AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. KILMER OF WASHINGTON

Page 1455, after line 23, insert the following:

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

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

“§ 80505. 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 and Director, shall establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts that would meaningfully improve or restore fish passage for anadromous fish.

“(c) Eligible Entities.—An entity eligible to receive a grant under the program is—

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

“(2) a unit of local government;

“(3) an Indian Tribe;

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

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

“(6) a special purpose district or public authority with a transportation function, including a port authority; or
'(7) a multistate or multijurisdictional group of
entities described in paragraphs (1) through (6).

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

'(e) PRIORITIZATION.—The Secretary, in consulta-
tion with the Undersecretary and the Director, shall estab-
lish 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 spe-
cies 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 pro-
tected 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 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.’’. (b) CLERICAL AMENDMENT.—The analysis for chapter 805 of subtitle X of title 49, United States Code, is amended by adding at the end the following new item:

‘‘80505. National culvert removal, replacement, and restoration grant program.’’.