorization or appropriation of funds and about 3 years were used to review survey reports.

Although delays in preconstruction work on flood control projects can be attributed to several different reasons, often these delays are difficult to avoid. The procedures followed to obtain the necessary authorizations and appropriations significantly affect the rate at which projects are able to proceed.

Another major cause of delays in many Corps of Engineers projects has been a legislative requirement for a written cooperative agreement between the Federal government and non-Federal interests that participate in projects. (See p. 22.)

This requirement primarily causes project delays in States with constitutions which prohibit the future obligation of State appropriations. In 1977, at least 18 States had such constitutional restrictions. Currently several projects are either being delayed or stopped by this requirement and the Corps of Engineers anticipates similar problems on many future projects.

One project reviewed by GAO had been delayed for at least 23 months by this requirement. Current legislation proposes the amendment of this requirement to allow States to sign agreements contingent upon the legislative appropriation process of the State.

The total time required to complete either the survey investigation or the advanced engineering and design phases of four projects arbitrarily chosen and reviewed in detail by GAO ranged from 6 to 13 years. (Two projects had completed the survey phase and two had completed the design phase.) However, the time taken to prepare the survey studies or design work was only about 2 years. The remaining time was used for Corps of Engineers review and to obtain funding. The most significant delays occurred while waiting for funds after the survey or project had been authorized. Two projects required about 2 years to obtain funding through standard appropriation procedures. The other two projects experienced several years additional funding delays because they were given low budget priority by the Corps of Engineers, funds were held in budgetary reserve, or special project priorities were established in the authorizing legislation. Review and interagency coordination of the survey reports required 2-1/2 to 3 years.

Corps of Engineers officials said that personnel shortages, new evaluation criteria, and local project opposition required some additional time on these four projects. GAO found, however, that except for personnel shortages which may have caused a 1-year delay on one project, these factors did not increase the time more than 3 to 6 months. (See p. 12.)

In monitoring the progress of projects, the Corps of Engineers does not use its management information system effectively to track projects and identify and focus attention on individual project delays. Although the Corps is revising the system, it does not plan to use the system to identify unnecessary delays and to control the progress of individual projects in the survey and design phases. (See pp. 6 to 9.)

GAO presents three alternatives to the current authorization and appropriation process which would reduce the time between authorization and contract award. (See pp. 19 to 21.) However, GAO cautions that each of these would reduce congressional control over the projects. If the Congress wishes to maintain the level of control provided by the existing process, opportunities for significantly reducing timeframes are somewhat limited. (See p. 19.)

The Secretary of the Army should direct the Corps of Engineers to use its management information system to identify unnecessary project delays and control the progress of individual projects and determine if its review process can be expedited without reducing the quality of its reviews. The Department of the Army and Corps of Engineers informally agreed with these recommendations.

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ABBREVIATIONS

AE&D	Advanced Engineering and Design
GAO	General Accounting Office
OCE	Office, Chief of Engineers

CHAPTER 1

INTRODUCTION

The U.S. Army Corps of Engineers has primary Federal responsibility for preventing flood damage in the United States. As part of this responsibility the Corps studies, designs, and constructs flood control projects. These range from small projects such as levees and floodwalls (which keep water out of developed areas) to large multipurpose dams (which temporarily impound excess storm water).

This review was initiated at the requests of Congressmen Harsha and Rinaldo, who indicated that the average time to complete Corps flood control projects had increased from 18 to 33 years over the past 6 years. They asked that we determine why flood control projects take so long to complete and whether the process can be shortened. We limited our review to the survey investigation and advanced engineering and design (AE&D) phases of these projects. These two phases taken together account for 60 to 80 percent of the time spent completing flood control projects.

FLOOD CONTROL PROJECT FUNDING

For fiscal year 1979 over \$609 million was budgeted for continuing the study, design and construction of flood control projects. This includes \$32.5 million for 178 ongoing survey studies, \$21.5 million for continuing AE&D planning on 69 projects and concluding AE&D on 18 other projects, \$193 million for constructing local flood control projects, and \$362 million for constructing flood control reservoir projects. Appropriations for completing construction of the local flood control and flood control reservoir projects were estimated to be \$3.5 billion.

CORPS OF ENGINEERS ORGANIZATION

The Corps has 11 division or regional offices to carry out its civil works mission. Responsibilities for each division include a major watershed or a group of contiguous lesser watersheds. Nine divisions supervise the activities of 36 district offices; the other two divisions are operating divisions. The district offices perform the Corps survey, design, construction, operation, and maintenance work. As with divisions, district office boundaries are defined by natural watersheds to lend coherence to planning and construction.

HOW CORPS OF ENGINEERS PROJECTS ARE INITIATED, AUTHORIZED, AND BUILT

Conception, authorization, and construction of flood control projects requires specific congressional authorization, and can be divided into three stages: (1) survey study authorization, appropriation, completion, and review, (2) project authorization by the Congress, and (3) advanced engineering, design, and construction.

Survey study authorization, appropriation, completion, and review

Most studies are initiated by local citizens who have requested assistance from their congressional representative to solve flood control and related water resource problems. The congressional representative usually requests the Senate or the House Committee on Public Works to direct the Corps to conduct a survey and report its findings and recommendations. The committees may request Corps advice on the desirability of authorizing a study. After the study is authorized the Corps requests funds for the study through the budget process. The district engineer begins the study after initial funds are appropriated and allocated. After the study is completed it is reviewed at various Corps levels, by other Government entities, and by other interested parties.

Project authorization

The survey report is presented to the Congress and referred to the House and Senate Committees on Public Works, who may conduct hearings to consider the projects the Corps has recommended for authorization. Normally these reports are accumulated and considered by the Committees for inclusion in an omnibus authorization bill, usually at 2-year intervals. However, projects costing less than \$15 million may be approved at any time through resolution by both Committees.

Advanced engineering, design and construction

Initial funds for advanced engineering and design are generally appropriated by the Congress within about 3 years after project authorization. All project funding requests are reviewed and approved by the Office of Management and Budget before they are submitted to the Congress--the Congress approves, disapproves, or revises these requests.

Generally, after initial funding further appropriations are required in succeeding years until the project is completed.

After funds are allocated, advanced planning and detailed design is performed by the district engineer with assistance, review, and approval from the division engineer and the chief of engineers. Essentially, this process begins with reviewing and updating the basic plan recommended by the Corps in the survey report and proceeds through progressively more detailed design to produce construction plans, specifications, and detailed cost estimates. After completing these detailed construction plans and specifications for a project or a portion of it, qualified contractors are invited to submit construction bids. After contract award, the contractor works under the technical direction of the Corps.

In 1974 (recognizing that major project changes often occur between project authorization and detailed construction planning) the Congress changed the AE&D authorization process and adopted a two-phase AE&D authorization procedure. This new procedure authorizes additional project planning after the survey report but generally does not allow project construction to proceed without additional congressional authorization. The first phase culminates in a phase I general design memorandum--a document which either reaffirms the project plans as set forth in the initial authorizing document or reformulates the project to fulfill new conditions. The Congress intended that the phase I general design memorandum would provide sufficient information for construction authorization. During the second phase the Corps prepares the phase II general design memorandum, which provides a detailed design of the project. Some feature designs and even plans and specifications may also be prepared during phase II.

Under two-phase authorization the Corps cannot proceed into the second phase of AE&D until the Secretary of the Army transmits the Chief of Engineers' findings on the first phase to the House and Senate Committees on Public Works which declares:

"* * * that the project is without substantial controversy, that it is substantially in accordance with and subject to the conditions recommended for such project in this section, and that the advanced engineering and design will be compatible with any project modifications which may be under consideration."

If these conditions are satisfied, and if appropriations are available for planning, the Corps can proceed into the second phase without further congressional authorization. The Corps cannot initiate construction, however, until the project has been authorized for construction. As of August 1978 none of the projects authorized under the two-phase authorization procedure (projects authorized in 1974 and 1976) had been submitted to the Congress for second-phase construction authorization.

SCOPE OF REVIEW

We conducted our review at Corps headquarters in Washington, D.C., and at selected division and district offices in Ohio, West Virginia, Missouri, Kentucky, Tennessee, and Mississippi. We examined Corps procedures, guidelines, and regulations for studying and designing flood control projects, including multipurpose projects where flood control was a major purpose. To determine why it takes so long to complete projects we reviewed four projects in detail--two projects had completed the survey phase and two had completed the advanced engineering and design phase. We also reviewed a fifth project to document examples of problems encountered in obtaining satisfactory State cooperative agreements required by the project's authorizing legislation.

As agreed with Congressman Rinaldo, we did not review projects which had completed the construction phase because (1) the two planning phases account for most of the time required to complete a project and (2) we had issued several reports relating to the time required to complete construction of Corps projects.

CHAPTER 2

OPPORTUNITIES FOR REDUCING SURVEY AND

AE&D PHASES UNDER EXISTING SYSTEM ARE LIMITED

Our review of four projects disclosed that most of the delays experienced in planning projects during the survey and AE&D phases were attributable to the complex and lengthy process itself; there are few opportunities to significantly reduce the length of time required except by legislative change.

The time required by the Corps for requesting appropriations and designating funds for specific projects as well as actually preparing studies seemed lengthy, but there appeared to be little opportunity for avoiding such delays. Some time could be saved by improving the Corps review process and its performance measurement system, but these improvements may not be extremely important when viewed in terms of the 26 years normally required for survey and AE&D on flood control projects.

Legislative options for reducing time frames are presented in chapter 3.

BACKGROUND OF THE FOUR PROJECTS REVIEWED

The four projects reviewed were selected from the 49 proposed or authorized projects for which, during fiscal years 1975 through 1977, the Corps either (1) forwarded to the Congress a completed survey report with recommendations for a proposed project or (2) awarded the initial contract for project construction. Although AE&D usually continues after the initial construction contract is awarded, we used the initial contract award date as the cutoff date in calculating the time required to complete the AE&D phase.

During fiscal years 1975 through 1977 29 favorable survey reports recommending continuing work on the projects were forwarded to the Congress. From these favorable reports we arbitrarily reviewed the Oceana and Nonconnah Creek studies, each from a different Corps district. Corps studies from both areas resulted in favorable reports--one is a multipurpose project and the other will provide flood control protection. During this same period 28 unfavorable reports recommending no further work were also submitted to the Congress.

Oceana, West Virginia, is located on Clear Fork Creek, a part of the Upper Guyandotte River Basin. A study of the Oceana area, requested in July 1963 by the Senate Public Works Committee, was included in a survey of the Upper Guyandotte River Basin. The survey report was prepared by the Corps Huntington district office; it recommended construction of flood control facilities at Oceana which included channel widening for about 4.7 miles, two sediment control structures, and three day-use recreation areas together with measures to preserve environmental and esthetic conditions.

The Nonconnah Creek survey included the Nonconnah Creek Basin of Tennessee and Mississippi; it was requested in October 1970 by the Senate Committee on Environment and Public Works. The survey report was prepared jointly by the Corps Memphis district office and the Department of Agriculture Soil Conservation Service; it recommended constructing a dual-purpose dam and reservoir for floodwater control and recreation on the mainstream of Nonconnah Creek, channel cleanout and enlargement, and a 600-foot greenway extending 20 miles along Nonconnah Creek.

The Corps completed the AE&D phase and awarded the first construction contracts on 20 previously authorized flood control projects during fiscal years 1975 through 1977. From these 20 projects, we arbitrarily selected Chillicothe, Ohio, and Little Blue River Lakes, Missouri, projects for review of AE&D.

The Chillicothe project primarily provides flood control protection and consists of a levee and floodwall at Chillicothe, Ohio, which is located on the Scioto River. Project construction was authorized by the Flood Control Act of 1962. The Huntington, West Virginia, Corps district office is responsible for completing this project.

The Little Blue River Lakes project is a multipurpose project; it was authorized for construction on August 13, 1968. It will provide two lakes southeast of Kansas City. The project has been designed to include flood control and fish, wildlife, recreation, and water quality features. The Kansas City Corps district office is responsible for completing this project.

THE CORPS MANAGEMENT INFORMATION SYSTEM COULD BE USED MORE EFFECTIVELY

In 1975 the Corps implemented a performance measurement system designed to provide a general performance

assessment in major program areas. The system is also to provide managers with information on activities to help managers more effectively meet mission objectives. Although the system provides a framework from which survey investigations and AE&D projects can be monitored to identify unnecessary delays and take corrective action, the system is not being used for this purpose.

The performance measurement system consists of quarterly performance reports on a wide range of Corps activities. Graphic reports display information on the survey and AE&D phases of civil works projects; this information is compiled at Corps headquarters from data submitted each quarter by the districts and divisions. The reports provide district-, division-, and Corps-wide statistics. Two reports, "Achievement of Scheduled Milestones," and "Achievement of Study Completion-Time Objectives," record district progress in completing survey investigations. Similar milestone reports are prepared for the AE&D phase as are charts comparing project design progress to planned work schedule.

The milestone report is compiled from district information which shows district progress in meeting individual milestones established by the districts for survey investigations and AE&D. This report is intended to provide Office, Chief of Engineers (OCE) information on district planning of activity levels and resource allocations. The time objective section of the measurement report focuses on the time to complete the survey. Corps headquarters has established a 4-year goal for completing the entire survey phase (interpreted by the Corps as the time between initiation of the survey investigation and the date the division engineer submits the survey report to the Board of Engineers for Rivers and Harbors for review).

Recent performance measurement reports indicate that most Corps districts are not meeting their completion objectives for individual steps within the survey and AE&D phases of civil works projects. During each quarter of fiscal year 1977 the districts achieved only about half of their milestone objectives for studies. During the fourth quarter of the same year the district study completion time objectives for 318 survey reports had slipped 139 percent, an average of 33 months per study. The fourth quarter report also showed that for projects in the AE&D phase only 57 percent of the individual work items had been completed according to the planned district work schedule. By the second quarter of fiscal year 1978, the district performance in completing work according to schedule had improved to 74 percent of the planned work. Because the

Corps is revising its milestone criteria, "Achievement of Scheduled Milestones" was not reported during the first and second quarters of fiscal year 1978.

Corps headquarters uses the performance measurement report to indicate performance rather than as a tool for corrective action. Although the reports show that the districts are not meeting their goals, Corps headquarters has not instructed the divisions to take corrective action. Headquarters officials said that the report is to permit districts to compare their progress and that the decision to take corrective action is left to district and division officials.

We questioned officials at the St. Louis district, Lower Mississippi Valley division, to determine how they used the report and to learn what division or headquarters action was taken due to district performance slips. The St. Louis district recorded one of the worst district reports in meeting scheduled milestones during the fourth quarter of fiscal year 1977.

We interviewed the district engineer, comptroller, and district chiefs of planning and program development. A part of this group stated that they use this report to indicate performance in comparison to other districts, not to manage individual projects. They said the report can be misleading because (1) it measures simple and complex studies under the same criteria, (2) part of the delays are caused by factors outside of district control (such as inadequate funding and changes in Corps requirements), and (3) the 4-year survey completion objective is unreasonable and generally cannot be met. District and division officials stated that the performance measurement report is acceptable as a historical record but of limited value as a management tool.

A district official said that the only action taken due to the district's poor performance was a letter to the district engineer from the division's Chief of Planning. The letter stated that the division was greatly concerned with the district's milestone accomplishment performance and that the district needed to develop more realistic milestone schedules and concentrate greater efforts on accomplishing these milestones as scheduled. Corps headquarters took no action on the district report. A headquarters official said that at times the districts are too optimistic in setting performance goals--this results in poor achievement reports.

District officials explained that there are continuous contacts between the districts and division staffs and that the division is well aware of district problems in completing studies without being informed by the performance measurement report.

SURVEY REPORT REVIEW PROCESS SEEMED LENGTHY

Corps survey reports receive extensive review and coordination, which take considerable amounts of time. The time consumed by review and interagency coordination of the two survey reports we reviewed took as long as or longer than the time used preparing them.

The draft survey reports prepared by the district offices go through a series of formal reviews which normally are conducted sequentially. These reports are reviewed by division staff, the Board of Engineers for Rivers and Harbors, OCE, Governors of affected States; various other Federal agencies, the Secretary of the Army, and the Office of Management and Budget before being sent to the Congress. Corps field personnel have indicated that parts of the review process are excessively complicated and may unduly increase cost and time without producing a corresponding benefit. They indicated that some changes are often superficial and do not substantially alter reports or development plans.

The Oceana and Nonconnah survey reports required 2.3 and 3.3 years, respectively, to clear the review process. Review and interagency coordination at the Corps headquarters level took the longest time. For example, review and interagency coordination of the Nonconnah Creek project by OCE took 29 months. Questions were raised about the Nonconnah recreation potential, water quality, sedimentation and channel alternatives.

The following table shows the average time required to complete the review at each level as determined by our analysis and as reported by the Corps. The table shows that review and interagency coordination time at OCE has recently increased threefold and now takes about as long as the entire review and coordination phase used to take.

AVERAGE TIME TAKEN TO
REVIEW CORPS SURVEY REPORTS

<u>Review level</u>	36 projects completed from fiscal years 1973 to 1975 (note a)	57 studies completing survey phase from fiscal years 1975 to 1977 (note b)	Oceana local protection project (note b)	Nonconnah Creek project (note b)
----- (months) -----				
Division Engineer	4	c/4	7	7
Board of Engineers for Rivers and Harbors	6	4	3	d/2
Chief of Engineers and Interagency Coordination	5	18	9	29
Secretary of the Army	1	2	5	1
Office of Management and Budget	<u>2</u>	<u>5</u>	<u>4</u>	<u>1</u>
Months	<u>18</u>	<u>33</u>	<u>28</u>	<u>40</u>
Years	<u>1.5</u>	<u>2.8</u>	<u>2.3</u>	<u>3.3</u>

a/Corps statistics based on all civil works projects which completed construction from fiscal years 1973 to 1975.

b/Our statistics based on 57 flood control studies completing the survey phase from fiscal years 1975 to 1977, including the Oceana and Nonconnah studies.

c/Two of these studies originated from an operating division and were included as zero review time. Excluding these two studies would have increased the average division engineer review time from 3.5 months to 3.7 months.

d/Reviewed by the Mississippi River Commission.

The AE&D studies (design memoranda) also receive extensive review at various levels. However, unlike a survey report (which is the final product of an authorized survey) the number of AE&D design memorandums varies for each project. While one design memorandum is being reviewed other AE&D work can continue.

The design memoranda for a project are presented in an orderly series at appropriate times, beginning soon after AE&D is started and ending with the completed project. A typical multipurpose project would include design memorandums on hydrology, site selection, site geology, plan formulation, project design, and access roads.

We did not schedule the review time for the 20 projects in our sample because (1) several design memorandums are prepared and reviewed during a project AE&D phase and (2) these reviews normally do not delay the project because they are done concurrently with other AE&D work.

LIMITED OPPORTUNITY TO DECREASE FUNDING
DELAYS UNDER EXISTING SYSTEM

Although each project we reviewed experienced funding delays--some to a much larger extent than others--the reasons for each delay either seemed beyond the Corps' control or within reason, considering the circumstances.

The Corps deferred the Oceana survey after authorization and did not request funds from fiscal years 1964 through 1968. The study was deferred primarily because (1) prior studies of the Upper Guyandotte River Basin showed that an Oceana project was uneconomical, (2) the Department of Agriculture Soil Conservation Service was already studying the feasibility of a watershed project at this location, and (3) the district had classified this as a low-priority study because of the above reasons. New flooding, however, occurred in March 1967. Renewed interest caused the Corps to place a higher priority on the Oceana study and to request funds for fiscal year 1969. Subsequently, the Congress appropriated funds and the district received these initial study funds in October 1968. However, because the Corps still considered the Oceana study to be of lower priority than other studies, the amount allocated to the Oceana study was too small to begin a productive survey effort. Finally, 3 years later adequate funds were provided to begin the study. Once sufficiently funded, the survey work was accomplished in about 2 years.

Primarily because of the wording in Chillicothe's authorizing act, funding for its AE&D work was not requested until 6 years after the project was authorized. According to the Corps the authorizing Flood Control Act of 1962 stipulated that four upstream reservoirs also authorized by the act must be constructed before construction could start on Chillicothe. However, when the upper reservoir projects encountered problems, the Congress in October 1965 amended the authorization to state that these reservoirs only had to be under construction before Chillicothe construction could be started.

In June 1970 and March 1974 the requirement that two of the reservoirs (Big Darby Lake and Mill Creek Lake) be under construction was removed when it became apparent that the projects might never be built. The Huntington Corps district office requested funds to begin preconstruction planning on the Chillicothe project from fiscal years 1968 through 1971, but the request was denied at Washington headquarters.

The Congress appropriated funds for the project in fiscal year 1971; however, these funds were held in a budgetary reserve and were not released until fiscal year 1972.

Unlike Oceana and Chillicothe, the Nonconnah and Little Blue River Lakes projects were funded within 2 years of authorization. This 2-year funding pattern does not seem excessive when considering that over a year is needed to prepare and obtain congressional action on the Corps budget request for project funds. Our analysis of the 57 studies and 20 projects showed that survey investigations were initially funded an average of 5 years after authorization and AE&D was funded an average of 2.8 years after authorization. Projects which are funded in less time usually have fortuitous timing of authorization within the budgetary cycle or have received increased emphasis provided by strong local or congressional support.

ACTUAL TIME TO PREPARE STUDIES SEEMED REASONABLE

Although the total time required to obtain funds, perform the survey or AE&D phases, and complete the review of the four projects ranged from 6 to 13 years, the Corps district offices required only about 2 years to perform each study. Corps officials said that personnel shortages, new evaluation criteria, and local project opposition required additional planning time. However, except for the Little Blue River Lakes project (where personnel shortages may have caused a 1-year project delay) these factors did not increase the planning time more than 3 to 6 months.

CONCLUSIONS

Although the current system does not offer the opportunity for reductions in time that a change in the entire process might, we believe the Corps could make some changes to better expedite the completion of projects. In our opinion, the trend experienced during the last 4 years in which the review time has nearly doubled should be of concern to the Corps. We also believe the Corps could more effectively use its performance measurement system to identify project delays during both the survey and review phases.

The four projects reviewed were delayed at various stages for different reasons. Some of the longer delays (such as those which occurred in the initial funding phase of Oceana and Chillicothe) were either beyond Corps control or were deliberately incurred so that higher priority studies could be completed faster. Three of the four projects we reviewed also experienced minor delays due to personnel shortages and the time-consuming review process, both of which are to an extent controlled by the Corps. However, given the lengthy time (26 years on the average) it takes for the Corps to complete a study and to fund, design, and begin construction on a project, eliminating or reducing delays totalling 3 to 5 years does not appear particularly important.

RECOMMENDATIONS

We recommend that the Secretary of the Army direct Corps headquarters to (1) use its performance measurement system to identify and track delayed surveys or AE&D work and take appropriate action to expedite the completion of these phases and (2) analyze its review process to determine if it can be expedited without decreasing quality and take corrective action where appropriate.

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The Department of the Army and the Corps informally agreed with our recommendations.

CHAPTER 3

CAN FLOOD CONTROL PROJECTS BE COMPLETED FASTER?

Yes. While many of the major delays we identified during our review appeared justified, we believe that an average of 26 years for determining the feasibility and the basic design of flood control projects is unreasonably long, especially since delays cause the potential for loss of life, property, inflation, and the loss of other economic gains which a project may have provided. The current process for authorizing, funding, and planning projects includes many lengthy periods in which no labor is directed toward project completion. By eliminating or reducing these unproductive periods, the entire life of a project could be greatly shortened. Several options are open to the Congress which would reduce, by varying amounts, the length of time in which a project is essentially dormant; however, each of these options also reduces congressional control over the projects.

CURRENT PROCESS

The overall process by which Corps projects are planned, designed, and constructed is complex and lengthy. For projects completing survey and AE&D phases between fiscal years 1975 and 1977 we found the composite time used for completing survey and design averaged 25.9 years. Less than half of this time was consumed by actual survey and design work. The rest of the time the projects (1) waited for funding or authorization or (2) underwent interagency coordination and review by the Corps, the Board of Engineers for Rivers and Harbors, the Secretary of the Army, and the Office of Management and Budget.

The survey investigation was established by the Congress to have the Corps study water resource problems and recommend solutions which could be authorized by the Congress for implementation. However, before a study can be undertaken general investigation funds must be appropriated by the Congress for the survey. To the extent the President's budget is less than requested by the Corps, the Corps adjusts its proposed allocation for specific studies, including the deferral of some low-priority studies. The survey is started when funds are received. After the survey is completed it is sequentially reviewed by or coordinated with the (1) division engineer, (2) Board of Engineers for Rivers and Harbors, (3) Governors of the affected States and interested Federal agencies, (4) Secretary of the Army,

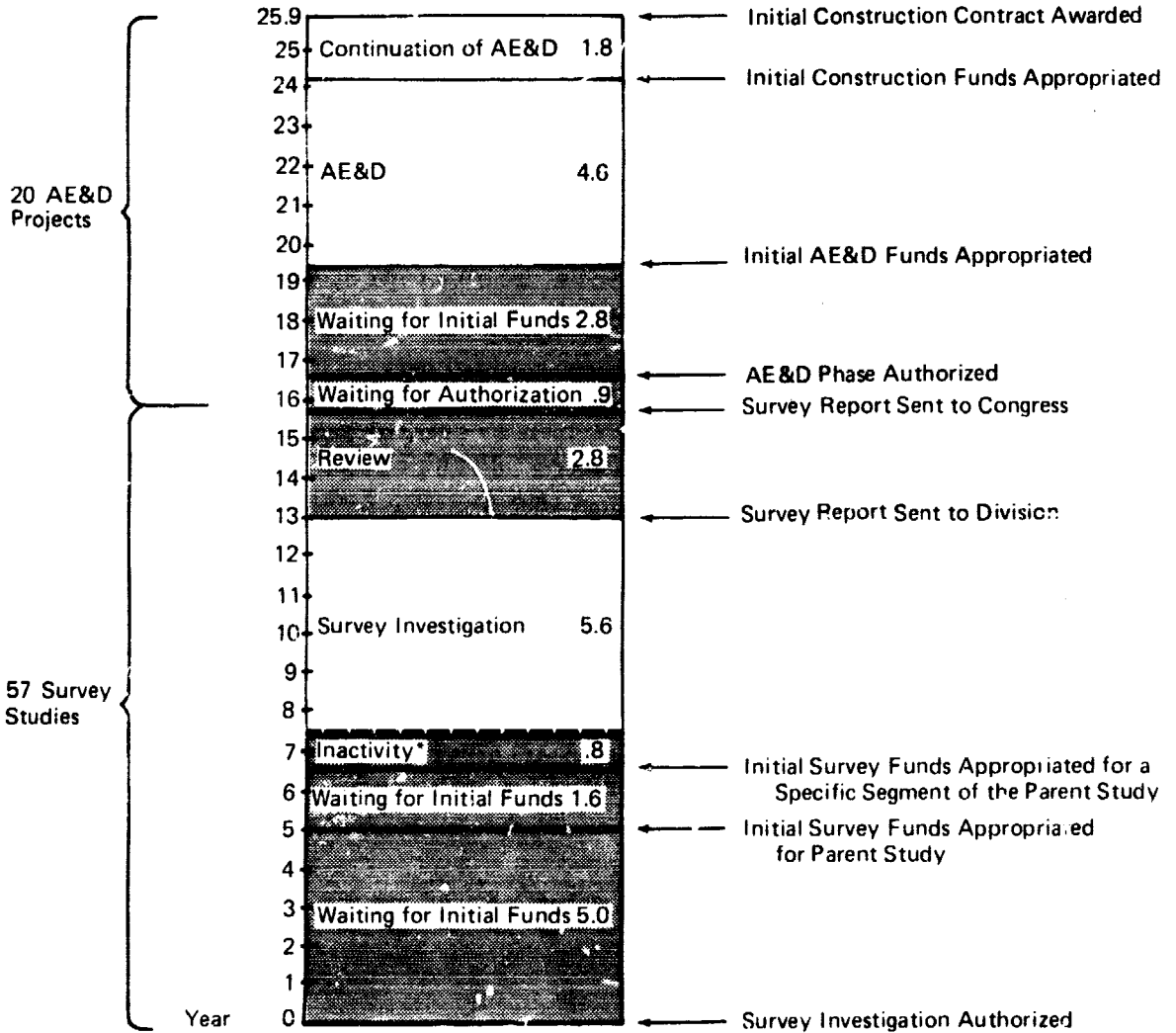
and (5) Office of Management and Budget. Then the report is sent to the Congress.

The Congress reviews the study and usually approves projects for construction by an omnibus authorization bill, which generally is passed every 2 years. The Corps must then request and receive an appropriation before starting advanced engineering and design. These funds, like the survey funds, are requested and received annually. The Corps seldom receives an annual project appropriation large enough to cover the entire cost of the survey or the advanced engineering and design phases of its projects. However, sufficient funds for a particular year can generally be transferred from low-priority survey studies to high-priority survey studies and to those with strong local support once initial funds have been appropriated by the Congress.

ANALYSIS OF ACTIVITY ON RECENT PROJECTS

The Corps completed 57 survey investigations and 20 AE&D studies during fiscal years 1975, 1976, and 1977. Some perspective of the length of time being taken to get an authorized flood control project through the entire process of completing the survey and AE&D phases before starting construction may be gained by examining the chart below. This chart was developed by combining the average time spent in conducting the 57 survey investigations and the 20 AE&D studies completed during fiscal years 1975 through 1977. The chart shows that about 25.9 years passes between the time initial investigation and planning is authorized and the time construction is actually started.

Average Time Spent on Survey and AE & D Phases of Flood Control Projects



No Active Work on Survey Report or AE&D

* This inactivity occurs at various times after the survey investigation has begun and before the survey report is sent to the division

Survey investigation phase

Project studies averaged 15.8 years in the survey phase and ranged from 4.5 to 40 years. For this review, we defined the survey phase as the time between the initial survey authorization and the date the survey report was sent to the Congress. However, our analysis revealed that on the average only about one third (5.6 years) of this time was used to complete the actual survey work.

One factor, waiting for funds to initiate the parent study, caused an average of 5 years delay during the survey investigation. The appropriation process has some built-in delays in responding to congressional authorizations for studies. Funds for each survey effort must be appropriated by the Congress; accordingly, the appropriation request must be included in the budget estimate prepared for subsequent congressional approval. However, the budget cycle starts about 15 months before the year in which congressional action is taken. Thus more than a year may pass before funds are appropriated for initiating a study.

There are other reasons why initial funding is delayed. Among these are:

- The Corps or the Office of Management and Budget relegates the project to a low-priority status and does not request funds.
- Factors beyond Corps control dictate that the survey or AE&D not be initiated. (Such as we found on both the Oceana and Chillicothe projects.)

A project generally goes through the appropriation process for both the survey and AE&D phases. Thus, the project is delayed 2 to 3 years (at a minimum) due to this process. The composite average time waiting for initial funding for the parent survey and AE&D phases was 7.8 years for the 77 projects analyzed.

Reviews caused an average of 2.8-year delays in the survey investigation phase. Each survey report goes through several levels of review within the Corps. (See p. 9 and 10.) For the most part these reviews were sequential.

We found several additional explanations for other periods of inactivity during the survey phase. First, 18 of the 57 studies were only segments of parent surveys. On the average, funds for these studies were first appropriated

1.6 years after the parent studies were funded. No work was performed on the studies for the specific segments until these funds were appropriated.

Second, there were periods of inactivity after initial funds were appropriated that amounted to an average of .8 year. Nearly half of this inactivity was caused by low funding levels which were insufficient to continue survey work. For example, the Corps did not start work on the Oceana study until 3 years after it received the first project appropriations because there were not sufficient funds available to start the study seriously. Other reasons for inactivity during the survey were a lack of support from or conflict with local interests, regulations and concerns of other government bodies, and low-priority ratings for particular projects.

Advanced engineering and design phase

The projects in the AE&D phase experienced delays similar to survey studies. Our 1975-77 data indicated that it took an average of 10.1 years to complete the AE&D phase after the project was submitted to the Congress for authorization. However, our analysis revealed that an average of only 6.4 years was used to complete the actual AE&D work before awarding the initial contract on the project. The time taken for each of the 20 projects ranged from 2.2 years to 25 years.

Waiting for congressional authorization caused delays during the AE&D phase. Projects averaged almost a year between the time the survey reports were sent to the Congress and the projects were authorized for AE&D. Under the current process, since the Congress usually passes the omnibus bill only every 2 years, it is to be expected that on the average projects will wait 1 year to be authorized.

Waiting for funds also caused delays during the AE&D phase. These delays amounted to an average of 2.8 years. (See p. 16.) The issues concerning waiting for funds in the survey investigation phase also apply to the AE&D phase.

Reviews generally cause very few delays during AE&D. A series of design memorandums are developed throughout this phase that must be reviewed; however, most reviews do not halt the design work or hinder other memorandums from being developed.

CONCLUSION

It takes a long time after initial survey authorization (an average of 26 years) before construction of authorized flood control projects is started. During this period, only 12 years is used for actual planning and design; various reviews and appropriation actions take most of the remaining time. Approval of proposed projects and decisions on funding priorities by the executive and legislative bodies are required under the current process. Although we agree with these concepts of control, we also believe there is cause for concern when these processes consume more time than actual planning and design phases. In our opinion, 26 years is an unreasonably long time for a project to be in the planning and design phases. Implementing our recommendations in chapter 2 could shorten the time by possibly several years but the projects still would require an unreasonably long time to complete.

Options to the current process which could greatly reduce the time between authorization and contract award are available. However, each of these options would weaken the congressional control over the water resource projects undertaken by the Corps. It may be that the suggested time reductions discussed in chapter 2 are all that are available if the Congress is to retain its current level of control over the planning of water resource projects. A brief discussion of several options available for reducing the time taken to start construction of flood control projects follows.

OPTIONS TO CURRENT AUTHORIZATION AND APPROPRIATION PROCESS

There are many variations and permutations of the current authorization/appropriation process which would result in earlier construction on most projects. Presented below are three options which could reduce the survey and AE&D phases by as much as one third. These options are similar to those currently used to authorize and fund other Federal projects--such as Navy shipbuilding and conversion, urban mass transportation activities, and Forest Service construction activities.

Corps initiated surveys with a single authorization and appropriation for design and construction

Under this option the Congress would provide the Corps with an annually replenishable survey fund. The Corps could

then initiate and carry out flood control survey work without congressional authorization but within the limits allowed by the fund. Design and construction of projects would require congressional authorization and would be fully funded by a single appropriation.

This option severely curtails the ability of the Congress to determine which projects will be surveyed; the Congress would also only review the Corps solution to a flooding problem once. However, this option does have several advantages. It could reduce preconstruction time by 6.6 years or more, totalling eliminating the time spent waiting for survey funds after the initial survey authorization as shown on page 16. In addition, full funding of the project's AE&D and construction provides the Corps with an incentive to proceed through the final design and construction stages as speedily as possible in order to negate the impact of inflation. Instead of funding only the initial AE&D for a project, the full level of funding needed to complete AE&D and construction could be authorized in the same action. However, because full funding requires a reasonably accurate estimate of cost, it probably would be necessary to complete the survey phase before requesting funds for the project. There are so many unknowns when a survey is begun that developing such a reliable estimate of the project cost would be extremely difficult--if not impossible.

Another aspect with the full funding concept lies in the likelihood of fewer projects being authorized at a time. This would depend on prevailing funding constraints.

The executive branch recently requested full funding of water resources projects rather than endorsing the incremental funding system traditionally used by the Congress. The President's 1979 budget proposes a comprehensive application of the full funding concept asking for full funding of all new major procurement and major construction projects.

Combine the authorization and funding steps within the existing process

Under the existing process, after the parent survey is authorized it is not funded for the first time until an average of 5 years later; in those instances where segments of the parent study received specific appropriations, an average of 6.6 years was required. In a similar manner, AE&D work is authorized and then initially funded about 2.8

years later. If the authorization and funding steps for each of these phases were combined, the funding wait interval (which totals 9.4 years) would be eliminated as indicated on page 16. This represents about a 36-percent reduction in the lifespan of current projects. Congressional control over which projects are authorized and funded would be maintained.

This process, however, eliminates the traditional separation of project authorization and project funding between the Public Works Committees and the Appropriation Committees. A modification is possible in which the Appropriation Committees each year appropriates funds to two annually replenishable funds (one for surveys and one for AE&D) to be used on projects approved by the authorizing committees.

Authorize and fund survey
and AE&D work under a single
congressional action

Besides eliminating the funding wait intervals totaling 9.4 years (as explained in the second option), another .9 year would be eliminated under this option. The .9 year represents the interval in the existing system between survey completion and the authorization of AE&D as presented on page 16. Thus, about 10.3 years in the lifespan of a feasible project is eliminated under this option. Congressional control over which projects are initially authorized is maintained. A possible disadvantage under this concept is that the Corps would need the authority to decide whether a project merits AE&D and ultimate construction. Another disadvantage of this option is the Congress may decide not to authorize project construction after AE&D is completed. Subsequently, resources expended for the survey and AE&D would be of no value or, should project construction eventually be authorized, of only marginal value since much of the work may then have to be updated.

CHAPTER 4

PROJECTS ARE DELAYED BY A FEDERAL/STATE COOPERATIVE AGREEMENT REQUIREMENT

Many flood control projects have been delayed or stopped by a 1970 law 1/ which requires States and other non-Federal organizations to guarantee payment for certain features of the project (such as the cost of municipal and industrial water supplies and recreation facilities) before construction is started. Several States, however, cannot make such guarantees because their constitutions prohibit the future obligation of State appropriations. Not only is this law (section 221) currently delaying projects but, unless it is amended, it will continue to delay or stop future projects in the same circumstances.

RATIONALE FOR THE SECTION 221 AGREEMENT

The Congress formally adopted the provisions of section 221 in the 1970 Flood Control Act to strengthen the cooperative Corps project agreements being signed by non-Federal interests. In discussing section 221, the House Public Works Committee report, 2/ stated that "this section will provide a necessary uniformity of obligation among non-Federal interests and insure that Federal investments in water resource projects will be economically and judiciously made." It also stated that section 221 would assure that before Federal monies are invested in a Federal project, non-Federal interests would be bound to perform the required cooperation.

A Corps official stated that section 221 was introduced because local governments from a few States were not meeting their commitments and were letting completed Corps projects deteriorate.

Section 221 of the Flood Control Act of 1970 (42 U.S.C.A. 1962d-5b) states:

1/Section 221 of the Flood Control Act of 1970, (42

2/H.R. Report No. 1665, 91st Cong., 2nd Sess. 74 (1970).

"(a) After December 31, 1970, the construction of any water resource projects by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under the provisions of section 1962d-5a of this title or under any other provision of law, shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary of the Army to furnish its required cooperation for the project." (Underscoring supplied.)

"(b) A non-Federal interest shall be a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform."

"(c) Every agreement entered into pursuant to this section shall be enforceable in the appropriate district court of the United States."

* * * * *

"(f) This section shall not apply to any project the construction of which was commenced before January 1, 1972..."

PROBLEMS ASSOCIATED WITH THE SECTION 221 AGREEMENT

As of September 9, 1977, the Corps reported that at least 18 States could not enter into section 221 agreements because of State constitutional provisions which prohibit legislatures from committing future legislatures to financial expenditures. At that time, there were 16 projects being delayed or stopped because of the section 221 requirement. The estimated construction value of these projects was \$125,652,000. (App. I identifies each project and its status.)

During our review we also identified specific problems caused by the section 221 requirement. The following example of the Indiana Big Walnut Lake project demonstrates how section 221 demands and State constitutional prohibitions delay or stop projects.

Big Walnut Lake project

Because the Federal Government and the State of Indiana cannot agree on the necessary assurance required by section 221, the Big Walnut Lake project is currently at a standstill, although all preconstruction work has been completed. As of May 1978 the project had been delayed 23 months. During this period inflation had increased project costs by approximately \$8.9 million. According to the most recent Corps estimate the project will cost \$124.3 million. The following chronology exemplifies State and Corps efforts to satisfy the section 221 agreement:

- June 1971 and 1973. The Corps determined that Indiana did not have the ability to enter into section 221 agreements which require the State to contract for debts beyond those for which the legislature has appropriated funds.
- April 1975. The Corps furnished Indiana with a Big Walnut Lake Local Cooperation Agreement consistent with the provisions of section 221.
- May 1975. Indiana executed the Local Cooperation Agreement after deleting the section 221 requirement.
- November 1975. Indiana transmitted the Local Cooperation Agreement which they had executed in May 1975 to the Corps. The Corps responded that this agreement was unacceptable and sent the State a revised agreement which they asked them to execute. The revised agreement deleted reference to section 221 in the main body but retained the section requirements in the attached Attorney General certification. The Corps also sent the State the draft water supply contract for Big Walnut Lake for review and requested a statement about State concurrence with the contract. Corps and State officials also met to discuss the Big Walnut Lake draft recreation contract. During this meeting State officials said that the State was not legally capable of executing a contract containing section 221 provisions unless the contract contained a clause which qualified the future obligation of State appropriations.
- March 1976. The Corps sent draft water supply and recreation contracts on Big Walnut Lake containing qualifying language to the State for review and consent.

- April 1976. The Corps sent the State a revised Local Cooperation Agreement on Big Walnut Lake which contained qualifying language. The State concurred with this agreement subject to comments on two articles and notified the Corps that the draft recreation and water supply contracts were also satisfactory as long as they contained the qualifying language.
- May 1976. The Corps sent the final Local Cooperation Agreement to the State and also notified them that they were considering the State's April 1976 comments on the draft water supply contract. The State replied that all three of the Big Walnut Lake contracts (recreation, water supply, and the agreement for local cooperation) were satisfactory as long as the qualifying language remained in the contracts.
- September 1976. The Corps district sent the Big Walnut Lake contracts to the division for review.
- November 1976. The Corps division submitted the Big Walnut Lake contracts and project design work to Corps headquarters for review.
- January 1977. The Department of the Army General Counsel determined that the Big Walnut Lake contracts failed to satisfy the section 221 provisions because they contained clauses which qualified the State obligation of future funds.

A Corps district official said that no further action had been taken since January 1977. He added that both Indiana and Corps officials believe that it is impossible for Indiana to meet the section 221 provision under existing legislation.

Many States adversely affected
by section 221 requirements

Section 221 affects many States but not always as severely as Indiana. Some States have been able to adopt practices which satisfy Federal requirements without amending their constitutions. However, these solutions can delay projects and may not be binding.

Several States and local governments that are constitutionally prohibited from committing future appropriations have been able to satisfy the section 221 requirement without changing their constitutions by (1) appropriating all funds necessary in 1 year and placing them in escrow for

future use, (2) establishing a State water authority, which in turn sponsored the project and generated future appropriations, (3) providing funds to a local entity that then sponsored the project, (4) obtaining an exemption from the Congress, or (5) signing an agreement prohibited by law.

A Corps official said, however, that these methods generally take additional time, require a major effort, and in some instances may not be legally binding. Corps officials also stated that the section 221 provision creates an incongruity because it allows the Corps to contract with lesser entities within a State but not with the State itself. This generally is true because non-Federal entities other than State governments are capable of and usually do meet the requirements of section 221 since appropriations usually are not their only funding source. One Corps official stated that in no other dealings with State governments is the Federal Government required to place on a State government the burdensome provision required by section 221.

NEED FOR AN AMENDMENT

The Corps anticipates that its field offices will continue to have section 221 problems. Several Corps division offices have cited specific projects which they believe will have section 221 problems; one division office said that it could foresee potential delays on 24 of its 29 proposed projects.

Because of section 221 delays, on May 19, 1977, the Acting Assistant Secretary of the Army proposed an amendment to the legislation which would allow the agreement to be contingent on legislative appropriations by the State, and submitted it to the Office of Management and Budget. The Office of Management and Budget delayed further action, however, until the President's national water policy was clearly defined. The President gave his national water policy message on June 6, 1978. As of June 1978 the Office of Management and Budget had taken no action.

The Army proposal states that:

"at the present time, the Corps of Engineers has reached a point in connection with the negotiation of a number of water resource development projects that include water supply and recreation development, where a fully binding, enforceable agreement of this nature cannot be implemented

with those State agencies which have no other source of future funding except through their legislative process."

The Army also stated that this problem placed the Federal Government in an unfavorable light in its negotiation of section 221 agreements because the Army required the non-Federal agencies to unequivocally commit themselves to appropriate funds while the Federal commitment was subject to the future appropriation of funds by the Congress.

CONCLUSIONS

Section 221 has not provided uniform obligations among the States as intended by the Congress. Even though this provision may provide some additional assurance that non-Federal interests will meet their commitments, it has greatly delayed or stopped projects and will continue to do so unless the law is changed. Although several States have met this provision by using methods other than obligating future State funds, these methods take additional time, require a major effort, and in some instances may not be legally binding.

A legislative change has been proposed. On May 4, 1978, the Senate passed a version of H.R. 8309 (the Navigation Development Act) which includes a provision which would further amend section 221 of the Flood Control Act of 1970 to allow States to sign agreements contingent upon the legislative appropriations process of the State. H.R. 8309 is currently being considered by the 95th Congress.

PROJECTS DELAYED OR STOPPED BECAUSE
OF THE SECTION 221 REQUIREMENT
(EXCERPTED FROM A SEPTEMBER 9, 1977
CORPS INFORMATION PAPER.)

Addicks Reservoir, Texas (code 710):

Reason for delay--Inability of city to provide unlimited
"hold and save" provision

Estimated cost--\$12,000,000

John H. Kerr, Virginia (code 710):

Reason for delay--Inability of State to commit
future funds

Estimated cost--\$220,000

Adkin Branch, North Carolina (section 205):

Reason for delay--Project stopped because of the need
to hold a referendum which the city did not think
would pass

Estimated cost--\$1,100,000

Joyce Creek, North Carolina (section 205):

Reason for delay--Pending referendum

Estimated cost--\$358,000

Westmoreland State Park, Virginia (section 103):

Reason for delay--Hold and save clause violates
State Constitution, which limits creation of
indebtedness

Estimated cost--\$170,000

Kehoe Lake, Kentucky:

Reason for delay--Inability of State to commit future
funds for recreation

Estimated cost--\$38,000,000

Big Walnut Lake, Indiana:

Reason for delay--Inability of State to commit future funds for water supply and recreation

Estimated cost--\$64,500,000

S. Platte River--Channel below Chatfield Dam, Colorado:

Reason for delay--The State has appropriated funds for river reach No. 1 only and cannot sign a 221 contract to obligate future legislators

Estimated cost--\$4,900,000

Deer Creek Lake, Ohio (code 710):

Reason for delay--Inability of the State to commit future funds

Estimated cost--\$750,000

Delaware Lake, Ohio (code 710):

Reason for delay--Inability of the State to commit future funds

Estimated cost--\$238,000

Dillon Lake, Ohio (code 710):

Reason for delay--Inability of State to commit future funds

Estimated cost--\$280,000

Paint Creek Lake, Ohio (code 710):

Reason for delay--Inability of State to commit future funds

Estimated cost--\$1,325,000

C. J. Brown Dam and Reservoir, Ohio (code 710):

Reason for delay--Inability of State to commit future funds

Estimated cost--\$900,000

Michael J. Kirwan Dam and Reservoir, Ohio (code 710):
Reason for delay--Inability of State to commit
future funds

Estimated cost--\$500,000

F. M. 162 Trinity River Bridge, Texas (section 14):
Reason for delay--Inability of State to provide an
unlimited "hold and save" clause

Estimated cost--\$250,000

Alamo Lake, Arizona (code 710):
Reason for delay--Inability of the State to commit
future funds

Estimated cost--\$161,000

WILLIAM H. HARSHA
5TH DISTRICT, OHIO
2487 RAYBURN HOUSE OFFICE BUILDING

COMMITTEE
RANKING MINORITY MEMBER
PUBLIC WORKS

Congress of the United States

HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

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RECEIVED

May 3, 1977

Mr. Elmer B. Statts
The Comptroller General
411 G Street, N.W.
Washington, D. C. 20548

Dear Mr. Statts:

In my capacity as Ranking Minority Member of the Public Works and Transportation Committee, I respectfully request a formal General Accounting Office investigation of the current procedures governing initiation, formulation and ultimate completion of flood control projects by the U.S. Army Corps of Engineers.

The lead time between initiation and completion of a Corps of Engineers flood control project is considerable. In 1971, the Chief Engineer of the Corps testified that the average flood control project required eighteen years. Of this extensive time period, less than three years were devoted to actual construction and only four and one half years were accounted for by the project study period. The remainder of the lead time, amounting to more than ten years, could be attributed to procedural delays. It has come to my attention that in the six years since the Corps testimony of 1971, the average lead time for Corps flood control projects has increased from eighteen to twenty-three years.

I am extremely concerned about the amount of time Americans must wait before they receive relief from flooding. Yet my inquiries reveal that the Corps of Engineers possesses comparatively little discretion in the procedures it follows. The vast majority of procedural steps appear to be mandated by statute or Executive Order.

Legislation is therefore necessary to reduce current procedural delays. The drafting of sound legislation, however, depends on adequate data to determine which of the current procedures can be modified or eliminated without jeopardizing the public interest. Therefore, a study of this matter by your office is an imperative prerequisite to possible legislative action.

Mr. Elmer B. Statts
May 3, 1977
Page Two

The basic thrust of this study I hope would address the following question: Which of the present procedural steps, if any, can be modified or eliminated without endangering the public interest in strict safety standards, technical competence, environmental protection and adequate public input?

Among the more specific questions which I feel this study should address are the following:

Do current requirements for public hearings and public comment solicitation unreasonably exceed the statutory mandate for public involvement in the formulation of Corps flood control projects?

Are the extensive requirements for inter-agency review really necessary for projects which are without substantial controversy?

Can the recent moves to streamline Congressional involvement in flood control project approval be expanded without eroding the oversight responsibilities of Congress?

Can time be saved by requiring "assurances of local cooperation" at an earlier stage in the project planning process?

Can review by the Board of Engineers for Rivers and Harbors be eliminated in the case of projects without substantial controversy without jeopardizing the public interest?

Can increased manpower authorizations for the Corps substantially accelerate the process of formulating and reviewing flood control projects?

These questions do not exhaust the potential for inquiry, and I hope your office will examine closely all areas in which procedures can be expedited.

Thank you very much for your efforts, and I would appreciate your apprising me of the progress of this study.

Sincerely,



William H. Harsha
Representative to Congress

WHH:pjr

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COMMITTEES:
INTERSTATE AND FOREIGN
COMMERCE

SUBCOMMITTEES:
OVERSIGHT AND INVESTIGATIONS
CONSUMER AFFAIRS AND FINANCE

SELECT COMMITTEE ON AGING

SUBCOMMITTEE:
HOUSING AND CONSUMER INTERESTS

March 24, 1977

Mr. Elmer B. Staats
The Comptroller General
441 G Street, N.W.
Washington, D.C. 20548

Dear Comptroller General:

I wish to request a formal General Accounting Office investigation of the current procedures governing initiation, formulation, and ultimate completion of flood control projects by the U.S. Army Corps of Engineers,

The lead time between initiation and completion of a Corps of Engineers flood control project is considerable. In 1971, the Chief of Engineers for the Corps testified that the average flood control project required 18 years. Of this extensive time period, less than 3 years were devoted to actual construction and only 4.5 years were accounted for by the project study period. The remainder of the lead time, amounting to more than 10 years, could be attributed to procedural delays.

Sources on the House Public Works Committee have also informed me that, in the six years since the Corps testimony of 1971, the average lead time for Corps flood control projects has increased from 18 to 23 years.

As a Congressman from a flood-prone Congressional District, I am concerned about the amount of time Americans must wait before they receive relief from flooding. Yet my inquiries reveal that the Corps of Engineers possesses comparatively little discretion in the procedures it follows. The vast majority of procedural steps appear to be mandated by statute or Executive Order.

Legislation is therefore necessary to reduce current procedural delays. However, the drafting of sound legislation depends upon adequate data to determine which of the current procedures can be modified or eliminated without jeopardizing the public interest.

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MAR 28 1977

Mr. Elmer B. Staats
March 24, 1977
Page Two

A study of this matter by your Office is, consequently, an imperative prerequisite to possible legislative action.

The basic thrust of this study should address the following question: Which of the present procedural steps, if any, can be modified or eliminated without endangering the public interest in strict safety standards, technical competence, environmental protection, and adequate public input?

Among the more specific questions which this study should address are the following:

Do current requirements for public hearings and public comment solicitation unreasonably exceed the statutory mandate for public involvement in the formulation of Corps flood control projects?

Are the extensive requirements for inter-agency review really necessary for projects which are without substantial controversy?

Can the recent moves to streamline Congressional involvement in flood control project approval be expanded without eroding the oversight responsibilities of Congress?

Can time be saved by requiring "assurances of local cooperation" at an earlier stage in the project planning process?

Can review by the Board of Engineers for Rivers and Harbors be eliminated in the case of projects without substantial controversy without jeopardizing the public interest?

Can increased manpower authorizations for the Corps substantially accelerate the process of formulating and reviewing flood control projects?

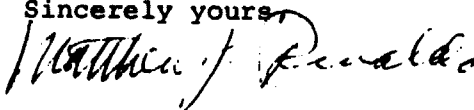
These questions do not exhaust the potential for inquiry into present Corps procedures. I hope your Office will examine closely all areas in which procedures can be expedited without endangering public safety, strict standards of technical competence, protection of the

Mr. Elmer B. Staats
March 24, 1977
Page Three

environment, and the public's right to participate in flood control planning.

Thank you in advance for your efforts. If I may answer any questions, please do not hesitate to contact me.

Sincerely yours

A handwritten signature in cursive script that reads "Matthew J. Rinaldo".

MATTHEW J. RINALDO
Member of Congress

MJR:dss