

which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113–121, §3016(c)(1), added par. (1), redesignated par. (3) as (2), inserted “voting” after “14” in introductory provisions of par. (2), and struck out former pars. (1) and (2) which read as follows:

“(1) The Secretary (or the Secretary’s designee), who shall serve as the chairperson of the Committee.

“(2) The Administrator of the Federal Emergency Management Agency (or the Administrator’s designee).”

Subsecs. (c) to (h). Pub. L. 113–121, §3016(c)(2), (3), added subsecs. (c) to (g), redesignated former subsec. (g) as (h), and struck out former subsecs. (c) to (f) which related to duties, purposes, compensation of members, and travel expenses, respectively.

2008—Subsec. (f). Pub. L. 110–274 substituted “Subject to the availability of appropriations,” for “To the extent amounts are made available in advance in appropriations Acts,”.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

§ 3303. Inventory and inspection of levees

(a) Levee database

(1) In general

Not later than one year after November 8, 2007, the Secretary shall establish and maintain a database with an inventory of the Nation’s levees.

(2) Contents

The database shall include—

(A) location information of all Federal levees in the Nation (including global information system information) and updated levee information provided by States, Indian tribes, Federal agencies, and other entities;

(B) utilizing such information as is available, the general condition of each levee; and

(C) an estimate of the number of structures and population at risk and protected by each levee that would be adversely impacted if the levee fails or water levels exceed the height of the levee.

(3) Availability of information

(A) Availability to Federal, State, and local governmental agencies

The Secretary shall make all of the information in the database available to appropriate Federal, State, and local governmental agencies.

(B) Availability to the public

The Secretary shall make the information in the database described in paragraph (2)(A), and such other information in the database as the Secretary determines appropriate, available to the public.

(b) Inventory and inspection of levees

(1) Federal levees

The Secretary, at Federal expense, shall establish an inventory and conduct an inspection of all federally owned and operated levees.

(2) Federally constructed, nonfederally operated and maintained levees

The Secretary shall establish an inventory and conduct an inspection of all federally constructed, non-federally operated and maintained levees, at the original cost share for the project.

(3) Participating levees

For non-Federal levees the owners of which are participating in the emergency response to natural disasters program established under section 701n of this title, the Secretary shall establish an inventory and conduct an inspection of each such levee if the owner of the levee requests such inspection. The Federal share of the cost of an inspection under this paragraph shall be 65 percent.

(c) Levee review

(1) In general

The Secretary shall carry out a one-time inventory and review of all levees identified in the national levee database.

(2) No Federal interest

The inventory and inspection under paragraph (1) does not create a Federal interest in the construction, operation, or maintenance of any levee that is included in the inventory or inspected under this subsection.

(3) Review criteria

In carrying out the inventory and review, the Secretary shall use the levee safety action classification criteria to determine whether a levee should be classified in the inventory as requiring a more comprehensive inspection.

(4) State and tribal participation

At the request of a State or Indian tribe with respect to any levee subject to review under this subsection, the Secretary shall—

(A) allow an official of the State or Indian tribe to participate in the review of the levee; and

(B) provide information to the State or Indian tribe relating to the location, construction, operation, or maintenance of the levee.

(5) Exceptions

In carrying out the inventory and review under this subsection, the Secretary shall not be required to review any levee that has been inspected by a State or Indian tribe using the same methodology described in paragraph (3) during the 1-year period immediately preceding June 10, 2014, if the Governor of the State or chief executive of the tribal government, as applicable, requests an exemption from the review.

(Pub. L. 110–114, title IX, §9004, Nov. 8, 2007, 121 Stat. 1290; Pub. L. 113–121, title III, §3016(d), June 10, 2014, 128 Stat. 1292.)

AMENDMENTS

2014—Subsec. (a)(2)(A). Pub. L. 113–121, §3016(d)(1), substituted “and updated levee information provided by States, Indian tribes, Federal agencies, and other entities” for “and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies”.

Subsec. (c). Pub. L. 113–121, §3016(d)(2), added subsec. (c).

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 3303a. Levee safety initiative**(a) Establishment**

The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

(b) Management

The Secretary shall appoint—

- (1) an administrator of the levee safety initiative; and
- (2) such staff as are necessary to implement the initiative.

(c) Levee safety guidelines**(1) Establishment**

Not later than 1 year after June 10, 2014, the Secretary, in consultation with the Administrator and in coordination with State, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

- (A) are available for common, uniform use by all Federal, State, tribal, and local agencies;
- (B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and
- (C) provide for adaptation to local, regional, or watershed conditions.

(2) Requirement

The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) Incorporation

The guidelines shall address, to the maximum extent practicable—

- (A) the activities and practices carried out by State, local, and tribal governments, and the private sector to safely build, regulate, operate, and maintain levees; and
- (B) Federal activities that facilitate State efforts to develop and implement effective State programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

(4) Consideration by Federal agencies

To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

(5) Public comment

Prior to finalizing the guidelines under this subsection, the Secretary shall—

- (A) issue draft guidelines for public comment, including comment by States, non-Federal interests, and other appropriate stakeholders; and

(B) consider any comments received in the development of final guidelines.

(d) Hazard potential classification system**(1) Establishment**

The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.

(2) Revision

The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

(3) Consistency

The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) Technical assistance and materials**(1) Establishment**

The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, communities, and levee owners in—

- (A) developing levee safety programs;
- (B) identifying and reducing flood risks associated with levees;
- (C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and
- (D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(2) Eligibility

To be eligible to receive technical assistance under this subsection, a State shall—

- (A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the guidelines established under subsection (c)(1); and
- (B) allocate sufficient funds in the budget of that State to carry out that State levee safety program.

(3) Work plans

The Secretary shall enter into an agreement with each State receiving technical assistance under this subsection to develop a work plan necessary for the State levee safety program of that State to reach a level of program performance that meets the guidelines established under subsection (c)(1).

(f) Public education and awareness**(1) In general**

The Secretary, in coordination with the Administrator, shall carry out public education and awareness efforts relating to the levee safety initiative.

(2) Contents

In carrying out the efforts under paragraph (1), the Secretary and the Administrator shall—