

118TH CONGRESS
1ST SESSION

H. R. 6376

To require certain grant recipients of transit and highway transportation projects to establish and contribute to a business uninterrupted monetary program fund, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2023

Mr. CORREA (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require certain grant recipients of transit and highway transportation projects to establish and contribute to a business uninterrupted monetary program fund, 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 “Business Uninter-
5 rupted Monetary Program Act of 2023”.

6 **SEC. 2. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.**

7 Section 5309 of title 49, United States Code, is
8 amended by adding at the end the following:

1 “(s) BUSINESS UNINTERRUPTED MONETARY PRO-
2 GRAM FUND.—

3 “(1) ESTABLISHMENT.—To be eligible for a
4 grant under this section, a project sponsor or shall
5 establish a fund to be known as a business uninter-
6 rupted monetary program fund (in this subsection
7 referred to as a ‘BUMP Fund’).

8 “(2) FUND REQUIREMENTS.—Amounts contrib-
9 uted to a BUMP Fund under this subsection—

10 “(A) may count toward the non-Federal
11 share of the cost of a project under such sec-
12 tion; and

13 “(B) shall be provided to covered entities
14 that are negatively impacted by an interruption
15 caused by a project carried out with amounts
16 made available under such grant.

17 “(3) CONTRIBUTIONS TO THE FUND.—

18 “(A) IN GENERAL.—The Secretary shall
19 require that the project sponsor contribute an
20 amount into a BUMP Fund that meets the fol-
21 lowing requirements:

22 “(i) The amount required to be set
23 aside shall not impact the total project cost
24 or the total non-Federal match require-
25 ment of the project.

1 “(ii) Such amount shall reflect the
2 funds necessary to fully carry out the re-
3 quirement described in paragraph (2)(B).

4 “(iii) Such amount may not constitute
5 an amount of the non-Federal cost share
6 that would impede the project sponsor
7 from carrying out the project.

8 “(iv) Apply to projects with total cost
9 equal or greater than \$100 million.

10 “(v) Such amount shall be determined
11 by the local sponsor, so long as such
12 amount—

13 “(I) does not exceed 10 percent
14 of the total non-Federal share; and

15 “(II) reflects the estimated dam-
16 ages caused by the interruption.

17 “(B) WAIVER.—The Secretary may waive
18 or alter the percentage of the contribution
19 amount required under subparagraph (A)—

20 “(i) if the Secretary determines that
21 the project sponsor has an equivalent pro-
22 gram established that is applicable to the
23 project;

1 “(ii) the Secretary determines that
2 there is no interruption that could occur
3 with respect to a project;

4 “(iii) the amount of Federal funding
5 for the total cost of the project is less than
6 10 percent of such cost; or

7 “(iv) for any other reason the Sec-
8 retary determines appropriate.

9 “(4) ELIGIBILITY FOR RECEIPT OF FUNDS.—

10 The applicant, as part of the portion of the applica-
11 tion for a grant under this section that relates to the
12 financial commitment of the applicant, shall provide
13 information to the Secretary on how the project
14 sponsor shall determine which covered entities are
15 eligible to receive assistance from a BUMP Fund,
16 including the following:

17 “(A) Which covered entities are eligible to
18 receive funding under the BUMP Fund.

19 “(B) The terms for eligibility for amounts
20 in a BUMP Fund.

21 “(C) The process by which the local spon-
22 sor or project partner shall—

23 “(i) determine the impact on covered
24 entities;

1 “(ii) distribute the funds to covered
2 entities; and

3 “(iii) verify the information provided
4 by covered entities.

5 “(D) The total funding available per cov-
6 ered entity.

7 “(E) The outreach plan for informing cov-
8 ered entities.

9 “(F) Any other information the applicant
10 determines is necessary.

11 “(5) ELIGIBLE EXPENSES.—

12 “(A) IN GENERAL.—Eligible expenses pro-
13 vided to a covered entity from a BUMP Fund
14 may include, at the discretion of the project
15 sponsor, the following:

16 “(i) Utilities.

17 “(ii) Insurance.

18 “(iii) Rent or mortgage.

19 “(iv) Payroll.

20 “(v) Loss of income.

21 “(vi) Any other expense the sponsor
22 determines is consistent with the require-
23 ments of this section.

24 “(B) INVALIDATION OF PAYMENT BY SEC-
25 RETARY.—The Secretary may disqualify an eli-

1 gible expense submitted by a project sponsor at
2 the time such recipient submits its financial
3 commitment if the Secretary determines such
4 an expense is not consistent with the require-
5 ments of this section.

6 “(6) COMBINED BUMP FUND.—For a project
7 sponsor that has more than 2 projects running con-
8 currently, the project sponsor may maintain one
9 BUMP Fund to cover all such projects.

10 “(7) RETENTION OF FUNDS.—Funds set aside
11 for the BUMP Fund shall remain available for a pe-
12 riod of 1 year after the completion of the project for
13 which the BUMP Fund was established unless the
14 project sponsor certifies to the Secretary that the
15 funds are no longer needed.

16 “(8) UNUSED FUNDS.—Any amounts deposited
17 in a BUMP Fund that are not dispensed during the
18 project may be available to the recipient for the fol-
19 lowing uses:

20 “(A) Operating expenses for the project for
21 which the BUMP Fund was established.

22 “(B) Project enhancements or construction
23 cost overruns for the project.

24 “(C) Other projects eligible under this
25 title, except that the amounts may not count to-

1 ward non-Federal matching funds of any other
2 project.

3 “(D) In any case in which the recipient
4 does not manage the project, amounts may be
5 returned to the grant recipient.

6 “(E) For any other purpose approved by
7 the Secretary.

8 “(9) DERIVATION OF FUNDS FOR DEPOSIT INTO
9 BUMP FUND.—The funds dedicated to a BUMP
10 Fund may be derived from—

11 “(A) non-Federal funds, unless deposit of
12 such non-Federal funds is prohibited by the
13 terms of an agreement between the funding
14 source and the project sponsor; or

15 “(B) Federal funds, if approved by the
16 Secretary.

17 “(10) DEFINITIONS.—In this subsection:

18 “(A) BUSINESS UNINTERRUPTED MONE-
19 TARY PROGRAM FUND; BUMP FUND.— The
20 term ‘business uninterrupted monetary program
21 fund’ or ‘BUMP Fund’ means a fund for the
22 purpose of providing financial assistance to cov-
23 ered entities directly and negatively impacted by
24 a transportation project funded by a grant
25 under this section to reimburse such a covered

1 entity for expenses incurred during an interrup-
2 tion caused by such project.

3 “(B) COVERED ENTITY.—The term ‘cov-
4 ered entity’ means a private business or non-
5 profit organization, as defined by the project
6 sponsor.

7 “(C) INTERRUPTION.—The term ‘interrup-
8 tion’ means an activity carried out as part of a
9 project for which a grant is provided under this
10 section that disrupts the activities of a covered
11 entity and causes measurable negative impacts
12 to the financial well-being of such entity.

13 “(D) PROJECT SPONSOR.—The term
14 ‘project sponsor’ means the sponsor of a
15 project, or affiliated project partner, for which
16 a grant is provided under this section.”.

17 **SEC. 3. FEDERAL-AID HIGHWAY PROGRAM.**

18 (a) IN GENERAL.—Chapter 1 of title 23, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 180. Business uninterrupted monetary program**
22 **fund**

23 “(a) BUSINESS UNINTERRUPTED MONETARY PRO-
24 GRAM FUND.—

1 “(1) ESTABLISHMENT.—The Secretary shall re-
2 quire a recipient of Federal-aid highway funds under
3 this title to establish a fund to be known as a busi-
4 ness uninterrupted monetary program fund (in this
5 section referred to as a ‘Bump Fund’) as required
6 under section 106(k).

7 “(2) FUND REQUIREMENTS.—Amounts contrib-
8 uted to a BUMP Fund under this section—

9 “(A) may count toward the non-Federal
10 share of the cost of a covered project; and

11 “(B) shall be provided to covered entities
12 that are negatively impacted by an interruption
13 cause by a covered project.

14 “(3) CONTRIBUTIONS TO THE FUND.—

15 “(A) IN GENERAL.—The Secretary shall
16 require that the project sponsor of a covered
17 project contribute an amount into a BUMP
18 Fund that meets the following requirements:

19 “(i) The amount required to be set
20 aside shall not impact the total non-Fed-
21 eral match requirement of the project.

22 “(ii) Such amount shall reflect the
23 funds necessary to fully carry out the re-
24 quirement described in paragraph (2)(B).

1 “(iii) Such amount may not constitute
2 an amount of the non-Federal cost share
3 that would impede the project sponsor
4 from carrying out the project.

5 “(iv) The amount allocated to the
6 BUMP fund shall be determined by the
7 local sponsor, so long as—

8 “(I) the amount does not exceed
9 25 percent of the total non-Federal
10 share; and

11 “(II) the amount reflects the es-
12 timated damages caused by the inter-
13 ruption.

14 “(B) WAIVER.—The Secretary may waive
15 or alter the percentage of the contribution
16 amount required under subparagraph (A)—

17 “(i) if the Secretary determines that
18 the project sponsor has an equivalent pro-
19 gram established that is applicable to the
20 project;

21 “(ii) the Secretary determines that
22 there is no interruption that could occur
23 with respect to a project;

1 “(iii) the amount of Federal funding
2 for the total cost of the project is less than
3 10 percent of such cost; or

4 “(iv) for any other reason the Sec-
5 retary determines appropriate.

6 “(4) ELIGIBILITY FOR RECEIPT OF FUNDS.—
7 An applicant for funds for a covered project, as part
8 of the portion of the application that relates to the
9 financial commitment of the applicant, shall provide
10 information to the Secretary on the implementation
11 of BUMP Fund including the following:

12 “(A) Which covered entities are eligible to
13 receive funding under the BUMP Fund.

14 “(B) The terms for eligibility for amounts
15 in a BUMP Fund.

16 “(C) The process by which the local spon-
17 sor or project partner shall—

18 “(i) determine the impact on covered
19 entities;

20 “(ii) distribute the funds to covered
21 entities; and

22 “(iii) verify the information provided
23 by covered entities.

24 “(D) The total funding available per cov-
25 ered entity.

1 “(E) The outreach plan for informing cov-
2 ered entities.

3 “(F) Any other information the applicant
4 determines is necessary.

5 “(5) ELIGIBLE EXPENSES.—

6 “(A) IN GENERAL.—Eligible expenses pro-
7 vided to a covered entity from a BUMP Fund
8 may include, at the discretion of the project
9 sponsor, the following:

10 “(i) Utilities for the covered entity.

11 “(ii) Insurance for the covered entity
12 and employees of such entity.

13 “(iii) Rent or mortgage payments.

14 “(iv) Payroll expenses.

15 “(v) Loss of income.

16 “(vi) Any other expense the sponsor
17 determines is consistent with the require-
18 ments of this section.

19 “(B) INVALIDATION OF PAYMENT BY SEC-
20 RETARY.—The Secretary may disqualify an eli-
21 gible expense submitted by a project sponsor at
22 the time such recipient submits its financial
23 commitment if the Secretary determines such
24 an expense is not consistent with the require-
25 ments of this section.

1 “(6) RETENTION OF FUNDS.—Funds set aside
2 for the BUMP Fund shall remain available for a pe-
3 riod of 1 year after the completion of the project for
4 which the BUMP Fund was established unless the
5 project sponsor certifies to the Secretary that the
6 funds are no longer needed.

7 “(7) UNUSED FUNDS.—Any amounts deposited
8 in a BUMP Funds that are not dispensed during
9 the project may be available to the project sponsor
10 for the following uses:

11 “(A) Project enhancements, including non-
12 infrastructure project enhancements, or con-
13 struction cost overruns for the project.

14 “(B) Environmental mitigation described
15 under section 119(g) of title 23, United States
16 Code.

17 “(C) Other projects eligible under this
18 title, except that the amounts may not count to-
19 ward non-Federal matching funds of any other
20 project.

21 “(D) In any case in which the project
22 sponsor does not manage the project, amounts
23 may be returned to the initial recipient of the
24 Federal funds provided for the covered project.

1 “(E) For any other purpose approved by
2 the Secretary.

3 “(8) DERIVATION OF FUNDS FOR DEPOSIT INTO
4 BUMP FUND.—The funds dedicated to BUMP Fund
5 may be derived from—

6 “(A) a non-Federal source, consistent with
7 the requirements of part 200 of title 2, Code of
8 Federal Regulations, unless deposit of such
9 non-Federal funds is prohibited by the terms of
10 an agreement between the funding source and
11 the project sponsor; or

12 “(B) Federal funds, if approved by the
13 Secretary.

14 “(9) PROJECTS WITHOUT A NON-FEDERAL
15 SHARE.—For any covered project that is funded
16 with 100 percent Federal funds, the Secretary shall
17 determine, together with the project sponsor, an ap-
18 propriate amount of funding for the BUMP Fund.

19 “(10) COMBINED BUMP FUND.—For a project
20 sponsor that has more than 2 projects running con-
21 currently, the project sponsor may maintain one
22 BUMP Fund to cover all such projects.

23 “(b) DEFINITIONS.—In this section:

24 “(1) BUSINESS UNINTERRUPTED MONETARY
25 PROGRAM FUND; BUMP FUND.— The term ‘business

1 uninterrupted monetary program fund’ or ‘BUMP
2 Fund’ means a fund for the purpose of providing fi-
3 nancial assistance to covered entities directly and
4 negatively impacted by covered project to reimburse
5 such a covered entity for expenses incurred during
6 an interruption caused by such project.

7 “(2) COVERED ENTITY.—The term ‘covered en-
8 tity’ means a private business or nonprofit organiza-
9 tion, as defined by the project sponsor.

10 “(3) COVERED PROJECT.—The term ‘covered
11 project’ means any project carried out under this
12 title that has a total cost of \$50,000,000 or greater.

13 “(4) INTERRUPTION.—The term ‘interruption’
14 means an activity carried out as part of a covered
15 project that disrupts the activities of a covered enti-
16 ty and causes measurable negative impacts to the fi-
17 nancial well-being of such entity.

18 “(5) PROJECT SPONSOR.—The term ‘project
19 sponsor’ means the entity or affiliated project part-
20 ner carrying out a covered project.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 1 of title 23, United States Code, is amended by add-
23 ing at the end the following:

“180. Business uninterrupted monetary program fund.”.

1 (c) PROJECT APPROVAL AND OVERSIGHT.—Section
2 106 of title 23, United States Code, is amended by adding
3 at the end the following:

4 “(k) BUSINESS UNINTERRUPTED MONETARY PRO-
5 GRAM FUND.—A recipient of Federal financial assistance
6 under this title for a project with an estimated total
7 project cost of \$50,000,000 or more shall establish a busi-
8 ness uninterrupted monetary program fund as described
9 under section 180, and subject to the requirements of such
10 section, to address financial impacts to companies that
11 suffer financial burdens as a result of project construc-
12 tion.”.

13 **SEC. 4. GRANTS FOR CERTAIN INTERRUPTIONS DUE TO**
14 **FIXED GUIDEWAY CAPITAL INVESTMENT**
15 **PROJECTS.**

16 (a) ESTABLISHMENT.—Not later than 270 days after
17 the date of enactment of this Act, the Secretary of Trans-
18 portation shall establish a competitive grant program that
19 provides a single round of grants to project sponsors to
20 provide relief to covered entities as described in section
21 5309(s) of title 49, United States Code, (as added by sec-
22 tion 2).

23 (b) ELIGIBILITY.—A project sponsor is eligible for a
24 grant under subsection (a) for any project—

1 (1) that meets the requirements of section
2 5309(s) of title 49, United States Code;

3 (2) for which construction began on or after
4 October 1, 2018; and

5 (3) that remains under construction as of June
6 1, 2023.

7 (c) **FUNDING LIMITATIONS.**—A grant provided under
8 this section may not exceed \$10,000,000.

9 (d) **UNUSED AMOUNTS.**—Any funds not made avail-
10 able pursuant to this section shall be retained in the ac-
11 count to which the funds were appropriated and made
12 available for any other purpose provided for by law.

13 (e) **DEFINITIONS.**—The definitions in section
14 5309(s)(9) of title 49, United States Code, shall apply to
15 this section.

16 **SEC. 5. IMPLEMENTATION.**

17 The Secretary of Transportation shall implement the
18 requirements of the amendments made by sections 2 and
19 3 of this Act not later than 270 days after the date of
20 enactment of this Act.

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