

## (2) Availability

Amounts in the Fund shall be available to the Executive Director, without appropriation or fiscal year limitation, solely for the purposes of administering, implementing, and enforcing this subchapter, including the expenses of the Council.

### (3) Transfer

The Executive Director, with the approval of the Director of the Office of Management and Budget, may transfer amounts in the Fund to other agencies to facilitate timely and efficient environmental reviews and authorizations for proposed covered projects.

**(e) Effect on permitting**

The regulations adopted pursuant to subsection (a) shall ensure that the use of funds accepted under subsection (d) will not impact impartial decision-making with respect to environmental reviews or authorizations, either substantively or procedurally.

**(f) Transfer of appropriated funds**

**(1) In general**

The heads of agencies listed in section 4370m-1(b)(2)(B) of this title shall have the authority to transfer, in accordance with section 1535 of title 31, funds appropriated to those agencies and not otherwise obligated to other affected Federal agencies for the purpose of implementing the provisions of this subchapter.

## (2) Limitation

Appropriations under title 23 and appropriations for the civil works program of the Army Corps of Engineers shall not be available for transfer under paragraph (1).

(Pub. L. 114–94, div. D, title XLI, § 41009, Dec. 4, 2015, 129 Stat. 1760.)

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

### **§ 4370m-9. Application**

This subchapter applies to any covered project for which—

- (1) a notice is filed under section 4370m-2(a)(1) of this title; or
- (2) an application or other request for a Federal authorization is pending before a Federal agency 90 days after December 4, 2015.

(Pub. L. 114-94, div. D, title XLI, §41010, Dec. 4, 2015, 129 Stat. 1761.)

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

## § 4370m-10. GAO report

Not later than 3 years after December 4, 2015, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of whether the provisions of this

subchapter could be adapted to streamline the Federal permitting process for smaller projects that are not covered projects.

(Pub. L. 114–94, div. D, title XLI, § 41011, Dec. 4, 2015, 129 Stat. 1761.)

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

### § 4370m-11. Savings provision

Nothing in this subchapter amends the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(Pub. L. 114-94, div. D, title XLI, §41012, Dec. 4, 2015, 129 Stat. 1761.)

## REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

**§ 4370m-12. Sunset**

This subchapter shall terminate 7 years after December 4, 2015.

(Pub. L. 114-94, div. D, title XLI, §41013, Dec. 4, 2015, 129 Stat. 1761.)

## CODIFICATION

Section was enacted as part of the Fixing America's Surface Transportation Act, also known as the FAST Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

## CHAPTER 56—ENVIRONMENTAL QUALITY IMPROVEMENT

Sec.  
4371. Congressional findings, declarations, and purposes.  
4372. Office of Environmental Quality.  
4373. Referral of Environmental Quality Reports to standing committees having jurisdiction.  
4374. Authorization of appropriations.  
4375. Office of Environmental Quality Management Fund.

**§ 4371. Congressional findings, declarations, and purposes**

- (a) The Congress finds—
  - (1) that man has caused changes in the environment;
  - (2) that many of these changes may affect the relationship between man and his environment; and
  - (3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.
- (b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental