

(6) Public reporting.—The first report required under subsection (g)(3) shall be published not later than 1 year after the date of enactment of this Act.

Subtitle D—National Infrastructure Bank

SEC. 641. DEFINITIONS.

(a) In this subtitle:

(1) Affordable housing.—The term "affordable housing" means housing that meets the criteria established under section 215 of the Cranston-Gonzalez National Affordable Housing Act ([42 U.S.C. 12745](#)).

(2) Area of public need.—The term "area of public need" means an area with high unemployment or low labor force participation, low household income, severe infrastructure deficits, rural isolation, limited access to capital, severe housing shortages, or other objective indicators of public need, as determined by the Board by rule.

(3) Bank.—The term "Bank" means the National Infrastructure Bank established under section 642(a).

(4) Bank investment instrument.—The term "Bank investment instrument" means any preferred share, bond, note, or other nondeposit contractual claim issued by the Bank to raise funds for lending, investment, or other activities authorized under this subtitle, provided that such instrument is not payable on demand, is not redeemable at par before a stated maturity or call date, and is not insured or guaranteed by the Federal Deposit Insurance Corporation.

(5) Blended financing.—The term "blended financing" means financing that combines financial assistance from the Bank with financing from one or more private lenders, local financial institutions, State revolving funds, or other public or private funding sources outside the Bank, and is integrated into a single agreement with a single set of financial terms.

(6) Board.—The term "Board" means the Board of Directors of the Bank established under section 645.

(7) Community development infrastructure project.—The term "community development infrastructure project" means the development of affordable housing, transportation, water infrastructure, schools, affordable broadband, public parks and recreation, libraries, or public facilities that train workers and build labor skills.

(8) Conflict of interest.—

(A) In general.—The term "conflict of interest", with respect to a person serving under section 645, means—

(i) a direct or indirect financial interest held by the person, an immediate family member of the person, or an entity in which the person or an immediate family member of the person has a substantial financial interest, in—

(I) a project under consideration for assistance under this subtitle; or

(II) an entity seeking or receiving assistance for a project pursuant to this subtitle; or

(ii) service by the person or an immediate family member of the person as an employee, officer, director, trustee, or in a similar role for an entity seeking or receiving assistance for a project under this subtitle.

(B) Diversified investment exception.—The term "conflict of interest" does not include an interest held through a mutual fund, index fund, pension fund, or other broadly diversified investment vehicle if the person does not control the investment decisions of the vehicle.

(9) Connectivity.—The term "connectivity", with respect to an infrastructure project, means the linkages in transportation, energy, communications, community development infrastructure, manufacturing facilities, and data centers that tie geographic areas together into economic units, including networks of commuter routes, railways, shipping lanes, and internet cables, as identified through geomatic data collected by the Department of Transportation.

(10) Covered Federal trust fund.—The term "covered Federal trust fund" means a trust fund, retirement fund, or other Federal account whose obligations of the United States are redeemed pursuant to section 612.

(11) Demand-par instrument.—The term "demand-par instrument" means any instrument or claim that—

(A) is represented as a cash equivalent; or

(B) is payable or redeemable at the option of the holder before a stated maturity or call date at par, at a fixed face amount, or at a stable stated value.

(12) Develop; development.—The terms "develop" and "development", with respect to an infrastructure project, mean—

(A) any preconstruction planning, feasibility review for stand-alone projects or for bundled projects, permitting, design work, lifecycle maintenance planning, and other preconstruction activities; and

(B) any construction, reconstruction, rehabilitation, replacement, or expansion.

(13) Direct loan.—The term "direct loan" has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 ([2 U.S.C. 661a](#)).

(14) Eligible legacy public debt obligation.—The term "eligible legacy public debt obligation" means an obligation of the United States issued under [chapter 31 of title 31](#), United States Code, before January 1, 2027, that remains outstanding and has not yet been redeemed pursuant to section 613.

(15) Energy infrastructure project.—The term "energy infrastructure project" means a project that involves the construction of a new or upgraded energy generation, transmission, distribution, or storage facility.

(16) Entity.—The term "entity" means—

- (A) a State or political subdivision of a State;
- (B) a unit of local government;
- (C) a publicly owned utility;
- (D) a special purpose district, public authority, public corporation, or cooperative authorized to contract indebtedness;
- (E) an Indian Tribe;
- (F) a public trust;
- (G) an authority, agency, or instrumentality of, or an entity owned by, 1 or more entities described in subparagraphs (A) through (F);
- (H) a group of entities described in subparagraphs (A) through (G);
- (I) a private entity; and
- (J) a public-private partnership.

(17) Environmental infrastructure project.—The term "environmental infrastructure project" means any project for—

- (A) the establishment, deferred maintenance, or enhancement, including security enhancement, of any drinking water and wastewater treatment facility, stormwater management system, flood gate, dam, levee, solid waste disposal facility, or hazardous waste facility;
- (B) dredging;
- (C) wetland restoration or other open space conservation;
- (D) infill development; or
- (E) industrial site cleanup or remediation.

(18) Executive Committee.—The term "Executive Committee" means the Executive Committee of the Bank established under section 645.

(19) Greenhouse gas.—The term "greenhouse gas" means—

- (A) carbon dioxide;
- (B) hydrofluorocarbons;
- (C) methane;
- (D) nitrous oxide;
- (E) perfluorocarbons; and

(F) sulfur hexafluoride.

(20) Immediate family member.—The term "immediate family member" means a spouse, domestic partner, parent, child, sibling, parent-in-law, child-in-law, sibling-in-law, or any person who shares the household of the person.

(21) Indian Tribe.—The term "Indian Tribe" has the meaning given the term "Indian tribe" or "Indian Tribe" in section 4(e) of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304\(e\)](#)).

(22) Infrastructure project.—The term "infrastructure project" means any transportation infrastructure project, energy infrastructure project, environmental infrastructure project, manufacturing infrastructure project, telecommunications infrastructure project, community development infrastructure project, or other infrastructure project for which a development plan is presented to the Bank for financing.

(23) Local financial institution.—The term "local financial institution" means—

(A) a certified community development financial institution, as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 ([12 U.S.C. 4702](#));

(B) a credit union the deposits of which are insured under Federal or State law or are protected or guaranteed under State law;

(C) a small bank and savings association or an intermediate bank or savings association, as those terms are defined in [section 25.12 of title 12](#), Code of Federal Regulations, or a successor regulation; and

(D) a State public bank.

(24) Manufacturing infrastructure project.—The term "manufacturing infrastructure project" means a project for the development, construction, reconstruction, rehabilitation, expansion, modernization, equipping, tooling, site preparation, or utility connection of a manufacturing facility, industrial site, shared production facility, supply chain facility, repair facility, recycling facility, or remanufacturing facility in the United States, including a facility used to produce, process, assemble, repair, recycle, or remanufacture critical materials, manufactured goods, machinery, equipment, construction inputs, transportation equipment, energy equipment, medical goods, communications equipment, or other goods determined by the Board to support domestic productive capacity.

(25) Private entity.—The term "private entity" means a corporation, partnership, company, or nonprofit organization.

(26) Productivity.—The term "productivity" means the improved efficiency in the economy associated with investments in public and private infrastructure, calculated as the difference between—

(A) the change in the value of total production; and

(B) the change in the value of inputs going into production.

(27) Public benefit.—The term "public benefit" means the clear and measurable benefit to society resulting from the use of the infrastructure project by the public with respect to which a project is carried out, or the improvement the infrastructure project provides in—

- (A) economic growth and productivity;
- (B) air and water quality;
- (C) energy savings;
- (D) high-wage jobs;
- (E) household economic security; or
- (F) Federal, State, and local revenues.

(28) Public-private partnership.—The term "public-private partnership" means an agreement between an entity described in any of subparagraphs (A) through (H) of paragraph (16) and a private entity to finance, build, and maintain or operate an infrastructure project.

(29) Revolving fund.—The term "revolving fund" means a fund or program established by a State or a political subdivision or other instrumentality of a State, the principal activity of which is to make loans, commitments, or other financial accommodations for the development of 1 or more categories of infrastructure projects.

(30) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(31) State.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(32) Telecommunications infrastructure project.—The term "telecommunications infrastructure project" means any project involving infrastructure required—

- (A) to provide communications by wire (including fiber optic cable), wireless (including satellite, microwave, or beam), internet, or radio (including broadband); or
- (B) to enhance performance and security for that infrastructure (including networks and artificial intelligence).

(33) Transportation infrastructure project.—The term "transportation infrastructure project" means any project for the construction, deferred maintenance, or enhancement, including security enhancement, of a highway, road, bridge, transit or intermodal system, inland waterway, commercial port, airport, high-speed or passenger rail, or rail track system.

SEC. 642. ESTABLISHMENT OF NATIONAL INFRASTRUCTURE BANK.

(a) Establishment of National Infrastructure Bank.—There is established a National Infrastructure Bank, which shall be a mixed-ownership Government corporation subject to [chapter 91 of title 31](#), United States Code, except as otherwise provided in this subtitle.

(b) Public credit charter.—This subtitle shall serve as the charter for the Bank as a public credit institution within the public credit architecture of the United States established under this title.

(1) Not a national bank.—The Bank shall not be a national bank, insured depository institution, depository institution, or transaction account provider.

(2) Not a depository institution.—The Bank may receive, hold, lend, invest, and disburse lawful money, dedicated revenues, appropriated amounts, repayments, retained earnings, and proceeds from the sale of Bank investment instruments, but may not accept transaction deposits, issue demand-par claims, or create deposit balances, reserves, or any other money-like claim.

(3) Day one systemic solvency compliance.—The Bank shall be subject to the systemic solvency rule established under section 254 and may not rely on any phase-in period, transition period, or delayed compliance schedule otherwise available to existing financial institutions.

(c) Purpose.—The purpose of the Bank shall be to facilitate efficient, long-term financing of infrastructure projects, productive capacity, business and economic growth, and new job creation in the United States.

(d) Responsibility of the Secretary.—The Secretary shall take such action as may be necessary to assist in the establishment of the Bank in accordance with this subtitle, including the establishment of accounts, receipt and transfer of initial capital, and administrative support during the organization of the Bank. After the Bank begins operations, the Secretary shall exercise only the authorities expressly provided to the Secretary under this subtitle or another Act of Congress.

(e) Conforming amendment.—[Section 9101\(2\) of title 31](#), United States Code, is amended by adding at the end the following:

"(K) the National Infrastructure Bank."

SEC. 643. CAPITALIZATION, INVESTMENT INSTRUMENTS, AND PUBLIC CREDIT.

(a) Capitalization and funding sources.—

(1) Authorized public credit capacity.—The Bank may raise, receive, hold, and deploy funds sufficient to support not more than \$5,000,000,000,000 in aggregate outstanding loans, guarantees, insurance, participation interests, and other financial assistance under this subtitle, subject to the capital, liquidity, and risk management requirements of this subtitle.

(2) Actual funds requirement.—The Bank may provide financial assistance only from funds, property, revenues, repayments, retained earnings, or proceeds held by the Bank.

(3) Permitted funding sources.—Funds of the Bank may consist only of—

(A) appropriations, advances, dedicated revenues, grants, or transfers authorized by law, including transfers from a fund established by law for infrastructure, reconstruction, public production, or public purpose subsidies;

(B) repayments of principal, interest, fees, premiums, and other amounts received by the Bank;

(C) retained earnings and loan loss reserves;

(D) proceeds from the sale of Bank investment instruments;

(E) charitable donations;

(F) investments by covered Federal trust funds under paragraph (5); and

(G) proceeds of temporary borrowing arrangements entered into under subsection (c)(4).

(4) Exchange of eligible legacy public debt obligations.—

(A) In general.—The Bank may accept, in exchange for Bank investment instruments, eligible legacy public debt obligations held by a person other than the United States, a Federal agency, or a covered Federal trust fund.

(B) Treatment.—An eligible legacy public debt obligation accepted under subparagraph (A) may be held, sold, or redeemed at maturity.

(5) Covered Federal trust fund investments.—

(A) In general.—A covered Federal trust fund may invest not more than 10 percent of the balances received by the fund pursuant to the redemption of obligations of the United States under section 612 in senior Bank investment instruments.

(B) Required terms.—An instrument purchased under this paragraph shall—

(i) be senior to common equity and preferred shares;

(ii) have a stated maturity; and

(iii) not be payable on demand.

(C) Fiduciary and liquidity protection.—No investment may be made under subparagraph (A) unless the managing trustee or other officer responsible for the covered Federal trust fund determines that the investment is consistent with the projected benefit-payment and liquidity needs of the fund.

(b) Bank investment instruments.—

(1) Authority.—The Bank may issue Bank investment instruments to raise funds for loans, guarantees, insurance, participation interests, project financing, liquidity management, and other activities authorized under this subtitle.

(2) Permitted forms.—Bank investment instruments may include preferred shares, senior notes, subordinated notes, bonds, revenue bonds, project certificates, or other nondeposit investment instruments approved by the Board.

(3) Receipt required.—The Bank may issue a Bank investment instrument only in exchange for funds, eligible legacy public debt obligations, property, or other consideration received by the Bank.

(4) No Federal guarantee.—A Bank investment instrument shall be an obligation of the Bank only and shall not be an obligation of, or guaranteed by, the United States, any Federal agency or instrumentality other than the Bank.

(5) Permitted returns.—A Bank investment instrument may bear interest, pay dividends, participate in project revenues, receive portfolio returns, or provide such other return as the Board determines appropriate, provided that such return is payable only in accordance with the terms of the instrument and from funds lawfully available to the Bank.

(6) Pricing and terms.—Notwithstanding [section 9108 of title 31](#), United States Code, the Board shall establish the price, maturity, return, seniority, call provisions, redemption terms, transferability, and other terms of each class of Bank investment instrument based on—

(A) the maturity and risk profile of the instrument;

(B) the expected revenues, repayments, or public credit returns supporting the instrument;

(C) the capital, liquidity, and loss reserve needs of the Bank; and

(D) the public benefit, infrastructure, and productive capacity purpose of the financing supported by the instrument.

(7) Redemption and maturity.—A Bank investment instrument may be redeemed at stated maturity, or may be called by the Bank before maturity in accordance with the disclosed terms of the instrument, but no holder may require redemption at par before maturity or before a call date established under the terms of the instrument.

(8) Transferability.—A Bank investment instrument may be transferable or tradable to the extent permitted by the terms of the instrument and regulations issued by the Board, except that no transfer or trading arrangement may require the Bank, the United States, or any other public entity to maintain a market price, provide liquidity support, purchase the instrument, or redeem the instrument before maturity or before a call date established under the terms of the instrument.

(9) Disclosure.—Each Bank investment instrument shall conspicuously disclose that the instrument—

(A) is not a deposit and is not payable on demand;

(B) may decline in market value;

(C) may be subject to loss according to its terms; and

(D) is not an obligation of, or guaranteed by, the United States or any Federal agency or instrumentality other than the Bank.

(10) Pooled investment vehicles.—

(A) In general.—A person may organize or offer a pooled investment vehicle that holds Bank investment instruments, provided that interests in such vehicle are not represented as transaction accounts, deposits, money market fund shares, cash equivalents, Treasury Dollar Bills, stable-value claims, or demand-par instruments.

(B) Anti-evasion.—The Bank, a holder, an underwriter, a distributor, a pooled investment vehicle, or any other person may not structure, market, guarantee, insure, support, or otherwise arrange a Bank investment instrument or pooled investment vehicle described in this paragraph for the purpose or effect of creating a private substitute for Treasury Dollar Bills, transaction account, deposit, demand-par instrument, or other money-like claim.

(11) No governance authority.—A Bank investment instrument may not confer on a holder authority to vote in the affairs of the Bank, appoint a member of the Board, or otherwise direct or control the management or governance of the Bank. Nothing in this paragraph shall prohibit contractual payment claims, priorities, or enforcement authority that do not confer ongoing governance authority.

(c) Borrowed capital and liquidity limitations.—

(1) Borrowing authority.—The Bank may borrow funds for project financing, liquidity management, and other activities authorized under this subtitle only through the issuance of Bank investment instruments or through temporary borrowing arrangements authorized under paragraph (4).

(2) Prohibition on Federal Reserve discount borrowing.—The Bank may not maintain a permanent, revolving, standby, or emergency discount line of credit with the Board of Governors of the Federal Reserve System or any Federal Reserve Bank.

(3) Prohibition on repurchase and rehypothecation financing.—The Bank may not raise borrowed capital through a repurchase agreement, reverse repurchase agreement, securities lending agreement, rehypothecation arrangement, title-transfer collateral arrangement, or other financing arrangement prohibited under section 636 that permits collateral reuse or creates short-term money-like claims.

(4) Permitted temporary borrowing.—The Bank may enter into temporary borrowing arrangements with public entities, local financial institutions, or other eligible counterparties, as determined by the Board by rule, if—

(A) the borrowing is for a stated term of not less than 90 days;

(B) the borrowing is not payable on demand;

(C) the borrowing is not redeemable at par before maturity;

(D) the borrowing is not secured through reusable collateral;

(E) the borrowing is not represented as a deposit, transaction account, Treasury Dollar Bills, cash equivalent, demand-par instrument, or other money-like claim; and

(F) the proceeds of the borrowing are received by the Bank before being disbursed.

(5) Rulemaking.—The Board shall issue rules governing borrowing under this subsection, including rules to prevent the use of borrowing arrangements to recreate any money-like claim outside the Treasury ledger.

(d) Accounts, custody, receipt, and disbursement of funds.—

(1) Accounts of the Bank.—The Bank may maintain accounts in its own name with the Treasury, including an account under section 623(b)(6), and with insured depository institutions, local financial institutions, or other financial institutions approved by the Board, solely for the receipt, custody, transfer, investment, and disbursement of funds of the Bank.

(2) No customer accounts.—The Bank may not establish, maintain, or offer a transaction account, deposit account, savings account, demand account, pass-through account, or similar customer account for any person other than the Bank, and the receipt of funds by the Bank shall not create a deposit, customer balance, demand liability, demand-par instrument, or other money-like claim against the Bank.

(3) Receipt of funds.—The Bank may receive funds from a person only as—

(A) payment for a Bank investment instrument;

(B) repayment of principal, interest, fees, premiums, or other amounts owed to the Bank;

(C) an appropriation, advance, dedicated revenue, grant, gift, or transfer authorized by law; or

(D) other consideration received in connection with an activity authorized under this subtitle.

(4) Disbursements and money-like claims.—

(A) Actual funds rule.—The Bank may make a loan, purchase a participation interest, provide other financial assistance, or make any other authorized disbursement only by transferring funds held by the Bank at the time of disbursement.

(B) No disbursement by liability creation.—The Bank may not make, record, or treat a disbursement as made by creating, crediting, or increasing a transaction account, deposit account, customer account, deposit balance, demand liability, overdraft, unfunded settlement obligation, demand-par instrument, or other money-like claim against the Bank.

(C) Recipient accounts.—A disbursement under this subsection may be made only to a lawful account designated by the recipient and maintained by a person other than the Bank.

(D) Commitments, lines of credit, and scheduled disbursements.—The Bank may approve a loan commitment, line of credit, or scheduled disbursement arrangement, but—

(i) no draw, advance, or disbursement may be made except by transferring funds held by the Bank at the time of the draw, advance, or disbursement;

(ii) any amount that the recipient may draw immediately, without further condition, shall be supported by funds held and reserved by the Bank; and

(iii) any amount not yet disbursed shall not be treated as a deposit balance, customer balance, demand liability, demand-par instrument, or other money-like claim against the Bank.

(E) Disbursement plan.—The Bank shall maintain an aggregate disbursement plan, updated not less frequently than quarterly, identifying approved commitments, immediately drawable amounts, scheduled disbursements, available funding sources, liquidity needs, and projected repayments, and shall provide such plan to the Board, the Secretary, and the Special Inspector General.

(5) Segregation and accounting.—The Bank shall maintain books and records sufficient to identify the source, status, use, restriction, and outstanding exposure of funds and assets of the Bank, including current balances, fiscal-year activity, and aggregate activity, as applicable, for—

(A) liquid balances and eligible legacy public debt obligations held by the Bank;

(B) amounts made available or accepted under any provision of law, including appropriations, advances, dedicated revenues, grants, gifts, and transfers received by the Bank;

(C) consideration from the sale or exchange of Bank investment instruments received by the Bank;

(D) repayments of principal, interest, fees, premiums, and other amounts received by the Bank;

(E) retained earnings, loan loss reserves, and other risk reserves held by the Bank;

(F) financial assistance provided by the Bank and outstanding, including loans, guarantees, insurance, and participation interests; and

(G) funds of the Bank reserved for pending disbursement under an approved loan, guarantee, insurance, participation interest, line of credit, or other financial assistance agreement.

(e) Net earnings, reserves, and public purpose surplus.—

(1) Use of earnings.—After meeting current obligations, and subject to paragraph (2), the Bank may use its earnings and other funds lawfully available to it in the exercise of its functions under this subtitle. No earnings or other funds may be distributed, reserved, or applied in a manner that would cause the Bank to fall below any capital, liquidity, loan loss, or risk reserve requirement.

(2) Priority of uses.—Net earnings of the Bank shall be applied in the following order:

- (A) first, to necessary and reasonable operating and administrative expenses;
- (B) second, to loan loss provisions and other risk reserves required by the Board;
- (C) third, to liquidity reserves necessary to meet committed disbursements and reasonably foreseeable obligations;
- (D) fourth, to capital restoration, if the Bank is below any capital requirement;
- (E) fifth, to the payment of interest, dividends, or other returns on Bank investment instruments, to the extent due and payable under the terms of such instruments after application of subparagraphs (A) through (D);
- (F) sixth, to repayment of initial organization appropriations under section 648(d); and
- (G) seventh, to retained earnings or to a public purpose subsidy fund established under paragraph (3).

(3) Public purpose subsidy fund.—The Board may establish and administer a public purpose subsidy fund to support grants, credit subsidies, technical assistance, below-market financing, or other public purpose assistance for infrastructure projects serving an area of public need, using amounts made available to the fund under this subtitle.

(f) Losses and capital impairment.—

(1) No bailout funding.—The Bank may not receive Federal funds for the purpose of curing insolvency or restoring impaired capital.

(2) Loss absorption.—Losses incurred by the Bank on loans, guarantees, insurance, participation interests, project financing, Bank investment instruments, or other activities authorized under this subtitle shall be borne by the Bank through loan loss provisions, risk reserves, retained earnings, capital, and the loss-allocation terms of applicable Bank investment instruments, and shall not be obligations of the United States or any Federal agency or instrumentality other than the Bank.

(3) Capital impairment plan.—

(A) Plan required.—If the Bank falls below any capital, liquidity, loan loss, or risk reserve requirement established under this subtitle, the Board shall, not later than 30 days after such deficiency is identified, adopt and publish a capital impairment plan that identifies the deficiency, the corrective actions to be taken, the expected timeline for restoring compliance, and any restrictions on new financial assistance or distributions during the period of impairment.

(B) Restrictions during impairment.—During any period in which a capital impairment plan is in effect, the Bank may not pay dividends or discretionary returns, issue new Bank investment instruments except as part of the capital impairment plan, or approve new financial assistance unless the Board determines that such action is necessary to protect the value of existing public credit assets or complete an already-approved project.

(g) Capital, liquidity, and reserve requirements.—

(1) Capital requirement.—The Bank shall maintain loss-absorbing capital in an amount not less than 10 percent of the aggregate outstanding principal amount of loans, guarantees, insurance, participation interests, and other financial assistance provided by the Bank, calculated in such manner as the Board may prescribe by rule.

(2) Loan loss provisions and contingent-liability reserves.—The Bank shall maintain loan loss provisions and contingent-liability reserves in an amount sufficient, as determined by the Board, to absorb reasonably foreseeable losses under the loan, guarantee, insurance, participation, and project-financing activities of the Bank.

(3) Liquidity requirement.—The Bank shall maintain liquid balances sufficient to meet operating expenses, committed disbursements, and reasonably foreseeable obligations.

(4) Rulemaking.—The Board shall prescribe rules to implement this subsection, including rules governing capital adequacy, loan loss provisions, liquidity management, concentration limits, and stress testing.

(h) Federal Credit Reform Act.—Subsections (b) and (e) of section 504 of the Federal Credit Reform Act of 1990 ([2 U.S.C. 661c](#)) shall not apply to a direct loan obligation, loan guarantee commitment, or modification thereof made by the Bank under this subtitle.

SEC. 644. LENDING AUTHORITY, REGIONAL PLANNING, AND PROJECT ELIGIBILITY.

(a) Loans.—

(1) In general.—The Bank shall provide loans, in accordance with this subtitle, to eligible entities, or may enter into blended financing, co-lending, loan participation, guarantee, insurance, or other financial assistance arrangements with entities eligible under subsection (d), local financial institutions, public entities, cooperatives, or other approved counterparties, for the financing, development, or operation of infrastructure projects, subject to the limitations of section 643.

(2) Local financial institution participation.—

(A) General rule.—Except as provided in subparagraph (D), the Bank shall conduct loan activities in partnership with local financial institutions and shall not unreasonably displace local financial institutions.

(B) Forms of partnership.—A partnership under subparagraph (A) may include origination, evaluation, servicing, monitoring, purchase of participation interests, guarantees, or blended financing of eligible infrastructure project loans.

(C) Conditions.—A partnership, purchase, guarantee, or participation under this paragraph shall be subject to the following conditions:

(i) the loan or participation interest shall satisfy the eligibility criteria of this section before the Bank commits funds;

(ii) if a local financial institution originates a loan, sells a participation interest to the Bank, or receives a guarantee from the Bank, the local financial institution shall retain a material share of the credit risk, as determined by the Board by rule; and

(iii) the Bank may not purchase, guarantee, or refinance a loan for the purpose of transferring an existing nonperforming or impaired loan from a local financial institution to the Bank.

(D) Exception.—The Bank may engage in loan activities without partnering with a local financial institution if comparable loan activities are not available from local financial institutions on reasonable terms, within a reasonable time, and in a manner consistent with the purposes of this subtitle.

(3) Loan maturity.—The maturity of loans shall, to the extent possible, be reasonably related to the maturity periods of anticipated profitability, economic stimulus, and projected useful life of projects financed by such loans.

(4) Interest charges on loans and other fees.—The Bank—

(A) shall establish fixed-rate interest, fees, premiums, or interest rate discounts based on the risk associated with a loan or other financial assistance, taking into consideration—

(i) the yield on Bank investment instruments of comparable maturity and risk, the public credit benchmark established by the Board by rule, or 1.6 percent per annum, whichever is greatest;

(ii) the credit rating of the borrowing entity if expressly published, or an assessment of the overall finances of the borrowing entity indicating an ability to service the loan;

(iii) current and expected future economic conditions, including expected improvements in the economy and the borrowing entity's finances resulting from the overall lending operations of the Bank; and

(iv) whether the infrastructure project serves an area of public need and, subject to availability of funds, qualifies for support from the public purpose subsidy fund under section 643(e)(3);

(B) may, in connection with a loan or other financial assistance provided under this subtitle, issue loan guarantees, insurance, coinsurance, and reinsurance to borrowing entities, insurance companies, financial institutions, or others, or groups thereof, and charge fees based on a similar risk analysis; and

(C) may charge for the review of any project proposal in such amount as may be approved by the Board to cover the costs of such review.

(5) Refinancing.—

(A) In general.—Subject to a full audit of the project and borrower, and subject to Board review, the Bank may extend the time limit for repayment of a loan, through renewal, substitution of new obligations, or otherwise, with the maximum time for such renewal to be

approved by the Board. Such refinancing may not be provided for the purpose of shifting an unrelated private loss, nonperforming loan, or speculative investment loss to the Bank.

(B) Further assistance.—The Bank may make further loans or provide additional financial assistance only if the Board determines that such assistance is necessary to—

- (i) complete an eligible project;
- (ii) protect the value of an existing public credit asset; or
- (iii) avoid a greater loss to the Bank.

(6) Limitations on loans.—The Bank may not—

(A) provide loans to consumers or provide any other loans not described under this subtitle; or

(B) engage in investment banking activities, including underwriting securities, securities dealing, fiduciary services, or trust management services for customers, except to the extent necessary to issue, sell, transfer, service, or redeem Bank investment instruments under section 643.

(b) Regional offices.—

(1) In general.—The Bank shall establish an office of lending and public credit in each city that has a Federal Reserve Bank and may establish additional offices in any other location the Board determines appropriate.

(2) Coordination.—An office established under this subsection may support the lending activities described in subsection (a), the regional economic accelerator planning groups described in subsection (c), and eligible applicants by coordinating with local financial institutions, public entities, cooperatives, regional economic accelerator planning groups, and other eligible entities.

(3) Technical assistance.—The Bank shall ensure that regional offices provide technical assistance to eligible applicants, including public entities, cooperatives, local financial institutions, and project sponsors located in areas of public need, on project eligibility, application procedures, financing structures, compliance requirements, coordination with local financial institutions, and project monitoring.

(c) Formation of regional economic accelerator planning groups.—

(1) In general.—The Bank, through the regional offices established under subsection (b), shall facilitate the organization of not fewer than 7 regional economic accelerator planning groups across the United States, which shall be defined by common economic, demographic, and infrastructure connectivities.

(2) Duties.—The regional economic accelerator planning groups may—

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

(B) identify economic megaregions, which shall consist of hub cities, related towns and suburbs, manufacturing production corridors, and rural areas woven together into the communities where people of the United States live, work, and provide goods or services for movement within the region, and to other regions;

(C) identify infrastructure, manufacturing, and supply chain needs and priorities for economic megaregions, with input from the American Society of Civil Engineers, and other trade, business, and industrial associations;

(D) develop regional economic accelerator plans, including a pipeline of infrastructure projects and the strategic placement of those infrastructure projects, needed to improve supply chains, land use, productivity, manufacturing capacity, and access for areas of public need within each economic megaregion;

(E) define how those infrastructure projects will create energy savings, improve the environment, improve jobs and wages, create regional economic growth, and create growth in regional tax income;

(F) identify where multijurisdictional agreements should be enacted or strengthened to improve the development of infrastructure projects that cross jurisdictional lines, such as transportation improvements along the northeast corridor, flood mitigation, water management to relieve drought conditions in southwestern States, or development of a national high-speed rail grid;

(G) identify Federal, State, or local laws and regulations that should be streamlined to reduce infrastructure project costs and approval times, while maintaining environmental and safety objectives, and, not later than October 15 of each odd-numbered year, publish a report recommending options for streamlining those laws and regulations;

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

(I) provide the regional infrastructure development plans to the Bank to inform the Bank on the selection of infrastructure projects for financing; and

(J) assist entities formulating and submitting projects for consideration of Bank financing on the definition, scope, selection criteria, and other factors under this section that will be considered in the approval process.

(d) Eligibility criteria for assistance from the Bank.—

(1) In general.—Subject to paragraph (4), the Bank may provide financial assistance to an entity for an infrastructure project if the project—

(A) meets the criteria described in, and requirements of, this subtitle;

(B) has local, regional, or national significance; and

(C) is in the public interest.

(2) Guidelines and applications.—

(A) Procedures.—The Executive Committee and the Board shall establish standard operating procedures and develop online application procedures for financial assistance from the Bank.

(B) Applications.—To be considered for financial assistance from the Bank for an infrastructure project, an entity shall submit to the Bank an application containing the information required by the procedures established under subparagraph (A).

(3) Criteria.—

(A) In general.—The Board shall evaluate and rate each application received under paragraph (2) based on the factors appropriate for the type of the infrastructure project, including—

(i) the consistency of the infrastructure project with a regional infrastructure development plan that builds connectivity in the project area and beyond and improves access for areas of public need;

(ii) the results of a lifecycle projection of the benefits, as compared to costs, of the infrastructure project that incorporates the factors described in clauses (iii) through (xii);

(iii) the extent to which the infrastructure project would promote economic growth, including productive capacity growth, cooperative enterprise, small business formation, domestic production, manufacturing infrastructure, and other real-economy activity associated with the infrastructure project;

(iv) the extent to which the infrastructure project contributes to job creation, including fair and responsible employment practices and workforce development to train workers in new skills, including through registered apprenticeship programs, labor-management training partnerships, union apprenticeship programs, community colleges, and other workforce development institutions;

(v) the extent to which the infrastructure project provides environmental and public health benefits, including a reduction in greenhouse gases, water pollution, and air pollution, and the removal of lead and other hazardous materials;

(vi) whether the applicant has a demonstrated ability to contract for design, construction, operation, and maintenance of the infrastructure project throughout its estimated useful life, including by defining project objectives, selecting experienced project managers, and utilizing performance-based monitoring;

(vii) the extent to which the infrastructure project incorporates bundling, sequencing, correct sizing, value design, and procurement procedures to realize long-term cost savings through the principle of "dig, build, expand, or improve only once";

(viii) the extent to which the infrastructure project uses appropriate technologies to improve project reliability, efficiency, resiliency, sustainability, security, and public safety;

(ix) the extent to which the infrastructure project preserves and repurposes existing infrastructure and rationally connects to other categories of existing or planned infrastructure projects;

(x) the extent to which the infrastructure project promotes the domestic production of critical materials, manufactured goods, construction inputs, equipment, and productive capacity needed for projects that receive financial assistance from the Bank;

(xi) a category specific benefit as described in subparagraph (B), as applicable; and

(xii) any other criteria as determined by the Board.

(B) Category specific benefit.—A category specific benefit referred to in subparagraph (A)(xi) includes—

(i) for a transportation infrastructure project—

(I) a reduction in surface and air traffic congestion, by road, transit, passenger rail, freight rail, port or inland water travel, or air travel, as measured by reductions in transit, boarding, and total trip times;

(II) an anticipated increase in capacity for existing and expected new ridership or transport use, including by high-speed rail;

(III) a reduction in risks from maintenance decline, or structural failure, over the service life of the project;

(IV) the coordination of improvements in commuter passenger operations, freight transport, and new community design, with the demographics of population, economic production, and trade hubs according to a regional infrastructure plan;

(V) an increase in access to affordable transportation options, to improve access to jobs, affordable housing, schools, medical services, food and other essential community services; or

(VI) improvements in safety for users, passengers, and operators, as measured by a reduction in fatalities and serious injuries;

(ii) for an environmental infrastructure project—

(I) increased coastal and inland flood mitigation and protection;

(II) improvements in drinking water, wastewater, or stormwater systems, through the repair, expansion or replacement of those systems;

(III) a reduction in risk to any public infrastructure from structural failure, or damage, due to weather-related events, cyber or physical attacks, or catastrophic wildfires; or

(IV) environmental improvements from the removal of hazardous wastes or chemical pollutants, including PFAS;

(iii) for an energy infrastructure project—

(I) development of a system that provides for any of the smart grid functions described in section 1306(d) of the Energy Independence and Security Act of 2007 ([42 U.S.C. 17386\(d\)](#)) (commonly known as a "smart grid"), with modern security and resiliency systems;

(II) expansion of generation, transmission, distribution, or storage capacity to connect new electricity generators and meet new demand, including demand from the electrification of vehicles or rail transportation systems;

(III) enhancement of systems to balance electricity supply and demand, curtail peak demand, restore power outages, or coordinate operating procedures among power-supplying entities; or

(IV) development, modernization, or deployment of nuclear, geothermal, hydropower, solar, wind, energy storage, or other domestic energy generation infrastructure;

(iv) for a telecommunications infrastructure project—

(I) completion of, or improvement in, broadband and wireless access and affordability in an area of public need; or

(II) improvement of the global telecommunication satellite network;

(v) for a community development infrastructure project—

(I) development, expansion, rehabilitation, or replacement of affordable housing, public housing, publicly assisted affordable housing, schools, libraries, workforce training facilities, or other public facilities; or

(II) improvements in national, State, and local parks and recreation facilities and related open space land management; and

(vi) for a manufacturing infrastructure project—

(I) expansion, modernization, equipping, tooling, site preparation, or utility connection of manufacturing facilities, industrial sites, shared production facilities, supply chain facilities, repair facilities, or recycling facilities;

(II) increased domestic production, processing, assembly, repair, or recycling of critical materials, manufactured goods, pharmaceuticals, medical goods, machinery, equipment, construction inputs, transportation equipment, energy equipment, communications equipment, or other goods determined by the Board to support domestic productive capacity; or

(III) development of cooperative, employee-owned, small business, or locally owned manufacturing capacity.

(C) Stimulation of domestic production.—If the Bank determines that any type of iron, steel, manufactured product, or construction material is not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality to meet the infrastructure needs in the United States, the Bank may solicit loan applications, including applications for manufacturing infrastructure projects, for projects to increase or improve the domestic production of that iron, steel, manufactured product, or construction material.

(D) Lender of last resort.—In selecting infrastructure projects to receive financial assistance from the Bank, the Board shall give priority to—

(i) an infrastructure project in an area of public need, including a workforce development plan to train workers in new skills and connect those workers with job openings financed by the Bank; and

(ii) an infrastructure project—

(I) that leverages or complements Federal, State, local, and private financing; or

(II) for which the applicant demonstrates that the additional capital could not be obtained from commercial sources at reasonable financing costs.

(4) Exclusions.—The Bank may not provide financial assistance for any infrastructure project that subsidizes or otherwise encourages the sale or lease of infrastructure currently owned or controlled by an entity described in subparagraphs (A) through (H) of section 641(a)(16), or will result in the private control or operation of infrastructure currently owned or controlled by such an entity under any agreement, including a public-private partnership.

(5) Emergency procedures.—

(A) In general.—During the period described in subparagraph (B), the Board may waive such selection criteria and procedures as the Board determines to be necessary in order to provide loans more quickly for infrastructure projects—

(i) that reduce unemployment;

(ii) that address the backlog of critical, shovel ready projects for which preliminary engineering or permitting is already completed; or

(iii) that address a critical safety or other public need.

(B) Period described.—The period referred to in subparagraph (A) is the period beginning on the date of enactment of this Act and ending on the later of—

(i) July 1 of the 1st year after the year in which the Bank begins operations; and

(ii) the date on which the Bank has provided a total of \$500,000,000,000 in loans.

(C) Limitations.—A waiver under this paragraph may not waive or modify section 643, paragraph (4), section 646, or any requirement relating to fraud, conflicts of interest, public reporting, actual funds, money-like claims, labor standards, Buy America, or public ownership protections.

SEC. 645. GOVERNANCE AND MANAGEMENT OF THE BANK.

(a) Board of Directors.—

(1) In general.—The Bank shall have a Board of Directors consisting of 23 members, appointed by the President by and with the advice and consent of the Senate.

(2) Qualifications.—The members of the Board shall include individuals representing different regions of the United States, of whom—

(A) 11 shall have not less than 15 years of industrial and engineering experience;

(B) 2 shall have not less than 10 years of experience in labor federation policy, collective bargaining, labor standards, apprenticeship, or worker representation;

(C) 2 shall have not less than 10 years of experience in building trades, construction labor, project labor agreements, registered apprenticeship programs, or workforce development for construction projects;

(D) 2 shall have not less than 10 years of experience in civil works, water resources, flood control, navigation, environmental restoration, military construction, or infrastructure engineering, including experience in or with the Corps of Engineers;

(E) 2 shall have State and local public sector experience;

(F) 2 shall have finance experience; and

(G) 2 shall have economic development experience.

(3) Chairperson and vice chairperson.—At the time of appointment, the President shall designate—

(A) 1 member of the Board to serve as chairperson; and

(B) 1 member of the Board to serve as vice chairperson.

(4) Terms.—

(A) In general.—Except as provided in subparagraph (B), each member shall be appointed for a term of 6 years.

(B) Initial staggered terms.—Of the initial members of the Board—

(i) the chairperson shall be appointed for a term of 6 years and the vice chairperson shall be appointed for a term of 4 years;

(ii) 10 shall be appointed for a term of 4 years; and

(iii) 11 shall be appointed for a term of 2 years.

(5) Congressional recommendations.—Not later than 45 days after the date of enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the

House of Representatives, and the minority leader of the House of Representatives shall each submit to the President a recommendation for appointment of a member of the Board, after consultation with the appropriate committees of Congress.

(6) Date of initial nominations.—The initial nominations by the President for appointment of members to the Board shall be made not later than 90 days after the date of enactment of this Act.

(7) Vacancies.—

(A) In general.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(B) Appointment to replace during term.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed only for the remainder of the term.

(C) Duration.—A member of the Board may serve after the expiration of the term of the member until a successor has taken office.

(8) Quorum.—

(A) Initial quorum.—No quorum shall exist before not fewer than 17 members of the Board have been confirmed by the Senate.

(B) General rule.—A majority of the members of the Board then serving shall constitute a quorum, but not fewer than 9 members.

(9) Reappointment.—A member of the Board may be reappointed by the President in accordance with this section.

(10) Compensation and reimbursement.—Members of the Board shall serve on a part-time basis and shall receive compensation at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under [section 5315 of title 5](#), United States Code, for each day on which the member is engaged in the actual performance of Bank business, plus reasonable reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(11) Limitations.—

(A) In general.—A member of the Board may not participate in any review or decision if the member has a conflict of interest.

(B) Effect of violation.—A member who violates subparagraph (A) shall be disqualified from participating in the matter.

(12) Responsibilities.—The Board shall—

(A) as soon as practicable after the date on which a quorum of the Board is first established, establish an Executive Committee, risk management committee, and audit committee pursuant to this subtitle;

(B) not later than 180 days after the date on which a quorum of the Board is first established, develop and approve the bylaws of the Bank, and publish those bylaws in the Federal Register, including bylaws for the regulation of the affairs and conduct of the business of the Bank, consistent with the purpose, goals, objectives, and policies described in this subtitle;

(C) ensure that the Bank is at all times operated in a manner that is consistent with this subtitle, by—

(i) monitoring and assessing the effectiveness of the Bank in achieving strategic goals;

(ii) periodically reviewing internal policies submitted by the chief executive officer;

(iii) reviewing and approving annual business plans, annual budgets, and long-term strategies submitted by the chief executive officer;

(iv) reviewing and approving annual reports submitted by the chief executive officer;

(v) reviewing risk management and audit practices of the Bank; and

(vi) reviewing and approving all changes to the organization of the Bank; and

(D) establishing such other criteria, requirements, and procedures as the Board may consider to be appropriate in carrying out this subtitle.

(13) Meetings.—

(A) Open to the public; notice.—All meetings of the Board held to conduct the business of the Bank shall be open to the public, including through remote access, and shall be preceded by reasonable notice. The Board shall maintain audio or video archives of each public meeting and make those archives available to the public.

(B) Initial meeting.—The Board shall meet—

(i) not later than 45 days after the date on which a quorum of the Board is first established; and

(ii) at the call of the chairperson.

(C) Exception for closed meetings.—

(i) In general.—Pursuant to such rules as the Board may establish through bylaws, the members may close a meeting of the Board if, at the meeting, there is likely to be disclosed information that could adversely affect or lead to speculation—

(I) relating to an infrastructure project under consideration for assistance under this subtitle; or

(II) in financial, securities, or commodities markets or institutions, utilities, or real estate.

(ii) Notice.—The determination to close any meeting of the Board shall be made in a meeting of the Board and shall be recorded in the minutes of the Board.

(iii) Minutes and archives.—The Board shall prepare minutes of any meeting that is closed to the public and shall maintain an audio or video archive of each closed meeting. The minutes and archive of a closed meeting shall be made available to the public as soon as the considerations necessitating the closure no longer apply, or 6 years after the date of the closed meeting, whichever occurs first, unless disclosure is prohibited by law.

(b) Powers and limitations of the Board.—

(1) Powers.—In order to carry out the purposes of the Bank as described in this subtitle, the Board shall be responsible for the approval and monitoring of infrastructure projects, and shall have the following powers:

(A) To make senior and subordinated direct loans on such terms as the Board may determine to be appropriate to assist in the financing or refinancing of an infrastructure project.

(B) Subject to the availability of funding, to develop specialized loan programs, including high-need infrastructure loan programs, community cooperative startup programs, and programs serving areas of public need, that provide project financing on flexible repayment terms.

(C) To make loan guarantees on such terms as the Board may determine to be appropriate to assist in the financing or refinancing of an infrastructure project.

(D) To issue Bank investment instruments under section 643 to provide financing for infrastructure projects from proceeds received by the Bank.

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

(F) To approve infrastructure loans financed in whole or in part by the Bank after receiving recommendations from the Executive Committee.

(G) To monitor infrastructure projects financed in whole or in part by the Bank after receiving assessments from the Executive Committee.

(H) To sue and be sued in the Bank's corporate capacity in any court of competent jurisdiction, except that no prejudgment attachment, garnishment, execution, or similar seizure process may be issued against the property of the Bank.

(I) To indemnify the members of the Board and officers of the Bank for liabilities arising out of the actions of the Board and officers of the Bank in such capacity, except that the Bank may not indemnify any person for willful misconduct, gross negligence, bad faith, fraud, or knowing violation of law.

(J) To serve as the primary liaison between the Bank and Congress, the executive branch, and State and local governments, and to represent the interests of the Bank.

(K) To exercise all other lawful powers that are necessary or appropriate to carry out, and are consistent with, the purposes of the Bank.

(2) Coordination with State and local regulatory authorities.—The provision of financial assistance by the Board pursuant to this subtitle shall not—

(A) limit the authority of any State or political subdivision or other instrumentality of a State to approve or regulate rates of return on private equity invested in an infrastructure project; or

(B) otherwise supersede any State law or regulation applicable to an infrastructure project.

(3) Federal personnel requests.—

(A) In general.—The Board may request the detail, on a reimbursable basis, of personnel from other Federal agencies with specific expertise not available from within the Bank, including personnel with experience in the selection process for competitive awards from—

(i) the Corps of Engineers;

(ii) the Department of Transportation;

(iii) the Department of Labor;

(iv) the Department of Housing and Urban Development;

(v) the Environmental Protection Agency;

(vi) the Department of the Treasury;

(vii) the Department of Commerce; and

(viii) other relevant Federal agencies.

(B) Detail.—The head of any Federal agency—

(i) may detail, on a reimbursable basis, any personnel of the agency requested by the Board; and

(ii) shall not withhold unreasonably the detail of any personnel requested by the Board.

(c) Executive Committee.—

(1) In general.—The Board shall establish an Executive Committee consisting of 9 members, including—

- (A) the chief executive officer, who shall serve as the head of the Executive Committee;
- (B) the chief risk officer;
- (C) the chief operations officer;
- (D) the chief loan origination officer;
- (E) the chief compliance officer;
- (F) the chief financial officer;
- (G) the chief treasury officer;
- (H) the chief asset and liability management officer; and
- (I) the general counsel.

(2) Appointments.—A majority of the Board shall have the authority—

(A) to appoint the members of the Executive Committee; and

(B) to define the duties of each member of the Executive Committee in accordance with this subtitle, the bylaws of the Bank, and requirements of the Board.

(3) Qualifications.—Each member of the Executive Committee and all loan origination officers of the Bank shall have extensive experience and expertise in—

(A) 1 or more of the following—

- (i) public credit;
- (ii) infrastructure finance;
- (iii) project finance;
- (iv) community lending;
- (v) development finance; or
- (vi) financial risk management; and

(B) 1 or more of the following—

- (i) transportation infrastructure;
- (ii) environmental infrastructure;
- (iii) energy infrastructure;
- (iv) telecommunications infrastructure;
- (v) manufacturing infrastructure;

- (vi) public housing and urban or rural development;
- (vii) economic development;
- (viii) workforce development; or
- (ix) public finance.

(4) Duties of chief executive officer.—The chief executive officer shall have responsibility for the development and implementation of the strategy of the Bank, including—

(A) the development and submission to the Board of the annual business plans and budget;

(B) the development and submission to the Board of a long-term strategic infrastructure development plan that is consistent with regional plans presented to the Bank by regional economic accelerator planning groups established under section 644(c); and

(C) the development, revision, and submission to the Board of other internal policies of the Bank.

(5) Duties of Executive Committee.—In order to carry out the purposes of the Bank, the Executive Committee shall—

(A) establish and submit to the Board for approval—

(i) disclosure and application procedures for entities submitting applications for infrastructure projects for assistance under this subtitle;

(ii) standardized terms and conditions, fee schedules, or legal requirements of a contract or program to carry out this subtitle; and

(iii) guidelines for the selection and approval of infrastructure projects and specific criteria for determining eligibility for project selection, subject to the general criteria provided in section 644(d);

(B) accept for consideration project proposals from entities for the development of infrastructure projects in accordance with this subtitle;

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

(D) establish a plan, and build capacity within the Bank, to provide technical assistance to State and local governments, regional economic accelerator planning groups established under section 644(c), joint ventures, and other borrowing entities on—

(i) the borrowing procedures and selection criteria of the Bank;

(ii) the development of a pipeline of projects suitable for financing that meet the selection criteria developed by the Bank;

(iii) the development of specialized institutional structures and cross-regional planning to help in the planning of complex projects;

(iv) best practices for design, construction, and management, including those identified in global infrastructure databases;

(v) contract evaluation methods, including procurement value-for-money options; and

(vi) institution strengthening relating to the management of projects and work contracts, including through performance-based project delivery.

(6) Vacancy.—A vacancy on the Executive Committee shall be filled in the manner in which the original appointment was made.

(7) Compensation.—The compensation of a member of the Executive Committee shall be determined by the Board.

(8) Removal.—A member of the Executive Committee may be removed at the discretion of a majority of the Board.

(9) Term.—A member of the Executive Committee shall serve a term of 6 years, unless sooner removed under paragraph (8), and may be reappointed in accordance with this section.

(10) Limitations.—

(A) In general.—A member of the Executive Committee may not—

(i) hold any other public office; or

(ii) participate in any review, recommendation, report, evaluation, or decision if the member has a conflict of interest.

(B) Effect of violation.—A member who violates subparagraph (A)(ii) shall be disqualified from participating in the matter and may be removed under paragraph (8).

(d) Risk management committee.—

(1) Establishment.—The Board, in consultation with the chief loan origination officer, shall establish a risk management committee consisting of 5 members, headed by the chief risk officer.

(2) Appointment.—A majority of the Board shall have the authority—

(A) to appoint the members of the risk management committee; and

(B) to define the duties of the chief risk officer and each remaining member of the risk management committee in accordance with this subtitle, the bylaws of the Bank, and requirements of the Board.

(3) Qualifications.—Each member of the risk management committee shall have demonstrated experience and expertise in 1 or more of the following:

(A) Treasury and asset and liability management.

(B) Investment regulations.

(C) Insurance.

(D) Credit risk management and credit evaluations.

(E) Infrastructure development projects.

(4) Duties of chief risk officer.—The chief risk officer shall—

(A) have such functions, powers, and duties as may be prescribed by this subtitle, the bylaws of the Bank, and the Board; and

(B) report directly to the Board.

(5) Duties of risk management committee.—The risk management committee shall—

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

(B) develop conforming standards for loan agreements to ensure diversification of lending activities by geographic region, infrastructure project type, and service to areas of public need;

(C) ensure compliance with Federal and State laws referred to in section 646;

(D) develop specific plans for all financial assistance provided by the Bank, including credit-subsidy programs, technical assistance programs, and participation standards for small businesses, cooperatives, employee-owned enterprises, locally owned businesses, new market entrants, and businesses located in areas of public need, in infrastructure projects financed by the Bank in accordance with section 646;

(E) monitor the overall financial, credit, and operational exposure of the Bank;

(F) establish a standing subcommittee to perform regular credit evaluations and report on large infrastructure loans extended by the Bank to monitor compliance with terms and attainment of performance targets contained in loan agreements; and

(G) provide financial recommendations to the Board for approval.

(6) Vacancy.—A vacancy on the risk management committee shall be filled in the manner in which the original appointment was made.

(7) Compensation.—The compensation of a member of the risk management committee shall be determined by the Board.

(8) Removal.—A member of the risk management committee may be removed at the discretion of a majority of the Board.

(9) Term.—A member of the risk management committee shall serve a term of 6 years, unless sooner removed under paragraph (8), and may be reappointed in accordance with this section.

(10) Limitations.—

(A) In general.—A member of the risk management committee may not—

(i) hold any other public office; or

(ii) participate in any review, recommendation, report, evaluation, or decision if the member has a conflict of interest.

(B) Effect of violation.—A member who violates subparagraph (A)(ii) shall be disqualified from participating in the matter and may be removed under paragraph (8).

(e) Audit committee.—

(1) In general.—The Bank shall establish an audit committee consisting of 5 members, headed by the chief compliance officer.

(2) Appointment.—A majority of the Board shall have the authority—

(A) to appoint the members of the audit committee; and

(B) to define the duties of the chief compliance officer and each remaining member of the audit committee in accordance with this subtitle, the bylaws of the Bank, and requirements of the Board.

(3) Qualifications.—Each member of the audit committee shall have demonstrated experience and expertise in 1 or more of the following:

(A) Internal auditing.

(B) Internal investigations.

(C) Accounting practices.

(D) Financing practices.

(4) Duties of chief compliance officer.—The chief compliance officer shall—

(A) have such functions, powers, and duties as may be prescribed by this subtitle, the bylaws of the Bank, and the Board; and

(B) report directly to the Board.

(5) Duties of audit committee.—The audit committee shall—

(A) provide internal controls and internal auditing activities for the Bank;

(B) maintain responsibility for the accounting activities of the Bank;

(C) conduct internal investigations of the business activities of the Bank;

(D) issue financial reports of the Bank; and

(E) complete reports with outside auditors and public accountants appointed by the Board.

(6) Vacancy.—A vacancy on the audit committee shall be filled in the manner in which the original appointment was made.

(7) Compensation.—The compensation of a member of the audit committee shall be determined by the Board.

(8) Removal.—A member of the audit committee may be removed at the discretion of a majority of the Board.

(9) Term.—A member of the audit committee shall serve a term of 6 years, unless sooner removed under paragraph (8), and may be reappointed in accordance with this section.

(10) Limitations.—

(A) In general.—A member of the audit committee may not—

(i) hold any other public office; or

(ii) participate in any review, recommendation, report, evaluation, or decision if the member has a conflict of interest.

(B) Effect of violation.—A member who violates subparagraph (A)(ii) shall be disqualified from participating in the matter and may be removed under paragraph (8).

(f) Personnel compensation and duties.—The chairperson of the Board, chief executive officer, chief risk officer, and chief compliance officer may appoint, remove, fix the compensation of, and define the duties of qualified personnel to support the officer or committee for which the appointing official is responsible, in accordance with this subtitle, the bylaws of the Bank, and policies approved by the Board.

SEC. 646. LABOR, BUY AMERICA, AND COMMUNITY SAFEGUARDS.

(a) Compliance with Federal and State laws.—

(1) In general.—The Bank, any entity that receives financial assistance from the Bank, and any contractor or subcontractor that receives funds from financial assistance provided by the Bank shall comply with all applicable Federal and State laws, including this section.

(2) Agreements.—The Bank shall require an entity that receives financial assistance from the Bank to—

(A) confirm compliance with applicable Federal and State laws in a loan agreement between the Bank and the entity; and

(B) ensure, through a written agreement, that contractors and subcontractors used by the entity for an infrastructure project carried out with that financial assistance are in compliance with applicable Federal and State laws.

(b) Compliance with Davis-Bacon Act.—

(1) In general.—All laborers and mechanics employed by contractors and subcontractors on infrastructure projects funded directly by or assisted in whole or in part by or through the Bank pursuant to this subtitle shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with [subchapter IV of chapter 31 of title 40](#), United States Code.

(2) Labor standards.—With respect to the labor standards described in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 ([64 Stat. 1267](#); [5 U.S.C. App.](#)) and [section 3145 of title 40](#), United States Code.

(c) Compliance with project labor agreements.—

(1) In general.—

(A) Covered States.—Notwithstanding any contrary State or local law, any recipient of financial assistance from the Bank in a covered State shall, for purposes of an infrastructure project funded by such financial assistance, be a party to a project labor agreement with an applicable labor organization.

(B) States that are not covered States.—Any recipient of financial assistance from the Bank in a State that is not a covered State shall, for purposes of the infrastructure project funded by such financial assistance, permit voluntary collective bargaining with respect to becoming a party to a project labor agreement.

(2) Definitions.—For purposes of this subsection:

(A) Covered State.—The term "covered State" means a State in which—

(i) the laws of such State permit an entity to require project labor agreements; or

(ii) the total estimated amount of all construction contracts for the infrastructure project is not less than \$35,000,000.

(B) Project labor agreement.—The term "project labor agreement" means a pre-hire collective bargaining agreement with 1 or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is described in section 8(f) of the National Labor Relations Act ([29 U.S.C. 158\(f\)](#)).

(3) Timing of determination.—For purposes of this subsection, whether a State is a covered State shall be determined as of the date on which the Bank approves financial assistance for the infrastructure project.

(d) Buy America requirement.—Section 70914 of the Infrastructure Investment and Jobs Act ([41 U.S.C. 8301 note](#); [Public Law 117–58](#)) shall apply to the Bank, including financial assistance provided by the Bank.

(e) Employee transition protections.—

(1) Certification.—The Bank may not provide financial assistance for an infrastructure project involving reconstruction, rehabilitation, replacement, or expansion that is reasonably expected to displace current employees, materially reduce compensation or benefits, or materially alter existing terms or conditions of employment at the project site, unless the applicant certifies that the applicant, and any contractor or subcontractor that will receive funds from financial assistance provided by the Bank, will comply with—

(A) all applicable Federal and State labor and employment laws;

(B) any applicable collective bargaining agreement or project labor agreement; and

(C) any applicable notice, retraining, placement, or transition assistance requirements.

(2) Rule of construction.—Nothing in this subsection shall be construed to prohibit automation, productivity enhancing technology, or labor saving improvements otherwise eligible for assistance under this subtitle.

(f) Small business and local productive enterprise participation.—For each fiscal year, the Bank shall ensure that not less than 20 percent of the financial assistance provided by the Bank is provided to or through small business concerns, cooperatives, employee-owned enterprises, locally owned businesses, new market entrants, and businesses located in areas of public need, as determined by the Board by rule.

(g) Local hiring preference.—

(1) In general.—In providing financial assistance under this subtitle, the Bank shall ensure that recipients of financial assistance from the Bank implement a local, rural, or other geographic or economic hiring preference relating to the use of labor for construction of an infrastructure project funded by the assistance, including pre-hire agreements, subject to any applicable State and local laws, policies, and procedures, in partnership with a registered apprenticeship program, as defined in [section 3131\(e\)\(3\)\(B\)](#) of the Internal Revenue Code of 1986, if applicable, or with a State board or local board, as those terms are defined in section 3 of the Workforce Innovation and Opportunity Act ([29 U.S.C. 3102](#)).

(2) Priority.—In carrying out paragraph (1), the Bank shall ensure that recipients of financial assistance from the Bank give priority in hiring to—

(A) individuals with a barrier to employment, as defined in section 3 of the Workforce Innovation and Opportunity Act ([29 U.S.C. 3102](#)), including individuals who are long-term unemployed, formerly incarcerated, or otherwise face documented barriers to employment;

(B) veterans; and

(C) individuals residing in areas of public need.

(h) Infrastructure planning, coordination, and nonduplication.—To the maximum extent practicable, the Bank shall ensure that activities of the Bank are coordinated with, and do not duplicate the efforts of, any Federal or State department or agency.

(i) State and local permits.—The provision of financial assistance by the Bank with respect to an infrastructure project does not relieve any recipient of the assistance of any obligation to obtain required State and local permits and approvals with respect to the infrastructure project.

SEC. 647. OVERSIGHT, AUDITS, PUBLIC REPORTING, AND SPECIAL INSPECTOR GENERAL.

(a) Office of Special Inspector General.—There is established the Office of Special Inspector General for the Bank.

(b) Appointment of Special Inspector General.—

(1) In general.—The Special Inspector General shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Qualifications.—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(c) Removal.—The Special Inspector General may be removed from office by the President. If the President removes the Special Inspector General from office, the President shall communicate in writing the reasons for such removal to Congress not later than 30 days before the date on which the removal takes effect.

(d) Duties.—The Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the business, programs, operations, financial condition, and compliance of the Bank.

(e) Powers and authorities.—

(1) In general.—In carrying out the duties of the Special Inspector General under this section, the Special Inspector General shall have the authorities provided under section 6 of the Inspector General Act of 1978 ([5 U.S.C. 406](#)).

(2) Personnel, services, and contracts.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary to carry out the duties of the Special Inspector General and may obtain services and enter into contracts as necessary to carry out such duties.

(3) Coordination.—The Special Inspector General shall coordinate with the Inspector General of the Department of the Treasury, the Comptroller General of the United States, and any other Inspector General or oversight official the Special Inspector General determines appropriate.

(4) Access to information.—

(A) In general.—Upon request of the Special Inspector General, the Bank, the Board, the Executive Committee, any committee of the Bank, any officer or employee of the Bank, and any recipient of financial assistance from the Bank shall provide the Special Inspector General with such information or assistance as the Special Inspector General determines necessary to carry out this section.

(B) Refusal.—If information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Board, the Secretary, and the appropriate committees of Congress without delay.

(f) Reports by Special Inspector General.—

(1) Annual report.—Not later than April 1 of each year, the Special Inspector General shall submit to Congress, the President, the Secretary, and the Board a report summarizing the activities of the Special Inspector General during the preceding calendar year.

(2) Additional reports.—The Special Inspector General may submit to Congress, the President, the Secretary, and the Board such additional reports as the Special Inspector General determines appropriate.

(3) Contents.—Each report under paragraph (1) shall include, for the period covered by the report—

(A) a description of audits and investigations conducted by the Special Inspector General;

(B) a description of significant problems, abuses, deficiencies, or vulnerabilities identified by the Special Inspector General;

(C) a description of recommendations made by the Special Inspector General;

(D) an identification of recommendations that have not been implemented by the Bank; and

(E) any recommendations for legislative or administrative action that the Special Inspector General determines appropriate.

(g) Accounting and audits.—

(1) Accounts.—The Bank shall maintain adequate books and accounts of its assets, liabilities, capital, receipts, disbursements, financial assistance, Bank investment instruments, guarantees, insurance, participation interests, and other obligations.

(2) Annual audit.—The financial statements of the Bank shall be subject to an annual audit by independent public accountants of nationally recognized standing, to be appointed by the Board with the concurrence of the Special Inspector General or, during a vacancy in the office of the Special Inspector General, the Inspector General of the Department of the Treasury.

(3) Availability.—The Bank shall make each annual audit conducted under paragraph (2) available to the President, Congress, the Secretary, the Comptroller General of the United States, and the public.

(h) Reports by the Board and Comptroller General.—

(1) Board.—Not later than 90 days after the end of each fiscal year, the Board shall submit to the President and Congress a complete and detailed report with respect to the preceding fiscal year that describes—

(A) a summary of the operations of the Bank;

(B) a schedule of the obligations of the Bank, Bank investment instruments, guarantees, insurance, participation interests, and other financial assistance outstanding at the end of that preceding fiscal year, with a statement of the amounts issued, redeemed, paid, impaired, or written down during that preceding fiscal year;

(C) the status of infrastructure projects that have received funding or other assistance pursuant to this subtitle, including disclosure of all entities with a development, ownership, or operational interest in those infrastructure projects;

(D) the capital, liquidity, loan loss, risk reserve, and borrowed capital position of the Bank, including the aggregate amount, maturity structure, interest or return terms, counterparties by category, and use of proceeds of borrowed capital outstanding under section 643(c);

(E) a certification of the compliance of the Bank with the borrowed capital and liquidity limitations under section 643(c); and

(F) the geographic, sectoral, and counterparty concentration of financial assistance provided by the Bank.

(2) Comptroller General.—Not later than 2 years after the Bank begins operations, and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a report evaluating activities of the Bank, including the financial condition of the Bank, the compliance of the Bank with this subtitle, the effectiveness of the Bank in carrying out the purposes of this subtitle, and any recommendations for legislative or administrative action.

(i) Books and records.—

(1) In general.—The Bank shall maintain adequate books and records to support each financial transaction of the Bank, including records sufficient to identify appropriated amounts, advances, dedicated revenues, proceeds from Bank investment instruments, repayments, retained earnings, loan loss reserves, and funds held for pending disbursement.

(2) Public database.—The Bank shall maintain on a publicly accessible database a description of financial transactions and infrastructure projects receiving funding, including the amount of funding for each infrastructure project.

(3) Public comment period.—Except for emergency financing under section 644(d)(5), before final approval of an infrastructure financing agreement, the Bank shall post on the database referred to in paragraph (2) a summary of the material terms of the proposed financing, including the project sponsor, project location, type of assistance, amount of assistance, maturity or expected term, public purpose, and any proposed subsidy, and shall provide a period of not less than 30 days for public comment.

(4) Confidential business information.—Nothing in paragraph (2) or (3) shall be construed to require the public disclosure of trade secrets, confidential business information, proprietary financial information, or other information protected from disclosure by law.

(5) Inspection by Secretary, Special Inspector General, and Comptroller General.—The books and records of the Bank shall be open to inspection by the Secretary, the Special Inspector General, and the Comptroller General of the United States.

SEC. 648. TAX TREATMENT AND APPROPRIATIONS.

(a) Treatment of Bank as Government corporation exempt from tax.—[Section 501\(l\)](#) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(5) The National Infrastructure Bank established under section 642 of the POPULIST Act."

(b) Treatment of gifts to Bank as charitable contributions.—

(1) In general.—[Section 170\(c\)](#) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (6) the following:

"(7) A gift, grant, or contribution to the National Infrastructure Bank established under section 642 of the POPULIST Act, but only if the donor receives no Bank investment instrument or claim to repayment, dividends, interest, or another financial return in exchange for such gift, grant, or contribution."

(2) Application of percentage limitation.—[Section 170\(b\)\(1\)\(A\)](#) of the Internal Revenue Code of 1986 is amended—

(A) by striking "or" at the end of clause (ix);

(B) by inserting "or" at the end of clause (x); and

(C) by inserting after clause (x) the following:

"(xi) the National Infrastructure Bank referred to in subsection (c)(7),"

(c) No Federal claims.—

(1) In general.—[Section 3713 of title 31](#), United States Code, shall not apply with respect to any indebtedness of the Bank unless the United States is the holder of the claim.

(2) No bailouts.—No Federal funds may be used to satisfy liabilities of the Bank, cure insolvency of the Bank, or protect holders of Bank investment instruments from loss.

(d) Initial organization appropriations.—

(1) Authorization of appropriations.—There is authorized to be appropriated \$50,000,000 for each of fiscal years 2027 and 2028, to remain available until expended, for the initial organization of the Bank, the Board, and Bank staff.

(2) Repayment of initial appropriations.—Amounts appropriated pursuant to paragraph (1) shall be repaid to the Treasury of the United States not later than 10 years after the first appropriation is made pursuant to such paragraph.

(3) Source of repayment.—Repayment under paragraph (2) shall be made from earnings or other funds lawfully available to the Bank, subject to section 643(e).

Subtitle E—Consumer Financial Protection and Power

SEC. 651. CONSUMER FINANCIAL DATA ACCESS AND OPEN BANKING ENFORCEMENT.

(a) Definitions.—In this section:

(1) Bureau.—The term "Bureau" means the Bureau of Consumer Financial Protection.

(2) Regulatory terms.—Any term used in this section that is defined in [part 1033 of title 12](#), Code of Federal Regulations, as incorporated under subsection (b), has the meaning given the term in that part.

(b) Codification and statutory floor.—

(1) Incorporation.—The provisions codified in [part 1033 of title 12](#), Code of Federal Regulations, by the final rule entitled Required Rulemaking on Personal Financial Data Rights, issued by the Bureau pursuant to section 1033 of the Consumer Financial Protection Act of 2010 ([12 U.S.C. 5533](#)), published in the Federal Register on November 18, 2024 ([89 Fed. Reg. 90838](#)), and in effect on January 17, 2025, are incorporated into this Act and shall be treated as though set forth in this section.

(2) Statutory floor.—The Bureau may prescribe regulations to strengthen, update, or expand any provision incorporated under paragraph (1), but may not rescind, weaken, narrow, or otherwise reduce any protection, duty, prohibition, remedy, or requirement established by such provision.

(c) Compliance dates.—Notwithstanding [section 1033.121\(b\) of title 12](#), Code of Federal Regulations, as incorporated under subsection (b), the requirements of subparts B and C of part 1033 of such title and the duties, prohibitions, liabilities, and remedies under subsections (e) through (h) shall apply to—

(1) a data provider described in section 1033.121(b)(1) of such title beginning 180 days after the date of enactment of this Act;

(2) a data provider described in section 1033.121(b)(2) of such title beginning 1 year after the date of enactment of this Act;