

115TH CONGRESS  
1ST SESSION

# H. R. 547

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 13, 2017

Ms. DELAURO (for herself, Mr. TAKANO, Ms. KAPTUR, Ms. SLAUGHTER, Mr. DEUTCH, Ms. DELBENE, Ms. CLARK of Massachusetts, Mr. LARSEN of Washington, Ms. PINGREE, Ms. SPEIER, Ms. MOORE, Mr. HASTINGS, Mr. LARSON of Connecticut, Mr. SCHIFF, Mr. CARTWRIGHT, Mr. RYAN of Ohio, Ms. MATSUI, Mr. CICILLINE, Mr. PRICE of North Carolina, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. SERRANO, Ms. KELLY of Illinois, Mr. TONKO, Mr. LIPINSKI, Mr. KILDEE, Mr. RICHMOND, Mr. LOWENTHAL, Mr. WELCH, Mr. GARAMENDI, Ms. NORTON, Ms. BONAMICI, Ms. BORDALLO, Mrs. DINGELL, Mr. CARSON of Indiana, Mr. VEASEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. LANGEVIN, Mr. CÁRDENAS, Ms. KUSTER of New Hampshire, Ms. SCHAKOWSKY, Mr. KEATING, Ms. SÁNCHEZ, Mrs. LAWRENCE, Mr. FOSTER, Mr. ENGEL, Mr. POCAN, Mr. LYNCH, Mr. HECK, Ms. MCCOLLUM, Ms. MENG, Mr. SARBANES, Mr. LEVIN, Mr. PAYNE, Mr. HIMES, Mr. CONYERS, Ms. JUDY CHU of California, Mr. SCOTT of Virginia, Mr. MCGOVERN, Ms. SHEAPORTER, Mrs. LOWEY, Mr. SHERMAN, Mr. ELLISON, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. ESTY, Mr. DESAULNIER, Mr. COURTNEY, Mr. KILMER, Ms. VELÁZQUEZ, Ms. LEE, Mr. COHEN, Ms. ESHOO, Ms. CLARKE of New York, and Mr. BLUMENAUER) 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 infrastruc-

ture projects and new job creation through the establishment 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 2017”.

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 World Economic Forum  
 18             Global Competitiveness Report, the United States  
 19             ranks 11th overall in infrastructure.

20             (4) According to the American Society of Civil  
 21             Engineers, the current condition of the infrastruc-  
 22             ture in the United States earns a grade point aver-  
 23             age of D+, and an estimated \$3,600,000,000,000

1 investment is needed by 2020 to meet adequate con-  
2 ditions.

3 (5) The Environmental Protection Agency  
4 projects that—

5 (A) \$384,200,000,000 is needed to invest  
6 in infrastructure improvements over 20 years to  
7 ensure the provision of safe water; and

8 (B) \$271,000,000,000 is needed for pub-  
9 licly owned wastewater systems-related infra-  
10 structure needs over 20 years.

11 (6) According to the Edison Electric Institute,  
12 the electric power industry will need to invest  
13 \$298,000,000,000 in the Nation's transmission sys-  
14 tem in the next 20 years in order to maintain reli-  
15 able service.

16 (7) Although grant programs of the Govern-  
17 ment must continue to play a central role in financ-  
18 ing the transportation, environment, energy, and  
19 telecommunications infrastructure needs of the  
20 United States, current and foreseeable demands on  
21 existing Federal, State, and local funding for infra-  
22 structure expansion exceed the resources to support  
23 these programs by margins wide enough to prompt  
24 serious concerns about the United States ability to

1 sustain long-term economic development, produc-  
2 tivity, and international competitiveness.

3 (8) The capital markets, including central  
4 banks, pension funds, financial institutions, sov-  
5 ereign wealth funds, and insurance companies, have  
6 a growing interest in infrastructure investment. The  
7 establishment of a United States Government-owned  
8 institution that would provide this investment oppor-  
9 tunity to finance qualifying infrastructure projects  
10 would attract needed capital for United States infra-  
11 structure development.

12 **SEC. 3. DEFINITIONS.**

13 For purposes of this Act, the following definitions  
14 apply unless the context requires otherwise:

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

18 (2) BANK.—The term “Bank” means the Na-  
19 tional Infrastructure Development Bank established  
20 under section 4(a).

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

23 (4) CHIEF ASSET AND LIABILITY MANAGEMENT  
24 OFFICER.—The term “chief asset and liability man-  
25 agement officer” means the chief individual respon-

1       sible for coordinating the management of assets and  
2       liabilities of the Bank.

3           (5) CHIEF COMPLIANCE OFFICER.—The term  
4       “chief compliance officer or CCO” means the chief  
5       individual responsible for overseeing and managing  
6       the compliance and regulatory affairs issues of the  
7       Bank.

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

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

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

19          (9) CHIEF OPERATIONS OFFICER.—The term  
20      “chief operations officer or COO” means the chief  
21      individual responsible for information technology and  
22      the day-to-day operations of the Bank.

23          (10) CHIEF RISK OFFICER.—The term “chief  
24      risk officer or CRO” means the chief individual re-

1       sponsible for managing operational and compliance-  
2       related risks of the Bank.

3           (11) CHIEF TREASURY OFFICER.—The term  
4       “chief treasury officer” means the chief individual  
5       responsible for managing the Bank’s treasury oper-  
6       ations.

7           (12) DEVELOPMENT.—The terms “develop-  
8       ment” and “develop” mean, with respect to an infra-  
9       structure project, any—

10           (A) preconstruction planning, feasibility re-  
11           view, permitting, design work, life-cycle mainte-  
12           nance planning, and other preconstruction ac-  
13           tivities; and

14           (B) construction, reconstruction, rehabili-  
15           tation, replacement, or expansion.

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

19           (14) DISADVANTAGED COMMUNITY.—The term  
20       “disadvantaged community” means a community  
21       with a median household income of less than 80 per-  
22       cent of the statewide median household income for  
23       the State in which the community is located.

24           (15) ENERGY INFRASTRUCTURE PROJECT.—  
25       The term “energy infrastructure project” means any

1 project for energy transmission and distribution, en-  
2 ergy efficiency enhancement for buildings, public  
3 housing, health facilities, schools, and energy stor-  
4 age.

5 (16) ENTITY.—The term “entity” means an in-  
6 dividual, corporation, partnership (including a pub-  
7 lic-private partnership), joint venture, trust, and a  
8 State or other governmental entity, including a polit-  
9 ical subdivision or any other instrumentality of a  
10 State or a revolving fund.

11 (17) ENVIRONMENTAL INFRASTRUCTURE  
12 PROJECT.—The term “environmental infrastructure  
13 project” means any project for the establishment,  
14 maintenance, or enhancement of any drinking water  
15 and wastewater treatment facility, storm water man-  
16 agement system, flood gate, dam, levee, dredging,  
17 open space management system, wetland restoration,  
18 infill development, solid waste disposal facility, haz-  
19 ardous waste facility, or industrial site cleanup or  
20 remediation projects.

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

24 (19) GREENHOUSE GASES.—The term “green-  
25 house gases” means any of the following:

1 (A) Carbon dioxide.

2 (B) Methane.

3 (C) Nitrous oxide.

4 (D) Sulfur hexafluoride.

5 (E) Hydrofluorocarbons.

6 (F) Any perfluorocarbon.

7 (G) Nitrogen trifluoride.

8 (H) Any other anthropogenic gas des-  
9 ignated as a greenhouse gas by the Environ-  
10 mental Protection Agency Administrator.

11 (20) INFRASTRUCTURE PROJECT.—The term  
12 “infrastructure project” means any energy, environ-  
13 mental, telecommunications, or transportation infra-  
14 structure project.

15 (21) LOAN GUARANTEE.—The term “loan guar-  
16 antee” has the same meaning as in section 502 of  
17 the Federal Credit Reform Act of 1990 (2 U.S.C.  
18 661a).

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

22 (A) the proceeds from the sale of the bond  
23 are to be used for expenditures incurred after  
24 the date of issuance with respect to any infra-



1 structure project or other purpose, subject to  
2 such rules as the Bank may provide;

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

4 (C) the bond has such terms, and carries  
5 interest in such an amount, as determined by  
6 the Bank; and

7 (D) payments of interest and principal  
8 with respect to the bond is the obligation of the  
9 Bank and is backed by the full faith and credit  
10 of the United States.

11 (23) PUBLIC-PRIVATE PARTNERSHIP.—The  
12 term “public-private partnership” means any enti-  
13 ty—

14 (A)(i) which is undertaking the develop-  
15 ment of all or part of an infrastructure project,  
16 which will have a public benefit, pursuant to re-  
17 quirements established in one or more contracts  
18 between the entity and a State or an instru-  
19 mentality of a State; or

20 (ii) the activities of which, with respect to  
21 such an infrastructure project, are subject to  
22 regulation by a State or any instrumentality of  
23 a State; and

24 (B) which owns, leases, or operates, or will  
25 own, lease, or operate, the project in whole or

1           in part, and at least one of the participants in  
2           the entity is a nongovernmental entity.

3           (24) REVOLVING FUND.—The term “revolving  
4           fund” means a fund or program established by a  
5           State or a political subdivision or other instrumen-  
6           tality of a State, the principal activity of which is to  
7           make loans, commitments, or other financial accom-  
8           modation available for the development of one or  
9           more categories of infrastructure projects.

10          (25) SECRETARY.—The term “Secretary”  
11          means the Secretary of the Treasury or the designee  
12          of the Secretary.

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

18          (27) STATE.—The term “State” includes the  
19          District of Columbia, Puerto Rico, Guam, American  
20          Samoa, the Virgin Islands, the Commonwealth of  
21          Northern Mariana Islands, and any other territory  
22          of the United States.

23          (28) TELECOMMUNICATIONS INFRASTRUCTURE  
24          PROJECT.—The term “telecommunications infra-  
25          structure project” means any project involving infra-

1 structure required to provide communications by  
2 wire or radio.

3 (29) TRANSPORTATION INFRASTRUCTURE  
4 PROJECT.—The term “transportation infrastructure  
5 project” means any project for the construction,  
6 maintenance, or enhancement of highways, roads,  
7 bridges, transit and intermodal systems, inland wa-  
8 terways, commercial ports, airports, high speed rail  
9 and freight rail systems.

10 **SEC. 4. ESTABLISHMENT OF NATIONAL INFRASTRUCTURE**  
11 **DEVELOPMENT BANK.**

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

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

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

1 “(O) the National Infrastructure Develop-  
2 ment Bank.”.

3 **SEC. 5. BOARD OF DIRECTORS.**

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

7 (b) QUALIFICATIONS.—The directors of the Board  
8 shall include individuals representing different regions of  
9 the United States and—

10 (1) 2 of the directors shall have public sector  
11 experience;

12 (2) 2 of the directors shall have private sector  
13 experience; and

14 (3) 3 of the directors shall have finance experi-  
15 ence.

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

21 (d) TERMS.—

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

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

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

5                   (B) 3 shall be appointed for a term of 4  
6       years; and

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

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

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

21       (g) VACANCIES.—

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

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

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

9       (h) QUORUM.—Four directors shall constitute a  
10     quorum.

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

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

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

25       (l) RESPONSIBILITIES.—The Board shall—

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

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

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

14                (A) monitoring and assessing the effective-  
15                ness of the Bank in achieving its strategic  
16                goals;

17                (B) periodically reviewing internal policies  
18                submitted by the chief executive officer;

19                (C) reviewing and approving annual busi-  
20                ness plans, annual budgets, and long-term  
21                strategies submitted by the chief executive offi-  
22                cer;

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

1 (E) reviewing risk management and audit  
2 practices of the Bank; and

3 (F) reviewing and approving all changes to  
4 the organization of the Bank; and

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

8 (m) MEETINGS.—

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

13 (2) INITIAL MEETING.—The Board shall meet  
14 not later than 90 days after the date on which the  
15 last director is appointed and otherwise at the call  
16 of the Chairperson.

17 (3) EXCEPTION FOR CLOSED MEETINGS.—Pur-  
18 suant to such rules as the Board may establish  
19 through their bylaws, the directors may close a  
20 meeting of the Board if, at the meeting, there is  
21 likely to be disclosed information which could ad-  
22 versely affect or lead to speculation relating to an in-  
23 frastructure project under consideration for assist-  
24 ance under this Act or in financial or securities or  
25 commodities markets or institutions, utilities, or real



1 estate. The determination to close any meeting of  
2 the Board shall be made in a meeting of the Board,  
3 open to the public, and preceded by reasonable no-  
4 tice. The Board shall prepare minutes of any meet-  
5 ing which is closed to the public and make such min-  
6 utes available as soon as the considerations necessi-  
7 tating closing such meeting no longer apply.

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

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

13 (1) To make senior and subordinated direct  
14 loans on such terms as the Board may determine, in  
15 the Board's discretion, to be appropriate to assist in  
16 the financing or refinancing of an infrastructure  
17 project.

18 (2) To make loan guarantees on such terms as  
19 the Board may determine, in the Board's discretion,  
20 to be appropriate to assist in the financing or refi-  
21 nancing of an infrastructure project.

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

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

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

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

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

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

17          (9) To serve as the primary liaison between the  
18        Bank and the Congress, the executive branch, and  
19        State and local governments, and to represent the  
20        Bank's interests.

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

24       (b) LIMITATIONS.—

1           (1) ISSUANCE OF PUBLIC BENEFIT BONDS.—

2           The Board may not issue any Public Benefit Bond  
3           without the prior consent of the Secretary.

4           (2) EMPLOYEE PROTECTIONS.—Prior to pro-

5           viding any financial assistance for an infrastructure  
6           project involving reconstruction, rehabilitation, re-  
7           placement or expansion that may impact current em-  
8           ployees on the project site, the interests of employees  
9           affected by the financial assistance shall be pro-  
10          tected under arrangements the Secretary of Labor  
11          concludes are fair and equitable.

12          (c) ACTIONS CONSISTENT WITH SELF-SUPPORTING  
13          ENTITY STATUS.—The Board shall conduct its business  
14          in a manner consistent with the requirements of this sec-  
15          tion.

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

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

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

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

9 **SEC. 7. EXECUTIVE COMMITTEE.**

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

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

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

21               (1) the development and submission to the  
22 Board of the annual business plans and budget;

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

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

3           (d) OTHER EXECUTIVE OFFICERS.—The Board shall  
4           appoint, remove, fix the compensation, and define duties  
5           of 8 other executive officers to serve on the Executive  
6           Committee as the—

7           (1) chief compliance officer;

8           (2) chief financial officer;

9           (3) chief asset and liability management officer;

10          (4) chief loan origination officer;

11          (5) chief operations officer;

12          (6) chief risk officer;

13          (7) chief treasury officer; and

14          (8) general counsel.

15          (e) QUALIFICATIONS.—The CEO shall have experi-  
16          ence and expertise in finance and the other executive offi-  
17          cers shall have demonstrated experience and expertise in  
18          one or more of the following:

19          (1) Transportation infrastructure.

20          (2) Environmental infrastructure.

21          (3) Energy infrastructure.

22          (4) Telecommunications infrastructure.

23          (5) Economic development.

24          (6) Workforce development.

25          (7) Public health.

1 (8) Private or public finance.

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

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

8 (2) establish and submit to the Board standard-  
9 ized terms and conditions, fee schedules, or legal re-  
10 quirements of a contract or program to carry out  
11 this Act;

12 (3) establish and submit to the Board guide-  
13 lines for the selection and approval of projects and  
14 specific criteria for determining eligibility for project  
15 selection;

16 (4) accept, for consideration, project proposals  
17 relating to the development of infrastructure  
18 projects, which meet the basic criteria established by  
19 the Executive Committee, and which are submitted  
20 by an entity;

21 (5) provide recommendations to the Board and  
22 place project proposals accepted by the Executive  
23 Committee on a list for consideration for financial  
24 assistance from the Board;

1           (6) recommend to the Board the percentage  
2       subsidy amount for an approved application for an  
3       American Infrastructure Bond, with such rec-  
4       ommendation based on the strength of the related  
5       infrastructure project's ability to meet the criteria  
6       described under section 11 and the ability of such  
7       project to attract private investment in an infra-  
8       structure project's early development stages;

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

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

18      (g) VACANCY.—A vacancy in the position of CEO and  
19      other executive officers of the Executive Committee shall  
20      be filled in the manner in which the original appointment  
21      was made.

22      (h) COMPENSATION.—The compensation of the CEO  
23      and other executive officers of the Executive Committee  
24      shall be determined by the Board.

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

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

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

9 (1) hold any other public office;

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

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

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

19 **SEC. 8. RISK MANAGEMENT COMMITTEE.**

20 (a) ESTABLISHMENT OF RISK MANAGEMENT COM-  
21 MITTEE.—The Board shall establish a risk management  
22 committee consisting of 5 members, headed by the chief  
23 risk officer.



1 (b) APPOINTMENTS.—A majority of the Board shall  
2 have the authority to appoint and reappoint the CRO of  
3 the Bank.

4 (c) FUNCTIONS; DUTIES.—

5 (1) IN GENERAL.—The CRO shall have such  
6 functions, powers, and duties as may be prescribed  
7 by one or more of the following: This Act, the by-  
8 laws of the Bank, and the Board. The CRO shall re-  
9 port directly to the Board.

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

13 (A) create financial, credit, and operational  
14 risk management guidelines and policies to be  
15 adhered to by the Bank;

16 (B) set guidelines to ensure diversification  
17 of lending activities by both geographic region  
18 and infrastructure project type;

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

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

23 (E) provide financial recommendations to  
24 the Board.

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

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

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

14               (1) Treasury and asset and liability manage-  
15 ment.

16               (2) Investment regulations.

17               (3) Insurance.

18               (4) Credit risk management and credit evalua-  
19 tions.

20               (5) Related disciplines.

21       (g) VACANCY.—A vacancy in the position of CRO and  
22 other risk management officers of the risk management  
23 committee shall be filled in the manner in which the origi-  
24 nal appointment was made.

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

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

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

11 (k) LIMITATIONS.—The CRO and other risk manage-  
12 ment officers of the risk management committee shall  
13 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. 9. 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 one  
10 or more of the following: This Act, the bylaws of the Bank,  
11 and the Board. The CCO shall report directly to the  
12 Board.

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

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

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

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

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

23 (e) OTHER AUDIT OFFICERS.—The Board shall ap-  
24 point, remove, fix the compensation, and define the duties  
25 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. 10. PERSONNEL.**

9           The chairperson of the Board, chief executive officer,  
10          chief risk officer, and chief compliance officer shall ap-  
11          point, remove, fix the compensation of, and define the du-  
12          ties of such qualified personnel to serve under the Board,  
13          Executive Committee, risk management committee, or  
14          audit committee, as the case may be, as necessary and  
15          prescribed by one or more of the following: This Act, the  
16          bylaws of the Bank, and the Board.

17   **SEC. 11. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM**  
18                           **BANK.**

19          (a) IN GENERAL.—Any entity proposing a project for  
20          which the use or purpose is private and without public  
21          benefit shall not be eligible for financial assistance from  
22          the Bank under this Act. No financial assistance shall be  
23          available from the Bank unless the entity for such assist-  
24          ance has demonstrated to the satisfaction of the Board

1 that the project for which such assistance is being sought  
2 meets the requirements of this Act.

3 (b) ESTABLISHMENT OF PROJECT CRITERIA.—

4 (1) IN GENERAL.—Consistent with the require-  
5 ments of subsections (c) and (d), the Board shall ap-  
6 prove—

7 (A) criteria for determining eligibility for  
8 financial assistance established by the Executive  
9 Committee under this Act;

10 (B) revisions to criteria for determining  
11 eligibility for financial assistance established by  
12 the Executive Committee under this Act;

13 (C) the weight given to factors to be taken  
14 into account established by the Executive Com-  
15 mittee;

16 (D) disclosure and application procedures  
17 to be followed by entities to nominate projects  
18 for assistance established by the Executive  
19 Committee under this Act; and

20 (E) such other criteria as the Board may  
21 consider to be appropriate for the purposes of  
22 carrying out this Act.

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

24 (A) IN GENERAL.—The Executive Com-  
25 mittee shall conduct an analysis that takes into

1 account the economic, environmental, and social  
2 benefits, and costs of each project under consid-  
3 eration for financial assistance under this Act,  
4 prioritizing projects that contribute to economic  
5 growth, lead to job creation, and are of regional  
6 or national significance.

7 (B) CRITERIA.—The criteria established  
8 pursuant to paragraph (1)(A) shall provide for  
9 the consideration of the following factors in  
10 considering eligibility for financial assistance  
11 under this Act:

12 (i) The means by which development  
13 of the infrastructure project under consid-  
14 eration is being financed, including—

15 (I) the terms and conditions and  
16 financial structure of the proposed fi-  
17 nancing;

18 (II) the credit worthiness and  
19 standing of the project sponsors, pro-  
20 viders of equity, and cofinanciers;

21 (III) the financial assumptions  
22 and projections on which the project  
23 is based; and



1 (IV) the extent to which the in-  
2 frastructure project maximizes invest-  
3 ment from other sources.

4 (ii) The likelihood that the provision  
5 of assistance by the Bank will cause such  
6 development to proceed more promptly and  
7 with lower costs for financing than would  
8 be the case without such assistance.

9 (iii) The extent to which the provision  
10 of assistance by the Bank maximizes the  
11 level of private investment in the infra-  
12 structure project while providing a public  
13 benefit.

14 (C) DEDICATED REVENUE SOURCES.—Any  
15 financial assistance for an infrastructure  
16 project shall be repayable, in whole or in part,  
17 from dedicated revenue sources that also secure  
18 the infrastructure project obligations.

19 (D) AMOUNT OF FINANCIAL ASSIST-  
20 ANCE.—The amount of financial assistance  
21 under this Act shall not exceed the lesser of 50  
22 percent of the reasonably anticipated eligible in-  
23 frastructure project costs.

24 (c) PUBLIC INPUT.—In developing proposed infra-  
25 structure project criteria and conducting reviews of infra-

1 structure project criteria for the Board, the Executive  
2 Committee shall seek input from the public including  
3 views related to—

4 (1) the weight given to different factors to be  
5 taken into account;

6 (2) measuring whether projects are meeting ap-  
7 proved criteria; and

8 (3) any other input considered by the Executive  
9 Committee and the public for the purposes of car-  
10 rying out this Act.

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

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

15 (A) Job creation, including workforce de-  
16 velopment for women and minorities, respon-  
17 sible employment practices, and targeted job  
18 training and employment opportunities for low  
19 income workers.

20 (B) Reduction in greenhouse gases.

21 (C) Reduction in surface and air traffic  
22 congestion.

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

1 (E) Increased access to transportation op-  
2 tions.

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

5 (G) Public health benefits, including the  
6 removal of lead coatings or other hazardous  
7 chemicals and materials.

8 (H) Reduction in risk of structural failure  
9 over the service life of the project.

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

13 (A) Job creation, including workforce de-  
14 velopment for women and minorities, respon-  
15 sible employment practices, and targeted job  
16 training and employment opportunities for low  
17 income workers.

18 (B) Public health benefits, including the  
19 removal of lead coatings or other hazardous  
20 materials.

21 (C) Pollution reductions.

22 (D) Reductions in greenhouse gas.

23 (E) Increased coastal and inland flood  
24 mitigation and protection.

1 (F) Reduction in risk of structural failure  
2 over the service life of the project.

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

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

11 (B) Reduction in greenhouse gas.

12 (C) Expanded use of renewable energy.

13 (D) Development of a smart grid.

14 (E) Energy efficient building, housing, and  
15 school modernization, including renewable en-  
16 ergy designated retrofits.

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

19 (i) improvement of the physical shape  
20 and layout;

21 (ii) environmental improvement; and

22 (iii) mobility improvements for resi-  
23 dents.

1 (G) Public health benefits including the re-  
2 moval of lead coatings or other hazardous  
3 chemicals and materials.

4 (H) Reduction in risk of structural failure  
5 over the service life of the project.

6 (4) TELECOMMUNICATIONS.—For any tele-  
7 communications project, the Board shall consider  
8 the following:

9 (A) Job creation, including workforce de-  
10 velopment for women and minorities, respon-  
11 sible employment practices, and targeted job  
12 training and employment opportunities for low  
13 income workers.

14 (B) The extent to which assistance ex-  
15 pands or improves broadband and wireless serv-  
16 ices in rural and disadvantaged communities.

17 (e) CONSIDERATION OF PROJECT PROPOSALS.—

18 (1) PARTICIPATION BY OTHER AGENCY PER-  
19 SONNEL.—Consideration of a project under this sec-  
20 tion by the Executive Committee and the Board  
21 shall be conducted with personnel on detail to the  
22 Bank from relevant Federal agencies among individ-  
23 uals who are familiar with and experienced in the se-  
24 lection criteria for competitive infrastructure  
25 projects.

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

6       (f) DISCRETION OF BOARD.—Consistent with other  
7       provisions of this Act, any determination of the Board to  
8       provide assistance to any infrastructure project, and the  
9       manner in which such assistance is provided, including the  
10      terms, conditions, fees, and charges shall be at the sole  
11      discretion of the Board.

12      (g) STATE AND LOCAL PERMITS REQUIRED.—The  
13      provision of assistance by the Board in accordance with  
14      this Act shall not be deemed to relieve any recipient of  
15      assistance or the related infrastructure project of any obli-  
16      gation to obtain required State and local permits and ap-  
17      provals.

18      (h) ANNUAL REPORT.—An entity receiving assist-  
19      ance from the Board shall make annual reports to the  
20      Board on the use of any such assistance, compliance with  
21      the criteria set forth in this section, and a disclosure of  
22      all entities with a development, ownership, or operational  
23      interest in a infrastructure project assisted or proposed  
24      to be assisted under this Act.

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

2 All bonds issued by the Bank, and the interest on  
3 or credits with respect to such bonds, shall not be subject  
4 to taxation by any State, county, municipality, or local  
5 taxing authority.

6 **SEC. 13. STATUS AND APPLICABILITY OF CERTAIN FED-**  
7 **ERAL LAWS.**

8 (a) COMPLIANCE WITH DAVIS-BACON ACT.—All la-  
9 borers and mechanics employed by contractors and sub-  
10 contractors on infrastructure projects funded directly by  
11 or assisted in whole or in part by and through the Bank  
12 pursuant to this Act shall be paid wages at rates not less  
13 than those prevailing on projects of a character similar  
14 in the locality as determined by the Secretary of Labor  
15 in accordance with subchapter IV of chapter 31 of part  
16 A of title 40, United States Code. With respect to the  
17 labor standards specified in this section, the Secretary of  
18 Labor shall have the authority and functions set forth in  
19 Reorganization Plan Numbered 14 of 1950 (64 Stat.  
20 1267; 5 U.S.C. App.) and section 3145 of title 40, United  
21 States Code.

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

1       (c) COMPLIANCE WITH GRANT REQUIREMENTS.—  
2 Recipients of financial assistance authorized under this  
3 Act that funds public transportation capital projects, as  
4 defined in section 5302 of title 49, United States Code,  
5 must comply with the grant requirements applicable to  
6 grants made under section 5309 of such title.

7       **SEC. 14. COMPLIANCE WITH CERTAIN DOMESTIC CONTENT**  
8                               **STATUTES.**

9       The financing provided for an infrastructure project  
10 shall be in accordance with the following statutory provi-  
11 sions of the United States Code under the jurisdiction of  
12 the Department of Transportation: section 24305 of title  
13 49, United States Code (AMTRAK), section 313 of title  
14 23, United States Code (FHWA), section 5323(j) of title  
15 49, United States Code (FTA), section 24405 of title 49,  
16 United States Code (Intercity Rail Passenger Corpora-  
17 tion), and sections 50101 and 50105 of title 49, United  
18 States Code (FAA).

19       **SEC. 15. USE OF IRON, STEEL, AND MANUFACTURED GOODS**  
20                               **IN INFRASTRUCTURE PROJECTS.**

21       (a) BUY AMERICA.—None of the financing provided  
22 for by the Bank may be used for a public infrastructure  
23 project unless all of the iron, steel, and manufactured  
24 goods used for the construction, alteration, maintenance  
25 or repair of the project are produced in the United States.



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

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

6 (2) iron, steel, and the relevant manufactured  
7 goods are not produced in the United States in suffi-  
8 cient and reasonably available quantities and of a  
9 satisfactory quality; or

10 (3) inclusion of iron, steel, and manufactured  
11 goods produced in the United States will increase  
12 the cost of the overall infrastructure project by more  
13 than 25 percent.

14 (c) PUBLICATION OF WAIVERS.—If the Secretary of  
15 the Treasury determines that it is necessary to waive the  
16 application of subsection (a) based on a finding under sub-  
17 section (b), the Treasury Secretary shall publish in the  
18 Federal Register a detailed written justification as to why  
19 the provision is being waived.

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

23 (e) CONSULTATIONS.—The Secretary of the Treasury  
24 shall consult with the Board and may consult with the

1 Secretary of Transportation and other Federal Secretaries  
2 and Administrators when applying this section.

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

4 (a) ACCOUNTING.—The books of account of the Bank  
5 shall be maintained in accordance with generally accepted  
6 accounting principles and shall be subject to an annual  
7 audit by independent public accountants appointed by the  
8 Board and of nationally recognized standing.

9 (b) REPORTS.—

10 (1) BOARD.—The Board shall submit to the  
11 President and Congress, within 90 days after the  
12 last day of each fiscal year, a complete and detailed  
13 report with respect to the preceding fiscal year, set-  
14 ting forth—

15 (A) a summary of the Bank's operations,  
16 for such preceding fiscal year;

17 (B) a schedule of the Bank's obligations  
18 outstanding at the end of such preceding fiscal  
19 year, with a statement of the amounts issued  
20 and redeemed or paid during such preceding  
21 fiscal year; and

22 (C) the status of infrastructure projects re-  
23 ceiving funding or other assistance pursuant to  
24 this Act, including disclosure of all entities with

1           a development, ownership, or operational inter-  
2           est in such projects.

3           (2) GAO.—Not later than 5 years after the  
4           date of enactment of this Act, the Comptroller Gen-  
5           eral of the United States shall submit to Congress  
6           a report evaluating activities of the Bank for the fis-  
7           cal years covered by the report that includes an as-  
8           sessment of the impact and benefits of each funded  
9           infrastructure project, including a review of how ef-  
10          fectively each project accomplished the goals  
11          prioritized by the Bank’s project criteria.

12          (c) BOOKS AND RECORDS.—

13           (1) IN GENERAL.—The Bank shall maintain  
14           adequate books and records to support the financial  
15           transactions of the Bank with a description of finan-  
16           cial transactions and infrastructure projects receiv-  
17           ing funding, and the amount of funding for each  
18           project maintained on a publicly accessible database.

19           (2) PUBLIC COMMENT PERIOD.—The Bank  
20           shall post infrastructure financing agreements on  
21           the database providing 30 days for public comments  
22           before providing final financing for the infrastruc-  
23           ture project.

24           (3) AUDITS BY THE SECRETARY AND GAO.—  
25          The books and records of the Bank shall be main-

1       tained in accordance with recommended accounting  
2       practices and shall be open to inspection by the Sec-  
3       retary and the Comptroller General of the United  
4       States.

5   **SEC. 17. AMERICAN INFRASTRUCTURE BOND.**

6       (a) IN GENERAL.—In the case of an American Infra-  
7       structure Bond, the Bank shall pay (contemporaneously  
8       with each interest payment date under such bond) to the  
9       issuer of such bond (or to any person who makes such  
10      interest payments on behalf of the issuer) the applicable  
11      percentage of the interest payable under such bond on  
12      such date.

13      (b) AMERICAN INFRASTRUCTURE BOND.—

14          (1) IN GENERAL.—For purposes of this section,  
15      the term “American Infrastructure Bond” means  
16      any obligation (other than a private activity bond)  
17      if—

18          (A) the interest on such obligation would  
19          (but for this section) be excludable from gross  
20          income under section 103 of the Internal Rev-  
21          enue Code of 1986;

22          (B) such obligation would have been a  
23          qualified bond under section 54AA of such Code  
24          (determined without regard to subparagraphs

1 (B) and (C) of subsection (d)(1) and subsection  
 2 (g)(2)(B) thereof;

3 (C) such obligation is approved under the  
 4 American Infrastructure Bond program; and

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

7 (2) APPLICABLE RULES.—For purposes of ap-  
 8 plying paragraph (1)—

9 (A) for purposes of section 149(b) of such  
 10 Code, an American Infrastructure Bond shall  
 11 not be treated as federally guaranteed by rea-  
 12 son of the subsidy provided under subsection  
 13 (a);

14 (B) for purposes of section 148 of such  
 15 Code, the yield on an American Infrastructure  
 16 Bond shall be determined without regard to the  
 17 subsidy provided under subsection (a); and

18 (C) a bond shall not be treated as an  
 19 American Infrastructure Bond if the issue price  
 20 has more than a de minimis amount (deter-  
 21 mined under rules similar to the rules of section  
 22 1273(a)(3) of such Code) of premium over the  
 23 stated principal amount of the bond.

24 (c) INTEREST ON BONDS INCLUDED IN GROSS IN-  
 25 COME.—For purposes of the Internal Revenue Code of

1 1986, interest on any American Infrastructure Bond shall  
2 be includible in gross income.

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

4 (1) INTEREST PAYMENT DATE.—The term “in-  
5 terest payment date” means any date on which the  
6 holder of record of the American Infrastructure  
7 Bond is entitled to a payment of interest under such  
8 bond.

9 (2) APPLICABLE PERCENTAGE.—The applicable  
10 percentage with respect to the interest subsidy pro-  
11 vided for any bond under the American Infrastruc-  
12 ture Bond program shall be a percentage rec-  
13 ommended by the Executive Committee, reviewed by  
14 the risk management committee, and approved by  
15 the Board.

16 (e) AMERICAN INFRASTRUCTURE BOND PROGRAM.—

17 (1) IN GENERAL.—Not later than 180 days  
18 after the date of the enactment of this Act, the  
19 Board, in consultation with the Executive Com-  
20 mittee, risk management committee, and the Sec-  
21 retary of the Treasury, shall establish an American  
22 Infrastructure Bond program, under which the  
23 Board may—

24 (A) approve bond issuances for purposes of  
25 this section, and

1 (B) assign an applicable percentage with  
2 respect to any bond so approved.

3 (2) APPLICATION.—Issuers may apply for the  
4 approval of a bond issuance for purposes of this sec-  
5 tion, and any such application shall contain such in-  
6 formation as the Executive Committee and the risk  
7 management committee may require in order to ac-  
8 cept or reject an application and to assign an appli-  
9 cable percentage to such bond.

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

14 (4) LIMITATIONS.—

15 (A) PER BOND SUBSIDY.—The applicable  
16 percentage with respect to any bond may not  
17 exceed 40 percent.

18 (B) AGGREGATE SUBSIDY LIMITATION.—  
19 For any calendar year, the aggregate amount of  
20 interest subsidies provided under this section  
21 with respect to all American Infrastructure  
22 Bonds shall not exceed an amount equal to 28  
23 percent of interest payable under all such  
24 bonds.

1 **SEC. 18. NATIONAL INFRASTRUCTURE DEVELOPMENT**

2 **BANK TRUST FUND.**

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

8 (b) TRANSFER TO TRUST FUND.—There are hereby  
9 appropriated to the National Infrastructure Development  
10 Bank Trust Fund such amount as the Secretary of the  
11 Treasury estimates is equivalent to the tax receipts attrib-  
12 utable to interest payable under American Infrastructure  
13 Bonds.

14 (c) EXPENDITURES FROM TRUST FUND.—Amounts  
15 in the National Infrastructure Development Bank Trust  
16 Fund shall be available, as provided in appropriation Acts,  
17 only for purposes of the Secretary making transfers to the  
18 National Infrastructure Development Bank for infrastruc-  
19 ture project assistance provided by the Bank under this  
20 Act.

21 **SEC. 19. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated  
23 \$5,000,000,000 for each of fiscal years 2017, 2018, 2019,  
24 2020, and 2021 to capitalize the Bank and to remain  
25 available until expended, of which not more than  
26 \$25,000,000 for each of fiscal years 2017 and 2018, and



- 1 not more than \$50,000,000 for each fiscal year thereafter,
- 2 may be used for administrative costs of the Bank.

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