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DEPUTY WHIP

Commerce, Science, and Transportation
Environment and Public Works
Foreign Relations
Small Business and Entrepreneurship
Special Committee on Aging

United States Senate

WASHINGTON, DC 20510

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VIA ELECTRONIC MAIL AND FACSIMILE
IMMEDIATE ATTENTION REQUESTED

General Robert Van Antwerp
Commanding General, U.S. Army Corps of Engineers
Corps Headquarters
441 G. Street NW
Washington, DC 20314

Dear General Van Antwerp:

In June 2006, as part of the Emergency Supplemental Appropriations Bill (P.L. 109-234), I secured \$30.024 million in federal funding for repairs, replacement, modifications, and improvements to non-federal levees in Terrebonne Parish. (See attached).

This funding was dedicated specifically to local work on levees outside of the federal government's jurisdiction. (This was done because the U.S. Army Corps of Engineers had failed to even start advancing federal protection through the Morganza to the Gulf program, even though that vital program was first requested in 1992 and was authorized by Congress in 2000.) With its focus on local protection the 2006 funding should have been provided without delay to begin construction immediately on stronger local flood protection. State and parish officials had concrete plans which I had provided to Congress and the Corps, and they were ready to begin immediately on construction.

Unfortunately, the Corps sat on this money for over two years, preventing it from having any concrete impact on the ground in Terrebonne Parish. Even worse, the Corps apparently squandered away some portion of this funding on a study in conjunction with Southern University in order to build a mentoring relationship with Southern, an initiative and priority of certain Corps officials.

These hard-earned taxpayer dollars were not appropriated to mentor anyone, including entities that know little or nothing about Terrebonne Parish flood control needs and little or nothing about the engineering involved. These dollars were approved to build real flood control on the ground in Terrebonne Parish immediately. If this had been done over the past two years as directed and intended, Terrebonne Parish would have been saved from a very large percentage of the devastating flooding it suffered over the past month. It's just that simple.

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I have had it with this sort of bureaucratic nonsense that contributes directly to our extended pain and suffering. The fact that red tape and bureaucratic ineptness contributed to Terrebonne Parish's flooding in the past month is unconscionable. There is no excuse for this flooding when \$30.024 million was appropriated over two years ago to prevent just such damage. This is a clear example of broken government that has failed its citizens.

As you know, we are meeting Wednesday in my office on a select number of issues relating to Hurricanes Gustav and Ike, including this one. At this meeting, I need to hear from you on two points.

First, why was this \$30.024 million prevented from having an immediate impact on the ground in Terrebonne Parish, and why was some portion of it squandered away on a study in conjunction with Southern University? How much of the \$30.024 million was wasted in this way? Please show me immediately all written work product produced.

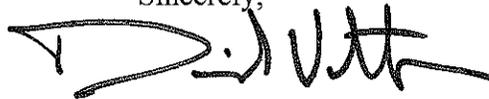
Second, what is your precise plan to end all the studies/ mentoring, immediately transfer the full \$30.024 million to state and parish flood control officials, and get out of the way?

Let me be crystal clear about this second point: I want the Corps to enter into a Memorandum of Understanding with state and parish flood control officials so that every cent of the \$30.024 million can be essentially transferred to them to start construction based on their fully developed plans. (It should be noted that the state and parish now have three or four times this amount in non-federal funds to contribute to this work.) I want the cost of any studies to date to come out of the Corps' hide and not be deducted from the \$30.024 million mandated for local work. And I want the Corps to have nothing to do with this work save absolutely necessary permitting and such consultation as the state and parish request.

This will not produce protection against direct hits from large storms. As such, it will not erase the need for the Morganza to the Gulf federal program. But it will prevent flooding from events like Hurricane Ike. That was important to do two years ago. It's important to do now.

I look forward to a productive meeting on Wednesday.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Vitter". The signature is stylized and written in a cursive-like font.

David Vitter
United States Senator

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$549,400,000, to remain available until expended, of which up to \$20,200,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full Federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least \$495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That \$1,500,000 shall be for the North Padre Island, Texas project: *Provided further*, That \$30,400,000 is available for flood control work in the Sacramento, California, Area: *Provided further*, That \$2,000,000 shall be provided at full Federal expense for the Hawaii Water Systems Technical Assistance Program.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,200,000 to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein for dredging needs along the Texas Gulf Coast.

FLOOD CONTROL AND COASTAL EMERGENCIES

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, \$3,145,024,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; \$530,000,000 shall be used to

modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; \$250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; \$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; \$350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; \$215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; \$1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; \$30,024,000 for repairs, replacements, modifications and improvements of non-Federal levees and associated protection measures in Terrebonne Parish at full Federal expense; *Provided further*, That \$16,000,000 is provided for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Of the funds provided under this heading in chapter 3 of division B of Public Law 109-148, \$15,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", \$9,000,000, to remain available until expended for Drought Emergency Assistance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. USE OF UNEXPENDED FUNDS. (a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available to the State of Oklahoma or agencies or authorities therein (referred to in this section as the "State") before the date of enactment of this Act for general remediation activities being conducted in the vicinity of the Tar Creek Superfund Site in northeastern Oklahoma and in Ottawa County, Oklahoma, that remain unexpended as of the date of enactment of this Act are authorized

Contracts.