

(C) SAVINGS PROVISION.—If the Secretary transfers a position to the Bureau under subparagraph (B), the Secretary, in coordination with the appropriate modal administration, shall ensure that the transfer of the position does not adversely affect the obligations of the modal administration under any Federal law.

(D) BUDGETARY RESOURCES.—

(i) TRANSFER OF FUNDS FROM ELIMINATED OR CONSOLIDATED OFFICES.—The Secretary may transfer to the Bureau funds allocated to any office or office function that is eliminated or consolidated under this subsection to carry out the purposes of the Bureau. Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.

(ii) TRANSFER OF FUNDS ALLOCATED TO ADMINISTRATIVE COSTS.—The Secretary may transfer to the Bureau funds allocated to the administrative costs of processing applications for the programs referred to in subsection (d)(1). Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.

(4) NOTIFICATION.—Not later than 90 days after the date of enactment of this section, and every 90 days thereafter, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate of—

(A) the offices eliminated under paragraph (1) and the rationale for elimination of the offices;

(B) the offices and office functions consolidated under paragraph (2) and the rationale for consolidation of the offices and office functions;

(C) the actions taken under paragraph (3) and the rationale for taking such actions; and

(D) any additional legislative actions that may be needed.

(i) SAVINGS PROVISIONS.—

(1) LAWS AND REGULATIONS.—Nothing in this section may be construed to change a law or regulation with respect to a program referred to in subsection (d)(1).

(2) RESPONSIBILITIES.—Nothing in this section may be construed to abrogate the responsibilities of an agency, operating administration, or office within the Department otherwise charged by a law or regulation with other aspects of program administration, oversight, or project approval or implementation for the programs and projects subject to this section.

(3) APPLICABILITY.—Nothing in this section may be construed to affect any pending application under 1 or more of the programs referred to in subsection (d)(1) that was received by the Secretary on or before the date of enactment of this section.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) BUREAU.—The term “Bureau” means the National Surface Transportation and Innovative Finance Bureau of the Department.

(2) DEPARTMENT.—The term “Department” means the Department of Transportation.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means an eligible applicant receiving financial or credit assistance under 1 or more of the programs referred to in subsection (d)(1).

(4) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director of the Bureau.

(5) MULTIMODAL PROJECT.—The term “multimodal project” means a project involving the participation of more than 1 modal administration or secretarial office within the Department.

(6) PROJECT.—The term “project” means a highway project, public transportation capital project, freight or passenger rail project, or multimodal project.

(Added Pub. L. 114-94, div. A, title IX, §9001(a), Dec. 4, 2015, 129 Stat. 1612; amended Pub. L. 115-56, div. D, §164(a), as added Pub. L. 115-123, div. B, §20101(2), Feb. 9, 2018, 132 Stat. 121.)

REFERENCES IN TEXT

Section 142 of the Internal Revenue Code of 1986, referred to in subsec. (d)(1)(C), is classified to section 142 of Title 26, Internal Revenue Code.

The date of enactment of this section, referred to in subsecs. (d)(5), (6)(B)(iii), (h)(4), and (i)(3), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

The National Environmental Policy Act of 1969, referred to in subsec. (f)(2)(D), (3), 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.

AMENDMENTS

2018—Subsec. (h)(3)(D)(i), (ii). Pub. L. 115-56, §164(a), as added by Pub. L. 115-123, §20101(2), substituted “The” for “During the 2-year period beginning on the date of enactment of this section, the” and inserted at end “Any such funds or limitation of obligations or portions thereof transferred to the Bureau may be transferred back to and merged with the original account.”

EFFECTIVE DATE

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

§ 117. Council on Credit and Finance

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Council on Credit and Finance in accordance with this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of the following members:

(A) The Deputy Secretary of Transportation.

(B) The Under Secretary of Transportation for Policy.

(C) The Chief Financial Officer and Assistant Secretary for Budget and Programs.

(D) The General Counsel of the Department of Transportation.

- (E) The Assistant Secretary for Transportation Policy.
- (F) The Administrator of the Federal Highway Administration.
- (G) The Administrator of the Federal Transit Administration.
- (H) The Administrator of the Federal Railroad Administration.

(2) **ADDITIONAL MEMBERS.**—The Secretary may designate up to 3 additional officials of the Department to serve as at-large members of the Council.

(3) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(A) **CHAIRPERSON.**—The Deputy Secretary of Transportation shall serve as the chairperson of the Council.

(B) **VICE CHAIRPERSON.**—The Chief Financial Officer and Assistant Secretary for Budget and Programs shall serve as the vice chairperson of the Council.

(4) **EXECUTIVE DIRECTOR.**—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.

(c) **DUTIES.**—The Council shall—

(1) review applications for assistance submitted under the programs referred to in subparagraphs (A), (B), and (C) of section 116(d)(1);

(2) review applications for assistance submitted under the program referred to in section 116(d)(1)(D), as determined appropriate by the Secretary;

(3) make recommendations to the Secretary regarding the selection of projects to receive assistance under such programs;

(4) review, on a regular basis, projects that received assistance under such programs; and

(5) carry out such additional duties as the Secretary may prescribe.

(Added Pub. L. 114-94, div. A, title IX, §9002(a), Dec. 4, 2015, 129 Stat. 1618.)

EFFECTIVE DATE

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

CHAPTER 3—GENERAL DUTIES AND POWERS

SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

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SUBCHAPTER III—MISCELLANEOUS

- 351. Judicial review of actions in carrying out certain transferred duties and powers.
- 352. Authority to carry out certain transferred duties and powers.
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- 354. Investigative authority of Inspector General.

AMENDMENTS

2018—Pub. L. 115-282, title V, §514(c), Dec. 4, 2018, 132 Stat. 4278, which directed amendment of the analysis for this chapter by adding item 312 at the end, was executed by adding item 312 at the end of the item for subchapter I, to reflect the probable intent of Congress.

2016—Pub. L. 114-322, title IV, §5001(b), Dec. 16, 2016, 130 Stat. 1885, added item 311.

2015—Pub. L. 114-94, div. A, title I, §§1311(b), 1312(b), 1313(b), title VI, §6011(c), Dec. 4, 2015, 129 Stat. 1399, 1400, 1402, 1569, added items 304a, 307, and 310 and substituted “Research activities” for “Research contracts” in item 330.

Pub. L. 114-94, div. A, title I, §1446(d)(4), Dec. 4, 2015, 129 Stat. 1438, amended section 1314(b) of Pub. L. 112-141, effective July 6, 2012, as if included in Pub. L. 112-141 as enacted. See 2012 Amendment note below.

2012—Pub. L. 112-141, div. A, title I, §1314(b), div. C, title II, §32932(a)(2), July 6, 2012, 126 Stat. 549, 829, as amended by Pub. L. 114-94, div. A, title I, §1446(d)(4), Dec. 4, 2015, 129 Stat. 1438, substituted “Application of categorical exclusions for multimodal projects” for “Joint activities with the Secretary of Housing and Urban Development” in item 304 and struck out item 307 “Safety information and intervention in Interstate Commerce Commission proceedings”.

2003—Pub. L. 108-168, §8(b)(2), Dec. 6, 2003, 117 Stat. 2035, added item 354.

1994—Pub. L. 103-272, §4(j)(6)(B), (9)(B), (10)(B), July 5, 1994, 108 Stat. 1366-1368, added item 303a, struck out items 334 “Limit on aviation charges” and 335 “Authorization of appropriations”, and added item 337, subchapter III heading, and items 351 to 353.

1991—Pub. L. 102-240, title I, §1036(c)(2), Dec. 18, 1991, 105 Stat. 1985, added item 309.

1989—Pub. L. 101-225, title III, §305(2), Dec. 12, 1989, 103 Stat. 1925, added item 336.

1984—Pub. L. 98-216, §2(1)(B), Feb. 14, 1984, 98 Stat. 5, substituted “Reports” for “Annual reports” in item 308.

SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION

§ 301. Leadership, consultation, and cooperation

The Secretary of Transportation shall—