

109TH CONGRESS
2D SESSION

S. 2232

To require the Secretary of the Army to submit to Congress a report identifying activities for hurricane and flood protection in Lake Pontchartrain, Louisiana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Secretary of the Army to submit to Congress a report identifying activities for hurricane and flood protection in 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 “Louisiana Emergency
5 Needs Corps of Engineers Authorization Act of 2006”.

1 **SEC. 2. HURRICANE AND FLOOD PROTECTION, LAKE PONT-**
 2 **CHARTRAIN, LOUISIANA.**

3 (a) REPORT.—Not later than 20 days after the date
 4 of enactment of this Act, the Secretary of the Army, act-
 5 ing through the Chief of Engineers (referred to in this
 6 Act as the “Secretary”), shall submit to the Committee
 7 on Environment and Public Works of the Senate and the
 8 Committee on Transportation and Infrastructure of the
 9 House of Representatives a report that—

10 (1) with respect to the project for hurricane-
 11 flood protection on Lake Pontchartrain, Louisiana,
 12 under section 204 of the Flood Control Act of 1965
 13 (79 Stat. 1077), identifies activities to reconstruct
 14 hurricane and flood protection measures relating to
 15 the outfall canals adjacent to Lake Pontchartrain in
 16 the Jefferson and Orleans parishes of the State of
 17 Louisiana that are substantially in accordance with
 18 levels of hurricane and flood protection authorized
 19 under Federal law to—

20 (A) reconstruct and fortify floodwalls adja-
 21 cent to the canals;

22 (B) construct at the heads of the canals
 23 pumping stations with adequate pumping ca-
 24 pacity, as determined by the Secretary;

25 (C) install gate-like structures at the heads
 26 of the canals; and

1 (D) prevent—

2 (i) seepage from the canals into adja-
3 cent property; and

4 (ii) the undermining of floodwalls im-
5 proved or reconstructed under subpara-
6 graph (A);

7 (2) identifies activities to protect, restore, and
8 reduce the risk of storm damage in coastal areas of
9 the State of Louisiana in which a major disaster re-
10 lating to Hurricane Katrina or Hurricane Rita was
11 declared by the President to exist on or after August
12 29, 2005, in accordance with section 401 of the
13 Robert T. Stafford Disaster Relief and Emergency
14 Assistance Act (42 U.S.C. 5170), in accordance with
15 the report transmitted by the President to the
16 House of Representatives and dated October 28,
17 2005;

18 (3) identifies activities to fortify, strengthen,
19 and improve hurricane protection and flood control
20 infrastructure (including pumping stations) in exist-
21 ence on or before August 28, 2005, to ensure sus-
22 tainability and prevent the failure of the infrastruc-
23 ture under hurricane conditions, in accordance with
24 predicted area conditions for standard project hurri-
25 canes and located in an area designed to be pro-

1 tected by a hurricane or flood control project author-
2 ized under Federal law; and

3 (4) identifies any activity included in the report
4 of the Chief of Engineers dated August 23, 2002
5 (including supplemental reports), that the Secretary
6 determines to be integral to the protection of life
7 and property in the disaster area described in para-
8 graph (2).

9 (b) IMPLEMENTATION.—

10 (1) IN GENERAL.—Absent a resolution of Con-
11 gress disapproving an activity identified in the re-
12 port under subsection (a), the Secretary may imple-
13 ment the activity beginning on the date that is 30
14 days after the date on which the report is submitted.

15 (2) FEDERAL SHARE.—The Federal share of
16 the cost of an activity carried out under paragraph
17 (1) shall be 100 percent.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary for
20 each of fiscal years 2006 through 2010—

21 (1) \$1,400,000,000 to carry out activities iden-
22 tified under paragraphs (1) through (3) of sub-
23 section (a); and

24 (2) \$788,000,000 to carry out activities identi-
25 fied under subsection (a)(4).

1 **SEC. 3. COMPENSATION.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, in acquiring property or an interest in prop-
4 erty to improve, reconstruct, or develop hurricane and
5 flood protection measures relating to Hurricane Katrina
6 or Rita, the Secretary shall compensate the owner of the
7 property or interest without taking into consideration any
8 damage to the property or interest caused by Hurricane
9 Katrina or Rita.

10 (b) ADJUSTMENT FOR PAYMENTS MADE.—Notwith-
11 standing subsection (a), the Secretary may reduce the
12 amount of compensation paid under that subsection for
13 property or an interest in property by the amount of any
14 other payment received by the owner of the property or
15 interest for damages to that property or interest as a re-
16 sult of Hurricane Katrina or Rita, including a payment
17 received from—

18 (1) an insurance claim; or

19 (2) the Federal Emergency Management Agen-
20 cy.

21 **SEC. 4. EFFECT OF ACT.**

22 Nothing in this Act affects any authority of the Sec-
23 retary under any other Federal law.

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