

## **Section 214 of WRDA 2000, as amended (current as of December 2018)**

**Note: the “Secretary” referenced below is the Secretary of the Army.**

(a) **FUNDING TO PROCESS PERMITS.** –

(1) **DEFINITIONS.** – In this subsection:

(A) **NATURAL GAS COMPANY.** – The term ‘natural gas company’ has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451), except that the term also includes a person engaged in the transportation of natural gas in intrastate commerce.

(B) **PUBLIC-UTILITY COMPANY.** – The term ‘public-utility company’ has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(C) **RAILROAD CARRIER.** – The term ‘railroad carrier’ has the meaning given the term in section 20102 of title 49, United States Code.

(2) **PERMIT PROCESSING.** – The Secretary, after public notice, may accept and expend funds contributed by a non-Federal public entity or a public-utility company, natural gas company, or railroad carrier to expedite the evaluation of a permit of that entity, company, or carrier related to a project or activity for a public purpose under the jurisdiction of the Department of the Army.

(3) **EFFECT ON OTHER ENTITIES.** – To the maximum extent practicable, the Secretary shall ensure that expediting the evaluation of a permit through the use of funds accepted and expended under this section does not adversely affect the timeline for evaluation (in the Corps district in which the project or activity is located) of permits under the jurisdiction of the Department of the Army of other entities that have not contributed funds under this section.

(4) **GAO STUDY.** – Not later than December 31, 2022, the Comptroller General of the United States shall carry out a followup study of the implementation by the Secretary of the authority provided under paragraph (2) to public-utility companies, natural gas companies, and railroad carriers, including an evaluation of the compliance with the requirements of this section and, with respect to a permit for those entities, the requirements of applicable Federal laws.

(b) **EFFECT ON PERMITTING.** –

(1) **IN GENERAL.** – In carrying out this section, the Secretary shall ensure that the use of funds accepted under sub-section (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) **IMPARTIAL DECISIONMAKING.** – In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall–

(A) be reviewed by –

(i) the District Commander, or the Commander’s designee, of the Corps District in which the project or activity is located; or

(ii) the Commander of the Corps Division in which the District is located if the evaluation of the permit is initially conducted by the District Commander; and

(B) utilize the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(c) LIMITATION ON USE OF FUNDS. – None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY. –

(1) IN GENERAL. – The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public in a common format, including on the Internet, and in a manner that distinguishes final permit decisions under this section from other final actions of the Secretary.

(2) DECISION DOCUMENT. – The Secretary shall –

(A) use a standard decision document for evaluating all permits using funds accepted under this section; and

(B) make the standard decision document, along with all final permit decisions, available to the public, including on the Internet.

(3) AGREEMENTS. – The Secretary shall make all active agreements to accept funds under this section available on a single public Internet site.

(e) REPORTING. –

(1) IN GENERAL. – The Secretary shall prepare an annual report on the implementation of this section, which, at a minimum, shall include for each district of the Corps of Engineers that accepts funds under this section –

(A) a comprehensive list of any funds accepted under this section during the previous fiscal year;

(B) a comprehensive list of the permits reviewed and approved using funds accepted under this section during the previous fiscal year, including a description of the size and type of resources impacted and the mitigation required for each permit; and

(C) a description of the training offered in the previous fiscal year for employees that is funded in whole or in part with funds accepted under this section.

(2) SUBMISSION. – Not later than 90 days after the end of each fiscal year, the Secretary shall –

(A) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the annual report described in paragraph (1); and

(B) make each report received under sub-paragraph (A) available on a single publicly accessible Internet site.