

116TH CONGRESS  
2D SESSION

# H. R. 5745

To amend title 23, United States Code, to establish a competitive grant program to repair, improve, rehabilitate, or replace bridges to improve the safety, efficiency, and reliability of the movement of people and freight over bridge crossings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2020

Mr. SEAN PATRICK MALONEY of New York (for himself, Mr. GRAVES of Louisiana, Mr. BLUMENAUER, and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, to establish a competitive grant program to repair, improve, rehabilitate, or replace bridges to improve the safety, efficiency, and reliability of the movement of people and freight over bridge crossings, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Bridge Investment Act  
5       of 2020”.

1 **SEC. 2. BRIDGE INVESTMENT PROGRAM.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United  
3 States Code, is amended by inserting after section 123 the  
4 following:

5 **“§ 124. Bridge investment program**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE PROJECT.—

8 “(A) IN GENERAL.—The term ‘eligible  
9 project’ means a project to replace, rehabilitate,  
10 preserve, or protect 1 or more bridges on the  
11 National Bridge Inventory under section  
12 144(b).

13 “(B) INCLUSIONS.—The term ‘eligible  
14 project’ includes—

15 “(i) a bundle of projects described in  
16 subparagraph (A), regardless of whether  
17 the bundle of projects meets the require-  
18 ments of section 144(j)(5); and

19 “(ii) a project to replace or rehabili-  
20 tate culverts for the purpose of improving  
21 flood control and improved habitat  
22 connectivity for aquatic species.

23 “(2) LARGE PROJECT.—The term ‘large  
24 project’ means an eligible project with total eligible  
25 project costs of greater than \$100,000,000.

1           “(3) PROGRAM.—The term ‘program’ means  
2           the bridge investment program established by sub-  
3           section (b)(1).

4           “(b) ESTABLISHMENT OF BRIDGE INVESTMENT PRO-  
5           GRAM.—

6           “(1) IN GENERAL.—There is established a  
7           bridge investment program to provide financial as-  
8           sistance for eligible projects under this section.

9           “(2) GOALS.—The goals of the program shall  
10          be—

11               “(A) to improve the safety, efficiency, and  
12               reliability of the movement of people and freight  
13               over bridges;

14               “(B) to improve the condition of bridges in  
15               the United States by reducing—

16                       “(i) the number of bridges—

17                               “(I) in poor condition; or

18                               “(II) in fair condition and at risk  
19                       of falling into poor condition within  
20                       the next 3 years;

21                       “(ii) the total person miles traveled  
22                       over bridges—

23                               “(I) in poor condition; or

1 “(II) in fair condition and at risk  
 2 of falling into poor condition within  
 3 the next 3 years;

4 “(iii) the number of bridges that—

5 “(I) do not meet current geo-  
 6 metric design standards; or

7 “(II) cannot meet the load and  
 8 traffic requirements typical of the re-  
 9 gional transportation network; and

10 “(iv) the total person miles traveled  
 11 over bridges that—

12 “(I) do not meet current geo-  
 13 metric design standards; or

14 “(II) cannot meet the load and  
 15 traffic requirements typical of the re-  
 16 gional transportation network; and

17 “(C) to provide financial assistance that  
 18 leverages and encourages non-Federal contribu-  
 19 tions from sponsors and stakeholders involved  
 20 in the planning, design, and construction of eli-  
 21 gible projects.

22 “(c) GRANT AUTHORITY.—

23 “(1) IN GENERAL.—In carrying out the pro-  
 24 gram, the Secretary may award grants, on a com-  
 25 petitive basis, in accordance with this section.

1           “(2) GRANT AMOUNTS.—Except as otherwise  
2 provided, a grant under the program shall be—

3                   “(A) in the case of a large project, in an  
4 amount that is—

5                           “(i) adequate to fully fund the project  
6 (in combination with other financial re-  
7 sources identified in the application); and

8                           “(ii) not less than \$50,000,000; and

9                   “(B) in the case of any other eligible  
10 project, in an amount that is—

11                           “(i) adequate to fully fund the project  
12 (in combination with other financial re-  
13 sources identified in the application); and

14                           “(ii) not less than \$2,500,000.

15           “(3) MAXIMUM AMOUNT.—Except as otherwise  
16 provided, for an eligible project receiving assistance  
17 under the program, the amount of assistance pro-  
18 vided by the Secretary under this section, as a share  
19 of eligible project costs, shall be—

20                   “(A) in the case of a large project, not  
21 more than 50 percent; and

22                   “(B) in the case of any other eligible  
23 project, not more than 80 percent.

24           “(4) FEDERAL SHARE.—

1           “(A) MAXIMUM FEDERAL INVOLVE-  
2           MENT.—Federal assistance other than a grant  
3           under the program may be used to satisfy the  
4           non-Federal share of the cost of a project for  
5           which a grant is made, except that the total  
6           Federal assistance provided for a project receiv-  
7           ing a grant under the program may not exceed  
8           the Federal share for the project under section  
9           120.

10           “(B) OFF-SYSTEM BRIDGES.—In the case  
11           of an eligible project for an off-system bridge  
12           (as defined in section 133(f)(1))—

13                   “(i) Federal assistance other than a  
14                   grant under the program may be used to  
15                   satisfy the non-Federal share of the cost of  
16                   a project; and

17                   “(ii) notwithstanding subparagraph  
18                   (A), the total Federal assistance provided  
19                   for the project shall not exceed 90 percent  
20                   of the total eligible project costs.

21           “(C) FEDERAL LAND MANAGEMENT AGEN-  
22           CIES AND TRIBAL GOVERNMENTS.—Notwith-  
23           standing any other provision of law, Federal  
24           funds other than Federal funds made available  
25           under this section may be used to pay the re-

1           maining share of the cost of a project under the  
2           program by a Federal land management agency  
3           or a Tribal government or consortium of Tribal  
4           governments.

5           “(5) CONSIDERATIONS.—

6                   “(A) IN GENERAL.—In awarding grants  
7           under the program, the Secretary shall con-  
8           sider—

9                           “(i) in the case of a large project, the  
10           ratings     assigned     under     subsection  
11           (g)(5)(A);

12                          “(ii) in the case of an eligible project  
13           other than a large project, the quality rat-  
14           ing assigned under subsection (f)(3)(A)(ii);

15                          “(iii) the average amount of people  
16           and freight supported by the eligible  
17           project;

18                          “(iv) the number and percentage of  
19           bridges within the same State as the eligi-  
20           ble project that are in poor condition;

21                          “(v) the extent to which the eligible  
22           project demonstrates cost savings by bun-  
23           dling multiple bridge projects;

24                          “(vi) in the case of an eligible project  
25           of a Federal land management agency, the

1 extent to which the grant would reduce a  
2 Federal liability or Federal infrastructure  
3 maintenance backlog;

4 “(vii) geographic diversity among  
5 grant recipients, including the need for a  
6 balance between the needs of rural and  
7 urban communities;

8 “(viii) the extent to which an eligible  
9 project improves intermodal freight trans-  
10 port;

11 “(ix) the number of eligible projects  
12 within the same State;

13 “(x) whether the project serves as  
14 part of a State or Federal evacuation  
15 route; and

16 “(xi) the extent to which a bridge that  
17 would be assisted with a grant—

18 “(I) is, without that assistance—

19 “(aa) at risk of falling into  
20 or remaining in poor condition;  
21 or

22 “(bb) in fair condition and  
23 at risk of falling into poor condi-  
24 tion within the next 3 years;



1 “(II) does not meet current geo-  
2 metric design standards based on—

3 “(aa) the current use of the  
4 bridge; or

5 “(bb) load and traffic re-  
6 quirements typical of the regional  
7 corridor or local network in  
8 which the bridge is located; or

9 “(III) does not meet current seis-  
10 mic design standards.

11 “(B) REQUIREMENT.—The Secretary  
12 shall—

13 “(i) give priority to an application for  
14 an eligible project that is located within a  
15 State for which—

16 “(I) 2 or more applications for  
17 eligible projects within the State were  
18 submitted for the current fiscal year  
19 and an average of 2 or more applica-  
20 tions for eligible projects within the  
21 State were submitted in prior fiscal  
22 years of the program; and

23 “(II) fewer than 2 grants have  
24 been awarded for eligible projects  
25 within the State under the program;

1 “(ii) during the period of fiscal years  
2 2021 through 2025, for each State de-  
3 scribed in clause (i), select—

4 “(I) not fewer than 1 large  
5 project that the Secretary determines  
6 is justified under the evaluation under  
7 subsection (g)(4); or

8 “(II) 2 eligible projects that are  
9 not large projects that the Secretary  
10 determines are justified under the  
11 evaluation under subsection (f)(3);  
12 and

13 “(iii) not be required to award a grant  
14 for an eligible project that the Secretary  
15 does not determine is justified under an  
16 evaluation under subsection (f)(3) or  
17 (g)(4).

18 “(6) CULVERT LIMITATION.—Not more than 5  
19 percent of the amounts made available for each fis-  
20 cal year for grants under the program may be used  
21 for eligible projects that consist solely of culvert re-  
22 placement or rehabilitation.

23 “(d) ELIGIBLE ENTITY.—The Secretary may make  
24 a grant under the program to any of the following:

25 “(1) A State or a group of States.

1           “(2) A metropolitan planning organization that  
2           serves an urbanized area (as designated by the Bu-  
3           reau of the Census) with a population of over  
4           200,000.

5           “(3) A unit of local government or a group of  
6           local governments.

7           “(4) A political subdivision of a State or local  
8           government.

9           “(5) A special purpose district or public author-  
10          ity with a transportation function.

11          “(6) A Federal land management agency.

12          “(7) A Tribal government or a consortium of  
13          Tribal governments.

14          “(8) A multistate or multijurisdictional group  
15          of entities described in paragraphs (1) through (7).

16          “(e) ELIGIBLE PROJECT REQUIREMENTS.—The Sec-  
17          retary may make a grant under the program only to an  
18          eligible entity for an eligible project that—

19               “(1) in the case of a large project, the Sec-  
20               retary recommends for funding in the annual report  
21               on funding recommendations under subsection  
22               (g)(6);

23               “(2) is reasonably expected to begin construc-  
24               tion not later than 18 months after the date on  
25               which funds are obligated for the project; and

1           “(3) is based on the results of preliminary engi-  
2       neering.

3           “(f) COMPETITIVE PROCESS AND EVALUATION OF  
4 ELIGIBLE PROJECTS OTHER THAN LARGE PROJECTS.—

5           “(1) COMPETITIVE PROCESS.—

6           “(A) IN GENERAL.—The Secretary shall—

7                   “(i) for the first fiscal year for which  
8                   funds are made available for obligation  
9                   under the program, not later than 60 days  
10                  after the date on which the template under  
11                  subparagraph (B)(i) is developed, and in  
12                  subsequent fiscal years, not later than 60  
13                  days after the date on which amounts are  
14                  made available for obligation under the  
15                  program, solicit grant applications for eli-  
16                  gible projects other than large projects;  
17                  and

18                   “(ii) not later than 120 days after the  
19                  date on which the solicitation under clause  
20                  (i) expires, conduct evaluations under  
21                  paragraph (3).

22           “(B) REQUIREMENTS.—In carrying out  
23 subparagraph (A), the Secretary shall—

24                   “(i) develop a template for applicants  
25                  to use to summarize project needs and

1 benefits, including benefits described in  
2 paragraph (3)(B)(i); and

3 “(ii) enable applicants to use data  
4 from the National Bridge Inventory under  
5 section 144(b) to populate templates de-  
6 scribed in clause (i), as applicable.

7 “(2) APPLICATIONS.—An eligible entity shall  
8 submit to the Secretary an application at such time,  
9 in such manner, and containing such information as  
10 the Secretary may require.

11 “(3) EVALUATION.—

12 “(A) IN GENERAL.—Prior to providing a  
13 grant under this subsection, the Secretary  
14 shall—

15 “(i) conduct an evaluation of each eli-  
16 gible project for which an application is re-  
17 ceived under this subsection; and

18 “(ii) assign a quality rating to the eli-  
19 gible project on the basis of the evaluation  
20 under clause (i).

21 “(B) REQUIREMENTS.—In carrying out an  
22 evaluation under subparagraph (A), the Sec-  
23 retary shall—

24 “(i) consider information on project  
25 benefits submitted by the applicant using

1 the template developed under paragraph  
2 (1)(B)(i), including whether the project  
3 will generate, as determined by the Sec-  
4 retary—

5 “(I) costs avoided by the preven-  
6 tion of closure or reduced use of the  
7 bridge to be improved by the project;

8 “(II) in the case of a bundle of  
9 projects, benefits from executing the  
10 projects as a bundle compared to as  
11 individual projects;

12 “(III) safety benefits, including  
13 the reduction of accidents and related  
14 costs;

15 “(IV) person and freight mobility  
16 benefits, including congestion reduc-  
17 tion and reliability improvements;

18 “(V) national or regional eco-  
19 nomic benefits;

20 “(VI) benefits from long-term re-  
21 siliency to extreme weather events,  
22 flooding, or other natural disasters;

23 “(VII) benefits from protection  
24 (as described in section 133(b)(10)),

1 including improving seismic or scour  
2 protection;

3 “(VIII) environmental benefits,  
4 including wildlife connectivity and car-  
5 bon reduction;

6 “(IX) benefits to pedestrian, bi-  
7 cycle, nonvehicular, and public trans-  
8 portation users;

9 “(X) benefits of using—

10 “(aa) innovative design and  
11 construction techniques; or

12 “(bb) innovative tech-  
13 nologies; or

14 “(XI) reductions in maintenance  
15 costs, including, in the case of a feder-  
16 ally owned bridge, cost savings to the  
17 Federal budget; and

18 “(ii) consider whether and the extent  
19 to which the benefits, including the bene-  
20 fits described in clause (i), are more likely  
21 than not to outweigh the total project  
22 costs.

23 “(g) COMPETITIVE PROCESS, EVALUATION, AND AN-  
24 NUAL REPORT FOR LARGE PROJECTS.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
2       lish an annual date by which an eligible entity sub-  
3       mitting an application for a large project shall sub-  
4       mit to the Secretary such information as the Sec-  
5       retary may require, including information described  
6       in paragraph (2), in order for a large project to be  
7       considered for a recommendation by the Secretary  
8       for funding in the next annual report under para-  
9       graph (6).

10           “(2) INFORMATION REQUIRED.—The informa-  
11       tion referred to in paragraph (1) includes—

12           “(A) all necessary information required for  
13       the Secretary to evaluate the large project; and

14           “(B) information sufficient for the Sec-  
15       retary to determine that—

16           “(i) the large project meets the appli-  
17       cable requirements under this section; and

18           “(ii) there is a reasonable likelihood  
19       that the large project will continue to meet  
20       the requirements under this section.

21           “(3) DETERMINATION; NOTICE.—On making a  
22       determination that information submitted to the  
23       Secretary under paragraph (1) is sufficient, the Sec-  
24       retary shall provide a written notice of that deter-  
25       mination to—



1           “(A) the eligible entity that submitted the  
2           application;

3           “(B) the Committee on Environment and  
4           Public Works of the Senate; and

5           “(C) the Committee on Transportation and  
6           Infrastructure of the House of Representatives.

7           “(4) EVALUATION.—The Secretary may rec-  
8           ommend a large project for funding in the annual  
9           report under paragraph (6) only if the Secretary  
10          evaluates the proposed project and determines that  
11          the project is justified because the project—

12           “(A) addresses a need to improve the con-  
13           dition of the bridge, as determined by the Sec-  
14           retary, consistent with the goals of the program  
15           under subsection (b)(2);

16           “(B) will generate, as determined by the  
17           Secretary—

18           “(i) costs avoided by the prevention of  
19           closure or reduced use of the bridge to be  
20           improved by the project;

21           “(ii) in the case of a bundle of  
22           projects, benefits from executing the  
23           projects as a bundle compared to as indi-  
24           vidual projects;

1 “(iii) safety benefits, including the re-  
2 duction of accidents and related costs;

3 “(iv) person and freight mobility bene-  
4 fits, including congestion reduction and re-  
5 liability improvements;

6 “(v) national or regional economic  
7 benefits;

8 “(vi) benefits from long-term resil-  
9 iency to extreme weather events, flooding,  
10 or other natural disasters;

11 “(vii) benefits from protection (as de-  
12 scribed in section 133(b)(10)), including  
13 improving seismic or scour protection;

14 “(viii) environmental benefits, includ-  
15 ing wildlife connectivity and carbon reduc-  
16 tion;

17 “(ix) benefits to pedestrian, bicycle,  
18 nonvehicular, and public transportation  
19 users;

20 “(x) benefits of using—

21 “(I) innovative design and con-  
22 struction techniques; or

23 “(II) innovative technologies; or

1 “(xi) reductions in maintenance costs,  
2 including, in the case of a federally owned  
3 bridge, cost savings to the Federal budget;

4 “(C) is cost effective based on an analysis  
5 of whether the benefits and avoided costs de-  
6 scribed in subparagraph (B) are expected to  
7 outweigh the project costs;

8 “(D) is supported by other Federal or non-  
9 Federal financial commitments or revenues ade-  
10 quate to fund ongoing maintenance and preser-  
11 vation; and

12 “(E) is consistent with the objectives of an  
13 applicable asset management plan of the project  
14 sponsor, including a State asset management  
15 plan under section 119(e) in the case of a  
16 project on the National Highway System that is  
17 sponsored by a State.

18 “(5) RATINGS.—

19 “(A) IN GENERAL.—The Secretary shall  
20 develop a methodology to evaluate and rate a  
21 large project on a 5-point scale (the points of  
22 which include ‘high’, ‘medium-high’, ‘medium’,  
23 ‘medium-low’, and ‘low’) for each of—

24 “(i) paragraph (4)(B);

25 “(ii) paragraph (4)(C); and

1 “(iii) paragraph (4)(D).

2 “(B) REQUIREMENT.—To be considered  
3 justified and receive a recommendation for  
4 funding in the annual report under paragraph  
5 (6), a project shall receive a rating of not less  
6 than ‘medium’ for each rating required under  
7 subparagraph (A).

8 “(6) ANNUAL REPORT ON FUNDING REC-  
9 OMMENDATIONS FOR LARGE PROJECTS.—

10 “(A) IN GENERAL.—Not later than the  
11 first Monday in February of each year, the Sec-  
12 retary shall submit to the Committees on  
13 Transportation and Infrastructure and Appro-  
14 priations of the House of Representatives and  
15 the Committees on Environment and Public  
16 Works and Appropriations of the Senate a re-  
17 port that includes—

18 “(i) a list of large projects that have  
19 requested a recommendation for funding  
20 under a new grant agreement from funds  
21 anticipated to be available to carry out this  
22 subsection in the next fiscal year;

23 “(ii) the evaluation under paragraph  
24 (4) and ratings under paragraph (5) for  
25 each project referred to in clause (i);

1 “(iii) the grant amounts that the Sec-  
2 retary recommends providing to large  
3 projects in the next fiscal year, including—

4 “(I) scheduled payments under  
5 previously signed multiyear grant  
6 agreements under subsection (j);

7 “(II) payments for new grant  
8 agreements, including single-year  
9 grant agreements and multiyear grant  
10 agreements; and

11 “(III) a description of how  
12 amounts anticipated to be available  
13 for the program from the Highway  
14 Trust Fund for that fiscal year will be  
15 distributed; and

16 “(iv) for each project for which the  
17 Secretary recommends a new multiyear  
18 grant agreement under subsection (j), the  
19 proposed payout schedule for the project.

20 “(B) LIMITATIONS.—

21 “(i) IN GENERAL.—The Secretary  
22 shall not recommend in an annual report  
23 under this paragraph a new multiyear  
24 grant agreement provided from funds from  
25 the Highway Trust Fund unless the Sec-

1           retary determines that the project can be  
2           completed using funds that are anticipated  
3           to be available from the Highway Trust  
4           Fund in future fiscal years.

5           “(ii) GENERAL FUND PROJECTS.—  
6           The Secretary—

7                   “(I) may recommend for funding  
8                   in an annual report under this para-  
9                   graph a large project using funds  
10                  from the general fund of the Treas-  
11                  ury; but

12                  “(II) shall not execute a grant  
13                  agreement for that project unless—

14                   “(aa) funds other than from  
15                   the Highway Trust Fund have  
16                   been made available for the  
17                   project; and

18                   “(bb) the Secretary deter-  
19                   mines that the project can be  
20                   completed using funds other than  
21                   from the Highway Trust Fund  
22                   that are anticipated to be avail-  
23                   able in future fiscal years.

24           “(C) CONSIDERATIONS.—In selecting  
25           projects to recommend for funding in the an-

1 nual report under this paragraph, the Secretary  
2 shall—

3 “(i) consider the amount of funds  
4 available in future fiscal years for  
5 multiyear grant agreements as described in  
6 subparagraph (B); and

7 “(ii) assume the availability of funds  
8 in future fiscal years for multiyear grant  
9 agreements that extend beyond the period  
10 of authorization based on the amount  
11 made available for large projects under the  
12 program in the last fiscal year of the pe-  
13 riod of authorization.

14 “(D) PROJECT DIVERSITY.—In selecting  
15 projects to recommend for funding in the an-  
16 nual report under this paragraph, the Secretary  
17 shall ensure diversity among projects rec-  
18 ommended based on—

19 “(i) the amount of the grant re-  
20 quested; and

21 “(ii) grants for an eligible project for  
22 1 bridge compared to an eligible project  
23 that is a bundle of projects.

1       “(h) ELIGIBLE PROJECT COSTS.—A grant received  
2 for an eligible project under the program may be used  
3 for—

4           “(1) development phase activities, including  
5 planning, feasibility analysis, revenue forecasting,  
6 environmental review, preliminary engineering and  
7 design work, and other preconstruction activities;

8           “(2) construction, reconstruction, rehabilitation,  
9 acquisition of real property (including land related  
10 to the project and improvements to the land), envi-  
11 ronmental mitigation, construction contingencies, ac-  
12 quisition of equipment, and operational improve-  
13 ments directly related to improving system perform-  
14 ance; and

15           “(3) expenses related to the protection (as de-  
16 scribed in section 133(b)(10)) of a bridge, including  
17 seismic or scour protection.

18       “(i) TIFIA PROGRAM.—On the request of an eligible  
19 entity carrying out an eligible project, the Secretary may  
20 use amounts awarded to the entity to pay subsidy and ad-  
21 ministrative costs necessary to provide to the entity Fed-  
22 eral credit assistance under chapter 6 with respect to the  
23 eligible project for which the grant was awarded.

24       “(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE  
25 PROJECTS.—



1           “(1) IN GENERAL.—A large project that re-  
2           ceives a grant under the program in an amount of  
3           not less than \$100,000,000 may be carried out  
4           through a multiyear grant agreement in accordance  
5           with this subsection.

6           “(2) REQUIREMENTS.—A multiyear grant  
7           agreement for a large project described in paragraph  
8           (1) shall—

9                   “(A) establish the terms of participation by  
10                  the Federal Government in the project;

11                  “(B) establish the maximum amount of  
12                  Federal financial assistance for the project in  
13                  accordance with paragraphs (3) and (4) of sub-  
14                  section (c);

15                  “(C) establish a payout schedule for the  
16                  project that provides for disbursement of the  
17                  full grant amount by not later than 4 fiscal  
18                  years after the fiscal year in which the initial  
19                  amount is provided;

20                  “(D) determine the period of time for com-  
21                  pleting the project, even if that period extends  
22                  beyond the period of an authorization; and

23                  “(E) attempt to improve timely and effi-  
24                  cient management of the project, consistent

1 with all applicable Federal laws (including regu-  
2 lations).

3 “(3) SPECIAL FINANCIAL RULES.—

4 “(A) IN GENERAL.—A multiyear grant  
5 agreement under this subsection—

6 “(i) shall obligate an amount of avail-  
7 able budget authority specified in law; and

8 “(ii) may include a commitment, con-  
9 tingent on amounts to be specified in law  
10 in advance for commitments under this  
11 paragraph, to obligate an additional  
12 amount from future available budget au-  
13 thority specified in law.

14 “(B) STATEMENT OF CONTINGENT COM-  
15 MITMENT.—The agreement shall state that the  
16 contingent commitment is not an obligation of  
17 the Federal Government.

18 “(C) INTEREST AND OTHER FINANCING  
19 COSTS.—

20 “(i) IN GENERAL.—Interest and other  
21 financing costs of carrying out a part of  
22 the project within a reasonable time shall  
23 be considered a cost of carrying out the  
24 project under a multiyear grant agreement,  
25 except that eligible costs may not be more

1           than the cost of the most favorable financ-  
2           ing terms reasonably available for the  
3           project at the time of borrowing.

4           “(ii) CERTIFICATION.—The applicant  
5           shall certify to the Secretary that the ap-  
6           plicant has shown reasonable diligence in  
7           seeking the most favorable financing  
8           terms.

9           “(4) ADVANCE PAYMENT.—Notwithstanding  
10          any other provision of law, an eligible entity carrying  
11          out a large project under a multiyear grant agree-  
12          ment—

13               “(A) may use funds made available to the  
14               eligible entity under this title for eligible project  
15               costs of the large project until the amount spec-  
16               ified in the multiyear grant agreement for the  
17               project for that fiscal year becomes available for  
18               obligation; and

19               “(B) if the eligible entity uses funds as de-  
20               scribed in subparagraph (A), the funds used  
21               shall be reimbursed from the amount made  
22               available under the multiyear grant agreement  
23               for the project.

24          “(k) UNDERTAKING PARTS OF PROJECTS IN AD-  
25          VANCE UNDER LETTERS OF NO PREJUDICE.—

1           “(1) IN GENERAL.—The Secretary may pay to  
2           an applicant all eligible project costs under the pro-  
3           gram, including costs for an activity for an eligible  
4           project incurred prior to the date on which the  
5           project receives funding under the program if—

6                   “(A) before the applicant carries out the  
7                   activity, the Secretary approves through a letter  
8                   to the applicant the activity in the same man-  
9                   ner as the Secretary approves other activities as  
10                  eligible under the program;

11                  “(B) a record of decision, a finding of no  
12                  significant impact, or a categorical exclusion  
13                  under the National Environmental Policy Act of  
14                  1969 (42 U.S.C. 4321 et seq.) has been issued  
15                  for the eligible project; and

16                  “(C) the activity is carried out without  
17                  Federal assistance and in accordance with all  
18                  applicable procedures and requirements.

19           “(2) INTEREST AND OTHER FINANCING  
20           COSTS.—

21                   “(A) IN GENERAL.—For purposes of para-  
22                   graph (1), the cost of carrying out an activity  
23                   for an eligible project includes the amount of  
24                   interest and other financing costs, including  
25                   any interest earned and payable on bonds, to

1 the extent interest and other financing costs are  
2 expended in carrying out the activity for the eli-  
3 gible project, except that interest and other fi-  
4 nancing costs may not be more than the cost of  
5 the most favorable financing terms reasonably  
6 available for the eligible project at the time of  
7 borrowing.

8 “(B) CERTIFICATION.—The applicant shall  
9 certify to the Secretary that the applicant has  
10 shown reasonable diligence in seeking the most  
11 favorable financing terms under subparagraph  
12 (A).

13 “(3) NO OBLIGATION OR INFLUENCE ON REC-  
14 OMMENDATIONS.—An approval by the Secretary  
15 under paragraph (1)(A) shall not—

16 “(A) constitute an obligation of the Fed-  
17 eral Government; or

18 “(B) alter or influence any evaluation  
19 under subsection (f)(3)(A)(i) or (g)(4) or any  
20 recommendation by the Secretary for funding  
21 under the program.

22 “(l) CONGRESSIONAL NOTIFICATION.—Not later  
23 than 30 days before making a grant for an eligible project  
24 under the program, the Secretary shall submit to the Com-  
25 mittee on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Environment  
2 and Public Works of the Senate a written notification of  
3 the proposed grant that includes—

4 “(1) an evaluation and justification for the eli-  
5 gible project; and

6 “(2) the amount of the proposed grant.

7 “(m) REPORTS.—

8 “(1) ANNUAL REPORT.—Not later than August  
9 1 of each fiscal year, the Secretary shall make avail-  
10 able on the website of the Department of Transpor-  
11 tation an annual report that lists each eligible  
12 project for which a grant has been provided under  
13 the program during the fiscal year.

14 “(2) GAO ASSESSMENT AND REPORT.—Not  
15 later than 3 years after the date of enactment of the  
16 Bridge Investment Act of 2020, the Comptroller  
17 General of the United States shall—

18 “(A) conduct an assessment of the admin-  
19 istrative establishment, solicitation, selection,  
20 and justification process with respect to the  
21 funding of grants under the program; and

22 “(B) submit to the Committee on Trans-  
23 portation and Infrastructure of the House of  
24 Representatives and the Committee on Environ-

1           ment and Public Works of the Senate a report  
2           that describes—

3                   “(i) the adequacy and fairness of the  
4                   process under which each eligible project  
5                   that received a grant under the program  
6                   was selected; and

7                   “(ii) the justification and criteria used  
8                   for the selection of each eligible project.

9           “(n) LIMITATION.—

10                   “(1) LARGE PROJECTS.—Of the amounts made  
11                   available out of the Highway Trust Fund (other  
12                   than the Mass Transit Account) to carry out this  
13                   section for each of fiscal years 2021 through 2025,  
14                   not less than 50 percent, in aggregate, shall be used  
15                   for large projects.

16                   “(2) UNUTILIZED AMOUNTS.—If, in fiscal year  
17                   2025, the Secretary determines that grants under  
18                   the program will not allow for the requirement under  
19                   paragraph (1) to be met, the Secretary shall use the  
20                   unutilized amounts to make other grants under the  
21                   program during that fiscal year.

22           “(o) TRIBAL TRANSPORTATION FACILITY BRIDGE  
23 SET ASIDE.—

24                   “(1) IN GENERAL.—Of the amounts made  
25                   available from the Highway Trust Fund (other than

1 the Mass Transit Account) for a fiscal year to carry  
 2 out this section, the Secretary shall use, to carry out  
 3 section 202(d)—

4 “(A) \$16,000,000 for fiscal year 2021;

5 “(B) \$18,000,000 for fiscal year 2022;

6 “(C) \$20,000,000 for fiscal year 2023;

7 “(D) \$22,000,000 for fiscal year 2024;

8 and

9 “(E) \$24,000,000 for fiscal year 2025.

10 “(2) TREATMENT.—For purposes of section  
 11 201, funds made available for section 202(d) under  
 12 paragraph (1) shall be considered to be part of the  
 13 tribal transportation program.

14 “(p) AUTHORIZATION OF APPROPRIATIONS.—For  
 15 each of fiscal years 2021 through 2025, there is author-  
 16 ized to be appropriated to carry out this section—

17 “(1) \$2,000,000,000 from the general fund of  
 18 the Treasury; and

19 “(2) \$2,000,000,000 from the Highway Trust  
 20 Fund (other than the Mass Transit Account).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 22 ter 1 of title 23, United States Code, is amended by insert-  
 23 ing after the item relating to section 123 the following:

“124. Bridge investment program”.

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