

110TH CONGRESS
1ST SESSION

H. R. 3401

To establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. ELLISON (for himself and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Infrastructure Bank Act of 2007”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Authorization of appropriations.

TITLE I—NATIONAL INFRASTRUCTURE BANK

- Sec. 101. Establishment of Bank.
- Sec. 102. Management of Bank.
- Sec. 103. Staff and personnel matters.

TITLE II—POWERS AND DUTIES OF THE BANK

- Sec. 201. Powers of the Bank Board.
- Sec. 202. Qualified infrastructure project ratings.
- Sec. 203. Development of financing package.
- Sec. 204. Coupon notes for holders of infrastructure bonds.
- Sec. 205. Exemption from local taxation.

TITLE III—STUDIES AND REPORTS

- Sec. 301. Report; database.
- Sec. 302. Study and report on infrastructure financing mechanisms.
- Sec. 303. GAO report.

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) according to the American Society of Civil
 4 Engineers, the current condition of the infrastruc-
 5 ture of the United States earns a grade point aver-
 6 age of D and jeopardizes the prosperity and quality
 7 of life of the citizens of the United States;

8 (2) according to the Federal Transit Adminis-
 9 tration—

10 (A) approximately \$15,800,000,000 must
 11 be expended each year for a period of not less
 12 than 20 years to maintain the operational ca-
 13 pacity of the transit systems of the United
 14 States; and

1 (B) approximately \$21,800,000,000 must
2 be expended each year for a period of not less
3 than 20 years to improve the operational capac-
4 ity of the transit systems of the United States
5 to meet the growing demands of passengers in
6 a safe and adequate manner;

7 (3) according to the Millennial Housing Com-
8 mission, there remains a critical shortage of afford-
9 able public housing for extreme low-income individ-
10 uals;

11 (4) there are over 1,200,000 units of public
12 housing nationwide, with an accumulated capital
13 needs backlog of approximately \$18,000,000,000,
14 with an additional \$2,000,000,000 accruing each
15 year;

16 (5) according to the Federal Highway Adminis-
17 tration—

18 (A) 33 percent of all urban and rural
19 roads in the United States are in poor, medi-
20 ocre, or fair condition;

21 (B) approximately \$131,700,000,000 must
22 be expended each year for a period of not less
23 than 20 years to improve the conditions of
24 those urban and rural roads;

1 (C) 27.1 percent of all bridges in the
2 United States are—

3 (i) structurally deficient; or

4 (ii) functionally obsolete; and

5 (D) approximately \$9,400,000,000 must
6 be expended each year for a period of not less
7 than 20 years to eliminate the deficiencies of
8 those bridges;

9 (6) according to the Environmental Protection
10 Agency—

11 (A) \$151,000,000,000 must be expended
12 during the next 20 years to make necessary re-
13 pairs, replacements, and upgrades to the ap-
14 proximately 55,000 community drinking water
15 systems of the United States; and

16 (B) approximately \$390,000,000,000 must
17 be expended during the next 20 years to elimi-
18 nate the deficiencies of the wastewater systems
19 of the United States;

20 (7) the infrastructure financing mechanisms of
21 the United States do not adequately—

22 (A) address infrastructure projects of re-
23 gional or national significance;

24 (B) encourage an appropriate pooling of
25 Federal, State, local, and private resources; or

1 (C) provide transparency to ensure the op-
2 timal return on public resources;

3 (8) there are no Federal financing notes, cred-
4 its, or bonds which allow investors to fund only in-
5 frastructure projects;

6 (9) there is a need to involve pension funds and
7 other private investors who want to invest in infra-
8 structure, but to whom tax credits have no value;
9 and

10 (10) there are no federally guaranteed invest-
11 ment notes of greater than 30 years in duration,
12 whereas many federally funded assets are of dura-
13 tions much longer than 30 years.

14 **SEC. 3. DEFINITIONS.**

15 In this Act, the following definitions shall apply:

16 (1) **BANK.**—The term “Bank” means the “Na-
17 tional Infrastructure Bank” established under sec-
18 tion 101.

19 (2) **BOARD.**—The term “Board” means the
20 board of directors of the Bank, established under
21 section 102.

22 (3) **CHAIRPERSON; VICE CHAIRPERSON.**—The
23 terms “Chairperson” and “Vice Chairperson” mean
24 the Chairperson and Vice Chairperson of the Board,
25 respectively.

1 (4) FINANCING MECHANISM.—

2 (A) IN GENERAL.—The term “financing
3 mechanism” means a method used by the Bank
4 to pledge the full faith and credit of the United
5 States to provide money, credit, or other capital
6 to a qualified infrastructure project.

7 (B) INCLUSIONS.—The term “financing
8 mechanism” includes—

9 (i) a direct subsidy;

10 (ii) a general purpose infrastructure
11 bond; and

12 (iii) a project-based infrastructure
13 bond.

14 (5) FINANCING PACKAGE.—The term “financ-
15 ing package” means 1 or more financing mecha-
16 nisms used by the Bank to meet the Federal com-
17 mitment for a qualified infrastructure project.

18 (6) GENERAL PURPOSE INFRASTRUCTURE
19 BOND.—The term “general purpose infrastructure
20 bond” means a bond issued as part of an issue in
21 accordance with this Act, if—

22 (A) the net spendable proceeds from the
23 sale of the issue may be used for expenditures
24 incurred after the date of issuance with respect

1 to any qualified infrastructure project or pur-
2 pose, subject to the rules of the Bank;

3 (B) the bond is issued by the Bank, is in
4 registered form, and meets the requirements of
5 this Act and otherwise applicable law;

6 (C) the term of each bond which is part of
7 the issue is greater than 30 years; and

8 (D) the payment of principal with respect
9 to the bond is the obligation of the Bank.

10 (7) INFRASTRUCTURE PROJECT.—

11 (A) IN GENERAL.—The term “infrastruc-
12 ture project” means the building, improvement,
13 or increase in capacity of a basic installation,
14 facility, asset, or stock that is associated with—

15 (i) a mass transit system that meets
16 the criteria in subparagraph (B);

17 (ii) a public housing property that is
18 eligible to receive funding under section 24
19 of the United States Housing Act of 1937
20 (42 U.S.C. 1437v) and that meets the cri-
21 teria in subparagraph (B);

22 (iii) a road or bridge that meets the
23 criteria in subparagraph (B); or

1 (iv) a drinking water system or a
2 wastewater system that meets the criteria
3 in subparagraph (B).

4 (B) CRITERIA.—A project described in any
5 of clauses (i) through (iv) of subparagraph (A)
6 meets the criteria of this subparagraph if it
7 serves any one or more of the objectives identi-
8 fied in paragraphs (1) through (9) of section
9 101(c) of the Housing and Community Develop-
10 ment Act of 1974 (42 U.S.C. 5301(c)).

11 (8) PROJECT-BASED INFRASTRUCTURE
12 BOND.—The term “project-based infrastructure
13 bond” means any bond issued as part of an issue,
14 if—

15 (A) the net spendable proceeds from the
16 sale of the issue are to be used for expenditures
17 incurred after the date of issuance only with re-
18 spect to the qualified infrastructure project for
19 which the bond is issued;

20 (B) the bond is issued by the Bank, meets
21 the requirements of section 149(a) of title 26,
22 United States Code, for registration, and other-
23 wise meets the requirements of this Act and
24 other applicable law;

1 (C) the term of each bond which is part of
2 the issue is equal to the useful life of the quali-
3 fied infrastructure project funded through use
4 of the bond; and

5 (D) the payment of principal with respect
6 to the bond is the obligation of the Bank.

7 (9) PUBLIC HOUSING AGENCY.—The term
8 “public housing agency” means an agency described
9 in section 3(b)(6) of the United States Housing Act
10 of 1937 (42 U.S.C. 1437a(b)(6)).

11 (10) PUBLIC SPONSOR.—The term “public
12 sponsor” includes a State or local government, an
13 Indian tribe (as defined in section 4 of the Indian
14 Self-Determination and Education Assistance Act
15 (25 U.S.C. 450b), a public transit agency, public
16 housing agency, a public infrastructure agency, or a
17 consortium of those entities, including a public enti-
18 ty that has partnered with a private nonprofit or
19 for-profit entity.

20 (11) QUALIFIED INFRASTRUCTURE PROJECT.—
21 The term “qualified infrastructure project” means
22 an infrastructure project designated by the Board as
23 a qualified infrastructure project in accordance with
24 section 202.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 Until such time as the Bank has received funds from
3 the issuance of bonds sufficient to carry out this Act and
4 the administration of the Bank, there are authorized to
5 be appropriated to the Bank, such sums as may be nec-
6 essary for such purposes, to remain available until ex-
7 pended.

8 **TITLE I—NATIONAL**
9 **INFRASTRUCTURE BANK**

10 **SEC. 101. ESTABLISHMENT OF BANK.**

11 There is established the “National Infrastructure
12 Bank”, which shall be an independent establishment of the
13 Federal Government, as defined in section 104 of title 5,
14 United States Code.

15 **SEC. 102. MANAGEMENT OF BANK.**

16 (a) BOARD OF DIRECTORS.—

17 (1) IN GENERAL.—The management of the
18 Bank shall be vested in a Board of Directors con-
19 sisting of 5 members, appointed by the President, by
20 and with the advice and consent of the Senate, from
21 among individuals who are citizens of the United
22 States.

23 (2) MEMBER EXPERTISE.—Not fewer than 1
24 member of the Board shall have demonstrated exper-
25 tise in—

26 (A) transit infrastructure;

- 1 (B) public housing infrastructure;
2 (C) road and bridge infrastructure;
3 (D) water infrastructure; or
4 (E) public finance.

5 (3) POLITICAL AFFILIATION.—Section 2(a)(2)
6 of the Federal Deposit Insurance Act (12 U.S.C.
7 1812(a)(2) shall apply to members of the Board of
8 Directors of the Bank in the same manner as it ap-
9 plies to the Board of Directors of the Federal De-
10 posit Insurance Corporation.

11 (4) MEETINGS.—The Board shall meet not
12 later than 90 days after the date on which all direc-
13 tors of the Board are first appointed, and otherwise
14 at the call of the Chairperson.

15 (5) DATE OF APPOINTMENTS.—The initial
16 nominations to the Board shall be made not later
17 than 60 days after the date of enactment of this
18 Act.

19 (b) CHAIRPERSON AND VICE CHAIRPERSON.—The
20 Chairperson and Vice Chairperson of the Board shall be
21 appointed and shall serve in the same manner as is pro-
22 vided for members of the Federal Deposit Insurance Cor-
23 poration under section 2(b) of the Federal Deposit Insur-
24 ance Act (12 U.S.C. 1812(b)).

25 (c) TERMS.—

1 (1) APPOINTED MEMBERS.—Except as provided
2 in paragraph (2), each member of the Board shall
3 be appointed for a term of 6 years.

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

6 (A) the Chairperson and Vice Chairperson
7 shall be appointed for a term of 6 years;

8 (B) 1 member shall be appointed for a
9 term of 5 years;

10 (C) 1 member shall be appointed for a
11 term of 4 years; and

12 (D) 1 member shall be appointed for a
13 term of 3 years.

14 (3) INTERIM APPOINTMENTS.—Any member of
15 the Board appointed to fill a vacancy occurring be-
16 fore the expiration of the term for which the prede-
17 cessor of such member was appointed shall be ap-
18 pointed only for the remainder of such term.

19 (4) CONTINUATION OF SERVICE.—The Chair-
20 person, Vice Chairperson, and each other member of
21 the Board may continue to serve after the expiration
22 of the term of office to which such member was ap-
23 pointed, until a successor has been appointed.

1 (d) VACANCY.—Any vacancy on the Board shall be
2 filled in the manner in which the original appointment was
3 made.

4 (e) INELIGIBILITY FOR OTHER OFFICES.—

5 (1) RESTRICTION DURING SERVICE.—No mem-
6 ber of the Board may, during service on the
7 Board—

8 (A) be an officer or director of, or other-
9 wise be employed by, any entity engaged in or
10 otherwise associated with an infrastructure
11 project assisted or considered under this Act;

12 (B) hold stock in any such entity; or

13 (C) hold any other elected or appointed
14 public office.

15 (2) POST SERVICE RESTRICTION.—

16 (A) IN GENERAL.—No member of the
17 Board may hold any office, position, or employ-
18 ment in any entity engaged in or otherwise as-
19 sociated with an infrastructure project assisted
20 under this Act during the 2-year period begin-
21 ning on the date on which such member ceases
22 to serve on the Board.

23 (B) EXCEPTION FOR MEMBERS WHO
24 SERVE FULL TERM.—The limitation contained
25 in subparagraph (A) does not apply to any

1 member who has ceased to serve on the Board
2 after serving the full term for which such mem-
3 ber was appointed.

4 (3) CERTIFICATION.—Upon taking office, each
5 member of the Board shall certify under oath that
6 such member has complied with this subsection, and
7 such certification shall be filed with the secretary of
8 the Board.

9 **SEC. 103. STAFF AND PERSONNEL MATTERS.**

10 (a) EXECUTIVE DIRECTOR.—

11 (1) IN GENERAL.—The Chairperson may ap-
12 point and terminate, and fix the compensation of, an
13 executive director of the Bank, in accordance with
14 title 5, United States Code.

15 (2) CONFIRMATION OF EXECUTIVE DIREC-
16 TOR.—The employment of an executive director shall
17 be subject to confirmation by the Board.

18 (3) QUALIFICATIONS OF EXECUTIVE DIREC-
19 TOR.—An individual appointed as the executive di-
20 rector under paragraph (1) shall have demonstrated
21 expertise in—

22 (A) transit infrastructure;

23 (B) public housing infrastructure;

24 (C) road and bridge infrastructure;

25 (D) water infrastructure; or

1 (E) public finance.

2 (b) OTHER PERSONNEL.—The Board may appoint
3 and terminate, and fix the compensation of, in accordance
4 with title 5, United States Code, such personnel as are
5 necessary to enable the Bank to perform the duties of the
6 Bank.

7 (c) INSPECTOR GENERAL.—

8 (1) IN GENERAL.—Section 11 of the Inspector
9 General Act of 1978 (5 U.S.C. App.) is amended—

10 (A) in paragraph (1), by inserting “the
11 Chairperson of the National Infrastructure
12 Bank;” after “the Chairperson of the Federal
13 Deposit Insurance Corporation;” and

14 (B) in paragraph (2), by inserting “the
15 National Infrastructure Bank;” after “the Fed-
16 eral Deposit Insurance Corporation;”.

17 (2) EXECUTIVE SCHEDULE LEVEL IV.—Section
18 5315 of title 5, United States Code, is amended by
19 inserting after the item relating to the Inspector
20 General of the Federal Deposit Insurance Corpora-
21 tion, the following:

22 “Inspector General, National Infrastructure
23 Bank.”.

1 (d) SUPPORT FROM OTHER AGENCIES.—The head of
2 any other Federal agency may detail employees to the
3 Bank for purposes of carrying out the duties of the Bank.

4 (e) COMPENSATION OF BOARD MEMBERS.—

5 (1) CHAIRPERSON.—Section 5314 of title 5,
6 United States Code, is amended by inserting after
7 the item relating to the Chairman of the Board of
8 Directors of the Federal Deposit Insurance Corpora-
9 tion, the following:

10 “Chairperson, Board of Directors, National In-
11 frastructure Bank.”.

12 (2) OTHER MEMBERS.—Section 5315 of title 5,
13 United States Code, is amended by inserting after
14 the item relating to the Inspector General of the
15 Federal Deposit Insurance Corporation, the fol-
16 lowing:

17 “Member, Board of Directors of the National
18 Infrastructure Bank.”.

19 **TITLE II—POWERS AND DUTIES** 20 **OF THE BANK**

21 **SEC. 201. POWERS OF THE BANK BOARD.**

22 (a) HEARINGS.—The Board may, in carrying out this
23 Act—

24 (1) hold such hearings, meet and act at such
25 times and places, take such testimony, receive such

1 evidence, and administer such oaths, as the Board
2 considers advisable; and

3 (2) require, by subpoena or otherwise, the at-
4 tendance and testimony of such witnesses and the
5 production of such books, records, correspondence,
6 memoranda, papers, documents, tapes, and mate-
7 rials, as the Board considers advisable.

8 (b) ISSUANCE AND ENFORCEMENT OF SUB-
9 POENAS.—

10 (1) ISSUANCE.—A subpoena issued under sub-
11 section (a) shall—

12 (A) bear the signature of the Chairperson
13 and a majority of the members of the Board;
14 and

15 (B) be served by any person or class of
16 persons designated by the Chairperson for that
17 purpose.

18 (2) ENFORCEMENT.—In the case of contumacy
19 or failure to obey a subpoena issued under sub-
20 section (a)(2), the United States district court for
21 the district in which the subpoenaed person resides,
22 is served, or may be found may issue an order re-
23 quiring the person to appear at any designated place
24 to testify or to produce documentary or other evi-
25 dence.

1 (3) NONCOMPLIANCE.—Any failure to obey the
2 order of the court may be punished by the court as
3 a contempt of court.

4 (c) WITNESS ALLOWANCES AND FEES.—

5 (1) IN GENERAL.—Section 1821 of title 28,
6 United States Code, shall apply to a witness re-
7 quested or subpoenaed to appear at a hearing of the
8 Board.

9 (2) EXPENSES.—The per diem and mileage al-
10 lowances for a witness shall be paid from funds
11 available to pay the expenses of the Board.

12 (d) INFORMATION FROM FEDERAL AGENCIES.—The
13 Board may, upon request, secure directly from a Federal
14 agency, such information as the Board considers necessary
15 to carry out this Act, and the head of such agency shall
16 promptly respond to any such request for the provision
17 of information.

18 (e) INCORPORATION OF FEDERAL TRANSIT PROC-
19 ESSES FOR BOARD STATEMENTS.—Section 5334(l) of title
20 49, United States Code, as added by section 3032 of the
21 Federal Public Transportation Act of 2005 (Public Law
22 109–59, 119 Stat. 1627), shall apply to statements of the
23 Board in the same manner and to the same extent as that
24 section applies to statements of the Administrator of the
25 Federal Transit Administration.

1 **SEC. 202. QUALIFIED INFRASTRUCTURE PROJECT RAT-**
2 **INGS.**

3 (a) **IN GENERAL.**—The Bank shall, upon application
4 and otherwise in accordance with this section, designate
5 infrastructure projects as qualified projects for purposes
6 of assistance under this Act.

7 (b) **APPLICANTS.**—The Bank shall accept applica-
8 tions for the designation of qualified infrastructure
9 projects under this section from among public sponsors,
10 for any infrastructure project having—

11 (1) a potential Federal commitment of an
12 amount that is not less than \$75,000,000;

13 (2) a public sponsor; and

14 (3) regional or national significance.

15 (c) **GUIDELINES FOR DEVELOPING PROJECTS.**—The
16 Secretary shall establish guidelines to assist grant recipi-
17 ents under this title to develop applications for funding
18 under this section. The guidelines shall include the objec-
19 tives listed in paragraphs (2) and (3) of section 105(e)
20 of the Housing and Community Development Act of 1974
21 (42 U.S.C. 5305(e)).

22 (d) **RATINGS.**—In making a determination as to a
23 designation of a qualified infrastructure project, the Board
24 shall evaluate and rate each applicant based on the factors
25 appropriate for that type of infrastructure project, which
26 shall include—

- 1 (1) for any transit project—
- 2 (A) regional or national significance;
- 3 (B) promotion of economic growth;
- 4 (C) reduction in traffic congestion;
- 5 (D) environmental benefits, including re-
- 6 duction in pollution from reduced use of auto-
- 7 mobiles from direct trip reduction and indirect
- 8 trip reduction through land use and density
- 9 changes;
- 10 (E) urban land use policies, including
- 11 those that promote smart growth; and
- 12 (F) mobility improvements;
- 13 (2) for any public housing project—
- 14 (A) regional or national significance;
- 15 (B) promotion of economic growth;
- 16 (C) improvement of the physical shape and
- 17 layout of public housing;
- 18 (D) environmental improvement;
- 19 (E) urban land use policies, including
- 20 those that promote smart growth;
- 21 (F) reduction of poverty concentration;
- 22 (G) mobility improvements for residents;
- 23 and

1 (H) establishment of positive incentives for
2 resident self-sufficiency and comprehensive
3 services that empower residents;

4 (3) for any highway, bridge, or road project—

5 (A) regional or national significance;

6 (B) promotion of economic growth;

7 (C) reduction in traffic congestion;

8 (D) environmental improvement;

9 (E) urban land use policies, including
10 those that promote smart growth; and

11 (F) mobility improvements; and

12 (4) for any water project—

13 (A) regional or national significance;

14 (B) promotion of economic growth;

15 (C) health benefits from the associated
16 projects, including health care cost reduction
17 due to removal of pollutants; and

18 (D) environmental benefits.

19 (e) DETERMINATION AMONG PROJECTS OF DIF-
20 FERENT INFRASTRUCTURE TYPES.—The Bank shall es-
21 tablish, by rule, comprehensive criteria for allocating
22 qualified status among different types of infrastructure
23 projects for purposes of this Act—

24 (1) including—

1 (A) a full view of the project benefits, as
2 compared to project costs;

3 (B) a preference for projects that have na-
4 tional or substantial regional impact;

5 (C) a preference for projects which lever-
6 age private financing, including public-private
7 partnerships, for either the explicit cost of the
8 project or for enhancements which increase the
9 benefits of the project;

10 (D) an understanding of the importance of
11 balanced investment in various types of infra-
12 structure, as emphasized in the current alloca-
13 tion of Federal resources between modes; and

14 (E) an understanding of the importance of
15 diverse investment in infrastructure in all re-
16 gions of the country; and

17 (2) that do not eliminate any project based on
18 size, but rather allow for selection of the projects
19 that are most meritorious.

20 (f) PROCESS AND PERSONNEL FOR CREATING RAT-
21 INGS PROCESS.—

22 (1) IN GENERAL.—The ratings processes de-
23 scribed in this section shall be subject to Federal no-
24 tice and rulemaking procedures.

1 (2) PARTICIPATION BY OTHER AGENCY PER-
2 SONNEL.—The ratings, and development of the rat-
3 ings process, shall be conducted by personnel on de-
4 tail to the Bank from the Department of Transpor-
5 tation, the Department of Housing and Urban De-
6 velopment, the United States Army Corps of Engi-
7 neers, and other relevant departments and agencies
8 from among individuals who are familiar with and
9 experienced in the selection criteria for competitive
10 projects. The Bank shall reimburse those depart-
11 ments and agencies for the staff which are on detail
12 to the Bank.

13 (g) COMPLIANCE WITH OTHER APPLICABLE LAW.—
14 Projects receiving financial assistance from the Bank
15 under this section shall comply with applicable provisions
16 of Federal law and regulations, including—

17 (1) for transit, requirements that would apply
18 to a project receiving funding under section 5307 of
19 title 49, United States Code;

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

24 (3) for roads and bridges, requirements that
25 would apply to a project that receives funds appor-

1 tioned under section 104(b)(3) of title 23, United
2 States Code; and

3 (4) for water, requirements that would apply to
4 a project that receives funds through a grant or loan
5 under—

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

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

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

15 (h) **AUTHORITY TO DETERMINE FUNDING.**—Not-
16 withstanding any other provision of law, the Bank shall
17 determine the appropriate Federal share of funds for each
18 project described in subsection (g) for purposes of this
19 Act.

20 **SEC. 203. DEVELOPMENT OF FINANCING PACKAGE.**

21 (a) **IN GENERAL.**—Not later than 60 days after the
22 date on which the Board determines appropriate financing
23 packages for qualified infrastructure projects under sec-
24 tion 202, the Board shall notify the Committee on Bank-
25 ing, Housing, and Urban Affairs of the Senate.

1 (b) FINANCING PACKAGES.—The Board is author-
2 ized—

3 (1) to act as a centralized entity to provide fi-
4 nancing for qualified infrastructure projects;

5 (2) to issue general purpose infrastructure
6 bonds, and to provide direct subsidies to qualified in-
7 frastructure projects from amounts made available
8 from the issuance of such bonds;

9 (3) to issue project-based infrastructure bonds
10 for the financing of specific qualified infrastructure
11 projects;

12 (4) to provide loan guarantees to State or local
13 governments issuing debt to finance qualified infra-
14 structure projects, under rules prescribed by the
15 Board, in a manner similar to that described in
16 chapter 6 of title 23, United States Code;

17 (5) to issue loans, at varying interest rates, in-
18 cluding very low interest rates, to qualified project
19 sponsors for qualified projects;

20 (6) to leverage resources and stimulate public
21 and private investment in infrastructure; and

22 (7) to encourage States to create additional op-
23 portunities for the financing of infrastructure
24 projects.

1 (c) GENERAL PURPOSE AND INFRASTRUCTURE
2 BONDS.—General purpose and project-based infrastruc-
3 ture bonds issued by the Bank under this Act shall be
4 subject to such terms and limitations as may be estab-
5 lished by rules of the Bank, in consultation with the Sec-
6 retary of the Treasury.

7 (d) BOND OBLIGATION LIMIT.—The aggregate out-
8 standing amount of all bonds authorized to be issued
9 under this Act may not exceed \$60,000,000,000.

10 (e) FULL FAITH AND CREDIT.—Any obligation
11 issued by the Bank under this Act shall be an obligation
12 supported by the full faith and credit of the United States.

13 (f) LIMITATION ON FUNDS FROM BOND
14 ISSUANCE.—Not more than 1 percent of funds resulting
15 from the issuance of bonds under this Act may be used
16 to fund the operations of the Bank.

17 **SEC. 204. COUPON NOTES FOR HOLDERS OF INFRASTRUC-**
18 **TURE BONDS.**

19 (a) ISSUANCE OF COUPON NOTES.—Under regula-
20 tions prescribed by the Bank, in consultation with the Sec-
21 retary of the Treasury, there may be a separation (includ-
22 ing at issuance) of the ownership of an infrastructure
23 bond and the entitlement to the interest with respect to
24 such bond (in this section referred to as a “coupon note”).
25 In case of any such separation, such interest shall be al-

1 lowed to the person who on the payment date holds the
 2 instrument evidencing the entitlement to the interest, and
 3 not to the holder of the bond.

4 (b) REDEMPTION OF COUPON NOTES.—A coupon
 5 note may be used by the owner thereof for the purpose
 6 of making any payment to the Federal Government, and
 7 shall be accepted for such purpose by the Secretary of the
 8 Treasury, subject to rules issued by the Bank, in consulta-
 9 tion with the Secretary of the Treasury.

10 **SEC. 205. EXEMPTION FROM LOCAL TAXATION.**

11 Bonds and other obligations issued by the Bank, and
 12 the interest on or credits with respect to its bonds or other
 13 obligations, shall not be subject to taxation by any State,
 14 county, municipality, or local taxing authority.

15 **TITLE III—STUDIES AND**
 16 **REPORTS**

17 **SEC. 301. REPORT; DATABASE.**

18 (a) REPORT.—Not later than 1 year after the date
 19 of enactment of this Act, and annually thereafter, the
 20 Board shall submit to the Committee on Banking, Hous-
 21 ing, and Urban Affairs of the Senate a report describing
 22 the activities of the Board, for the fiscal year covered by
 23 the report, relating to—

24 (1) the evaluations of qualified infrastructure
 25 projects under section 202; and

1 (2) the financing packages of qualified infra-
2 structure projects under section 203.

3 (b) DATABASE.—The Bank shall develop, maintain,
4 and update a publicly-accessible database that contains—

5 (1) a description of each qualified infrastruc-
6 ture project that receives funding from the Bank
7 under this Act—

8 (A) by project mode or modes;

9 (B) by project location;

10 (C) by project sponsor or sponsors; and

11 (D) by project total cost;

12 (2) the amount of funding that each qualified
13 infrastructure project receives from the Bank under
14 this Act; and

15 (3) the form of financing that each qualified in-
16 frastructure project receives from the Bank under
17 section 203.

18 **SEC. 302. STUDY AND REPORT ON INFRASTRUCTURE FI-**
19 **NANCING MECHANISMS.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of enactment of this Act, and every 3 years there-
22 after, the Board shall conduct a study evaluating the effec-
23 tiveness of each Federal financing mechanism that is used
24 to support an infrastructure system of the United States.

1 (b) REQUIREMENTS.—A study conducted under sub-
2 section (a) shall—

3 (1) evaluate the economic efficacy and trans-
4 parency of each financing mechanism used by—

5 (A) the Bank to fund qualified infrastruc-
6 ture projects; and

7 (B) each agency and department of the
8 Federal Government to support infrastructure
9 systems, including—

10 (i) infrastructure formula funding;

11 (ii) user fees; and

12 (iii) modal taxes; and

13 (2) contain recommendations for improving
14 each funding mechanism evaluated under subpara-
15 graphs (A) and (B) of paragraph (1) to increase the
16 economic efficacy and transparency of the Bank, and
17 each agency and department of the Federal Govern-
18 ment, to finance infrastructure projects in the
19 United States.

20 (c) REPORT.—Not later than 30 days after the date
21 on which the Board completes the study conducted under
22 subsection (a), the Board shall submit to the Committee
23 on Banking, Housing, and Urban Affairs of the Senate,
24 a report containing each evaluation and recommendation
25 contained in the study.

1 **SEC. 303. GAO REPORT.**

2 Not later than 5 years after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall submit to the Committee on Banking, Housing, and
5 Urban Affairs of the Senate, a report evaluating the ac-
6 tivities of the Bank for the fiscal years covered by the re-
7 port, including—

8 (1) the evaluations of qualified infrastructure
9 projects under section 202; and

10 (2) the financing packages of qualified infra-
11 structure projects under section 203.

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