

CLIENT ALERT

Congress Passes \$1 Trillion Bipartisan Infrastructure Bill: What is In It?

November 8, 2021

Late in the evening on Friday, November 5, 2021, the U.S. House of Representatives passed the \$1 trillion Bipartisan Infrastructure Bill (BIB), reauthorizing various surface transportation programs, paving the way for \$550 billion in new infrastructure spending over five years, and paying a significant down payment towards the President's goal of transitioning the transportation sector away from fossil fuels. The legislation passed the U.S. Senate on August 10, 2021, and now awaits the President's signature.

The law will provide federal money for several categories of infrastructure including (a) roads, bridges and tunnels; (b) power infrastructure and clean energy transmission; (c) electric vehicle (EV) charging stations and electrification of vehicles; (d) rail, freight, ports, public transit, and airports; (e) expansion of broadband; (f) clean drinking water and wastewater facilities; and (g) other U.S. infrastructure and economic development programs.

The law also establishes ambitious deadlines, many coming in less than one year of enactment, for the U.S. Department of Transportation, U.S. Department of Commerce, U.S. Department of Energy, and other federal agencies to develop new grant programs, issue standards, and announce notices of funding availability. This alert provides an overall summary of the legislation, and in-depth analysis of specific funding provisions and forthcoming programs.

Surface Transportation Program Reauthorization:

The U.S. Department of Transportation administers multiple highway, motor vehicle, rail, and transit programs under the umbrella of its surface transportation program (STP). Congress most recently reauthorized the surface transportation program for five years under the Fixing America's Surface Transportation Act (the FAST Act), which expired on September 30, 2020. The FAST Act had been reauthorized on a short-term basis several times since then, and prior to passage of the BIB, the current authorization for the surface transportation program was set to expire on December 2, 2021.

Roads and Bridges: The BIB, in addition to reauthorizing the surface transportation program for another five years, provides significant additional funding from the Highway Trust Fund (HTF) for current federal aid highways and road safety. It provides \$297.9 billion in funding for existing and new federal aid programs through 2026 which is \$68.5 billion more than the current baseline for these programs. It establishes two new programs for creating formulas for apportionment of funds to states – one provides states with funding to address transportation infrastructure resiliency and the other gives state funds for projects that decrease carbon dioxide emissions from on-road highway sources. The bill addresses funding shortages in the STP by transferring \$118 billion from the U.S. Treasury general fund to the Highway Trust Fund, including transferring \$28 billion into the HTF mass transit account and \$90 billion into the HTF highway account.

The BIB also provides another \$54.6 billion in emergency funding over five years for various highway infrastructure and other programs including (1) \$36.7 billion for bridge repair and replacement grants (which when combined with a new trust fund-

financed program would provide a total of \$40 billion for bridges); (2) \$5 billion for the new Safe Streets and Roads for All grant program; (3) \$5 billion for a national electric vehicle charging program; and (4) \$3.2 billion for Nationally Significant Freight Projects. The bill includes provisions to expedite the environmental review and permitting process for infrastructure projects, and to promote public-private partnerships in infrastructure investment.

Highway and Vehicle Safety: The bill also provides \$8.4 billion over five years for National Highway Traffic Safety Administration (NHTSA) programs and \$5.1 billion for the Federal Motor Carrier program. The bill provides \$69.9 billion in contract authority from the Mass Transit account of the Highway Trust Fund for transit programs administered by the Federal Transit Administration (FTA), including a \$19.2 billion increase over baseline levels according to the Congressional Budget Office. The bill also requires NHTSA to take actions on several safety requirements, including a rule to require the installation of automatic shutoff switches in vehicles, headlamps, and crash-avoidance technologies.

Public Transit: The bill separately appropriates \$20 billion in one-time emergency funding for various public transit programs (excluding ferry service programs), including \$8 billion for transit capital investment grants, \$5.25 billion for low- and no-emission buses, \$4.75 billion for replacing fixed guideway transit vehicles, and \$1.75 billion to make systems accessible to persons with disabilities. The law also provides separate pockets of money for transportation infrastructure projects on federal and tribal lands.

Rail: The BIB provides new funding for one of President Biden's favorite programs, Amtrak. There has been a need to replace old rail assets and catch up on maintenance at Amtrak for many years. Thus, the law provides \$22 billion in emergency appropriations for Amtrak for the next five years for capital projects, including \$16 billion for Amtrak nationally and \$6 billion for the Amtrak Northeast Corridor between Washington, DC, New York and Boston. The funding is primarily intended for use on capital projects that will help eliminate the backlog of Amtrak's obsolete assets and deferred maintenance. The BIB appropriates \$36 billion for the next five years for a new grant program to support the development of new intercity passenger rail routes, of which up to \$24 billion could be used for Northeast Corridor projects to reduce the state of good repair backlog and improve intercity passenger rail performance.

Multi-Modal and Freight: The BIB specifically provides (1) \$13.5 billion over five years in emergency funds for different multi-modal forms of infrastructure; (2) \$7.5 billion for local and regional rail projects; (3) \$5 billion for existing federal grant programs known as RAISE grants; (4) \$5 billion for existing federal grant programs known as Consolidated Rail Infrastructure & Safety grants; and (5) \$3 billion for Federal Railroad Administration (FRA) grants to create new safety protections at high risk railroad crossings.

Aviation: The BIB provides \$25 billion for new investments in aviation infrastructure grants.

Ports: The BIB provides \$2.25 Billion for port infrastructure developments.

The Funding Flow: The bill provides most of the surface transportation funding through existing federal grant programs run through the U.S. Department of Transportation and some new programs established under the law. The law specifically identifies funding going to the Federal-Aid Highway Program and includes within this section the National Highway Performance Program, the Surface Transportation Block Grant Program, the Highway Safety Improvement Program, the Congestion

Mitigation and Air Quality Improvement Program, the National Highway Freight Program, the Carbon Reduction Program, and the PROTECT Program. The law likewise identifies funding going to the Transportation Infrastructure Finance and Innovation Program with subsection allocations to the Tribal Transportation Program and the Federal Lands Transportation Program. Also included in the bill are the Federal Lands Access Program, the Territorial and Puerto Rico Highway Program, the Nationally Significant Freight and Highway Projects, the Bridge Investment Program, the Congestion Relief Program, the Charging and Fueling Infrastructure Grants, the Rural Surface Transportation Program, and the PROTECT grant program. There is also separate funding for Charging and Fueling Infrastructure Grants. The majority of these funds will flow through these federal programs to states with contracts and grants being awarded by primarily state, tribal, and local or regional governmental entities and with some direct federal funding and private-public projects also being available.

Power Generation, Transmission and Efficiency

Grid Infrastructure: The BIB appropriates a total of \$15.7 billion for electric grid infrastructure, including \$6 billion to help utilities harden their infrastructure to better withstand extreme weather, wildfires, other natural disasters, and cybersecurity threats, with \$5 billion of that total set aside for a new grant program available to states, tribes, and electric utilities, and the other \$1 billion provided specifically to rural areas for those purposes. It also includes \$3 billion for the existing Smart Grid Investment Matching Grant Program at the U.S. Department of Energy. The program provides as much as a 50 percent match for technology investments in digital monitoring, control, and communications to optimize electricity flow and improve response times during periods of rapidly changing supply or demand. Additionally, the bill creates a new federal transmission facilitation program to finance projects to construct new transmission lines, upgrade existing lines, and increase connectivity between smaller grids and existing national infrastructure.

Utility Rate Reforms and Incentives: Pursuant to the Public Utility Regulatory Policies Act (PURPA), the law directs states with ratemaking authority and unregulated utilities to consider measures to promote greater electrification of the transportation sector. The law requires states with ratemaking authority and nonregulated utilities to begin a review under section 111 of PURPA within 1 year and to complete the process within 2 years concerning the establishment of rate policies to promote affordable and equitable EV charging options for residential, commercial and public electric vehicle charging infrastructure, to improve customer experience around electric vehicle charging (including reducing charging times), and to accelerate third-party investment in delivering electricity to electric vehicles.

Wind and Solar: The BIB's relatively modest amount of specific wind and solar investments are focused largely on large-scale storage infrastructure and technology. For example, it appropriates \$355 million through FY 2025 for an existing U.S. Department of Energy grant program to fund demonstration projects for commercial-scale storage and another \$150 million for long-duration storage systems. It also provides additional appropriations through FY 2025 for existing energy research & development programs, including an additional \$100 million for wind and \$80 million for solar. It also requires the U.S. Energy Department to report on the viability of siting solar projects on active and inactive mining lands, including reporting on the infrastructure required and the local job impacts.

Nuclear: The BIB appropriates \$8.5 billion for the research, development, and construction of advanced nuclear reactor technology. This includes \$6 billion to create a Civil Nuclear Credit Program to provide tax credits to subsidize older nuclear facilities that are at risk of closure due to increased operating costs and \$2.5 billion for the existing Advanced Reactor

Demonstration Program to fund advanced nuclear reactor projects, including micro-reactors and small modular reactors.

Hydropower: The legislation creates a new \$554 million incentive payment program for capital improvements to hydropower facilities, including grid resiliency, dam safety, and environmental performance, plus an additional \$75 million for existing efficiency improvement payments and \$125 million for existing production incentive payments. It also provides \$10 million for a new pumped-storage demonstration project that utilizes renewable energy sources (such as wind or solar) to pump water uphill during non-peak hours into reservoirs that would be available for additional hydroelectric generation during periods of high demand. The legislation authorizes \$1 billion for electricity transmission infrastructure along the Columbia River, linking the western U.S. and Canada. Because funding would only be available after a renegotiation of the Columbia River Treaty between the U.S. and Canada, the legislation does not appropriate any funds for this purpose. It also increases the Bonneville Power Administration's borrowing authority by \$10 billion for the construction, acquisition, and replacement of equipment along the Columbia River.

Energy efficiency: The legislation appropriates \$7 billion over five years for various programs to increase energy efficiency. Of that total, \$3.5 billion is set aside for the Weatherization Assistance Program that helps low-income households with energy efficiency home improvements. It also provides additional funding to various assistance programs available to state and local governments, school and non-profit organizations, and the Low-Income Energy Assistance Program (LIHEAP) to help low-income households pay for high energy costs. It also creates a new \$225 million Energy Department grant program to assist local building code agencies, design and construction professionals, and other groups in updating building energy codes.

Electrification of Transportation Sector

Electric Vehicle Charging Infrastructure: The law directs the Secretary of Transportation to establish a grant program within one year of enactment to finance the deployment of publicly accessible electric vehicle charging, hydrogen, propane, and natural gas fueling infrastructure along designated Alternative Fuel Corridors, which were initially designated as part of a pilot program established under the FAST Act and which are to be expanded nationally under this law. The law also reserves 50 percent of funds for community grants with a priority on building charging infrastructure in rural areas or low- and moderate-income neighborhoods, and communities with low ratios of parking spaces to households or high ratios of multi-unit houses to single family households. Under the bill, federal funds may be used to provide only "non-proprietary charging connectors" and "open access to payment methods that are available to all members of the public" to provide the greatest access and interoperability possible, rather than on proprietary technology that is limited to specific vehicles or payment platforms. The bill's appropriation section also directs the U.S. Secretary of Transportation to develop within 180 days of enactment minimum standards and requirements related to the "installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure," "the interoperability of electric vehicle charging infrastructure," and "network connectivity of electric vehicle charging infrastructure" among other requirements. While the bill does not specify how these standards are to be developed, the timeline and scope are ambitious and could impact a broad range of stakeholders.

Per-Mile User Fee Pilot: While the law extends the fees that finance the Highway Trust Fund (HTF), it does not increase the fuel taxes, which have remained the same since 1993. As an alternative, the law establishes an advisory board and pilot program to study the design, implementation, and financial stability of using a per-mile user fee to fund the HTF as an alternative to the current fuel taxes. Participation in the pilot program would be voluntary, include participants from all 50 states, the District of

Columbia and the Commonwealth of Puerto Rico, and examine the use of third-party on-board diagnostic devices, smart phone applications, telemetric data from automakers, and other alternatives for tracking miles driven.

Electric Buses: The law directs the EPA Administrator to establish a competitive grant program for the replacement of existing school buses with clean and zero-emission school buses, as well as for rebates for the replacement of existing school buses with clean and zero-emission school buses, with the requirement that at least 50 percent of the funds made available go toward replacing existing school buses with zero-emission buses. The law authorizes \$500 million for each of FY 2022 through FY 2026 for the adoption of clean and zero-emission school buses and \$500 million through the same period for the adoption of exclusively zero-emission school buses. Additionally, this section directs the EPA Administrator to develop an education and outreach program to promote and explain the award program, which must be completed and released no later than 120 days post-enactment.

Electric Ferries: The law authorizes \$50 million to be appropriated to the Secretary of Transportation for each of the fiscal years 2022 through 2026 to carry out a pilot program providing grants for the purchase of electric or low-emitting ferries, as well as for the electrification of or other reduction of emissions from existing ferries. It directs the Secretary of Transportation to include at least one grant for a ferry service serving the state with the largest number of Marine Highway Systems miles, and at least one grant for a bi-state ferry service with both “an aging fleet” and whose development of zero and low-emission ferries will “advance the state of technology toward increasing the range and capacity of zero emission power source ferries.” Separately, the law authorizes \$200 million to be appropriated to the Secretary of Transportation for each of the fiscal years 2022-2026 for the implementation of a program ensuring that basic essential ferry service is provided to rural areas by providing funds to States.

EV Supply Chain and Batteries: The BIB authorizes the U.S. Secretary of the Interior and the Secretary of Agriculture to complete existing federal permitting and review processes with respect to critical mineral production on federal land and to submit a report to Congress within one year of enactment that identifies additional measures that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals, identifies options for ensuring adequate staffing and training of personnel responsible for carrying out the aforementioned permitting processes, and quantifies the period of time typically required to complete each step in the permitting and review processes.

The BIB also authorizes \$3 billion to be appropriated to the U.S. Secretary of Energy for the period of FY 2022-2026 for the implementation of a Battery Material Processing Grant Program to carry out demonstration projects for the processing of battery materials in the U.S., to construct new commercial-scale battery material processing facilities in the U.S., or to retool, retrofit, or expand existing battery material processing facilities located in the U.S. The law directs the Secretary to establish the program within 180 days of enactment. The law also authorizes \$750 million to be appropriated over five years to establish a program awarding grants to eligible entities to carry out advanced energy projects, with prioritization going to projects that provide a higher net impact in avoiding or reducing greenhouse gas emissions, result in higher domestic job creation, or result in a higher level of job creation in the vicinity of the project, particularly with respect to low-income areas, dislocated workers previously employed in coal power plants, coal mining, or manufacturing, or have higher potential for technological innovation and commercial deployment.

Project Delivery and Financing

One Federal Decision: The law builds on the FAST Act’s efficient environmental review provisions by codifying the “One Federal Decision” concept to guide the federal decision-making and environmental review process for major infrastructure projects. The concept was originally outlined in Executive Order 13807, issued by President Trump on August 24, 2017, but was revoked by President Biden in Executive Order 13990. Under the bill’s One Federal Decision provision, the U.S. Department of Transportation and state transportation agency, if applicable, are responsible for establishing key milestones for the environmental review and authorization decisions for major infrastructure projects; environmental impact statements generally limited to 200 pages or fewer; and project authorizations issued within 90 days of a record of decision being issued.

Alternative Contracting Methods: The law allows the U.S. Secretary of Transportation, on behalf of a federal land management agency or a tribal government, to use alternative contracting methods available to a state, notwithstanding the Federal Acquisition Regulations (FAR), including project bundling, design-build contracting, and long-term concession agreements.

Public-Private Partnerships: For public-private partnerships, the law requires the sponsor of a transportation project (which is carried out using federal financial assistance in whole or in part and has an estimated total cost of \$100 million) to prepare a detailed value for money analysis or similar comparative analysis pursuant to the project approval and oversight requirements at 23 U.S.C. 106(h)(3). For a public agency entering a public-private partnership, the law requires the agency to conduct a value for money analysis for projects with a total cost of more than \$750 million. The analysis must include a lifecycle cost and delivery schedule for the project, a comparison of the costs of using public versus private financing, costs and benefits of the allocation of risk, and a forecast of any user fees or revenues. The law also requires the U.S. Secretary of Transportation to require the public partner to conduct a review of the project and to certify whether the private partner is meeting the terms of the agreement. The law also requires public agencies that enter

Asset Concessions: The law amends Title 23 of the U.S. Code to add a section on asset concessions and innovative finance assistance to prohibit an eligible entity and concessionaire from shifting the costs of the agreement or lease, such as through taxes, user fees, and tolls, to any taxpayer with an annual household income of less than \$400,000 per year.

Buy America: The law includes multiple provisions generally requiring agency heads to ensure that all iron and steel, manufactured products, and construction materials used in a project that receives federal financial assistance be produced in the United States; the law does provide for waivers of domestic content procurement preferences in certain situations. The law also requires the Office of Management and Budget (OMB) to promulgate regulations no later than one year after enactment to standardize and simplify how federal agencies comply with, report on, and enforce the Buy American Act. The law also requires OMB to establish a Made in America Office to maximize and enforce compliance with domestic content preferences, to review reciprocal defense agreements, and to ensure federal procurement officials are adequately trained on the issue. The law also requires the General Service Administration (GSA) to establish a BuyAmerican.gov website to publish information about Buy American requirements and waivers.

Environmental Protection

Water Infrastructure: The legislation authorizes \$14.65 billion in funding for the Drinking Water State Revolving Loan Fund and another \$14.65 billion for the Clean Water State Revolving Loan Fund; however, the amount actually appropriated in the legislation is \$11.7 billion for each. The bill also states that 49 percent of these funds are to be made available for loans with 100 percent cost forgiveness. The legislation also provides \$15 billion for replacement of lead service lines and another \$10 billion to address emerging contaminants such as PFAS.

Western Water: The bill appropriates \$1.15 billion over five years to the Bureau of Reclamation for water storage, groundwater storage, and conveyance projects; \$3.2 billion for major rehabilitation and placement activities; \$1 billion for rural water projects; and \$1 billion for water recycling and reuse projects. The bill also provides \$250 million for water desalination projects; \$500 million for dam safety projects; and \$400 million for WaterSMART grants.

Superfund & Brownfields: The bill provides \$3.5 billion for the Superfund program and another \$1.5 billion over five years in funding for cleanup and other activities related to brownfields.

Wildlife Protection: The bill establishes a pilot program under the U.S. Department of Transportation to award grants to reduce the number of wildlife-vehicle collisions and to improve habitat connectivity; the wildlife crossings program is authorized to received up to \$350 million in appropriations over five years.

Recycling: The bill directs the EPA to develop best practices and labeling guidelines for battery recycling and authorizes \$25 million in funding over five years to support these activities. The bill also authorizes \$15 million in funding over five years to support efforts by the EPA to develop a model recycling tool kit, to improve public awareness of recycling programs, and to update federal recycled content purchasing requirements every five years.

Abandoned Mine Reclamation: The bill directs the U.S. Secretary of the Interior to establish within 90 days a program to inventory, assess, decommission, reclaim, respond to releases of hazardous substances, and remediate abandoned hardrock mine land. The program is authorized at \$3 billion, half of which is to be reserved for states and Indian tribes and half for eligible activities on federal land. The bill also appropriates \$11.3 billion to the Abandoned Mine Reclamation Fund established under the Surface Mining Control and Reclamation Act.

Plugging Orphaned Wells: The bill directs the U.S. Secretary of the Interior to establish a program within 60 days of enactment to plug, remediate, and reclaim orphaned wells on federal land. The bill appropriates \$4.68 billion over five years for this program.

Technology

Broadband: The bill directs the U.S. Department of Commerce to establish within 180 days of enactment a Broadband Equity, Access, and Deployment Program to provide grants for the buildout of broadband in rural areas and other unserved areas. The bill authorizes \$42.4 billion for the program and initially allocates \$100 million to each state and \$100 million combined to be allocated equally among the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The remaining amount is to be allocated based on a formula that considers total number of underserved locations in an

area compared to that of the entire United States. The Department of Commerce is directed to issue a notice of funding opportunity within 180 days of enactment. The law also provides \$2 billion for the Broadband Connectivity Fund for the Tribal Broadband Connectivity Program; \$2.75 billion for digital equity grants; and \$1 billion for grants to support “middle mile deployment” of broadband.

Cybersecurity: The bill includes multiple provisions intended to bolster preparation against and reporting of cybersecurity incidents affecting different classes of infrastructure assets. For example, the law directs the Administrator of the Federal Highway Administration (FHWA), in consultation with the Transportation Security Administration (TSA) and the Cybersecurity and Infrastructure Security Agency (CISA), to develop a tool within two years of the date of enactment to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering cybersecurity incidents. In another example, the bill amends the Safe Drinking Water Act to require the EPA Administrator to develop a framework within 180 days of enactment to prioritize which public drinking water systems would have significant impacts on health and public safety if they were degraded or rendered inoperable by a cybersecurity incident. The EPA Administrator is further directed to develop within 270 days a Technical Cybersecurity Support Plan to provide voluntary support to public drinking water systems. The bill also directs the U.S. Secretary of Energy to carry out a public-private partnership program with the electric utility industry and electric reliability organizations to assist with cyber threat assessments, training, data collection, and sharing of best practices. The bill also directs the Federal Energy Regulatory Commission (FERC) to complete a study within 180 days of enactment that identifies incentive-based rate treatments for the transmission and sale of electricity that could be used to encourage investments in advanced cybersecurity technology and threat information sharing.

Spectrum Auctions: The bill directs OMB to transfer \$50 million from the Spectrum Relocation Fund to the Department of Defense for the purpose of conducting research and development, engineering studies, and economic analysis to improve the efficiency and effectiveness of DOD’s use of spectrum in order to make available part of the spectrum for other federal or commercial licensed uses and auction. A report of this review is due to the U.S. Secretary of Commerce and U.S. Secretary of Defense no later than 21 months after enactment, and the Federal Communications Commission is directed to begin a process for competitive bidding of licenses for the reallocated spectrum no earlier than November 30, 2024.

Research and Development

Carbon Capture and Removal: The law directs the U.S. Secretary of Energy to develop a program within one year of enactment to provide grants to states, local governments, or public utilities or agencies to procure products that capture manmade carbon oxides and that reduce lifecycle greenhouse gas emissions compared to other technologies or products; the program is authorized to receive \$310 billion in appropriations over five years. The law also establishes the Carbon Dioxide Transportation Infrastructure Finance and Innovation Fund, similar to the existing TIFIA and WIFIA programs, to provide federally backed credit assistance for the development and construction of large-capacity common carrier infrastructure that has already been demonstrated to capture carbon dioxide from manmade sources or the ambient air and that are sited nearby existing pipeline infrastructure; the program is authorized to receive \$2.1 billion in appropriations over five years. The law also establishes a program to help develop four regional direct air capture hubs that have the capacity to capture and sequester, utilize, or sequester and utilize at least one million metric tons of carbon dioxide from the atmosphere and demonstrates the processing, delivery or end-use of captured carbon. The Secretary of Energy is directed to solicit applications for funding of these projects within 180 days of enactment; the regional hub program is authorized to receive \$3.5 billion in appropriations over five years.

Hydrogen Fuels: The law amends the Energy Policy Act of 2005 to clarify that the hydrogen fuel programs are intended for “clean hydrogen” research, development and use. The law also authorizes \$8 billion over five years for a clean hydrogen regional hub program, similar to the one established for carbon capture, to demonstrate the end use of clean hydrogen in the electric power, industrial, residential and transportation sectors. The U.S. Secretary of Energy is directed to solicit applications for the program within 180 days of enactment. The law also directs the U.S. Secretary of Energy to develop a national strategy and roadmap for transitioning energy production to clean hydrogen sources and to report to Congress on the strategy within three years of enactment. The law directs the U.S. Secretary of Energy to establish a research, development, demonstration, commercialization, and deployment program concerning the production of clean hydrogen through electrolysis and authorizes and appropriates \$1 billion over five years for the effort.

Minority Businesses

Minority Business Development: Although the Minority Business Development Agency (MBDA) has existed for decades as part of the U.S. Department of Commerce, the BIB formally authorizes the program under the direction of a new undersecretary leadership position. It likewise codifies existing programs pursued by the MBDA including the Business Center Program, established to provide technical assistance to minority-owned businesses, and Rural Business Centers that provide similar services to underserved rural areas. The law also establishes new MBDA programs including new grant initiatives to support nonprofits that support minority-owned businesses. It also establishes new initiatives that require the MBDA to report to Congress on financing alternatives for minority-owned businesses that have limited access to capital. The agency is likewise instructed to report to Congress on minority business driven solutions to address gaps in the domestic supply chain with a particular focus on essential goods and services.

Revenue Provisions

Chemical Superfund Excise Tax: The BIB reimposes the chemical superfund excise tax from July 1, 2022 to December 31, 2031 and reestablishes a per-ton tax on the sale of certain chemicals. *Estimated Revenues: \$14.45 billion over 10 years.*

Cryptocurrency Regulation: The bill imposes reporting requirements on individuals and firms that operate as asset brokers for cryptocurrencies beginning in the 2023 tax year. *Estimated Revenues: \$28 billion over 10 years.*

Delay Elimination of Drug Anti-Kickback Protections: The bill delays a proposed rule that would eliminate protections for federal anti-kickback laws currently extended to pharmacy benefit managers (PBMs) for rebates under Medicare Part D. *Estimated Savings: \$50.8 billion over 10 years.*

Single-Dose Part B Drug Rebates: The bill requires certain Medicare Part B drug manufacturers to provide the U.S. Department of Health and Human Services with a quarterly rebate. *Estimated Savings: \$3.2 billion over 10 years.*

Government Sponsored Enterprise (GSE) Fees: The bill extends a 0.1 percent increase to the fee charged by Fannie Mae and Freddie Mac for mortgage-back securities through 2031. *Estimated Savings: \$21 billion over 10 years.*

Budget Control Act Sequester: The bill extends automatic annual sequestration established by the 2011 Budget Control Act of

mandatory spending programs including Medicare through 2031. *Estimated Savings: \$20.1 billion over 10 years.*

COVID-19 Aid Rescissions: The bill rescinds unused COVID-19 relief funds initially allocated for the Small Business Administration's Disaster Loans Program, economic stabilization programs, aviation workers relief, and education stabilization programs. *Estimated Savings: \$13.4 billion.*

Terminate Employee Retention Tax Credit: The bill ends a COVID-era tax credit designed to encourage business to maintain payroll and employer-sponsored health insurance throughout the pandemic. *Estimated Savings: \$8.2 billion.*

Spectrum Auctions: The bill extends the Federal Communications Commission's authority to auction electromagnetic spectrum licenses beginning in 2024. *Estimated Savings: \$10.2 billion over 10 years.*

Interest Rate Smoothing: The bill maintains the current 10 percent range of employer contribution amounts to retirement plans including pensions through 2030 rather than 2025. *Estimated Revenue: \$2.9 billion over 10 years.*

Strategic Petroleum Reserve & Customs User Fees: The bill authorizes the sale of about 88 million barrels of crude oil between 2028 and 2031 and extends customs user fees for one year. *Estimated Savings: \$12.3 billion.*

Conclusion

The Bipartisan Infrastructure Bill (BIB), passed by the U.S. Congress and awaiting President Biden's signature in a signing ceremony shortly, at more than 2,700 pages and \$1 trillion in total funding authorizations, provides significant funding for infrastructure reform projects across a broad number of sectors. With the BIB's passage, the transportation sector and economy as a whole can expect to experience accelerated transformational change as a result of the various funding and regulatory programs that will support the electrification of vehicles and the move away from fossil fuels. The bill also seeks to bolster domestic manufacturing through Buy American provisions and support for nascent industries related to the clean energy economy. The funding from the BIB will take months to years to reach actual infrastructure projects, but federal agencies will begin taking action immediately after the law is signed by President Biden and the coming months will see a flurry of announcements for new grant programs, contracts, and regulations.

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