

108TH CONGRESS
2D SESSION

H. R. 4631

To fund capital projects of State and local governments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2004

Mr. KUCINICH (for himself and Mr. LATOURETTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services and Budget, 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 fund capital projects of State and local governments,
and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rebuilding America’s
5 Infrastructure”.

6 **SEC. 2. FINDINGS AND PURPOSES DEFINITIONS.**

7 (a) FINDINGS.—The Congress finds as follows:

1 (1) Citizens chronically complain about the
2 state of America’s public capital—about dilapidated
3 school buildings, condemned highway bridges, con-
4 taminated water supplies, and other shortcomings of
5 the public infrastructure.

6 (2) In addition to inflicting inconvenience and
7 endangering health, the inadequacy of the public in-
8 frastructure adversely affects productivity and the
9 growth of the economy since public investment, pri-
10 vate investment, and productivity are intimately
11 linked.

12 (3) For more than 2 decades, the United States
13 Government has retreated from public investment.

14 (4) State and local governments, albeit to a
15 lesser extent, have also slowed public investments
16 and State and local taxpayers are frequently reluc-
17 tant to approve bond issues to finance public infra-
18 structure.

19 (5) In the early 1970s, nondefense public in-
20 vestment accounted for about 3.2 percent of gross
21 domestic product but it now accounts for only 2.5
22 percent.

23 (6) Widespread neglect of maintenance has con-
24 tributed substantially to the failure of the stock of

1 public capital assets to keep pace with the Nation's
2 needs.

3 (7) Net of depreciation, the real nondefense
4 public capital stock expanded in the past 2 decades
5 at a pace only half that set earlier in the post-World
6 War II period.

7 (8) Evidence of failures to maintain and im-
8 prove infrastructure is seen every day in such prob-
9 lems as unsafe bridges, urban decay, dilapidated and
10 over-crowded schools, and inadequate airports.

11 (9) The State departments of education col-
12 lected data that reveals at least \$300,000,000,000
13 worth of unmet school infrastructure needs.

14 (10) This Act—

15 (A) is designed to help the Nation take a
16 significant step forward both in overcoming its
17 infrastructure deficit and in promoting the pro-
18 ductivity needed to meet the competitive chal-
19 lenges of the 21st century; and

20 (B) represents fiscally sound planning and,
21 in salient ways, advances sound fiscal and mon-
22 etary operations.

23 (b) PURPOSES.—The purposes of this Act are as fol-
24 lows:

1 (1) To provide up to \$50,000,000,000 a year
2 on average for mortgage loans, at zero percent inter-
3 est, to State and local governments for capital in-
4 vestment in types of infrastructure projects specified
5 by Congress in a way that would not affect the con-
6 duct of a sound monetary policy based on price sta-
7 bility.

8 (2) To cut the overall cost of investment in in-
9 frastructure projects about in half, depending on
10 prevailing interest rates, for State and local tax-
11 payers.

12 **SEC. 3. DEFINITIONS.**

13 For purposes of this Act, the following definitions
14 apply:

15 (1) **BANK.**—The term “Bank” means the Fed-
16 eral Bank for Infrastructure Modernization estab-
17 lished under section 4.

18 (2) **BOARD.**—The term “Board” means the
19 Board of Governors of the Federal Reserve System.

20 (3) **DEVELOPMENT.**—The terms “development”
21 and “develop” mean, with respect to an infrastruc-
22 ture facility, any—

23 (A) preconstruction planning, feasibility re-
24 view, permitting and design work, and other
25 preconstruction activities; and

1 (B) construction, reconstruction, rehabili-
2 tation, replacement, or expansion.

3 (4) INDIAN RESERVATION.—The term “Indian
4 reservation” has the same meaning as in section 4
5 of the Indian Child Welfare Act of 1978 (16 U.S.C.
6 1903), and shall include land held by incorporated
7 Native groups, regional corporations, and village cor-
8 porations, as defined in or established pursuant to
9 the Alaska Native Claims Settlement Act, public do-
10 main Indian allotments, and former Indian reserva-
11 tions in the State of Oklahoma.

12 (5) INDIAN TRIBE.—The term “Indian tribe”
13 means any Indian tribe, band, pueblo, nation, or
14 other organized group or community, including any
15 Alaska Native village or regional or village corpora-
16 tion, as defined in or established pursuant to the
17 Alaska Native Claims Settlement Act (43 U.S.C.
18 1601 et seq.), which is recognized as eligible for the
19 special programs and services provided by the
20 United States to Indians because of their status as
21 Indians.

22 (6) INFRASTRUCTURE FACILITY.—The term
23 “infrastructure facility” means a road, highway,
24 bridge, tunnel, airport, mass transportation vehicle
25 or system, passenger or freight rail vehicle or sys-

1 (1) IN GENERAL.—There is hereby established
2 a corporation which shall be known as the Federal
3 Bank for Infrastructure Modernization.

4 (2) STATUS.—The Bank shall be—

5 (A) an instrumentality of the United
6 States Government; and

7 (B) under the general supervision and di-
8 rection of the Secretary of the Treasury.

9 (b) MANAGEMENT.—

10 (1) BOARD OF TRUSTEES.—The management
11 of the Bank shall be vested in the Board of Direc-
12 tors of the Federal Financing Bank.

13 (c) POWERS.—The Bank shall have the following
14 powers:

15 (1) To adopt, alter, and use a corporate seal.

16 (2) To issue nonvoting capital stock in accord-
17 ance with section 5.

18 (3) To enter into contracts and modify, or con-
19 sent to the modification of, any contract or agree-
20 ment to which the Bank is a party or in which the
21 Bank has an interest under this section.

22 (4) To appoint, by the board of directors, such
23 officers and employees as the board of directors de-
24 termines to be necessary to carry out the provisions
25 of this Act, to define their duties, fix their com-

1 pensation, require bonds of them and fix the penalty
2 thereof, and to dismiss at pleasure such officers or
3 employees.

4 (5) To make advance, progress, or other pay-
5 ments.

6 (6) To acquire, hold, lease, mortgage, maintain,
7 or dispose of, at public or private sale, real and per-
8 sonal property, using any legally available private
9 sector methods, and otherwise exercise all the usual
10 incidents of ownership of property necessary and
11 convenient to the operations of the Bank.

12 (7) To sue and be sued in its corporate capacity
13 in any court of competent jurisdiction.

14 (8) To use the United States mails in the same
15 manner and under the same conditions as other de-
16 partments and agencies of the United States.

17 (9) To prescribe bylaws that shall be consistent
18 with law.

19 (10) To make loans in accordance with section
20 7, subject to the requirements of such section.

21 **SEC. 5. CAPITALIZATION OF THE BANK.**

22 (a) ISSUANCE AND SALE OF STOCK.—The Bank
23 may—

24 (1) issue nonvoting capital stock under section
25 4(c)(2) only at such times and in such amounts as—

1 (A) the Secretary determines to be appro-
2 priate for the issuance of such stock; and

3 (B) the Board determines to be appro-
4 priate for the purchase of such stock; and

5 (2) sell such stock only to the Board or, at the
6 Board's direction, a Federal reserve bank.

7 (b) PURCHASE OF CAPITAL STOCK BY FEDERAL RE-
8 SERVE BOARD.—

9 (1) IN GENERAL.—During the 10-year period
10 beginning on the first day of the first fiscal year
11 that begins after the date of the enactment of this
12 Act, and subject to subsection (c) and the direction
13 of the Federal Open Market Committee, the Board
14 of Governors of the Federal Reserve System, acting
15 directly or through any Federal reserve bank, shall
16 invest in nonvoting capital stock of the Bank at such
17 times and in such amounts as the Board determines
18 to be appropriate under this section.

19 (2) AVERAGE ANNUAL INVESTMENT AMOUNT.—
20 The amount invested by the Board in the capital
21 stock of the Bank under this subsection shall aver-
22 age \$50,000,000,000 a year over the 10-year period
23 of investment in the Bank described in paragraph
24 (1).

1 (c) INTEGRATION OF STOCK PURCHASES INTO
2 OPEN-MARKET OPERATIONS.—

3 (1) IN GENERAL.—The investment of the Board
4 in stock of the Bank under this section shall be inte-
5 grated into the open-market operations of the Fed-
6 eral Open Market Committee under section 12A of
7 the Federal Reserve Act (12 U.S.C. 263) and the di-
8 rections of the Federal Open Market Committee to
9 the Federal reserve banks with regard to open-mar-
10 ket operations shall take into account, and may in-
11 clude directions with regard to, any such investment.

12 (2) TREATMENT OF STOCK.—Capital stock of
13 the Bank shall be treated as obligations of an agen-
14 cy of the United States for purposes of section
15 14(b)(2) of the Federal Reserve Act (12 U.S.C.
16 355).

17 (d) USE OF CAPITAL.—The capital of the Bank may
18 be used only for making loans under section 7.

19 (e) RETIREMENT OF STOCK.—Nonvoting stock
20 issued under this section shall be repurchased and retired
21 from amount received from the repayment of loans under
22 section 7.

23 **SEC. 6. BUDGET TREATMENT.**

24 (a) NONAPPLICABILITY OF PROVISIONS APPLICABLE
25 TO RECEIPT AND EXPENDITURES OF REVENUE AND BOR-

1 ROWED FUNDS.—For purposes of title 31, United States
2 Code, the Congressional Budget and Impoundment Con-
3 trol Act of 1974, the Balanced Budget and Emergency
4 Deficit Control Act of 1985, the Budget Enforcement Act
5 of 1990, or any other provision of law—

6 (1) amounts received by the Bank in connection
7 with the sale of stock pursuant to section 5 shall not
8 be treated as revenue when it is received or made
9 available to the Bank nor shall it be treated as rev-
10 enue by the Bank or by the Secretary of the Treas-
11 ury when the loans referred to in section 7 are re-
12 paid;

13 (2) the purchase or sale of stock pursuant to
14 section 5 and the interest-free loan program estab-
15 lished under section 7—

16 (A) shall not be treated as budget author-
17 ity, new budget authority, budgetary resources,
18 spending authority, new spending authority, en-
19 titlement authority, or credit authority;

20 (B) shall not be subject to apportionment
21 or sequestration other than in accordance with
22 the provisions of sections 4, 5, and 7; and

23 (C) shall not be taken into account in the
24 determination of the baseline for any fiscal
25 year; and

1 (3) the disbursement of money paid by the
2 Board or received by the Bank in connection with
3 the purchase or sale of stock pursuant to section 5
4 shall not be treated as an outlay or a budget outlay.

5 (b) **EXPENDITURE OF TAX REVENUE OR BORROWED**
6 **FUNDS NOT AUTHORIZED.**—No provision of this Act shall
7 be construed as authorizing the expenditure of funds de-
8 rived from revenues imposed and collected by the United
9 States Government under any provision of law or from
10 amounts borrowed by the United States Government pur-
11 suant to chapter 31 of title 31, United States Code, or
12 any other provision of law.

13 **SEC. 7. ISSUANCE OF INFRASTRUCTURE LOANS.**

14 (a) **IN GENERAL.**—The Bank may make loans to eli-
15 gible borrowers for the development of infrastructure fa-
16 cilities, if the Bank obtains such assurances as the Bank
17 determines to be appropriate from the borrower that—

18 (1) the funding of the project by the Bank was
19 approved by—

20 (A) a State certifying officer, in the case of
21 an infrastructure facility development project
22 proposed by a governmental unit within such
23 State;

1 (B) the Secretary of the Interior, in the
2 case of a project proposed by an Indian tribe;
3 or

4 (C) the State certifying officer of each
5 State involved, in the case of an infrastructure
6 facility development project proposed by a re-
7 gional or multistate organization;

8 (2) the proceeds of such loan will be used solely
9 for the purpose of funding the development of any
10 infrastructure facility;

11 (3) the borrower will establish and maintain
12 over the life of the loan a sinking fund or other am-
13 ortizing mechanism that would ensure that the re-
14 payment of the principal of the loan will be made in
15 accordance with the repayment schedule contained in
16 the loan documents; and

17 (4) the Bank will have full access to such books
18 and records of the borrower as the Bank may, from
19 time to time, determine to be necessary to audit the
20 borrower's compliance with the terms and conditions
21 of the loan.

22 (b) NO INTEREST.—Any loan made under this Act
23 shall bear no interest.

24 (c) LOAN REQUIREMENTS.—

1 (1) AGGREGATE ANNUAL LOAN AMOUNTS.—The
2 aggregate amount of loan commitments made by the
3 Bank in any year shall equal the amount of the in-
4 vestment by the Board in the capital stock of the
5 Bank in such year.

6 (2) INVESTMENT IN PUBLIC SCHOOL INFRA-
7 STRUCTURE.—The Secretary shall set up lending
8 guidelines for loans under this section to ensure that
9 20 percent of the total amount of all loans made to
10 States, units of general local government, or Indian
11 reservations are dedicated to investment in public
12 school infrastructure and facilities or other public
13 educational facilities.

14 (d) ALLOCATION FORMULA.—

15 (1) IN GENERAL.—The Secretary shall establish
16 an allocation formula, on the basis of the total popu-
17 lation of each State and Indian reservation, to deter-
18 mine the manner in which the total amount of loan
19 disbursements which may be made in any year shall
20 be allocated among the States and Indian tribes.

21 (2) REGIONAL OR MULTISTATE ORGANIZA-
22 TION.—In developing an allocation formula, the Sec-
23 retary shall provide for the allocation of loans to re-
24 gional or multistate organizations through appro-
25 priate adjustments of allocated amounts to the

1 States which established any such regional or
2 multistate organization.

3 **SEC. 8. BORROWER ELIGIBILITY.**

4 (a) IN GENERAL.—Subject to subsections (b) and (c),
5 any State, any unit of general local government of a State,
6 any Indian tribe, and any regional or multistate organiza-
7 tion shall be eligible to borrow from the Bank under this
8 Act to fund the development of infrastructure facilities.

9 (b) STATE CERTIFYING OFFICER.—No loans may be
10 made to any State or any unit of general local government
11 of any State, or to any regional or multistate organization
12 to which such State is a party, unless the State has au-
13 thorized an officer of the State to—

14 (1) review all proposals by any officer or agency
15 of the State or any unit of general local government
16 to develop an infrastructure facility for which fund-
17 ing is sought from the Bank;

18 (2) select and approve the proposals which meet
19 the requirements of this Act for funding by the
20 Bank consistent with the allocation formula estab-
21 lished by the Secretary of the Treasury, including
22 requirements of the Bank with regard to—

23 (A) the establishment of sinking funds or
24 other amortizing mechanisms to ensure timely
25 repayment of any loan; and

1 (B) the auditing of the books and records
2 of the recipient of the loan; and

3 (3) ensure that—

4 (A) all proposals are financially respon-
5 sible; and

6 (B) proposing parties have not previously
7 defaulted on any loan by the Bank under this
8 Act.

9 (c) SECRETARY OF THE INTERIOR.—No loans may
10 be made to any Indian tribe unless the Secretary of the
11 Interior undertakes to—

12 (1) review all proposals by any Indian tribe to
13 develop an infrastructure facility for which funding
14 is sought from the Bank; and

15 (2) select and approve the proposals which meet
16 the requirements of this Act for funding by the
17 Bank consistent with the allocation formula estab-
18 lished by the Secretary of the Treasury, including
19 requirements of the Bank with regard to—

20 (A) the establishment of sinking funds or
21 other amortizing mechanisms to ensure timely
22 repayment of any loan; and

23 (B) the auditing of the books and records
24 of the recipient of a loan.

1 **SEC. 9. MADE IN AMERICA.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) Illegal steel dumping in domestic steel mar-
4 kets has eroded the market for domestic steel.

5 (2) The result of this erosion of the domestic
6 steel market has been the recent string of bank-
7 ruptcies and mill closings of steel companies.

8 (3) Thousands of steel workers have lost their
9 jobs as a result of the bankruptcies and mill clos-
10 ings.

11 (4) There are precedents for requirements that
12 domestic steel and iron products be used in cases
13 where Federal monies are involved in infrastructure
14 projects.

15 (b) BUY AMERICA.—

16 (1) IN GENERAL.—No loan may be issued for
17 any infrastructure facility development project un-
18 less the Bank receives assurances from the appro-
19 priate State certifying officer described in subsection
20 (a)(1) or the Secretary of the Interior, as the case
21 may be, that the project meets the requirements of
22 the Buy America Act.

23 (2) REGULATIONS.—The Secretary shall pre-
24 scribe such regulations as the Secretary determines
25 appropriate to carry out this section.

1 (3) IRON AND STEEL PRODUCTS.—If any iron
2 or steel product is involved in any infrastructure fa-
3 cility development project, such product does not
4 meet the requirement of this section unless all man-
5 ufacturing processes involved in the production of
6 such product, including the application of any coat-
7 ing, have taken place within the United States.

8 **SEC. 10. LABOR STANDARDS.**

9 (a) IN GENERAL.—All laborers and mechanics em-
10 ployed by contractors or subcontractors in the perform-
11 ance of any contract and subcontract for the construction,
12 repair, renovation, or alteration, including painting and
13 decorating, of any infrastructure facility development
14 project that is financed in whole or in part by a loan under
15 this Act, shall be paid wages not less than those deter-
16 mined by the Secretary of Labor in accordance with the
17 Act of March 3, 1931 (commonly known as the Davis-
18 Bacon Act, 40 U.S.C. 276a—276a-5). The Secretary of
19 Labor shall have the authority and functions set forth in
20 Reorganization Plan of No. 14 of 1950 (64 Stat. 1267)
21 and section 2 of the Act of June 1, 1934 (commonly
22 known as the Copeland Anti-Kickback Act) (40 U.S.C.
23 276c).

24 (b) VOLUNTARY PROJECT LABOR AGREEMENTS.—

1 (1) IN GENERAL.—Any eligible borrower, as de-
2 fined in section 8 of this Act, may require that every
3 contractor or subcontractor on a project assisted by
4 a loan under this Act agree, for that project only,
5 to negotiate or become a party to a project labor
6 agreement with 1 or more appropriate labor organi-
7 zations. The borrower has complete discretion
8 whether to include such a requirement—

9 (A) where a project labor agreement will
10 advance the procurement interest of the bor-
11 rower in cost, efficiency, and quality and in pro-
12 moting labor-management stability as well as
13 compliance with applicable legal requirements
14 governing safety and health, equal employment
15 opportunity, labor and employment standards,
16 and other matters; and

17 (B) where no laws applicable to the specific
18 construction project preclude the use of the pro-
19 posed project labor agreement.

20 (2) REQUIREMENTS.—Any project labor agree-
21 ment reached pursuant to this section—

22 (A) shall bind all contractors and sub-
23 contractors on the construction project through
24 the inclusion of appropriate clauses in all rel-

1 evant solicitation provisions and contract docu-
2 ments;

3 (B) shall allow all contractors and sub-
4 contractors wishing to compete for contracts
5 and subcontracts on the project to do so, with-
6 out discrimination against contractors, sub-
7 contractors, or employees based on union or
8 nonunion status;

9 (C) shall contain guarantees against
10 strikes, lockouts, and similar work disruptions;

11 (D) shall set forth effective, prompt, and
12 mutually binding procedures for resolving labor
13 disputes arising during the project;

14 (E) shall provide other mechanisms for
15 labor-management cooperation on matters of
16 mutual interest and concern, including produc-
17 tivity, quality of work, safety, and health; and

18 (F) shall fully conform to all applicable
19 statutes and regulations.

20 (3) VOLUNTARY AGREEMENTS.—No provision
21 of this section may be construed as—

22 (A) requiring a borrower to use a project
23 labor agreement on any project;

1 (B) precluding use of a project labor
2 agreement in circumstances not covered under
3 this section; or

4 (C) requiring contractors to enter into a
5 project labor agreement with any particular
6 labor organization.

7 (c) **RULE OF CONSTRUCTION.**—No provision of this
8 section may be construed as creating any right or benefit,
9 substantive or procedural, enforceable by a non-Federal
10 party against the United States, its departments, agencies
11 or instrumentalities, its officers or employees, or any other
12 person, including the borrower.

13 **SEC. 11. ADMINISTRATIVE PROVISIONS.**

14 (a) **MINIMUM PHASE-IN PERIOD.**—Loans made
15 under section 7 shall be disbursed by the Bank imme-
16 diately or over the construction or development period of
17 the project as needed so as to accommodate more loan
18 requests. The payout in any given year shall be no less
19 than 20 percent of the total amount authorized.

20 (b) **PERIOD TO MATURITY.**—The period to maturity
21 of any loan made under section 7 shall not be less than
22 10 years nor more than 30 years, at the discretion of the
23 borrower, but may be paid earlier.

24 (c) **ADMINISTRATIVE FEES.**—The Bank shall impose
25 an administrative fee of not more than one-quarter of 1

1 percent on each recipient of a loan, sufficient to cover ad-
2 ministrative costs incurred by the Bank, including over-
3 head, in administering such loan.

4 (d) COLLECTION OF PRINCIPAL AND FEES.—The
5 Bank shall enforce collection of any loan in which 2 or
6 more payments are due and payable. To that end, the
7 Bank shall be empowered to enter Federal district court
8 to seek an order to attach property of the borrower, up
9 to the amount necessary to end the delinquency. The cost
10 of collection shall be added to the balance of the loan. The
11 borrower shall continue to make semiannual payments of
12 the same amount until the entire balance, including fees,
13 is paid.

14 **SEC. 12. ABOLISHMENT OF BANK.**

15 (a) WINDING UP OPERATIONS.—The Bank shall
16 wind up the affairs of the Bank during the 6-month period
17 ending on the date the last outstanding loan issued by the
18 Bank under this Act is repaid.

19 (b) BANK ABOLISHED.—Effective at the end of the
20 30-day period beginning on the date described in sub-
21 section (a), the Bank is hereby abolished.

○