

117TH CONGRESS  
1ST SESSION

# S. 1817

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 SENATE OF THE UNITED STATES

MAY 25, 2021

Mr. BROWN (for himself, Mr. INHOFE, Mr. WHITEHOUSE, Mr. WICKER, Mr. WYDEN, Mr. PORTMAN, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. MARKEY, Mrs. HYDE-SMITH, Ms. STABENOW, Mr. HAGERTY, Mrs. MURRAY, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## 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 2021”.

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 daily person and  
16           freight throughput supported by the eligi-  
17           ble 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; and

8 “(viii) the extent to which a bridge  
9 that would be assisted with a grant—

10 “(I) is, without that assistance—

11 “(aa) at risk of falling into  
12 or remaining in poor condition;  
13 or

14 “(bb) in fair condition and  
15 at risk of falling into poor condi-  
16 tion within the next 3 years;

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

19 “(aa) the current use of the  
20 bridge; or

21 “(bb) load and traffic re-  
22 quirements typical of the regional  
23 corridor or local network in  
24 which the bridge is located; or



1 “(III) does not meet current seis-  
2 mic design standards.

3 “(B) REQUIREMENT.—The Secretary  
4 shall—

5 “(i) give priority to an application for  
6 an eligible project that is located within a  
7 State for which—

8 “(I) 2 or more applications for  
9 eligible projects within the State were  
10 submitted for the current fiscal year  
11 and an average of 2 or more applica-  
12 tions for eligible projects within the  
13 State were submitted in prior fiscal  
14 years of the program; and

15 “(II) fewer than 2 grants have  
16 been awarded for eligible projects  
17 within the State under the program;

18 “(ii) during the period of fiscal years  
19 2022 through 2026, for each State de-  
20 scribed in clause (i), select—

21 “(I) not fewer than 1 large  
22 project that the Secretary determines  
23 is justified under the evaluation under  
24 subsection (g)(4); or

1                   “(II) 2 eligible projects that are  
2                   not large projects that the Secretary  
3                   determines are justified under the  
4                   evaluation under subsection (f)(3);  
5                   and

6                   “(iii) not be required to award a grant  
7                   for an eligible project that the Secretary  
8                   does not determine is justified under an  
9                   evaluation under subsection (f)(3) or  
10                  (g)(4).

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

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

18                  “(1) A State or a group of States.

19                  “(2) A metropolitan planning organization that  
20                  serves an urbanized area (as designated by the Bu-  
21                  reau of the Census) with a population of over  
22                  200,000.

23                  “(3) A unit of local government or a group of  
24                  local governments.

1           “(4) A political subdivision of a State or local  
2 government.

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

5           “(6) A Federal land management agency.

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

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

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

13           “(1) in the case of a large project, the Sec-  
14 retary recommends for funding in the annual report  
15 on funding recommendations under subsection  
16 (g)(6);

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

20           “(3) is based on the results of preliminary engi-  
21 neering.

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

24           “(1) COMPETITIVE PROCESS.—

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

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

12           “(ii) not later than 120 days after the  
13 date on which the solicitation under clause  
14 (i) expires, conduct evaluations under  
15 paragraph (3).

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

18           “(i) develop a template for applicants  
19 to use to summarize project needs and  
20 benefits, including benefits described in  
21 paragraph (3)(B)(i); and

22           “(ii) enable applicants to use data  
23 from the National Bridge Inventory under  
24 section 144(b) to populate templates de-  
25 scribed in clause (i), as applicable.

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

5           “(3) EVALUATION.—

6           “(A) IN GENERAL.—Prior to providing a  
7 grant under this subsection, the Secretary  
8 shall—

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

12                   “(ii) assign a quality rating to the eli-  
13 gible project on the basis of the evaluation  
14 under clause (i).

15           “(B) REQUIREMENTS.—In carrying out an  
16 evaluation under subparagraph (A), the Sec-  
17 retary shall—

18                   “(i) consider information on project  
19 benefits submitted by the applicant using  
20 the template developed under paragraph  
21 (1)(B)(i), including whether the project  
22 will generate, as determined by the Sec-  
23 retary—

1           “(I) costs avoided by the preven-  
2           tion of closure or reduced use of the  
3           bridge to be improved by the project;

4           “(II) in the case of a bundle of  
5           projects, benefits from executing the  
6           projects as a bundle compared to as  
7           individual projects;

8           “(III) safety benefits, including  
9           the reduction of accidents and related  
10          costs;

11          “(IV) person and freight mobility  
12          benefits, including congestion reduc-  
13          tion and reliability improvements;

14          “(V) national or regional eco-  
15          nomic benefits;

16          “(VI) benefits from long-term re-  
17          siliency to extreme weather events,  
18          flooding, or other natural disasters;

19          “(VII) benefits from protection  
20          (as described in section 133(b)(9)),  
21          including improving seismic or scour  
22          protection;

23          “(VIII) environmental benefits,  
24          including wildlife connectivity;

1 “(IX) benefits to nonvehicular  
2 and public transportation users;

3 “(X) benefits of using—

4 “(aa) innovative design and  
5 construction techniques; or

6 “(bb) innovative tech-  
7 nologies; or

8 “(XI) reductions in maintenance  
9 costs, including, in the case of a feder-  
10 ally-owned bridge, cost savings to the  
11 Federal budget; and

12 “(ii) consider whether and the extent  
13 to which the benefits, including the bene-  
14 fits described in clause (i), are more likely  
15 than not to outweigh the total project  
16 costs.

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

19 “(1) IN GENERAL.—The Secretary shall estab-  
20 lish an annual date by which an eligible entity sub-  
21 mitting an application for a large project shall sub-  
22 mit to the Secretary such information as the Sec-  
23 retary may require, including information described  
24 in paragraph (2), in order for a large project to be  
25 considered for a recommendation by the Secretary

1 for funding in the next annual report under para-  
2 graph (6).

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

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

7 “(B) information sufficient for the Sec-  
8 retary to determine that—

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

11 “(ii) there is a reasonable likelihood  
12 that the large project will continue to meet  
13 the requirements under this section.

14 “(3) DETERMINATION; NOTICE.—On making a  
15 determination that information submitted to the  
16 Secretary under paragraph (1) is sufficient, the Sec-  
17 retary shall provide a written notice of that deter-  
18 mination to—

19 “(A) the eligible entity that submitted the  
20 application;

21 “(B) the Committee on Environment and  
22 Public Works of the Senate; and

23 “(C) the Committee on Transportation and  
24 Infrastructure of the House of Representatives.



1           “(4) EVALUATION.—The Secretary may rec-  
2           ommend a large project for funding in the annual  
3           report under paragraph (6) only if the Secretary  
4           evaluates the proposed project and determines that  
5           the project is justified because the project—

6                   “(A) addresses a need to improve the con-  
7                   dition of the bridge, as determined by the Sec-  
8                   retary, consistent with the goals of the program  
9                   under subsection (b)(2);

10                   “(B) will generate, as determined by the  
11                   Secretary—

12                           “(i) costs avoided by the prevention of  
13                           closure or reduced use of the bridge to be  
14                           improved by the project;

15                           “(ii) in the case of a bundle of  
16                           projects, benefits from executing the  
17                           projects as a bundle compared to as indi-  
18                           vidual projects;

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

21                           “(iv) person and freight mobility bene-  
22                           fits, including congestion reduction and re-  
23                           liability improvements;

24                           “(v) national or regional economic  
25                           benefits;

1           “(vi) benefits from long-term resil-  
2           iency to extreme weather events, flooding,  
3           or other natural disasters;

4           “(vii) benefits from protection (as de-  
5           scribed in section 133(b)(9)), including im-  
6           proving seismic or scour protection;

7           “(viii) environmental benefits, includ-  
8           ing wildlife connectivity;

9           “(ix) benefits to nonvehicular and  
10          public transportation users;

11          “(x) benefits of using—

12                 “(I) innovative design and con-  
13                 struction techniques; or

14                 “(II) innovative technologies; or

15                 “(xi) reductions in maintenance costs,  
16                 including, in the case of a federally-owned  
17                 bridge, cost savings to the Federal budget;

18          “(C) is cost effective based on an analysis  
19          of whether the benefits and avoided costs de-  
20          scribed in subparagraph (B) are expected to  
21          outweigh the project costs;

22          “(D) is supported by other Federal or non-  
23          Federal financial commitments or revenues ade-  
24          quate to fund ongoing maintenance and preser-  
25          vation; and

1           “(E) is consistent with the objectives of an  
2 applicable asset management plan of the project  
3 sponsor, including a State asset management  
4 plan under section 119(e) in the case of a  
5 project on the National Highway System that is  
6 sponsored by a State.

7           “(5) RATINGS.—

8           “(A) IN GENERAL.—The Secretary shall  
9 develop a methodology to evaluate and rate a  
10 large project on a 5-point scale (the points of  
11 which include ‘high’, ‘medium-high’, ‘medium’,  
12 ‘medium-low’, and ‘low’) for each of—

13                   “(i) paragraph (4)(B);

14                   “(ii) paragraph (4)(C); and

15                   “(iii) paragraph (4)(D).

16           “(B) REQUIREMENT.—To be considered  
17 justified and receive a recommendation for  
18 funding in the annual report under paragraph  
19 (6), a project shall receive a rating of not less  
20 than ‘medium’ for each rating required under  
21 subparagraph (A).

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

24           “(A) IN GENERAL.—Not later than the  
25 first Monday in February of each year, the Sec-

1           retary shall submit to the Committees on  
2           Transportation and Infrastructure and Appro-  
3           priations of the House of Representatives and  
4           the Committees on Environment and Public  
5           Works and Appropriations of the Senate a re-  
6           port that includes—

7                   “(i) a list of large projects that have  
8                   requested a recommendation for funding  
9                   under a new grant agreement from funds  
10                  anticipated to be available to carry out this  
11                  subsection in the next fiscal year;

12                  “(ii) the evaluation under paragraph  
13                  (4) and ratings under paragraph (5) for  
14                  each project referred to in clause (i);

15                  “(iii) the grant amounts that the Sec-  
16                  retary recommends providing to large  
17                  projects in the next fiscal year, including—

18                          “(I) scheduled payments under  
19                          previously signed multiyear grant  
20                          agreements under subsection (j);

21                          “(II) payments for new grant  
22                          agreements, including single-year  
23                          grant agreements and multiyear grant  
24                          agreements; and

1                   “(III) a description of how  
2                   amounts anticipated to be available  
3                   for the program from the Highway  
4                   Trust Fund for that fiscal year will be  
5                   distributed; and

6                   “(iv) for each project for which the  
7                   Secretary recommends a new multiyear  
8                   grant agreement under subsection (j), the  
9                   proposed payout schedule for the project.

10                  “(B) LIMITATIONS.—

11                   “(i) IN GENERAL.—The Secretary  
12                   shall not recommend in an annual report  
13                   under this paragraph a new multiyear  
14                   grant agreement provided from funds from  
15                   the Highway Trust Fund unless the Sec-  
16                   retary determines that the project can be  
17                   completed using funds that are anticipated  
18                   to be available from the Highway Trust  
19                   Fund in future fiscal years.

20                   “(ii) GENERAL FUND PROJECTS.—  
21                   The Secretary—

22                   “(I) may recommend for funding  
23                   in an annual report under this para-  
24                   graph a large project using funds

1 from the general fund of the Treas-  
2 ury; but

3 “(II) shall not execute a grant  
4 agreement for that project unless—

5 “(aa) funds other than from  
6 the Highway Trust Fund have  
7 been made available for the  
8 project; and

9 “(bb) the Secretary deter-  
10 mines that the project can be  
11 completed using funds other than  
12 from the Highway Trust Fund  
13 that are anticipated to be avail-  
14 able in future fiscal years.

15 “(C) CONSIDERATIONS.—In selecting  
16 projects to recommend for funding in the an-  
17 nual report under this paragraph, the Secretary  
18 shall—

19 “(i) consider the amount of funds  
20 available in future fiscal years for  
21 multiyear grant agreements as described in  
22 subparagraph (B); and

23 “(ii) assume the availability of funds  
24 in future fiscal years for multiyear grant  
25 agreements that extend beyond the period

1 of authorization based on the amount  
2 made available for large projects under the  
3 program in the last fiscal year of the pe-  
4 riod of authorization.

5 “(D) PROJECT DIVERSITY.—In selecting  
6 projects to recommend for funding in the an-  
7 nual report under this paragraph, the Secretary  
8 shall ensure diversity among projects rec-  
9 ommended based on—

10 “(i) the amount of the grant re-  
11 quested; and

12 “(ii) grants for an eligible project for  
13 1 bridge compared to an eligible project  
14 that is a bundle of projects.

15 “(h) ELIGIBLE PROJECT COSTS.—A grant received  
16 for an eligible project under the program may be used  
17 for—

18 “(1) development phase activities, including  
19 planning, feasibility analysis, revenue forecasting,  
20 environmental review, preliminary engineering and  
21 design work, and other preconstruction activities;

22 “(2) construction, reconstruction, rehabilitation,  
23 acquisition of real property (including land related  
24 to the project and improvements to the land), envi-  
25 ronmental mitigation, construction contingencies, ac-

1       quisition of equipment, and operational improve-  
2       ments directly related to improving system perform-  
3       ance; and

4               “(3) expenses related to the protection (as de-  
5       scribed in section 133(b)(9)) of a bridge, including  
6       seismic or scour protection.

7       “(i) TIFIA PROGRAM.—On the request of an eligible  
8       entity carrying out an eligible project, the Secretary may  
9       use amounts awarded to the entity to pay subsidy and ad-  
10      ministrative costs necessary to provide to the entity Fed-  
11      eral credit assistance under chapter 6 with respect to the  
12      eligible project for which the grant was awarded.

13      “(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE  
14      PROJECTS.—

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

20              “(2) REQUIREMENTS.—A multiyear grant  
21      agreement for a large project described in paragraph  
22      (1) shall—

23                      “(A) establish the terms of participation by  
24                      the Federal Government in the project;



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

5           “(C) establish a payout schedule for the  
6 project that provides for disbursement of the  
7 full grant amount by not later than 4 fiscal  
8 years after the fiscal year in which the initial  
9 amount is provided;

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

13           “(E) attempt to improve timely and effi-  
14 cient management of the project, consistent  
15 with all applicable Federal laws (including regu-  
16 lations).

17           “(3) SPECIAL FINANCIAL RULES.—

18           “(A) IN GENERAL.—A multiyear grant  
19 agreement under this subsection—

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

22           “(ii) may include a commitment, con-  
23 tingent on amounts to be specified in law  
24 in advance for commitments under this  
25 paragraph, to obligate an additional

1 amount from future available budget au-  
2 thority specified in law.

3 “(B) STATEMENT OF CONTINGENT COM-  
4 MITMENT.—The agreement shall state that the  
5 contingent commitment is not an obligation of  
6 the Federal Government.

7 “(C) INTEREST AND OTHER FINANCING  
8 COSTS.—

9 “(i) IN GENERAL.—Interest and other  
10 financing costs of carrying out a part of  
11 the project within a reasonable time shall  
12 be considered a cost of carrying out the  
13 project under a multiyear grant agreement,  
14 except that eligible costs may not be more  
15 than the cost of the most favorable financ-  
16 ing terms reasonably available for the  
17 project at the time of borrowing.

18 “(ii) CERTIFICATION.—The applicant  
19 shall certify to the Secretary that the ap-  
20 plicant has shown reasonable diligence in  
21 seeking the most favorable financing  
22 terms.

23 “(4) ADVANCE PAYMENT.—Notwithstanding  
24 any other provision of law, an eligible entity carrying

1 out a large project under a multiyear grant agree-  
2 ment—

3 “(A) may use funds made available to the  
4 eligible entity under this title for eligible project  
5 costs of the large project until the amount spec-  
6 ified in the multiyear grant agreement for the  
7 project for that fiscal year becomes available for  
8 obligation; and

9 “(B) if the eligible entity uses funds as de-  
10 scribed in subparagraph (A), the funds used  
11 shall be reimbursed from the amount made  
12 available under the multiyear grant agreement  
13 for the project.

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

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

21 “(A) before the applicant carries out the  
22 activity, the Secretary approves through a letter  
23 to the applicant the activity in the same man-  
24 ner as the Secretary approves other activities as  
25 eligible under the program;

1           “(B) a record of decision, a finding of no  
2 significant impact, or a categorical exclusion  
3 under the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.) has been issued  
5 for the eligible project; and

6           “(C) the activity is carried out without  
7 Federal assistance and in accordance with all  
8 applicable procedures and requirements.

9           “(2) INTEREST AND OTHER FINANCING  
10 COSTS.—

11           “(A) IN GENERAL.—For purposes of para-  
12 graph (1), the cost of carrying out an activity  
13 for an eligible project includes the amount of  
14 interest and other financing costs, including  
15 any interest earned and payable on bonds, to  
16 the extent interest and other financing costs are  
17 expended in carrying out the activity for the eli-  
18 gible project, except that interest and other fi-  
19 nancing costs may not be more than the cost of  
20 the most favorable financing terms reasonably  
21 available for the eligible project at the time of  
22 borrowing.

23           “(B) CERTIFICATION.—The applicant shall  
24 certify to the Secretary that the applicant has  
25 shown reasonable diligence in seeking the most

1 favorable financing terms under subparagraph  
2 (A).

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

6 “(A) constitute an obligation of the Fed-  
7 eral Government; or

8 “(B) alter or influence any evaluation  
9 under subsection (f)(3)(A)(i) or (g)(4) or any  
10 recommendation by the Secretary for funding  
11 under the program.

12 “(1) FEDERALLY-OWNED BRIDGES.—

13 “(1) DIVESTITURE CONSIDERATION.—In the  
14 case of a bridge owned by a Federal land manage-  
15 ment agency for which that agency applies for a  
16 grant under the program, the agency—

17 “(A) shall consider options to divest the  
18 bridge to a State or local entity after comple-  
19 tion of the project; and

20 “(B) may apply jointly with the State or  
21 local entity to which the bridge may be divested.

22 “(2) TREATMENT.—Notwithstanding any other  
23 provision of law, section 129 shall apply to a bridge  
24 that was previously owned by a Federal land man-  
25 agement agency and has been transferred to a non-

1 Federal entity under paragraph (1) in the same  
2 manner as if the bridge was never federally owned.

3 “(m) CONGRESSIONAL NOTIFICATION.—Not later  
4 than 30 days before making a grant for an eligible project  
5 under the program, the Secretary shall submit to the Com-  
6 mittee on Transportation and Infrastructure of the House  
7 of Representatives and the Committee on Environment  
8 and Public Works of the Senate a written notification of  
9 the proposed grant that includes—

10 “(1) an evaluation and justification for the eli-  
11 gible project; and

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

13 “(n) REPORTS.—

14 “(1) ANNUAL REPORT.—Not later than August  
15 1 of each fiscal year, the Secretary shall make avail-  
16 able on the website of the Department of Transpor-  
17 tation an annual report that lists each eligible  
18 project for which a grant has been provided under  
19 the program during the fiscal year.

20 “(2) GAO ASSESSMENT AND REPORT.—Not  
21 later than 3 years after the date of enactment of the  
22 Bridge Investment Act of 2021, the Comptroller  
23 General of the United States shall—

24 “(A) conduct an assessment of the admin-  
25 istrative establishment, solicitation, selection,

1 and justification process with respect to the  
2 funding of grants under the program; and

3 “(B) submit to the Committee on Trans-  
4 portation and Infrastructure of the House of  
5 Representatives and the Committee on Environ-  
6 ment and Public Works of the Senate a report  
7 that describes—

8 “(i) the adequacy and fairness of the  
9 process under which each eligible project  
10 that received a grant under the program  
11 was selected; and

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

14 “(o) LIMITATION.—

15 “(1) LARGE PROJECTS.—Of the amounts made  
16 available out of the Highway Trust Fund (other  
17 than the Mass Transit Account) to carry out this  
18 section for each of fiscal years 2022 through 2026,  
19 not less than 50 percent, in aggregate, shall be used  
20 for large projects.

21 “(2) UNUTILIZED AMOUNTS.—If, in fiscal year  
22 2026, the Secretary determines that grants under  
23 the program will not allow for the requirement under  
24 paragraph (1) to be met, the Secretary shall use the

1 unutilized amounts to make other grants under the  
 2 program during that fiscal year.

3 “(p) TRIBAL TRANSPORTATION FACILITY BRIDGE  
 4 SET ASIDE.—

5 “(1) IN GENERAL.—Of the amounts made  
 6 available from the Highway Trust Fund (other than  
 7 the Mass Transit Account) for a fiscal year to carry  
 8 out this section, the Secretary shall use, to carry out  
 9 section 202(d)—

10 “(A) \$16,000,000 for fiscal year 2022;

11 “(B) \$18,000,000 for fiscal year 2023;

12 “(C) \$20,000,000 for fiscal year 2024;

13 “(D) \$22,000,000 for fiscal year 2025;

14 and

15 “(E) \$24,000,000 for fiscal year 2026.

16 “(2) TREATMENT.—For purposes of section  
 17 201, funds made available for section 202(d) under  
 18 paragraph (1) shall be considered to be part of the  
 19 tribal transportation program.”.

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

“124. Bridge investment program.”.

○