

“(viii) statutory and regulatory framework analyses;

“(ix) value for money studies;

“(x) evaluations of costs to sustain the project;

“(xi) evaluating opportunities for private financing and project bundling; and

“(xii) any other activity determined to be appropriate by the Secretary.

“(C) Information regarding innovative financing best practices and case studies, if the eligible entity is interested in using innovative financing methods.

“(c) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in providing financial, technical, and legal assistance to eligible entities under the pilot program.

“(d) WEBSITE.—

“(1) DESCRIPTION OF PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall make publicly available on the website of the Department [of Transportation] a description of the pilot program, including—

“(i) the resources available to eligible entities under the pilot program; and

“(ii) the application process established under paragraph (2)(A).

“(B) CLEARINGHOUSE.—The Secretary may establish a clearinghouse for tools, templates, and best practices on the page of the website of the Department that contains the information described in subparagraph (A).

“(2) APPLICATIONS.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Nov. 15, 2021], the Secretary shall establish a process by which an eligible entity may submit to the Secretary an application under the pilot program, in such form and containing such information as the Secretary may require.

“(B) ONLINE PORTAL.—The Secretary shall develop and make available to the public an online portal through which the Secretary may receive applications under subparagraph (A), on a rolling basis.

“(C) APPROVAL.—

“(i) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a complete application under subparagraph (A), the Secretary shall provide to each eligible entity that submitted the application a notice describing whether the application is approved or disapproved.

“(ii) ADDITIONAL WRITTEN NOTIFICATION.—

“(I) IN GENERAL.—Not later than 30 days after the date on which the Secretary provides to an eligible entity a notification under clause (i), the Secretary shall provide to the eligible entity an additional written notification of the approval or disapproval of the application.

“(II) DISAPPROVED APPLICATIONS.—If the application of an eligible entity is disapproved under this subparagraph, the additional written notification provided to the eligible entity under subclause (I) shall include an offer for a written or telephonic debrief by the Secretary that will provide an explanation of, and guidance regarding, the reasons why the application was disapproved.

“(iii) INSUFFICIENT APPLICATIONS.—The Secretary shall not approve an application under this subparagraph if the application fails to meet the applicable criteria established under this section.

“(3) DASHBOARD.—The Secretary shall publish on the website of the Department a monthly report that includes, for each application received under the pilot program—

“(A) the type of eligible entity that submitted the application;

“(B) the location of each potential project described in the application;

“(C) a brief description of the assistance requested;

“(D) the date on which the Secretary received the application; and

“(E) the date on which the Secretary provided the notice of approval or disapproval under paragraph (2)(C)(i).

“(e) EXPERTS.—An eligible entity that receives assistance under the pilot program may retain the services of an expert for any phase of a project carried out using the assistance, including project development, regardless of whether the expert is retained by the Secretary under subsection (c).

“(f) FUNDING.—

“(1) IN GENERAL.—For each of fiscal years 2022 through 2026, the Secretary may use to carry out the pilot program, including to retain the services of expert firms under subsection (c), any amount made available to the Secretary to provide credit assistance under an eligible program that is not otherwise obligated, subject to paragraph (2).

“(2) LIMITATION.—The amount used under paragraph (1) to carry out the pilot program shall be not more than—

“(A) \$1,600,000 for fiscal year 2022;

“(B) \$1,800,000 for fiscal year 2023;

“(C) \$2,000,000 for fiscal year 2024;

“(D) \$2,200,000 for fiscal year 2025; and

“(E) \$2,400,000 for fiscal year 2026.

“(3) GEOGRAPHICAL DISTRIBUTION.—Not more than 20 percent of the funds made available to carry out the pilot program for a fiscal year may be used for projects in a single State during that fiscal year.

“(g) SUNSET.—The pilot program shall terminate on the date that is 5 years after the date of enactment of this Act [Nov. 15, 2021].

“(h) NONAPPLICABILITY.—Nothing in this section limits the ability of the Build America Bureau or the Secretary to establish or carry out any other assistance program under title 23 or title 49, United States Code.”

§ 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.)

Statutory Notes and Related Subsidiaries

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.

§ 118. Office of Multimodal Freight Infrastructure and Policy

(a) DEFINITIONS.—In this section:

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

(2) FREIGHT OFFICE.—The term “Freight Office” means the Office of Multimodal Freight Infrastructure and Policy established under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—The Secretary shall establish within the Department an Office of Multimodal Freight Infrastructure and Policy.

(c) PURPOSES.—The purposes of the Freight Office shall be—

(1) to carry out the national multimodal freight policy described in section 70101;

(2) to administer and oversee certain multimodal freight grant programs within the Department in accordance with subsection (d);

(3) to promote and facilitate the sharing of information between the private and public sectors with respect to freight issues;

(4) to conduct research on improving multimodal freight mobility, and to oversee the freight research activities of the various agencies within the Department;

(5) to assist cities and States in developing freight mobility and supply chain expertise;

(6) to liaise and coordinate with other Federal departments and agencies; and

(7) to carry out other duties, as prescribed by the Secretary.

(d) ADMINISTRATION OF POLICIES AND PROGRAMS.—The Freight Office shall—

(1) develop and manage—

(A) the national freight strategic plan described in section 70102; and

(B) the National Multimodal Freight Network established under section 70103;

(2)(A) oversee the development and updating of the State freight plans described in section 70202; and

(B) provide guidance or best practices relating to the development and updating of State freight plans under that section;

(3)(A) administer multimodal freight grant programs, including multimodal freight grants established under section 117 of title 23; and

(B) establish procedures for analyzing and evaluating applications for grants under those programs;

(4) assist States in the establishment of—

(A) State freight advisory committees under section 70201; and

(B) multi-State freight mobility compacts under section 70204; and

(5) provide to the Bureau of Transportation Statistics input regarding freight data and planning tools.

(e) ASSISTANT SECRETARY.—

(1) IN GENERAL.—The Freight Office shall be headed by an Assistant Secretary for Multimodal Freight, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate; and

(B) have professional standing and demonstrated knowledge in the field of freight transportation.

(2) DUTIES.—The Assistant Secretary shall—

(A) report to the Under Secretary of Transportation for Policy;

(B) be responsible for the management and oversight of the activities, decisions, operations, and personnel of the Freight Office;

(C) work with the modal administrations of the Department to encourage multimodal collaboration; and

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

(f) CONSOLIDATION AND ELIMINATION OF DUPLICATIVE OFFICES.—

(1) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate into the Freight Office any office or office function within the Department that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Freight Office.

(2) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

(A) the purposes of the office are duplicative of the purposes of the Freight Office;

(B) the office or the functions of the office have been substantially consolidated with the Freight Office pursuant to paragraph (1);

(C) the elimination of the office will not adversely affect the requirements of the Secretary under any Federal law; and

(D) the elimination of the office will improve the efficiency and effectiveness of the programs and functions conducted by the office.

(g) STAFFING AND BUDGETARY RESOURCES.—