

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON  
COMMERCE, JUSTICE,  
SCIENCE AND NASA

SUBCOMMITTEE ON  
FINANCIAL SERVICES AND  
GENERAL GOVERNMENT

SUBCOMMITTEE ON  
HOMELAND SECURITY

ASSISTANT REPUBLICAN WHIP



**JOHN CULBERSON**  
7TH DISTRICT, TEXAS

**WASHINGTON OFFICE:**  
1514 LONGWORTH BUILDING  
WASHINGTON, DC 20515-4307  
202.225.2571  
FAX 202.225.4381

**DISTRICT OFFICE:**  
10000 MEMORIAL DRIVE, SUITE 620  
HOUSTON, TEXAS 77024-3490  
713.682.8828  
FAX 713.680.8070

**INTERNET:**  
[WWW.CULBERSON.HOUSE.GOV](http://WWW.CULBERSON.HOUSE.GOV)

The Honorable James L. Oberstar  
Chairman  
Committee on Transportation and  
Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

The Honorable John L. Mica  
Ranking Member  
Committee on Transportation and  
Infrastructure  
2163 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Oberstar and Ranking Member Mica:

I am writing to respectfully request that the following legislative proposals and projects be included in the Water Resources Development Act of 2010. I appreciate consideration of the following projects:

- Project 111-TX-7th-001: The purpose of these recommended changes is to put Section 211(f) projects on equal footing with Corps lead projects. Please find suggested bill language enclosed.
- Project: The purpose of this language is to tie Harbor Maintenance Trust Fund annual appropriations levels to annual HMTF revenues. (This request was not submitted to the database since it is a nation-wide proposal.) Please find suggested bill language enclosed.

Enclosed you will find two Congressional Earmark Certification forms with original signatures for each project that I have requested, a letter of support from the local project sponsor, and a copy of the receipt.

If I can provide you with anymore information, please feel free to contact my staffer, Brittany Seabury, Legislative Assistant, at 202-225-2571.

Sincerely,

A handwritten signature in cursive script that reads "John Culberson".

John Culberson  
Member of Congress

Legislative Proposal for Water Resources Development Act of 2010  
To prioritize certain flood damage reduction projects

**SEC. \_\_\_\_ . CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

(a) In General- Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(6)) is amended by adding at the end following:

**(E) BUDGET PRIORITY-**

- (i) **IN GENERAL-** Budget priority for projects under this section shall have the same budget priority as those projects being studied, planned, engineered, designed and constructed by the Corps or Engineers
- (ii) **COMPLETED PROJECT-** A completed project shall have the same priority as a project with a contractor on site
- (iii) **REIMBURSEMENTS –** For projects under this section, reimbursements may be made from appropriations from any Federal fiscal year and may pay for projects or projects segments completed in any Federal fiscal year.

Legislative Proposal for Water Resources Development Act of 2010  
Reserving Harbor Maintenance Tax Revenues for Harbor Maintenance Expenditures

SEC. .--FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources made available from the Harbor Maintenance Trust Fund each fiscal year pursuant to section 9505(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund) shall be equal to the level of receipts plus interest credited to the Harbor Maintenance Trust Fund for that fiscal year. Such amounts may be used only for harbor maintenance programs listed in subsection (b)(1).

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs listed in subsection (b)(1) unless the amount described in paragraph (1) has been provided.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.-- The term “total budget resources” means the total amount made available from the Harbor Maintenance Trust Fund for a fiscal year for budget accounts for which appropriations are provided pursuant to section 210 (a) of the Water Resources Development Act of 1986 (Public Law 99-662), as amended, and section 9505(c) of the Internal Revenue Code of 1986.

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term “level of receipts plus interest” means the level of taxes and interest credited to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President’s budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for harbor maintenance programs described in subsection (b)(1) for such fiscal year to be less than the amount required by subsection (a)(1) for that fiscal year.

**Receipt for Request 111-TX-7th-001****General Information**

Member: John Culberson  
Party: R  
District: 7th  
State: TX

**Congressional Office Staff Information**

Staff Contact: Brittany Seabury, Legislative Assistant  
Staff Phone: 202-225-2571  
Staff Email: brittany.seabury@mail.house.gov

**U.S. Army Corps of Engineers Contact Information**

Army Corps District: Galveston District  
Army Corps Contact: Janecka, Arthur, Deputy District Engineer for Project Management  
Army Corps Phone: 409-766-3018

**Project Location**

City: Houston  
County: Harris  
State: Texas

**Non-federal Sponsor**

Non-federal Sponsor: Harris County Flood Control District  
Non-federal Sponsor Contact: Talbott, Michael, Director  
Non-federal Sponsor Phone: 713-684-4070  
Non-federal Sponsor Address: 9900 Northwest Freeway, Suite 220 Houston, TX 77092

**Project Details**

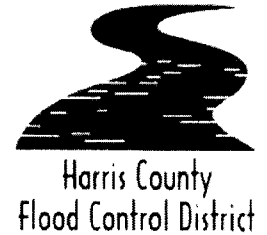
Project Purpose: Flood damage reduction  
Project Description: The purpose of these recommended changes is to put Section 211(f) projects on equal footing with Corps lead projects.  
Authorization Amount Requested: 0

**Miscellaneous Information**

Multiple Members Requesting this Project? No

September 30, 2009

The Honorable John Culberson  
House of Representatives  
428 Cannon House Office Building  
Washington, DC 20515-4307



9900 Northwest Freeway  
Houston, Texas 77092  
713-681-4000  
[www.hcfcd.org](http://www.hcfcd.org)

Dear Representative Culberson:

I write in support of a change we have requested to the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(6)) to prioritize local sponsor lead federal projects under Section 211(f) equally to those projects being studied, planned, engineered, designed and constructed by the Corps of Engineers.

There are now 17 projects under Section 211(f), five of which are in Harris County, Texas. These projects have successfully received appropriations in the past and one of the advantages of doing these projects with the local sponsor in the lead is that we are able to begin construction before the final agreements with the Corps of Engineers are reached and our citizens are able to receive the benefits of completed project segments long before they would through traditional projects.

In addition to equal priority, we are seeking to reinforce the principal that because this is a reimbursement it can be for work completed in any fiscal year. We cannot afford to lose reimbursements if appropriations can only be made for work completed in the same fiscal year the appropriation is made.

However, we do realize that this approach is not without risks. We can only work so far in advance of receiving reimbursements before we begin to put our other non-federal projects at risk with budget shortfalls. The sooner we receive reimbursements the more project segments we can complete, but without timely reimbursements, construction will cease and our citizens continue to be at a higher risk of flooding.

Our Federal projects are a high priority for the citizens of Harris County and Section 211(f) allows us to provide project benefits much sooner. By asking the Corps to prioritize projects under this section equally with all other federal flood control projects we will be able provide project benefits much sooner and at a much lower cost that if we have to wait longer for reimbursements.

Thank you so much for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Talbott".

Michael D. Talbott, P.E.  
Director

MDT:cg  
09MDT09.DOC

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Name of the Member, Delegate, or Resident Commissioner: John Culberson

Congressional District: 7th

State: TX

Location of Project:

City: Houston

County: Harris

State: Texas

Project Purpose:

Project Purpose: Flood damage reduction

Description of Project: The purpose of these recommended changes is to put Section 211(f) projects on equal footing with Corps lead projects.

Non-Federal Sponsor:

Talbott, Michael, Director

Pursuant to clause 17(a)(5) of Rule XXIII of the Rules of the House of Representatives for the 111th Congress, I hereby certify that neither my spouse (if applicable) nor I has any financial interest in such congressional earmark.

A handwritten signature in cursive script that reads "John Culberson".

John Culberson

Project ID: 111-TX-7th-001

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John Culberson

Project ID: 111-TX-7th-001



**America's Energy Coast**  
Commerce and Infrastructure Task Force  
Resolution  
Presented: July 30, 2009  
Biloxi, Mississippi

**Proper Utilization of Harbor Maintenance Trust Fund**

**Whereas**, along the Gulf coastal region, threats to sustainability often take the form of damage to or loss of critical infrastructure that is essential for safe, environmentally sound energy exploration and development and for the movement of commerce in and out and across the country through its transportation network;

**Whereas**, nowhere is this threat more apparent than in the harbors and ports along America's Energy Coast;

**Therefore, be it resolved** that the America's Energy Coast supports that tax revenues derived from the Harbor Maintenance Trust Fund (HMTF) be made available at the outset of each annual Congressional Budget Cycle to the US Army Corps of Engineers and be used for the original purpose intended by the creation of the fund - the operation and maintenance of ports and harbors.

**Be it further resolved** that these funds support the beneficial use of dredged material to aid in environmental restoration.

**Be it further resolved** that the assignment of necessary equipment be made to areas of most critical need and treated as priority by the Corps when fulfilling Harbor Maintenance Fund mandates.

