

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1813

To make additional funds available to repair damage from the Midwest floods of 1993 through the wetlands reserve program, to make certain non-Federal levees are eligible for assistance under the Federal levee rehabilitation program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1 (legislative day, JANUARY 25), 1994

Mr. BOND (for himself and Mrs. KASSEBAUM) 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 make additional funds available to repair damage from the Midwest floods of 1993 through the wetlands reserve program, 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. SHORT TITLE.**

4 This Act may be cited as the “River Bottom Lands  
5 Revitalization Act”.

1 **SEC. 2. FLOOD DAMAGE REPAIR THROUGH WETLANDS RE-**  
2 **SERVE PROGRAM.**

3 There are appropriated, out of any money in the  
4 Treasury not otherwise appropriated, for fiscal year 1994,  
5 for an additional amount to repair damage from the Mid-  
6 west floods of 1993, \$50,000,000, to remain available  
7 until expended to carry out the wetlands reserve program  
8 established under subchapter C of chapter 1 of subtitle  
9 D of title XII of the Food Security Act of 1985 (16 U.S.C.  
10 3837 et seq.), all of which shall be available to accept bids  
11 from willing sellers to enroll cropland in the wetlands re-  
12 serve program, if the Secretary determines that the wet-  
13 land restoration would provide significant environmental  
14 and floodplain enhancement benefits.

15 **SEC. 3. ELIGIBILITY OF CERTAIN NON-FEDERAL LEVEES.**

16 (a) ELIGIBILITY.—Notwithstanding any other provi-  
17 sion of law (including any regulation), the eligibility to re-  
18 ceive assistance under the levee rehabilitation program of  
19 a public sponsor of a primary levee located in the area  
20 that was affected by major, widespread flooding in the  
21 Midwest during 1993 shall not be affected by the status  
22 of participation (or the lack of participation) of the public  
23 sponsor in the program.

24 (b) APPLICATION.—A public sponsor of a levee who  
25 is eligible to receive assistance under the levee rehabilita-  
26 tion program as a result of subsection (a) shall submit

1 an application to participate in the program not later than  
2 September 30, 1994.

3 (c) CONDITIONS.—Subject to the availability of  
4 funds, assistance may be provided under the levee rehabili-  
5 tation program to a public sponsor of a levee that is eligi-  
6 ble to receive assistance under the levee rehabilitation pro-  
7 gram as a result of subsection (a) only if—

8 (1) the public sponsor demonstrates sufficient  
9 financial capability to comply with the requirements  
10 of this section;

11 (2) the levee otherwise meets the requirements  
12 of the levee rehabilitation program for operation,  
13 maintenance, and design;

14 (3) the benefits derived from repair or recon-  
15 struction of the levee exceed the costs of the repair  
16 or reconstruction; and

17 (4) the public sponsor enters into a written  
18 agreement acknowledging that any future assistance  
19 under the levee rehabilitation program will be condi-  
20 tioned on the continued participation of the public  
21 sponsor in the program.

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

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

4           (2) to provide 25 percent of the costs of con-  
5 struction of the project of which 5 percent of the  
6 costs shall be paid in cash (or a cash equivalent)  
7 from non-Federal sources.

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

15           (f) LEVEE REHABILITATION PROGRAM DEFINED.—  
16 As used in this section, the term “levee rehabilitation pro-  
17 gram” means the levee rehabilitation assistance program  
18 of the Army Corps of Engineers carried out under section  
19 5(a)(1) of the Act entitled “An Act authorizing construc-  
20 tion of certain public works on rivers and harbors for flood  
21 control, and for other purposes”, approved August 18,  
22 1941 (33 U.S.C. 701n(a)(1)).

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