

government” for “State, Indian tribe, or local government” in introductory provisions.

Subsec. (h)(2)(E). Pub. L. 114–322, §1130(c)(4)(B)(ii), substituted “State, regional, or tribal” for “State or tribal” in introductory provisions.

Subsec. (h)(3)(A). Pub. L. 114–322, §1130(c)(4)(C)(i), substituted “State, regional district, Indian tribe, or local government” for “State, Indian tribe, or local government”.

Subsec. (h)(3)(D). Pub. L. 114–322, §1130(c)(4)(C)(ii), substituted “180 days after December 16, 2016” for “180 days after June 10, 2014”.

Subsec. (h)(4)(A)(i). Pub. L. 114–322, §1130(c)(4)(D), substituted “State, regional, or tribal” for “State or tribal”.

Statutory Notes and Related Subsidiaries

REHABILITATION OF EXISTING LEVEES

Pub. L. 113–121, title III, §3017, June 10, 2014, 128 Stat. 1300, as amended by Pub. L. 117–263, div. H, title LXXXI, §8382(a), Dec. 23, 2022, 136 Stat. 3828; Pub. L. 118–272, div. A, title III, §1303(i), Jan. 4, 2025, 138 Stat. 3115, provided that:

“(a) IN GENERAL.—The Secretary [of the Army] shall carry out measures that address consolidation, settlement, subsidence, sea level rise, and new datum to restore federally authorized hurricane and storm damage reduction projects that were constructed as of the date of enactment of this Act [June 10, 2014] to the authorized levels of protection of the projects if the Secretary determines the necessary work is technically feasible, environmentally acceptable, and economically justified.

“(b) LIMITATION.—This section shall only apply to those projects for which the executed project partnership agreement provides that the non-Federal interest is not required to perform future measures to restore the project to the authorized level of protection of the project to account for subsidence and sea-level rise as part of the operation, maintenance, repair, replacement, and rehabilitation responsibilities.

“(c) COST SHARE.—

“(1) IN GENERAL.—The non-Federal share of the cost of construction of a project carried out under this section shall be determined as provided in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

“(2) CERTAIN ACTIVITIES.—The non-Federal share of the cost of operations, maintenance, repair, replacement, and rehabilitation for a project carried out under this section shall be 100 percent.

“(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall include in the annual report developed under section 7001 [33 U.S.C. 2282d]—

“(1) any recommendations relating to the continued need for the authority provided under this section;

“(2) a description of the measures carried out under this section;

“(3) any lessons learned relating to the measures implemented under this section; and

“(4) best practices for carrying out measures to restore hurricane and storm damage reduction projects.

“(e) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section terminates on December 31, 2033.”

“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.

§ 3303b. Reports

(a) State of levees

(1) In general

Not later than 1 year after December 16, 2016, and biennially thereafter, the Secretary

in coordination with the committee, shall submit to Congress and make publicly available a report describing the state of levees in the United States and the effectiveness of the levee safety initiative, including—

(A) progress achieved in implementing the levee safety initiative;

(B) State, regional, and tribal participation in the levee safety initiative;

(C) recommendations to improve coordination of levee safety, floodplain management, and environmental protection concerns, including—

(i) identifying and evaluating opportunities to coordinate public safety, floodplain management, and environmental protection activities relating to levees; and

(ii) evaluating opportunities to coordinate environmental permitting processes for operation and maintenance activities at existing levee projects in compliance with all applicable laws; and

(D) any recommendations for legislation and other congressional actions necessary to ensure national levee safety.

(2) Inclusion

Each report under paragraph (1) shall include a report of the committee that describes the independent recommendations of the committee for the implementation of the levee safety initiative.

(b) National dam and levee safety program

Not later than 3 years after June 10, 2014, to the maximum extent practicable, the Secretary and the Administrator, in coordination with the committee, shall submit to Congress and make publicly available a report that includes recommendations regarding the advisability and feasibility of, and potential approaches for, establishing a joint national dam and levee safety program.

(c) Alignment of Federal programs relating to levees

Not later than 2 years after December 16, 2016, the Comptroller General of the United States shall submit to Congress a report on opportunities for alignment of Federal programs to provide incentives to State, regional, tribal, and local governments and individuals and entities—

(1) to promote shared responsibility for levee safety;

(2) to encourage the development of strong State, regional, and tribal levee safety programs;

(3) to better align the levee safety initiative with other Federal flood risk management programs; and

(4) to promote increased levee safety through other Federal programs providing assistance to State, regional, tribal, and local governments.

(d) Liability for certain levee engineering projects

Not later than 1 year after December 16, 2016, the Secretary shall submit to Congress and make publicly available a report that includes recommendations that identify and address any legal liability associated with levee engineering projects that prevent—

(1) levee owners from obtaining needed levee engineering services; or

(2) development and implementation of a State, regional, or tribal levee safety program.

(Pub. L. 110–114, title IX, § 9006, as added Pub. L. 113–121, title III, § 3016(e)(2), June 10, 2014, 128 Stat. 1299; amended Pub. L. 114–322, title I, § 1130(d), Dec. 16, 2016, 130 Stat. 1652.)

Editorial Notes

PRIOR PROVISIONS

A prior section 9006 of Pub. L. 110–114 was renumbered section 9008, and is classified to section 3305 of this title.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114–322, § 1130(d)(1)(A), substituted “1 year after December 16, 2016” for “1 year after June 10, 2014” in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 114–322, § 1130(d)(1)(B), substituted “State, regional, and tribal” for “State and tribal”.

Subsec. (c). Pub. L. 114–322, § 1130(d)(2)(A), in introductory provisions, substituted “2 years after December 16, 2016” for “2 years after June 10, 2014” and “State, regional, tribal, and local” for “State, tribal, and local”.

Subsec. (c)(2). Pub. L. 114–322, § 1130(d)(2)(B), substituted “State, regional, and tribal” for “State and tribal”.

Subsec. (c)(4). Pub. L. 114–322, § 1130(d)(2)(C), substituted “State, regional, tribal, and local” for “State and local”.

Subsec. (d). Pub. L. 114–322, § 1130(d)(3)(A), substituted “1 year after December 16, 2016” for “1 year after June 10, 2014” in introductory provisions.

Subsec. (d)(2). Pub. L. 114–322, § 1130(d)(3)(B), substituted “State, regional, or tribal” for “State or tribal”.

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.

§ 3304. Limitations on statutory construction

Nothing in this chapter 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.

(Pub. L. 110–114, title IX, § 9007, formerly § 9005, Nov. 8, 2007, 121 Stat. 1290; renumbered § 9007, Pub. L. 113–121, title III, § 3016(e)(1), June 10, 2014, 128 Stat. 1293.)

§ 3305. Authorization of appropriations

There is authorized to be appropriated to the Secretary—

(1) to carry out sections 3302, 3303a(c), 3303a(d), 3303a(e), and 3303a(f) of this title, \$4,000,000 for each of fiscal years 2019 through 2023;

(2) to carry out section 3303 of this title, \$20,000,000 for each of fiscal years 2019 through 2023; and

(3) to carry out section 3303a(h) of this title, \$30,000,000 for each of fiscal years 2019 through 2023.

(Pub. L. 110–114, title IX, § 9008, formerly § 9006, Nov. 8, 2007, 121 Stat. 1291; renumbered § 9008 and amended Pub. L. 113–121, title III, § 3016(e)(1), (f), June 10, 2014, 128 Stat. 1293, 1300; Pub. L. 115–270, title I, § 1144(2), Oct. 23, 2018, 132 Stat. 3785.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–270 substituted “2019 through 2023” for “2015 through 2019” in pars. (1) to (3).

2014—Pub. L. 113–121, § 3016(f)(2), substituted “Secretary—” for “Secretary to carry out this chapter \$20,000,000 for each of fiscal years 2008 through 2013.” and added pars. (1) to (3).

Pub. L. 113–121, § 3016(f)(1), which directed the substitution of “is” for “are”, could not be executed because “are” does not appear in text.

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.

§ 3306. Certain levee improvements

(a) In general

Notwithstanding section 211 of the Water Resources Development Act of 2000 (31 U.S.C. 6505 note), the Secretary, at the request of a local government, is authorized to provide technical services, on a reimbursable basis, to the local government to assess the reasons a federally constructed levee owned or operated by the local government is not accredited by the Federal Emergency Management Agency.

(b) Federal levees

In carrying out this section, in a case in which a levee owned and operated by the Secretary is hydraulically tied to a levee described in subsection (a), the Secretary is encouraged to cooperate, to the maximum extent practicable, with the relevant local governmental entities in assessing the reasons the levee described in subsection (a) is not accredited.

(c) Limitation

Nothing in this section—

(1) affects the responsibilities of a local government to operate and maintain its flood control infrastructure; or

(2) obligates the Secretary to expend additional Federal resources on levees owned and operated by the Secretary.

(Pub. L. 115–270, title I, § 1123, Oct. 23, 2018, 132 Stat. 3779.)

Editorial Notes

REFERENCES IN TEXT

Section 211 of the Water Resources Development Act of 2000, referred to in subsec. (a), is section 211 of Pub. L. 106–541, which is set out as a note under section 6505 of Title 31, Money and Finance.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2018, and also as part of the America’s Water Infrastructure Act of 2018, and not as part of the National Levee Safety Act of 2007 which comprises this chapter.