

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES
CONSTRUCTED UNDER

CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended
by adding at the end the following
new section:

SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST
THEIR EVALUATED LIFE
EXPECTANCY.

(a) Definitions: For purposes of this section:

(1) Rehabilitation: The term 'rehabilitation', with respect to a structural measure
constructed as part of a covered water
resource project, means the completion of all work necessary to extend the service life of
the structural measure and meet
applicable safety and performance standards. This may include: (A) protecting the
integrity of the structural measure or
prolonging the useful life of the structural measure beyond the original evaluated life
expectancy; (B) correcting damage to the
structural measure from a catastrophic event; (C) correcting the deterioration of structural
components that are deteriorating at
an abnormal rate; (D) upgrading the structural measure to meet changed land use
conditions in the watershed served by the
structural measure or changed safety criteria applicable to the structural measure; or (E)
decommissioning the structure, if
requested by the local organization.

(2) Covered water resource project: The term 'covered water resource project' means a
work of improvement carried out
under any of the following:

(A) This Act.

(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

(C) The pilot watershed program authorized under the heading 'Flood Prevention' of the
Department of Agriculture
Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et
seq.; commonly known as the

Resource Conservation and Development Program).

'(3) Structural measure: The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

'(b) Cost Share Assistance for Rehabilitation:

'(1) Assistance authorized: The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

'(2) Amount of assistance; limitations: The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

'(3) Relation to land use and development regulations: As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that--

'(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

'(B) society can realize the full benefits of the rehabilitation investment.

'(c) Technical Assistance for Watershed Project Rehabilitation: The Secretary, acting through the Natural Resources

Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should

a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

'(d) Prohibited Use:

'(1) Performance of operation and maintenance: Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

'(2) Renegotiation: Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

'(e) Application for Rehabilitation Assistance: A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

'(f) Ranking of Requests for Rehabilitation Assistance: The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

'(g) Prohibition on Certain Rehabilitation Assistance: The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

'(h) Authorization of Appropriations: There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section--

'(1) \$5,000,000 for fiscal year 2001;

'(2) \$10,000,000 for fiscal year 2002;

'(3) \$15,000,000 for fiscal year 2003;

'(4) \$25,000,000 for fiscal year 2004; and

'(5) \$35,000,000 for fiscal year 2005.

'(i) Assessment of Rehabilitation Needs: The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

'(j) Recordkeeping and Reports:

'(1) Secretary: The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

'(2) Grant recipients: Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.'