

**Congress of the United States**  
**Washington, DC 20515**

June 24, 2013

Lieutenant General Thomas P. Bostick  
Commanding General and Chief of Engineers  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, DC 20314

**Re: Opposition to Downgrading of Buffalo and Chicago Districts**

Dear General Bostick:

It has come to our attention that the Great Lakes and Ohio River Division of the United States Army Corps of Engineers is attempting to consolidate several functions of the Buffalo District and the Chicago District to Detroit and to move contracting functions for these and other districts to Louisville. We write today to object to this proposal and to request that this effort be stopped. We object on the following specific grounds:

- 1) **This proposal will impede project delivery in the Great Lakes.** We have been involved in several flood control, navigation, environmental and other projects which we know have been expedited by ready access to the resources which are proposed to be relocated. Consolidating legal counsel, resource managers, contracting officials, safety and security personnel, and internal review staff, among others, to remote locations will undoubtedly hinder ongoing and future project delivery.
- 2) **This proposal contravenes the law and USACE regulations.** The law states that a District cannot be closed or consolidated without the consent of Congress.<sup>[1]</sup> By eliminating several of the functions which, according to your own regulations, are intrinsic to a District,<sup>[2]</sup> this move would effectively reduce Buffalo and Chicago to mere Field Offices, or "Districts in Name Only," contravening applicable law. In addition to the inconsistency with the law, the proposal violates and/or contradicts the Engineer Regulations in several respects.<sup>[3]</sup>

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<sup>[1]</sup> FY 1993 Energy and Water Appropriations Act, Title 1.

<sup>[2]</sup> Engineers Regulations ER 10-1-2

<sup>[3]</sup> (1) ER 10-1-2, page A1, expressly prohibits several functions from being consolidated out of the District level, including several which are proposed for consolidation under this plan, including: Program and Project Management, Contracting, Resource Management, Information Management, Counsel, Logistics, EEO, Internal Review, Small Business and Safety. (2) ER 360-1-1 states that the position of District Public Affairs Officer requires access to the District Commander and his or her senior staff and the local media and stakeholders. This position cannot be fulfilled in a manner consistent with the Regulations from a remote location. (3) ER 5-1-9 states that "Work shall not be brokered to a district [from another] until it is determined that the receiving district has the technical capability to perform the work. Under no circumstances, however, will work be brokered if the transfer would degrade the technical capability of the losing district." (4) ER 5-1-15 states that the District is responsible for "Maintaining fiscal accountability and the financial efficiency of District operations," "Implementing policies and procedures governing budget formulation and budget execution, financial management, and administrative control of funds," "Developing financial reporting for budget management and developing the budgetary statistics for budget and program purposes." Removing these functions from the District makes this impossible. (5) ER 1105-2-100 indicates that "Feasibility reports will be

- 3) **This move is part of a troubling pattern in which Division resources are diverted from the Great Lakes to the Ohio River and its tributaries.** Great Lakes shippers and their customers have long pointed out that on the basis of funding-per-tonnage, the Great Lakes have been very much disadvantaged compared to the River systems<sup>[4]</sup>, and, more specifically, the GAO has noted that the cost overruns at the Louisville District's Olmsted Lock and Dam have sapped resources from other navigation projects nationally (the project went from \$775 million to \$2.9 billion).<sup>[5]</sup> It is puzzling that the Division is attempting to improve contracting functions by shifting them all to the Louisville District, which has been responsible for that largest single Civil Works cost overrun in the history of the Army Corps.

Further, we have been presented with no evidence of the Division's extraordinary claim that this redistribution will save some \$15 million by moving positions to Louisville and Detroit, all without eliminating functions, without cutting service and without a Reduction in Force. Again, we ask that you review this matter and prevent the implementation of this plan.

Sincerely,



Brian Higgins  
Member of Congress



Chris Collins  
Member of Congress

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reviewed for technical quality and policy compliance. Independent technical and legal reviews are the responsibility of the districts, and District Commanders are responsible for the quality and accuracy of the study processes.” Removing these functions from the District makes this impossible.

<sup>[4]</sup> "Great Lakes Dredging Crisis" Presentation of James H. I. Weakley, President, Lake Carriers' Association to the Ohio Coalition of Shallow Draft Harbors, August 5, 2009, Port Clinton, OH. Link active as of 6/20/2013: [http://ohioseagrant.osu.edu/smallharbors/docs/080509\\_OCSDH\\_Weakley.pdf](http://ohioseagrant.osu.edu/smallharbors/docs/080509_OCSDH_Weakley.pdf).

<sup>[5]</sup> GAO-13-80, *Maritime Infrastructure: Opportunities Exist to Improve the Effectiveness of Federal Efforts to Support the Marine Transportation System*, GAO: Report to Congressional Addressees, November 2012, in footnote, p. 25.