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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of South Dakota introduced the following bill; which was  
referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To authorize funding for electric vehicle charging infrastruc-  
ture 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”.

1 **SEC. 2. OPTIMIZING USE OF NATIONAL ELECTRIC VEHICLE**  
2 **INFRASTRUCTURE FORMULA PROGRAM**  
3 **FUNDS.**

4 (a) DEFINITIONS.—In this section:

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

15 (2) SECRETARY.—The term “Secretary” means  
16 the Secretary of Transportation.

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

20 (b) OPTIMIZATION OF FUNDS.—

21 (1) IN GENERAL.—Notwithstanding any other  
22 provision of law, any amounts made available under  
23 the program that are unobligated as of the date of  
24 enactment of this Act—

25 (A) shall be used only for—

1 (i) the construction, reconstruction,  
2 resurfacing, restoration, rehabilitation, or  
3 preservation of a Federal-aid highway;

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

9 (iii) improvements that reduce the  
10 number of wildlife-vehicle collisions, such  
11 as wildlife crossing structures;

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

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

21 (B) may not be used for the purposes de-  
22 scribed in paragraph (2) in the matter under  
23 the heading “HIGHWAY INFRASTRUCTURE PRO-  
24 GRAMS” under the heading “FEDERAL HIGH-  
25 WAY ADMINISTRATION” under the heading

1 “DEPARTMENT OF TRANSPORTATION”  
2 in title VIII of division J of the Infrastructure  
3 Investment and Jobs Act (Public Law 117–58;  
4 135 Stat. 1421).

5 (2) FUTURE FISCAL YEARS.—Notwithstanding  
6 any other provision of law, any funds made available  
7 for the program for any fiscal year beginning after  
8 the date of enactment of this Act shall be distributed  
9 to States in accordance with the program on October  
10 1 of that fiscal year and used as described in para-  
11 graph (1).

12 (c) SET-ASIDES.—

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

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

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

24 (2) FUTURE FISCAL YEARS.—Notwithstanding  
25 any other provision of law, any funds described in

1 paragraph (1) that are made available for any fiscal  
2 year beginning after the date of enactment of this  
3 Act shall be distributed to States in accordance with  
4 paragraph (3) on October 1 of that fiscal year and  
5 used as described in paragraph (4).

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

10 (A) the amount apportioned to the State  
11 for the applicable fiscal year under section  
12 104(c) or section 165 of title 23, United States  
13 Code; bears to

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

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

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

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

1           (2) remain available until the date the funds  
2       would have remained available under the program;  
3       and

4           (3) be in addition to any other funding appor-  
5       tioned to States under section 104(c) and section  
6       165 of title 23, United States Code.

7       (e) REQUIREMENTS.—Amounts described in sub-  
8       sections (b) and (c) shall be—

9           (1) except as otherwise provided in this section,  
10       administered as if apportioned under chapter 1 of  
11       title 23, United States Code;

12          (2) subject to the requirements of section  
13       11101(e) of the Infrastructure Investment and Jobs  
14       Act (23 U.S.C. 101 note; Public Law 117–58); and

15          (3) subject to section 120 of title 23, United  
16       States Code.

17   **SEC. 3. OPTIMIZING USE OF CHARGING AND FUELING IN-**  
18                   **FRAStructure GRANT FUNDS.**

19       (a) DEFINITIONS.—In this section:

20          (1) PROGRAM.—The term “program” means  
21       the grant program under section 151(f) of title 23,  
22       United States Code.

23          (2) SECRETARY.—The term “Secretary” means  
24       the Secretary of Transportation.

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

4           (b) OPTIMIZATION OF FUNDS.—

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

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

16          (3) DISTRIBUTION.—The amounts distributed  
17          under paragraphs (1) and (2) shall be distributed so  
18          that each State receives an amount equal to the pro-  
19          portion that—

20                (A) the amount apportioned to the State  
21                for the applicable fiscal year under section  
22                104(c) or section 165 of title 23, United States  
23                Code; bears to

1 (B) the total amount apportioned to all  
2 States for that fiscal year under section 104(c)  
3 and section 165 of that title.

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

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

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

10 (c) TREATMENT.—The amounts described in sub-  
11 section (b) shall—

12 (1) be subject to any obligation limitation for  
13 Federal-aid highway and highway safety construc-  
14 tion programs;

15 (2) remain available until the date the funds  
16 would have remained available under the program;  
17 and

18 (3) be in addition to any other funding appor-  
19 tioned to States under section 104(c) or section 165  
20 of title 23, United States Code.

21 (d) REQUIREMENTS.—Amounts described in sub-  
22 section (b) shall be—

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



1           (2) subject to the requirements of section  
2       11101(e) of the Infrastructure Investment and Jobs  
3       Act (23 U.S.C. 101 note; Public Law 117–58); and  
4           (3) subject to section 120 of title 23, United  
5       States Code.