

gram for each fiscal year, and after the set aside under section 608(a)(5), not less than \$2,000,000 shall be made available for the Secretary to use in lieu of fees collected under subsection (b) for projects under the TIFIA program having eligible project costs that are reasonably anticipated not to equal or exceed \$75,000,000.

(2) **RELEASE OF FUNDS.**—Any funds not used under paragraph (1) in a fiscal year shall be made available on October 1 of the following fiscal year to provide credit assistance to any project under the TIFIA program.

(Added Pub. L. 105–178, title I, §1503(a), June 9, 1998, 112 Stat. 249, §185; renumbered §605 and amended Pub. L. 109–59, title I, §§1601(f), 1602(b)(5), (d), Aug. 10, 2005, 119 Stat. 1241, 1247; Pub. L. 112–141, div. A, title II, §2002, July 6, 2012, 126 Stat. 619; Pub. L. 114–94, div. A, title II, §2001(d), Dec. 4, 2015, 129 Stat. 1443.)

#### AMENDMENTS

2015—Subsecs. (a), (e). Pub. L. 114–94, §2001(d)(1), substituted “the TIFIA program” for “this chapter”.

Subsec. (f). Pub. L. 114–94, §2001(d)(2), added subsec. (f).

2012—Pub. L. 112–141 amended section generally. Prior to amendment, section related to program administration, consisting of subsecs. (a) to (d).

2005—Pub. L. 109–59, §1602(d), renumbered section 185 of this title as this section.

Pub. L. 109–59, §1601(f), amended section catchline and text generally, substituting provisions relating to establishment by the Secretary of a uniform system to service the Federal credit instruments made available under this subchapter for provisions authorizing a State to identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

Subsec. (a). Pub. L. 109–59, §1602(b)(5), substituted “this chapter” for “this subchapter”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

### § 606. State and local permits

The provision of credit assistance under the TIFIA program with respect to a project shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

(Added Pub. L. 105–178, title I, §1503(a), June 9, 1998, 112 Stat. 249, §186; renumbered §606 and amended Pub. L. 109–59, title I, §1602(b)(5), (d), Aug. 10, 2005, 119 Stat. 1247; Pub. L. 112–141, div.

A, title II, §2002, July 6, 2012, 126 Stat. 620; Pub. L. 114–94, div. A, title II, §2001(e), Dec. 4, 2015, 129 Stat. 1444.)

#### AMENDMENTS

2015—Pub. L. 114–94 substituted “the TIFIA program” for “this chapter” in introductory provisions.

2012—Pub. L. 112–141 amended section generally. Prior to amendment, section read as follows: “The provision of financial assistance under this chapter with respect to a project shall not—

“(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

“(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

“(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.”

2005—Pub. L. 109–59, §1602(d), renumbered section 186 of this title as this section.

Pub. L. 109–59, §1602(b)(5), substituted “this chapter” for “this subchapter” in introductory provisions.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

### § 607. Regulations

The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out the TIFIA program.

(Added Pub. L. 105–178, title I, §1503(a), June 9, 1998, 112 Stat. 249, §187; renumbered §607 and amended Pub. L. 109–59, title I, §1602(b)(5), (d), Aug. 10, 2005, 119 Stat. 1247; Pub. L. 112–141, div. A, title II, §2002, July 6, 2012, 126 Stat. 620; Pub. L. 114–94, div. A, title II, §2001(f), Dec. 4, 2015, 129 Stat. 1444.)

#### AMENDMENTS

2015—Pub. L. 114–94 substituted “the TIFIA program” for “this chapter”.

2012—Pub. L. 112–141 amended section generally. Prior to amendment, section read as follows: “The Secretary may issue such regulations as the Secretary determines appropriate to carry out this chapter.”

2005—Pub. L. 109–59, §1602(d), renumbered section 187 of this title as this section.

Pub. L. 109–59, §1602(b)(5), substituted “this chapter” for “this subchapter”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

### § 608. Funding

(a) **FUNDING.**—

(1) SPENDING AND BORROWING AUTHORITY.—Spending and borrowing authority for a fiscal year to enter into Federal credit instruments shall be promptly apportioned to the Secretary on a fiscal-year basis.

(2) REESTIMATES.—If the subsidy cost of a Federal credit instrument is reestimated, the cost increase or decrease of the reestimate shall be borne by, or benefit, the general fund of the Treasury, consistent with section 504(f) of the Congressional Budget Act of 1974 (2 U.S.C. 661c(f)).

(3) RURAL SET-ASIDE.—

(A) IN GENERAL.—Of the total amount of funds made available to carry out the TIFIA program for each fiscal year, not more than 10 percent shall be set aside for rural infrastructure projects or rural projects funds.

(B) REOBLIGATION.—Any amounts set aside under subparagraph (A) that remain unobligated by June 1 of the fiscal year for which the amounts were set aside shall be available for obligation by the Secretary on projects other than rural infrastructure projects or rural projects funds.

(4) AVAILABILITY.—Amounts made available to carry out the TIFIA program shall remain available until expended.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available to carry out the TIFIA program, the Secretary may use not more than \$6,875,000 for fiscal year 2016, \$7,081,000 for fiscal year 2017, \$7,559,000 for fiscal year 2018, \$8,195,000 for fiscal year 2019, and \$8,441,000 for fiscal year 2020 for the administration of the TIFIA program.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, execution of a term sheet by the Secretary of a Federal credit instrument that uses amounts made available under the TIFIA program shall impose on the United States a contractual obligation to fund the Federal credit investment.

(2) AVAILABILITY.—Amounts made available to carry out the TIFIA program for a fiscal year shall be available for obligation on October 1 of the fiscal year.

(Added and amended Pub. L. 105-178, title I, §1503(a), (c), June 9, 1998, 112 Stat. 249, §188; Pub. L. 105-206, title IX, §9007(a), July 22, 1998, 112 Stat. 849; Pub. L. 108-88, §5(a)(10), Sept. 30, 2003, 117 Stat. 1115; Pub. L. 108-202, §5(a)(10), Feb. 29, 2004, 118 Stat. 481; Pub. L. 108-224, §4(a)(10), Apr. 30, 2004, 118 Stat. 629; Pub. L. 108-263, §4(a)(10), June 30, 2004, 118 Stat. 700; Pub. L. 108-280, §4(a)(10), July 30, 2004, 118 Stat. 879; Pub. L. 108-310, §5(a)(10), Sept. 30, 2004, 118 Stat. 1149; Pub. L. 109-14, §4(a)(10), May 31, 2005, 119 Stat. 327; Pub. L. 109-20, §4(a)(10), July 1, 2005, 119 Stat. 348; Pub. L. 109-35, §4(a)(10), July 20, 2005, 119 Stat. 381; Pub. L. 109-37, §4(a)(10), July 22, 2005, 119 Stat. 396; Pub. L. 109-40, §4(a)(10), July 28, 2005, 119 Stat. 413; renumbered §608 and amended Pub. L. 109-59, title I, §§1601(g), 1602(b)(5), (d), Aug. 10, 2005, 119 Stat. 1242, 1247; Pub. L. 112-141, div. A, title II, §2002, July 6, 2012, 126 Stat. 620; Pub. L. 114-94, div. A, title II, §2001(g), Dec. 4, 2015, 129 Stat. 1444.)

AMENDMENTS

2015—Pub. L. 114-94, §2001(g)(1), substituted “the TIFIA program” for “this chapter” wherever appearing.

Subsec. (a)(2). Pub. L. 114-94, §2001(g)(2)(A), inserted “of” after “504(f)”.

Subsec. (a)(3)(A), (B). Pub. L. 114-94, §2001(g)(2)(B), inserted “or rural projects funds” after “rural infrastructure projects”.

Subsec. (a)(4). Pub. L. 114-94, §2001(g)(2)(C), redesignated par. (5) as (4) and struck out former par. (4) which related to redistribution of authorized funding.

Subsec. (a)(5). Pub. L. 114-94, §2001(g)(2)(D), added par. (5). Former par. (5) redesignated (4).

Subsec. (a)(6). Pub. L. 114-94, §2001(g)(2)(C), struck out par. (6). Text read as follows: “Of the amounts made available to carry out this chapter, the Secretary may use not more than 0.50 percent for each fiscal year for the administration of this chapter.”

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to funding for fiscal years 2005 through 2009 and contract authority.

2005—Pub. L. 109-59, §1602(d), renumbered section 188 of this title as this section.

Pub. L. 109-59, §1601(g), reenacted section catchline without change and amended text generally, substituting provisions relating to funding for fiscal years 2005 through 2009 and contract authority, consisting of subsecs. (a) and (b), for provisions relating to funding for fiscal years 1999 through 2004 and for the period of Oct. 1, 2004, through July 30, 2005, contract authority, and limitations on credit amounts, consisting of subsecs. (a) to (c).

Subsec. (a)(1). Pub. L. 109-59, §1602(b)(5), substituted “this chapter” for “this subchapter”.

Subsec. (a)(1)(G). Pub. L. 109-40, §4(a)(10)(A), added subpar. (G) and struck out former subpar. (G) which read as follows: “\$106,849,340 for the period of October 1, 2004, through July 27, 2005.”

Pub. L. 109-37, §4(a)(10)(A), added subpar. (G) and struck out former subpar. (G) which read as follows: “\$105,300,000 for the period of October 1, 2004, through July 21, 2005.”

Pub. L. 109-35, §4(a)(10)(A), added subpar. (G) and struck out former subpar. (G) which read as follows: “\$104,000,000 for the period of October 1, 2004, through July 19, 2005.”

Pub. L. 109-20, §4(a)(10)(A), added subpar. (G) and struck out former subpar. (G) which read as follows: “\$97,500,000 for the period of October 1, 2004, through June 30, 2005.”

Pub. L. 109-14, §4(a)(10)(A), added subpar. (G) and struck out former subpar. (G) which read as follows: “\$86,666,667 for the period of October 1, 2004, through May 31, 2005.”

Subsec. (a)(2). Pub. L. 109-40, §4(a)(10)(B), substituted “\$1,660,000 for the period of October 1, 2004, through July 30, 2005” for “\$1,643,836 for the period of October 1, 2004, through July 27, 2005”.

Pub. L. 109-37, §4(a)(10)(B), substituted “\$1,643,836 for the period of October 1, 2004, through July 27, 2005” for “\$1,620,000 for the period of October 1, 2004, through July 21, 2005”.

Pub. L. 109-35, §4(a)(10)(B), substituted “\$1,620,000 for the period of October 1, 2004, through July 21, 2005” for “\$1,600,000 for the period of October 1, 2004, through July 19, 2005”.

Pub. L. 109-20, §4(a)(10)(B), substituted “\$1,600,000 for the period of October 1, 2004, through July 19, 2005” for “\$1,500,000 for the period of October 1, 2004, through June 30, 2005”.

Pub. L. 109-14, §4(a)(10)(B), substituted “\$1,500,000 for the period of October 1, 2004, through June 30, 2005” for “\$1,333,333 for the period of October 1, 2004, through May 31, 2005”.

Subsec. (a)(3). Pub. L. 109-59, §1602(b)(5), substituted “administration of this chapter” for “administration of this subchapter”.

Subsec. (b)(1). Pub. L. 109-59, §1602(b)(5), substituted “this chapter” for “this subchapter”.

Subsec. (c). Pub. L. 109-40, §4(a)(10)(C), substituted “\$2,158,000,000” for “\$2,136,986,800” in item relating to fiscal year 2005 in table.

Pub. L. 109-37, §4(a)(10)(C), substituted “\$2,136,986,800” for “\$2,106,000,000” in item relating to fiscal year 2005 in table.

Pub. L. 109-35, §4(a)(10)(C), substituted “\$2,106,000,000” for “\$2,080,000,000” in item relating to fiscal year 2005 in table.

Pub. L. 109-20, §4(a)(10)(C), substituted “\$2,080,000,000” for “\$1,950,000,000” in item relating to fiscal year 2005 in table.

Pub. L. 109-14, §4(a)(10)(C), substituted “\$1,950,000,000” for “\$1,733,333,333” in item relating to fiscal year 2005 in table.

2004—Subsec. (a)(1)(F). Pub. L. 108-280, §4(a)(10)(A), added subpar. (F) and struck out former subpar. (F) which read as follows: “\$116,666,667 for the period of October 1, 2003, through July 31, 2004.”

Pub. L. 108-263, §4(a)(10)(A), added subpar. (F) and struck out former subpar. (F) which read as follows: “\$105,000,000 for the period of October 1, 2003, through June 30, 2004.”

Pub. L. 108-224, §4(a)(10)(A), added subpar. (F) and struck out former subpar. (F) which read as follows: “\$81,666,666 for the period of October 1, 2003, through April 30, 2004.”

Pub. L. 108-202, §5(a)(10)(A), added subpar. (F) and struck out former subpar. (F) which read as follows: “\$58,333,333 for the period of October 1, 2003, through February 29, 2004.”

Subsec. (a)(1)(G). Pub. L. 108-310, §5(a)(10)(A), added subpar. (G).

Subsec. (a)(2). Pub. L. 108-310, §5(a)(10)(B), inserted “and \$1,333,333 for the period of October 1, 2004, through May 31, 2005” before period at end.

Pub. L. 108-280, §4(a)(10)(B), struck out “2003 and \$1,666,667 for the period of October 1, 2003, through July 31,” before “2004.”

Pub. L. 108-263, §4(a)(10)(B), substituted “\$1,666,667 for the period of October 1, 2003, through July 31, 2004” for “\$1,500,000 for the period of October 1, 2003, through June 30, 2004”.

Pub. L. 108-224, §4(a)(10)(B), substituted “\$1,500,000 for the period of October 1, 2003, through June 30, 2004” for “\$1,166,667 for the period of October 1, 2003, through April 30, 2004”.

Pub. L. 108-202, §5(a)(10)(B), substituted “\$1,166,667 for the period of October 1, 2003, through April 30, 2004” for “\$833,333 for the period of October 1, 2003, through February 29, 2004”.

Subsec. (c). Pub. L. 108-310, §5(a)(10)(C), substituted “2005” for “2004” in introductory provisions and inserted item in table relating to fiscal year 2005.

Pub. L. 108-280, §4(a)(10)(C), substituted “\$2,600,000,000” for “\$2,166,666,667” in item relating to fiscal year 2004 in table.

Pub. L. 108-263, §4(a)(10)(C), substituted “\$2,166,666,667” for “\$1,950,000,000” in item relating to fiscal year 2004 in table.

Pub. L. 108-224, §4(a)(10)(C), substituted “\$1,950,000,000” for “\$1,516,666,667” in item relating to fiscal year 2004 in table.

Pub. L. 108-202, §5(a)(10)(C), substituted “\$1,516,666,667” for “\$1,083,333,333” in item relating to fiscal year 2004 in table.

2003—Subsec. (a)(1)(F). Pub. L. 108-88, §5(a)(10)(A), added subpar. (F).

Subsec. (a)(2). Pub. L. 108-88, §5(a)(10)(B), inserted “and \$833,333 for the period of October 1, 2003, through February 29, 2004” after “2003”.

Subsec. (c). Pub. L. 108-88, §5(a)(10)(C), substituted “2004” for “2003” and inserted item in table relating to fiscal year 2004.

1998—Subsec. (a)(2). Pub. L. 105-178, §1503(c)(1), as added by Pub. L. 105-206, §9007(a), substituted “1999” for “1998”.

Subsec. (c). Pub. L. 105-178, §1503(c)(2), as added by Pub. L. 105-206, §9007(a), substituted “1999” for “1998” in introductory provisions, and substituted table for former table which read as follows:

| *Fiscal year: | Maximum amount of credit: |
|---------------|---------------------------|
| 1998 .....    | \$1,200,000,000           |
| 1999 .....    | \$1,200,000,000           |
| 2000 .....    | \$1,800,000,000           |
| 2001 .....    | \$1,800,000,000           |
| 2002 .....    | \$2,300,000,000           |
| 2003 .....    | \$2,300,000,000.”         |

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of this title.

§ 609. Reports to Congress

(a) IN GENERAL.—On June 1, 2012, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under the TIFIA program, including a recommendation as to whether the objectives of the TIFIA program are best served by—

- (1) continuing the program under the authority of the Secretary;
- (2) establishing a Federal corporation or federally sponsored enterprise to administer the program; or
- (3) phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by the TIFIA program without Federal participation.

(b) APPLICATION PROCESS REPORT.—

(1) IN GENERAL.—Not later than December 1, 2012, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a list of all of the letters of interest and applications received from project sponsors for assistance under the TIFIA program during the preceding fiscal year.

(2) INCLUSIONS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include, at a minimum, a description of, with respect to each letter of interest and application included in the report—

- (i) the date on which the letter of interest or application was received;
- (ii) the date on which a notification was provided to the project sponsor regarding whether the application was complete or incomplete;
- (iii) the date on which a revised and completed application was submitted (if applicable);