

**Statutory Notes and Related Subsidiaries****“SECRETARY” DEFINED**

Secretary means the Secretary of the Army, see section 102 of Pub. L. 115-270, set out as a note under section 2201 of this title.

**§ 3307. Assessment of Corps of Engineers levees****(a) In general**

The Secretary shall periodically conduct assessments of federally authorized levees under the jurisdiction of the Corps of Engineers, to evaluate the potential Federal interest in the modification (including realignment or incorporation of natural features and nature-based features, as such terms are defined in section 2289a(a) of this title) of levee systems to meet one or more of the following objectives:

- (1) Increasing the flood risk reduction benefits of such systems.
- (2) Achieving greater flood resiliency.
- (3) Restoring hydrological and ecological connections with adjacent floodplains that achieve greater environmental benefits without undermining flood risk reduction or flood resiliency for levee-protected communities.

**(b) Levees operated by non-Federal interests**

The Secretary shall carry out an assessment under subsection (a) for a federally authorized levee system operated by a non-Federal interest only if the non-Federal interest—

- (1) requests the assessment; and
- (2) agrees to provide 50 percent of the cost of the assessment.

**(c) Assessments****(1) Considerations**

In conducting an assessment under subsection (a), the Secretary shall consider and identify, with respect to each levee system—

- (A) an estimate of the number of structures and population at risk and protected by the levee system that would be adversely impacted if the levee system fails or water levels exceed the height of any levee segment within the levee system (which may be the applicable estimate included in the levee database established under section 3303 of this title, if available);
- (B) the number of times the non-Federal interest has received emergency flood-fighting or repair assistance under section 701n of this title for the levee system, and the total expenditures on postflood repairs over the life of the levee system;
- (C) the functionality of the levee system with regard to higher precipitation levels, including due to changing climatic conditions and extreme weather events;
- (D) the potential costs and benefits (including environmental benefits and implications for levee-protected communities) from modifying the applicable levee system to restore connections with adjacent floodplains; and
- (E) available studies, information, literature, or data from relevant Federal, State, or local entities.

**(2) Prioritization**

In conducting an assessment under subsection (a), the Secretary shall, to the max-

imum extent practicable, prioritize levee systems—

- (A) associated with an area that has been subject to flooding in two or more events in any 10-year period; and
- (B) for which the non-Federal interest has received emergency flood-fighting or repair assistance under section 701n of this title with respect to such flood events.

**(3) Scope**

The Secretary shall ensure that an assessment under subsection (a) shall be similar in cost and scope to an initial assessment prepared by the Secretary pursuant to section 549a of this title.

**(d) Flood plain management services**

In conducting an assessment under subsection (a), the Secretary shall consider information on floods and flood damages compiled under section 709a of this title.

**(e) Report to Congress****(1) In general**

Not later than 18 months after December 23, 2022, and periodically thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the assessments conducted under subsection (a).

**(2) Inclusion**

The Secretary shall include in each report submitted under paragraph (1)—

- (A) identification of any levee system for which the Secretary has conducted an assessment under subsection (a);
- (B) a description of any opportunities identified under such subsection for the modification of a levee system, including the potential benefits of such modification for the purposes identified under such subsection;
- (C) information relating to the willingness and ability of each applicable non-Federal interest to participate in a modification to the relevant levee system, including by obtaining any real estate necessary for the modification; and
- (D) a summary of the information considered and identified under subsection (c)(1).

**(f) Incorporation of information**

The Secretary shall include in the levee database established under section 3303 of this title the information included in each report submitted under subsection (e), and make such information publicly available (including on a publicly available website).

**(g) Levee system defined**

In this section, the term “levee system” has the meaning given that term in section 3301(9) of this title.

**(h) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$10,000,000, to remain available until expended.

(Pub. L. 117-263, div. H, title LXXXI, §8121, Dec. 23, 2022, 136 Stat. 3712.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2022, and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the National Levee Safety Act of 2007 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

## “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 8002 of Pub. L. 117–263, set out as a note under section 2201 of this title.

**CHAPTER 47—OCEAN EXPLORATION**

## SUBCHAPTER I—EXPLORATION

Sec.

- 3401. Purpose.
- 3402. Program established.
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- 3404. Education, workforce training, and outreach.
- 3405. Ocean Exploration Advisory Board.
- 3406. Authorization of appropriations.
- 3407. Definitions.
- 3408. National Ocean Mapping, Exploration, and Characterization Council.

## SUBCHAPTER II—NOAA UNDERSEA RESEARCH PROGRAM

3421 to 3426. Repealed.

## SUBCHAPTER I—EXPLORATION

**§ 3401. Purpose**

The purpose of this subchapter is to establish the national ocean exploration program within the National Oceanic and Atmospheric Administration.

(Pub. L. 111–11, title XII, §12001, Mar. 30, 2009, 123 Stat. 1417; Pub. L. 117–263, div. J, title CIII, §10305(a), Dec. 23, 2022, 136 Stat. 3971.)

**Editorial Notes**

## AMENDMENTS

2022—Pub. L. 117–263 struck out “and the national undersea research program” after “national ocean exploration program”.

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE

Pub. L. 111–11, title XII, §12101, Mar. 30, 2009, 123 Stat. 1419, which provided that part II of subtitle A of title XII of Pub. L. 111–11, which enacted subchapter II of this chapter, could be cited as the “NOAA Undersea Research Program Act of 2009”, was repealed by Pub. L. 117–263, div. J, title CIII, §10306(a), Dec. 23, 2022, 136 Stat. 3974.

**§ 3402. Program established**

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate

coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean research and ocean exploration and characterization efforts.

(Pub. L. 111–11, title XII, §12002, Mar. 30, 2009, 123 Stat. 1417; Pub. L. 117–263, div. J, title CIII, §10305(b), Dec. 23, 2022, 136 Stat. 3971.)

**Editorial Notes**

## AMENDMENTS

2022—Pub. L. 117–263 struck out “and undersea” after “Federal ocean” in first sentence and substituted “research and ocean exploration and characterization efforts” for “and undersea research and exploration” in second sentence.

**§ 3403. Powers and duties of the Administrator****(a) In general**

In carrying out the program authorized by section 3402 of this title, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Ocean Policy Committee established under section 8932 of title 10, shall—

(1) conduct interdisciplinary expeditions or other scientific activities in conjunction with other Federal and State agencies, Tribal Governments, private industry, academia (including secondary schools, community colleges, and universities), and nongovernmental organizations, to map, explore, and characterize little known areas of the marine environment, inventory, observe, characterize, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions of the exclusive economic zone, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific expeditions to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 3405 of this title;

(5) support technological innovation of the United States marine science community by promoting the development and use of new and emerging technologies for research, communication, navigation, and data collection, such as sensors and autonomous vehicles;

(6) establish an ocean exploration forum, in consultation with the National Ocean Mapping, Exploration, and Characterization Council established under section 5405<sup>1</sup> of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, to encourage partnerships and promote communication

<sup>1</sup> See References in Text note below.