

§ 4131. Levee certifications**(a) Implementation of Flood Protection Structure Accreditation Task Force**

In carrying out section 100226 of Public Law 112-141 (42 U.S.C. 4101 note; 126 Stat. 942), the Secretary shall—

(1) ensure that at least 1 program activity carried out for levee systems under the levee safety and dam safety programs of the Corps of Engineers provides adequate information to the Secretary to reach a levee accreditation decision under section 65.10 of title 44, Code of Federal Regulations (or successor regulation);

(2) to the maximum extent practicable, carry out the activities referred to in paragraph (1) in alignment with the schedule established for the national flood insurance program established under chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) in the case of a levee system that is operated and maintained by the Corps of Engineers, to the maximum extent practicable, cooperate with local governments seeking a levee accreditation decision for the levee to provide information necessary to support the accreditation decision in a timely manner.

(b) Accelerated levee system evaluations**(1) In general**

On receipt of a request from a non-Federal interest, the Secretary may carry out a levee system evaluation of a federally authorized levee for purposes of the national flood insurance program established under chapter 1¹ of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) if the evaluation will be carried out earlier than such an evaluation would be carried out under subsection (a).

(2) Requirements

A levee system evaluation under paragraph (1) shall—

(A) at a minimum, comply with section 65.10 of title 44, Code of Federal Regulations (as in effect on June 10, 2014); and

(B) be carried out in accordance with such procedures as the Secretary, in consultation with the Administrator of the Federal Emergency Management Agency, may establish.

(3) Funding**(A) In general**

The Secretary may use amounts made available under section 1962d-16 of this title to carry out this subsection.

(B) Cost share

The Secretary shall apply the cost share under section 1962d-16(b) of this title to any activities carried out under this subsection.

(C) Contributed funds

Notwithstanding subparagraph (B), a non-Federal interest may fund up to 100 percent of the cost of any activity carried out under this subsection.

(Pub. L. 113-121, title III, §3014, June 10, 2014, 128 Stat. 1287; Pub. L. 116-260, div. AA, title I, §142(b), Dec. 27, 2020, 134 Stat. 2653.)

¹ So in original. Probably should be “chapter I”.

Editorial Notes

REFERENCES IN TEXT

The National Flood Insurance Act of 1968, referred to in subsecs. (a)(2) and (b)(1), is title XIII of Pub. L. 90-448, Aug. 1, 1968, 82 Stat. 572, which is classified principally to this chapter. Chapter I of the Act is classified principally to subchapter I (§4011 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

CODIFICATION

Section was enacted as part of the Water Resources Reform and Development Act of 2014, and not as part of the National Flood Insurance Act of 1968 which comprises this chapter.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-260, §142(b)(1)(A), substituted “for levee systems under the levee safety and dam safety programs” for “under the inspection of completed works program” and struck out “and” at end.

Subsec. (a)(2). Pub. L. 116-260, §142(b)(1)(B), substituted “the activities referred to in paragraph (1)” for “activities under the inspection of completed works program of the Corps of Engineers”, “chapter I” for “chapter 1”, and “; and” for period at end.

Subsec. (a)(3). Pub. L. 116-260, §142(b)(1)(C), added par. (3).

Subsec. (b)(3)(C). Pub. L. 116-260, §142(b)(2), added subpar. (C).

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of Title 33, Navigation and Navigable Waters.

CHAPTER 51—DESIGN AND CONSTRUCTION OF PUBLIC BUILDINGS TO ACCOMMODATE PHYSICALLY HANDICAPPED

Sec.	
4151.	“Building” defined.
4152.	Standards for design, construction, and alteration of buildings; Administrator of General Services.
4153.	Standards for design, construction, and alteration of buildings; Secretary of Housing and Urban Development.
4154.	Standards for design, construction, and alteration of buildings; Secretary of Defense.
4154a.	Standards for design, construction, and alteration of buildings; United States Postal Service.
4155.	Effective date of standards.
4156.	Waiver and modification of standards.
4157.	Omitted.

§ 4151. “Building” defined

As used in this chapter, the term “building” means any building or facility (other than (A) a privately owned residential structure not leased by the Government for subsidized housing programs and (B) any building or facility on a military installation designed and constructed primarily for use by able bodied military personnel) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is—

(1) to be constructed or altered by or on behalf of the United States;

(2) to be leased in whole or in part by the United States after August 12, 1968;

(3) to be financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan; or

(4) to be constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

(Pub. L. 90-480, §1, Aug. 12, 1968, 82 Stat. 718; Pub. L. 91-205, Mar. 5, 1970, 84 Stat. 49; Pub. L. 94-541, title II, §201(1), Oct. 18, 1976, 90 Stat. 2507.)

Editorial Notes

REFERENCES IN TEXT

The National Capital Transportation Act of 1960, referred to in par. (4), is Pub. L. 86-669, July 14, 1960, 74 Stat. 537, which enacted sections 651, 652, 661 to 665, and 671 of former Title 40, Public Buildings, Property, and Works, and enacted provisions set out as notes under section 651 of former Title 40 and which was repealed by Pub. L. 91-143, §8(a)(1), Dec. 9, 1969, 83 Stat. 322.

The National Capital Transportation Act of 1965, referred to in par. (4), is Pub. L. 89-173, Sept. 8, 1965, 79 Stat. 663. Section 1 of the Act, which was classified to a note under section 681 of former Title 40, Public Buildings, Property, and Works, was repealed by Pub. L. 107-217, §6(b), Aug. 21, 2002, 116 Stat. 1304. Section 2 of the Act, which was classified to section 681 of former Title 40, has been omitted from the Code. Sections 3 and 4 of the Act, which were classified to sections 682 and 683, respectively, of former Title 40, were repealed by Pub. L. 91-143, §8(a)(2), Dec. 9, 1969, 83 Stat. 323. Sections 5(a) (no subsec. (b) was enacted) and 6 of the Act, which were classified to sections 684 and 685, respectively, of former Title 40, were repealed by Pub. L. 107-217, §6(b), Aug. 21, 2002, 116 Stat. 1304. Section 7 of the Act amended provisions classified to section 662 of former Title 40, which was repealed by Pub. L. 89-774, §5(b), Nov. 6, 1966, 80 Stat. 1353. Section 8 of the Act, which was classified to a note under section 681 of former Title 40, has been omitted from the Code.

AMENDMENTS

1976—Pub. L. 94-541 inserted in parenthetical text “not leased by the Government for subsidized housing programs” after “structure” and struck out from par. (2) “, after construction or alteration in accordance with plans and specifications of the United States” after “August 12, 1968”.

1970—Par. (4). Pub. L. 91-205 added par. (4).

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, which enacted this chapter, is popularly known as the “Architectural Barriers Act of 1968”.

APPLICABILITY OF 1976 AMENDMENT TO LEASES ENTERED INTO BEFORE, ON, OR AFTER JANUARY 1, 1977

Pub. L. 94-541, title II, §202, Oct. 18, 1976, 90 Stat. 2508, provided that: “The amendment made by paragraph (1) of section 201 of this Act [amending this section] shall not apply to any lease entered into before January 1, 1977. It shall apply to every lease entered into on or after January 1, 1977, including any renewal of a lease entered into before such date which renewal is on or after such date.”

§ 4152. Standards for design, construction, and alteration of buildings; Administrator of General Services

The Administrator of General Services, in consultation with the Secretary of Health and Human Services, shall prescribe standards for the design, construction, and alteration of buildings (other than residential structures subject to this chapter and buildings, structures, and facilities of the Department of Defense and of the United States Postal Service subject to this chapter) to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.

(Pub. L. 90-480, §2, Aug. 12, 1968, 82 Stat. 719; Pub. L. 94-541, title II, §201(2), Oct. 18, 1976, 90 Stat. 2507; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

Editorial Notes

AMENDMENTS

1976—Pub. L. 94-541 substituted “shall prescribe” and “to insure whenever possible” for “is authorized to prescribe such” and “as may be necessary to insure”, respectively, and inserted in parenthetical text “and of the United States Postal Service” after “Department of Defense”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 4153. Standards for design, construction, and alteration of buildings; Secretary of Housing and Urban Development

The Secretary of Housing and Urban Development, in consultation with the Secretary of Health and Human Services, shall prescribe standards for the design, construction, and alteration of buildings which are residential structures subject to this chapter to insure whenever possible that physically handicapped persons will have ready access to, and use of, such buildings.

(Pub. L. 90-480, §3, Aug. 12, 1968, 82 Stat. 719; Pub. L. 94-541, title II, §201(3), Oct. 18, 1976, 90 Stat. 2507; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

Editorial Notes

AMENDMENTS

1976—Pub. L. 94-541 substituted “shall prescribe” and “to insure whenever possible” for “is authorized to prescribe such” and “as may be necessary to insure”, respectively.

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