

118TH CONGRESS
1ST SESSION

H. R. 4052

To facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Bank, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2023

Mr. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, Financial Services, Education and the Workforce, Natural Resources, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Bank, 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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the “Na-
5 tional Infrastructure Bank Act of 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Findings.

TITLE I—REVENUE PROVISIONS

- Sec. 101. Treatment of National Infrastructure Bank as a Government corporation exempt from tax.
 Sec. 102. Treatment of contributions to the National Infrastructure Bank as charitable contributions.
 Sec. 103. Preferred dividends of National Infrastructure Bank excludible from gross income.

TITLE II—ESTABLISHMENT OF NATIONAL INFRASTRUCTURE BANK

- Sec. 201. Definitions.
 Sec. 202. Establishment of National Infrastructure Bank.
 Sec. 203. Purposes and authorizations.
 Sec. 204. Formation of regional economic accelerator planning groups.
 Sec. 205. Eligibility criteria for assistance from the bank.
 Sec. 206. Board of Directors.
 Sec. 207. Powers and limitations of the Board.
 Sec. 208. Executive committee.
 Sec. 209. Risk management committee.
 Sec. 210. Audit committee.
 Sec. 211. Personnel.
 Sec. 212. Special Inspector General for the National Infrastructure Bank.
 Sec. 213. Status and applicability of certain Federal and State laws.
 Sec. 214. Exemption from certain laws.
 Sec. 215. Relations with local financial institutions.
 Sec. 216. Audits; reports to President and Congress.
 Sec. 217. Budgetary effects.
 Sec. 218. Authorization of appropriations.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) Throughout our Nation’s history, national
 6 banks have played a crucial role in financing most
 7 of our Nation’s public infrastructure. The largest
 8 banks included: The First (1791–1811) and Second
 9 (1816–1836) Banks of the United States, President
 10 Lincoln’s national banking system, and President

1 Franklin Delano Roosevelt’s Reconstruction Finance
2 Corporation (1932–1957).

3 (2) These national banks were enacted with
4 broad bi-partisan support, and financed the con-
5 struction of: roads, turnpikes, bridges, and canals;
6 the Transcontinental Railroad; the Hoover Dam;
7 rural electrification; manufacturing start-ups; and
8 rail, school, and farm improvements in every corner
9 of our country. Investments created the conditions
10 for improved productivity, economic growth, and job
11 creation; helped lift us out of the Great Depression;
12 and contributed to our victory in World War II.

13 (3) The American Society of Civil Engineers
14 (hereinafter referred to as “ASCE”), in its 2021 Re-
15 port Card and Failure to Act Series, estimates that
16 \$6,109,000,000,000 (expressed in 2019 dollars) is
17 needed over the next ten years (2020–2029) to meet
18 all of our country’s infrastructure needs. Of that
19 amount, \$3,483,000,000,000 is expected to be fi-
20 nanced by: the Federal government through its nor-
21 mal budget appropriations process; and by States,
22 counties, cities, utilities, and port and airport au-
23 thorities through their general revenues, special
24 taxes, user fees, and borrowing. Even with this
25 spending, however, a financing gap of

1 \$2,626,000,000,000 remains. To close this gap, our
2 nation will need to increase investment, by all levels
3 of government, from 2.5 percent to 3.5 percent of
4 GDP by 2025.

5 (4) ASCE further estimates that the added
6 \$2,626,000,000,000 (expressed in 2019 dollars)
7 needed over a ten-year period to bring systems up
8 to a state of good repair is broken out as follows
9 (amounts in parentheses):

10 (A) Roads, bridges, and transit
11 (\$1,035,000,000,000).

12 (B) Drinking water, wastewater, and
13 stormwater systems (\$801,000,000,000).

14 (C) Schools (\$250,000,000,000).

15 (D) Electricity generation, transmission,
16 and distribution (\$197,000,000,000).

17 (E) Aviation (\$111,000,000,000).

18 (F) Dams, levees, inland waterways, and
19 ports (\$109,000,000,000).

20 (G) Passenger rail (\$45,000,000,000).

21 (H) Public parks and recreation
22 (\$78,000,000,000).

23 (5) Expanded investment of at least
24 \$2,374,000,000,000 (expressed in 2019 dollars) is
25 also needed for—

1 (A) new affordable housing
2 (\$720,000,000,000);

3 (B) a 17,000-mile high-speed rail network
4 (\$1,074,000,000,000);

5 (C) affordable and complete broadband ac-
6 cess (\$100,000,000,000);

7 (D) major water supply projects
8 (\$400,000,000,000);

9 (E) a new grid overlay to transport renew-
10 able energy (\$80,000,000,000); and

11 (F) incorporated in each of the categories
12 described in subparagraphs (A) through (E):
13 science and technology drivers; accommodation
14 of population growth; energy savings; and im-
15 provements in rural, urban, and low-income
16 areas that the public and private sectors are not
17 currently serving.

18 (6) Although Federal grant programs, along
19 with matching State and local funding, should con-
20 tinue to play a coordinating role in financing infra-
21 structure in the United States, current and foresee-
22 able demands on existing Federal, State, and local
23 budgets exceed the resources to support these pro-
24 grams by a wide margin. In addition, a sharp bout
25 of inflation in 2021–2022, and postponement of a

1 robust 10-year spending plan to 2024–2033, re-
2 quires a 40-percent increase above real costs to en-
3 sure adequate funding in nominal dollars.

4 (7) The establishment of a United States public
5 deposit money bank would provide direct loans and
6 other financing of up to \$5,000,000,000,000 for
7 qualifying infrastructure projects without requiring
8 additional Federal taxes or deficits. Such funding
9 would be adequate to finance all of the United
10 States’ unfunded infrastructure needs, in all parts of
11 the country, according to well-developed strategic
12 plans. At the same time, it would return the United
13 States to its most recent “golden age” when a Na-
14 tional Infrastructure Bank was in place (1933–
15 1957), during which time total factor productivity
16 advanced by 3.5 percent per year, the economy grew
17 on average 5.5 percent per year, income inequality
18 fell by one-third, and Federal and State tax receipts
19 rose dramatically.

1 **TITLE I—REVENUE PROVISIONS**

2 **SEC. 101. TREATMENT OF NATIONAL INFRASTRUCTURE**

3 **BANK AS A GOVERNMENT CORPORATION EX-**

4 **EMPT FROM TAX.**

5 (a) IN GENERAL.—Section 501(l) of the Internal
6 Revenue Code of 1986 is amended by adding at the end
7 the following new paragraph:

8 “(5) The National Infrastructure Bank estab-
9 lished under title II of the National Infrastructure
10 Bank Act of 2023.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 this section shall apply to taxable years ending after the
13 date of the enactment of this Act.

14 **SEC. 102. TREATMENT OF CONTRIBUTIONS TO THE NA-**

15 **TIONAL INFRASTRUCTURE BANK AS CHARI-**

16 **TABLE CONTRIBUTIONS.**

17 (a) IN GENERAL.—Section 170(c) of the Internal
18 Revenue Code of 1986 is amended by inserting after para-
19 graph (5) the following new paragraph:

20 “(6) The National Infrastructure Bank estab-
21 lished under title II of the National Infrastructure
22 Bank Act of 2023.”.

23 (b) APPLICATION OF PERCENTAGE LIMITATION.—

24 Section 170(b)(1)(A) of such Code is amended by striking
25 “or” at the end of clause (viii), by inserting “or” at the

1 end of clause (ix), and by inserting after clause (ix) the
2 following new clause:

3 “(x) the National Infrastructure Bank
4 referred to in subsection (c)(6),”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to taxable years ending after the
7 date of the enactment of this Act.

8 **SEC. 103. PREFERRED DIVIDENDS OF NATIONAL INFRA-**
9 **STRUCTURE BANK EXCLUDIBLE FROM GROSS**
10 **INCOME.**

11 (a) IN GENERAL.—Part III of subchapter B of chap-
12 ter 1 of the Internal Revenue Code of 1986 is amended
13 by inserting after section 139I the following new section:

14 **“SEC. 139J. PREFERRED DIVIDENDS OF NATIONAL INFRA-**
15 **STRUCTURE BANK.**

16 “Gross income shall not include any amount received
17 as a dividend on preferred stock of the National Infra-
18 structure Bank pursuant to section 203(c) of the National
19 Infrastructure Bank Act of 2023 (as in effect on the date
20 of the enactment of this section).”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 of such part is amended by inserting after the item relat-
23 ing to section 139I the following new item:

“Sec. 139J. Preferred dividends of National Infrastructure Bank.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years ending after the
3 date of the enactment of this Act.

4 **TITLE II—ESTABLISHMENT OF**
5 **NATIONAL INFRASTRUCTURE**
6 **BANK**

7 **SEC. 201. DEFINITIONS.**

8 For purposes of this title, the following definitions
9 apply unless otherwise specified in this title:

10 (1) AFFORDABLE HOUSING.—The term “afford-
11 able housing” means housing that would cost an in-
12 dividual or family no more than one-third of monthly
13 income, and which is available to individuals or fam-
14 ilies earning 40 percent or less than the average me-
15 dian income in their area.

16 (2) BANK.—The term “Bank” means the Na-
17 tional Infrastructure Bank established under section
18 202(a).

19 (3) BLENDED FINANCING.—The term “blended
20 financing” means financing provided through any
21 combination of loans or bond financing, in coopera-
22 tion with private lenders or State revolving funds,
23 that is integrated into a single agreement with a sin-
24 gle set of financial terms.

1 (4) BOARD.—The term “Board” means the Na-
2 tional Infrastructure Bank Board.

3 (5) BOND.—The term “Bond” means any bond
4 issued in accordance with this Act if—

5 (A) the proceeds from the sale of the bond
6 are to be used for expenditures incurred after
7 the date of issuance with respect to any infra-
8 structure project or other purpose, subject to
9 such rules as the Bank may provide;

10 (B) the bond is issued in registered form;

11 (C) the bond has such terms, and carries
12 interest in such an amount, as determined by
13 the Bank; and

14 (D) payments of interest and principal
15 with respect to the bond is the obligation of the
16 Bank, and is backed by the full faith and credit
17 of the United States.

18 (6) CHIEF ASSET AND LIABILITY MANAGEMENT
19 OFFICER.—The term “chief asset and liability man-
20 agement officer” means the chief individual respon-
21 sible for coordinating the management of assets and
22 liabilities of the Bank.

23 (7) CHIEF COMPLIANCE OFFICER.—The terms
24 “chief compliance officer” and “CCO” mean the
25 chief individual responsible for overseeing and man-

1 aging the compliance and regulatory affairs of the
2 Bank.

3 (8) CHIEF EXECUTIVE OFFICER.—The terms
4 “chief executive officer” and “CEO” mean the indi-
5 vidual serving as the executive director of the Bank.

6 (9) CHIEF FINANCIAL OFFICER.—The terms
7 “chief financial officer” and “CFO” mean the chief
8 individual responsible for managing the financial
9 risks, planning, and reporting of the Bank.

10 (10) CHIEF LOAN ORIGINATION OFFICER.—The
11 term “chief loan origination officer” means the chief
12 individual responsible for managing the processing
13 of new loans provided by the Bank.

14 (11) CHIEF OPERATIONS OFFICER.—The terms
15 “chief operations officer” and “COO” mean the
16 chief individual responsible for the retail operations
17 of the Bank and its branches, including its adminis-
18 trative, human resource, and information technology
19 systems.

20 (12) CHIEF RISK OFFICER.—The terms “chief
21 risk officer” and “CRO” mean the chief individual
22 responsible for managing operational and compli-
23 ance-related risks of the Bank.

24 (13) CHIEF TREASURY OFFICER.—The term
25 “chief treasury officer” means the chief individual

1 responsible for managing the Bank’s treasury oper-
2 ations.

3 (14) COMMUNITY DEVELOPMENT INFRASTRUC-
4 TURE PROJECT.—The term “community develop-
5 ment infrastructure project” means any project for
6 the development of affordable housing, transpor-
7 tation, water infrastructure, schools, affordable
8 broadband, public parks and recreation, libraries, or
9 public facilities that train workers and build labor
10 skills.

11 (15) CONNECTIVITY.—The term “connectivity”
12 means the linkages in transportation, energy, com-
13 munications, and community development infrastruc-
14 ture, as well as manufacturing and data centers,
15 that tie geographic areas together into economic
16 units, including networks of commuter routes, rail-
17 ways, shipping lanes, and internet cables, including
18 geomatic data of the kind now collected by the De-
19 partment of Transportation.

20 (16) COST BENEFIT ANALYSIS.—The term
21 “cost benefit analysis” means the comparison of the
22 stream of costs for a potential project over its useful
23 lifetime, to its public benefits over that time, with
24 cost and benefit flows expressed on a common basis
25 in terms of net present value.

1 (17) DEVELOPMENT.—The terms “develop-
2 ment” and “develop” mean, with respect to an infra-
3 structure project, any—

4 (A) preconstruction planning, feasibility re-
5 view for stand-alone projects or for bundled
6 projects, permitting, design work, life-cycle
7 maintenance planning, and other
8 preconstruction activities; and

9 (B) construction, reconstruction, rehabili-
10 tation, replacement, or expansion.

11 (18) DIRECT LOAN.—The term “direct loan”
12 has the meaning given the term in section 502 of the
13 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

14 (19) DISADVANTAGED COMMUNITY.—The term
15 “disadvantaged community” means a county, city,
16 partial census tract area, or Tribal government, with
17 any of the following characteristics:

18 (A) Persistent poverty, meaning 20 percent
19 or more of its population living in poverty over
20 the past 30 years, as measured by the 1990
21 and 2000 decennial censuses, and 2007–2011
22 American Community Survey 5–6 year average,
23 or any territory or possession of the United
24 States.

1 (B) A federally recognized area of eco-
2 nomic distress, meaning—

3 (i) a HUBZone, as that term is de-
4 fined in section 31(b) of the Small Busi-
5 ness Act (15 U.S.C. 657a(b)); or

6 (ii) an area that—

7 (I) has been designated as an
8 empowerment zone under section
9 1391 of the Internal Revenue Code of
10 1986;

11 (II) a Promise Zone by the Sec-
12 retary of Housing and Urban Devel-
13 opment; or

14 (III) is a low or moderate income
15 area, as determined by the Depart-
16 ment of Housing and Urban Develop-
17 ment; or

18 (iii) a qualified opportunity zone, as
19 defined in section 1400Z-1 of the Internal
20 Revenue Code of 1986.

21 (20) ENERGY INFRASTRUCTURE PROJECT.—

22 The term “energy infrastructure project” means any
23 project for energy transmission and distribution, en-
24 ergy generation as needed, or energy efficiency, co-
25 ordination, and reliability.

1 (21) ENTITY.—The term “entity” means—

2 (A) a State, municipality, or other govern-
3 mental agency (including a political subdivision
4 or any other instrumentality of a State or a re-
5 volving fund);

6 (B) a publicly owned utility;

7 (C) a public authority, public corporation,
8 cooperative, or Federal agency, any of which is
9 authorized to contract indebtedness;

10 (D) an Indian tribe, including Tribal elect-
11 ed leadership, or an infrastructure authority
12 owned by a Tribe;

13 (E) a partnership (including a public-pri-
14 vate partnership);

15 (F) a joint venture; or

16 (G) a trust.

17 (22) ENVIRONMENTAL INFRASTRUCTURE
18 PROJECT.—The term “environmental infrastructure
19 project” means any project for the establishment,
20 deferred maintenance, or enhancement, including se-
21 curity enhancement, of any drinking water and
22 wastewater treatment facility, storm water manage-
23 ment system, flood gate, dam, levee, dredging, wet-
24 land restoration or other open space conservation,
25 infill development, solid waste disposal facility, haz-

1 ardous waste facility, or industrial site cleanup or
2 remediation project.

3 (23) GENERAL COUNSEL.—The term “general
4 counsel” means the individual who serves as the
5 chief lawyer for the Bank.

6 (24) GREENHOUSE GASES.—The term “green-
7 house gases” means any man-made gas designated
8 as a greenhouse gas by the Administrator of the En-
9 vironmental Protection Agency.

10 (25) INFRASTRUCTURE PROJECT.—The term
11 “infrastructure project” means any transportation,
12 energy, environmental, telecommunications, commu-
13 nity development, or other infrastructure project for
14 which a development plan is presented to the Bank
15 for financing. It shall exclude military infrastruc-
16 ture.

17 (26) LOCAL FINANCIAL INSTITUTION.—The
18 term “local financial institution” means a certified
19 community development financial institution or cred-
20 it union, as defined in section 165 of the Financial
21 Code, or a small bank or an intermediate small
22 bank, as defined in section 25.12 of title 12 of the
23 Code of Federal Regulations, or a State public bank.

24 (27) LOAN GUARANTEE.—The term “loan guar-
25 antee” has the same meaning as in section 502 of

1 the Federal Credit Reform Act of 1990 (2 U.S.C.
2 661a).

3 (28) PRODUCTIVITY.—The term “productivity”
4 means the improved efficiency in the economy asso-
5 ciated with investments in public and private infra-
6 structure. It is calculated as the change in the value
7 of total production, minus the change in the value
8 of inputs going into production.

9 (29) PUBLIC BENEFIT.—The term “public ben-
10 efit” means the clear and measurable benefit to soci-
11 ety resulting from the public’s use of the infrastruc-
12 ture with respect to which a project is carried out,
13 or the improvement such infrastructure provides
14 in—

15 (A) economic growth and productivity;
16 (B) air and water quality;
17 (C) energy savings;
18 (D) high-wage jobs;
19 (E) poverty reduction; or
20 (F) increased Federal, State, and local rev-
21 enues.

22 (30) PUBLIC-PRIVATE PARTNERSHIP.—The
23 term “public-private partnership” means any enti-
24 ty—

1 (A)(i) which is undertaking the develop-
2 ment of all or part of an infrastructure project,
3 which will have a public benefit, pursuant to re-
4 quirements established in one or more contracts
5 between the entity and a State or an instru-
6 mentality of a State; or

7 (ii) the activities of which, with respect to
8 such an infrastructure project, are subject to
9 regulation by a State or any instrumentality of
10 a State; and

11 (B) which owns, leases, or operates, or will
12 own, lease, or operate, the project in whole or
13 in part, and at least one of the participants in
14 the entity is a nongovernmental entity.

15 (31) REVOLVING FUND.—The term “revolving
16 fund” (also called “component entity”) means a
17 fund or program established by a State or a political
18 subdivision or other instrumentality of a State, the
19 principal activity of which is to make loans, commit-
20 ments, or other financial accommodation available
21 for the development of one or more categories of in-
22 frastructure projects.

23 (32) SECRETARY.—The term “Secretary”
24 means the Secretary of the Treasury.

1 (33) SMART GRID.—The term “smart grid”
2 means a system that provides for any of the smart
3 grid functions set forth in section 1306(d) of the
4 Energy Independence and Security Act of 2007 (42
5 U.S.C. 17386(d)).

6 (34) STATE.—The term “State” means any of
7 the several States, the District of Columbia, Puerto
8 Rico, Guam, American Samoa, the Virgin Islands,
9 the Commonwealth of Northern Mariana Islands,
10 and any other territory of the United States.

11 (35) TELECOMMUNICATIONS INFRASTRUCTURE
12 PROJECT.—The term “telecommunications infra-
13 structure project” means any project involving infra-
14 structure required to provide communications by
15 wire, fiber optic cable, satellite, or radio, including
16 broadband, or to enhance security for such infra-
17 structure.

18 (36) TRANSPORTATION INFRASTRUCTURE
19 PROJECT.—The term “transportation infrastructure
20 project” means any project for the construction, de-
21 ferred maintenance, or enhancement, including secu-
22 rity enhancement, of highways, roads, bridges, tran-
23 sit and intermodal systems, inland waterways, com-
24 mercial ports, airports, high-speed and passenger
25 rail, and rail track systems.

1 (37) TRUST FUND.—The term “Trust Fund”
2 means a delineated account in the books of the
3 Bank, set up to receive and disburse grant money to
4 fully or partially subsidize project loans to entities
5 operating in disadvantaged communities. Trust fund
6 receipts shall include those left over from net oper-
7 ations of the Bank, Federal grant disbursements,
8 and philanthropic and other gifts from individuals
9 and corporations as they become available.

10 **SEC. 202. ESTABLISHMENT OF NATIONAL INFRASTRUC-**
11 **TURE BANK.**

12 (a) ESTABLISHMENT OF NATIONAL INFRASTRUC-
13 TURE BANK.—The National Infrastructure Bank is estab-
14 lished as a Government corporation subject to chapter 91
15 of title 31, United States Code (commonly known as the
16 “Government Corporation Control Act”), except as other-
17 wise provided in this Act.

18 (b) CONFORMING AMENDMENT.—Section 9101(3) of
19 title 31, United States Code, is amended by adding at the
20 end the following:

21 “(Q) the National Infrastructure Bank.”.

22 (c) RESPONSIBILITY OF THE SECRETARY.—The Sec-
23 retary shall take such action as may be necessary to assist
24 in implementing the establishment of the Bank in accord-

1 ance with this Act, including obtaining a national bank
2 charter.

3 **SEC. 203. PURPOSES AND AUTHORIZATIONS.**

4 (a) PURPOSE.—The purpose of National Infrastruc-
5 ture Bank shall be to facilitate efficient, long-term financ-
6 ing of infrastructure projects, business and economic
7 growth, and new job creation in the United States.

8 (b) CAPITALIZATION.—

9 (1) IN GENERAL.—The National Infrastructure
10 Bank shall raise capital stock, in an amount ap-
11 proved by the Board, but not to exceed to
12 \$500,000,000,000, to be held in the form of Treas-
13 ury securities.

14 (2) SUBSCRIPTION.—The capital stock shall be
15 subscribed by—

16 (A) public holders of outstanding Treasury
17 securities of 3 years or greater maturity, or
18 outstanding municipal bonds of States or mu-
19 nicipalities of 5 years or greater maturity, who
20 transfer such securities or bonds to the Bank in
21 exchange for the capital stock;

22 (B) paid-in share capital, paid in cash; and

23 (C) the United States Treasury, as “on-
24 call” subscriber to the Bank, in an amount up

1 to \$100,000,000,000 in 30-year United States
2 Treasury Bonds.

3 (3) CAPITAL ADEQUACY RATIO.—The Bank
4 shall maintain risk-based capital of no less than 10.0
5 percent.

6 (4) LIMITATION ON PURCHASE OF NEWLY
7 ISSUED PUBLIC DEBT.—The Bank shall not pur-
8 chase public debt of the United States, as newly
9 issued, except for the purpose of rolling over the ex-
10 isting Treasury holdings of the Bank or to convert
11 the proceeds of cash purchases of the Bank’s pre-
12 ferred stock into Treasury securities.

13 (5) ASSESSMENTS AND PHASE-IN OF LIMITA-
14 TION ON CAPITAL STOCK.—The Bank’s accumula-
15 tion of capital stock shall be limited—

16 (A) to no more than \$150,000,000,000 by
17 the end of its first full fiscal year of operations,
18 following the end of which fiscal year the Board
19 of Governors of the Federal Reserve System
20 shall conduct an assessment of the Bank’s oper-
21 ations and report to Congress and the Bank’s
22 Board concerning the ways in which the Bank
23 is succeeding or falling short in fulfilling the
24 purposes of this Act;

1 (B) to no more than \$300,000,000,000 by
2 the end of its third full fiscal year, following the
3 end of which fiscal year the Board of Governors
4 of the Federal Reserve System shall conduct
5 another assessment of the Bank's operations
6 and submit similar reports to those specified in
7 subparagraph (A), noting in particular the ade-
8 quacy of the Bank's response to criticisms and
9 recommendations included in the assessment
10 conducted pursuant to subparagraph (A);

11 (C) to no more than \$500,000,000,000 by
12 the end of its fifth full fiscal year, following the
13 end of which fiscal year the Board of Governors
14 of the Federal Reserve System shall conduct
15 another assessment of the Bank's operations
16 and submit similar reports to those specified in
17 subparagraphs (A) and (B), noting in par-
18 ticular the adequacy of the Bank's response to
19 criticisms and recommendations included in the
20 assessments conducted pursuant to subpara-
21 graphs (A) and (B); and

22 (D) thereafter to the full amount set forth
23 in paragraph (1), with the Board of Governors
24 of the Federal Reserve System conducting peri-
25 odic assessments of the Bank's operations and

1 submitting similar reports to those specified in
2 subparagraphs (A) through (C) following the
3 end of each fifth fiscal year beginning with the
4 Bank's tenth full fiscal year.

5 (c) PREFERRED STOCK.—

6 (1) IN GENERAL.—All subscribed capital shall
7 be exchanged for an equivalent in preferred stock, or
8 shares, in the Bank, callable only by the Bank at the
9 current market value of the shares during a period
10 of 20 years following finalization of a stock purchase
11 agreement. Notwithstanding any other provision of
12 law, a guarantee of redemption at the then current
13 market price of the shares shall be included in the
14 stock purchase agreement along with a contractual
15 obligation by the United States Treasury to fund the
16 redemption. Preferred shareholders shall have no
17 voting rights in the Bank.

18 (2) DIVIDENDS ON PREFERRED STOCK.—The
19 Bank shall pay dividends on its preferred stock
20 semiannually at the following rates:

21 (A) For stock acquired in exchange for
22 Treasury securities by an individual, by an enti-
23 ty that is not exempt from tax under section
24 501 of the Internal Revenue Code of 1986, or
25 by the United States Treasury, the same an-

1 nual rate as the Treasury security exchanged
2 for the stock.

3 (B) For stock acquired in exchange for se-
4 curities by an organization that is exempt from
5 tax under section 501 of the Internal Revenue
6 Code of 1986, the same annual rate as the
7 Treasury security exchanged for the stock plus
8 one half of one percent (0.5%).

9 (C) For stock purchased in exchange for
10 cash by an individual or an entity that is not
11 exempt from tax under section 501 of the Inter-
12 nal Revenue Code of 1986 and for stock ac-
13 quired in exchange for municipal bonds, the
14 same annual rate payable on Treasury bonds
15 with a 30-year maturity purchased from the
16 Treasury on the day the stock purchase agree-
17 ment is finalized.

18 (D) For stock purchased in exchange for
19 cash by an organization that is exempt from tax
20 under section 501 of the Internal Revenue Code
21 of 1986, the same annual rate payable on
22 Treasury bonds with a 30-year maturity on the
23 day the stock purchase agreement is finalized
24 plus one half of one percent (0.5%).

1 (3) ACQUISITIONS FOR OTHER THAN CASH OR
2 TREASURY SECURITIES TREATED AS ACQUISITIONS
3 FOR CASH.—For stock acquired in exchange for non-
4 cash assets other than Treasury securities, the as-
5 sets shall be liquidated by the Bank and the pro-
6 ceeds treated as a cash purchase of stock.

7 (4) AUTHORITY TO MODIFY RATES.—If the
8 dividends provided for in paragraph (2) generate ei-
9 ther more or less investment in the Bank’s preferred
10 stock than is needed to achieve and maintain the
11 Bank’s desired capitalization, the Directors may re-
12 duce or increase the dividends provided for new ac-
13 quisitions of preferred stock in one or more of sub-
14 paragraphs (A) through (D) of paragraph (2) for
15 such periods of time as the Directors determine ap-
16 propriate.

17 (5) PRIORITY AND GUARANTEE OF DIVIDEND
18 PAYMENTS.—Dividend payments on the Bank’s pre-
19 ferred stock shall have priority over other uses of in-
20 terest payments received by the Bank on its capital
21 stock holdings of Treasury securities, and any such
22 dividends owed in excess of the amount covered by
23 these interest payments shall be guaranteed by the
24 United States in the stock purchase agreement.

1 (d) BORROWED CAPITAL.—The Bank is further au-
2 thorized to raise borrowed capital for projects needs, or
3 to meet its cash flow (liquidity) needs, by—

4 (1) issuing Bonds, with a fixed 5 to 10 year
5 maturity;

6 (2) maintaining a permanent, revolving dis-
7 count line of credit account with the Board of Gov-
8 ernors of the Federal Reserve System; and

9 (3) borrowing from other banks or wholesale
10 capital markets, under repurchase or other agree-
11 ments, on a short- or medium-term basis, as deter-
12 mined by the Bank’s Chief Financial and Risk Offi-
13 cers, with approval by the Bank’s Board.

14 (e) DEPOSITS.—Once chartered as a national bank,
15 the Bank—

16 (1) shall accept deposits from individuals, cor-
17 porations, public entities, or any other source, into
18 transaction deposit accounts on its books, and pay
19 interest on those deposits, in an amount deemed ap-
20 propriate by the Board;

21 (2) may deposit its funds in any bank or other
22 financial institution; and

23 (3) may utilize the services of electronic trans-
24 fer systems to transfer funds among any deposit ac-
25 counts.

1 (f) LOANS.—

2 (1) IN GENERAL.—The Bank shall provide
3 loans, in accordance with this Act, to entities, or
4 enter into blended financing credit, for the financ-
5 ing, development, or operation of infrastructure
6 projects.

7 (2) LOAN MATURITY.—The maturity of loans
8 should match, to the extent possible, the maturity
9 periods of anticipated profitability, economic stim-
10 ulus, and projected useful life of projects financed by
11 such loans.

12 (3) LOAN LIMIT.—Total loans contracted by the
13 Bank shall not exceed \$5,000,000,000,000.

14 (4) INTEREST CHARGES ON LOANS AND OTHER
15 FEES.—The Bank—

16 (A) shall charge fixed-rate interest, fees,
17 premiums, or discounts based on the risk asso-
18 ciated with a loan made by the Bank, taking
19 into consideration—

20 (i) the price of Treasury obligations of
21 a similar maturity or 1.6 percent per
22 annum, whichever is greater;

23 (ii) the credit rating of the borrowing
24 entity if expressly published, or an assess-
25 ment of the overall finances of the bor-

1 rowing entity indicating an ability to serv-
2 ice the loan;

3 (iii) current and expected future eco-
4 nomic conditions, including expected im-
5 provements in the economy and the bor-
6 rowing entity's finances resulting from the
7 Bank's overall lending operations; and

8 (iv) whether or not the borrowing en-
9 tity qualifies as a disadvantaged commu-
10 nity, and an interest rate subsidy, subject
11 to availability of funds;

12 (B) may, in connection with a loan ex-
13 tended by the Bank, issue guarantees, insur-
14 ance, coinsurance, and reinsurance to borrowing
15 entities, insurance companies, financial institu-
16 tions, or others, or groups thereof, and charge
17 fees based on a similar risk analysis; and

18 (C) may charge for the review of any
19 project proposal in such amount as may be ap-
20 proved by the Board to cover the costs of such
21 review.

22 (5) REFINANCING.—Subject to a full audit of
23 the project and borrower, and subject to Board re-
24 view, the Bank may extend the time limit for repay-
25 ment of a loan, through renewal, substitution of new

1 obligations, or otherwise, with the maximum time for
2 such renewal to be approved by the Board. The
3 Bank may make such further loans as necessary for
4 project completion, or to assure loan repayment.

5 (6) LIMITATIONS ON LOANS.—The Bank may
6 not—

7 (A) provide loans to consumers or provide
8 any other loans not described under this Act; or

9 (B) engage in investment banking activi-
10 ties such as underwriting securities or trust
11 management for customers.

12 (g) CAPITAL FOR LOAN DISBURSEMENTS.—Once
13 chartered as a deposit-taking bank, the Bank is authorized
14 to create funds in a deposit account in a borrowers name,
15 in accordance with the loan agreement, as each scheduled
16 loan disbursement as it is made. The Bank shall draw up
17 an Aggregate Loan Disbursement Plan, for the informa-
18 tion of the Comptroller of the Currency and the Board
19 of Governors of the Federal Reserve System.

20 (h) NET EARNINGS.—After meeting current obliga-
21 tions, the Bank is authorized to use its earnings, and all
22 moneys which have been or may hereafter be allocated to
23 or borrowed by it, in the exercise of its functions. From
24 those monies, the Bank shall set aside loan loss provisions
25 equal to a proportion of loan book value, as determined

1 appropriate by the Board. Net earnings of the Bank, after
2 setting aside loan loss provisions and estimated forward
3 cash flow needs, shall be used for the payment of dividends
4 to the United States Treasury, in an annual amount to
5 be determined by the Board. Any residual net earnings
6 shall be deposited into a Trust Fund to subsidize loans
7 for disadvantaged communities that are not able to repay
8 infrastructure loans on normal loan terms, in a manner
9 to be determined by the Board. Any direct Federal con-
10 tributions from the budget for the purpose of subsidizing
11 disadvantaged communities may also be added and uti-
12 lized via the Trust Fund.

13 (i) GUARANTEES AND LOAN LOSS PROVISIONS.—In
14 the event of any losses, as determined by the Board, in-
15 curred on loans, guarantees, and insurance extended
16 under this Act, they shall be borne by the Bank out of
17 its loan loss provisions. Any losses in excess thereof shall
18 be borne by the Secretary of the Treasury. That excess
19 shall be considered a contingent obligation backed by the
20 full faith and credit of the Government of the United
21 States of America.

22 (j) RESERVES.—The Bank shall maintain reserves
23 against the Bank's transaction accounts in such amount
24 as the Board may determine appropriate, but not greater

1 than 14 percent of the Bank's total transaction accounts
2 in excess of \$25,000,000.

3 (k) BRANCHES.—The Bank shall establish an office
4 of lending and deposit in each city that has a Federal re-
5 serve bank, via the internet, and in any other location
6 where the Board determines it appropriate.

7 **SEC. 204. FORMATION OF REGIONAL ECONOMIC ACCEL-**
8 **ERATOR PLANNING GROUPS.**

9 (a) IN GENERAL.—The Bank, through its branch of-
10 fices, shall facilitate the organization of at least 7 Regional
11 Economic Accelerator Planning Groups, to be defined by
12 common economic, demographic, and infrastructure link-
13 ages.

14 (b) DUTIES.—The Regional Economic Accelerator
15 Planning Groups may—

16 (1) organize themselves by, and be composed of,
17 State and local public sector officials, including
18 through multijurisdictional or multistate agreements
19 among agencies;

20 (2) identify economic mega-regions, defined as
21 hub cities, related towns and suburbs, manufac-
22 turing production corridors, and rural areas woven
23 together into the communities where people of the
24 United States live, work, and provide goods or serv-

1 ices for movement within the region, and to other re-
2 gions;

3 (3) identify infrastructure needs and priorities
4 for mega-regions, with input from the American So-
5 ciety of Civil Engineers, and other trade, business,
6 and industrial associations;

7 (4) develop regional economic accelerator plans,
8 and a pipeline of infrastructure projects, and their
9 strategic placement, needed to improve supply
10 chains, land use, and productivity within each mega-
11 region, while seeking to include all communities;

12 (5) define how such projects will create energy
13 savings, environment improvements, jobs and wage
14 improvements, regional economic growth, and
15 growth in regional tax income;

16 (6) identify where multijurisdictional agree-
17 ments should be enacted or strengthened to improve
18 the development of infrastructure projects that cross
19 jurisdictional lines (examples are transportation im-
20 provements along the northeast corridor, flood miti-
21 gation, water management to relieve drought condi-
22 tions in Southwestern States, or development of a
23 national high-speed rail grid);

24 (7) identify where Federal, State, or local laws
25 and regulations should be streamlined to reduce in-

1 frastructure project costs and approval times, while
2 maintaining environmental and safety objectives,
3 and work towards streamlining those laws and regu-
4 lations;

5 (8) seek public input on the broad outlines of
6 each regional infrastructure development plan;

7 (9) provide such plans to the Bank, to inform
8 the Bank on its selection of infrastructure projects
9 for financing; and

10 (10) assist entities formulating and submitting
11 projects for consideration of Bank financing on the
12 definition, scope, selection criteria, and others fac-
13 tors under section 205 that will be considered in the
14 approval process.

15 **SEC. 205. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM**
16 **THE BANK.**

17 (a) IN GENERAL.—Financial assistance shall be
18 available from the Bank when the entity applying for such
19 assistance has demonstrated to the satisfaction of the
20 Board that the project for which such assistance is being
21 sought meets the requirements of this Act. Any entity pro-
22 posing a project for which the use or purpose is private,
23 and without public benefit, shall not be eligible for finan-
24 cial assistance from the Bank under this Act, except as
25 provided in subsection (d)(1)(L).

1 (b) APPLICANTS.—The Bank shall accept applica-
2 tions for infrastructure projects for the designation of
3 those projects that may receive financial assistance under
4 this section for any infrastructure project having—

5 (1) a public sponsor; and

6 (2) local, regional, or national significance.

7 (c) GUIDELINES FOR INFRASTRUCTURE
8 PROJECTS.—The Executive Committee and the Board
9 shall establish standard operating procedures, and develop
10 online application procedures, to assist applications of in-
11 frastructure projects under this section to develop applica-
12 tions for financial assistance under this section.

13 (d) CRITERIA.—

14 (1) IN GENERAL.—In making a determination
15 as to whether to provide an infrastructure project
16 with financial assistance, the Board shall evaluate
17 and rate each applicant based on the factors appro-
18 priate for the type of the proposed infrastructure
19 project, including—

20 (A) consistency of the project with a re-
21 gional infrastructure development plan that
22 builds economic connectivity in the project area
23 and beyond, so that maximum growth is
24 achieved while leaving no community behind;

1 (B) a life-cycle projection of the benefits,
2 as compared to costs, of the project, that incor-
3 porates the factors in subparagraphs (C)
4 through (N) of this paragraph;

5 (C) promotion of economic growth, includ-
6 ing private sector-led growth associated with
7 the project;

8 (D) job creation, including fair and respon-
9 sible employment practices, and a workforce de-
10 velopment to train workers in new skills, includ-
11 ing by union apprentice programs to train new
12 hires;

13 (E) a preference for projects in areas of
14 high unemployment, or disadvantaged commu-
15 nities, including a workforce development plan
16 to train workers in new skills and connect them
17 with job openings financed by the Bank;

18 (F) environmental and public health bene-
19 fits including the reduction in greenhouse gases,
20 and water and air pollution, and the removal of
21 lead and other hazardous materials;

22 (G) a demonstrated ability to contract for
23 design, construction, operation, and mainte-
24 nance of the infrastructure project throughout
25 its estimated useful life, including by defining

1 project objectives and utilizing performance-
2 based monitoring;

3 (H) an understanding of the strategic im-
4 portance of bundling projects, correctly sizing
5 projects, and adopting value design and pro-
6 curement procedures, so as to realize long-run
7 cost savings from “dig, build, expand, or im-
8 prove only once”;

9 (I) an understanding of the importance of
10 innovative and state-of-the-art technologies that
11 achieve project reliability, efficiency, resiliency,
12 sustainability, security, and public safety;

13 (J) in cases where infrastructure is pub-
14 licly or privately owned, a preference for
15 projects that leverage Federal, State, local, and
16 private financing, including public-private part-
17 nerships, or where companies can show that the
18 additional capital could not be obtained from
19 commercial sources;

20 (K) a consideration of the costs and bene-
21 fits of preserving and repurposing existing in-
22 frastructure, in particular to mitigate against
23 unemployment and bolster manufacturing in
24 the United States;

1 (L) integration of other qualified projects
2 that may or should be done concurrently;

3 (M) a categorical benefit; and

4 (N) any other criteria as determined by the
5 Board, with approval by the Board.

6 (2) CATEGORICAL BENEFIT.—In this sub-
7 section, the term “categorical benefit” means the
8 following:

9 (A) For any transportation infrastructure
10 project:

11 (i) A reduction in surface and air
12 traffic congestion, by road, transit, pas-
13 senger rail, freight rail, port or inland
14 water travel, or air travel, as measured by
15 reductions in transit, boarding, and total
16 trip times.

17 (ii) An anticipated increase in capaci-
18 ty for existing and expected new ridership
19 or transport use, including by high-speed
20 rail.

21 (iii) A reduction in risks from mainte-
22 nance decline, or structural failure, over
23 the service life of the project.

24 (iv) The coordination of improvements
25 in commuter passenger operations, freight

1 transport, and new community design, with
2 the demographics of population, economic
3 production, and trade hubs according to a
4 regional infrastructure plan.

5 (v) An overall decline in greenhouse
6 gas emissions from surface and air trans-
7 portation projects financed by the Bank.

8 (vi) An increase in access to afford-
9 able transportation options, to improve ac-
10 cess to jobs, affordable housing, schools,
11 medical services, foods and other essential
12 community services.

13 (vii) Improvements in safety for users,
14 passengers, and operators, as measured by
15 a reduction in fatalities and serious inju-
16 ries.

17 (B) For any environmental infrastructure
18 project:

19 (i) Increased coastal and inland flood
20 mitigation and protection.

21 (ii) Improvements in drinking water,
22 wastewater, or stormwater systems,
23 through the repair, expansion, or replace-
24 ment of such systems.

1 (iii) A reduction in risk to any public
2 infrastructure from structural failure, or
3 damage, due to weather-related events,
4 cyber or physical attacks, or catastrophic
5 wildfires.

6 (iv) Environmental improvements
7 from the removal of hazardous wastes or
8 chemical pollutants.

9 (C) For any energy infrastructure project
10 not invested in by private companies:

11 (i) Development of a smart grid, with
12 modern security and resiliency systems.

13 (ii) Expansion of transmission and
14 distribution capacity to cover new genera-
15 tion suppliers, including a macrogrid over-
16 lay to transport power from renewable
17 sources, and new generation demand, in-
18 cluding from global warming, or the elec-
19 trification of vehicles or rail transport sys-
20 tems.

21 (iii) Enhancement of systems to bal-
22 ance electricity supply and demand, curtail
23 peak demand, restore power outages, or co-
24 ordinate operating procedures among
25 power supplying entities.

1 (iv) Energy efficient buildings, includ-
2 ing clean energy designated retrofits.

3 (D) For any telecommunications project:

4 (i) Completion or improvement in
5 broadband and wireless access and afford-
6 ability in rural and disadvantaged commu-
7 nities that private companies do not serve.

8 (ii) Improvement of the global tele-
9 communication satellite network.

10 (E) For any community development infra-
11 structure project:

12 (i) Promotion of economic growth to
13 address persistent poverty.

14 (ii) Modernization of local land use
15 policies, including those that promote tran-
16 sit-oriented development and location effi-
17 ciency.

18 (iii) Expansion in the provision of
19 public housing, or publicly assisted afford-
20 able housing, to provide long-term afford-
21 ability in targeted, disadvantaged commu-
22 nities, for families and persons with in-
23 comes equivalent to those currently as-
24 sisted, and improvement in the physical
25 condition of such housing.

1 (iv) Replacement of schools that have
2 reached their service lifetime; or expansion
3 of school facilities with growing popu-
4 lations, or to house new programs for
5 workforce development.

6 (v) Improvements in National, State,
7 and local parks and recreation facilities
8 and related open space land management.

9 (e) EMERGENCY PROCEDURES.—During the Bank’s
10 first year of operation, or until the Bank has provided a
11 total of \$500,000,000,000 in loans, the Board may relax
12 its selection criteria and procedures in favor of lending
13 quickly for projects—

14 (1) that reduce unemployment;

15 (2) that address the backlog of critical, shovel-
16 ready projects for which preliminary engineering or
17 permitting is already completed; or

18 (3) where there is a critical safety or other pub-
19 lic need.

20 **SEC. 206. BOARD OF DIRECTORS.**

21 (a) IN GENERAL.—The Bank shall have a Board of
22 Directors consisting of 25 members appointed by the
23 President by and with the advice and consent of the Sen-
24 ate.

1 (b) QUALIFICATIONS.—The directors of the Board
2 shall include individuals representing different regions of
3 the United States and—

4 (1) 12 of the directors shall have at least 15
5 years of industrial and engineering experience;

6 (2) 1 director shall be from the AFL–CIO;

7 (3) 2 of the directors shall be from North
8 America’s Building Trades Unions;

9 (4) 2 of the directors shall be from the United
10 States Army Corp of Engineers;

11 (5) 2 of the directors shall have State and local
12 public sector experience;

13 (6) 2 of the directors shall have finance experi-
14 ence;

15 (7) 2 of the directors shall have economic devel-
16 opment experience; and

17 (8) 2 of the directors shall represent minority
18 communities or disadvantaged communities.

19 (c) CHAIRPERSON AND VICE CHAIRPERSON.—As des-
20 ignated at the time of appointment, one of the directors
21 of the Board shall be designated chairperson of the Board
22 by the President and one shall be designated as vice chair-
23 person of the Board by the President.

24 (d) TERMS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), each director shall be appointed for a
3 term of 6 years.

4 (2) INITIAL STAGGERED TERMS.—Of the initial
5 members of the Board—

6 (A) the chairperson and vice chairperson
7 shall each be appointed for terms of 6 years;

8 (B) 12 directors shall be appointed for a
9 term of 4 years; and

10 (C) 11 directors shall be appointed for a
11 term of 2 years.

12 (e) CONGRESSIONAL RECOMMENDATIONS.—Not later
13 than 30 days after the date of enactment of this Act, the
14 majority leader of the Senate, the minority leader of the
15 Senate, the Speaker of the House of Representatives, and
16 the minority leader of the House of Representatives shall
17 each submit a recommendation to the President for ap-
18 pointment of a member of the Board of Directors, after
19 consultation with the appropriate committees of Congress.

20 (f) DATE OF INITIAL NOMINATIONS.—The initial
21 nominations by the President for appointment of directors
22 to the Board shall be made not later than 60 days after
23 the date of enactment of this Act.

24 (g) VACANCIES.—

1 (1) IN GENERAL.—A vacancy on the Board
2 shall be filled in the manner in which the original
3 appointment was made.

4 (2) APPOINTMENT TO REPLACE DURING
5 TERM.—Any director appointed to fill a vacancy oc-
6 ccurring before the expiration of the term for which
7 the director’s predecessor was appointed shall be ap-
8 pointed only for the remainder of the term.

9 (3) DURATION.—A director may serve after the
10 expiration of that director’s term until a successor
11 has taken office.

12 (h) QUORUM.—At the time of any Board meeting, 75
13 percent of the directors confirmed by Congress (rounded
14 down to a whole number) shall constitute a quorum.

15 (i) REAPPOINTMENT.—A director of the Board ap-
16 pointed by the President may be reappointed by the Presi-
17 dent in accordance with this section.

18 (j) PER DIEM REIMBURSEMENT.—Directors of the
19 Board shall serve on a part-time basis and shall receive
20 a per diem when engaged in the actual performance of
21 Bank business, plus reasonable reimbursement for travel,
22 subsistence, and other necessary expenses incurred in the
23 performance of their duties.

24 (k) LIMITATIONS.—A director of the Board may not
25 participate in any review or decision affecting a project

1 under consideration for assistance under this Act if the
2 director has or is affiliated with a person who has an inter-
3 est in such project.

4 (l) RESPONSIBILITIES.—The Board shall—

5 (1) as soon as is practicable after the date on
6 which the last director is appointed, establish an Ex-
7 ecutive Committee, Risk Management Committee
8 and Audit Committee as prescribed by this Act;

9 (2) not later than 180 days after the date on
10 which the last director is appointed develop and ap-
11 prove the bylaws of the Bank, and publish such by-
12 laws in the Federal Register, including bylaws for
13 the regulation of the affairs and conduct of the busi-
14 ness of the Bank, consistent with the purpose, goals,
15 objectives, and policies set forth in this Act;

16 (3) ensure that the Bank is at all times oper-
17 ated in a manner that is consistent with this Act,
18 by—

19 (A) monitoring and assessing the effective-
20 ness of the Bank in achieving its strategic
21 goals;

22 (B) periodically reviewing internal policies
23 submitted by the chief executive officer;

24 (C) reviewing and approving annual busi-
25 ness plans, annual budgets, and long-term

1 strategies submitted by the chief executive offi-
2 cer;

3 (D) reviewing and approving annual re-
4 ports submitted by the chief executive officer;

5 (E) reviewing risk management and audit
6 practices of the Bank; and

7 (F) reviewing and approving all changes to
8 the organization of the Bank; and

9 (4) establishing such other criteria, require-
10 ments, or procedures as the Board may consider to
11 be appropriate in carrying out this Act.

12 (m) MEETINGS.—

13 (1) OPEN TO THE PUBLIC; NOTICE.—All meet-
14 ings of the Board held to conduct the business of the
15 Bank shall be open to the public and shall be pre-
16 ceded by reasonable notice.

17 (2) INITIAL MEETING.—The Board shall meet
18 not later than 90 days after the date on which the
19 last director is appointed and otherwise at the call
20 of the Chairperson.

21 (3) EXCEPTION FOR CLOSED MEETINGS.—Pur-
22 suant to such rules as the Board may establish
23 through their bylaws, the directors may close a
24 meeting of the Board if, at the meeting, there is
25 likely to be disclosed information which could ad-

1 versely affect or lead to speculation relating to an in-
2 frastructure project under consideration for assist-
3 ance under this Act or in financial or securities or
4 commodities markets or institutions, utilities, or real
5 estate. The determination to close any meeting of
6 the Board shall be made in a meeting of the Board,
7 open to the public, and preceded by reasonable no-
8 tice. The Board shall prepare minutes of any meet-
9 ing which is closed to the public and make such min-
10 utes available as soon as the considerations necessi-
11 tating closing such meeting no longer apply.

12 **SEC. 207. POWERS AND LIMITATIONS OF THE BOARD.**

13 (a) **POWERS.**—In order to carry out the purposes of
14 the Bank as set forth in this Act, the Board shall be re-
15 sponsible for the approval and monitoring of infrastruc-
16 ture projects, and have the following powers:

17 (1) To make senior and subordinated direct
18 loans on such terms as the Board may determine, in
19 the Board’s discretion, to be appropriate to assist in
20 the financing or refinancing of an infrastructure
21 project.

22 (2) Subject to the availability of funding, as de-
23 termined by the Board, to develop specialized loan
24 programs, such as a disadvantaged communities
25 loan program, or a community cooperative startup,

1 that provide project financing on flexible repayment
2 terms.

3 (3) To make loan guarantees on such terms as
4 the Board may determine, in the Board's discretion,
5 to be appropriate to assist in the financing or re-fi-
6 nancing of an infrastructure project.

7 (4) To issue Bonds, to provide financing to in-
8 frastructure projects from amounts made available
9 from the issuance of such bonds.

10 (5) To make agreements and contracts with any
11 entity in furtherance of the business of the Bank.

12 (6) To approve infrastructure loans financed in
13 whole or in part, by the Bank, after receiving rec-
14 ommendations from the Executive Committee estab-
15 lished in section 208.

16 (7) To monitor infrastructure projects financed
17 in whole or in part, by the Bank, after receiving as-
18 sessments from the Executive Committee.

19 (8) To sue and be sued in the Bank's corporate
20 capacity in any court of competent jurisdiction, ex-
21 cept that no attachment, injunction, or similar proc-
22 ess, may be issued against the property of the Bank
23 or against the Bank with respect to such property.

24 (9) To indemnify the directors and officers of
25 the Bank for liabilities arising out of the actions of

1 the directors and officers in such capacity, in accord-
2 ance with, and subject to the limitations contained
3 in, this Act.

4 (10) To serve as the primary liaison between
5 the Bank and the Congress, the executive branch,
6 and State and local governments, and to represent
7 the Bank's interests.

8 (11) To exercise all other lawful powers which
9 are necessary or appropriate to carry out, and are
10 consistent with, the purposes of the Bank.

11 (b) EMPLOYEE PROTECTIONS.—Prior to providing
12 any financial assistance for an infrastructure project in-
13 volving reconstruction, rehabilitation, replacement, or ex-
14 pansion that may impact current employees on the project
15 site, the interests of employees affected by the financial
16 assistance shall comply with applicable Federal law as set
17 out in section 213.

18 (c) COORDINATION WITH STATE AND LOCAL REGU-
19 LATORY AUTHORITY.—The provision of financial assist-
20 ance by the Board pursuant to this Act shall not be con-
21 strued as—

22 (1) limiting the right of any State or political
23 subdivision or other instrumentality of a State to ap-
24 prove or regulate rates of return on private equity
25 invested in a project; or

1 (2) otherwise superseding any State law or reg-
2 ulation applicable to a project.

3 (d) **FEDERAL PERSONNEL REQUESTS.**—The Board
4 shall have the power to request the detail, on a reimburs-
5 able basis, of personnel from other Federal agencies with
6 specific expertise not available from within the Bank or
7 elsewhere. The head of any Federal agency may detail,
8 on a reimbursable basis, any personnel of such agency re-
9 quested by the Board and shall not withhold unreasonably
10 the detail of any personnel requested by the Board.

11 **SEC. 208. EXECUTIVE COMMITTEE.**

12 (a) **IN GENERAL.**—The Board shall establish an Ex-
13 ecutive Committee consisting of 9 members, headed by the
14 chief executive officer of the Bank.

15 (b) **CEO.**—A majority of the Board shall have the
16 authority to appoint and reappoint the chief executive offi-
17 cer with such executive functions, powers, and duties as
18 may be prescribed by this Act, the bylaws of the Bank,
19 or the Board.

20 (c) **CEO RESPONSIBILITIES.**—The CEO shall have
21 responsibility for the development and implementation of
22 the strategy of the Bank, including—

23 (1) the development and submission to the
24 Board of the annual business plans and budget;

1 (2) the development and submission to the
2 Board of a long-term strategic infrastructure devel-
3 opment plan that is consistent with regional plans as
4 presented to the Bank by Regional Economic Accel-
5 erator Planning Groups; and

6 (3) the development, revision, and submission
7 to the Board of Directors of the Bank's other inter-
8 nal policies.

9 (d) OTHER EXECUTIVE OFFICERS.—The Board shall
10 appoint, remove, fix the compensation, and define duties
11 of 8 other executive officers to serve on the Executive
12 Committee as the—

13 (1) chief risk officer;

14 (2) chief operations officer;

15 (3) chief loan origination officer;

16 (4) chief compliance officer;

17 (5) chief financial officer;

18 (6) chief treasury officer;

19 (7) chief asset and liability management officer;

20 and

21 (8) general counsel.

22 (e) QUALIFICATIONS.—The CEO, as well as other ex-
23 ecutive officers, and all loan origination officers, shall have
24 extensive experience and expertise in retail banking, and
25 in one or more of the following:

- 1 (1) Transportation infrastructure.
- 2 (2) Environmental infrastructure.
- 3 (3) Energy infrastructure.
- 4 (4) Telecommunications infrastructure.
- 5 (5) Public housing and urban or rural develop-
- 6 ment.
- 7 (6) Economic development.
- 8 (7) Workforce development.
- 9 (8) Public finance.

10 (f) DUTIES.—In order to carry out the purposes of
11 the Bank as set forth in this Act, the Executive Committee
12 shall—

13 (1) establish and submit to the Board disclo-
14 sure and application procedures for entities nomi-
15 nating projects for assistance under this Act;

16 (2) establish and submit to the Board standard-
17 ized terms and conditions, fee schedules, or legal re-
18 quirements of a contract or program to carry out
19 this Act;

20 (3) establish and submit to the Board guide-
21 lines for the selection and approval of projects and
22 specific criteria for determining eligibility for project
23 selection, subject to the general criteria provided in
24 section 205;

1 (4) accept, for consideration, project proposals
2 relating to the development of infrastructure
3 projects, which meet the basic criteria established by
4 this Act and by the Executive Committee, and which
5 are submitted by an entity;

6 (5) provide recommendations to the Board and
7 place project proposals accepted by the Executive
8 Committee on a list for consideration for financial
9 assistance from the Board; and

10 (6) establish a plan, and build capacity within
11 the Bank, to provide technical assistance to State
12 and local governments, regional economic accelerator
13 planning groups established under section 204, joint
14 ventures, regional economic accelerator agencies, and
15 other borrowing entities on—

16 (A) the Bank's borrowing procedures and
17 selection criteria;

18 (B) development of a pipeline of projects
19 suitable for financing, that meet the selection
20 criteria developed by the Bank;

21 (C) development of specialized institutional
22 structures, and cross-region planning, to help in
23 the planning of complex projects;

1 (D) best design, construction, and manage-
2 ment practices, including those identified in
3 global infrastructure databases;

4 (E) contract evaluation methods, including
5 procurement value-for-money options; and

6 (F) institution strengthening relating to
7 the management of projects and work con-
8 tracts, including through performance-based
9 project delivery.

10 (g) VACANCY.—A vacancy in the position of CEO and
11 other executive officers of the Executive Committee shall
12 be filled in the manner in which the original appointment
13 was made.

14 (h) COMPENSATION.—The compensation of the CEO
15 and other executive officers of the Executive Committee
16 shall be determined by the Board.

17 (i) REMOVAL.—The CEO and other executive officers
18 of the Executive Committee may be removed at the discre-
19 tion of a majority of the Board.

20 (j) TERM.—The CEO and other executive officers of
21 the Executive Committee shall serve a 6-year term and
22 may be reappointed in accordance with this section.

23 (k) LIMITATIONS.—The CEO and other executive of-
24 ficers of the Executive Committee shall not—

25 (1) hold any other public office;

1 (2) have any interest in an infrastructure
2 project considered by the Board;

3 (3) have any interest in an investment institu-
4 tion, commercial bank, or other entity seeking finan-
5 cial assistance for any infrastructure project from or
6 investing in the Bank; and

7 (4) have any such interest during the 2-year pe-
8 riod beginning on the date such officer ceases to
9 serve in such capacity.

10 **SEC. 209. RISK MANAGEMENT COMMITTEE.**

11 (a) ESTABLISHMENT OF RISK MANAGEMENT COM-
12 MITTEE.—The Board shall establish a risk management
13 committee consisting of 5 members, headed by the chief
14 risk officer, with participation from the chief loan origina-
15 tion officer.

16 (b) APPOINTMENTS.—A majority of the Board shall
17 have the authority to appoint and reappoint the CRO of
18 the Bank.

19 (c) FUNCTIONS; DUTIES.—

20 (1) IN GENERAL.—The CRO shall have such
21 functions, powers, and duties as may be prescribed
22 by one or more of the following: This Act, the by-
23 laws of the Bank, and the Board. The CRO shall re-
24 port directly to the Board.

1 (2) RISK MANAGEMENT DUTIES.—In order to
2 carry out the purposes of this Act, the risk manage-
3 ment committee shall—

4 (A) create overarching financial, credit,
5 and operational risk management guidelines
6 and policies to be adhered to by the Bank;

7 (B) create conforming standards for loan
8 agreements to ensure diversification of lending
9 activities by—

10 (i) geographic region, infrastructure
11 project type, and inclusion of disadvan-
12 taged and rural communities; and

13 (ii) compliance with Federal and State
14 laws referred to in section 213;

15 (C) create specific plans for all financial
16 assistance provided by the Bank, including sub-
17 sidy programs for disadvantaged communities
18 and the inclusion of minority, women, indige-
19 nous people, and disadvantaged business par-
20 ticipation in projects financed by the Bank in
21 accordance with sections 201(18) and 213 of
22 this Act;

23 (D) monitor overall financial, credit, and
24 operational exposure of the Bank;

1 (E) create a standing subcommittee to per-
2 form regular credit evaluations and report on
3 large infrastructure loans extended by the Bank
4 that monitor compliance with terms, and attain-
5 ment of performance targets contained in loan
6 agreements; and

7 (F) provide financial recommendations to
8 the Board for Board approval.

9 (d) OTHER RISK MANAGEMENT OFFICERS.—The
10 Board shall appoint, remove, fix the compensation, and
11 define the duties of 4 other risk management officers to
12 serve on the risk management committee.

13 (e) QUALIFICATIONS.—The CRO and other risk man-
14 agement officers shall have demonstrated experience and
15 expertise in one or more of the following:

16 (1) Treasury and asset and liability manage-
17 ment.

18 (2) Investment regulations.

19 (3) Insurance.

20 (4) Credit risk management and credit evalua-
21 tions.

22 (5) Infrastructure development projects.

23 (f) VACANCY.—A vacancy in the position of CRO and
24 other risk management officers of the risk management

1 committee shall be filled in the manner in which the origi-
2 nal appointment was made.

3 (g) COMPENSATION.—The compensation of the CRO
4 and other risk management officers of the risk manage-
5 ment committee shall be determined by the Board.

6 (h) REMOVAL.—The CRO and other risk manage-
7 ment officers of the risk management committee may be
8 removed at the discretion of a majority of the Board.

9 (i) TERM.—The CRO and other risk management of-
10 ficers of the risk management committee shall serve a 6-
11 year term and may be reappointed in accordance with this
12 section.

13 (j) LIMITATIONS.—The CRO and other risk manage-
14 ment officers of the risk management committee shall
15 not—

16 (1) hold any other public office;

17 (2) have any interest in an infrastructure
18 project considered by the Board;

19 (3) have any interest in an investment institu-
20 tion, commercial bank, or other entity seeking finan-
21 cial assistance for any infrastructure project from or
22 investing in the Bank; and

23 (4) have any such interest during the 2-year pe-
24 riod beginning on the date such officer ceases to
25 serve in such capacity.

1 **SEC. 210. AUDIT COMMITTEE.**

2 (a) IN GENERAL.—The Bank shall establish an audit
3 committee consisting of 5 members, headed by the chief
4 compliance officer of the Bank.

5 (b) APPOINTMENTS.—A majority of the Board shall
6 have the authority to appoint and reappoint the CCO of
7 the Bank.

8 (c) FUNCTIONS; DUTIES.—The CCO shall have such
9 functions, powers, and duties as may be prescribed by this
10 Act, the bylaws of the Bank, and the Board. The CCO
11 shall report directly to the Board.

12 (d) AUDIT DUTIES.—In order to carry out the pur-
13 poses of the Bank under this Act, the audit committee
14 shall—

15 (1) provide internal controls and internal audit-
16 ing activities for the Bank;

17 (2) maintain responsibility for the accounting
18 activities of the Bank;

19 (3) conduct internal investigations of the busi-
20 ness activities of the Bank;

21 (4) issue financial reports of the Bank; and

22 (5) complete reports with outside auditors and
23 public accountants appointed by the Board.

24 (e) OTHER AUDIT OFFICERS.—The Board shall ap-
25 point, remove, fix the compensation, and define the duties
26 of 4 other audit officers to serve on the audit committee.

1 (f) QUALIFICATIONS.—The CCO and other audit offi-
2 cers shall have demonstrated experience and expertise in
3 one or more of the following:

- 4 (1) Internal auditing.
- 5 (2) Internal investigations.
- 6 (3) Accounting practices.
- 7 (4) Financing practices.

8 (g) VACANCY.—A vacancy in the position of CCO and
9 other audit officers of the audit committee shall be filled
10 in the manner in which the original appointment was
11 made.

12 (h) COMPENSATION.—The compensation of the CCO
13 and other audit officers of the audit committee shall be
14 determined by the Board.

15 (i) REMOVAL.—The CCO and other audit officers of
16 the audit committee may be removed at the discretion of
17 a majority of the Board.

18 (j) TERM.—The CCO and other audit officers of the
19 audit committee shall serve a 6-year term and may be re-
20 appointed in accordance with this section.

21 (k) LIMITATIONS.—The CCO and other audit officers
22 of the audit committee shall not—

- 23 (1) hold any other public office;
- 24 (2) have any interest in an infrastructure
25 project considered by the Board;

1 (3) have any interest in an investment institu-
2 tion, commercial bank, or other entity seeking finan-
3 cial assistance for any infrastructure project from or
4 investing in the Bank; and

5 (4) have any such interest during the 2-year pe-
6 riod beginning on the date such officer ceases to
7 serve in such capacity.

8 **SEC. 211. PERSONNEL.**

9 (a) **COMPENSATION; DUTIES.**—The chairperson of
10 the Board, chief executive officer, chief risk officer, and
11 chief compliance officer shall appoint, remove, fix the com-
12 pensation of, and define the duties of such qualified per-
13 sonnel to serve under the Board, Executive Committee,
14 risk management committee, or audit committee, as the
15 case may be, as necessary and prescribed by this Act, the
16 bylaws of the Bank, and the Board.

17 (b) **NONDISCRIMINATION AND EQUAL OPPORTUNITY**
18 **EMPLOYMENT.**—The Bank shall not discriminate, on the
19 basis of a person’s race, religion, color, national origin,
20 age, physical or mental handicap or disability, medical
21 condition, marital status, sex, sexual orientation, gender
22 identity, pregnancy, or ethnic or social origin against any
23 employee or applicant for employment. This action shall
24 include, but not be limited to, employment, upgrading, de-
25 motion or transfer, recruitment or recruitment adver-

1 tising; layoff or termination; rates of pay or other forms
2 of compensation; and selection of training, including ap-
3 prenticeship.

4 (c) PARTICIPATION BY OTHER AGENCY PER-
5 SONNEL.—Consideration of projects by the Executive
6 Committee and the Board shall be conducted with per-
7 sonnel on detail to the Bank from United States Army
8 Corps of Engineers, the Department of Transportation,
9 the Department of Labor, the Department of Housing and
10 Urban Development, the Environmental Protection Agen-
11 cy, the Department of the Treasury, the Department of
12 Commerce, and other relevant departments and agencies
13 from among individuals who are familiar with and experi-
14 enced in the selection criteria for competitive projects. The
15 Bank shall reimburse those departments and agencies for
16 the staff who are on detail to the Bank.

17 **SEC. 212. SPECIAL INSPECTOR GENERAL FOR THE NA-**
18 **TIONAL INFRASTRUCTURE BANK.**

19 (a) IN GENERAL.—Beginning on the date on which
20 the President appoints a Special Inspector General for the
21 Bank (referred to in this Act as the “Special Inspector
22 General”) under subsection (b), there is established an Of-
23 fice of the Special Inspector General for the Bank.

24 (b) APPOINTMENT OF INSPECTOR GENERAL; RE-
25 MOVAL.—

1 (1) APPOINTMENT.—The Special Inspector
2 General for the Bank shall be appointed by the
3 President, by and with the advice and consent of the
4 Senate.

5 (2) BASIS OF APPOINTMENT.—The appoint-
6 ment of the Special Inspector General shall be made
7 on the basis of integrity and demonstrated ability in
8 accounting, auditing, financial analysis, law, man-
9 agement analysis, public administration, or inves-
10 tigation.

11 (3) TIMING OF NOMINATION.—The nomination
12 of an individual as Special Inspector General shall
13 be made as soon as practicable after the date of en-
14 actment of this Act.

15 (4) REMOVAL.—The Special Inspector General
16 shall be removable from office in accordance with
17 the provisions of section 3(b) of the Inspector Gen-
18 eral Act of 1978 (5 U.S.C. App.).

19 (5) RULE OF CONSTRUCTION.—For purposes of
20 section 7324 of title 5, United States Code, the Spe-
21 cial Inspector General shall not be considered an em-
22 ployee who determines policies to be pursued by the
23 United States in the nationwide administration of
24 Federal law.

1 (6) RATE OF PAY.—The annual rate of basic
2 pay of the Special Inspector General shall be the an-
3 nual rate of basic pay for an Inspector General
4 under section 3(e) of the Inspector General Act of
5 1978 (5 U.S.C. App.).

6 (c) DUTIES.—The Special Inspector General shall—

7 (1) conduct, supervise, and coordinate audits
8 and investigations of the business activities of the
9 Bank;

10 (2) establish, maintain, and oversee such sys-
11 tems, procedures, and controls as the Special Inspec-
12 tor General considers appropriate to discharge the
13 duty under paragraph (1); and

14 (3) carry out any other duties and responsibil-
15 ities of inspectors general under the Inspector Gen-
16 eral Act of 1978 (5 U.S.C. App.).

17 (d) POWERS AND AUTHORITIES.—

18 (1) IN GENERAL.—In carrying out the duties
19 specified in subsection (c), the Special Inspector
20 General shall have the authorities provided in section
21 6 of the Inspector General Act of 1978 (5 U.S.C.
22 App.).

23 (2) ADDITIONAL AUTHORITY.—The Special In-
24 spector General shall carry out the duties specified
25 in subsection (c)(1) in accordance with section

1 4(b)(1) of the Inspector General Act of 1978 (5
2 U.S.C. App.).

3 (e) PERSONNEL, FACILITIES, AND OTHER RE-
4 SOURCES.—

5 (1) ADDITIONAL OFFICERS.—

6 (A) IN GENERAL.—The Special Inspector
7 General may select, appoint, and employ such
8 officers and employees as may be necessary for
9 carrying out the duties of the Special Inspector
10 General, subject to the provisions of title 5,
11 United States Code, governing appointments in
12 the competitive service, and the provisions of
13 chapter 51 and subchapter III of chapter 53 of
14 such title, relating to classification and General
15 Schedule pay rates.

16 (B) EMPLOYMENT AND COMPENSATION.—
17 The Special Inspector General may exercise the
18 authorities of subsections (b) through (i) of sec-
19 tion 3161 of title 5, United States Code (with-
20 out regard to subsection (a) of that section).

21 (2) RETENTION OF SERVICES.—The Special In-
22 spector General may obtain services as authorized by
23 section 3109 of title 5, United States Code, at daily
24 rates not to exceed the equivalent rate prescribed for

1 grade GS-15 of the General Schedule by section
2 5332 of such title.

3 (3) ABILITY TO CONTRACT FOR AUDITS, STUD-
4 IES, AND OTHER SERVICES.—The Special Inspector
5 General may enter into contracts and other arrange-
6 ments for audits, studies, analyses, and other serv-
7 ices with public agencies and with private persons,
8 and make such payments as may be necessary to
9 carry out the duties of the Special Inspector Gen-
10 eral.

11 (4) REQUEST FOR INFORMATION.—

12 (A) IN GENERAL.—Upon request of the
13 Special Inspector General for information or as-
14 sistance from any department, agency, or other
15 entity of the Federal Government, the head of
16 that entity shall, insofar as is practicable and
17 not in contravention of any existing law, furnish
18 the information or assistance to the Special In-
19 spector General or an authorized designee.

20 (B) REFUSAL TO COMPLY.—If information
21 or assistance requested by the Special Inspector
22 General is, in the judgment of the Special In-
23 spector General, unreasonably refused or not
24 provided, the Special Inspector General shall re-

1 port the circumstances to the Secretary, with-
2 out delay.

3 (f) REPORTS.—

4 (1) ANNUAL REPORT.—Not later than 1 year
5 after the date on which the Special Inspector Gen-
6 eral is confirmed, and every calendar year thereafter,
7 the Special Inspector General shall submit to the
8 President and appropriate committees of Congress a
9 report summarizing the activities of the Special In-
10 spector General during the previous 1-year period
11 ending on the date on which such report is required.

12 (2) PUBLIC DISCLOSURES.—Nothing in this
13 subsection authorizes the public disclosure of infor-
14 mation that is—

15 (A) specifically prohibited from disclosure
16 by any other provision of law;

17 (B) specifically required by Executive order
18 to be protected from disclosure in the interest
19 of national defense or national security or in
20 the conduct of foreign affairs; or

21 (C) a part of an ongoing criminal inves-
22 tigation.

1 **SEC. 213. STATUS AND APPLICABILITY OF CERTAIN FED-**
2 **ERAL AND STATE LAWS.**

3 (a) NATIONAL BANK CHARTER.—As soon as prac-
4 ticable after being established, the Bank shall apply for
5 a national bank charter.

6 (b) COMPLIANCE WITH DAVIS-BACON ACT.—All la-
7 borers and mechanics employed by contractors and sub-
8 contractors on infrastructure projects funded directly by
9 or assisted in whole or in part by and through the Bank
10 pursuant to this Act shall be paid wages at rates not less
11 than those prevailing on projects of a character similar
12 in the locality as determined by the Secretary of Labor
13 in accordance with subchapter IV of chapter 31 of part
14 A of title 40, United States Code. With respect to the
15 labor standards specified in this section, the Secretary of
16 Labor shall have the authority and functions set forth in
17 Reorganization Plan Numbered 14 of 1950 (64 Stat.
18 1267; 5 U.S.C. App.) and section 3145 of title 40, United
19 States Code.

20 (c) COMPLIANCE WITH PROJECT LABOR AGREE-
21 MENTS.—In States in which project labor agreements are
22 authorized, or in any State where a construction contract
23 financed by the Bank exceeds \$35 million, recipients of
24 financial assistance made available under this Act must
25 comply with such agreements (in accordance with sub-
26 sections (e) and (f) of section 8 of the National Labor

1 Relations Act (29 U.S.C. 158) and Executive Order
2 14063). In States in which project labor agreements are
3 prohibited by law and are below the limit for a project,
4 projects financed by the Bank pursuant to the Act shall
5 permit voluntary collective bargaining of such agreements.

6 (d) BUY AMERICA REQUIREMENT.—The provisions
7 of section 70914 of the Infrastructure Investment and
8 Jobs Act (Public Law 117–58) shall apply both to the
9 Bank directly and to all contractually permitted uses of
10 its infrastructure loans. In cases where the acquisition of
11 needed goods would otherwise require a waiver, the Bank
12 may undertake to stimulate new domestic production of
13 the goods in question through the provision of loans to
14 private sector companies to produce the goods in accord-
15 ance with section 205(d)(1)(L) of this Act.

16 (e) COMPLIANCE WITH CIVIL RIGHTS ACT OF
17 1964.—The Bank, along with contractors and subcontractors
18 on infrastructure projects funded directly by, or as-
19 sisted in whole or in part by the Bank, shall comply with
20 titles VI and VII of the Civil Rights Act of 1964 as to
21 hiring and awarding contracts to build projects. The Bank
22 will implement said laws, in part, by including language
23 in loan agreements to require contracted work financed
24 in whole or in part by the Bank to include an equal oppor-

1 tunity clause as set out in section 60–1.4 of title 41 of
2 the Code of Federal Regulations.

3 (f) MINORITY, WOMEN, AND DISADVANTAGED BUSI-
4 NESS ENTERPRISE PARTICIPATION.—The Bank, along
5 with contractors and subcontractors on infrastructure
6 projects financed directly by, or assisted in whole or in
7 part by the Bank, shall comply with section 47113 of title
8 49, United States Code, section 632 of title 15, United
9 States Code, and title I of division A of Public Law 117–
10 58, so that not less than 10 percent of amounts financed
11 by the Bank shall be expended with small business con-
12 cerns owned and controlled by socially and economically
13 disadvantaged individuals, including women, or qualified
14 Disadvantaged Business Enterprises or HUBZone small
15 business concerns.

16 (g) LOCAL HIRING PREFERENCE.—The Bank, along
17 with contractors and subcontractors on infrastructure
18 projects financed directly by, or assisted in whole or in
19 part by the Bank, shall comply with sections 70914 and
20 100602 of the Infrastructure Investment and Jobs Act
21 (Public Law 117–58) to implement a local, rural, or other
22 geographical or economic hiring preference relating to the
23 use of labor for construction of a project funded by the
24 grant, including prehire agreements, subject to any appli-
25 cable State and local laws, policies, and procedures.

1 (h) WORKFORCE DEVELOPMENT, TRAINING, AND
2 EDUCATION.—The Bank shall comply with section 13007
3 of the Infrastructure Investment and Jobs Act (Public
4 Law 117–58), to aid in promoting the education, training,
5 and hiring of workers in all occupational fields of endeavor
6 utilized, directly or indirectly, by projects financed by the
7 Bank.

8 (i) INFRASTRUCTURE PLANNING, COORDINATION
9 AND NON-DUPLICATION.—The Bank shall comply with
10 “coordination” or “non-duplication” requirements men-
11 tioned in sections 11201, 11402, 11501(c), 22301(b),
12 22910, 23014, 25003, 25008, 25009(h)(3)(A), 25010,
13 25012, 30002, 40108, 40113, 40121, 40125, 40321,
14 40328, 40431, 40522, 40902, 40908, 50102, 50204,
15 50210, 50216–27, 60102, 60201, and 60503 of the Infra-
16 structure Investment and Jobs Act (Public Law 117–58),
17 to coordinate the planning and management of all infra-
18 structure projects financed by the Bank with Federal and
19 non-Federal agencies providing grants, loans, or other
20 means of financing, Metropolitan and Rural Planning Or-
21 ganizations, Regional Accelerator Planning Groups, state
22 and local governments, scientific centers, and the public,
23 to ensure complete and optimal planning and project roll-
24 out, at minimum cost, with no duplication of effort.

1 (j) COMPLIANCE WITH APPLICABLE FEDERAL
2 LAW.—Projects receiving financial assistance from the
3 Bank shall comply with applicable provisions of Federal
4 law and regulation, including—

5 (1) for transit, requirements that would apply
6 to a project receiving funding under section 5307 or
7 47113 of title 49, United States Code;

8 (2) for public housing, requirements that would
9 apply to a project receiving funding from a grant
10 under section 24 of the United States Housing Act
11 of 1937 (42 U.S.C. 1437v);

12 (3) for publicly assisted affordable housing, re-
13 quirements that would apply to the preservation of
14 such housing under other provisions of law gov-
15 erning such housing;

16 (4) for roads and bridges, requirements that
17 would apply to a project that receives funds under
18 section 104(b)(3) of title 23, United States Code, or
19 section 47113 of title 49, United States Code, and
20 meets the goals under section 150(b) of title 23,
21 United States Code;

22 (5) for freight and passenger rail projects, re-
23 quirements that would apply to a project that re-
24 ceives funds under subtitle V of title 49, United
25 States Code;

1 (6) for airport and air traffic control projects,
2 requirements that would apply to a project that re-
3 ceives funds under chapters 471 and 501 of title 49,
4 United States Code, or section 47113 of such title;

5 (7) for water, requirements that would apply to
6 a project grant or loan under—

7 (A) section 103 of the Housing and Com-
8 munity Development Act of 1974 (42 U.S.C.
9 5303);

10 (B) section 1452 of the Public Health
11 Service Act (42 U.S.C. 300j–12); or

12 (C) section 601 of the Federal Water Pol-
13 lution Control Act (33 U.S.C. 1381), as that
14 section applied before the beginning of fiscal
15 year 1995; and

16 (8) for rural development projects, requirements
17 that would apply to a project financed by any of the
18 following programs of the Department of Agri-
19 culture:

20 (A) Rural Economic Development Loans &
21 Grants.

22 (B) Community Facilities Direct Loans &
23 Grants.

24 (C) Single- and Multi-Family Housing Re-
25 pair and Rental Assistance Loans & Grants.

1 (D) Multi-Family Housing Rental Assist-
2 ance.

3 (E) Electric Infrastructure Loans & Loan
4 Guarantees.

5 (F) Rural Broadband Access, and Tele-
6 communications Infrastructure Loans & Guar-
7 antees.

8 (G) Water & Waste Disposal Loans &
9 Grants.

10 (k) STATE AND LOCAL PERMIT REQUIREMENTS.—

11 The provision of assistance by the Board in accordance
12 with this Act shall not be deemed to relieve any recipient
13 of assistance or the related infrastructure project of any
14 obligation to obtain required State and local permits and
15 approvals.

16 **SEC. 214. EXEMPTION FROM CERTAIN LAWS.**

17 (a) NO BUDGET AUTHORITY FOR CONTRACTS OR
18 LOANS.—Section 504(b) of the Federal Credit Reform Act
19 of 1990 (2 U.S.C. 661c(b)) requiring prior budget author-
20 ity shall not apply to any contract or loan under this Act.

21 (b) NO PRIORITY AS A FEDERAL CLAIM.—The pri-
22 ority established in favor of the United States by section
23 3713 of title 31, United States Code, shall not apply with
24 respect to any indebtedness of the Bank.

1 **SEC. 215. RELATIONS WITH LOCAL FINANCIAL INSTITU-**
2 **TIONS.**

3 (a) **COMPLEMENT PROVISION OF SERVICES.**—Except
4 as provided in subsection (b), the Bank shall conduct loan
5 activities in partnership with local financial institutions
6 and shall not compete with local financial institutions.
7 Partnership may include local banks' participation in loan
8 requests, loan monitoring, or blended financing of project
9 loans.

10 (b) **EXCEPTION.**—The Bank may engage in loan ac-
11 tivities without partnering with a local financial institu-
12 tion, if those loan activities are not offered or provided
13 by local financial institutions in the jurisdiction where the
14 loan is being provided.

15 (c) **BANK AS A CLEARINGHOUSE.**—For local financial
16 institutions that make the Bank a reserve depository, the
17 Bank may perform the functions and render the services
18 of a clearinghouse, including all facilities for providing do-
19 mestic and foreign exchange, or rediscounting paper on
20 such terms as the Board shall provide.

21 **SEC. 216. AUDITS; REPORTS TO PRESIDENT AND CON-**
22 **GRESS.**

23 (a) **ACCOUNTING.**—The books of account of the Bank
24 shall be maintained in accordance with generally accepted
25 accounting principles as used in the United States, and
26 shall be subject to an annual audit by independent public

1 accountants appointed by the Board and of nationally rec-
2 ognized standing.

3 (b) REPORTS.—

4 (1) BOARD.—The Board shall submit to the
5 President and Congress, within 90 days after the
6 last day of each fiscal year, a complete and detailed
7 report with respect to the preceding fiscal year, set-
8 ting forth—

9 (A) a summary of the Bank’s operations,
10 for such preceding fiscal year;

11 (B) a schedule of the Bank’s obligations
12 outstanding at the end of such preceding fiscal
13 year, with a statement of the amounts issued
14 and redeemed or paid during such preceding
15 fiscal year; and

16 (C) the status of infrastructure projects re-
17 ceiving funding or other assistance pursuant to
18 this Act, including disclosure of all entities with
19 a development, ownership, or operational inter-
20 est in such projects.

21 (2) GAO.—Not later than 5 years after the
22 date of enactment of this Act, the Comptroller Gen-
23 eral of the United States shall submit to Congress
24 a report evaluating activities of the Bank for the fis-
25 cal years covered by the report that includes an as-

1 assessment of the impact and benefits of each funded
2 infrastructure project, including a review of how ef-
3 fectively each project accomplished the goals
4 prioritized by the Bank’s project criteria.

5 (c) BOOKS AND RECORDS.—

6 (1) IN GENERAL.—The Bank shall maintain
7 adequate books and records to support the financial
8 transactions of the Bank with a description of finan-
9 cial transactions and infrastructure projects receiv-
10 ing funding, and the amount of funding for each
11 project maintained on a publicly accessible database.

12 (2) PUBLIC COMMENT PERIOD.—The Bank
13 shall post infrastructure financing agreements on
14 the database providing 30 days for public comments
15 before providing final financing for the infrastruc-
16 ture project.

17 (3) AUDITS BY THE SECRETARY AND GAO.—
18 The books and records of the Bank shall be open to
19 inspection by the Secretary and the Comptroller
20 General of the United States.

21 **SEC. 217. BUDGETARY EFFECTS.**

22 The budgetary effects of this Act, for the purpose of
23 complying with the Statutory Pay-As-You-Go Act of 2010,
24 shall be determined by reference to the latest statement
25 titled “Budgetary Effects of PAYGO Legislation” for this

1 Act, submitted for printing in the Congressional Record
2 by the Chairman of the House Budget Committee, pro-
3 vided that such statement has been submitted prior to the
4 vote on passage.

5 **SEC. 218. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated \$50,000,000
7 for each of fiscal years 2023 and 2024 for the initial orga-
8 nization of the Bank, and its Directors and staff.

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