

116TH CONGRESS  
1ST SESSION

# H. R. 658

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2019

Ms. DELAURO (for herself, Mr. CICILLINE, Ms. JUDY CHU of California, Mr. LARSON of Connecticut, Mr. CARBAJAL, Mr. EVANS, Mr. DEUTCH, Mr. RYAN, Ms. VELÁZQUEZ, Mr. POCAN, Mr. PRICE of North Carolina, Mr. ESPAILLAT, Mrs. DINGELL, Mr. BEYER, Ms. BONAMICI, Mr. TONKO, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. GARAMENDI, Mr. WELCH, Ms. LOFGREN, Mr. LARSEN of Washington, Mr. LANGEVIN, Mrs. LOWEY, Mr. DESAULNIER, Ms. ESHOO, Ms. WILSON of Florida, Mr. HASTINGS, Mr. AGUILAR, Mr. GRIJALVA, Mr. LAMB, Ms. OMAR, Mr. CARTWRIGHT, Mr. COURTNEY, Mr. TAKANO, Mr. ENGEL, Ms. KELLY of Illinois, Mr. SCHIFF, Ms. MOORE, Ms. MCCOLLUM, Mr. FOSTER, Ms. SCHAKOWSKY, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mr. CARSON of Indiana, Mr. HIMES, Ms. KUSTER of New Hampshire, Ms. CLARKE of New York, Mr. VEASEY, Ms. DELBENE, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. CLARK of Massachusetts, Mr. SCOTT of Virginia, Ms. PINGREE, Mr. CÁRDENAS, Mr. SERRANO, Mr. KILMER, Mr. SHERMAN, Mr. KHANNA, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Financial Services, and Ways and Means, 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

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## A BILL

To facilitate efficient investments and financing of infrastructure projects and new job creation through the establish-

ment of a National Infrastructure Development 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.**

4       This Act may be cited as the “National Infrastruc-  
5       ture Development Bank Act of 2019”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Investment in infrastructure has always cre-  
9       ated jobs and economic growth for the United States  
10      and has been a key component of maintaining a  
11      global competitive edge for the United States.

12             (2) The Erie Canal, the transcontinental rail-  
13      road, the Hoover Dam, rural electrification, and the  
14      interstate highway system are all examples of invest-  
15      ments in infrastructure that created the conditions  
16      for future economic growth.

17             (3) According to the American Society of Civil  
18      Engineers, the current condition of the infrastruc-  
19      ture in the United States earns a grade point aver-  
20      age of D+, and an estimated \$4,690,000,000,000  
21      investment is needed by 2025 to meet adequate con-  
22      ditions.

23             (4) According to the American Water Works  
24      Association, an estimated \$1 trillion is necessary to

1 maintain and expand service to meet demands over  
2 the next 25 years.

3 (5) Most electric transmission and distribution  
4 lines were constructed in the 1950s and 1960s with  
5 a 50-year life expectancy, and the more than  
6 640,000 miles of high-voltage transmission lines in  
7 the lower 48 States power grids are at full capacity.

8 (6) Although grant programs of the Govern-  
9 ment must continue to play a central role in financ-  
10 ing the transportation, environment, energy, and  
11 telecommunications infrastructure needs of the  
12 United States, current and foreseeable demands on  
13 existing Federal, State, and local funding for infra-  
14 structure expansion exceed the resources to support  
15 these programs by margins wide enough to prompt  
16 serious concerns about the United States ability to  
17 sustain long-term economic development, produc-  
18 tivity, and international competitiveness.

19 (7) The capital markets, including central  
20 banks, pension funds, financial institutions, sov-  
21 ereign wealth funds, and insurance companies, have  
22 a growing interest in infrastructure investment. The  
23 establishment of a United States Government-owned  
24 institution that would provide this investment oppor-  
25 tunity to finance qualifying infrastructure projects

1 would attract needed capital for United States infra-  
2 structure development.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act, the following definitions  
5 apply unless the context requires otherwise:

6 (1) AMERICAN INFRASTRUCTURE BOND.—The  
7 term “American Infrastructure Bond” means a bond  
8 described under section 17.

9 (2) BANK.—The term “Bank” means the Na-  
10 tional Infrastructure Development Bank established  
11 under section 4(a).

12 (3) BOARD.—The term “Board” means the Na-  
13 tional Infrastructure Development Bank Board.

14 (4) CHIEF ASSET AND LIABILITY MANAGEMENT  
15 OFFICER.—The term “chief asset and liability man-  
16 agement officer” means the chief individual respon-  
17 sible for coordinating the management of assets and  
18 liabilities of the Bank.

19 (5) CHIEF COMPLIANCE OFFICER.—The term  
20 “chief compliance officer or CCO” means the chief  
21 individual responsible for overseeing and managing  
22 the compliance and regulatory affairs issues of the  
23 Bank.

1           (6) CHIEF EXECUTIVE OFFICER.—The term  
2           “chief executive officer or CEO” means the indi-  
3           vidual serving as the executive director of the bank.

4           (7) CHIEF FINANCIAL OFFICER.—The term  
5           “chief financial officer or CFO” means the chief in-  
6           dividual responsible for managing the financial risks,  
7           planning, and reporting of the Bank.

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

12          (9) CHIEF OPERATIONS OFFICER.—The term  
13          “chief operations officer or COO” means the chief  
14          individual responsible for information technology and  
15          the day-to-day operations of the Bank.

16          (10) CHIEF RISK OFFICER.—The term “chief  
17          risk officer or CRO” means the chief individual re-  
18          sponsible for managing operational and compliance-  
19          related risks of the Bank.

20          (11) CHIEF TREASURY OFFICER.—The term  
21          “chief treasury officer” means the chief individual  
22          responsible for managing the Bank’s treasury oper-  
23          ations.

1           (12) 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, permitting, design work, life-cycle mainte-  
6                   nance planning, and other preconstruction ac-  
7                   tivities; and

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

10          (13) DIRECT LOAN.—The term “direct loan”  
11          has the same meaning as in section 502 of the Fed-  
12          eral Credit Reform Act of 1990 (2 U.S.C. 661a).

13          (14) DISADVANTAGED COMMUNITY.—The term  
14          “disadvantaged community” means a community  
15          with a median household income of less than 80 per-  
16          cent of the statewide median household income for  
17          the State in which the community is located.

18          (15) ENERGY INFRASTRUCTURE PROJECT.—  
19          The term “energy infrastructure project” means any  
20          project for energy transmission and distribution, en-  
21          ergy efficiency enhancement for buildings, public  
22          housing, health facilities, schools, and energy stor-  
23          age.

24          (16) ENTITY.—The term “entity” means an in-  
25          dividual, corporation, partnership (including a pub-

lic-private partnership), joint venture, trust, and a State or other governmental entity, including a political subdivision or any other instrumentality of a State or a revolving fund.

(17) ENVIRONMENTAL INFRASTRUCTURE PROJECT.—The term “environmental infrastructure project” means any project for the establishment, maintenance, or enhancement of any drinking water and wastewater treatment facility, storm water management system, flood gate, dam, levee, dredging, open space management system, wetland restoration, infill development, solid waste disposal facility, hazardous waste facility, or industrial site cleanup or remediation projects.

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

(19) GREENHOUSE GASES.—The term “greenhouse gases” means any of the following:

(A) Carbon dioxide.

(B) Methane.

(C) Nitrous oxide.

(D) Sulfur hexafluoride.

(E) Hydrofluorocarbons.

(F) Any perfluorocarbon.

1 (G) Nitrogen trifluoride.

2 (H) Any other anthropogenic gas des-  
3 ignated as a greenhouse gas by the Environ-  
4 mental Protection Agency Administrator.

5 (20) INFRASTRUCTURE PROJECT.—The term  
6 “infrastructure project” means any energy, environ-  
7 mental, telecommunications, or transportation infra-  
8 structure project.

9 (21) LOAN GUARANTEE.—The term “loan guar-  
10 antee” has the same meaning as in section 502 of  
11 the Federal Credit Reform Act of 1990 (2 U.S.C.  
12 661a).

13 (22) PUBLIC BENEFIT BOND.—The term “Pub-  
14 lic Benefit Bond” means any bond issued in accord-  
15 ance with this Act if—

16 (A) the proceeds from the sale of the bond  
17 are to be used for expenditures incurred after  
18 the date of issuance with respect to any infra-  
19 structure project or other purpose, subject to  
20 such rules as the Bank may provide;

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

22 (C) the bond has such terms, and carries  
23 interest in such an amount, as determined by  
24 the Bank; and

1           (D) payments of interest and principal  
2           with respect to the bond is the obligation of the  
3           Bank and is backed by the full faith and credit  
4           of the United States.

5           (23) PUBLIC-PRIVATE PARTNERSHIP.—The  
6           term “public-private partnership” means any enti-  
7           ty—

8                   (A)(i) which is undertaking the develop-  
9                   ment of all or part of an infrastructure project,  
10                  which will have a public benefit, pursuant to re-  
11                  quirements established in one or more contracts  
12                  between the entity and a State or an instru-  
13                  mentality of a State; or

14                   (ii) the activities of which, with respect to  
15                  such an infrastructure project, are subject to  
16                  regulation by a State or any instrumentality of  
17                  a State; and

18                  (B) which owns, leases, or operates, or will  
19                  own, lease, or operate, the project in whole or  
20                  in part, and at least one of the participants in  
21                  the entity is a nongovernmental entity.

22           (24) REVOLVING FUND.—The term “revolving  
23           fund” means a fund or program established by a  
24           State or a political subdivision or other instrumen-  
25           tality of a State, the principal activity of which is to

1 make loans, commitments, or other financial accom-  
2 modation available for the development of one or  
3 more categories of infrastructure projects.

4 (25) SECRETARY.—The term “Secretary”  
5 means the Secretary of the Treasury or the designee  
6 of the Secretary.

7 (26) SMART GRID.—The term “smart grid”  
8 means a system that provides for any of the smart  
9 grid functions set forth in section 1306(d) of the  
10 Energy Independence and Security Act of 2007 (42  
11 U.S.C. 17386(d)).

12 (27) STATE.—The term “State” includes the  
13 District of Columbia, Puerto Rico, Guam, American  
14 Samoa, the Virgin Islands, the Commonwealth of  
15 Northern Mariana Islands, and any other territory  
16 of the United States.

17 (28) TELECOMMUNICATIONS INFRASTRUCTURE  
18 PROJECT.—The term “telecommunications infra-  
19 structure project” means any project involving infra-  
20 structure required to provide communications by  
21 wire or radio.

22 (29) TRANSPORTATION INFRASTRUCTURE  
23 PROJECT.—The term “transportation infrastructure  
24 project” means any project for the construction,  
25 maintenance, or enhancement of highways, roads,

1 bridges, transit and intermodal systems, inland wa-  
2 terways, commercial ports, airports, high speed rail  
3 and freight rail systems.

4 **SEC. 4. ESTABLISHMENT OF NATIONAL INFRASTRUCTURE**  
5 **DEVELOPMENT BANK.**

6 (a) ESTABLISHMENT OF NATIONAL INFRASTRUC-  
7 TURE DEVELOPMENT BANK.—The National Infrastruc-  
8 ture Development Bank is established as a wholly owned  
9 Government corporation subject to chapter 91 of title 31,  
10 United States Code (commonly known as the “Govern-  
11 ment Corporation Control Act”), except as otherwise pro-  
12 vided in this Act.

13 (b) RESPONSIBILITY OF THE SECRETARY.—The Sec-  
14 retary shall take such action as may be necessary to assist  
15 in implementing the establishment of the bank in accord-  
16 ance with this Act.

17 (c) CONFORMING AMENDMENT.—Section 9101(3) of  
18 title 31, United States Code, is amended by inserting after  
19 subparagraph (N) the following:

20 “(O) the National Infrastructure Develop-  
21 ment Bank.”.

22 **SEC. 5. BOARD OF DIRECTORS.**

23 (a) IN GENERAL.—The Bank shall have a Board of  
24 Directors consisting of 7 members appointed by the Presi-  
25 dent and with the advice and consent of the Senate.

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

4 (1) 2 of the directors shall have public sector  
5 experience;

6 (2) 2 of the directors shall have private sector  
7 experience; and

8 (3) 3 of the directors shall have finance experi-  
9 ence.

10 (c) CHAIRPERSON AND VICE CHAIRPERSON.—As des-  
11 ignated at the time of appointment, one of the directors  
12 of the Board shall be designated chairperson of the Board  
13 by the President and one shall be designated as vice chair-  
14 person of the Board by the President.

15 (d) TERMS.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2) and subsection (f), each director shall be  
18 appointed for a term of 6 years.

19 (2) INITIAL STAGGERED TERMS.—Of the initial  
20 members of the Board—

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

23 (B) 3 shall be appointed for a term of 4  
24 years; and

1 (C) 2 shall be appointed for a term of 2  
2 years.

3 (e) CONGRESSIONAL RECOMMENDATIONS.—Not later  
4 than 30 days after the date of enactment of this Act, the  
5 majority leader of the Senate, the minority leader of the  
6 Senate, the Speaker of the House of Representatives, and  
7 the minority leader of the House of Representatives shall  
8 each submit a recommendation to the President for ap-  
9 pointment of a member of the Board of Directors, after  
10 consultation with the appropriate committees of Congress.

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

15 (g) VACANCIES.—

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

19 (2) APPOINTMENT TO REPLACE DURING  
20 TERM.—Any director appointed to fill a vacancy oc-  
21 ccurring before the expiration of the term for which  
22 the director's predecessor was appointed shall be ap-  
23 pointed only for the remainder of the term.

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

4           (h) QUORUM.—Four directors shall constitute a  
5           quorum.

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

9           (j) PER DIEM REIMBURSEMENT.—Directors of the  
10          Board shall serve on a part-time basis and shall receive  
11          a per diem when engaged in the actual performance of  
12          Bank business, plus reasonable reimbursement for travel,  
13          subsistence, and other necessary expenses incurred in the  
14          performance of their duties.

15          (k) LIMITATIONS.—A director of the Board may not  
16          participate in any review or decision affecting a project  
17          under consideration for assistance under this Act if the  
18          director has or is affiliated with a person who has an inter-  
19          est in such project.

20          (l) RESPONSIBILITIES.—The Board shall—

21                (1) as soon as is practicable after the date on  
22                which the last director is appointed, establish an Ex-  
23                ecutive Committee, Risk Management Committee  
24                and Audit Committee as prescribed by this Act;

1           (2) not later than 180 days after the date on  
2           which the last director is appointed develop and ap-  
3           prove the bylaws of the Bank, including bylaws for  
4           the regulation of the affairs and conduct of the busi-  
5           ness of the Bank, consistent with the purpose, goals,  
6           objectives, and policies set forth in this Act;

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

10                   (A) monitoring and assessing the effective-  
11                   ness of the Bank in achieving its strategic  
12                   goals;

13                   (B) periodically reviewing internal policies  
14                   submitted by the chief executive officer;

15                   (C) reviewing and approving annual busi-  
16                   ness plans, annual budgets, and long-term  
17                   strategies submitted by the chief executive offi-  
18                   cer;

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

21                   (E) reviewing risk management and audit  
22                   practices of the Bank; and

23                   (F) reviewing and approving all changes to  
24                   the organization of the Bank; and

1           (4) establish such other criteria, requirements,  
2           or procedures as the Board may consider to be ap-  
3           propriate in carrying out this Act.

4           (m) MEETINGS.—

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

9           (2) INITIAL MEETING.—The Board shall meet  
10          not later than 90 days after the date on which the  
11          last director is appointed and otherwise at the call  
12          of the Chairperson.

13          (3) EXCEPTION FOR CLOSED MEETINGS.—Pur-  
14          suant to such rules as the Board may establish  
15          through their bylaws, the directors may close a  
16          meeting of the Board if, at the meeting, there is  
17          likely to be disclosed information which could ad-  
18          versely affect or lead to speculation relating to an in-  
19          frastructure project under consideration for assist-  
20          ance under this Act or in financial or securities or  
21          commodities markets or institutions, utilities, or real  
22          estate. The determination to close any meeting of  
23          the Board shall be made in a meeting of the Board,  
24          open to the public, and preceded by reasonable no-  
25          tice. The Board shall prepare minutes of any meet-

1       ing which is closed to the public and make such min-  
2       utes available as soon as the considerations necessi-  
3       tating closing such meeting no longer apply.

4   **SEC. 6. POWERS AND LIMITATIONS OF THE BOARD.**

5       (a) **POWERS.**—In order to carry out the purposes of  
6 the Bank as set forth in this Act, the Board shall be re-  
7 sponsible for monitoring and overseeing infrastructure  
8 projects and have the following powers:

9           (1) To make senior and subordinated direct  
10       loans on such terms as the Board may determine, in  
11       the Board’s discretion, to be appropriate to assist in  
12       the financing or refinancing of an infrastructure  
13       project.

14          (2) To make loan guarantees on such terms as  
15       the Board may determine, in the Board’s discretion,  
16       to be appropriate to assist in the financing or refi-  
17       nancing of an infrastructure project.

18          (3) To issue Public Benefit Bonds, to provide  
19       financing to infrastructure projects from amounts  
20       made available from the issuance of such bonds.

21          (4) To pay an interest subsidy on American In-  
22       frastructure Bonds to the issuer of such bonds.

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

1           (6) To monitor and oversee infrastructure  
2 projects financed, in whole or in part, by the Bank.

3           (7) To sue and be sued in the Bank's corporate  
4 capacity in any court of competent jurisdiction, ex-  
5 cept that no attachment, injunction, or similar proc-  
6 ess, may be issued against the property of the Bank  
7 or against the Bank with respect to such property.

8           (8) To indemnify the directors and officers of  
9 the Bank for liabilities arising out of the actions of  
10 the directors and officers in such capacity, in accord-  
11 ance with, and subject to the limitations contained  
12 in, this Act.

13           (9) To serve as the primary liaison between the  
14 Bank and the Congress, the executive branch, and  
15 State and local governments, and to represent the  
16 Bank's interests.

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

20       (b) LIMITATIONS.—

21           (1) ISSUANCE OF PUBLIC BENEFIT BONDS.—  
22 The Board may not issue any Public Benefit Bond  
23 without the prior consent of the Secretary.

24           (2) EMPLOYEE PROTECTIONS.—Prior to pro-  
25 viding any financial assistance for an infrastructure

1 project involving reconstruction, rehabilitation, re-  
2 placement or expansion that may impact current em-  
3 ployees on the project site, the interests of employees  
4 affected by the financial assistance shall be pro-  
5 tected under arrangements the Secretary of Labor  
6 concludes are fair and equitable.

7 (c) ACTIONS CONSISTENT WITH SELF-SUPPORTING  
8 ENTITY STATUS.—The Board shall conduct its business  
9 in a manner consistent with the requirements of this sec-  
10 tion.

11 (d) COORDINATION WITH STATE AND LOCAL REGU-  
12 LATORY AUTHORITY.—The provision of financial assist-  
13 ance by the Board pursuant to this Act shall not be con-  
14 strued as—

15 (1) limiting the right of any State or political  
16 subdivision or other instrumentality of a State to ap-  
17 prove or regulate rates of return on private equity  
18 invested in a project; or

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

21 (e) FEDERAL PERSONNEL REQUESTS.—The Board  
22 shall have the power to request the detail, on a reimburs-  
23 able basis, of personnel from other Federal agencies with  
24 specific expertise not available from within the Bank or  
25 elsewhere. The head of any Federal agency may detail,

1 on a reimbursable basis, any personnel of such agency re-  
2 quested by the Board and shall not withhold unreasonably  
3 the detail of any personnel requested by the Board.

4 **SEC. 7. EXECUTIVE COMMITTEE.**

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

8 (b) CEO.—A majority of the Board shall have the  
9 authority to appoint and reappoint the chief executive offi-  
10 cer with such executive functions, powers, and duties as  
11 may be prescribed by this Act, the bylaws of the Bank,  
12 or the Board.

13 (c) CEO RESPONSIBILITIES.—The CEO shall have  
14 responsibility for the development and implementation of  
15 the strategy of Bank, including—

16 (1) the development and submission to the  
17 Board of the annual business plans and budget;

18 (2) the development and submission to the  
19 Board of a long-term strategic plan; and

20 (3) the development, revision, and submission  
21 to the Board of Directors of internal policies.

22 (d) OTHER EXECUTIVE OFFICERS.—The Board shall  
23 appoint, remove, fix the compensation, and define duties  
24 of 8 other executive officers to serve on the Executive  
25 Committee as the—

- 1 (1) chief compliance officer;
- 2 (2) chief financial officer;
- 3 (3) chief asset and liability management officer;
- 4 (4) chief loan origination officer;
- 5 (5) chief operations officer;
- 6 (6) chief risk officer;
- 7 (7) chief treasury officer; and
- 8 (8) general counsel.

9 (e) QUALIFICATIONS.—The CEO shall have experi-  
10 ence and expertise in finance and the other executive offi-  
11 cers shall have demonstrated experience and expertise in  
12 one or more of the following:

- 13 (1) Transportation infrastructure.
- 14 (2) Environmental infrastructure.
- 15 (3) Energy infrastructure.
- 16 (4) Telecommunications infrastructure.
- 17 (5) Economic development.
- 18 (6) Workforce development.
- 19 (7) Public health.
- 20 (8) Private or public finance.

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

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

4           (2) establish and submit to the Board standard-  
5           ized terms and conditions, fee schedules, or legal re-  
6           quirements of a contract or program to carry out  
7           this Act;

8           (3) establish and submit to the Board guide-  
9           lines for the selection and approval of projects and  
10          specific criteria for determining eligibility for project  
11          selection;

12          (4) accept, for consideration, project proposals  
13          relating to the development of infrastructure  
14          projects, which meet the basic criteria established by  
15          the Executive Committee, and which are submitted  
16          by an entity;

17          (5) provide recommendations to the Board and  
18          place project proposals accepted by the Executive  
19          Committee on a list for consideration for financial  
20          assistance from the Board;

21          (6) recommend to the Board the percentage  
22          subsidy amount for an approved application for an  
23          American Infrastructure Bond, with such rec-  
24          ommendation based on the strength of the related  
25          infrastructure project's ability to meet the criteria

1 described under section 11 and the ability of such  
2 project to attract private investment in an infra-  
3 structure project's early development stages;

4 (7) provide technical assistance, including pub-  
5 lic-private partnership infrastructure project value  
6 for money assessments, long-term economic benefit  
7 projections, and contract evaluations, to entities re-  
8 ceiving financing from the Bank and otherwise im-  
9 plement decisions of the Board; and

10 (8) provide technical assistance to State and  
11 local governments who wish to have the Bank's ap-  
12 proval to issue American Infrastructure bonds.

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

17 (h) COMPENSATION.—The compensation of the CEO  
18 and other executive officers of the Executive Committee  
19 shall be determined by the Board.

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

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

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

3 (1) hold any other public office;

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

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

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

13 **SEC. 8. RISK MANAGEMENT COMMITTEE.**

14 (a) ESTABLISHMENT OF RISK MANAGEMENT COM-  
15 MITTEE.—The Board shall establish a risk management  
16 committee consisting of 5 members, headed by the chief  
17 risk officer.

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

21 (c) FUNCTIONS; DUTIES.—

22 (1) IN GENERAL.—The CRO shall have such  
23 functions, powers, and duties as may be prescribed  
24 by one or more of the following: This Act, the by-

1 laws of the Bank, and the Board. The CRO shall re-  
2 port directly to the Board.

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

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

9 (B) set guidelines to ensure diversification  
10 of lending activities by both geographic region  
11 and infrastructure project type;

12 (C) create conforming standards for all fi-  
13 nancial assistance provided by the Bank;

14 (D) monitor financial, credit and oper-  
15 ational exposure of the Bank; and

16 (E) provide financial recommendations to  
17 the Board.

18 (d) DUTY WITH RESPECT TO AMERICAN INFRA-  
19 STRUCTURE BONDS.—The risk management committee  
20 shall ensure that the aggregate amount of interest sub-  
21 sidies provided for American Infrastructure Bonds in a  
22 given calendar year do not exceed an amount equal to 28  
23 percent of interest payable under all such bonds.

24 (e) OTHER RISK MANAGEMENT OFFICERS.—The  
25 Board shall appoint, remove, fix the compensation, and

1 define the duties of 4 other risk management officers to  
2 serve on the risk management committee.

3 (f) QUALIFICATIONS.—The CRO and other risk man-  
4 agement officers shall have demonstrated experience and  
5 expertise in one or more of the following:

6 (1) Treasury and asset and liability manage-  
7 ment.

8 (2) Investment regulations.

9 (3) Insurance.

10 (4) Credit risk management and credit evalua-  
11 tions.

12 (5) Related disciplines.

13 (g) VACANCY.—A vacancy in the position of CRO and  
14 other risk management officers of the risk management  
15 committee shall be filled in the manner in which the origi-  
16 nal appointment was made.

17 (h) COMPENSATION.—The compensation of the CRO  
18 and other risk management officers of the risk manage-  
19 ment committee shall be determined by the Board.

20 (i) REMOVAL.—The CRO and other risk management  
21 officers of the risk management committee may be re-  
22 moved at the discretion of a majority of the Board.

23 (j) TERM.—The CRO and other risk management of-  
24 ficers of the risk management committee shall serve a 6-

1 year term and may be reappointed in accordance with this  
2 section.

3 (k) LIMITATIONS.—The CRO and other risk manage-  
4 ment officers of the risk management committee shall  
5 not—

6 (1) hold any other public office;

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

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

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

16 **SEC. 9. AUDIT COMMITTEE.**

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

20 (b) APPOINTMENTS.—A majority of the Board shall  
21 have the authority to appoint and reappoint the CCO of  
22 the Bank.

23 (c) FUNCTIONS; DUTIES.—The CCO shall have such  
24 functions, powers, and duties as may be prescribed by one  
25 or more of the following: This Act, the bylaws of the Bank,

1 and the Board. The CCO shall report directly to the  
2 Board.

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

6 (1) provide internal controls and internal audit-  
7 ing activities for the Bank;

8 (2) maintain responsibility for the accounting  
9 activities of the Bank;

10 (3) issue financial reports of the Bank; and

11 (4) complete reports with outside auditors and  
12 public accountants appointed by the Board.

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

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

19 (1) Internal auditing.

20 (2) Internal investigations.

21 (3) Accounting practices.

22 (4) Financing practices.

23 (g) VACANCY.—A vacancy in the position of CCO and  
24 other audit officers of the audit committee shall be filled

1 in the manner in which the original appointment was  
2 made.

3 (h) COMPENSATION.—The compensation of the CCO  
4 and other audit officers of the audit committee shall be  
5 determined by the Board.

6 (i) REMOVAL.—The CCO and other audit officers of  
7 the audit committee may be removed at the discretion of  
8 a majority of the Board.

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

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

14 (1) hold any other public office;

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

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

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

1 **SEC. 10. PERSONNEL.**

2       The chairperson of the Board, chief executive officer,  
3 chief risk officer, and chief compliance officer shall ap-  
4 point, remove, fix the compensation of, and define the du-  
5 ties of such qualified personnel to serve under the Board,  
6 Executive Committee, risk management committee, or  
7 audit committee, as the case may be, as necessary and  
8 prescribed by one or more of the following: This Act, the  
9 bylaws of the Bank, and the Board.

10 **SEC. 11. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM**  
11 **BANK.**

12       (a) IN GENERAL.—Any entity proposing a project for  
13 which the use or purpose is private and without public  
14 benefit shall not be eligible for financial assistance from  
15 the Bank under this Act. No financial assistance shall be  
16 available from the Bank unless the entity for such assist-  
17 ance has demonstrated to the satisfaction of the Board  
18 that the project for which such assistance is being sought  
19 meets the requirements of this Act.

20       (b) ESTABLISHMENT OF PROJECT CRITERIA.—

21           (1) IN GENERAL.—Consistent with the require-  
22 ments of subsections (c) and (d), the Board shall ap-  
23 prove—

24           (A) criteria for determining eligibility for  
25 financial assistance established by the Executive  
26 Committee under this Act;

1 (B) revisions to criteria for determining  
2 eligibility for financial assistance established by  
3 the Executive Committee under this Act;

4 (C) the weight given to factors to be taken  
5 into account established by the Executive Com-  
6 mittee;

7 (D) disclosure and application procedures  
8 to be followed by entities to nominate projects  
9 for assistance established by the Executive  
10 Committee under this Act; and

11 (E) such other criteria as the Board may  
12 consider to be appropriate for the purposes of  
13 carrying out this Act.

14 (2) FACTORS TO BE TAKEN INTO ACCOUNT.—

15 (A) IN GENERAL.—The Executive Com-  
16 mittee shall conduct an analysis that takes into  
17 account the economic, environmental, and social  
18 benefits, and costs of each project under consid-  
19 eration for financial assistance under this Act,  
20 prioritizing projects that contribute to economic  
21 growth, lead to job creation, and are of regional  
22 or national significance.

23 (B) CRITERIA.—The criteria established  
24 pursuant to paragraph (1)(A) shall provide for  
25 the consideration of the following factors in

1           considering eligibility for financial assistance  
2           under this Act:

3                   (i) The means by which development  
4                   of the infrastructure project under consid-  
5                   eration is being financed, including—

6                           (I) the terms and conditions and  
7                           financial structure of the proposed fi-  
8                           nancing;

9                           (II) the credit worthiness and  
10                          standing of the project sponsors, pro-  
11                          viders of equity, and cofinanciers;

12                          (III) the financial assumptions  
13                          and projections on which the project  
14                          is based; and

15                          (IV) the extent to which the in-  
16                          frastructure project maximizes invest-  
17                          ment from other sources.

18                   (ii) The likelihood that the provision  
19                   of assistance by the Bank will cause such  
20                   development to proceed more promptly and  
21                   with lower costs for financing than would  
22                   be the case without such assistance.

23                   (iii) The extent to which the provision  
24                   of assistance by the Bank maximizes the  
25                   level of private investment in the infra-

1 structure project while providing a public  
2 benefit.

3 (C) DEDICATED REVENUE SOURCES.—Any  
4 financial assistance for an infrastructure  
5 project shall be repayable, in whole or in part,  
6 from dedicated revenue sources that also secure  
7 the infrastructure project obligations.

8 (D) AMOUNT OF FINANCIAL ASSIST-  
9 ANCE.—The amount of financial assistance  
10 under this Act shall not exceed the lesser of 50  
11 percent of the reasonably anticipated eligible in-  
12 frastructure project costs.

13 (c) PUBLIC INPUT.—In developing proposed infra-  
14 structure project criteria and conducting reviews of infra-  
15 structure project criteria for the Board, the Executive  
16 Committee shall seek input from the public including  
17 views related to—

18 (1) the weight given to different factors to be  
19 taken into account;

20 (2) measuring whether projects are meeting ap-  
21 proved criteria; and

22 (3) any other input considered by the Executive  
23 Committee and the public for the purposes of car-  
24 rying out this Act.

25 (d) FACTORS FOR SPECIFIC TYPES OF PROJECTS.—

1           (1)     TRANSPORTATION     INFRASTRUCTURE  
2     PROJECTS.—For any transportation infrastructure  
3     project, the Board shall consider the following:

4                   (A) Job creation, including workforce de-  
5                   velopment for women and minorities, respon-  
6                   sible employment practices, and targeted job  
7                   training and employment opportunities for low  
8                   income workers.

9                   (B) Reduction in greenhouse gases.

10                  (C) Reduction in surface and air traffic  
11                  congestion.

12                  (D) Use of smart tolling, such as vehicle  
13                  miles traveled and congestion pricing, for high-  
14                  way, road, and bridge projects.

15                  (E) Increased access to transportation op-  
16                  tions.

17                  (F) Increased safety of transportation sys-  
18                  tems for motorized and non-motorized users.

19                  (G) Public health benefits, including the  
20                  removal of lead coatings or other hazardous  
21                  chemicals and materials.

22                  (H) Reduction in risk of structural failure  
23                  over the service life of the project.

1           (2)       ENVIRONMENTAL       INFRASTRUCTURE  
2       PROJECT.—For any environmental infrastructure  
3       project, the Board shall consider the following:

4           (A) Job creation, including workforce de-  
5       velopment for women and minorities, respon-  
6       sible employment practices, and targeted job  
7       training and employment opportunities for low  
8       income workers.

9           (B) Public health benefits, including the  
10      removal of lead coatings or other hazardous  
11      materials.

12          (C) Pollution reductions.

13          (D) Reductions in greenhouse gas.

14          (E) Increased coastal and inland flood  
15      mitigation and protection.

16          (F) Reduction in risk of structural failure  
17      over the service life of the project.

18       (3) ENERGY INFRASTRUCTURE PROJECT.—For  
19      any energy infrastructure project, the Board shall  
20      consider the following:

21          (A) Job creation, including workforce de-  
22      velopment for women and minorities, respon-  
23      sible employment practices, and targeted job  
24      training and employment opportunities for low  
25      income workers.

1 (B) Reduction in greenhouse gas.

2 (C) Expanded use of renewable energy.

3 (D) Development of a smart grid.

4 (E) Energy efficient building, housing, and  
5 school modernization, including renewable en-  
6 ergy designated retrofits.

7 (F) In any case in which the project is also  
8 a public housing project—

9 (i) improvement of the physical shape  
10 and layout;

11 (ii) environmental improvement; and

12 (iii) mobility improvements for resi-  
13 dents.

14 (G) Public health benefits including the re-  
15 moval of lead coatings or other hazardous  
16 chemicals and materials.

17 (H) Reduction in risk of structural failure  
18 over the service life of the project.

19 (4) TELECOMMUNICATIONS.—For any tele-  
20 communications project, the Board shall consider  
21 the following:

22 (A) Job creation, including workforce de-  
23 velopment for women and minorities, respon-  
24 sible employment practices, and targeted job

1 training and employment opportunities for low  
2 income workers.

3 (B) The extent to which assistance ex-  
4 pands or improves broadband and wireless serv-  
5 ices in rural and disadvantaged communities.

6 (e) CONSIDERATION OF PROJECT PROPOSALS.—

7 (1) PARTICIPATION BY OTHER AGENCY PER-  
8 SONNEL.—Consideration of a project under this sec-  
9 tion by the Executive Committee and the Board  
10 shall be conducted with personnel on detail to the  
11 Bank from relevant Federal agencies among individ-  
12 uals who are familiar with and experienced in the se-  
13 lection criteria for competitive infrastructure  
14 projects.

15 (2) FEES.—A fee may be charged for the re-  
16 view of any project proposal in such amount as may  
17 be considered appropriate by the Executive Com-  
18 mittee approved by the Board to cover the cost of  
19 such review.

20 (f) DISCRETION OF BOARD.—Consistent with other  
21 provisions of this Act, any determination of the Board to  
22 provide assistance to any infrastructure project, and the  
23 manner in which such assistance is provided, including the  
24 terms, conditions, fees, and charges shall be at the sole  
25 discretion of the Board.

1 (g) STATE AND LOCAL PERMITS REQUIRED.—The  
 2 provision of assistance by the Board in accordance with  
 3 this Act shall not be deemed to relieve any recipient of  
 4 assistance or the related infrastructure project of any obli-  
 5 gation to obtain required State and local permits and ap-  
 6 provals.

7 (h) ANNUAL REPORT.—An entity receiving assist-  
 8 ance from the Board shall make annual reports to the  
 9 Board on the use of any such assistance, compliance with  
 10 the criteria set forth in this section, and a disclosure of  
 11 all entities with a development, ownership, or operational  
 12 interest in a infrastructure project assisted or proposed  
 13 to be assisted under this Act.

14 **SEC. 12. EXEMPTION FROM LOCAL TAXATION.**

15 All bonds issued by the Bank, and the interest on  
 16 or credits with respect to such bonds, shall not be subject  
 17 to taxation by any State, county, municipality, or local  
 18 taxing authority.

19 **SEC. 13. STATUS AND APPLICABILITY OF CERTAIN FED-**  
 20 **ERAL LAWS.**

21 (a) COMPLIANCE WITH DAVIS-BACON ACT.—All la-  
 22 borers and mechanics employed by contractors and sub-  
 23 contractors on infrastructure projects funded directly by  
 24 or assisted in whole or in part by and through the Bank  
 25 pursuant to this Act shall be paid wages at rates not less

1 than those prevailing on projects of a character similar  
 2 in the locality as determined by the Secretary of Labor  
 3 in accordance with subchapter IV of chapter 31 of part  
 4 A of title 40, United States Code. With respect to the  
 5 labor standards specified in this section, the Secretary of  
 6 Labor shall have the authority and functions set forth in  
 7 Reorganization Plan Numbered 14 of 1950 (64 Stat.  
 8 1267; 5 U.S.C. App.) and section 3145 of title 40, United  
 9 States Code.

10 (b) NO PRIORITY AS A FEDERAL CLAIM.—The pri-  
 11 ority established in favor of the United States by section  
 12 3713 of title 31, United States Code, shall not apply with  
 13 respect to any indebtedness of the Bank.

14 (c) COMPLIANCE WITH GRANT REQUIREMENTS.—  
 15 Recipients of financial assistance authorized under this  
 16 Act that funds public transportation capital projects, as  
 17 defined in section 5302 of title 49, United States Code,  
 18 must comply with the grant requirements applicable to  
 19 grants made under section 5309 of such title.

20 **SEC. 14. COMPLIANCE WITH CERTAIN DOMESTIC CONTENT**  
 21 **STATUTES.**

22 The financing provided for an infrastructure project  
 23 shall be in accordance with the following statutory provi-  
 24 sions of the United States Code under the jurisdiction of  
 25 the Department of Transportation: section 24305 of title

1 49, United States Code (AMTRAK), section 313 of title  
 2 23, United States Code (FHWA), section 5323(j) of title  
 3 49, United States Code (FTA), section 24405 of title 49,  
 4 United States Code (Intercity Rail Passenger Corpora-  
 5 tion), and sections 50101 and 50105 of title 49, United  
 6 States Code (FAA).

7 **SEC. 15. USE OF IRON, STEEL, AND MANUFACTURED GOODS**  
 8 **IN INFRASTRUCTURE PROJECTS.**

9 (a) BUY AMERICA.—None of the financing provided  
 10 for by the Bank may be used for a public infrastructure  
 11 project unless all of the iron, steel, and manufactured  
 12 goods used for the construction, alteration, maintenance  
 13 or repair of the project are produced in the United States.

14 (b) EXCEPTION.—Subsection (a) shall not apply in  
 15 any case or category of cases in which the Secretary of  
 16 the Treasury finds that—

17 (1) applying subsection (a) would be incon-  
 18 sistent with the public interest;

19 (2) iron, steel, and the relevant manufactured  
 20 goods are not produced in the United States in suffi-  
 21 cient and reasonably available quantities and of a  
 22 satisfactory quality; or

23 (3) inclusion of iron, steel, and manufactured  
 24 goods produced in the United States will increase

1 the cost of the overall infrastructure project by more  
2 than 25 percent.

3 (c) PUBLICATION OF WAIVERS.—If the Secretary of  
4 the Treasury determines that it is necessary to waive the  
5 application of subsection (a) based on a finding under sub-  
6 section (b), the Treasury Secretary shall publish in the  
7 Federal Register a detailed written justification as to why  
8 the provision is being waived.

9 (d) APPLICATION OF SECTION.—This section shall be  
10 applied in a manner consistent with the United States ob-  
11 ligations under international agreements.

12 (e) CONSULTATIONS.—The Secretary of the Treasury  
13 shall consult with the Board and may consult with the  
14 Secretary of Transportation and other Federal Secretaries  
15 and Administrators when applying this section.

16 **SEC. 16. AUDITS; REPORTS TO PRESIDENT AND CONGRESS.**

17 (a) ACCOUNTING.—The books of account of the Bank  
18 shall be maintained in accordance with generally accepted  
19 accounting principles and shall be subject to an annual  
20 audit by independent public accountants appointed by the  
21 Board and of nationally recognized standing.

22 (b) REPORTS.—

23 (1) BOARD.—The Board shall submit to the  
24 President and Congress, within 90 days after the  
25 last day of each fiscal year, a complete and detailed

1 report with respect to the preceding fiscal year, set-  
2 ting forth—

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

5 (B) a schedule of the Bank’s obligations  
6 outstanding at the end of such preceding fiscal  
7 year, with a statement of the amounts issued  
8 and redeemed or paid during such preceding  
9 fiscal year; and

10 (C) the status of infrastructure projects re-  
11 ceiving funding or other assistance pursuant to  
12 this Act, including disclosure of all entities with  
13 a development, ownership, or operational inter-  
14 est in such projects.

15 (2) GAO.—Not later than 5 years after the  
16 date of enactment of this Act, the Comptroller Gen-  
17 eral of the United States shall submit to Congress  
18 a report evaluating activities of the Bank for the fis-  
19 cal years covered by the report that includes an as-  
20 sessment of the impact and benefits of each funded  
21 infrastructure project, including a review of how ef-  
22 fectively each project accomplished the goals  
23 prioritized by the Bank’s project criteria.

24 (c) BOOKS AND RECORDS.—

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

7           (2) PUBLIC COMMENT PERIOD.—The Bank  
8       shall post infrastructure financing agreements on  
9       the database providing 30 days for public comments  
10      before providing final financing for the infrastruc-  
11      ture project.

12          (3) AUDITS BY THE SECRETARY AND GAO.—  
13      The books and records of the Bank shall be main-  
14      tained in accordance with recommended accounting  
15      practices and shall be open to inspection by the Sec-  
16      retary and the Comptroller General of the United  
17      States.

18 **SEC. 17. AMERICAN INFRASTRUCTURE BOND.**

19          (a) IN GENERAL.—In the case of an American Infra-  
20      structure Bond, the Bank shall pay (contemporaneously  
21      with each interest payment date under such bond) to the  
22      issuer of such bond (or to any person who makes such  
23      interest payments on behalf of the issuer) the applicable  
24      percentage of the interest payable under such bond on  
25      such date.

1 (b) AMERICAN INFRASTRUCTURE BOND.—

2 (1) IN GENERAL.—For purposes of this section,  
 3 the term “American Infrastructure Bond” means  
 4 any obligation (other than a private activity bond)  
 5 if—

6 (A) the interest on such obligation would  
 7 (but for this section) be excludable from gross  
 8 income under section 103 of the Internal Rev-  
 9 enue Code of 1986;

10 (B) such obligation would have been a  
 11 qualified bond under section 54AA of such Code  
 12 (determined without regard to subparagraphs  
 13 (B) and (C) of subsection (d)(1) and subsection  
 14 (g)(2)(B) thereof);

15 (C) such obligation is approved under the  
 16 American Infrastructure Bond program; and

17 (D) the issuer makes an irrevocable elec-  
 18 tion to have this section apply.

19 (2) APPLICABLE RULES.—For purposes of ap-  
 20 plying paragraph (1)—

21 (A) for purposes of section 149(b) of such  
 22 Code, an American Infrastructure Bond shall  
 23 not be treated as federally guaranteed by rea-  
 24 son of the subsidy provided under subsection  
 25 (a);

1 (B) for purposes of section 148 of such  
2 Code, the yield on an American Infrastructure  
3 Bond shall be determined without regard to the  
4 subsidy provided under subsection (a); and

5 (C) a bond shall not be treated as an  
6 American Infrastructure Bond if the issue price  
7 has more than a de minimis amount (deter-  
8 mined under rules similar to the rules of section  
9 1273(a)(3) of such Code) of premium over the  
10 stated principal amount of the bond.

11 (c) INTEREST ON BONDS INCLUDED IN GROSS IN-  
12 COME.—For purposes of the Internal Revenue Code of  
13 1986, interest on any American Infrastructure Bond shall  
14 be includible in gross income.

15 (d) DEFINITIONS.—For purposes of this section—

16 (1) INTEREST PAYMENT DATE.—The term “in-  
17 terest payment date” means any date on which the  
18 holder of record of the American Infrastructure  
19 Bond is entitled to a payment of interest under such  
20 bond.

21 (2) APPLICABLE PERCENTAGE.—The applicable  
22 percentage with respect to the interest subsidy pro-  
23 vided for any bond under the American Infrastruc-  
24 ture Bond program shall be a percentage rec-  
25 ommended by the Executive Committee, reviewed by

1 the risk management committee, and approved by  
2 the Board.

3 (e) AMERICAN INFRASTRUCTURE BOND PROGRAM.—

4 (1) IN GENERAL.—Not later than 180 days  
5 after the date of the enactment of this Act, the  
6 Board, in consultation with the Executive Com-  
7 mittee, risk management committee, and the Sec-  
8 retary of the Treasury, shall establish an American  
9 Infrastructure Bond program, under which the  
10 Board may—

11 (A) approve bond issuances for purposes of  
12 this section, and

13 (B) assign an applicable percentage with  
14 respect to any bond so approved.

15 (2) APPLICATION.—Issuers may apply for the  
16 approval of a bond issuance for purposes of this sec-  
17 tion, and any such application shall contain such in-  
18 formation as the Executive Committee and the risk  
19 management committee may require in order to ac-  
20 cept or reject an application and to assign an appli-  
21 cable percentage to such bond.

22 (3) CRITERIA.—Approval of an application and  
23 the applicable percentage subsidy assigned under the  
24 program shall be based on the ability of each project  
25 to meet the criteria established under section 8(d).

1 (4) LIMITATIONS.—

2 (A) PER BOND SUBSIDY.—The applicable  
3 percentage with respect to any bond may not  
4 exceed 40 percent.

5 (B) AGGREGATE SUBSIDY LIMITATION.—

6 For any calendar year, the aggregate amount of  
7 interest subsidies provided under this section  
8 with respect to all American Infrastructure  
9 Bonds shall not exceed an amount equal to 28  
10 percent of interest payable under all such  
11 bonds.

12 **SEC. 18. NATIONAL INFRASTRUCTURE DEVELOPMENT**  
13 **BANK TRUST FUND.**

14 (a) IN GENERAL.—There is established in the Treas-  
15 ury of the United States a trust fund to be known as the  
16 “National Infrastructure Development Bank Trust Fund”  
17 consisting of such amounts as may be appropriated to  
18 such trust fund as provided in this section.

19 (b) TRANSFER TO TRUST FUND.—There are hereby  
20 appropriated to the National Infrastructure Development  
21 Bank Trust Fund such amount as the Secretary of the  
22 Treasury estimates is equivalent to the tax receipts attrib-  
23 utable to interest payable under American Infrastructure  
24 Bonds.

1       (c) EXPENDITURES FROM TRUST FUND.—Amounts  
2 in the National Infrastructure Development Bank Trust  
3 Fund shall be available, as provided in appropriation Acts,  
4 only for purposes of the Secretary making transfers to the  
5 National Infrastructure Development Bank for infrastruc-  
6 ture project assistance provided by the Bank under this  
7 Act.

8 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

9       There is authorized to be appropriated  
10 \$5,000,000,000 for each of fiscal years 2020, 2021, 2022,  
11 2023, and 2024 to capitalize the Bank and to remain  
12 available until expended, of which not more than  
13 \$25,000,000 for each of fiscal years 2020 and 2021, and  
14 not more than \$50,000,000 for each fiscal year thereafter,  
15 may be used for administrative costs of the Bank.

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