

Editorial Notes

REFERENCES IN TEXT

Section 3203(d) of this title, as amended by this Act, referred to in par. (1), means section 3203(d) of this title, as amended by Pub. L. 115-25.

CODIFICATION

Section was enacted as part of the Tsunami Warning, Education, and Research Act of 2017, and also as part of the Weather Research and Forecasting Innovation Act of 2017, and not as part of the Tsunami Warning and Education Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “State” as used in this section, see section 8501 of Title 15, Commerce and Trade.

CHAPTER 46—NATIONAL LEVEE SAFETY PROGRAM

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§ 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 5304 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, regional district, or Indian tribe that includes the minimum components necessary for recognition by the Secretary.

(12) Regional district

The term “regional district” means a subdivision of a State government, or a subdivision of multiple State governments, that is authorized to acquire, construct, operate, and maintain projects for the purpose of flood damage reduction.

(13) 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.

(14) Risk

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

(15) 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.

(16) 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.

(17) 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; Pub. L. 114–322, title I, §1130(a), Dec. 16, 2016, 130 Stat. 1650.)

Editorial Notes**AMENDMENTS**

2016—Par. (11). Pub. L. 114–322, §1130(a)(1), substituted “State, regional district, or Indian tribe” for “State or Indian tribe”.

Pars. (12) to (17). Pub. L. 114–322, §1130(a)(2), (3), added par. (12) and redesignated former pars. (12) to (16) as (13) to (17), respectively.

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.

Statutory Notes and Related Subsidiaries**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