

105TH CONGRESS
1ST SESSION

S. 963

To establish a transportation credit assistance pilot program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 1997

Mr. CHAFEE (for himself, Mr. GRAHAM, Mrs. BOXER, Mr. BENNETT, Mr. HATCH, and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a transportation credit assistance pilot program,
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 “Transportation Infra-
5 structure Finance and Innovation Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) a well-developed system of transportation
9 infrastructure is critical to the economic well-being,

1 health, and welfare of the people of the United
2 States;

3 (2) traditional public funding techniques such
4 as grant programs are unable to keep pace with the
5 infrastructure investment needs of the United States
6 because of budgetary constraints at the Federal,
7 State, and local levels of government;

8 (3) major transportation infrastructure facilities
9 that address critical national needs, such as inter-
10 modal facilities, border crossings, and multistate
11 trade corridors, are of a scale that exceeds the ca-
12 pacity of Federal and State assistance programs in
13 effect on the date of enactment of this Act;

14 (4) new investment capital can be attracted to
15 infrastructure projects that are capable of generat-
16 ing their own revenue streams through user charges
17 or other dedicated funding sources; and

18 (5) a Federal credit program for projects of na-
19 tional significance can complement existing funding
20 resources by filling market gaps, thereby leveraging
21 substantial private co-investment.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) **ELIGIBLE PROJECT COSTS.**—The term “eli-
25 gible project costs” means amounts substantially all

1 of which are paid by, or for the account of, an obli-
2 gor in connection with a project, including the cost
3 of—

4 (A) development phase activities, including
5 planning, feasibility analysis, revenue forecast-
6 ing, environmental review, permitting, prelimi-
7 nary engineering and design work, and other
8 preconstruction activities;

9 (B) construction, reconstruction, rehabili-
10 tation, replacement, and acquisition of real
11 property (including land related to the project
12 and improvements to land), environmental miti-
13 gation, construction contingencies, and acquisi-
14 tion of equipment; and

15 (C) interest during construction, reason-
16 ably required reserve funds, capital issuance ex-
17 penses, and other carrying costs during con-
18 struction.

19 (2) FEDERAL CREDIT INSTRUMENT.—The term
20 “Federal credit instrument” means a secured loan,
21 loan guarantee, or line of credit authorized to be
22 made available under this Act with respect to a
23 project.

24 (3) LENDER.—The term “lender” means any
25 non-Federal qualified institutional buyer (as defined

1 in section 230.144A(a) of title 17, Code of Federal
 2 Regulations (or any successor regulation), known as
 3 Rule 144A(a) of the Securities and Exchange Com-
 4 mission and issued under the Securities Act of 1933
 5 (15 U.S.C. 77a et seq.), including—

6 (A) a qualified retirement plan (as defined
 7 in section 4974(c) of the Internal Revenue Code
 8 of 1986) that is a qualified institutional buyer;
 9 and

10 (B) a governmental plan (as defined in
 11 section 414(d) of the Internal Revenue Code of
 12 1986) that is a qualified institutional buyer.

13 (4) LINE OF CREDIT.—The term “line of cred-
 14 it” means an agreement entered into by the Sec-
 15 retary with an obligor under section 6 to provide a
 16 direct loan at a future date upon the occurrence of
 17 certain events.

18 (5) LOAN GUARANTEE.—The term “loan guar-
 19 antee” means any guarantee or other pledge by the
 20 Secretary to pay all or part of the principal of and
 21 interest on a loan or other debt obligation issued by
 22 an obligor and funded by a lender.

23 (6) LOCAL SERVICER.—The term “local
 24 servicer” means—

1 (A) a State infrastructure bank established
2 under title 23, United States Code; or

3 (B) a State or local government or any
4 agency of a State or local government that is
5 responsible for servicing a Federal credit instru-
6 ment on behalf of the Secretary.

7 (7) OBLIGOR.—The term “obligor” means a
8 party primarily liable for payment of the principal of
9 or interest on a Federal credit instrument, which
10 party may be a corporation, partnership, joint ven-
11 ture, trust, or governmental entity, agency, or in-
12 strumentality.

13 (8) PROJECT.—The term “project” means any
14 surface transportation facility eligible for Federal as-
15 sistance under title 23 or chapter 53 of title 49,
16 United States Code.

17 (9) PROJECT OBLIGATION.—The term “project
18 obligation” means any note, bond, debenture, or
19 other debt obligation issued by an obligor in connec-
20 tion with the financing of a project, other than a
21 Federal credit instrument.

22 (10) SECURED LOAN.—The term “secured
23 loan” means a direct loan or other debt obligation
24 issued by an obligor and funded by the Secretary in

1 connection with the financing of a project under sec-
 2 tion 5.

3 (11) STATE.—The term “State” has the mean-
 4 ing given the term in section 101(a) of title 23,
 5 United States Code.

6 (12) SUBSTANTIAL COMPLETION.—The term
 7 “substantial completion” means the opening of a
 8 project to vehicular or passenger traffic.

9 **SEC. 4. DETERMINATION OF ELIGIBILITY AND PROJECT SE-**
 10 **LECTION.**

11 (a) ELIGIBILITY.—To be eligible to receive financial
 12 assistance under this Act, a project shall meet the follow-
 13 ing criteria:

14 (1) INCLUSION IN TRANSPORTATION PLANS
 15 AND PROGRAMS.—The project—

16 (A) shall be included in the State transpor-
 17 tation plan required under section 135 of title
 18 23, United States Code; and

19 (B) at such time as an agreement to make
 20 available a Federal credit instrument is entered
 21 into under this Act, shall be included in the ap-
 22 proved State transportation improvement pro-
 23 gram required under section 134 of that title.

24 (2) APPLICATION.—A State, a local servicer
 25 identified under section 7(a), or the entity undertak-

1 ing the project shall submit a project application to
2 the Secretary.

3 (3) ELIGIBLE PROJECT COSTS.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), to be eligible for assistance
6 under this Act, a project shall have eligible
7 project costs that are reasonably anticipated to
8 equal or exceed the lesser of—

9 (i) \$100,000,000; or

10 (ii) 50 percent of the amount of Fed-
11 eral-aid highway funds apportioned for the
12 most recently-completed fiscal year under
13 title 23, United States Code, to the State
14 in which the project is located.

15 (B) INTELLIGENT TRANSPORTATION SYS-
16 TEM PROJECTS.—In the case of a project in-
17 volving the installation of an intelligent trans-
18 portation system, eligible project costs shall be
19 reasonably anticipated to equal or exceed
20 \$30,000,000.

21 (4) DEDICATED REVENUE SOURCES.—Project
22 financing shall be repayable in whole or in part by
23 user charges or other dedicated revenue sources.

24 (5) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
25 TIES.—In the case of a project that is undertaken

1 by an entity that is not a State or local government
2 or an agency or instrumentality of a State or local
3 government, the project that the entity is undertak-
4 ing shall be publicly sponsored as provided in para-
5 graphs (1) and (2).

6 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

7 (1) ESTABLISHMENT.—The Secretary shall es-
8 tablish criteria for selecting among projects that
9 meet the eligibility criteria specified in subsection
10 (a).

11 (2) INCLUDED CRITERIA.—The selection cri-
12 teria shall include the following:

13 (A) The extent to which the project is na-
14 tionally or regionally significant, in terms of
15 generating economic benefits, supporting inter-
16 national commerce, or otherwise enhancing the
17 national transportation system. Specific factors
18 determining national significance shall include
19 the extent to which the project—

20 (i) is part of the National Highway
21 System and related connectors as specified
22 in section 103(b) of title 23, United States
23 Code;

24 (ii) promotes regional, interstate, or
25 international commerce;

1 (iii) enables United States manufac-
2 turers to deliver their goods to domestic
3 and foreign markets in a more timely, cost-
4 effective manner;

5 (iv) stimulates new economic activity
6 and job creation;

7 (v) reduces traffic congestion, thereby
8 increasing workforce productivity; and

9 (vi) protects and enhances the envi-
10 ronment, including by enhancing air qual-
11 ity through the reduction of congestion and
12 decreased fuel and oil consumption.

13 (B) The creditworthiness of the project, in-
14 cluding a determination by the Secretary that
15 any financing for the project has appropriate
16 security features, such as a rate covenant, to
17 ensure repayment. The Secretary shall require
18 each project applicant to provide a preliminary
19 rating opinion letter from a nationally recog-
20 nized bond rating agency.

21 (C) The extent to which assistance under
22 this Act would foster innovative public-private
23 partnerships and attract private debt or equity
24 investment.

1 (D) The likelihood that assistance under
2 this Act would enable the project to proceed at
3 an earlier date than the project would otherwise
4 be able to proceed.

5 (E) The extent to which the project uses
6 new technologies, including intelligent transpor-
7 tation systems, that enhance the efficiency of
8 the project.

9 (F) The amount of budget authority re-
10 quired to fund the Federal credit instrument
11 made available under this Act.

12 (c) FEDERAL REQUIREMENTS.—The following provi-
13 sions of law shall apply to funds made available under this
14 Act and projects assisted with the funds:

15 (1) Section 113 of title 23, United States Code.

16 (2) Title VI of the Civil Rights Act of 1964 (42
17 U.S.C. 2000d et seq.).

18 (3) The National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.).

20 (4) The Uniform Relocation Assistance and
21 Real Property Acquisition Policies Act of 1970 (42
22 U.S.C. 4601 et seq.).

23 (5) Section 5333 of title 49, United States
24 Code.

1 **SEC. 5. SECURED LOANS.**

2 (a) IN GENERAL.—

3 (1) AGREEMENTS.—Subject to paragraphs (2)
4 and (3), the Secretary may enter into agreements
5 with 1 or more obligors to make secured loans, the
6 proceeds of which shall be used—

7 (A) to finance eligible project costs; or

8 (B) to refinance interim construction fi-
9 nancing of eligible project costs;
10 of any project selected under section 4.

11 (2) LIMITATION ON REFINANCING OF INTERIM
12 CONSTRUCTION FINANCING.—A loan under para-
13 graph (1) shall not refinance interim construction fi-
14 nancing under paragraph (1)(B) later than 1 year
15 after the date of substantial completion of the
16 project.

17 (3) AUTHORIZATION PERIOD.—The Secretary
18 may enter into a loan agreement during any of fiscal
19 years 1998 through 2003.

20 (b) TERMS AND LIMITATIONS.—

21 (1) IN GENERAL.—A secured loan under this
22 section with respect to a project shall be on such
23 terms and conditions and contain such covenants,
24 representations, warranties, and requirements (in-
25 cluding requirements for audits) as the Secretary de-
26 termines appropriate.

1 (2) MAXIMUM AMOUNT.—The amount of the se-
2 cured loan shall not exceed 33 percent of the reason-
3 ably anticipated eligible project costs.

4 (3) PAYMENT.—The secured loan—

5 (A) shall be payable, in whole or in part,
6 from revenues generated by any rate covenant,
7 coverage requirement, or similar security fea-
8 ture supporting the project obligations or from
9 a dedicated revenue stream; and

10 (B) may have a lien on revenues described
11 in subparagraph (A) subject to any lien secur-
12 ing project obligations.

13 (4) INTEREST RATE.—The interest rate on the
14 secured loan shall be equal to the yield on market-
15 able United States Treasury securities of a similar
16 maturity to the maturity of the secured loan on the
17 date of execution of the loan agreement.

18 (5) MATURITY DATE.—The final maturity date
19 of the secured loan shall be not later than 35 years
20 after the date of substantial completion of the
21 project.

22 (6) NONSUBORDINATION.—The secured loan
23 shall not be subordinated to the claims of any holder
24 of project obligations in the event of bankruptcy, in-
25 solvency, or liquidation of the obligor.

1 (7) FEES.—The Secretary may establish fees at
2 a level sufficient to cover the costs to the Federal
3 Government of making a secured loan under this
4 section.

5 (c) REPAYMENT.—

6 (1) SCHEDULE.—The Secretary shall establish
7 a repayment schedule for each secured loan under
8 this section based on the projected cash flow from
9 project revenues and other repayment sources.

10 (2) COMMENCEMENT.—Scheduled loan repay-
11 ments of principal or interest on a secured loan
12 under this section shall commence not later than 5
13 years after the date of substantial completion of the
14 project.

15 (3) SOURCES OF REPAYMENT FUNDS.—The
16 sources of funds for scheduled loan repayments
17 under this section shall include tolls, user fees, or
18 other dedicated revenue sources.

19 (4) DEFERRED PAYMENTS.—

20 (A) AUTHORIZATION.—If, at any time dur-
21 ing the 10 years after the date of substantial
22 completion of the project, the project is unable
23 to generate sufficient revenues to pay scheduled
24 principal and interest on the secured loan, the
25 Secretary may, pursuant to established criteria

1 for the project agreed to by the entity under-
 2 taking the project and the Secretary, allow the
 3 obligor to add unpaid principal and interest to
 4 the outstanding balance of the secured loan.

5 (B) INTEREST.—Any payment deferred
 6 under subparagraph (A) shall—

7 (i) continue to accrue interest in ac-
 8 cordance with subsection (b)(4) until fully
 9 repaid; and

10 (ii) be scheduled to be amortized over
 11 the remaining term of the loan beginning
 12 not later than 10 years after the date of
 13 substantial completion of the project in ac-
 14 cordance with paragraph (1).

15 (5) PREPAYMENT.—

16 (A) USE OF EXCESS REVENUES.—Any ex-
 17 cess revenues that remain after satisfying
 18 scheduled debt service requirements on the
 19 project obligations and secured loan and all de-
 20 posit requirements under the terms of any trust
 21 agreement, bond resolution, or similar agree-
 22 ment securing project obligations may be ap-
 23 plied annually to prepay the secured loan with-
 24 out penalty.

1 (B) USE OF PROCEEDS OF REFINANC-
 2 ING.—The secured loan may be prepaid at any
 3 time without penalty from the proceeds of refi-
 4 nancing from non-Federal funding sources.

5 (d) SALE OF SECURED LOANS.—As soon as prac-
 6 ticable after substantial completion of a project, the Sec-
 7 retary shall sell to another entity or reoffer into the capital
 8 markets a secured loan for the project if the Secretary
 9 determines that the sale or reoffering can be made on fa-
 10 vorable terms.

11 (e) LOAN GUARANTEES.—

12 (1) IN GENERAL.—The Secretary may provide a
 13 loan guarantee to a lender in lieu of making a se-
 14 cured loan if the Secretary determines that the
 15 budgetary cost of the loan guarantee is substantially
 16 the same as that of a secured loan.

17 (2) TERMS.—The terms of a guaranteed loan
 18 shall be consistent with the terms set forth in this
 19 section for a secured loan, except that the rate on
 20 the guaranteed loan and any prepayment features
 21 shall be negotiated between the obligor and the lend-
 22 er, with the consent of the Secretary.

23 **SEC. 6. LINES OF CREDIT.**

24 (a) IN GENERAL.—

1 (1) AGREEMENTS.—The Secretary may enter
 2 into agreements to make available lines of credit to
 3 1 or more obligors in the form of direct loans to be
 4 made by the Secretary at future dates on the occur-
 5 rence of certain events for any project selected under
 6 section 4.

7 (2) USE OF PROCEEDS.—The proceeds of a line
 8 of credit made available under this section shall be
 9 available to pay debt service on project obligations
 10 issued to finance eligible project costs, extraordinary
 11 repair and replacement costs, operation and mainte-
 12 nance expenses, and costs associated with unex-
 13 pected Federal or State environmental restrictions.

14 (b) TERMS AND LIMITATIONS.—

15 (1) IN GENERAL.—A line of credit under this
 16 section with respect to a project shall be on such
 17 terms and conditions and contain such covenants,
 18 representations, warranties, and requirements (in-
 19 cluding requirements for audits) as the Secretary de-
 20 termines appropriate.

21 (2) MAXIMUM AMOUNTS.—

22 (A) TOTAL AMOUNT.—The total amount of
 23 the line of credit shall not exceed 33 percent of
 24 the reasonably anticipated eligible project costs.

1 (B) ONE-YEAR DRAWS.—The amount
2 drawn in any 1 year shall not exceed 20 percent
3 of the total amount of the line of credit.

4 (3) DRAWS.—Any draw on the line of credit
5 shall represent a direct loan and shall be made only
6 if net revenues from the project (including capital-
7 ized interest, any debt service reserve fund, and any
8 other available reserve) are insufficient to pay debt
9 service on project obligations.

10 (4) INTEREST RATE.—The interest rate on a
11 direct loan resulting from a draw on the line of cred-
12 it shall be equal to the yield on 30-year marketable
13 United States Treasury securities as of the date on
14 which the line of credit is obligated.

15 (5) SECURITY.—The line of credit—

16 (A) shall be made available only in connec-
17 tion with a project obligation secured, in whole
18 or in part, by a rate covenant, coverage require-
19 ment, or similar security feature or from a
20 dedicated revenue stream; and

21 (B) may have a lien on revenues described
22 in subparagraph (A) subject to any lien secur-
23 ing project obligations.

24 (6) PERIOD OF AVAILABILITY.—The line of
25 credit shall be available during the period beginning

1 on the date of substantial completion of the project
2 and ending not later than 10 years after that date.

3 (7) RIGHTS OF THIRD PARTY CREDITORS.—

4 (A) AGAINST FEDERAL GOVERNMENT.—A
5 third party creditor of the obligor shall not have
6 any right against the Federal Government with
7 respect to any draw on the line of credit.

8 (B) ASSIGNMENT.—An obligor may assign
9 the line of credit to 1 or more lenders or to a
10 trustee on the lenders' behalf.

11 (8) NONSUBORDINATION.—A direct loan under
12 this section shall not be subordinated to the claims
13 of any holder of project obligations in the event of
14 bankruptcy, insolvency, or liquidation of the obligor.

15 (9) FEES.—The Secretary may establish fees at
16 a level sufficient to cover the costs to the Federal
17 Government of providing a line of credit under this
18 section.

19 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-
20 MENTS.—A line of credit under this section shall not
21 be issued for a project with respect to which another
22 Federal credit instrument under this Act is made
23 available.

24 (c) REPAYMENT.—

1 (1) SCHEDULE.—The Secretary shall establish
 2 a repayment schedule for each direct loan under this
 3 section based on the projected cash flow from project
 4 revenues and other repayment sources.

5 (2) TIMING.—All scheduled repayments of prin-
 6 cipal or interest on a direct loan under this section
 7 shall commence not later than 5 years after substan-
 8 tial completion of the project and be fully repaid,
 9 with interest, by the date that is 20 years after the
 10 end of the period of availability specified in sub-
 11 section (b)(6).

12 (3) SOURCES OF REPAYMENT FUNDS.—The
 13 sources of funds for scheduled loan repayments
 14 under this section shall include tolls, user fees, or
 15 other dedicated revenue sources.

16 **SEC. 7. PROJECT SERVICING.**

17 (a) REQUIREMENT.—The State in which a project
 18 that receives financial assistance under this Act is located
 19 may identify a local servicer to assist the Secretary in
 20 servicing the Federal credit instrument made available
 21 under this Act.

22 (b) AGENCY; FEES.—If a State identifies a local
 23 servicer under subsection (a), the local servicer—

24 (1) shall act as the agent for the Secretary; and

1 (2) may receive a servicing fee, subject to ap-
2 proval by the Secretary.

3 (c) LIABILITY.—A local servicer identified under sub-
4 section (a) shall not be liable for the obligations of the
5 obligor to the Secretary or any lender.

6 (d) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
7 retary may retain the services of expert firms in the field
8 of municipal and project finance to assist in the underwrit-
9 ing and servicing of Federal credit instruments.

10 **SEC. 8. OFFICE OF INFRASTRUCTURE FINANCE.**

11 (a) DUTIES OF THE SECRETARY.—Section 301 of
12 title 49, United States Code, is amended—

13 (1) in paragraph (7), by striking “and” at the
14 end;

15 (2) in paragraph (8), by striking the period at
16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(9) develop and coordinate Federal policy on
19 financing transportation infrastructure, including
20 the provision of direct Federal credit assistance and
21 other techniques used to leverage Federal transpor-
22 tation funds.”.

23 (b) OFFICE OF INFRASTRUCTURE FINANCE.—

1 (1) IN GENERAL.—Chapter 1 of title 49, United
2 States Code, is amended by adding at the end the
3 following:

4 **“§ 113. Office of Infrastructure Finance**

5 “(a) ESTABLISHMENT.—The Secretary of Transpor-
6 tation shall establish within the Office of the Secretary
7 an Office of Infrastructure Finance.

8 “(b) DIRECTOR.—The Office shall be headed by a Di-
9 rector who shall be appointed by the Secretary not later
10 than 180 days after the date of enactment of this section.

11 “(c) FUNCTIONS.—The Director shall be responsible
12 for—

13 “(1) carrying out the responsibilities of the Sec-
14 retary described in section 301(9);

15 “(2) carrying out research on financing trans-
16 portation infrastructure, including educational pro-
17 grams and other initiatives to support Federal,
18 State, and local government efforts; and

19 “(3) providing technical assistance to Federal,
20 State, and local government agencies and officials to
21 facilitate the development and use of alternative
22 techniques for financing transportation infrastruc-
23 ture.”.

1 (2) CONFORMING AMENDMENT.—The analysis
 2 for chapter 1 of title 49, United States Code, is
 3 amended by adding at the end the following:

“113. Office of Infrastructure Finance.”.

4 **SEC. 9. STATE AND LOCAL PERMITS.**

5 The provision of financial assistance under this Act
 6 with respect to a project shall not—

7 (1) relieve any recipient of the assistance of any
 8 obligation to obtain any required State or local per-
 9 mit or approval with respect to the project;

10 (2) limit the right of any unit of State or local
 11 government to approve or regulate any rate of re-
 12 turn on private equity invested in the project; or

13 (3) otherwise supersede any State or local law
 14 (including any regulation) applicable to the construc-
 15 tion or operation of the project.

16 **SEC. 10. REGULATIONS.**

17 The Secretary may issue such regulations as the Sec-
 18 retary determines appropriate to carry out this Act and
 19 the amendments made by this Act.

20 **SEC. 11. FUNDING.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There shall be available
 23 from the Highway Trust Fund (other than the Mass
 24 Transit Account) to carry out this Act—

25 (A) \$40,000,000 for fiscal year 1998;

- 1 (B) \$60,000,000 for fiscal year 1999;
 2 (C) \$100,000,000 for fiscal year 2000;
 3 (D) \$150,000,000 for fiscal year 2001;
 4 (E) \$200,000,000 for fiscal year 2002; and
 5 (F) \$250,000,000 for fiscal year 2003.

6 (2) AVAILABILITY.—Amounts made available
 7 under paragraph (1) shall remain available until ex-
 8 pended.

9 (b) CONTRACT AUTHORITY.—Notwithstanding any
 10 other provision of law, approval by the Secretary of a Fed-
 11 eral credit instrument that uses funds made available
 12 under this Act shall be deemed to be acceptance by the
 13 United States of a contractual obligation to fund the Fed-
 14 eral credit instrument.

15 (c) LIMITATIONS ON CREDIT AMOUNTS.—For each
 16 of fiscal years 1998 through 2003, principal amounts of
 17 Federal credit instruments made available under this Act
 18 shall be limited to the amounts specified in the following
 19 table:

Fiscal year:	Maximum amount of credit:
1998	\$800,000,000
1999	\$1,200,000,000
2000	\$2,000,000,000
2001	\$3,000,000,000
2002	\$4,000,000,000
2003	\$5,000,000,000.

1 **SEC. 12. REPORT TO CONGRESS.**

2 Not later than 4 years after the date of enactment
3 of this Act, the Secretary shall submit to Congress a re-
4 port summarizing the financial performance of the
5 projects that are receiving, or have received, assistance
6 under this Act, including a recommendation as to whether
7 the objectives of this Act are best served—

8 (1) by continuing the program under the au-
9 thority of the Secretary;

10 (2) by establishing a Government corporation or
11 Government-sponsored enterprise to administer the
12 program; or

13 (3) by phasing out the program and relying on
14 the capital markets to fund the types of infrastruc-
15 ture investments assisted by this Act without Fed-
16 eral participation.

○