

any Federal officer to comply with or enforce any statute; or

(2) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(e) Limitations

Nothing in this subchapter preempts, limits, or interferes with—

(1) any practice of seeking, considering, or responding to public comment; or

(2) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

(Pub. L. 114-94, div. D, title XLI, § 41007, Dec. 4, 2015, 129 Stat. 1758; Pub. L. 117-58, div. G, title VIII, § 70801(e), Nov. 15, 2021, 135 Stat. 1293.)

Editorial Notes

REFERENCES IN TEXT

NEPA, referred to in subsec. (a)(1)(B), (2)(A), means the National Environmental Policy Act of 1969, Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to this chapter. See section 4370m(16) of this title. 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.

AMENDMENTS

2021—Subsec. (a)(1)(A). Pub. L. 117-58, § 70801(e)(1)(A), substituted “the claim” for “the action” and “of notice of final agency action on the authorization” for “of the final record of decision or approval or denial of a permit”.

Subsec. (a)(1)(B)(i). Pub. L. 117-58, § 70801(e)(1)(B), substituted “the claim” for “the action”.

Subsec. (e). Pub. L. 117-58, § 70801(e)(2), substituted “this subchapter” for “this section” in introductory provisions.

§ 4370m-7. Reports

(a) Reports to Congress

(1) Executive Director annual report

(A) In general

Not later than April 15 of each year for 10 years beginning on November 15, 2021, the Executive Director shall submit to Congress a report detailing the progress accomplished under this subchapter during the previous fiscal year.

(B) Opportunity to include comments

Each councilmember, with input from the respective agency CERPO, shall have the opportunity to include comments concerning the performance of the agency in the report described in subparagraph (A).

(2) Quarterly agency performance report

The Executive Director shall submit to Congress a quarterly report evaluating agency compliance with the provisions of this sub-

chapter, which shall include a description of the implementation and adherence of each agency to the coordinated project plan and permitting timetable requirements under section 4370m-2(c) of this title.

(3) Agency best practices report

Not later than April 15 of each year, each participating agency and lead agency shall submit to Congress and the Director of the Office of Management and Budget a report assessing the performance of the agency in implementing the best practices described in section 4370m-1(c)(2)(B) of this title.

(b) Comptroller general report

Not later than 3 years after December 4, 2015, the Comptroller General of the United States shall submit to Congress a report that describes—

(1) agency progress in making improvements consistent with the best practices issued under section 4370m-1(c)(2)(B) of this title; and

(2) agency compliance with the performance schedules established under section 4370m-1(c)(1)(C) of this title.

(Pub. L. 114-94, div. D, title XLI, § 41008, Dec. 4, 2015, 129 Stat. 1760; Pub. L. 117-58, div. G, title VIII, § 70801(f), Nov. 15, 2021, 135 Stat. 1293.)

Editorial Notes

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.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58 added subsec. (a) and struck out former subsec. (a) which required, for a period of 10 years beginning on Dec. 4, 2015, Executive Director to submit annual reports to Congress on progress accomplished under this subchapter during previous fiscal year.

§ 4370m-8. Funding for governance, oversight, and processing of environmental reviews and permits

(a) In general

For the purpose of carrying out this subchapter, the Executive Director, in consultation with the heads of the agencies listed in section 4370m-1(b)(2)(B) of this title and with the guidance of the Director of the Office of Management and Budget, may, after public notice and opportunity for comment, issue regulations establishing a fee structure for sponsors of covered projects to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects.

(b) Reasonable costs

As used in this section, the term “reasonable costs” shall include costs to implement the requirements and authorities required under sections 4370m-1 through 4370m-7 of this title, including the costs to agencies and the costs of operating the Council.

(c) Fee structure

The fee structure established under subsection (a) shall—