

## CODIFICATION

Pub. L. 109-424 and title VIII of Pub. L. 109-479 enacted substantially identical sections. This section is based on the text of section 807 of Pub. L. 109-479.

**§ 3207. Authorization of appropriations**

There are authorized to be appropriated to the Administrator to carry out this chapter—

- (1) \$25,000,000 for fiscal year 2008, of which—
  - (A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 3204 of this title; and
  - (B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 3205 of this title;
- (2) \$26,000,000 for fiscal year 2009, of which—
  - (A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 3204 of this title; and
  - (B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 3205 of this title;
- (3) \$27,000,000 for fiscal year 2010, of which—
  - (A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 3204 of this title; and
  - (B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 3205 of this title;
- (4) \$28,000,000 for fiscal year 2011, of which—
  - (A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 3204 of this title; and
  - (B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 3205 of this title; and
- (5) \$29,000,000 for fiscal year 2012, of which—
  - (A) not less than 27 percent of the amount appropriated shall be for the tsunami hazard mitigation program under section 3204 of this title; and
  - (B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 3205 of this title.

(Pub. L. 109-424, § 8, Dec. 20, 2006, 120 Stat. 2908; Pub. L. 109-479, title VIII, § 808, Jan. 12, 2007, 120 Stat. 3660.)

## CODIFICATION

Pub. L. 109-424 and title VIII of Pub. L. 109-479 enacted substantially identical sections. This section is based on the text of section 808 of Pub. L. 109-479.

**CHAPTER 46—NATIONAL LEVEE SAFETY PROGRAM**

Sec.	
3301.	Definitions.
3302.	Committee on Levee Safety.
3303.	Inventory and inspection of levees.
3303a.	Levee safety initiative.

Sec.	
3303b.	Reports.
3304.	Limitations on statutory construction.
3305.	Authorization of appropriations.

**§ 3301. Definitions**

In this chapter, the following definitions apply:

**(1) Administrator**

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

**(2) Canal structure****(A) In general**

The term “canal structure” means an embankment, wall, or structure along a canal or manmade watercourse that—

- (i) constrains water flows;
- (ii) is subject to frequent water loading; and
- (iii) is an integral part of a flood risk reduction system that protects the leveed area from flood waters associated with hurricanes, precipitation events, seasonal high water, and other weather-related events.

**(B) Exclusion**

The term “canal structure” does not include a barrier across a watercourse.

**(3) Committee**

The term “committee” means the Committee on Levee Safety established by section 3302(a) of this title.

**(4) Floodplain management**

The term “floodplain management” means the operation of a community program of corrective and preventative measures for reducing flood damage.

**(5) Indian tribe**

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

**(6) Inspection**

The term “inspection” means an actual inspection of a levee—

- (A) to establish the global information system location of the levee;
- (B) to determine the general condition of the levee; and
- (C) to estimate the number of structures and population at risk and protected by the levee that would be adversely impacted if the levee fails or water levels exceed the height of the levee.

**(7) Levee****(A) In general**

The term “levee” means a manmade barrier (such as an embankment, floodwall, or other structure)—

- (i) the primary purpose of which is to provide hurricane, storm, or flood protection relating to seasonal high water, storm surges, precipitation, or other weather events; and
- (ii) that is normally subject to water loading for only a few days or weeks during a calendar year.

**(B) Inclusions**

The term “levee” includes a levee system, including—

- (i) levees and canal structures that—
  - (I) constrain water flows;
  - (II) are subject to more frequent water loading; and
  - (III) do not constitute a barrier across a watercourse; and

- (ii) roadway and railroad embankments, but only to the extent that the embankments are integral to the performance of a flood damage reduction system.

**(C) Exclusions**

The term “levee” does not include—

- (i) a roadway or railroad embankment that is not integral to the performance of a flood damage reduction system;
- (ii) a canal constructed completely within natural ground without any manmade structure (such as an embankment or retaining wall to retain water or a case in which water is retained only by natural ground);
- (iii) a canal regulated by a Federal or State agency in a manner that ensures that applicable Federal safety criteria are met;
- (iv) a levee or canal structure—
  - (I) that is not a part of a Federal flood damage reduction system;
  - (II) that is not recognized under the National Flood Insurance Program as providing protection from the 1-percent-annual-chance or greater flood;
  - (III) that is not greater than 3 feet high;
  - (IV) the population in the leveed area of which is less than 50 individuals; and
  - (V) the leveed area of which is less than 1,000 acres; or
- (v) any shoreline protection or river bank protection system (such as revetments or barrier islands).

**(8) Levee feature**

The term “levee feature” means a structure that is critical to the functioning of a levee, including—

- (A) an embankment section;
- (B) a floodwall section;
- (C) a closure structure;
- (D) a pumping station;
- (E) an interior drainage work; and
- (F) a flood damage reduction channel.

**(9) Levee system**

The term “levee system” means 1 or more levee segments, including all levee features that are interconnected and necessary to ensure protection of the associated leveed areas—

- (A) that collectively provide flood damage reduction to a defined area; and
- (B) the failure of 1 of which may result in the failure of the entire system.

**(10) National levee database**

The term “national levee database” means the levee database established under section 3303 of this title.

**(11) Participating program**

The term “participating program” means a levee safety program developed by a State or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

**(12) Rehabilitation**

The term “rehabilitation” means the repair, replacement, reconstruction, removal of a levee, or reconfiguration of a levee system, including a setback levee, that is carried out to reduce flood risk or meet national levee safety guidelines.

**(13) Risk**

The term “risk” means a measure of the probability and severity of undesirable consequences.

**(14) State**

The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

**(15) State levee safety agency**

The term “State levee safety agency” means the agency of a State that has regulatory authority over the safety of any non-Federal levee in the State.

**(16) United States**

The term “United States”, when used in a geographical sense, means all of the States.

(Pub. L. 110–114, title IX, §9002, Nov. 8, 2007, 121 Stat. 1288; Pub. L. 113–121, title III, §3016(b), June 10, 2014, 128 Stat. 1289.)

## AMENDMENTS

2014—Pars. (1) to (6). Pub. L. 113–121, §3016(b)(1)–(3), added pars. (1), (2), (4), and (5), and redesignated former pars. (1) and (2) as (3) and (6), respectively. Former pars. (3), (4), (5), and (6) redesignated (7), (14), (15), and (16), respectively.

Par. (7). Pub. L. 113–121, §3016(b)(4), added par. (7) and struck out former par. (7) which defined “levee”.

Pub. L. 113–121, §3016(b)(1), redesignated par. (3) as (7). Pars. (8) to (16). Pub. L. 113–121, §3016(b)(1), (4), added pars. (8) to (13) and redesignated pars. (4) to (6) as (14) to (16), respectively.

## SHORT TITLE

Pub. L. 110–114, title IX, §9001(a), formerly §9001, Nov. 8, 2007, 121 Stat. 1288, renumbered §9001(a) and amended by Pub. L. 113–121, title III, §3016(a)(1), (2), June 10, 2014, 128 Stat. 1289, provided that: “This title [enacting this chapter] may be cited as the ‘National Levee Safety Act of 2007.’”

## PURPOSES OF THE SAFETY PROGRAM

Pub. L. 110–114, title IX, §9001(b), as added Pub. L. 113–121, title III, §3016(a)(3), June 10, 2014, 128 Stat. 1289, provided that: “The purposes of this title [enacting this chapter] are—

- “(1) to ensure that human lives and property that are protected by new and existing levees are safe;
- “(2) to encourage the use of appropriate engineering policies, procedures, and technical practices for levee site investigation, design, construction, operation and maintenance, inspection, assessment, and emergency preparedness;
- “(3) to develop and support public education and awareness projects to increase public acceptance and

support of levee safety programs and provide information;

“(4) to build public awareness of the residual risks associated with living in levee protected areas;

“(5) to develop technical assistance materials, seminars, and guidelines to improve the security of levees of the United States; and

“(6) to encourage the establishment of effective State and tribal levee safety programs.”

### § 3302. Committee on Levee Safety

#### (a) Establishment

There is established a committee to be known as the “Committee on Levee Safety”.

#### (b) Membership

The committee shall be composed of 16 members as follows:

(1) NONVOTING MEMBERS.—The following 2 nonvoting members:

(A) The Secretary (or a designee of the Secretary).

(B) The Administrator (or a designee of the Administrator).

(2) The following 14 voting members appointed by the Secretary:

(A) Eight representatives of State levee safety agencies, one from each of the eight civil works divisions of the Corps of Engineers.

(B) Two representatives of the private sector who have expertise in levee safety.

(C) Two representatives of local and regional governmental agencies who have expertise in levee safety.

(D) Two representatives of Indian tribes who have expertise in levee safety.

#### (c) Administration

##### (1) Terms of voting members

###### (A) In general

A voting member of the committee shall be appointed for a term of 3 years, except that, of the members first appointed—

(i) 5 shall be appointed for a term of 1 year;

(ii) 5 shall be appointed for a term of 2 years; and

(iii) 4 shall be appointed for a term of 3 years.

###### (B) Reappointment

A voting member of the committee may be reappointed to the committee, as the Secretary determines to be appropriate.

###### (C) Vacancies

A vacancy on the committee shall be filled in the same manner as the original appointment was made.

##### (2) Chairperson

###### (A) In general

The voting members of the committee shall appoint a chairperson from among the voting members of the committee.

###### (B) Term

The chairperson shall serve a term of not more than 2 years.

##### (d) Standing committees

###### (1) In general

The committee may establish standing committees comprised of volunteers from all lev-

els of government and the private sector, to advise the committee regarding specific levee safety issues, including participating programs, technical issues, public education and awareness, and safety and the environment.

#### (2) Membership

The committee shall recommend to the Secretary for approval individuals for membership on the standing committees.

#### (e) Duties and powers

The committee—

(1) shall submit to the Secretary and Congress an annual report regarding the effectiveness of the levee safety initiative in accordance with section 3303b of this title; and

(2) may secure from other Federal agencies such services, and enter into such contracts, as the committee determines to be necessary to carry out this subsection.

#### (f) Task force coordination

The committee shall, to the maximum extent practicable, coordinate the activities of the committee with the Federal Interagency Floodplain Management Task Force.

#### (g) Compensation

##### (1) Federal employees

Each member of the committee who is an officer or employee of the United States—

(A) shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States; but

(B) shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the committee.

##### (2) Non-Federal employees

To the extent amounts are made available to carry out this section in appropriations Acts, the Secretary shall provide to each member of the committee who is not an officer or employee of the United States a stipend and a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in performance of services for the committee.

##### (3) Standing committee members

Each member of a standing committee shall serve in a voluntary capacity.

#### (h) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee.

(Pub. L. 110–114, title IX, §9003, Nov. 8, 2007, 121 Stat. 1288; Pub. L. 110–274, §1, July 15, 2008, 122 Stat. 2493; Pub. L. 113–121, title III, §3016(c), June 10, 2014, 128 Stat. 1291.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (h), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770,