

sistance provided under subsection (b) of this section” for clarity. The words “rail carrier providing rail transportation” are substituted for “operator of rail service” for consistency in the revised title. The word “conditions” is omitted as being included in “terms”. The words “Secretary of the Treasury” are substituted for “Department of the Treasury” because of 31:301(b).

In subsection (b), the words “in the same manner and under the same conditions as if they were originally granted to the State by the Secretary” are omitted as unnecessary.

In subsection (e)(2), the words “assistance under this chapter” are substituted for “Federal assistance” for clarity and consistency in this chapter.

PUB. L. 104-287

This amends 49:22106(b) to clarify the restatement of 49 App.:1654(d)(3) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 897).

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-432, §701(a)(1), struck out last sentence which read as follows: “The State shall decide on the financial terms of the grant or loan, except that the time for making grant advances shall comply with regulations of the Secretary of the Treasury.”

Subsec. (b). Pub. L. 110-432, §701(a)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The State shall place the United States Government’s share of money that is repaid in an interest-bearing account. However, the Secretary of Transportation may allow a borrower to place that money, for the benefit of the State, in a bank designated by the Secretary of the Treasury under section 10 of the Act of June 11, 1942 (12 U.S.C. 265). The State shall use the money and accumulated interest to make other grants and loans under this chapter in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation.”

Subsecs. (c), (d). Pub. L. 110-432, §701(a)(3), redesignated subsec. (d) as (c) and struck out former subsec. (c). Text of former subsec. (c) read as follows: “The State may pay the Secretary of Transportation the Government’s share of unused money and accumulated interest at any time. However, the State must pay the unused money and accumulated interest to the Secretary when the State ends its participation under this chapter.”

Subsec. (e). Pub. L. 110-432, §701(a)(3), struck out subsec. (e). Text read as follows: “Each State shall retain a contingent interest (redeemable preference shares) for the Government’s share of amounts in a rail line receiving assistance under this chapter. The State may collect its share of the amounts used for the rail line if—

“(1) an application for abandonment of the rail line is filed under chapter 109 of this title; or

“(2) the rail line is sold or disposed of after it has received assistance under this chapter.”

1996—Subsec. (b). Pub. L. 104-287 inserted “in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation” after “under this chapter”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

§ 22107. Records, audits, and information

(a) RECORDS.—Each recipient of financial assistance through an arrangement under this chapter shall keep records required by the Secretary of Transportation. The records shall be kept for 3 years after a project is completed and shall disclose—

(1) the amount of, and disposition by the recipient, of the assistance;

(2) the total costs of the project for which the assistance was given or used;

(3) the amount of that part of the costs of the project paid by other sources; and

(4) any other records that will make an effective audit easier.

(b) AUDITS.—The Secretary shall make regular financial and performance audits, as provided under chapter 75 of title 31, of activities and transactions assisted under this chapter.

(c) INFORMATION.—The Surface Transportation Board shall provide the Secretary with information the Secretary requests to assist in carrying out this chapter. The Board shall provide the information not later than 30 days after receiving a request from the Secretary.

(d) LIST OF RAIL LINES.—Not later than August 1 of each year, each rail carrier subject to part A of subtitle IV of this title shall submit to the Secretary a list of the rail lines of the carrier that carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 898; Pub. L. 104-88, title III, §308(f)(4), (5), Dec. 29, 1995, 109 Stat. 947; Pub. L. 104-316, title I, §127(c), Oct. 19, 1996, 110 Stat. 3840.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
22107(a)	49 App.:1654(k)(1).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat., 931, §5(k)-(m); added Feb. 5, 1976, Pub. L. 94-210, §803, 90 Stat. 130; Nov. 8, 1978, Pub. L. 95-607, §§102-106(a), 107-109(a), 92 Stat. 3059, 3062; Oct. 12, 1979, Pub. L. 96-86, §115(b), 93 Stat. 662; Aug. 13, 1981, Pub. L. 97-35, §§1191, 1192, 95 Stat. 699; Jan. 14, 1983, Pub. L. 97-468, §501, 96 Stat. 2551; Apr. 7, 1986, Pub. L. 99-272, §4018, 100 Stat. 111; restated Dec. 11, 1989, Pub. L. 101-213, §2(a), (c), 103 Stat. 1843, 1847.
22107(b)	49 App.:1654(k)(2), (3).	
22107(c)	49 App.:1654(l).	
22107(d)	49 App.:1654(m).	

In subsection (a), before clause (1), the words “an arrangement” are substituted for “whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements”, and the word “project” is substituted for “project or undertaking”, to eliminate unnecessary words and for consistency in this chapter.

Subsection (b) is substituted for 49 App.:1654(k)(2) and (3) because of 31:ch. 75.

In subsection (d), the words “Not later than” are substituted for “On or before” for clarity. The word “submit” is substituted for “prepare, update, and submit” to eliminate unnecessary words. The words “based on level of usage” are omitted as surplus.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-316 struck out “and the Comptroller General” after “Secretary”.

1995—Subsec. (c). Pub. L. 104-88, §308(f)(4), substituted “Surface Transportation Board” for “Interstate Commerce Commission” and “The Board” for “The Commission”.

Subsec. (d). Pub. L. 104-88, §308(f)(5), substituted “part A of subtitle IV” for “subchapter I of chapter 105”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

§ 22108. Authorization of appropriations

(a) GENERAL.—(1) Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter:

(A) \$25,000,000 for the fiscal year ending September 30, 1993.

(B) \$30,000,000 for the fiscal year ending September 30, 1994.

(2) Amounts appropriated under paragraph (1) of this subsection remain available until expended.

(3) No amount may be appropriated under this subsection to the Secretary for any period after September 30, 1994, to carry out this chapter.

(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall establish procedures necessary to ensure that amounts available to the Secretary for projects under this chapter are distributed not later than April 1 of the fiscal year for which the amounts are appropriated. If any amounts are not distributed by April 1, the Secretary shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of those amounts and the reasons for the delay in distribution.

(c) AVAILABILITY OF OTHER AMOUNTS.—Amounts appropriated to carry out section 5(i)¹ of the Department of Transportation Act for fiscal year 1990 that are not applied for or that remain unobligated on January 1, 1991, are available to the Secretary for projects under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 898; Pub. L. 103-429, §6(20), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393.)

HISTORICAL AND REVISION NOTES

PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
22108(a)	49 App.:1654(q).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §5(h), (q); added Feb. 5, 1976, Pub. L. 94-210, §803, 90 Stat. 130; Nov. 8, 1978, Pub. L. 95-607, §§102-106(a), 107-109(a), 92 Stat. 3059, 3062; Oct. 12, 1979, Pub. L. 96-86, §115(b), 93 Stat. 662; Aug. 13, 1981, Pub. L. 97-35, §§1191, 1192, 95 Stat. 699; Jan. 14, 1983, Pub. L. 97-468, §501, 96 Stat. 2551; Apr. 7, 1986, Pub. L. 99-272, §4018, 100 Stat. 111; restated Dec. 11, 1989, Pub. L. 101-213, §2(a), (c), 103 Stat. 1843, 1847, 1848; Sept. 3, 1992, Pub. L. 102-365, §14, 106 Stat. 980.
22108(b)	49 App.:1654(h).	
22108(c)	(no source).	

In subsection (a), the words “to carry out this chapter” are substituted for “for the purposes of this section” and “under this section” for clarity. The reference to fiscal years 1991 and 1992 is omitted as obsolete.

¹ See References in Text note below.

Subsection (c) is added because section 2(b)(1) of the Local Rail Service Reauthorizing Act (Public Law 101-213, 103 Stat. 1843) provided that amounts available for fiscal year 1990 to carry out section 5(i) of the Department of Transportation Act that were not applied for or remained unobligated are available to the Secretary in carrying out projects under this chapter, as in effect on October 1, 1990.

PUB. L. 103-429

This amends 49:22108(a)(3) to clarify the restatement of 49 App.:1654(q) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 898).

REFERENCES IN TEXT

Section 5(i) of the Department of Transportation Act, referred to in subsec. (c), is section 5(i) of Pub. L. 89-670, which was classified to section 1654(i) of former Title 49, Transportation, and was repealed and reenacted as section 22106(e) of this title by Pub. L. 103-272, §§1(e), 7(b), July 5, 1994, 108 Stat. 898, 1379. Subsequently, section 22106(e) of this title was repealed by Pub. L. 110-432, div. A, title VII, §701(a)(3), Oct. 16, 2008, 122 Stat. 4906.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-287 substituted “Committee on Transportation and Infrastructure” for “Committee on Energy and Commerce”.

1994—Subsec. (a)(3). Pub. L. 103-429 inserted “under this subsection” after “appropriated”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 11th item on page 135 identifies a reporting provision which, as subsequently amended, is contained in subsec. (b) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

Sec.
22301. Capital grants for class II and class III railroads.

AMENDMENTS

2007—Pub. L. 110-140, title XI, §1112(a), Dec. 19, 2007, 121 Stat. 1758, substituted “CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS” for “LIGHT DENSITY RAIL LINE PILOT PROJECTS” in chapter heading and “Capital grants for class II and class III railroads” for “Light density rail line pilot projects” in item 22301.

§ 22301. Capital grants for class II and class III railroads

(a) ESTABLISHMENT OF PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;