

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.

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

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 maintaining 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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