

- (A) the projected cash flow from project revenues and other repayment sources; and
- (B) the useful life of the project.

(2) Commencement

Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(3) Deferred payments

(A) In general

If, at any time after the date of substantial completion of a project, the project is unable to generate sufficient revenues in excess of reasonable and necessary operating expenses to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) Interest

Any payment deferred under subparagraph (A) shall—

- (i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and
- (ii) be scheduled to be amortized over the remaining term of the loan.

(C) Criteria

(i) In general

Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

(ii) Repayment standards

The criteria established pursuant to clause (i) shall include standards for the reasonable prospect of repayment.

(4) Prepayment

(A) Use of excess revenues

Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan, without penalty.

(B) Use of proceeds of refinancing

A secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) Sale of secured loans

(1) In general

Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

(2) Consent of obligor

In making a sale or reoffering under paragraph (1), the Secretary may not change any

original term or condition of the secured loan without the written consent of the obligor.

(e) Loan guarantees

(1) In general

The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan under this section if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as, or less than, that of a secured loan.

(2) Terms

The terms of a loan guarantee under paragraph (1) shall be consistent with the terms required under this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

(Pub. L. 109–58, title IX, §999C, as added Pub. L. 117–58, div. D, title III, §40304(a), Nov. 15, 2021, 135 Stat. 995.)

Editorial Notes

PRIOR PROVISIONS

A prior section 16373, Pub. L. 109–58, title IX, §999C, Aug. 8, 2005, 119 Stat. 921, related to additional requirements for awards, prior to repeal by Pub. L. 113–67, div. A, title III, §301(a), Dec. 26, 2013, 127 Stat. 1181.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

§ 16374. Future growth grants

(a) Establishment

The Secretary may provide grants to pay a portion of the cost differential, with respect to any projected future increase in demand for carbon dioxide transportation by an infrastructure project described in subsection (b), between—

- (1) the cost of constructing the infrastructure asset with the capacity to transport an increased flow rate of carbon dioxide, as made practicable under the project; and
- (2) the cost of constructing the infrastructure asset with the capacity to transport carbon dioxide at the flow rate initially required, based on commitments for the use of the asset.

(b) Eligibility

To be eligible to receive a grant under this section, an entity shall—

- (1) be eligible to receive credit assistance under the CIFIA program;
- (2) carry out, or propose to carry out, a project for large-capacity, common carrier infrastructure with a probable future increase in demand for carbon dioxide transportation; and
- (3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be appropriate.

(c) Use of funds

A grant provided under this section may be used only to pay the costs of any additional flow rate capacity of a carbon dioxide transportation infrastructure asset that the project sponsor demonstrates to the satisfaction of the Secretary can reasonably be expected to be used during the 20-year period beginning on the date of substantial completion of the project described in subsection (b)(2).

(d) Maximum amount

The amount of a grant provided under this section may not exceed an amount equal to 80 percent of the cost of the additional capacity described in subsection (a).

(Pub. L. 109-58, title IX, §999D, as added Pub. L. 117-58, div. D, title III, §40304(a), Nov. 15, 2021, 135 Stat. 998.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 16374, Pub. L. 109-58, title IX, §999D, Aug. 8, 2005, 119 Stat. 922, related to the Ultra-Deepwater Advisory Committee and Unconventional Resources Technology Advisory Committee, prior to repeal by Pub. L. 113-67, div. A, title III, §301(a), Dec. 26, 2013, 127 Stat. 1181.

Statutory Notes and Related Subsidiaries**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

§ 16375. Program administration**(a) Requirement**

The Secretary shall establish a uniform system to service the Federal credit instruments provided under the CIFIA program.

(b) Fees

If funding sufficient to cover the costs of services of expert firms retained pursuant to subsection (d) and all or a portion of the costs to the Federal Government of servicing the Federal credit instruments is not provided in an appropriations Act for a fiscal year, the Secretary, during that fiscal year, may collect fees on or after the date of the financial close of a Federal credit instrument provided under the CIFIA program at a level that is sufficient to cover those costs.

(c) Servicer**(1) In general**

The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

(2) Duties

A servicer appointed under paragraph (1) shall act as the agent for the Secretary.

(3) Fee

A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary.

(d) Assistance from expert firms

The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

(e) Expedited processing

The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining approval and the issuance of credit assistance under the CIFIA program.

(Pub. L. 109-58, title IX, §999E, as added Pub. L. 117-58, div. D, title III, §40304(a), Nov. 15, 2021, 135 Stat. 999.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 16375, Pub. L. 109-58, title IX, §999E, Aug. 8, 2005, 119 Stat. 923, related to limitations on eligibility for awards, prior to repeal by Pub. L. 113-67, div. A, title III, §301(a), Dec. 26, 2013, 127 Stat. 1181.

Statutory Notes and Related Subsidiaries**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

§ 16376. State and local permits

The provision of credit assistance under the CIFIA program with respect to a project shall not—

- (1) relieve any recipient of the assistance of any project obligation to obtain any required State or local permit or approval with respect to the project;
- (2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or
- (3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

(Pub. L. 109-58, title IX, §999F, as added Pub. L. 117-58, div. D, title III, §40304(a), Nov. 15, 2021, 135 Stat. 999.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 16376, Pub. L. 109-58, title IX, §999F, Aug. 8, 2005, 119 Stat. 923, terminated the authority provided by former part J on Sept. 30, 2014, prior to repeal by Pub. L. 113-67, div. A, title III, §301(a), Dec. 26, 2013, 127 Stat. 1181.

Statutory Notes and Related Subsidiaries**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.