

“(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,

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 1 year after December 16, 2016, 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, regional districts, 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, regional, tribal, and local governmental agencies

The Secretary shall make all of the information in the database available to appropriate Federal, State, regional, tribal, 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, regional, and tribal participation

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

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

(B) provide information to the State, regional district, 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, regional district, 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 regional district or 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; Pub. L. 114–322, title I, §1130(b), Dec. 16, 2016, 130 Stat. 1650.)

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114–322, §1130(b)(1)(A), substituted “1 year after December 16, 2016,” for “one year after November 8, 2007,”.