

§ 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,”.

Subsec. (a)(2)(A). Pub. L. 114-322, §1130(b)(1)(B), substituted “States, regional districts, Indian tribes, Federal agencies, and other entities” for “States, Indian tribes, Federal agencies, and other entities”.

Subsec. (a)(3)(A). Pub. L. 114-322, §1130(b)(1)(C), substituted “Federal, State, regional, tribal, and local” for “Federal, State, and local” in heading and text.

Subsec. (c)(4). Pub. L. 114-322, §1130(b)(2)(A), substituted “State, regional, and tribal” for “State and tribal” in heading and “State, regional district, or Indian tribe” for “State or Indian tribe” wherever appearing in text.

Subsec. (c)(5). Pub. L. 114-322, §1130(b)(2)(B), substituted “State, regional district, or Indian tribe” for “State or Indian tribe” and “chief executive of the regional district or tribal government” for “chief executive of the tribal government”.

2014—Subsec. (a)(2)(A). Pub. L. 113-121, §3016(d)(1), substituted “and updated levee information provided by States, Indian tribes, Federal agencies, and other entities” for “and, for non-Federal levees, such information on levee location as is provided to the Secretary by State and local governmental agencies”.

Subsec. (c). Pub. L. 113-121, §3016(d)(2), added subsec. (c).

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.

§ 3303a. Levee safety initiative

(a) Establishment

The Secretary, in consultation with the Administrator, shall carry out a levee safety initiative.

(b) Management

The Secretary shall appoint—

- (1) an administrator of the levee safety initiative; and
- (2) such staff as are necessary to implement the initiative.

(c) Levee safety guidelines

(1) Establishment

Not later than 1 year after December 16, 2016, the Secretary, in consultation with the Administrator and in coordination with State, regional, local, and tribal governments and organizations with expertise in levee safety, shall establish a set of voluntary, comprehensive, national levee safety guidelines that—

- (A) are available for common, uniform use by all Federal, State, regional, local, and tribal agencies;
- (B) incorporate policies, procedures, standards, and criteria for a range of levee types, canal structures, and related facilities and features; and
- (C) provide for adaptation to local, regional, or watershed conditions.

(2) Requirement

The policies, procedures, standards, and criteria under paragraph (1)(B) shall be developed taking into consideration the levee hazard potential classification system established under subsection (d).

(3) Incorporation

The guidelines shall address, to the maximum extent practicable—

(A) the activities and practices carried out by State, regional, local, and tribal governments and the private sector to safely build, regulate, operate, and maintain levees; and

(B) Federal activities that facilitate State, regional, or tribal efforts to develop and implement effective State, regional, or tribal programs for the safety of levees, including levee inspection, levee rehabilitation, locally developed floodplain management, and public education and training programs.

(4) Consideration by Federal agencies

To the maximum extent practicable, all Federal agencies shall consider the levee safety guidelines in carrying out activities relating to the management of levees.

(5) Public comment

Prior to finalizing the guidelines under this subsection, the Secretary shall—

(A) issue draft guidelines for public comment, including comment by States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders; and

(B) consider any comments received in the development of final guidelines.

(d) Hazard potential classification system

(1) Establishment

The Secretary shall establish a hazard potential classification system for use under the levee safety initiative and participating programs.

(2) Revision

The Secretary shall review and, as necessary, revise the hazard potential classification system not less frequently than once every 5 years.

(3) Consistency

The hazard potential classification system established pursuant to this subsection shall be consistent with and incorporated into the levee safety action classification tool developed by the Corps of Engineers.

(e) Technical assistance and materials

(1) Establishment

The Secretary, in consultation with the Administrator, shall provide technical assistance and training to promote levee safety and assist States, regional districts, Indian tribes, communities, and levee owners in—

- (A) developing levee safety programs;
- (B) identifying and reducing flood risks associated with levees;
- (C) identifying local actions that may be carried out to reduce flood risks in leveed areas; and
- (D) rehabilitating, improving, replacing, reconfiguring, modifying, and removing levees and levee systems.

(2) Eligibility

To be eligible to receive technical assistance under this subsection, a State shall—

- (A) be in the process of establishing or have in effect a State levee safety program under which a State levee safety agency, in accordance with State law, carries out the