

§ 2345. Electronic submission and tracking of permit applications

(a) Development of electronic system

(1) In general

The Secretary shall research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary.

(2) Inclusion

The electronic system required under paragraph (1) shall address—

- (A) applications for standard individual permits;
- (B) applications for letters of permission;
- (C) joint applications with States for State and Federal permits;
- (D) applications for emergency permits;
- (E) applications or requests for jurisdictional determinations; and
- (F) preconstruction notification submissions, when required for a nationwide or other general permit.

(3) Improving existing data systems

The Secretary shall seek to incorporate the electronic system required under paragraph (1) into existing systems and databases of the Corps of Engineers to the maximum extent practicable.

(4) Protection of information

The electronic system required under paragraph (1) shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is otherwise prohibited by law.

(b) System requirements

The electronic system required under subsection (a) shall—

- (1) enable an applicant or requester to prepare electronically an application for a permit or request;
- (2) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, the completed application form or request;
- (3) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, data and other information in support of the permit application or request;
- (4) provide an online interactive guide to provide assistance to an applicant or requester at any time while filling out the permit application or request; and
- (5) enable an applicant or requester (or a designated agent) to track the status of a permit application or request in a manner that will—
 - (A) allow the applicant or requester to determine whether the application is pending or final and the disposition of the request;
 - (B) allow the applicant or requester to research previously submitted permit applications and requests within a given geographic area and the results of such applications or requests; and

(C) allow identification and display of the location of the activities subject to a permit or request through a map-based interface.

(c) Documentation

All permit decisions and jurisdictional determinations made by the Secretary shall be in writing and include documentation supporting the basis for the decision or determination. The Secretary shall prescribe means for documenting all decisions or determinations to be made by the Secretary.

(d) Record of determinations

(1) In general

The Secretary shall maintain, for a minimum of 5 years, a record of each permit decision and jurisdictional determination made by the Secretary, including documentation supporting the basis of the decision or determination.

(2) Archiving of information

The Secretary shall explore and implement an appropriate mechanism for archiving records of permit decisions and jurisdictional determinations, including documentation supporting the basis of the decisions and determinations, after the 5-year maintenance period described in paragraph (1).

(e) Availability of determinations

(1) In general

The Secretary shall make the records of all permit decisions and jurisdictional determinations made by the Secretary available to the public for review and reproduction.

(2) Protection of information

The Secretary shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is prohibited by law, which may be excluded from disclosure.

(f) Deadline for electronic system implementation

(1) In general

The Secretary shall develop and implement, to the maximum extent practicable, the electronic system required under subsection (a) not later than 2 years after December 23, 2022.

(2) Update on electronic system implementation

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 quarterly update describing the status of the implementation of this section.

(g) Applicability

The requirements described in subsections (c), (d), and (e) shall apply to permit applications and requests for jurisdictional determinations submitted to the Secretary after December 16, 2016.

(h) Limitation

This section shall not preclude the submission to the Secretary, acting through the Chief of

Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.

(Pub. L. 110–114, title II, § 2040, Nov. 8, 2007, 121 Stat. 1100; Pub. L. 114–322, title I, § 1134(a), Dec. 16, 2016, 130 Stat. 1654; Pub. L. 117–263, div. H, title LXXXI, § 8226, Dec. 23, 2022, 136 Stat. 3764.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2022—Subsec. (f)(1). Pub. L. 117–263, § 8226(1), substituted “December 23, 2022” for “December 16, 2016”.

Subsec. (f)(2). Pub. L. 117–263, § 8226(2), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Not later than 180 days after the expiration of the deadline under paragraph (1), 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 describing the measures implemented and barriers faced in carrying out this section.”

2016—Pub. L. 114–322 amended section generally. Prior to amendment, section related to electronic submission of permit applications.

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.

§ 2346. Project administration

(a) Project tracking

The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary to be used by each Federal agency throughout the life of the project.

(b) Report repository

(1) In general

The Secretary shall provide to the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, final post-authorization change report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) Availability to public

Each document described in paragraph (1) shall be made available to the public, and an electronic copy of each document shall be made permanently available to the public through the Internet.

(Pub. L. 110–114, title II, § 2041, Nov. 8, 2007, 121 Stat. 1100; Pub. L. 114–322, title I, § 1136(b), Dec. 16, 2016, 130 Stat. 1657.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water

Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Subsec. (b)(1). Pub. L. 114–322 inserted “final post-authorization change report,” after “final reevaluation report.”

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.

§ 2346a. Real estate administrative fees

(a) In general

Not later than 30 days after January 4, 2025, the Secretary shall initiate the development of guidance to standardize processes for developing, updating, and tracking real estate administrative fees administered by the Corps of Engineers.

(b) Guidance

In developing guidance under subsection (a), the Secretary shall—

(1) outline standard methodologies to estimate costs for purposes of setting real estate administrative fees;

(2) define the types of activities involved in managing real estate instruments that are included for purposes of setting such fees;

(3) establish cost-tracking procedures to capture data relating to the activities described in paragraph (2) for purposes of setting such fees;

(4) outline a schedule for divisions or districts of the Corps of Engineers to review, and update as appropriate, real estate administrative fees, including specifying what such reviews should entail and the frequency of such reviews; and

(5) provide opportunities for stakeholder input on real estate administrative fees.

(c) Publicly available

The Secretary shall make publicly available on the website of each Corps of Engineers district—

(1) the guidance developed under this section; and

(2) any other relevant information on real estate administrative fees, including lists of real estate instruments requiring such fees, and methodologies used to set such fees.

(Pub. L. 118–272, div. A, title I, § 1120, Jan. 4, 2025, 138 Stat. 3014.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2024, and also as part of the Thomas R. Carper Water Resources Development Act of 2024, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of Pub. L. 118–272, set out as a note under section 2201 of this title.