

Union Calendar No. 306

106TH CONGRESS
2D SESSION

H. R. 728

[Report No. 106-484, Parts I and II]

A BILL

To amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

APRIL 4, 2000

The Committee on Resources discharged

APRIL 4, 2000

Reported from the Committee on Agriculture with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. LUCAS of Oklahoma (for himself and Mr. WATKINS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 18, 1999

Reported from the Committee on Transportation and Infrastructure with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 4, 2000

Additional sponsors: Mr. WATTS of Oklahoma, Mr. GOODE, Mr. DEAL of Georgia, Mr. SHOWS, Mr. ANDREWS, Mr. HOLDEN, Mr. WICKER, Mr. TRAFICANT, Mr. WISE, Mr. WHITFIELD, Mr. MORAN of Kansas, Mr. GONZALEZ, Mr. SCHAFFER, Mr. MOLLOHAN, Mr. ADERHOLT, Mr. RILEY, Mr. SHERWOOD, Mr. POMBO, Mr. MCCRERY, Mr. DOOLITTLE, Mr. CHAMBLISS, Mr. THORNBERRY, Mr. THUNE, Mr. GIBBONS, Mr. GILCHREST, Mr. ISTOOK, Mr. LEWIS of Kentucky, Mr. HILLIARD, Mr. BURR of North Carolina, Mr. LUCAS of Kentucky, Mr. BRYANT, Mr. HINOJOSA, Mr. HALL of Texas, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. ISAKSON, Mr. BOSWELL, Mr. NORWOOD, Mr. BEREUTER, Mrs. EMERSON, Mr. BOUCHER, Ms. DANNER, Mr. LINDER, Mr. BLILEY, Mr. MCINNIS, Mr. BARR of Georgia, Mr. SKELTON, Mr. GOODLATTE, Mr.

EVANS, Mr. COOKSEY, Mr. FROST, Mr. LATHAM, Mr. SANDLIN, Mr. BERRY, Mr. HUTCHINSON, Mr. HOUGHTON, Mr. ROGERS, Mr. FLETCHER, Mr. EDWARDS, Mr. THOMPSON of Mississippi, and Mr. STRICKLAND

APRIL 4, 2000

The Committee on Resources discharged

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Reported from the Committee on Agriculture with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on February 11, 1999]

A BILL

To amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

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 “Small Watershed Reha-*
 5 *bilitation Amendments of 1999”.*

1 **TITLE I—DAM REHABILITATION**

2 **SEC. 101. REHABILITATION OF WATER RESOURCE STRUC-**
 3 **TURAL MEASURES CONSTRUCTED UNDER**
 4 **CERTAIN DEPARTMENT OF AGRICULTURE**
 5 **PROGRAMS.**

6 *The Watershed Protection and Flood Prevention Act*
 7 *(16 U.S.C. 1001 et seq.) is amended by adding at the end*
 8 *the following new section:*

9 **“SEC. 14. REHABILITATION OF STRUCTURAL MEASURES**
 10 **NEAR, AT, OR PAST THEIR EVALUATED LIFE**
 11 **EXPECTANCY.**

12 *“(a) DEFINITIONS.—For purposes of this section:*

13 *“(1) REHABILITATION.—The term ‘rehabilita-*
 14 *tion’, with respect to a structural measure constructed*
 15 *as part of a covered water resource project, means the*
 16 *completion of all work necessary to extend the service*
 17 *life of the structural measure and meet applicable*
 18 *safety and performance standards. This may include*
 19 *(A) protecting the integrity of the structural measure*
 20 *or prolonging the useful life of the structural measure*
 21 *beyond the original evaluated life expectancy, (B) cor-*
 22 *recting damage to the structural measure from a cata-*
 23 *strophic event, (C) correcting the deterioration of*
 24 *structural components that are deteriorating at an*
 25 *abnormal rate, (D) upgrading the structural measure*

1 *to meet changed land use conditions in the watershed*
2 *served by the structural measure or changed safety*
3 *criteria applicable to the structural measure, or (E)*
4 *decommissioning the structure, if requested by the*
5 *local organization.*

6 “(2) *COVERED WATER RESOURCE PROJECT.*—
7 *The term ‘covered water resource project’ means a*
8 *work of improvement carried out under any of the fol-*
9 *lowing:*

10 “(A) *This Act.*

11 “(B) *Section 13 of the Act of December 22,*
12 *1944 (Public Law 78–534; 58 Stat. 905).*

13 “(C) *The pilot watershed program author-*
14 *ized under the heading ‘FLOOD PREVENTION’ of*
15 *the Department of Agriculture Appropriation*
16 *Act, 1954 (Public Law 156; 67 Stat. 214).*

17 “(D) *Subtitle H of title XV of the Agri-*
18 *culture and Food Act of 1981 (16 U.S.C. 3451*
19 *et seq.; commonly known as the Resource Con-*
20 *servation and Development Program).*

21 “(3) *STRUCTURAL MEASURE.*—*The term ‘struc-*
22 *tural measure’ means a physical improvement that*
23 *impounds water, commonly known as a dam, which*
24 *was constructed as part of a covered water resource*

1 *project, including the impoundment area and flood*
2 *pool.*

3 “(b) *COST SHARE ASSISTANCE FOR REHABILITA-*
4 *TION.—*

5 “(1) *ASSISTANCE AUTHORIZED.—The Secretary*
6 *may provide financial assistance to a local organiza-*
7 *tion to cover a portion of the total costs incurred for*
8 *the rehabilitation of structural measures originally*
9 *constructed as part of a covered water resource*
10 *project. The total costs of rehabilitation include the*
11 *costs associated with all components of the rehabilita-*
12 *tion project, including acquisition of land, easements,*
13 *and rights-of-ways, rehabilitation project administra-*
14 *tion, the provision of technical assistance, con-*
15 *tracting, and construction costs, except that the local*
16 *organization shall be responsible for securing all land,*
17 *easements, or rights-of-ways necessary for the project.*

18 “(2) *AMOUNT OF ASSISTANCE; LIMITATIONS.—*
19 *The amount of Federal funds that may be made*
20 *available under this subsection to a local organization*
21 *for construction of a particular rehabilitation project*
22 *shall be equal to 65 percent of the total rehabilitation*
23 *costs, but not to exceed 100 percent of actual construc-*
24 *tion costs incurred in the rehabilitation. However, the*
25 *local organization shall be responsible for the costs of*

1 *water, mineral, and other resource rights and all Fed-*
2 *eral, State, and local permits.*

3 “(3) *RELATION TO LAND USE AND DEVELOPMENT*
4 *REGULATIONS.—As a condition on entering into an*
5 *agreement to provide financial assistance under this*
6 *subsection, the Secretary, working in concert with the*
7 *affected unit or units of general purpose local govern-*
8 *ment, may require that proper zoning or other devel-*
9 *opmental regulations are in place in the watershed in*
10 *which the structural measures to be rehabilitated*
11 *under the agreement are located so that—*

12 “(A) *the completed rehabilitation project is*
13 *not quickly rendered inadequate by additional*
14 *development; and*

15 “(B) *society can realize the full benefits of*
16 *the rehabilitation investment.*

17 “(c) *TECHNICAL ASSISTANCE FOR WATERSHED*
18 *PROJECT REHABILITATION.—The Secretary, acting through*
19 *the Natural Resources Conservation Service, may provide*
20 *technical assistance in planning, designing, and imple-*
21 *menting rehabilitation projects should a local organization*
22 *request such assistance. Such assistance may consist of spe-*
23 *cialists in such fields as engineering, geology, soils, agron-*
24 *omy, biology, hydraulics, hydrology, economics, water qual-*
25 *ity, and contract administration.*

1 “(d) *PROHIBITED USE.*—

2 “(1) *PERFORMANCE OF OPERATION AND MAINTEN-*
3 *NANCE.*—*Rehabilitation assistance provided under*
4 *this section may not be used to perform operation and*
5 *maintenance activities specified in the agreement for*
6 *the covered water resource project entered into be-*
7 *tween the Secretary and the local organization re-*
8 *sponsible for the works of improvement. Such oper-*
9 *ation and maintenance activities shall remain the re-*
10 *sponsibility of the local organization, as provided in*
11 *the project work plan.*

12 “(2) *RENEGOTIATION.*—*Notwithstanding para-*
13 *graph (1), as part of the provision of financial assist-*
14 *ance under subsection (b), the Secretary may renegot-*
15 *iate the original agreement for the covered water re-*
16 *source project entered into between the Secretary and*
17 *the local organization regarding responsibility for the*
18 *operation and maintenance of the project when the re-*
19 *habilitation is finished.*

20 “(e) *APPLICATION FOR REHABILITATION ASSIST-*
21 *ANCE.*—*A local organization may apply to the Secretary*
22 *for technical and financial assistance under this section if*
23 *the application has also been submitted to and approved*
24 *by the State agency having supervisory responsibility over*
25 *the covered water resource project at issue or, if there is*

1 no State agency having such responsibility, by the Governor
2 of the State. The Secretary shall request the State dam safe-
3 ty officer (or equivalent State official) to be involved in the
4 application process if State permits or approvals are re-
5 quired. The rehabilitation of structural measures shall meet
6 standards established by the Secretary and address other
7 dam safety issues. At the request of the local organization,
8 personnel of the Natural Resources Conservation Service of
9 the Department of Agriculture may assist in preparing ap-
10 plications for assistance.

11 “(f) *RANKING OF REQUESTS FOR REHABILITATION*
12 *ASSISTANCE.*—The Secretary shall establish such system of
13 approving rehabilitation requests, recognizing that such re-
14 quests will be received throughout the fiscal year and subject
15 to the availability of funds to carry out this section, as is
16 necessary for proper administration by the Department of
17 Agriculture and equitable for all local organizations. The
18 approval process shall be in writing, and made known to
19 all local organizations and appropriate State agencies.

20 “(g) *PROHIBITION ON CERTAIN REHABILITATION AS-*
21 *SISTANCE.*—The Secretary may not approve a rehabilita-
22 tion request if the need for rehabilitation of the structure
23 is the result of a lack of adequate maintenance by the party
24 responsible for the maintenance.

1 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There
2 are authorized to be appropriated to the Secretary
3 \$60,000,000 for each of the fiscal years 2000 through 2009
4 to provide financial and technical assistance under this sec-
5 tion.

6 “(i) *ASSESSMENT OF REHABILITATION NEEDS.*—Of
7 the amount appropriated pursuant to subsection (h) for fis-
8 cal years 2000 and 2001, \$5,000,000 shall be used by the
9 Secretary, in concert with the responsible State agencies,
10 to conduct an assessment of the rehabilitation needs of cov-
11 ered water resource projects in all States in which such
12 projects are located.

13 “(j) *RECORDKEEPING AND REPORTS.*—

14 “(1) *SECRETARY.*—The Secretary shall maintain
15 a data base to track the benefits derived from reha-
16 bilitation projects supported under this section and
17 the expenditures made under this section. On the
18 basis of such data and the reports submitted under
19 paragraph (2), the Secretary shall prepare and sub-
20 mit to Congress an annual report providing the sta-
21 tus of activities conducted under this section.

22 “(2) *GRANT RECIPIENTS.*—Not later than 90
23 days after the completion of a specific rehabilitation
24 project for which assistance is provided under this
25 section, the local organization that received the assist-

1 *ance shall make a report to the Secretary giving the*
2 *status of any rehabilitation effort undertaken using*
3 *financial assistance provided under this section.”.*

4 **TITLE II—DAM SAFETY**

5 **SEC. 201. DAM SAFETY.**

6 *(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—*

7 *(1) INVENTORY.—The Secretary of the Army (in*
8 *this section referred to as the “Secretary”) shall estab-*
9 *lish an inventory of dams constructed by and using*
10 *funds made available through the Works Progress Ad-*
11 *ministration, the Works Projects Administration, and*
12 *the Civilian Conservation Corps.*

13 *(2) ASSESSMENT OF REHABILITATION NEEDS.—*

14 *In establishing the inventory required under para-*
15 *graph (1), the Secretary shall also assess the condition*
16 *of the dams on such inventory and the need for reha-*
17 *bilitation or modification of the dams.*

18 *(b) REPORT TO CONGRESS.—Not later than 2 years*
19 *after the date of enactment of this Act, the Secretary shall*
20 *transmit to Congress a report containing the inventory and*
21 *assessment required by this section.*

22 *(c) INTERIM ACTIONS.—*

23 *(1) IN GENERAL.—If the Secretary determines*
24 *that a dam referred to in subsection (a) presents an*
25 *imminent and substantial risk to public safety, the*

1 *Secretary is authorized to carry out measures to pre-*
2 *vent or mitigate against such risk.*

3 (2) *EXCLUSION.—The assistance authorized in*
4 *paragraph (1) shall not be available to dams under*
5 *the jurisdiction of the Department of the Interior.*

6 (3) *FEDERAL SHARE.—The Federal share of the*
7 *cost of assistance provided under this subsection shall*
8 *be 65 percent of such cost.*

9 (4) *AUTHORIZATION OF APPROPRIATIONS.—*
10 *There is authorized to be appropriated a total of*
11 *\$30,000,000 for fiscal years beginning after Sep-*
12 *tember 30, 1999, of which not more than \$5,000,000*
13 *may be expended on any 1 dam.*

14 (d) *COORDINATION.—In carrying out this section, the*
15 *Secretary shall coordinate with the appropriate State dam*
16 *safety officials and the Director of the Federal Emergency*
17 *Management Agency.*

Amend the title so as to read: “A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws, and for other purposes.”.

18 **SECTION 1. SHORT TITLE.**

19 **This Act may be cited as the “Small Water-**
20 **shed Rehabilitation Amendments of 1999”.**

1 SEC. 2. REHABILITATION OF WATER RESOURCE STRUC-
2 TURAL MEASURES CONSTRUCTED UNDER
3 CERTAIN DEPARTMENT OF AGRICULTURE
4 PROGRAMS.

5 **The Watershed Protection and Flood Pre-**
6 **vention Act (16 U.S.C. 1001 et seq.) is amended**
7 **by adding at the end the following new sec-**
8 **tion:**

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

12 “(a) **DEFINITIONS.—**For purposes of this
13 **section:**

14 “(1) **REHABILITATION.—**The term ‘reha-
15 **bilitation’, with respect to a structural**
16 **measure constructed as part of a covered**
17 **water resource project, means the com-**
18 **pletion of all work necessary to extend**
19 **the service life of the structural measure**
20 **and meet applicable safety and perform-**
21 **ance standards. This may include (A) pro-**
22 **tecting the integrity of the structural**
23 **measure or prolonging the useful life of**
24 **the structural measure beyond the origi-**
25 **nal evaluated life expectancy, (B) cor-**
26 **recting damage to the structural measure**

1 from a catastrophic event, (C) correcting
2 the deterioration of structural compo-
3 nents that are deteriorating at an abnor-
4 mal rate, or (D) upgrading the structural
5 measure to meet changed land use condi-
6 tions in the watershed served by the
7 structural measure or changed safety cri-
8 teria applicable to the structural meas-
9 ure.

10 “(2) COVERED WATER RESOURCE
11 PROJECT.—The term ‘covered water re-
12 source project’ means a work of improve-
13 ment carried out under any of the fol-
14 lowing:

15 “(A) This Act.

16 “(B) Section 13 of the Act of De-
17 cember 22, 1944 (Public Law 78–534;
18 58 Stat. 905).

19 “(C) The pilot watershed program
20 authorized under the heading ‘FLOOD
21 PREVENTION’ of the Department of Ag-
22 riculture Appropriation Act, 1954
23 (Public Law 156; 67 Stat. 214).

24 “(D) Subtitle H of title XV of the
25 Agriculture and Food Act of 1981 (16

1 **U.S.C. 3451 et seq.; commonly known**
2 **as the Resource Conservation and De-**
3 **velopment Program).**

4 **“(3) STRUCTURAL MEASURE.—The term**
5 **‘structural measure’ means a physical im-**
6 **provement that impounds water, com-**
7 **monly known as a dam, which was con-**
8 **structed as part of a covered water re-**
9 **source project. The term includes the re-**
10 **sulting immediate impoundment area**
11 **and the immediate flood pool of the phys-**
12 **ical improvement.**

13 **“(b) COST SHARE ASSISTANCE FOR REHABILI-**
14 **TATION.—**

15 **“(1) ASSISTANCE AUTHORIZED.—The**
16 **Secretary may provide financial assist-**
17 **ance to a local organization to cover a**
18 **portion of the total costs incurred for the**
19 **rehabilitation of structural measures**
20 **originally constructed as part of a cov-**
21 **ered water resource project. The total**
22 **costs of rehabilitation include the costs**
23 **associated with all components of the re-**
24 **habilitation project, including acquisition**
25 **of land, easements, and rights-of-ways, re-**

1 **habilitation project administration, the**
2 **provision of technical assistance, con-**
3 **tracting, and construction costs, except**
4 **that the local organization shall be re-**
5 **sponsible for securing all land, ease-**
6 **ments, or rights-of-ways necessary for the**
7 **project.**

8 **“(2) AMOUNT OF ASSISTANCE; LIMITA-**
9 **TIONS.—The amount of Federal funds that**
10 **may be made available under this sub-**
11 **section to a local organization for con-**
12 **struction of a particular rehabilitation**
13 **project shall be equal to 65 percent of the**
14 **total rehabilitation costs, but not to ex-**
15 **ceed 100 percent of actual construction**
16 **costs incurred in the rehabilitation. How-**
17 **ever, the local organization shall be re-**
18 **sponsible for the costs of water, mineral,**
19 **and other resource rights and all Federal,**
20 **State, and local permits.**

21 **“(3) RELATION TO LAND USE AND DEVEL-**
22 **OPMENT REGULATIONS.—As a condition on**
23 **entering into an agreement to provide fi-**
24 **ancial assistance under this subsection,**
25 **the Secretary, working in concert with**

1 **the affected unit or units of general pur-**
2 **pose local government, may require that**
3 **proper zoning or other developmental**
4 **regulations are in place in the watershed**
5 **in which the structural measures to be**
6 **rehabilitated under the agreement are lo-**
7 **cated so that—**

8 **“(A) the completed rehabilitation**
9 **project is not quickly rendered inad-**
10 **equate by additional development;**
11 **and**

12 **“(B) society can realize the full**
13 **benefits of the rehabilitation invest-**
14 **ment.**

15 **“(4) PROHIBITION ON CERTAIN REHABILI-**
16 **TATION ASSISTANCE.—The Secretary shall**
17 **not approve a rehabilitation request if**
18 **the Secretary determines that the need**
19 **for rehabilitation of the structure is the**
20 **result of a lack of adequate maintenance**
21 **by the party responsible for the mainte-**
22 **nance.**

23 **“(c) TECHNICAL ASSISTANCE FOR WATER-**
24 **SHED PROJECT REHABILITATION.—The Sec-**
25 **retary, acting through the Natural Resources**

1 **Conservation Service, may provide technical**
2 **assistance in planning, designing, and imple-**
3 **menting rehabilitation projects should a local**
4 **organization request such assistance. Such**
5 **assistance may consist of specialists in such**
6 **fields as engineering, geology, soils, agron-**
7 **omy, biology, hydraulics, hydrology, econom-**
8 **ics, water quality, and contract administra-**
9 **tion.**

10 **“(d) PROHIBITED USE.—**

11 **“(1) PERFORMANCE OF OPERATION AND**
12 **MAINTENANCE.—Rehabilitation assistance**
13 **provided under this section may not be**
14 **used to perform operation and mainte-**
15 **nance activities specified in the agree-**
16 **ment for the covered water resource**
17 **project entered into between the Sec-**
18 **retary and the local organization respon-**
19 **sible for the works of improvement. Such**
20 **operation and maintenance activities**
21 **shall remain the responsibility of the**
22 **local organization, as provided in the**
23 **project work plan.**

24 **“(2) RENEGOTIATION.—Notwithstand-**
25 **ing paragraph (1), as part of the provi-**

1 **sion of financial assistance under sub-**
2 **section (b), the Secretary may renegotiate**
3 **the original agreement for the covered**
4 **water resource project entered into be-**
5 **tween the Secretary and the local organi-**
6 **zation regarding responsibility for the**
7 **operation and maintenance of the project**
8 **when the rehabilitation is finished.**

9 **“(e) APPLICATION FOR REHABILITATION AS-**
10 **SISTANCE.—A local organization may apply to**
11 **the Secretary for technical and financial as-**
12 **sistance under this section if the application**
13 **has also been submitted to and approved by**
14 **the State agency having supervisory responsi-**
15 **bility over the covered water resource project**
16 **at issue or, if there is no State agency having**
17 **such responsibility, by the Governor of the**
18 **State. The Secretary shall request the State**
19 **dam safety officer (or equivalent State offi-**
20 **cial) to be involved in the application process**
21 **if State permits or approvals are required.**
22 **The rehabilitation of structural measures**
23 **shall meet standards established by the Sec-**
24 **retary and address other dam safety issues. At**
25 **the request of the local organization, per-**

1 **sonnel of the Natural Resources Conservation**
2 **Service of the Department of Agriculture may**
3 **assist in preparing applications for assist-**
4 **ance.**

5 **“(f) JUSTIFICATION FOR REHABILITATION AS-**
6 **SISTANCE.—In order to qualify for technical or**
7 **financial assistance under this authority, the**
8 **Secretary shall require the rehabilitation**
9 **project to be performed in the most cost-effec-**
10 **tive manner that accomplishes the rehabilita-**
11 **tion objective, however, the Secretary is not**
12 **required to develop a cost-benefit ratio anal-**
13 **ysis or a cost-benefit ratio. The benefits of,**
14 **and the requirements for, the rehabilitation**
15 **project shall be documented to ensure the**
16 **wise and responsible use of Federal funds.**

17 **“(g) RANKING OF REQUESTS FOR REHABILITA-**
18 **TION ASSISTANCE.—The Secretary shall estab-**
19 **lish a system for the timely consideration and**
20 **approval of rehabilitation requests, recog-**
21 **nizing that such requests will be received**
22 **throughout the fiscal year and subject to the**
23 **availability of funds to carry out this section.**
24 **The Secretary shall ensure that the system**
25 **provides for proper administration by the De-**

1 department of Agriculture and is equitable for
2 all local organizations. The approval process
3 shall be in writing and shall be made known
4 to all local organizations and appropriate
5 State agencies.

6 “(h) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated to
8 the Secretary \$60,000,000 for each of the fiscal
9 years 2000 through 2009 to provide financial
10 and technical assistance under this section.

11 “(i) ASSESSMENT OF REHABILITATION
12 NEEDS.—Of the amount appropriated pursu-
13 ant to subsection (h) for fiscal years 2000 and
14 2001, \$5,000,000 shall be used by the Sec-
15 retary, in concert with the responsible State
16 agencies, to conduct an assessment of the re-
17 habilitation needs of covered water resource
18 projects in all States in which such projects
19 are located.

20 “(j) RECORDKEEPING AND REPORTS.—

21 “(1) SECRETARY.—The Secretary shall
22 maintain a data base to track the benefits
23 derived from rehabilitation projects sup-
24 ported under this section and the ex-
25 penditures made under this section. On

1 the basis of such data and the reports
2 submitted under paragraph (2), the Sec-
3 retary shall prepare and submit to Con-
4 gress an annual report providing the sta-
5 tus of activities conducted under this sec-
6 tion.

7 “(2) GRANT RECIPIENTS.—Not later
8 than 90 days after the completion of a
9 specific rehabilitation project for which
10 assistance is provided under this section,
11 the local organization that received the
12 assistance shall make a report to the Sec-
13 retary giving the status of any rehabilita-
14 tion effort undertaken using financial as-
15 sistance provided under this section.”.

16 SEC. 3. NONINTERFERENCE WITH STATE AND LOCAL
17 FLOOD DEBRIS REMOVAL EFFORTS.

18 The Watershed Protection and Flood Pre-
19 vention Act (16 U.S.C. 1001 et seq.) is amended
20 by inserting after section 14, as added by sec-
21 tion 2 of this Act, the following new section:

22 “SEC. 15. NONINTERFERENCE WITH STATE AND LOCAL
23 FLOOD DEBRIS REMOVAL EFFORTS.

24 “The Secretary of Agriculture and other
25 executive branch officials and employees may

1 **not prohibit or condition the ability of a State**
2 **or local government to remove from land or**
3 **waters any rocks, vegetation, soil, or other de-**
4 **bris deposited by flood waters when the pri-**
5 **mary purpose of the removal operation is to**
6 **reduce the risk and severity of subsequent**
7 **flooding.”.**

8 **SEC. 4. PRIVACY OF PERSONAL DATA RECEIVED BY DE-**
9 **PARTMENT OF AGRICULTURE AND DATA**
10 **GATHERING LOCATIONS.**

11 **The Food Security Act of 1985 is amended**
12 **by inserting after section 1243 (16 U.S.C. 3843)**
13 **the following new section:**

14 **“SEC. 1244. PRIVACY OF PERSONAL DATA RELATING TO**
15 **NATURAL RESOURCES CONSERVATION PRO-**
16 **GRAMS.**

17 **“(a) INFORMATION AND DATA RECEIVED FOR**
18 **TECHNICAL AND FINANCIAL ASSISTANCE.—Not-**
19 **withstanding any other provision of law and**
20 **except as provided in paragraph (c), informa-**
21 **tion and data provided to, or developed by,**
22 **the Secretary of Agriculture (including a con-**
23 **tractor of the Secretary) for the purpose of**
24 **providing technical or financial assistance to**
25 **a landowner or operator with respect to any**

1 natural resources conservation program ad-
2 ministered by the Natural Resources Con-
3 servation Service or the Farm Service Agency
4 shall not be released or disclosed to any agen-
5 cy or person outside the Department of Agri-
6 culture.

7 “(b) INVENTORY, MONITORING, AND SITE SPE-
8 CIFIC DATA.—Notwithstanding any other pro-
9 vision of law and except as provided in para-
10 graph (c), in order to maintain the personal
11 privacy, confidentiality, and cooperation of
12 landowners and operators, and to maintain
13 the integrity of sample sites, the specific geo-
14 graphic locations of the National Resources
15 Inventory of the Department of Agriculture
16 data gathering sites and the information and
17 data generated by such sites are not public in-
18 formation and shall not be subject to manda-
19 tory disclosure or released to any local, tribal,
20 State, or Federal agency outside the Depart-
21 ment of Agriculture.

22 “(c) EXCEPTIONS.—

23 “(1) RELEASE AND DISCLOSURE FOR EN-
24 FORCEMENT.—The Secretary of Agri-
25 culture may release or disclose informa-

1 **tion or data covered by subsection (a) or**
2 **(b) to the extent necessary to enforce the**
3 **natural resources conservation programs**
4 **referred to in subsection (a).**

5 **“(2) LIMITED DISCLOSURE TO COOPER-**
6 **ATING PERSONS AND AGENCIES.—The Sec-**
7 **retary may release or disclose informa-**
8 **tion or data covered by subsection (a) or**
9 **(b) to a person or a local, tribal, State, or**
10 **Federal agency working in cooperation**
11 **with the Secretary of Agriculture in pro-**
12 **viding technical and financial assistance**
13 **described in subsection (a) or collecting**
14 **information and data from National Re-**
15 **sources Inventory data gathering sites.**
16 **However, the person or local, tribal,**
17 **State, or Federal agency that receives the**
18 **information or data may release the in-**
19 **formation or data only for the purpose of**
20 **assisting the Secretary in providing the**
21 **requested technical or financial assist-**
22 **ance or in collecting information and**
23 **data from National Resources Inventory**
24 **data gathering sites.**

1 **“(3) LIMITED EXCEPTION FOR STATIS-**
2 **TICAL AND AGGREGATE DATA.—The Sec-**
3 **retary may release information or data**
4 **covered by subsection (b), if the informa-**
5 **tion or data has been transformed into a**
6 **statistical or aggregate form that does**
7 **not allow identification of the individual**
8 **landowner, operator, or specific data**
9 **gathering site.**

10 **“(d) VIOLATIONS.—Section 1770(c) of the**
11 **Food Security Act of 1985 (7 U.S.C. 2276) shall**
12 **apply to any person who releases or causes to**
13 **be released information or data in violation of**
14 **this section.”.**