

(3) TREATMENT OF OTHER FEDERAL FUNDS.—Amounts provided under any of the following programs shall be considered to be a part of the non-Federal share for purposes of this subsection:

(A) The tribal transportation program under section 202 of title 23.

(B) The Federal lands transportation program under section 203 of title 23.

(C) The TIFIA program (as defined in section 601(a) of title 23).

(D) The Railroad Rehabilitation and Improvement Financing Program under chapter 224.

(f) OTHER CONSIDERATIONS.—

(1) IN GENERAL.—Of the total amount made available to carry out the program for each fiscal year—

(A) not more than 50 percent shall be allocated for eligible projects located in rural areas; and

(B) not more than 50 percent shall be allocated for eligible projects located in urbanized areas.

(2) HISTORICALLY DISADVANTAGED COMMUNITIES AND AREAS OF PERSISTENT POVERTY.—Of the total amount made available to carry out the program for each fiscal year, not less than 1 percent shall be awarded for projects in historically disadvantaged communities or areas of persistent poverty.

(3) MULTIMODAL AND GEOGRAPHICAL CONSIDERATIONS.—In selecting projects to receive grants under the program, the Secretary shall take into consideration geographical and modal diversity.

(g) PROJECT PLANNING.—Of the amounts made available to carry out the program for each fiscal year, not less than 5 percent shall be made available for the planning, preparation, or design of eligible projects.

(h) TRANSFER OF AUTHORITY.—Of the amounts made available to carry out the program for each fiscal year, the Secretary may transfer not more than 2 percent for a fiscal year to the Administrator of any of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, or the Maritime Administration to award and oversee grants and credit assistance in accordance with this section.

(i) CREDIT PROGRAM COSTS.—

(1) IN GENERAL.—Subject to paragraph (2), at the request of an eligible entity, the Secretary may use a grant provided to the eligible entity under the program to pay the subsidy or credit risk premium, and the administrative costs, of an eligible project that is eligible for Federal credit assistance under—

(A) chapter 224; or

(B) chapter 6 of title 23.

(2) LIMITATION.—Not more than 20 percent of the funds made available to carry out the program for a fiscal year may be used to carry out paragraph (1).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000,000 for each of fiscal years 2022 through 2026, to remain available for a pe-

riod of 3 fiscal years following the fiscal year for which the amounts are appropriated.

(k) REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that describes each eligible project for which a grant was provided under the program during that fiscal year.

(2) COMPTROLLER GENERAL.—Not later than 1 year after the date on which the initial grants are awarded for eligible projects under the program, the Comptroller General of the United States shall—

(A) review the administration of the program, including—

(i) the solicitation process; and

(ii) the selection process, including—

(I) the adequacy and fairness of the process; and

(II) the selection criteria; and

(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the findings of the review under subparagraph (A), including recommendations for improving the administration of the program, if any.

(Added Pub. L. 117-58, div. B, title I, §21202(a), Nov. 15, 2021, 135 Stat. 671.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (a)(1)(A), is the date of enactment of Pub. L. 117-58, which was approved Nov. 15, 2021.

§ 6703. National culvert removal, replacement, and restoration grant program

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) PROGRAM.—The term “program” means the annual competitive grant program established under subsection (b).

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

(5) UNDERSECRETARY.—The term “Undersecretary” means the Undersecretary of Commerce for Oceans and Atmosphere.

(b) ESTABLISHMENT.—The Secretary, in consultation with the Undersecretary, shall establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts or weirs that—

(1) would meaningfully improve or restore fish passage for anadromous fish; and

(2) with respect to weirs, may include—

(A) infrastructure to facilitate fish passage around or over the weir; and

(B) weir improvements.

(c) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under the program is—

- (1) a State;
- (2) a unit of local government; or
- (3) an Indian Tribe.

(d) GRANT SELECTION PROCESS.—The Secretary, in consultation with the Undersecretary and the Director, shall establish a process for determining criteria for awarding grants under the program, subject to subsection (e).

(e) PRIORITIZATION.—The Secretary, in consultation with the Undersecretary and the Director, shall establish procedures to prioritize awarding grants under the program to—

(1) projects that would improve fish passage for—

(A) anadromous fish stocks listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533);

(B) anadromous fish stocks identified by the Undersecretary or the Director that could reasonably become listed as an endangered species or a threatened species under that section;

(C) anadromous fish stocks identified by the Undersecretary or the Director as prey for endangered species, threatened species, or protected species, including Southern resident orcas (*Orcinus orcas*); or

(D) anadromous fish stocks identified by the Undersecretary or the Director as climate resilient stocks; and

(2) projects that would open up more than 200 meters of upstream habitat before the end of the natural habitat.

(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant to a State or a unit of local government under the program shall be not more than 80 percent.

(g) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Undersecretary and the Director, shall develop a process to provide technical assistance to Indian Tribes and underserved communities to assist in the project design and grant process and procedures.

(h) ADMINISTRATIVE EXPENSES.—Of the amounts made available for each fiscal year to carry out the program, the Secretary, the Undersecretary, and the Director may use not more than 2 percent to pay the administrative expenses necessary to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$800,000,000 for each of fiscal years 2022 through 2026.

(Added Pub. L. 117–58, div. B, title I, §21203(a), Nov. 15, 2021, 135 Stat. 676.)

**SUBTITLE IV—INTERSTATE
TRANSPORTATION**

PART A—RAIL

| Chapter | Sec. |
|---|--------------|
| 101. GENERAL PROVISIONS | 10101 |
| 105. JURISDICTION | 10501 |
| 107. RATES | 10701 |
| 109. LICENSING | 10901 |
| 111. OPERATIONS | 11101 |
| 113. FINANCE | 11301 |
| 115. FEDERAL-STATE RELATIONS | 11501 |

| Chapter | Sec. |
|---|--------------|
| 117. ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES | 11701 |
| 119. CIVIL AND CRIMINAL PENALTIES | 11901 |

PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

| Chapter | Sec. |
|---|--------------|
| 131. GENERAL PROVISIONS | 13101 |
| 133. ADMINISTRATIVE PROVISIONS ... | 13301 |
| 135. JURISDICTION | 13501 |
| 137. RATES AND THROUGH ROUTES .. | 13701 |
| 139. REGISTRATION | 13901 |
| 141. OPERATIONS OF CARRIERS | 14101 |
| 143. FINANCE | 14301 |
| 145. FEDERAL-STATE RELATIONS | 14501 |
| 147. ENFORCEMENT; INVESTIGATIONS; RIGHTS; REMEDIES | 14701 |
| 149. CIVIL AND CRIMINAL PENALTIES | 14901 |

PART C—PIPELINE CARRIERS

| Chapter | Sec. |
|---|--------------|
| 151. GENERAL PROVISIONS | 15101 |
| 153. JURISDICTION | 15301 |
| 155. RATES | 15501 |
| 157. OPERATIONS OF CARRIERS | 15701 |
| 159. ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES | 15901 |
| 161. CIVIL AND CRIMINAL PENALTIES | 16101 |

PRIOR PROVISIONS

A prior subtitle IV, consisting of chapters 101 to 119, related to interstate commerce, prior to the general amendment of this subtitle by Pub. L. 104–88, §102(a).

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–102, §2(5), Nov. 20, 1997, 111 Stat. 2204, struck out “AND TARIFFS” after “RATES” in item for chapter 155.

PART A—RAIL

CHAPTER 101—GENERAL PROVISIONS

| Sec. | |
|--------|-----------------------------|
| 10101. | Rail transportation policy. |
| 10102. | Definitions. |

§ 10101. Rail transportation policy

In regulating the railroad industry, it is the policy of the United States Government—

(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Board;

(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers