

111TH CONGRESS
1ST SESSION

S. 1471

To direct the Secretary of the Army to carry out certain water control projects at Lake Pontchartrain, Louisiana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2009

Mr. VITTER (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To direct the Secretary of the Army to carry out certain water control projects at Lake Pontchartrain, Louisiana, 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 “Providing the Utmost
5 safety Measures to the Permanent Protection System in
6 New Orleans, Louisiana” or the “PUMPPS NOLA Act
7 of 2009”.

8 **SEC. 2. FINDINGS.**

9 Congress finds that—

1 (1) section 4303 of the U.S. Troop Readiness,
2 Veterans' Care, Katrina Recovery, and Iraq Ac-
3 countability Appropriations Act, 2007 (Public Law
4 110–28; 121 Stat. 154) requires the Secretary to
5 provide to Congress an analysis of each advantage
6 and disadvantage, and the technical operational ef-
7 fectiveness of—

8 (A) the operation of the new pumping sta-
9 tions located at the mouths of the 17th Street,
10 Orleans Avenue, and London Avenue canals in
11 the New Orleans area concurrently, or in a se-
12 ries with, pumping stations that—

13 (i) are in existence as of the date of
14 enactment of that Act (Public Law 110–
15 28; 121 Stat. 112); and

16 (ii) serve the canals;

17 (B) the removal of the pumping stations
18 described in subparagraph (A) and the configu-
19 ration of the new pumping stations described in
20 that subparagraph (including associated canals)
21 to accommodate each—

22 (i) necessary discharge to the lake-
23 front; and

24 (ii) discharge described in clause (i) in
25 combination with each discharge directly to

1 the portion of the Mississippi River located
2 in Jefferson Parish; and

3 (C) the replacement or improvement of the
4 floodwalls and levees adjacent to each canal de-
5 scribed in subparagraph (A);

6 (2) prior to the required analysis described in
7 paragraph (1), engineering concept studies were per-
8 formed by the Secretary to determine the most tech-
9 nically effective means of accomplishing the dual
10 purpose of—

11 (A) protecting against storm surges; and

12 (B) simultaneously evacuating storm
13 water;

14 (3) a collaborative process was established and
15 many technical review meetings were held to ex-
16 change ideas;

17 (4) to develop and evaluate each technical ad-
18 vantage and disadvantage, and the operational effec-
19 tiveness, of each option through the use of each re-
20 sult and recommendation contained in each report
21 (including each draft report) completed after Hurri-
22 cane Katrina, the Secretary expanded and formal-
23 ized the collaborative process described in paragraph
24 (3) with external stakeholders that included—

1 (A) the Sewerage and Water Board of New
2 Orleans;

3 (B) Jefferson Parish;

4 (C) the New Orleans Business Council;

5 (D) the Louisiana Department of Trans-
6 portation and Development;

7 (E) the Southeast Louisiana Flood Protec-
8 tion Authority-East;

9 (F) the Regional Planning Commission,
10 New Orleans; and

11 (G) independent groups;

12 (5) the reports described in paragraph (4) pro-
13 vide much of the background technical data required
14 to carry out in an expedited manner the analysis de-
15 scribed in paragraph (1); and

16 (6) based on the information compiled for the
17 analysis described in paragraph (1), the Secretary
18 concluded that the option identified as “Option 2”,
19 as described in the report, is “generally more tech-
20 nically advantageous and more effective operation-
21 ally over Option 1 because it would have greater reli-
22 ability and further reduces risk of flooding”.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) PROJECT.—The term “project” means the
2 project for permanent pumps and canal modifica-
3 tions that is—

4 (A) authorized by the matter under the
5 heading “GENERAL PROJECTS” in section 204
6 of the Flood Control Act of 1965 (Public Law
7 89–298; 79 Stat. 1077); and

8 (B) modified by—

9 (i) the matter under the heading
10 “FLOOD CONTROL AND COASTAL EMER-
11 GENCIES (INCLUDING RESCISSION OF
12 FUNDS)” under the heading “CORPS OF
13 ENGINEERS—CIVIL” under the heading
14 “DEPARTMENT OF THE ARMY”
15 under the heading “DEPARTMENT OF
16 DEFENSE—CIVIL” of chapter 3 of title
17 II of the Emergency Supplemental Appro-
18 priations Act for Defense, the Global War
19 on Terror, and Hurricane Recovery, 2006
20 (Public Law 109–234; 120 Stat. 454);

21 (ii) section 7012(a)(2) of the Water
22 Resources Development Act of 2007 (Pub-
23 lic Law 110–114; 121 Stat. 1279); and

24 (iii) the matter under the heading
25 “FLOOD CONTROL AND COASTAL EMER-

1 GENCIES” under the heading “CORPS OF
2 ENGINEERS—CIVIL” under the heading
3 “DEPARTMENT OF THE ARMY”
4 under the heading “DEPARTMENT OF
5 DEFENSE—CIVIL” of chapter 3 of title
6 III of the Supplemental Appropriations
7 Act, 2008 (Public Law 110–252; 122 Stat.
8 2349).

9 (2) REPORT.—The term “report” means the re-
10 port—

11 (A) entitled “Report to Congress for Pub-
12 lic Law 110–252, 17th Street, Orleans Avenue
13 and London Avenue Canals Permanent Protec-
14 tion System, Hurricane Protection System, New
15 Orleans, Louisiana”;

16 (B) prepared by the Secretary;

17 (C) dated September 26, 2008; and

18 (D) revised in December 2008.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Army, acting through the Chief
21 of Engineers.

22 (4) STATE.—The term “State” means the State
23 of Louisiana.

1 **SEC. 4. PROJECT MODIFICATION.**

2 The project is further modified to direct the Sec-
3 retary—

4 (1) to construct a pump station and optimized
5 diversion from the 2,500-acre area known as
6 “Hoey’s Basin” to the Mississippi River to help re-
7 duce storm water flow into the 17th Street canal;

8 (2) to construct an optimized diversion through
9 the Florida Avenue canal for discharging water into
10 the Inner Harbor Navigation Canal;

11 (3) to construct new, permanent pump stations
12 at or near the lakefront on the 17th Street, Orleans
13 Avenue, and London Avenue canals to provide for
14 future flow capacity;

15 (4) to deepen, widen within each right-of-way in
16 existence as of the date of enactment of this Act,
17 and line the bottom and side slopes of the 17th
18 Street, Orleans Avenue, and London Avenue canals
19 to allow for a gravity flow of storm water to the
20 pump stations at the lakefront;

21 (5) to modify or replace bridges that are located
22 in close proximity or adjacent to the 17th Street,
23 Orleans Avenue, and London Avenue canals;

24 (6) if the Secretary determines to be appro-
25 priate, to remove the levees and floodwalls in exist-
26 ence as of the date of enactment of this Act that line

1 each side of the canals described in paragraph (5)
2 down to the surrounding ground grade;

3 (7) to decommission or bypass the interior
4 pump stations of the Sewerage and Water Board of
5 New Orleans that are located at each canal de-
6 scribed in paragraph (5) to maintain the water sur-
7 face differential across the existing pumping stations
8 until all systems and features are in place to allow
9 for a fully functional system at a lowered canal
10 water surface elevation; and

11 (8) to decommission and remove the interim
12 control structures that are located at each canal de-
13 scribed in paragraph (5).

14 **SEC. 5. IMPLEMENTATION REQUIREMENTS.**

15 (a) IN GENERAL.—In carrying out section 4, the Sec-
16 retary shall provide for any investigation, design, and con-
17 struction sequencing in a manner consistent with the op-
18 tions identified as “Option 2” and “Option 2a”, as de-
19 scribed in the report.

20 (b) FUNDING.—In carrying out section 4, the Sec-
21 retary shall use amounts made available to modify the
22 17th Street, Orleans Avenue, and London Avenue drain-
23 age canals and install pumps and closure structures at or
24 near the lakefront in the first proviso in—

1 (1) the matter under the heading “FLOOD CON-
2 TROL AND COASTAL EMERGENCIES (INCLUDING RE-
3 SCISSION OF FUNDS)” under the heading “CORPS OF
4 ENGINEERS—CIVIL” under the heading “DEPART-
5 MENT OF THE ARMY” under the heading “DE-
6 PARTMENT OF DEFENSE—CIVIL” of chapter
7 3 of title II of the Emergency Supplemental Appro-
8 priations Act for Defense, the Global War on Terror,
9 and Hurricane Recovery, 2006 (Public Law 109–
10 234; 120 Stat. 454); and

11 (2) the second undesignated paragraph under
12 the heading “FLOOD CONTROL AND COASTAL EMER-
13 GENCIES” under the heading “CORPS OF ENGI-
14 NEERS—CIVIL” under the heading “DEPART-
15 MENT OF THE ARMY” under the heading “DE-
16 PARTMENT OF DEFENSE—CIVIL” of chapter
17 3 of title III of the Supplemental Appropriations
18 Act, 2008 (Public Law 110–252; 122 Stat. 2349).

19 (c) NON-FEDERAL SHARE; LIABILITY OF STATE.—
20 As a condition for the Secretary to initiate the conduct
21 of the project, the State shall enter into an agreement with
22 the Secretary under which the State shall agree—

23 (1) to pay 100 percent of the costs arising from
24 the operation, maintenance, repair, replacement, and

1 rehabilitation of each completed component of the
2 project; and

3 (2) to hold the United States harmless from
4 any claim or damage that may arise from carrying
5 out the project except any claim or damage that may
6 arise from the negligence of the Federal Government
7 or a contractor of the Federal Government.

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