

(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 chapter 10 of title 5**

Chapter 10 of title 5 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; Pub. L. 117–286, §4(a)(207), Dec. 27, 2022, 136 Stat. 4328.)

**Editorial Notes**

**AMENDMENTS**

2022—Subsec. (h). Pub. L. 117–286 substituted “chapter 10 of title 5” for “Federal Advisory Committee Act” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

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.”

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—