

TITLE IX--NATIONAL LEVEE SAFETY PROGRAM

SEC. 9001. SHORT TITLE.

This title may be cited as the ``National Levee Safety Act of 2007".

SEC. 9002. DEFINITIONS.

In this title, the following definitions apply:

(1) **COMMITTEE.**--The term ``committee" means the Committee on Levee Safety established by section 9003(a).

(2) **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.

(3) **LEVEE.**--

(A) **IN GENERAL.**--The term ``levee" means an embankment, including floodwalls--

(i) the primary purpose of which is to provide hurricane, storm, and flood protection relating to seasonal high water, storm surges, precipitation, and other weather events; and

(ii) that normally is subject to water loading for only a few days or weeks during a year.

(B) **INCLUSION.**--The term includes structures along canals that constrain water flows and are subject to more frequent water loadings but that do not constitute a barrier across a watercourse.

(4) **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.

(5) **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.

(6) **UNITED STATES.**--The term "United States", when used in a geographical sense, means all of the States.

SEC. 9003. 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) 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).

(3) The following 14 members appointed by the Secretary:

(A) 8 representatives of State levee safety agencies, one from each of the 8 civil works divisions of the Corps of Engineers.

(B) 2 representatives of the private sector who have expertise in levee safety.

(C) 2 representatives of local and regional governmental agencies who have expertise in levee safety.

(D) 2 representatives of Indian tribes who have expertise in levee safety.

(c) *Duties.*--

(1) **DEVELOPMENT OF RECOMMENDATIONS FOR NATIONAL LEVEE SAFETY PROGRAM.**--The committee shall develop recommendations for a national levee safety program, including a strategic plan for implementation of the program.

(2) **REPORT.**--Not later than 180 days after the date of enactment of this Act, the committee shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report containing the recommendations developed under paragraph (1).

(d) *Purposes.*--In developing recommendations under subsection (c)(1), the committee shall ensure that the national levee safety program meets the following goals:

(1) Ensuring the protection of human life and property by levees through the development of technologically, economically, socially, and environmentally feasible programs and procedures for hazard reduction and mitigation relating to levees.

(2) Encouraging use of the best available engineering policies and procedures for levee site investigation, design, construction, operation and maintenance, and emergency preparedness.

(3) Encouraging the establishment and implementation of an effective national levee safety program that may be delegated to qualified States for implementation, including identification of incentives and disincentives for State levee safety programs.

(4) Ensuring that levees are operated and maintained in accordance with appropriate and protective standards by conducting an inventory and inspection of levees.

(5) Developing and supporting public education and awareness projects to increase public acceptance and support of State and national levee safety programs.

(6) Building public awareness of the residual risks associated with living in levee protected areas.

(7) Developing technical assistance materials for State and national levee safety programs.

(8) Developing methods to provide technical assistance relating to levee safety to non-Federal entities.

(9) Developing technical assistance materials, seminars, and guidelines relating to the physical integrity of levees in the United States.

(e) *Compensation of Members.*--A member of the committee shall serve without compensation.

(f) *Travel Expenses.*--To the extent amounts are made available in advance in appropriations Acts, the Secretary shall reimburse a member of the committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in performance of services for the committee.

(g) *Applicability of Federal Advisory Committee Act.*--The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee.

SEC. 9004. INVENTORY AND INSPECTION OF LEVEES.

(a) *Levee Database.*--

(1) **IN GENERAL.**--Not later than one year after the date of enactment of this Act, 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, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies;

(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 5 of the Act entitled ``An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n), 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.

SEC. 9005. LIMITATIONS ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed as--

(1) creating any liability of the United States or its officers or employees for the recovery of damages caused by an action or failure to act; or

(2) relieving an owner or operator of a levee of a legal duty, obligation, or liability incident to the ownership or operation of a levee.

SEC. 9006. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title \$20,000,000 for each of fiscal years 2008 through 2013.

And the Senate agree to the same.