

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3583

To make certain non-Federal levees are eligible for assistance under the Federal levee rehabilitation program, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 1993

Ms. DANNER (for herself, Mr. EMERSON, Mr. VOLKMER, Mr. SKELTON, and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Public Works and Transportation

---

## A BILL

To make certain non-Federal levees are eligible for assistance under the Federal levee rehabilitation program, 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. ELIGIBILITY OF CERTAIN NON-FEDERAL**  
4 **LEVEES.**

5 (a) ELIGIBILITY.—Notwithstanding any other provi-  
6 sion of law (including any regulation), the eligibility to re-  
7 ceive assistance under the levee rehabilitation program of  
8 a public sponsor of a primary levee located in the area  
9 that was affected by major, widespread flooding in the

1 Midwest during 1993 shall not be affected by the status  
2 of participation (or the lack of participation) of the public  
3 sponsor in the program.

4 (b) APPLICATION.—A public sponsor of a levee who  
5 is eligible to receive assistance under the levee rehabilita-  
6 tion program as a result of subsection (a) shall submit  
7 an application to participate in the program not later than  
8 September 30, 1994.

9 (c) CONDITIONS.—Subject to the availability of  
10 funds, assistance may be provided under the levee rehabili-  
11 tation program to a public sponsor of a levee which is eligi-  
12 ble to receive assistance under the levee rehabilitation  
13 program as a result of subsection (a) only if—

14 (1) the public sponsor demonstrates sufficient  
15 financial capability to comply with the requirements  
16 of this section;

17 (2) the levee otherwise meets the requirements  
18 established by the Army Corps of Engineers under  
19 the levee rehabilitation program for operation, main-  
20 tenance, and design;

21 (3) the benefits derived from repair or recon-  
22 struction of the levee exceed the costs thereof; and

23 (4) the public sponsor enters into a written  
24 agreement with the Army Corps of Engineers ac-  
25 knowledging that any future assistance under the

1 levee rehabilitation program will be conditioned upon  
2 the public sponsor's continued participation in the  
3 program.

4 (d) NON-FEDERAL SHARE.—The non-Federal share  
5 of a levee rehabilitation project for which assistance is  
6 made available as a result of this section shall be—

7 (1) to provide all lands, easements, rights-of-  
8 way, and dredged material disposal areas necessary  
9 for the project; and

10 (2) to provide 25 percent of the costs of con-  
11 struction of the project of which 5 percent of such  
12 costs shall be paid in cash (or a cash equivalent)  
13 from non-Federal sources.

14 (e) LIMITATION ON FUNDING.—Of the amounts  
15 made available to the Secretary of the Army to provide  
16 assistance under the levee rehabilitation program for fiscal  
17 year 1994, not more than \$50,000,000 may be used to  
18 provide assistance to public sponsors who become eligible  
19 to receive assistance under the program as a result of this  
20 section.

21 **SEC. 2. LEVEE REHABILITATION PROGRAM DEFINED.**

22 In this Act, the term “levee rehabilitation program”  
23 means the levee rehabilitation assistance program of the  
24 Army Corps of Engineers carried out under section  
25 5(a)(1) of the Act entitled “An Act authorizing construc-

1 tion of certain public works on rivers and harbors for flood  
2 control, and for other purposes”, approved August 18,  
3 1941 (33 U.S.C. 701n(a)(1)).

○