

AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. KILMER OF WASHINGTON

Page 1455, after line 23, insert the following:

1 **SEC. 9707. NATIONAL CULVERT REMOVAL, REPLACEMENT,**
2 **AND RESTORATION GRANT PROGRAM.**

3 (a) IN GENERAL.—Chapter 805 of subtitle X of title
4 49, United States Code, is amended by adding at the end
5 the following:

6 **“§ 80505. National culvert removal, replacement, and**
7 **restoration grant program**

8 “(a) DEFINITIONS.—In this section:

9 “(1) DIRECTOR.—The term ‘Director’ means
10 the Director of the United States Fish and Wildlife
11 Service.

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

16 “(3) PROGRAM.—The term ‘program’ means
17 the annual competitive grant program established
18 under subsection (b).

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Transportation.

3 “(5) UNDERSECRETARY.—The term ‘Undersec-
4 retary’ means the Undersecretary of Commerce for
5 Oceans and Atmosphere.

6 “(b) ESTABLISHMENT.—The Secretary, in consulta-
7 tion with the Undersecretary and Director, shall establish
8 an annual competitive grant program to award grants to
9 eligible entities for projects for the replacement, removal,
10 and repair of culverts that would meaningfully improve or
11 restore fish passage for anadromous fish.

12 “(c) ELIGIBLE ENTITIES.—An entity eligible to re-
13 ceive a grant under the program is—

14 “(1) a State (as such term is defined in section
15 401 of title 23);

16 “(2) a unit of local government;

17 “(3) an Indian Tribe;

18 “(4) a Federal agency eligible to receive funds
19 under sections 201, 203, or 204 of title 23;

20 “(5) a political subdivision of a State or unit of
21 local government;

22 “(6) a special purpose district or public author-
23 ity with a transportation function, including a port
24 authority; or

1 “(7) a multistate or multijurisdictional group of
2 entities described in paragraphs (1) through (6).

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

8 “(e) PRIORITIZATION.—The Secretary, in consulta-
9 tion with the Undersecretary and the Director, shall estab-
10 lish procedures to prioritize awarding grants under the
11 program to—

12 “(1) projects that would improve fish passage
13 for—

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

18 “(B) anadromous fish stocks identified by
19 the Undersecretary or the Director that could
20 reasonably become listed as an endangered spe-
21 cies or a threatened species under that section;

22 “(C) anadromous fish stocks identified by
23 the Undersecretary or the Director as prey for
24 endangered species, threatened species, or pro-

1 tected species, including Southern resident
2 orcas (*Orcinus orcas*); or

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

6 “(2) projects that would open up more than
7 200 meters of upstream habitat before the end of
8 the natural habitat.

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

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

18 “(h) ADMINISTRATIVE EXPENSES.—Of the amounts
19 made available for each fiscal year to carry out the pro-
20 gram, the Secretary, the Undersecretary, and the Director
21 may use not more than 2 percent to pay the administrative
22 expenses necessary to carry out this section.

23 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out the program

1 \$800,000,000 for each of fiscal years 2022 through
2 2026.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 805 of subtitle X of title 49, United States Code, is
5 amended by adding at the end the following new item:

“80505. National culvert removal, replacement, and restoration grant pro-
gram.”.

