

AMENDMENTS

1998—Pub. L. 105-276, which directed the insertion of “or reimbursed” after “that such fund shall be paid in advance”, was executed by making the insertion after “That such fund shall be paid in advance”, to reflect the probable intent of Congress.

1997—Pub. L. 105-65 substituted “a ‘Working capital fund’ to be available without fiscal year limitation for expenses and equipment” for “a franchise fund pilot to be known as the ‘Working capital fund’, as authorized by section 403 of Public Law 103-356, to be available as provided in such section for expenses and equipment” and struck out proviso at end which read “: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103-356”.

§ 4370f. Availability of funds after expiration of period for liquidating obligations

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

(Pub. L. 106-377, §1(a)(1) [title III], Oct. 27, 2000, 114 Stat. 1441, 1441A-44.)

CODIFICATION

Section was enacted as part of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

§ 4370g. Availability of funds for uniforms and certain services

For fiscal year 2009 and thereafter, the Science and Technology and Environmental Programs and Management Accounts are available for uniforms, or allowances therefore,¹ as authorized by sections 5901 and 5902 of title 5 and for services as authorized by section 3109 of title 5, but at rates for individuals not to exceed the daily equivalent of the rate paid for level IV of the Executive Schedule.

(Pub. L. 111-8, div. E, title II, Mar. 11, 2009, 123 Stat. 728.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in text, is set out under section 5315 of Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

§ 4370h. Availability of funds for facilities

For fiscal year 2009 and thereafter, the Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation

of facilities provided that the cost does not exceed \$85,000 per project.

(Pub. L. 111-8, div. E, title II, Mar. 11, 2009, 123 Stat. 729.)

CODIFICATION

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

§ 4370i. Regional liaisons for minority, tribal, and low-income communities

(a) In general

The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall assign at least one employee in each regional office of the Environmental Protection Agency to serve as a liaison to minority, Tribal, and low-income communities in the relevant region.

(b) Public identification

The Administrator shall identify each regional liaison assigned under subsection (a) on the internet website of—

- (1) the relevant regional office of the Environmental Protection Agency; and
- (2) the Office of Environmental Justice of the Environmental Protection Agency.

(Pub. L. 115-270, title IV, §4305, Oct. 23, 2018, 132 Stat. 3883.)

CODIFICATION

Section was enacted as part of the America’s Water Infrastructure Act of 2018, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

§ 4370j. Municipal Ombudsman

(a) Establishment

There is established within the Office of the Administrator an Office of the Municipal Ombudsman, to be headed by a Municipal Ombudsman.

(b) General duties

The duties of the Municipal Ombudsman shall include the provision of—

- (1) technical assistance to municipalities seeking to comply with the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.]; and
- (2) information to the Administrator to help the Administrator ensure that agency policies are implemented by all offices of the Environmental Protection Agency, including regional offices.

(c) Actions required

The Municipal Ombudsman shall work with appropriate offices at the headquarters and regional offices of the Environmental Protection Agency to ensure that a municipality seeking assistance is provided information regarding—

- (1) available Federal financial assistance for which the municipality is eligible;
- (2) flexibility available under the Federal Water Pollution Control Act; and
- (3) the opportunity to develop an integrated plan under section 402(s) of the Federal Water Pollution Control Act [33 U.S.C. 1342(s)].

¹ So in original. Probably should be “therefor.”.

(d) Information sharing

The Municipal Ombudsman shall publish on the website of the Environmental Protection Agency—

- (1) general information relating to—
 - (A) the technical assistance referred to in subsection (b)(1);
 - (B) the financial assistance referred to in subsection (c)(1);
 - (C) the flexibility referred to in subsection (c)(2); and
 - (D) any resources developed by the Administrator related to integrated plans under section 402(s) of the Federal Water Pollution Control Act [33 U.S.C. 1342(s)]; and
- (2) a copy of each permit, order, or judicial consent decree that implements or incorporates such an integrated plan.

(Pub. L. 115–436, § 4, Jan. 14, 2019, 132 Stat. 5560.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (b)(1), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

CODIFICATION

Section was enacted as part of the Water Infrastructure Improvement Act, and not as part of the National Environmental Policy Act of 1969 which comprises this chapter.

DEFINITIONS

Pub. L. 115–436, § 2, Jan. 14, 2019, 132 Stat. 5558, provided that: “In this Act [see Short Title of 2019 Amendment note set out under section 1251 of Title 33, Navigation and Navigable Waters]:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) MUNICIPALITY.—The term ‘municipality’ has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).”

SUBCHAPTER IV—FEDERAL PERMITTING IMPROVEMENT

§ 4370m. Definitions

In this subchapter:

(1) Agency

The term “agency” has the meaning given the term in section 551 of title 5.

(2) Agency CERPO

The term “agency CERPO” means the chief environmental review and permitting officer of an agency, as designated by the head of the agency under section 4370m–1(b)(2)(A)(iii)(I) of this title.

(3) Authorization

The term “authorization” means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to site, construct, reconstruct, or commence operations of a covered project administered by a Federal agency

or, in the case of a State that chooses to participate in the environmental review and authorization process in accordance with section 4370m–2(c)(3)(A) of this title, a State agency.

(4) Cooperating agency

The term “cooperating agency” means any agency with—

- (A) jurisdiction under Federal law; or
- (B) special expertise as described in section 1501.6 of title 40, Code of Federal Regulations (as in effect on December 4, 2015).

(5) Council

The term “Council” means the Federal Infrastructure Permitting Improvement Steering Council¹ established under section 4370m–1(a) of this title.

(6) Covered project**(A) In general**

The term “covered project” means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, carbon capture, or any other sector as determined by a majority vote of the Council that—

- (i)(I) is subject to NEPA;
- (II) is likely to require a total investment of more than \$200,000,000; and
- (III) does not qualify for abbreviated authorization or environmental review processes under any applicable law;
- (ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines; or
- (iii) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require—

- (I) authorization from or environmental review involving more than 2 Federal agencies; or
- (II) the preparation of an environmental impact statement under NEPA.

(B) Exclusion

The term “covered project” does not include—

- (i) any project subject to section 139 of title 23; or
- (ii) any project subject to section 2348 of title 33.

(C) Inclusion

For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—

- (i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in para-

¹So in original. Probably should be “Federal Permitting Improvement Steering Council”.