

**(3) Eligible organization**

The term “eligible organization” means an organization that—

- (A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of title 26;
- (B) is independent;
- (C) is free from conflicts of interest;
- (D) does not carry out or advocate for or against Federal water resources projects; and
- (E) has experience in establishing and administering peer review panels.

**(4) Total cost**

The term “total cost”, as used with respect to a water resources project, means the cost of construction (including planning and designing) of the project. In the case of a project for hurricane and storm damage reduction or flood damage reduction that includes periodic nourishment over the life of the project, the term includes the total cost of the nourishment.

(Pub. L. 110–114, title II, §2034, Nov. 8, 2007, 121 Stat. 1086; Pub. L. 113–121, title I, §1044, June 10, 2014, 128 Stat. 1250; Pub. L. 115–270, title I, §1141, Oct. 23, 2018, 132 Stat. 3785.)

**Editorial Notes**

## REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(5)(A)(iv), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (j), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

## 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

2018—Subsec. (h)(2). Pub. L. 115–270 substituted “17 years” for “12 years”.

2014—Subsec. (a)(3)(A)(i). Pub. L. 113–121, §1044(a), substituted “\$200,000,000” for “\$45,000,000”.

Subsec. (b)(3), (4). Pub. L. 113–121, §1044(b), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c)(4). Pub. L. 113–121, §1044(c), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: “Upon identification of a project study for peer review under this section, but prior to initiation of the review, the Chief of Engineers shall notify the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the review.”

Subsec. (f)(2), (3). Pub. L. 113–121, §1044(d), added pars. (2) and (3) and struck out former par. (2) which related to public availability and transmittal to Congress of a report on a project study from a panel of experts under this section.

Subsec. (h)(2). Pub. L. 113–121, §1044(e), substituted “12 years” for “7 years”.

**§ 2344. Safety assurance review****(a) Projects subject to safety assurance review**

The Chief of Engineers shall ensure that the design and construction activities for hurricane

and storm damage reduction and flood damage reduction projects are reviewed by independent experts under this section if the Chief of Engineers determines that a review by independent experts is necessary to assure public health, safety, and welfare.

**(b) Factors**

In determining whether a review of design and construction of a project is necessary under this section, the Chief of Engineers shall consider whether—

- (1) the failure of the project would pose a significant threat to human life;
- (2) the project involves the use of innovative materials or techniques;
- (3) the project design lacks redundancy; or
- (4) the project has a unique construction sequencing or a reduced or overlapping design construction schedule.

**(c) Safety assurance review****(1) Initiation of review**

At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this section, the Chief of Engineers shall initiate a safety assurance review by independent experts on the design and construction activities for the project.

**(2) Selection of reviewers**

A safety assurance review under this section shall include participation by experts selected by the Chief of Engineers from among individuals who are distinguished experts in engineering, hydrology, or other appropriate disciplines. The Chief of Engineers shall apply the National Academy of Science’s policy for selecting reviewers to ensure that reviewers have no conflict of interest with the project being reviewed.

**(3) Compensation**

An individual serving as an independent reviewer under this section shall be compensated at a rate of pay to be determined by the Secretary and shall be allowed travel expenses.

**(d) Scope of safety assurance reviews**

A safety assurance review under this section shall include a review of the design and construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a regular schedule sufficient to inform the Chief of Engineers on the adequacy, appropriateness, and acceptability of the design and construction activities for the purpose of assuring public health, safety, and welfare. The Chief of Engineers shall ensure that reviews under this section do not create any unnecessary delays in design and construction activities.

**(e) Safety assurance review record**

The written recommendations of a reviewer or panel of reviewers under this section and the responses of the Chief of Engineers shall be available to the public, including through electronic means on the Internet.

**(f) Applicability**

This section shall apply to any project in design or under construction on November 8, 2007,

and to any project with respect to which design or construction is initiated during the period beginning on November 8, 2007, and ending 7 years after November 8, 2007.

**(g) Nonapplicability of FACA**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a safety assurance review conducted under this section.

(Pub. L. 110-114, title II, §2035, Nov. 8, 2007, 121 Stat. 1091; Pub. L. 113-121, title III, §3028, June 10, 2014, 128 Stat. 1305.)

**Editorial Notes**

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

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

2014—Subsec. (g). Pub. L. 113-121 added subsec. (g).

**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.

**§ 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.