

119TH CONGRESS
1ST SESSION

S. _____

To authorize funding for electric vehicle charging infrastructure programs to be used for other highway projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. LUMMIS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize funding for electric vehicle charging infrastructure programs to be used for other highway projects, 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 “Highway Funding
5 Flexibility Act of 2025”.

6 **SEC. 2. OPTIMIZING USE OF NATIONAL ELECTRIC VEHICLE**

7 **INFRASTRUCTURE FORMULA PROGRAM**

8 **FUNDS.**

9 (a) DEFINITIONS.—In this section:

1 (1) PROGRAM.—The term “program” means
2 the program under paragraph (2) in the matter
3 under the heading “HIGHWAY INFRASTRUCTURE
4 PROGRAMS” under the heading “FEDERAL HIGHWAY
5 ADMINISTRATION” under the heading “DEPART-
6 MENT OF TRANSPORTATION” in title VIII of
7 division J of the Infrastructure Investment and Jobs
8 Act (Public Law 117–58; 135 Stat. 1421) (com-
9 monly known as the “National Electric Vehicle In-
10 frastructure Formula Program”).

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of Transportation.

13 (3) STATE.—The term “State” has the mean-
14 ing given the term in section 101(a) of title 23,
15 United States Code.

16 (b) OPTIMIZATION OF FUNDS.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, any amounts made available under
19 the program that are unobligated as of the date of
20 enactment of this Act—

21 (A) shall be used only for—

22 (i) the construction, reconstruction,
23 resurfacing, restoration, rehabilitation, or
24 preservation of a Federal-aid highway;

1 (ii) a project to replace, rehabilitate,
2 preserve, or protect 1 or more bridges on
3 the National Bridge Inventory under sec-
4 tion 144(b) of title 23, United States
5 Code;

6 (iii) improvements that reduce the
7 number of wildlife-vehicle collisions, such
8 as wildlife crossing structures;

9 (iv) projects to preserve or provide ad-
10 ditional parking for commercial motor ve-
11 hicles that are eligible under section 1401
12 of MAP-21 (23 U.S.C. 137 note; Public
13 Law 112-141); or

14 (v) preliminary engineering, engineer-
15 ing, or design-related services directly re-
16 lated to a project described in any of
17 clauses (i) through (iv); and

18 (B) may not be used for the purposes de-
19 scribed in paragraph (2) in the matter under
20 the heading “HIGHWAY INFRASTRUCTURE PRO-
21 GRAMS” under the heading “FEDERAL HIGH-
22 WAY ADMINISTRATION” under the heading
23 “DEPARTMENT OF TRANSPORTATION”
24 in title VIII of division J of the Infrastructure

1 Investment and Jobs Act (Public Law 117–58;
2 135 Stat. 1421).

3 (2) FUTURE FISCAL YEARS.—Notwithstanding
4 any other provision of law, any funds made available
5 for the program for any fiscal year beginning after
6 the date of enactment of this Act shall be distributed
7 to States in accordance with the program on October
8 1 of that fiscal year and used as described in para-
9 graph (1).

10 (c) SET-ASIDES.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, the Secretary shall distribute to
13 States in accordance with paragraph (3)—

14 (A) any unobligated amounts under the
15 program that are set aside for the Joint Office
16 described in the program; and

17 (B) any unobligated amounts under the
18 program that are set aside for grants to States
19 or localities that require additional assistance to
20 strategically deploy electric vehicle charging in-
21 frastructure.

22 (2) FUTURE FISCAL YEARS.—Notwithstanding
23 any other provision of law, any funds described in
24 paragraph (1) that are made available for any fiscal
25 year beginning after the date of enactment of this

1 Act shall be distributed to States in accordance with
2 paragraph (3) on October 1 of that fiscal year and
3 used as described in paragraph (4).

4 (3) DISTRIBUTION.— The amounts distributed
5 under paragraphs (1) and (2) shall be distributed so
6 that each State receives an amount equal to the pro-
7 portion that—

8 (A) the amount apportioned to the State
9 for the applicable fiscal year under section
10 104(c) or section 165 of title 23, United States
11 Code; bears to

12 (B) the total amount apportioned to all
13 States for that fiscal year under section 104(c)
14 and section 165 of that title.

15 (4) USE OF FUNDS.—Amounts distributed
16 under paragraphs (1) and (2) shall be used as de-
17 scribed in subsection (b)(1).

18 (d) TREATMENT.—The amounts described in sub-
19 sections (b) and (c) shall—

20 (1) not be subject to any obligation limitation
21 for Federal-aid highway and highway safety con-
22 struction programs;

23 (2) remain available until the date the funds
24 would have remained available under the program;
25 and

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Secretary shall distribute to
3 States in accordance with paragraph (3) any
4 amounts made available to carry out the program
5 that are unobligated as of the date of enactment of
6 this Act.

7 (2) FUTURE FISCAL YEARS.—Any amounts
8 made available to carry out the program for a fiscal
9 year that begins after the date of enactment of this
10 Act shall be distributed to States in accordance with
11 paragraph (3) on October 1 of that fiscal year.

12 (3) DISTRIBUTION.—The amounts distributed
13 under paragraphs (1) and (2) shall be distributed so
14 that each State receives an amount equal to the pro-
15 portion that—

16 (A) the amount apportioned to the State
17 for the applicable fiscal year under section
18 104(c) or section 165 of title 23, United States
19 Code; bears to

20 (B) the total amount apportioned to all
21 States for that fiscal year under section 104(c)
22 and section 165 of that title.

23 (4) USES OF FUNDS.—Any amounts distributed
24 under paragraphs (1) and (2)—

1 (A) shall be used only for the purposes de-
2 scribed in section 2(b)(1)(A); and

3 (B) may not be used for any purposes de-
4 scribed in the program.

5 (c) TREATMENT.—The amounts described in sub-
6 section (b) shall—

7 (1) be subject to any obligation limitation for
8 Federal-aid highway and highway safety construc-
9 tion programs;

10 (2) remain available until the date the funds
11 would have remained available under the program;
12 and

13 (3) be in addition to any other funding appor-
14 tioned to States under section 104(e) or section 165
15 of title 23, United States Code.

16 (d) REQUIREMENTS.—Amounts described in sub-
17 section (b) shall be—

18 (1) except as otherwise provided in this section,
19 administered as if apportioned under chapter 1 of
20 title 23, United States Code;

21 (2) subject to the requirements of section
22 11101(e) of the Infrastructure Investment and Jobs
23 Act (23 U.S.C. 101 note; Public Law 117–58); and

24 (3) subject to section 120 of title 23, United
25 States Code.