

113TH CONGRESS  
2D SESSION

# H. R. 5259

To establish State infrastructure banks for education.

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IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

Mr. HUFFMAN introduced the following bill; which was referred to the  
Committee on Education and the Workforce

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## A BILL

To establish State infrastructure banks for education.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Investing for Tomor-  
5       row’s Schools Act of 2014”.

6       **SEC. 2. STATE INFRASTRUCTURE BANK PILOT PROGRAM.**

7       (a) ESTABLISHMENT.—

8               (1) COOPERATIVE AGREEMENTS.—Subject to  
9       the provisions of this section, the Secretary of the  
10       Treasury, in consultation with the Secretary of Edu-  
11       cation, may enter into cooperative agreements with  
12       States for the establishment of State infrastructure

1 banks and multistate infrastructure banks for mak-  
2 ing loans—

3 (A) to local educational agencies for build-  
4 ing or repairing elementary or secondary  
5 schools which provide free public education (as  
6 such terms are defined in section 14101 of the  
7 Elementary and Secondary Education Act of  
8 1965 (20 U.S.C. 8801));

9 (B) to public libraries for building or re-  
10 pairing library facilities;

11 (C) to eligible charter school entities for  
12 use for the objective described in section  
13 5224(2) of such Act (20 U.S.C. 7223c(2)) con-  
14 sistent with subpart 2 of part B of title V of  
15 such Act (20 U.S.C. 7223 et seq.); and

16 (D) to community learning centers to con-  
17 nect and improve broadband services.

18 (2) INTERSTATE COMPACTS.—Congress grants  
19 consent to two or more of the States, entering into  
20 a cooperative agreement under paragraph (1) with  
21 the Secretary of the Treasury for the establishment  
22 of a multistate infrastructure bank, to enter into an  
23 interstate compact establishing such bank in accord-  
24 ance with this section.

1           (b) FUNDING.—The Secretary of the Treasury, in  
2 consultation with the Secretary of Education, shall make  
3 grants to State infrastructure banks and multistate infra-  
4 structure banks in a State in a cooperative agreement  
5 under subsection (a)(1) to provide initial capital for loans  
6 provided under this section. Each bank shall apply repay-  
7 ments of principal and interest on loans to the making  
8 of additional loans. The Secretary shall take final action  
9 on an application for a grant under this subsection within  
10 90 days of the date of the submission of such application.

11           (c) INFRASTRUCTURE BANK REQUIREMENTS.—In  
12 order to establish an infrastructure bank under this sec-  
13 tion, each State establishing the bank shall—

14                 (1) contribute, at a minimum, in each account  
15 of the bank from non-Federal sources an amount  
16 equal to 25 percent of the amount of each capitaliza-  
17 tion grant made to the State and contributed to the  
18 bank under subsection (b);

19                 (2) identify an operating entity of the State as  
20 recipient of the grant if the entity has the capacity  
21 to manage loan funds and issue debt instruments of  
22 the State for purposes of leveraging the funds;

23                 (3) allow such funds to be used as reserve for  
24 debt issued by the State so long as proceeds are de-  
25 posited in the fund for loan purposes;

1           (4) ensure that investment income generated by  
2 funds contributed to an account of the bank will  
3 be—

4                   (A) credited to the account;

5                   (B) available for use in providing loans to  
6 projects eligible for assistance from the account;  
7 and

8                   (C) invested in United States Treasury se-  
9 curities, bank deposits, or such other financing  
10 instruments as the Secretary may approve to  
11 earn interest to enhance the leveraging of  
12 projects assisted by the bank;

13           (5) ensure that any loan from the bank to an  
14 eligible charter school entity, local educational agen-  
15 cy, public library, or community learning center will  
16 bear interest at or below the lowest interest rates  
17 being offered for bonds the income from which is ex-  
18 empt from Federal taxation, as determined by the  
19 State, to make the project that is the subject of the  
20 loan feasible;

21           (6) ensure that repayment of any loan from the  
22 bank to an eligible charter school entity, local edu-  
23 cational agency, public library, or community learn-  
24 ing center will commence not later than 1 year after  
25 the project has been completed;

1           (7) ensure that the term for repaying any loan  
2           to an eligible charter school entity, local educational  
3           agency, public library, or community learning center  
4           will not exceed 30 years after the date of the first  
5           payment on the loan under paragraph (5);

6           (8) ensure that the funds loaned annually that  
7           are used under subsection (a)(1)(C) are limited to a  
8           percentage of the total funds loaned that does not  
9           exceed the percentage of elementary and secondary  
10          school students in the State enrolled in charter  
11          schools during the most recent school year for which  
12          enrollment data are available;

13          (9) ensure that the funds loaned annually under  
14          subsection (a)(1)(D) are used exclusively to connect  
15          and improve broadband services; and

16          (10) require the bank to make an annual report  
17          to the Secretary on its status and make such other  
18          reports as the Secretary may require by guidelines.

19          (d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE  
20          BANKS.—

21                 (1) IN GENERAL.—An infrastructure bank es-  
22                 tablished under this section may make loans in an  
23                 amount equal to all or part of the cost of carrying  
24                 out a project eligible for assistance under this sec-  
25                 tion.

1           (2) APPLICATIONS FOR LOANS.—An application  
2 to an infrastructure bank for a loan shall include—

3           (A) in the case of a renovation project, a  
4 description of each architectural, civil, struc-  
5 tural, mechanical, or electrical deficiency to be  
6 corrected with funds under a loan and the pri-  
7 orities to be applied;

8           (B) a description of the criteria used by  
9 the applicant to determine the type of corrective  
10 action necessary for the renovation of a facility;

11          (C) a description of improvements to be  
12 made and a cost estimate for the improvements;

13          (D) a description of how work undertaken  
14 with the loan will promote the conservation of  
15 energy, water, or waste; and

16          (E) such other information as the infra-  
17 structure bank may require.

18 An infrastructure bank shall take final action on a  
19 completed application submitted to it within 90 days  
20 after the date of its submission.

21           (3) CRITERIA FOR LOANS.—In considering ap-  
22 plications for a loan to an eligible charter school en-  
23 tity, local educational agency, public library, or com-  
24 munity learning center, an infrastructure bank shall  
25 consider—

1           (A) the extent to which the eligible charter  
2 school entity, local educational agency, public li-  
3 brary, or community learning center involved  
4 lacks the fiscal capacity, including the ability to  
5 raise funds through the full use of such agen-  
6 cy's bonding capacity and otherwise, to under-  
7 take the project for which the loan would be  
8 used without the loan;

9           (B) in the case of a local educational agen-  
10 cy, the threat that the condition of the physical  
11 plant in the project poses to the safety and  
12 well-being of students;

13           (C) the demonstrated need for the con-  
14 struction, reconstruction, or renovation based  
15 on the condition of the facility in the project;

16           (D) the age of such facility; and

17           (E) demonstrated need to connect and im-  
18 prove broadband services in the local commu-  
19 nity.

20 (e) QUALIFYING PROJECTS.—

21           (1) IN GENERAL.—Subject to subsection (a)(1),  
22 a project is eligible for a loan from an infrastructure  
23 bank if it is a project that consists of—

1 (A) the construction of new elementary or  
2 secondary schools to meet the needs imposed by  
3 enrollment growth;

4 (B) the repair, rebuilding, or upgrading of  
5 classrooms or structures related to academic  
6 learning, including the repair of leaking roofs,  
7 crumbling walls, inadequate plumbing, poor  
8 ventilation equipment, and inadequate heating  
9 or light equipment;

10 (C) an activity to increase physical safety  
11 at the educational facility involved;

12 (D) an activity to enhance the educational  
13 facility involved to provide access for students,  
14 teachers, and other individuals with disabilities;

15 (E) an activity to address environmental or  
16 health hazards at the educational facility in-  
17 volved, such as poor ventilation, indoor air qual-  
18 ity, or lighting;

19 (F) the provision of basic infrastructure  
20 that facilitates educational technology, such as  
21 communications outlets, electrical systems,  
22 power outlets, or a communication closet;

23 (G) work that will bring an educational fa-  
24 cility into conformity with the requirements  
25 of—



1 (i) environmental protection or health  
2 and safety programs mandated by Federal,  
3 State, or local law if such requirements  
4 were not in effect when the facility was ini-  
5 tially constructed; and

6 (ii) hazardous waste disposal, treat-  
7 ment, and storage requirements mandated  
8 by the Resource Conservation and Recov-  
9 ery Act of 1976 or similar State laws;

10 (H) work that will enable efficient use of  
11 available energy resources;

12 (I) work that will reduce reliance on fossil  
13 fuels and expand use of solar power, wind  
14 power, and other renewable energy resources;

15 (J) work to detect, remove, or otherwise  
16 contain asbestos hazards in educational facili-  
17 ties;

18 (K) work to construct new public library  
19 facilities or repair or upgrade existing public li-  
20 brary facilities;

21 (L) work to connect entities described in  
22 subsection (a)(1) to broadband services, and to  
23 improve such connections for such entities; or

1 (M) measures designed to reduce or elimi-  
2 nate human exposure to classroom noise and  
3 environmental noise pollution.

4 (2) DAVIS-BACON.—The wage requirements of  
5 the Act of March 3, 1931 (referred to as the “Davis-  
6 Bacon Act”, 40 U.S.C. 276a et seq.) shall apply  
7 with respect to individuals employed on the projects  
8 described in paragraph (1).

9 (3) GREEN PRACTICES.—An entity using a loan  
10 under this section to fund a new construction or ren-  
11 ovation project described in paragraph (1) shall en-  
12 sure that the project is certified, verified, or con-  
13 sistent with State laws, regulations, and any applica-  
14 ble provisions of—

15 (A) the LEED Green Building Rating Sys-  
16 tem;

17 (B) Living Building Challenge;

18 (C) the CHPS green building rating pro-  
19 gram developed by the Collaborative for High  
20 Performance Schools; or

21 (D) a program that—

22 (i) has equivalent or more stringent  
23 standards;

1                   (ii) is adopted by the State or another  
2                   jurisdiction with authority over the entity;  
3                   and  
4                   (iii) includes a verifiable method to  
5                   demonstrate compliance with such pro-  
6                   gram.

7           (f) SUPPLEMENTATION.—Any loan made by an infra-  
8           structure bank shall be used to supplement and not sup-  
9           plant other Federal, State, and local funds available.

10          (g) LIMITATION ON REPAYMENTS.—Notwithstanding  
11          any other provision of law, the repayment of a loan from  
12          an infrastructure bank under this section may not be cred-  
13          ited towards the non-Federal share of the cost of any  
14          project.

15          (h) SECRETARIAL REQUIREMENTS.—In admin-  
16          istering this section, the Secretary of the Treasury shall  
17          specify procedures and guidelines for establishing, oper-  
18          ating, and providing assistance from an infrastructure  
19          bank.

20          (i) UNITED STATES NOT OBLIGATED.—The con-  
21          tribution of Federal funds into an infrastructure bank es-  
22          tablished under this section shall not be construed as a  
23          commitment, guarantee, or obligation on the part of the  
24          United States to any third party, nor shall any third party  
25          have any right against the United States for payment sole-

1 ly by virtue of the contribution. Any security or debt fi-  
2 nancing instrument issued by the infrastructure bank  
3 shall expressly state that the security or instrument does  
4 not constitute a commitment, guarantee, or obligation of  
5 the United States.

6 (j) MANAGEMENT OF FEDERAL FUNDS.—Sections  
7 3335 and 6503 of title 31, United States Code, shall not  
8 apply to funds contributed under this section.

9 (k) PROGRAM ADMINISTRATION.—For each of fiscal  
10 years 2015 through 2019, a State may expend not to ex-  
11 ceed 2 percent of the Federal funds contributed to an in-  
12 frastructure bank established by the State under this sec-  
13 tion to pay the reasonable costs of administering the bank.

14 (l) SECRETARIAL REVIEW.—The Secretary of the  
15 Treasury shall review the financial condition of each infra-  
16 structure bank established under this section and transmit  
17 to Congress a report on the results of such review not later  
18 than 90 days after the completion of the review.

19 (m) AUTHORIZATION OF APPROPRIATIONS.—For  
20 grants to States for the initial capitalization of infrastruc-  
21 ture banks there are authorized to be appropriated  
22 \$500,000,000 for fiscal year 2015 and for each of the 4  
23 succeeding fiscal years.

24 **SEC. 3. DEFINITIONS.**

25 For purposes of this Act:

1           (1) COMMUNITY LEARNING CENTER.—The term  
2           “community learning center” has the meaning given  
3           such term in section 4201(b)(1) of the Elementary  
4           and Secondary Education Act of 1965 (20 U.S.C.  
5           7171(b)(1)).

6           (2) ELIGIBLE CHARTER SCHOOL ENTITY.—The  
7           term “eligible charter school entity” means—

8                   (A) a charter school (as defined in section  
9                   5210 of the Elementary and Secondary Edu-  
10                  cation Act of 1965 (20 U.S.C. 7221i)); or

11                   (B) a developer (as so defined) that has  
12                  applied to an authorized public chartering agen-  
13                  cy (as so defined) to operate a charter school.

14           (3) LOCAL EDUCATIONAL AGENCY.—(A) The  
15           term “local educational agency” means a public  
16           board of education or other public authority legally  
17           constituted within a State for either administrative  
18           control or direction of, or to perform a service func-  
19           tion for, public elementary or secondary schools in a  
20           city, county, township, school district, or other polit-  
21           ical subdivision of a State, or for such combination  
22           of school districts or counties as are recognized in a  
23           State as an administrative agency for its public ele-  
24           mentary or secondary schools.

1           (B) The term includes any other public institu-  
2           tion or agency having administrative control and di-  
3           rection of a public elementary or secondary school.

4           (C) The term includes an elementary or sec-  
5           ondary school funded by the Bureau of Indian Af-  
6           fairs but only to the extent that such inclusion  
7           makes such school eligible for programs for which  
8           specific eligibility is not provided to such school in  
9           another provision of law and such school does not  
10          have a student population that is smaller than the  
11          student population of the local educational agency  
12          receiving assistance under this Act with the smallest  
13          student population, except that such school shall not  
14          be subject to the jurisdiction of any State edu-  
15          cational agency other than the Bureau of Indian Af-  
16          fairs.

17          (4) OUTLYING AREA.—The term “outlying  
18          area” means the Virgin Islands, Guam, American  
19          Samoa, the Commonwealth of the Northern Mariana  
20          Islands, the Republic of the Marshall Islands, the  
21          Federated States of Micronesia, and the Republic of  
22          Palau.

23          (5) PUBLIC LIBRARY.—The term “public li-  
24          brary” means a library that serves free of charge all  
25          residents of a community, district, or region, and re-

1 ceives its financial support in whole or in part from  
2 public funds. Such term also includes a research li-  
3 brary, which, for the purposes of this sentence,  
4 means a library that—

5 (A) makes its services available to the pub-  
6 lic free of charge;

7 (B) has extensive collections of books,  
8 manuscripts, and other materials suitable for  
9 scholarly research which are not available to the  
10 public through public libraries;

11 (C) engages in the dissemination of hu-  
12 manistic knowledge through services to readers,  
13 fellowships, educational and cultural programs,  
14 publication of significant research, and other  
15 activities; and

16 (D) is not an integral part of an institu-  
17 tion of higher education.

18 (6) STATE.—The term “State” means each of  
19 the 50 States, the District of Columbia, the Com-  
20 monwealth of Puerto Rico, and each of the outlying  
21 areas.

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