

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 period 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; amended Pub. L. 117–146, §21(a), June 16, 2022, 136 Stat. 1284.)

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.

AMENDMENTS

2022—Subsec. (g). Pub. L. 117–146 designated existing provisions as par. (1), inserted heading, and added par. (2).

§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.)

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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

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§ 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 and with other modes, to meet the needs of the public and the national defense;

(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;

(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

(7) to reduce regulatory barriers to entry into and exit from the industry;

(8) to operate transportation facilities and equipment without detriment to the public health and safety;

(9) to encourage honest and efficient management of railroads;

(10) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

(11) to encourage fair wages and safe and suitable working conditions in the railroad industry;

(12) to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination;

(13) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information;

(14) to encourage and promote energy conservation; and

(15) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part.