

I, §1027(f), Dec. 18, 1991, 105 Stat. 1967; Pub. L. 105-178, title I, §1303(a), June 9, 1998, 112 Stat. 227.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 156, added Pub. L. 94-280, title I, §132(a), May 5, 1976, 90 Stat. 441, authorized the Secretary to construct or reconstruct any public highway or highway bridge across any Federal public works project, specified conditions under which such work may be done, and authorized appropriations for such work of \$100,000,000 to be available in the fiscal year in which appropriated and for the two succeeding fiscal years, prior to repeal by Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167.

#### AMENDMENTS

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as follows: "Subject to section 142(f), States shall charge, as a minimum, fair market value, with exceptions granted at the discretion of the Secretary for social, environmental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title."

1991—Pub. L. 102-240 substituted "Subject to section 142(f), States shall" for "States shall".

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

### § 157. National Environmental Policy Act of 1969 reporting program

(a) DEFINITIONS.—In this section:

(1) CATEGORICAL EXCLUSION.—The term "categorical exclusion" has the meaning given the term in section 771.117(c) of title 23, Code of Federal Regulations (or a successor regulation).

(2) DOCUMENTED CATEGORICAL EXCLUSION.—The term "documented categorical exclusion" has the meaning given the term in section 771.117(d) of title 23, Code of Federal Regulations (or a successor regulation).

(3) ENVIRONMENTAL ASSESSMENT.—The term "environmental assessment" has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(4) ENVIRONMENTAL IMPACT STATEMENT.—The term "environmental impact statement" means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(5) FEDERAL AGENCY.—The term "Federal agency" includes a State that has assumed responsibility under section 327.

(6) NEPA PROCESS.—The term "NEPA process" means the entirety of the development and documentation of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the assessment and analysis of any impacts, alternatives, and mitigation of a proposed action, and any interagency participation and public involvement required to be carried out before the Secretary undertakes a proposed action.

(7) PROPOSED ACTION.—The term "proposed action" means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) under this title that the Secretary proposes to carry out.

(8) REPORTING PERIOD.—The term "reporting period" means the fiscal year prior to the fiscal year in which a report is issued under subsection (b).

(9) SECRETARY.—The term "Secretary" includes the governor or head of an applicable State agency of a State that has assumed responsibility under section 327.

(b) REPORT ON NEPA DATA.—

(1) IN GENERAL.—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in paragraph (3).

(2) TIME TO COMPLETE.—For purposes of paragraph (3), the NEPA process—

(A) for an environmental impact statement—

(i) begins on the date on which the Notice of Intent is published in the Federal Register; and

(ii) ends on the date on which the Secretary issues a record of decision, including, if necessary, a revised record of decision; and

(B) for an environmental assessment—

(i) begins on the date on which the Secretary makes a determination to prepare an environmental assessment; and

(ii) ends on the date on which the Secretary issues a finding of no significant impact or determines that preparation of an environmental impact statement is necessary.

(3) INFORMATION DESCRIBED.—The information referred to in paragraph (1) is, with respect to the Department of Transportation—

(A) the number of proposed actions for which a categorical exclusion was issued during the reporting period;

(B) the number of proposed actions for which a documented categorical exclusion was issued by the Department of Transportation during the reporting period;

(C) the number of proposed actions pending on the date on which the report is submitted for which the issuance of a documented categorical exclusion by the Department of Transportation is pending;

(D) the number of proposed actions for which an environmental assessment was

issued by the Department of Transportation during the reporting period;

(E) the length of time the Department of Transportation took to complete each environmental assessment described in subparagraph (D);

(F) the number of proposed actions pending on the date on which the report is submitted for which an environmental assessment is being drafted by the Department of Transportation;

(G) the number of proposed actions for which an environmental impact statement was completed by the Department of Transportation during the reporting period;

(H) the length of time that the Department of Transportation took to complete each environmental impact statement described in subparagraph (G);

(I) the number of proposed actions pending on the date on which the report is submitted for which an environmental impact statement is being drafted; and

(J) for the proposed actions reported under subparagraphs (F) and (I), the percentage of those proposed actions for which—

- (i) funding has been identified; and
- (ii) all other Federal, State, and local activities that are required to allow the proposed action to proceed are completed.

(Added Pub. L. 117–58, div. A, title I, § 11312(a), Nov. 15, 2021, 135 Stat. 538.)

### Editorial Notes

#### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a)(6), (7), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 157, added Pub. L. 105–178, title I, § 1403(a), June 9, 1998, 112 Stat. 237; amended Pub. L. 108–88, § 6(a)(1), Sept. 30, 2003, 117 Stat. 1119; Pub. L. 108–202, § 6(a), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108–224, § 5(a), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108–263, § 5(a), June 30, 2004, 118 Stat. 703; Pub. L. 108–280, § 5(a), July 30, 2004, 118 Stat. 881; Pub. L. 108–310, § 6(a)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109–14, § 5(a)(1), May 31, 2005, 119 Stat. 329; Pub. L. 109–20, § 5(a)(1), July 1, 2005, 119 Stat. 351; Pub. L. 109–35, § 5(a)(1), July 20, 2005, 119 Stat. 384; Pub. L. 109–37, § 5(a)(1), July 22, 2005, 119 Stat. 399; Pub. L. 109–40, § 5(a)(1), July 28, 2005, 119 Stat. 415; Pub. L. 109–59, title I, § 1406, Aug. 10, 2005, 119 Stat. 1231, related to safety incentive grants for use of seat belts, prior to repeal by Pub. L. 112–141, § 3(a), div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 413, 575, effective Oct. 1, 2012.

Another prior section 157, added Pub. L. 97–424, title I, § 150(a), Jan. 6, 1983, 96 Stat. 2131; amended Pub. L. 99–272, title IV, § 4102(f), Apr. 7, 1986, 100 Stat. 113; Pub. L. 100–17, title I, §§ 105(h), 124, Apr. 2, 1987, 101 Stat. 144, 164; Pub. L. 102–240, title I, §§ 1002(h), 1013(a), (b), Dec. 18, 1991, 105 Stat. 1918, 1940; Pub. L. 103–272, § 5(f)(3), July 5, 1994, 108 Stat. 1374, related to minimum allocations to States, prior to repeal by Pub. L. 105–178, title I, § 1403(a), June 9, 1998, 112 Stat. 237.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117–58, set out as an Effective Date of 2021 Amendment note under section 101 of this title.

### § 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—

(A) FISCAL YEARS BEFORE 2012.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4)<sup>1</sup> of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(B) FISCAL YEAR 2012 AND THEREAFTER.—For fiscal year 2012 and each fiscal year thereafter, the amount to be withheld under this section shall be an amount equal to 8 per cent of the amount apportioned to the non-compliant State, as described in subparagraph (A), under paragraphs (1) and (2) of section 104(b).

(2) STATE GRANDFATHER LAW AS COMPLYING.—

If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) ALCOHOLIC BEVERAGE DEFINED.—As used in this section, the term “alcoholic beverage” means—

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,

(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

(3) distilled spirits as defined in section 5002(a)(8) of such Code.

(Added Pub. L. 98–363, § 6(a), July 17, 1984, 98 Stat. 437; amended Pub. L. 99–272, title IV, § 4104, Apr. 7, 1986, 100 Stat. 114; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105–178, title I, § 1103(l)(2), June 9, 1998, 112 Stat. 125; Pub. L. 112–141, div. A, title I, § 1404(f), July 6, 2012, 126 Stat. 558.)

<sup>1</sup> See References in Text note below.