The New Age of American Infrastructure

April 1, 2021

Kathryn Kusske Floyd

Partner | +1 202.344.4696 | KKFloyd@Venable.com

The Honorable James Burnley IV

Partner | +1 202.344.4054 | JBurnley@venable.com

Yardly M. Pollas-Kimble

Partner | +1 202.344.4719 | YMPollas-Kimble@Venable.com

James D. Reilly

Senior Policy Advisor | +1 202.344.4681 | JDReilly@Venable.com

Fred R. Wagner

Partner | +1 202.344.4032 | FRWagner@Venable.com





Major Goals of the Infrastructure Package

- Address aging infrastructure; (C- overall grade from the American Society of Civil Engineers)
- Stimulate and revive the economy harmed by Covid-19
- Decarbonize the economy away from fossil fuels and toward clean energy
- Promote equity, justice and inclusion



Scope of the Infrastructure Package (big, bold and transformational) – Y. Pollas

- Infrastructure package is ambitious in scope. Package will be divided into two parts which include physical capital infrastructure and human capital infrastructure.
- Physical Capital infrastructure systems and facilities provisions
 - Surface transportation roads, bridges, railways
 - Wastewater, Drinking and wastewater systems & Water system security and resilience,
 - Broadband Infrastructure, Municipal Broadband, Public Safety Next Gen 9-1-1
 - Grid modernization and resiliency,
 - Electric vehicle charging station
 - Transportation Electrification (port electrification and decarbonization)
 - Clean energy
 - Health Care modernization (Public Health, Hospital & Community Health Care Center infrastructure funding)
 - School modernization (average public school is 44 years old)
 - Equity and justice



Scope of the Infrastructure Package (big, bold and transformational) – Y. Pollas

Human capital Infrastructure provisions

- Workforce and Apprentice training
- Free community college
- Universal pre-kindergarten
- Paid family leave
- ACA subsidies



What is the Process for Producing Infrastructure Legislation? – J. Reilly

Congressional Committees + Congressional Leadership + White House

House of Representatives

- Transportation and Infrastructure: Surface transportation infrastructure, public transit
 - Chair: Peter DeFazio (Oregon) RM: Sam Graves (Missouri)
- Energy and Commerce: *Transportation and energy policy*
 - Chair: Frank Pallone (New Jersey) RM: Cathy McMorris Rodgers (Washington)
- Ways and Means: Revenues. Highway Trust Fund
 - Chair: Richard Neal (Massachusetts) RM: Kevin Brady (Texas)



What is the Process for Producing Infrastructure Legislation? (cont'd) – J. Reilly

Senate

- Environment and Public Works: Surface transportation infrastructure
 - Tom Carper (Delaware) RM: Shelley Moore Capito (West Virginia)
- Commerce, Science and Transportation: *Transportation policy and regulation*
 - Maria Cantwell (Washington) RM: Roger Wicker (Mississippi)
- Banking, Housing and Urban Affairs: *Public transit*
 - Sherrod Brown (Ohio) RM: Pat Toomey (Pennsylvania)
- Finance: Revenues/Highway Trust Fund
 - Ron Wyden (Oregon) RM: Mike Crapo (Idaho)
- Other committees possible depending on scope



What is the Timing for Producing Infrastructure Legislation? – J. Reilly

Timing (Current law expires Sept 30, 2021)

- White House issuing proposals now
- Congressional committee hearings underway
 - House T&I spring hearings, Senate EPW targeting Memorial Day
 - Other committees TBA
- Floor debates Summer/Fall
- Budget Reconciliation(s)
- Conference and pre-conference
- Final passage and bill signing TBD



Biden Administration Policy Priorities for Infrastructure Plan – F. Wagner

- Climate and GHG Emissions
- Equity and Civil Rights
- COVID-19 Recovery
- Economic Recovery/ Labor



10 Options to Secure the Highway Trust Fund: Revenue Options – J. Burnley

Policy	10- Year Savings	Percentage of 10-Year Shortfall
Increase gas and diesel taxes by 10 cents	\$140 billion	75%
Impose 1 cent per mile Vehicle Miles Traveled Tax on all Vehicles	\$150 billion	80%
Impose 5 cent per mile Vehicle Miles Traveled Tax on commercial trucks, only	\$160 billion	80%
Impose \$5 per barrel tax on oil	\$160 billion	80%
Impose \$25 per ton carbon tax in place of the gas tax	\$700 billion	360%

Attribution: Committee for a Responsible Federal Budget and Congressional Budget Office



10 Options to Secure the Highway Trust Fund: Spending Options – J. Burnley

Policy	10- Year Savings	Percentage of 10-Year Shortfall
Freeze Highway Spending for Five Years	\$60 billion	30%
Replace Surface Transportation Block Grants with Matching Grants'	\$70 billion	35%
Cut Federal Transit Spending in Half	\$60 billion	30%
Reduce Federal Share of National Highway Performance Program by 15%	\$50 billion	25%
Repeal Davis-Bacon Act	\$20 billion	10%

Attribution: Committee for a Responsible Federal Budget and Congressional Budget Office



Questions?



Kathryn Kusske Floyd Partner +1 202.344.4696 KKFloyd@Venable.com



Burnley IV
Partner
+1 202.344.4054
JBurnley@venable.com



Yardly M. Pollas-Kimble
Partner
+1 202.344.4719
YMPollas-Kimble@Venable.com



James D. Reilly
Senior Policy Advisor
+1 202.344.4681
JDReilly@Venable.com



Fred R. Wagner
Partner
+1 202.344.4032
FRWagner@Venable.com



© 2021 Venable LLP.

This document is published by the law firm Venable LLP. It is not intended to provide legal advice or opinion. Such advice may only be given when related to specific fact situations that Venable has accepted an engagement as counsel to address.

