

(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

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 levels 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.)

Editorial Notes

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.”

Statutory Notes and Related Subsidiaries

“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.

(d) Identification of deficiencies**(1) In general**

For each levee included in an inventory established under subsection (b) or for which the Secretary has conducted a review under subsection (c), the Secretary shall—

(A) identify the specific engineering and maintenance deficiencies, if any; and

(B) describe the recommended remedies to correct each deficiency identified under subparagraph (A), and, if requested by owner of a non-Federal levee, the associated costs of those remedies.

(2) Consultation

In identifying deficiencies and describing remedies for a levee under paragraph (1), the Secretary shall consult with relevant non-Federal interests, including by providing an opportunity for comment by those non-Federal interests.

(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; Pub. L. 116-260, div. AA, title I, §131, Dec. 27, 2020, 134 Stat. 2644.)

Editorial Notes**AMENDMENTS**

2020—Subsec. (d). Pub. L. 116-260 added subsec. (d).
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,”.