

117TH CONGRESS
1ST SESSION

S. 1499

To facilitate efficient investments and financing of infrastructure projects and new, long-term job creation through the establishment of an Infrastructure Financing Authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2021

Mr. WARNER (for himself, Mr. BLUNT, Mr. BLUMENTHAL, Mr. CORNYN, Ms. KLOBUCHAR, Mr. GRAHAM, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To facilitate efficient investments and financing of infrastructure projects and new, long-term job creation through the establishment of an Infrastructure Financing Authority, 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 TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Reinventing Economic Partnerships And Infrastructure
6 Redevelopment Act” or the “REPAIR Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

TITLE I—INFRASTRUCTURE FINANCING AUTHORITY

- Sec. 101. Establishment and general authority of IFA.
- Sec. 102. Voting members of the Board of Directors.
- Sec. 103. Chief Executive Officer.
- Sec. 104. Powers and duties of the Board of Directors.
- Sec. 105. Senior management.
- Sec. 106. Office of Technical and Rural Assistance.
- Sec. 107. Special Inspector General for IFA.
- Sec. 108. Other personnel.
- Sec. 109. Compliance.

TITLE II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

- Sec. 201. Eligibility criteria for assistance from IFA and terms and limitations of loans.
- Sec. 202. Loan terms and repayment.
- Sec. 203. Project Delivery Task Force.
- Sec. 204. Compliance and enforcement.
- Sec. 205. Audits; reports to the President and Congress.
- Sec. 206. Effect on other laws.

TITLE III—FUNDING OF IFA

- Sec. 301. Fees.
- Sec. 302. Self-sufficiency of IFA.
- Sec. 303. Funding.
- Sec. 304. Contract authority.
- Sec. 305. Limitation on authority.

TITLE IV—TAX EXEMPTION REQUIREMENTS FOR STATE AND LOCAL BONDS

- Sec. 401. National limitation on amount of tax-exempt financing for facilities.

TITLE V—BUDGETARY EFFECTS

- Sec. 501. Budgetary effects.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to facilitate investment in,
3 and the long-term financing of, economically viable eligible
4 infrastructure projects of regional or national significance
5 that are in the public interest in a manner that com-
6 plements existing Federal, State, local, and private fund-

1 ing sources for these projects and introduces a merit-based
2 system for financing those projects, in order to mobilize
3 significant private sector investment, create long-term
4 jobs, and ensure United States competitiveness through
5 a self-sustaining institution that limits the need for ongo-
6 ing Federal funding.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **BLIND TRUST.**—The term “blind trust”
10 means a trust in which the beneficiary has no knowl-
11 edge of the specific holdings and no rights over how
12 those holdings are managed by the fiduciary of the
13 trust prior to the dissolution of the trust.

14 (2) **BOARD OF DIRECTORS.**—The term “Board
15 of Directors” means the Board of Directors of IFA.

16 (3) **CHAIRPERSON.**—The term “Chairperson”
17 means the Chairperson of the Board of Directors of
18 IFA.

19 (4) **CHIEF EXECUTIVE OFFICER.**—The term
20 “Chief Executive Officer” means the chief executive
21 officer of IFA, appointed under section 103.

22 (5) **COST.**—The term “cost” has the meaning
23 given the term in section 502 of the Federal Credit
24 Reform Act of 1990 (2 U.S.C. 661a).

1 (6) DIRECT LOAN.—The term “direct loan” has
2 the meaning given the term in section 502 of the
3 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

4 (7) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) an individual;

7 (B) a corporation;

8 (C) a partnership, including a public-pri-
9 vate partnership;

10 (D) a joint venture;

11 (E) a trust;

12 (F) a State or any other governmental en-
13 tity, including a political subdivision or any
14 other instrumentality of a State; or

15 (G) a revolving fund.

16 (8) ELIGIBLE INFRASTRUCTURE PROJECT.—

17 (A) IN GENERAL.—The term “eligible in-
18 frastructure project” means the construction,
19 consolidation, alteration, or repair of any of the
20 following sectors:

21 (i) Intercity passenger or freight rail
22 lines, intercity passenger rail facilities or
23 equipment, and intercity freight rail facili-
24 ties or equipment.

1 (ii) Intercity passenger bus facilities
2 or equipment.

3 (iii) Public transportation facilities or
4 equipment.

5 (iv) Highway facilities, including
6 bridges and tunnels.

7 (v) Airports and air traffic control
8 systems.

9 (vi) Port or marine terminal facilities,
10 including approaches to marine terminal
11 facilities or inland port facilities, and port
12 or marine equipment, including fixed
13 equipment to serve approaches to marine
14 terminals or inland ports.

15 (vii) Transmission or distribution
16 pipelines.

17 (viii) Inland waterways.

18 (ix) Intermodal facilities or equipment
19 related to 2 or more of the sectors de-
20 scribed in clauses (i) through (viii).

21 (x) Water treatment and solid waste
22 disposal facilities.

23 (xi) Storm water management sys-
24 tems.

25 (xii) Dams and levees.

1 (xiii) Facilities or equipment for en-
2 ergy transmission, distribution or storage.

3 (B) AUTHORITY OF THE BOARD OF DIREC-
4 TORS TO MODIFY SECTORS.—The Board of Di-
5 rectors may make modifications, at the discre-
6 tion of the Board, to any of the sectors de-
7 scribed in subparagraph (A) by a vote of not
8 fewer than 5 of the voting members of the
9 Board of Directors.

10 (9) IFA.—The term “IFA” means the Infra-
11 structure Financing Authority established under sec-
12 tion 101.

13 (10) INVESTMENT-GRADE RATING.—The term
14 “investment-grade rating” means a rating of BBB
15 minus, Baa3, or higher assigned to an eligible infra-
16 structure project by a ratings agency.

17 (11) LOAN GUARANTEE.—The term “loan guar-
18 antee” has the meaning given the term in section
19 502 of the Federal Credit Reform Act of 1990 (2
20 U.S.C. 661a).

21 (12) OTRA.—The term “OTRA” means the
22 Office of Technical and Rural Assistance created
23 pursuant to section 106.

1 (13) PUBLIC-PRIVATE PARTNERSHIP.—The
2 term “public-private partnership” means any eligible
3 entity—

4 (A)(i) that is undertaking the development
5 of all or part of an eligible infrastructure
6 project that will have a measurable public ben-
7 efit, pursuant to requirements established in 1
8 or more contracts between the entity and a
9 State or an instrumentality of a State; or

10 (ii) the activities of which, with respect to
11 such an eligible infrastructure project, are sub-
12 ject to regulation by a State or any instrumen-
13 tality of a State;

14 (B) that owns, leases, or operates or will
15 own, lease, or operate, the project in whole or
16 in part; and

17 (C) the participants in which include not
18 fewer than 1 nongovernmental entity with sig-
19 nificant investment and some control over the
20 project or entity sponsoring the project vehicle.

21 (14) RATING AGENCY.—The term “rating agen-
22 cy” means a credit rating agency registered with the
23 Securities and Exchange Commission as a nationally
24 recognized statistical rating organization (as defined

1 in section 3(a) of the Securities Exchange Act of
2 1934 (15 U.S.C. 78c(a)).

3 (15) REGIONAL INFRASTRUCTURE ACCEL-
4 ERATOR.—The term “regional infrastructure accel-
5 erator” means an organization created by public sec-
6 tor agencies through a multijurisdictional or
7 multistate agreement to provide technical assistance
8 to local jurisdictions that will facilitate the imple-
9 mentation of innovative financing and procurement
10 models to public infrastructure projects.

11 (16) RURAL INFRASTRUCTURE PROJECT.—The
12 term “rural infrastructure project”—

13 (A) has the same meaning given the term
14 in section 601(15) of title 23, United States
15 Code; and

16 (B) includes any eligible infrastructure
17 project sector described in clauses (i) through
18 (xvii) of paragraph (8)(A) located in any area
19 other than a city with a population of more
20 than 250,000 inhabitants within the city limits.

21 (17) SECRETARY.—The term “Secretary”
22 means the Secretary of the Treasury or the designee
23 of the Secretary of the Treasury.

24 (18) SENIOR MANAGEMENT.—The term “senior
25 management” means the chief financial officer, chief

1 risk officer, chief compliance officer, general counsel,
 2 chief lending officer, and chief operations officer of
 3 IFA, and such other officers as the Board of Direc-
 4 tors may, by majority vote, add to senior manage-
 5 ment.

6 (19) STATE.—The term “State” means—

7 (A) each of the several States of the
 8 United States; and

9 (B) the District of Columbia.

10 (20) TASK FORCE.—The term “Task Force”
 11 means the Project Delivery Task Force established
 12 under section 203.

13 **TITLE I—INFRASTRUCTURE**
 14 **FINANCING AUTHORITY**

15 **SEC. 101. ESTABLISHMENT AND GENERAL AUTHORITY OF**
 16 **IFA.**

17 (a) ESTABLISHMENT OF IFA.—The Infrastructure
 18 Financing Authority is established as a wholly owned Gov-
 19 ernment corporation.

20 (b) GENERAL AUTHORITY OF IFA.—IFA shall—

21 (1) provide direct loans and loan guarantees to
 22 facilitate eligible infrastructure projects that are eco-
 23 nomically viable, in the public interest, and of re-
 24 gional or national significance; and

1 (2) carry out any other activities and duties au-
2 thorized under this Act.

3 (c) INCORPORATION.—

4 (1) IN GENERAL.—The Board of Directors first
5 appointed shall be deemed the incorporator of IFA,
6 and the incorporation shall be held to have been ef-
7 fected on the date of the first meeting of the Board
8 of Directors.

9 (2) CORPORATE OFFICE.—IFA shall—

10 (A) maintain an office in Washington, DC;

11 and

12 (B) for purposes of venue in civil actions,
13 be considered to be a resident of Washington,
14 DC.

15 (d) RESPONSIBILITY OF THE SECRETARY.—The Sec-
16 retary shall take such action as may be necessary to assist
17 in implementing IFA and in carrying out the purpose of
18 this Act.

19 (e) RULE OF CONSTRUCTION.—Chapter 91 of title
20 31, United States Code, does not apply to IFA, unless oth-
21 erwise specifically provided in this Act.

22 **SEC. 102. VOTING MEMBERS OF THE BOARD OF DIREC-**
23 **TORS.**

24 (a) VOTING MEMBERSHIP OF THE BOARD OF DIREC-
25 TORS.—

1 (1) IN GENERAL.—IFA shall have a Board of
2 Directors consisting of 7 voting members, who shall
3 be appointed by the President, by and with the ad-
4 vice and consent of the Senate. Not more than 4 of
5 the members may belong to the same political party.

6 (2) CHAIRPERSON.—One of the voting members
7 of the Board of Directors shall be designated by the
8 President, by and with the advice and consent of the
9 Senate, to serve as Chairperson of the Board of Di-
10 rectors.

11 (3) CONGRESSIONAL RECOMMENDATIONS.—Not
12 later than 30 days after the date of the enactment
13 of this Act, the majority leader of the Senate, the
14 minority leader of the Senate, the Speaker of the
15 House of Representatives, and the minority leader of
16 the House of Representatives, after consultation
17 with the appropriate committees of Congress, shall
18 each submit a recommendation to the President of
19 a person to be appointed as a member of the Board
20 of Directors.

21 (4) SPECIAL CONSIDERATION OF RURAL INTER-
22 ESTS AND GEOGRAPHIC DIVERSITY.—In making an
23 appointment under this subsection, the President
24 shall give consideration to the geographic areas of
25 the United States in which the members of the

1 Board of Directors live and work, particularly to en-
2 sure that the infrastructure priorities and concerns
3 of each region of the country, including rural areas
4 and small communities, are represented on the
5 Board of Directors.

6 (b) VOTING RIGHTS.—Each voting member of the
7 Board of Directors shall have an equal vote in all decisions
8 of the Board of Directors.

9 (c) QUALIFICATIONS OF VOTING MEMBERS.—Each
10 voting member of the Board of Directors shall—

11 (1) be a citizen of the United States; and

12 (2) have significant demonstrated expertise in—

13 (A) the management and administration of
14 a financial institution relevant to the operation
15 of IFA; or

16 (B) the financing, development, or oper-
17 ation of infrastructure projects, including in the
18 evaluation and selection of eligible infrastruc-
19 ture projects based on the purposes, goals, and
20 objectives of this Act.

21 (d) TERMS.—

22 (1) IN GENERAL.—Except as otherwise pro-
23 vided in this Act, each voting member of the Board
24 of Directors shall be appointed for a term of 5 years.

1 (2) INITIAL STAGGERED TERMS.—Of the voting
2 members first appointed to the Board of Directors—

3 (A) the initial Chairperson and 3 of the
4 other voting members shall each be appointed
5 for a term of 5 years; and

6 (B) the remaining 3 voting members shall
7 each be appointed for a term of 2 years.

8 (3) DATE OF INITIAL NOMINATIONS.—The ini-
9 tial nominations for the appointment of all voting
10 members of the Board of Directors shall be made
11 not later than 60 days after the date of the enact-
12 ment of this Act.

13 (4) BEGINNING OF TERM.—The term of each of
14 the initial voting members appointed under this sec-
15 tion shall commence immediately upon the date of
16 appointment, except that, for purposes of calculating
17 the term limits specified in this subsection, the ini-
18 tial terms shall each be construed as beginning on
19 January 22 of the year following the date of the ini-
20 tial appointment.

21 (5) VACANCIES.—

22 (A) IN GENERAL.—A vacancy in the posi-
23 tion of a voting member of the Board of Direc-
24 tors shall be filled by the President, by and
25 with the advice and consent of the Senate.

1 (B) TERM.—A member appointed to fill a
2 vacancy on the Board of Directors occurring be-
3 fore the expiration of the term for which the
4 predecessor was appointed shall be appointed
5 only for the remainder of that term.

6 (e) MEETINGS.—

7 (1) OPEN TO THE PUBLIC; NOTICE.—Except as
8 provided in paragraph (3), all meetings of the Board
9 of Directors shall be—

10 (A) open to the public; and

11 (B) preceded by reasonable public notice.

12 (2) FREQUENCY.—The Board of Directors shall
13 meet—

14 (A) not later than 60 days after the date
15 on which all members of the Board of Directors
16 are first appointed;

17 (B) at least quarterly after the date de-
18 scribed in subparagraph (A); and

19 (C) at the call of the Chairperson or 3 vot-
20 ing members of the Board of Directors.

21 (3) EXCEPTION FOR CLOSED MEETINGS.—

22 (A) IN GENERAL.—The voting members of
23 the Board of Directors may, by majority vote,
24 close a meeting to the public if, during the
25 meeting to be closed, there is likely to be dis-

1 closed proprietary or sensitive information re-
2 garding an eligible infrastructure project under
3 consideration for assistance under this Act.

4 (B) AVAILABILITY OF MINUTES.—The
5 Board of Directors shall prepare minutes of any
6 meeting that is closed to the public, which min-
7 utes shall be made available as soon as prac-
8 ticable, but not later than 1 year after the date
9 of the closed meeting, with any necessary
10 redactions to protect any proprietary or sen-
11 sitive information.

12 (4) QUORUM.—For purposes of meetings of the
13 Board of Directors, 5 voting members of the Board
14 of Directors shall constitute a quorum.

15 (f) COMPENSATION OF MEMBERS.—Each voting
16 member of the Board of Directors shall be compensated
17 at a rate equal to the daily equivalent of the annual rate
18 of basic pay prescribed for level III of the Executive
19 Schedule under section 5314 of title 5, United States
20 Code, for each day (including travel time) during which
21 the member is engaged in the performance of the duties
22 of the Board of Directors.

23 (g) CONFLICTS OF INTEREST.—A voting member of
24 the Board of Directors may not participate in any review
25 or decision affecting an eligible infrastructure project

1 under consideration for assistance under this Act, if the
2 member has or is affiliated with an entity who has a finan-
3 cial interest in that project.

4 **SEC. 103. CHIEF EXECUTIVE OFFICER.**

5 (a) IN GENERAL.—The Chief Executive Officer
6 shall—

7 (1) be a nonvoting member of the Board of Di-
8 rectors;

9 (2) be responsible for all IFA activities; and

10 (3) support the Board of Directors in accord-
11 ance with this Act and as the Board of Directors de-
12 termines to be necessary.

13 (b) APPOINTMENT AND TENURE OF THE CHIEF EX-
14 ECUTIVE OFFICER.—

15 (1) IN GENERAL.—The President shall appoint
16 the Chief Executive Officer, by and with the advice
17 and consent of the Senate.

18 (2) TERM.—The Chief Executive Officer shall
19 be appointed for a term of 6 years.

20 (3) VACANCIES.—

21 (A) IN GENERAL.—Any vacancy in the of-
22 fice of the Chief Executive Officer shall be filled
23 by the President, by and with the advice and
24 consent of the Senate.

1 (B) TERM.—The person appointed to fill a
2 vacancy in the Chief Executive Officer position
3 that occurs before the expiration of the term for
4 which the predecessor was appointed shall be
5 appointed only for the remainder of that term.

6 (c) QUALIFICATIONS.—The Chief Executive Offi-
7 cer—

8 (1) shall have significant expertise in manage-
9 ment and administration of a financial institution,
10 or significant expertise in the financing and develop-
11 ment of infrastructure projects; and

12 (2) may not—

13 (A) hold any other public office;

14 (B) have any financial interest in an eligi-
15 ble infrastructure project then being considered
16 by the Board of Directors, unless that interest
17 is placed in a blind trust; or

18 (C) have any financial interest in an in-
19 vestment institution or its affiliates or any
20 other entity seeking or likely to seek financial
21 assistance for any eligible infrastructure project
22 from IFA, unless any such interest is placed in
23 a blind trust for a term equal to the tenure of
24 the service of the Chief Executive Officer plus
25 2 additional years.

1 (d) RESPONSIBILITIES.—The Chief Executive Officer
2 shall have such executive functions, powers, and duties as
3 may be prescribed by this Act, the bylaws of IFA, or the
4 Board of Directors, including—

5 (1) responsibility for the development and im-
6 plementation of the strategy of IFA, including—

7 (A) the development and submission to the
8 Board of Directors of the annual business plans
9 and budget;

10 (B) the development and submission to the
11 Board of Directors of a long-term strategic
12 plan; and

13 (C) the development, revision, and submis-
14 sion to the Board of Directors of internal poli-
15 cies; and

16 (2) responsibility for the management and over-
17 sight of the daily activities, decisions, operations,
18 and personnel of IFA.

19 (e) COMPENSATION.—

20 (1) IN GENERAL.—Any compensation assess-
21 ment or recommendation by the Chief Executive Of-
22 ficer under this section shall be without regard to
23 the provisions of chapter 51 or subchapter III of
24 chapter 53 of title 5, United States Code.

1 (C) develop and approve, in consultation
2 with senior management, a conflict-of-interest
3 policy for the Board of Directors and for senior
4 management;

5 (D) approve or disapprove internal policies
6 that the Chief Executive Officer shall submit to
7 the Board of Directors, including—

8 (i) policies regarding the loan applica-
9 tion and approval process, including appli-
10 cation procedures and project approval
11 processes; and

12 (ii) operational guidelines; and

13 (E) approve or disapprove a 1-year busi-
14 ness plan and budget for IFA;

15 (3) ensure that IFA is at all times operated in
16 a manner that is consistent with this Act—

17 (A) by monitoring and assessing the effec-
18 tiveness of IFA in achieving its strategic goals;

19 (B) by reviewing and approving internal
20 policies, annual business plans, annual budgets,
21 and long-term strategies submitted by the Chief
22 Executive Officer;

23 (C) by reviewing and approving annual re-
24 ports submitted by the Chief Executive Officer;

1 (D) by engaging 1 or more external audi-
2 tors, as set forth in this Act; and

3 (E) by reviewing and approving all changes
4 to the organization of senior management;

5 (4) appoint and fix, by a vote of not less than
6 5 of the 7 voting members of the Board of Direc-
7 tors, and without regard to the provisions of chapter
8 51 or subchapter III of chapter 53 of title 5, United
9 States Code, the compensation and adjustments to
10 compensation of all IFA personnel, provided that in
11 appointing and fixing any compensation or adjust-
12 ments to compensation under this paragraph, the
13 Board shall—

14 (A) consult with, and seek to maintain
15 comparability with, other comparable Federal
16 personnel, as the Board of Directors may deter-
17 mine to be appropriate;

18 (B) consult with the Office of Personnel
19 Management; and

20 (C) carry out those duties consistent with
21 merit principles, where applicable, as well as the
22 education, experience, level of responsibility, ge-
23 ographic differences, comparability to private
24 sector positions, and retention and recruitment

1 needs in determining compensation of per-
2 sonnel;

3 (5) serve as the primary liaison for IFA in
4 interactions with Congress, the Secretary of Trans-
5 portation and other executive branch officials, and
6 State and local governments, and to represent the
7 interests of IFA in those interactions and others;

8 (6) approve by a vote of not less than 5 of the
9 7 voting members of the Board of Directors any
10 changes to the bylaws or internal policies of IFA;

11 (7) have the authority and responsibility—

12 (A) to oversee entering into and carrying
13 out such contracts, leases, cooperative agree-
14 ments, or other transactions as are necessary to
15 carry out this Act;

16 (B) to approve of the acquisition, lease,
17 pledge, exchange, and disposal of real and per-
18 sonal property by IFA and otherwise approve
19 the exercise by IFA of all of the usual incidents
20 of ownership of property, to the extent that the
21 exercise of those powers is appropriate to and
22 consistent with the purposes of IFA;

23 (C) to determine the character of, and the
24 necessity for, the obligations and expenditures
25 of IFA, and the manner in which the obliga-

1 tions and expenditures will be incurred, allowed,
2 and paid, subject to this Act and other Federal
3 law specifically applicable to wholly owned Fed-
4 eral corporations;

5 (D) to execute, in accordance with applica-
6 ble bylaws and regulations, appropriate instru-
7 ments;

8 (E) to approve other forms of credit en-
9 hancement that IFA may provide to eligible
10 projects, as long as the forms of credit enhance-
11 ments are consistent with the purposes of this
12 Act and terms set forth in title II;

13 (F) to exercise all other lawful powers
14 which are necessary or appropriate to carry out,
15 and are consistent with, the purposes of IFA;

16 (G) to sue or be sued in the corporate ca-
17 pacity of IFA in any court of competent juris-
18 diction;

19 (H) to indemnify the members of the
20 Board of Directors and officers of IFA for any
21 liabilities arising out of the actions of the mem-
22 bers and officers in that capacity, in accordance
23 with, and subject to the limitations contained in
24 this Act;

1 (I) to review all financial assistance pack-
2 ages to all eligible infrastructure projects, as
3 submitted by the Chief Executive Officer and to
4 approve, postpone, or deny the same by major-
5 ity vote;

6 (J) to review all restructuring proposals
7 submitted by the Chief Executive Officer, in-
8 cluding assignation, pledging, or disposal of the
9 interest of IFA in a project, including payment
10 or income from any interest owned or held by
11 IFA, and to approve, postpone, or deny the
12 same by majority vote;

13 (K) to enter into binding commitments, as
14 specified in approved financial assistance pack-
15 ages;

16 (L) to determine whether—

17 (i) to obtain a lien on the assets of an
18 eligible entity that receives assistance
19 under this Act; and

20 (ii) to subordinate a lien under clause
21 (i) to any other lien securing project obli-
22 gations; and

23 (M) to ensure a measurable public benefit
24 in the selection of eligible infrastructure

1 projects and to provide for reasonable public
2 input in the selection of such projects;

3 (8) delegate to the Chief Executive Officer
4 those duties that the Board of Directors determines
5 to be appropriate, to better carry out the powers and
6 purposes of the Board of Directors under this sec-
7 tion; and

8 (9) approve a maximum aggregate amount of
9 principal exposure of IFA at any given time.

10 **SEC. 105. SENIOR MANAGEMENT.**

11 (a) IN GENERAL.—Senior management shall support
12 the Chief Executive Officer in the discharge of the respon-
13 sibilities of the Chief Executive Officer.

14 (b) APPOINTMENT OF SENIOR MANAGEMENT.—The
15 Chief Executive Officer shall appoint such senior man-
16 agers as are necessary to carry out the purposes of IFA,
17 as approved by a majority vote of the voting members of
18 the Board of Directors, including a chief compliance offi-
19 cer, general counsel, chief operating officer, chief lending
20 officer, and other positions as determined to be appro-
21 priate by the Chief Executive Officer and the Board of
22 Directors.

23 (c) TERM.—Each member of senior management
24 shall serve at the pleasure of the Chief Executive Officer
25 and the Board of Directors.

1 (d) REMOVAL OF SENIOR MANAGEMENT.—Any mem-
2 ber of senior management may be removed—

3 (1) by a majority of the voting members of the
4 Board of Directors at the request of the Chief Exec-
5 utive Officer; or

6 (2) by a vote of not fewer than 5 voting mem-
7 bers of the Board of Directors.

8 (e) SENIOR MANAGEMENT.—

9 (1) IN GENERAL.—Each member of senior
10 management shall report directly to the Chief Exec-
11 utive Officer, other than the chief risk officer, who
12 shall report directly to the Board of Directors.

13 (2) CHIEF RISK OFFICER.—The chief risk offi-
14 cer shall be responsible for all functions of IFA re-
15 lating to—

16 (A) the creation of financial, credit, and
17 operational risk management guidelines and
18 policies;

19 (B) the establishment of guidelines to en-
20 sure diversification of lending activities by re-
21 gion, infrastructure project type, and project
22 size;

23 (C) the creation of conforming standards
24 for infrastructure finance agreements;

1 (D) the monitoring of the financial, credit,
2 and operational exposure of IFA; and

3 (E) risk management and mitigation ac-
4 tions, including by reporting those actions, or
5 recommendations of actions to be taken, di-
6 rectly to the Board of Directors.

7 (f) CONFLICTS OF INTEREST.—No individual ap-
8 pointed to senior management may—

9 (1) hold any other public office;

10 (2) have any financial interest in an eligible in-
11 frastructure project then being considered by the
12 Board of Directors, unless that interest is placed in
13 a blind trust; or

14 (3) have any financial interest in an investment
15 institution or its affiliates, IFA or its affiliates, or
16 other entity then seeking or likely to seek financial
17 assistance for any eligible infrastructure project
18 from IFA, unless any such interest is placed in a
19 blind trust during the term of service of that indi-
20 vidual in a senior management position, and for a
21 period of 2 years thereafter.

22 **SEC. 106. OFFICE OF TECHNICAL AND RURAL ASSISTANCE.**

23 (a) IN GENERAL.—The Chief Executive Officer shall
24 create and manage the Office of Technical and Rural As-
25 sistance within IFA.

1 (b) DUTIES.—The OTRA shall—

2 (1) in consultation with the Secretary of Trans-
3 portation and the heads of other relevant Federal
4 agencies, as determined by the Chief Executive Offi-
5 cer, provide technical assistance to State and local
6 governments and parties in public-private partner-
7 ships in the development and financing of eligible in-
8 frastructure projects, including rural infrastructure
9 projects;

10 (2) assist the entities described in paragraph
11 (1) with coordinating loan and loan guarantee pro-
12 grams available through Federal agencies, including
13 the Department of Transportation and other Federal
14 agencies, as appropriate;

15 (3) work with the entities described in para-
16 graph (1) to identify and develop a pipeline of
17 projects suitable for financing through innovative
18 project financing and performance based project de-
19 livery, including those projects with the potential for
20 financing through IFA; and

21 (4) establish a regional infrastructure accel-
22 erator demonstration program to assist the entities
23 described in paragraph (1) in developing improved
24 infrastructure priorities and financing strategies, for
25 the accelerated development of covered infrastruc-

1 ture projects, including those projects with the po-
2 tential for financing through IFA.

3 (c) DESIGNATION OF REGIONAL INFRASTRUCTURE
4 ACCELERATORS.—In carrying out the program estab-
5 lished pursuant to subsection (b)(4), the OTRA is author-
6 ized to designate regional infrastructure accelerators that
7 shall—

8 (1) serve a defined geographic area; and

9 (2) act as a resource in such area to entities de-
10 scribed in subsection (b)(1), in accordance with this
11 subsection.

12 (d) APPLICATION PROCESS.—To be eligible for a des-
13 ignation under subsection (c), regional infrastructure ac-
14 celerators shall submit a proposal to the OTRA at such
15 time, in such form, and containing such information as
16 the OTRA determines is appropriate.

17 (e) CONSIDERATIONS.—In evaluating proposals sub-
18 mitted pursuant to subsection (d), the OTRA shall con-
19 sider—

20 (1) the need for geographic diversity among re-
21 gional infrastructure accelerators; and

22 (2) promoting investment in covered infrastruc-
23 ture projects, which shall include a plan—

1 (A) to evaluate and promote innovative fi-
2 nancing methods for local projects, including
3 the use of IFA;

4 (B) to build capacity of governments to
5 evaluate and structure projects involving the in-
6 vestment of private capital;

7 (C) to provide technical assistance and in-
8 formation on best practices with respect to fi-
9 nancing such projects;

10 (D) to increase transparency with respect
11 to infrastructure project analysis and utilizing
12 innovative financing for public infrastructure
13 projects;

14 (E) to deploy predevelopment capital pro-
15 grams designed to facilitate the creation of a
16 pipeline of infrastructure projects available for
17 investment;

18 (F) to bundle smaller-scale and rural
19 projects into larger proposals that may be more
20 attractive for investment; and

21 (G) to reduce transaction costs for public
22 project sponsors.

23 (f) ANNUAL REPORT.—The OTRA shall submit an
24 annual report to Congress that describes the findings and

1 effectiveness of the infrastructure accelerator demonstra-
2 tion program.

3 **SEC. 107. SPECIAL INSPECTOR GENERAL FOR IFA.**

4 (a) IN GENERAL.—

5 (1) INITIAL PERIOD.—During the 5-year period
6 beginning on the date of the enactment of this Act,
7 the Inspector General of the Department of the
8 Treasury shall serve as the Special Inspector Gen-
9 eral for IFA in addition to the existing duties of the
10 Inspector General of the Department of the Treas-
11 ury.

12 (2) OFFICE OF THE SPECIAL INSPECTOR GEN-
13 ERAL.—Beginning on the day that is 5 years after
14 the date of the enactment of this Act, there is estab-
15 lished the Office of the Special Inspector General for
16 IFA.

17 (b) APPOINTMENT OF INSPECTOR GENERAL; RE-
18 MOVAL.—

19 (1) HEAD OF OFFICE.—The head of the Office
20 of the Special Inspector General for IFA shall be the
21 Special Inspector General for IFA (referred to in
22 this Act as the “Special Inspector General”), who
23 shall be appointed by the President, by and with the
24 advice and consent of the Senate.

1 (2) BASIS OF APPOINTMENT.—The appoint-
2 ment of the Special Inspector General shall be made
3 on the basis of integrity and demonstrated ability in
4 accounting, auditing, financial analysis, law, man-
5 agement analysis, public administration, or inves-
6 tigations.

7 (3) TIMING OF NOMINATION.—The nomination
8 of an individual as Special Inspector General shall
9 be made as soon as practicable after the date of en-
10 actment of this Act.

11 (4) REMOVAL.—The Special Inspector General
12 shall be removable from office in accordance with
13 the provisions of section 3(b) of the Inspector Gen-
14 eral Act of 1978 (5 U.S.C. App.).

15 (5) RULE OF CONSTRUCTION.—For purposes of
16 section 7324 of title 5, United States Code, the Spe-
17 cial Inspector General shall not be considered an em-
18 ployee who determines policies to be pursued by the
19 United States in the nationwide administration of
20 Federal law.

21 (6) RATE OF PAY.—The annual rate of basic
22 pay of the Special Inspector General shall be the an-
23 nual rate of basic pay for an Inspector General
24 under section 3(e) of the Inspector General Act of
25 1978 (5 U.S.C. App.).

1 (c) DUTIES.—The Special Inspector General shall—

2 (1) conduct, supervise, and coordinate audits
3 and investigations of the business activities of IFA;

4 (2) establish, maintain, and oversee such sys-
5 tems, procedures, and controls as the Special Inspec-
6 tor General considers appropriate to discharge the
7 duty under paragraph (1); and

8 (3) carry out any other duties and responsibil-
9 ities of inspectors general under the Inspector Gen-
10 eral Act of 1978 (5 U.S.C. App.).

11 (d) POWERS AND AUTHORITIES.—

12 (1) IN GENERAL.—In carrying out the duties
13 specified in subsection (c), the Special Inspector
14 General shall have the authorities provided in section
15 6 of the Inspector General Act of 1978 (5 U.S.C.
16 App.).

17 (2) ADDITIONAL AUTHORITY.—The Special In-
18 spector General shall carry out the duties specified
19 in subsection (c)(1) in accordance with section
20 4(b)(1) of the Inspector General Act of 1978 (5
21 U.S.C. App.).

22 (e) PERSONNEL, FACILITIES, AND OTHER RE-
23 SOURCES.—

24 (1) ADDITIONAL OFFICERS.—

1 (A) IN GENERAL.—The Special Inspector
2 General may select, appoint, and employ such
3 officers and employees as may be necessary for
4 carrying out the duties of the Special Inspector
5 General, subject to the provisions of title 5,
6 United States Code, governing appointments in
7 the competitive service, and the provisions of
8 chapter 51 and subchapter III of chapter 53 of
9 such title, relating to classification and General
10 Schedule pay rates.

11 (B) EMPLOYMENT AND COMPENSATION.—
12 The Special Inspector General may exercise the
13 authorities of subsections (b) through (i) of sec-
14 tion 3161 of title 5, United States Code (with-
15 out regard to subsection (a) of that section).

16 (2) RETENTION OF SERVICES.—The Special In-
17 specter General may obtain services as authorized by
18 section 3109 of title 5, United States Code, at daily
19 rates not to exceed the equivalent rate prescribed for
20 grade GS–15 of the General Schedule by section
21 5332 of such title.

22 (3) ABILITY TO CONTRACT FOR AUDITS, STUD-
23 IES, AND OTHER SERVICES.—The Special Inspector
24 General may enter into contracts and other arrange-
25 ments for audits, studies, analyses, and other serv-

1 ices with public agencies and with private persons,
2 and make such payments as may be necessary to
3 carry out the duties of the Special Inspector Gen-
4 eral.

5 (4) REQUEST FOR INFORMATION.—

6 (A) IN GENERAL.—Upon request of the
7 Special Inspector General for information or as-
8 sistance from any department, agency, or other
9 entity of the Federal Government, the head of
10 that entity shall, insofar as is practicable and
11 not in contravention of any existing law, furnish
12 the information or assistance to the Special In-
13 spector General or an authorized designee.

14 (B) REFUSAL TO COMPLY.—If information
15 or assistance requested by the Special Inspector
16 General is, in the judgment of the Special In-
17 spector General, unreasonably refused or not
18 provided, the Special Inspector General shall re-
19 port the circumstances to the Secretary, with-
20 out delay.

21 (f) REPORTS.—

22 (1) ANNUAL REPORT.—Not later than 1 year
23 after the date on which the Special Inspector Gen-
24 eral is confirmed, and every calendar year thereafter,
25 the Special Inspector General shall submit a report

1 to the President and appropriate committees of Con-
2 gress that summarizes the activities of the Special
3 Inspector General during the 1-year period imme-
4 diately preceding the submission of the report.

5 (2) PUBLIC DISCLOSURES.—Nothing in this
6 subsection may be construed as authorizing the pub-
7 lic disclosure of information that is—

8 (A) specifically prohibited from disclosure
9 by any other provision of law;

10 (B) specifically required by Executive order
11 to be protected from disclosure in the interest
12 of national defense or national security or in
13 the conduct of foreign affairs; or

14 (C) a part of an ongoing criminal inves-
15 tigation.

16 **SEC. 108. OTHER PERSONNEL.**

17 (a) APPOINTMENT, REMOVAL, AND DEFINITION OF
18 DUTIES.—Except as otherwise provided in the IFA by-
19 laws, the Chief Executive Officer, in consultation with the
20 Board of Directors, shall appoint, remove, and define the
21 duties of such qualified personnel as are necessary to carry
22 out the powers, duties, and purpose of IFA, other than
23 senior management, who shall be appointed in accordance
24 with section 105.

1 (b) COORDINATION IN IDENTIFYING QUALIFICA-
 2 TIONS AND EXPERTISE.—In appointing qualified per-
 3 sonnel pursuant to subsection (a), the Chief Executive Of-
 4 ficer shall coordinate with, and seek assistance from, the
 5 Secretary of Transportation in identifying the appropriate
 6 qualifications and expertise in infrastructure project fi-
 7 nance.

8 **SEC. 109. COMPLIANCE.**

9 The provision of assistance by IFA pursuant to this
 10 Act does not supersede any provision of State law or regu-
 11 lation otherwise applicable to an eligible infrastructure
 12 project.

13 **TITLE II—TERMS AND LIMITA-**
 14 **TIONS ON DIRECT LOANS AND**
 15 **LOAN GUARANTEES**

16 **SEC. 201. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM**
 17 **IFA AND TERMS AND LIMITATIONS OF LOANS.**

18 (a) PUBLIC BENEFIT; FINANCEABILITY.—A project
 19 is not be eligible for financial assistance from IFA under
 20 this Act if—

21 (1) the use or purpose of such project is private
 22 or such project does not create a public benefit, as
 23 determined by the Board of Directors; or

24 (2) the applicant is unable to demonstrate, to
 25 the satisfaction of the Board of Directors, a suffi-

1 cient revenue stream to finance the loan that will be
2 used to pay for such project.

3 (b) FINANCIAL CRITERIA.—If the project meets the
4 requirements under subsection (a), an applicant for finan-
5 cial assistance under this Act shall demonstrate, to the
6 satisfaction of the Board of Directors, that—

7 (1) for public-private partnerships, the project
8 has received contributed capital or commitments for
9 contributed capital equal to not less than 10 percent
10 of the total cost of the eligible infrastructure project
11 for which assistance is being sought if such contrib-
12 uted capital includes—

13 (A) equity;

14 (B) deeply subordinate loans or other cred-
15 it and debt instruments, which shall be junior
16 to any IFA assistance provided for the project;

17 (C) appropriated funds or grants from gov-
18 ernmental sources other than the Federal Gov-
19 ernment; or

20 (D) irrevocable private contributions of
21 funds, grants, property (including rights-of-
22 way), and other assets that directly reduce or
23 offset project costs; and

24 (2) the eligible infrastructure project for which
25 assistance is being sought—

1 (A) is not for the refinancing of an exist-
2 ing infrastructure project; and

3 (B) meets—

4 (i) any pertinent requirements set
5 forth in this Act;

6 (ii) any criteria established by the
7 Board of Directors under subsection (c) or
8 by the Chief Executive Officer in accord-
9 ance with this Act; and

10 (iii) the definition of an eligible infra-
11 structure project.

12 (c) CONSIDERATIONS.—The criteria established by
13 the Board of Directors under this subsection shall provide
14 adequate consideration of—

15 (1) the economic, financial, technical, environ-
16 mental, and public benefits and costs of each eligible
17 infrastructure project under consideration for finan-
18 cial assistance under this Act, prioritizing eligible in-
19 frastructure projects that—

20 (A) demonstrate a clear and measurable
21 public benefit;

22 (B) offer value for money to taxpayers;

23 (C) contribute to regional or national eco-
24 nomic growth;

25 (D) lead to long-term job creation; and

- 1 (E) mitigate environmental concerns;
- 2 (2) the means by which development of the eli-
3 gible infrastructure project under consideration is
4 being financed, including—
- 5 (A) the terms, conditions, and structure of
6 the proposed financing;
- 7 (B) the creditworthiness and standing of
8 the project sponsors, providers of equity, and
9 cofinanciers;
- 10 (C) the financial assumptions and projec-
11 tions on which the eligible infrastructure project
12 is based; and
- 13 (D) whether there is sufficient State or
14 municipal political support for the successful
15 completion of the eligible infrastructure project;
- 16 (3) the likelihood that the provision of assist-
17 ance by IFA will cause the development to proceed
18 more promptly and with lower costs for financing
19 than would be the case without IFA assistance;
- 20 (4) the extent to which the provision of assist-
21 ance by IFA maximizes the level of private invest-
22 ment in the eligible infrastructure project or sup-
23 ports a public-private partnership, while providing a
24 significant public benefit;

1 (5) the extent to which the provision of assist-
2 ance by IFA can mobilize the participation of other
3 financing partners in the eligible infrastructure
4 project;

5 (6) the technical and operational viability of the
6 eligible infrastructure project;

7 (7) the proportion of financial assistance from
8 IFA;

9 (8) the geographical location of the project,
10 prioritizing geographical diversity of projects funded
11 by IFA;

12 (9) the size of the project and the impact of the
13 project on the resources of IFA; and

14 (10) the infrastructure sector of the project,
15 prioritizing projects from more than 1 sector funded
16 by IFA.

17 (d) APPLICATION.—

18 (1) IN GENERAL.—Any eligible entity seeking
19 assistance from IFA under this Act for an eligible
20 infrastructure project shall submit an application to
21 IFA at such time, in such manner, and containing
22 such information as the Board of Directors or the
23 Chief Executive Officer may require.

24 (2) REVIEW OF APPLICATIONS.—

1 (A) IN GENERAL.—IFA shall review appli-
2 cations for assistance under this Act on an on-
3 going basis.

4 (B) PREPARATION.—The Chief Executive
5 Officer, in cooperation with the senior manage-
6 ment, shall prepare eligible infrastructure
7 projects for review and approval by the Board
8 of Directors.

9 (3) DEDICATED REVENUE SOURCES.—The Fed-
10 eral credit instrument shall be repayable, in whole or
11 in part, from tolls, user fees, or other dedicated rev-
12 enue sources derived from users or beneficiaries that
13 also secure the eligible infrastructure project obliga-
14 tions.

15 (e) ELIGIBLE INFRASTRUCTURE PROJECT COSTS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), to be eligible for assistance under this
18 Act, an eligible infrastructure project shall have
19 project costs that are reasonably anticipated to equal
20 or exceed \$50,000,000.

21 (2) RURAL INFRASTRUCTURE PROJECTS.—To
22 be eligible for assistance under this Act a rural in-
23 frastructure project shall have project costs that are
24 reasonably anticipated to equal or exceed
25 \$10,000,000.

1 (f) LOAN ELIGIBILITY AND MAXIMUM AMOUNTS.—

2 (1) IN GENERAL.—The amount of a direct loan
3 or loan guarantee under this Act shall not exceed
4 the lesser of—

5 (A) 49 percent of the reasonably antici-
6 pated eligible infrastructure project costs; and

7 (B) the amount of the senior project obli-
8 gations, if the direct loan or loan guarantee
9 does not receive an investment grade rating.

10 (2) MAXIMUM ANNUAL LOAN AND LOAN GUAR-
11 ANTEE VOLUME.—The aggregate amount of direct
12 loans and loan guarantees made by IFA shall not
13 exceed—

14 (A) during the first 2 fiscal years of the
15 operations of IFA, \$10,000,000,000 per year;

16 (B) during fiscal years 3 through 9 of the
17 operations of IFA, \$20,000,000,000 per year;
18 and

19 (C) during any fiscal year thereafter,
20 \$50,000,000,000.

21 **SEC. 202. LOAN TERMS AND REPAYMENT.**

22 (a) IN GENERAL.—A direct loan or loan guarantee
23 under this Act with respect to an eligible infrastructure
24 project shall be on such terms, subject to such conditions,
25 and contain such covenants, representations, warranties,

1 and requirements (including requirements for audits) as
2 the Chief Executive Officer determines appropriate.

3 (b) TERMS.—A direct loan or loan guarantee under
4 this Act—

5 (1) shall—

6 (A) be payable, in whole or in part, from
7 tolls, user fees, or other dedicated revenue
8 sources derived from users or beneficiaries; and

9 (B) include a rate covenant, coverage re-
10 quirement, or similar security feature sup-
11 porting the project obligations; and

12 (2) may be secured by a lien—

13 (A) on the assets of the obligor, including
14 revenues described in paragraph (1); and

15 (B) which may be subordinated to any
16 other lien securing project obligations.

17 (c) BASE INTEREST RATE.—The base interest rate
18 on a direct loan under this Act shall be not less than the
19 yield on Treasury obligations of a similar maturity to the
20 maturity of the direct loan on the date of execution of
21 the loan agreement.

22 (d) RISK ASSESSMENT.—Before entering into an
23 agreement for assistance under this Act, the Chief Execu-
24 tive Officer, in consultation with the Director of the Office
25 of Management and Budget and each rating agency pro-

1 viding a preliminary rating opinion letter under this sec-
2 tion, shall determine an appropriate Federal credit subsidy
3 amount for each direct loan and loan guarantee, taking
4 into account that preliminary rating opinion letter and any
5 comparable market rates available for such a loan or loan
6 guarantee, should any exist.

7 (e) CREDIT FEE.—

8 (1) IN GENERAL.—With respect to each agree-
9 ment for assistance under this Act, the Chief Execu-
10 tive Officer shall charge a credit fee to the recipient
11 of that assistance to pay for, over time, all or a por-
12 tion of the Federal credit subsidy determined under
13 subsection (d), with the remainder paid by the ac-
14 count established for IFA.

15 (2) DIRECT LOANS.—In the case of a direct
16 loan, the credit fee described in paragraph (1) shall
17 be in addition to the base interest rate established
18 under subsection (c).

19 (f) MATURITY DATE.—The final maturity date of a
20 direct loan or loan guaranteed by IFA under this Act shall
21 be not later than 35 years after the date of substantial
22 completion of the eligible infrastructure project, as deter-
23 mined by the Chief Executive Officer.

24 (g) PRELIMINARY RATING OPINION LETTER.—

1 (1) IN GENERAL.—The Chief Executive Officer
2 shall require each applicant for assistance under this
3 Act to provide a preliminary rating opinion letter
4 from at least 1 rating agency, indicating that the
5 senior obligations of the eligible infrastructure
6 project, which may be the Federal credit instrument,
7 have the potential to achieve an investment-grade
8 rating.

9 (2) RURAL INFRASTRUCTURE PROJECTS.—With
10 respect to a rural infrastructure project, a rating
11 agency opinion letter described in paragraph (1)
12 shall not be required, except that the loan or loan
13 guarantee shall receive an internal rating score,
14 using methods similar to the rating agencies gen-
15 erated by IFA, measuring the proposed direct loan
16 or loan guarantee against comparable direct loans or
17 loan guarantees of similar credit quality in a similar
18 sector.

19 (h) INVESTMENT-GRADE RATING REQUIREMENT.—

20 (1) LOANS AND LOAN GUARANTEES.—The exe-
21 cution of a direct loan or loan guarantee under this
22 Act shall be contingent on the senior obligations of
23 the eligible infrastructure project receiving an invest-
24 ment-grade rating.

1 (2) RATING OF IFA OVERALL PORTFOLIO.—The
2 average rating of the overall portfolio of IFA shall
3 be not less than investment grade after 5 years of
4 operation.

5 (i) TERMS AND REPAYMENT OF DIRECT LOANS.—

6 (1) SCHEDULE.—The Chief Executive Officer
7 shall establish a repayment schedule for each direct
8 loan under this Act, based on the projected cash
9 flow from eligible infrastructure project revenues
10 and other repayment sources.

11 (2) COMMENCEMENT.—Scheduled loan repay-
12 ments of principal or interest on a direct loan under
13 this Act shall commence not later than 5 years after
14 the date of substantial completion of the eligible in-
15 frastructure project, as determined by the Chief Ex-
16 ecutive Officer of IFA.

17 (3) DEFERRED PAYMENTS OF DIRECT
18 LOANS.—

19 (A) AUTHORIZATION.—If, at any time
20 after the date of substantial completion of an
21 eligible infrastructure project assisted under
22 this Act, the eligible infrastructure project is
23 unable to generate sufficient revenues to pay
24 the scheduled loan repayments of principal and
25 interest on the direct loan under this Act, the

1 Chief Executive Officer may allow the obligor to
2 add unpaid principal and interest to the out-
3 standing balance of the direct loan, if the result
4 would benefit the taxpayer.

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

7 (i) continue to accrue interest, in ac-
8 cordance with the terms of the obligation,
9 until fully repaid; and

10 (ii) be scheduled to be amortized over
11 the remaining term of the loan.

12 (C) CRITERIA.—

13 (i) IN GENERAL.—Any payment defer-
14 ral under subparagraph (A) shall be con-
15 tingent on the eligible infrastructure
16 project meeting criteria established by the
17 Board of Directors.

18 (ii) REPAYMENT STANDARDS.—The
19 criteria established under clause (i) shall
20 include standards for reasonable assurance
21 of repayment.

22 (4) PREPAYMENT OF DIRECT LOANS.—

23 (A) USE OF EXCESS REVENUES.—Any ex-
24 cess revenues that remain after satisfying
25 scheduled debt service requirements on the eli-

1 gible infrastructure project obligations and di-
2 rect loan and all deposit requirements under the
3 terms of any trust agreement, bond resolution,
4 or similar agreement securing project obliga-
5 tions under this Act may be applied annually to
6 prepay the direct loan, without penalty.

7 (B) USE OF PROCEEDS OF REFI-
8 NANCING.—A direct loan under this Act may be
9 prepaid at any time, without penalty, from the
10 proceeds of refinancing from non-Federal fund-
11 ing sources.

12 (j) LOAN GUARANTEES.—The terms of a loan guar-
13 anteed by IFA under this Act shall be consistent with the
14 terms set forth in this section for a direct loan, except
15 that the rate on the guaranteed loan and any payment,
16 prepayment, or refinancing features shall be negotiated
17 between the obligor and the lender (as defined in section
18 601(a) of title 23, United States Code) with the consent
19 of the Chief Executive Officer.

20 (k) COMPLIANCE WITH FEDERAL CREDIT REFORM
21 ACT OF 1990.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), direct loans and loan guarantees author-
24 ized by this Act shall be subject to the provisions of

1 the Federal Credit Reform Act of 1990 (2 U.S.C.
2 661 et seq.).

3 (2) EXCEPTION.—Section 504(b) of the Federal
4 Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall
5 not apply to a loan or loan guarantee under this
6 Act.

7 (1) STATEMENT OF POLICY.—It is the policy of Con-
8 gress for IFA to make a direct loan or loan guarantee
9 under this Act only if IFA reasonably expects to recover
10 the full amount of the direct loan or loan guarantee.

11 **SEC. 203. PROJECT DELIVERY TASK FORCE.**

12 (a) ESTABLISHMENT.—There is established within
13 IFA the Project Delivery Task Force, which shall be over-
14 seen by the Chief Executive Officer.

15 (b) FUNCTIONS.—If an eligible infrastructure project
16 receives financing from IFA, or the Chief Executive Offi-
17 cer, after reviewing an application for such financing, de-
18 termines that such a project will be approved, the Task
19 Force, in close consultation with appropriate permitting
20 agencies, shall—

21 (1) establish or update a permitting timetable
22 for the proposed project, which ensures that the en-
23 vironmental review process is completed as soon as
24 practicable;

1 (2) coordinate concurrent permitting reviews by
2 all necessary agencies; and

3 (3) coordinate with relevant State agencies and
4 regional infrastructure development agencies to en-
5 sure—

6 (A) adequate participation; and

7 (B) the timely provision of necessary docu-
8 mentation to allow any State review to proceed
9 without delay.

10 (c) CONCURRENT REVIEWS.—Each agency, to the
11 greatest extent permitted by law, shall—

12 (1) carry out the obligations of the agency
13 under other applicable law concurrently, and in con-
14 junction with other reviews being conducted by other
15 participating agencies, including environmental re-
16 views required under the National Environmental
17 Policy Act (42 U.S.C. 4321 et seq.), unless such
18 concurrent reviews would impair the ability of the
19 agency to carry out its statutory obligations; and

20 (2) formulate and implement administrative,
21 policy, and procedural mechanisms to enable the
22 agency to ensure the completion of the environ-
23 mental review process in a timely, coordinated, and
24 environmentally responsible manner.

1 **SEC. 204. COMPLIANCE AND ENFORCEMENT.**

2 (a) CREDIT AGREEMENT.—Notwithstanding any
3 other provision of law, each eligible entity that receives
4 assistance under this Act shall enter into a credit agree-
5 ment that requires such entity to comply with all applica-
6 ble policies and procedures of IFA, in addition to all other
7 provisions of the loan agreement.

8 (b) APPLICABILITY OF FEDERAL LAWS.—Each eligi-
9 ble entity that receives assistance under this Act shall pro-
10 vide written assurance, in such form and manner and con-
11 taining such terms as are to be prescribed by IFA, that
12 the eligible infrastructure project will be performed in
13 compliance with the requirements of all Federal laws that
14 would otherwise apply to similar projects to which the
15 United States is a party, or financed in whole or in part
16 from Federal funds or in accordance with guarantees of
17 a Federal agency or financed from funds obtained by
18 pledge of any contract of a Federal agency to make a loan,
19 grant, or annual contribution (except where a different
20 meaning is expressly indicated).

21 (c) IFA AUTHORITY ON NONCOMPLIANCE.—In any
22 case in which an eligible entity that receives assistance
23 under this Act is materially out of compliance with the
24 loan agreement, or any applicable policy or procedure of
25 IFA, the Board of Directors may take action—

26 (1) to cancel unused loan amounts; or

1 (2) to accelerate the repayment terms of any
2 outstanding obligation.

3 **SEC. 205. AUDITS; REPORTS TO THE PRESIDENT AND CON-**
4 **GRESS.**

5 (a) ACCOUNTING.—The IFA books of account shall
6 be—

7 (1) maintained in accordance with generally ac-
8 cepted accounting principles; and

9 (2) subject to an annual audit by independent
10 public accountants of nationally recognized standing
11 appointed by the Board of Directors.

12 (b) REPORTS.—

13 (1) BOARD OF DIRECTORS.—Not later than 90
14 days after the last day of each fiscal year, the Board
15 of Directors shall submit, to the President and Con-
16 gress, a complete and detailed report with respect to
17 the preceding fiscal year, setting forth—

18 (A) a summary of the operations of IFA
19 for that fiscal year;

20 (B) a schedule of the obligations of IFA
21 and capital securities outstanding at the end of
22 that fiscal year, with a statement of the
23 amounts issued and redeemed or paid during
24 that fiscal year;

1 (C) the status of eligible infrastructure
2 projects receiving funding or other assistance
3 pursuant to this Act during that fiscal year, in-
4 cluding—

5 (i) all nonperforming loans; and

6 (ii) disclosure of all entities with a de-
7 velopment, ownership, or operational inter-
8 est in those eligible infrastructure projects;

9 (D) a description of the successes and
10 challenges encountered in lending to rural com-
11 munities, including the role of the Office of
12 Technical and Rural Assistance established
13 under this Act; and

14 (E) an assessment of the risks of the port-
15 folio of IFA, which shall be prepared by an
16 independent source.

17 (2) GAO.—Not later than 5 years after the
18 date of the enactment of this Act, the Comptroller
19 General of the United States shall conduct an eval-
20 uation of, and submit a report to the Committee on
21 Commerce, Science, and Transportation of the Sen-
22 ate, the Committee on Transportation and Infra-
23 structure of the House of Representatives, and the
24 Committee on Energy and Commerce of the House
25 of Representatives that describes the activities of

1 IFA for the fiscal years covered by the report, in-
2 cluding—

3 (A) an assessment of the impact and bene-
4 fits of each funded eligible infrastructure
5 project, including a review of how effectively
6 each eligible infrastructure project accomplished
7 the goals prioritized by the eligible infrastruc-
8 ture project criteria of IFA; and

9 (B) an evaluation of the effectiveness of,
10 and challenges facing, loan programs at the De-
11 partment of Transportation and the Depart-
12 ment of Energy, and an analysis of the advis-
13 ability of consolidating those programs within
14 IFA.

15 (c) BOOKS AND RECORDS.—

16 (1) IN GENERAL.—IFA shall maintain adequate
17 books and records to support the financial trans-
18 actions of IFA, with a description of financial trans-
19 actions and eligible infrastructure projects receiving
20 funding, and the amount of funding for each project
21 maintained on a publicly accessible database.

22 (2) AUDITS BY THE SECRETARY AND GAO.—
23 The books and records of IFA shall at all times be
24 open to inspection by the Secretary, the Special In-

1 spector General, and the Comptroller General of the
2 United States.

3 **SEC. 206. EFFECT ON OTHER LAWS.**

4 Nothing in this Act may be construed to affect or
5 alter the responsibility of an eligible entity that receives
6 assistance under this Act to comply with applicable Fed-
7 eral and State laws (including regulations) relating to an
8 eligible infrastructure project.

9 **TITLE III—FUNDING OF IFA**

10 **SEC. 301. FEES.**

11 The Chief Executive Officer shall establish fees with
12 respect to loans and loan guarantees under this Act that—

13 (1) are sufficient to cover all the administrative
14 costs to the Federal Government for the operations
15 of IFA;

16 (2) may be in the form of an application or
17 transaction fee, or interest rate adjustment; and

18 (3) may be based on the risk premium associ-
19 ated with the loan or loan guarantee, taking into
20 consideration—

21 (A) the price of Treasury obligations of a
22 similar maturity;

23 (B) prevailing market conditions;

1 (C) the ability of the eligible infrastructure
2 project to support the loan or loan guarantee;
3 and

4 (D) the total amount of the loan or loan
5 guarantee.

6 **SEC. 302. SELF-SUFFICIENCY OF IFA.**

7 The Chief Executive Officer, to the extent prac-
8 ticable, shall take actions consistent with this Act to make
9 IFA a self-sustaining entity, with administrative costs and
10 Federal credit subsidy costs fully funded by fees and risk
11 premiums on loans and loan guarantees.

12 **SEC. 303. FUNDING.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated to IFA to make direct loans and loan
16 guarantees under this Act \$10,000,000,000, which
17 shall remain available until expended.

18 (2) ADMINISTRATIVE COSTS.—Of the amounts
19 appropriated pursuant to paragraph (1), IFA may
20 expend, for administrative costs, not more than—

21 (A) \$25,000,000 for each of the fiscal
22 years 2021 and 2022; and

23 (B) not more than \$50,000,000 for fiscal
24 year 2023.

1 (b) INTEREST.—The amounts made available to IFA
 2 pursuant to subsection (a) shall be placed in interest-bear-
 3 ing accounts.

4 (c) RURAL INFRASTRUCTURE PROJECTS.—Of the
 5 amounts made available to IFA under this section, not less
 6 than 5 percent shall be used to offset subsidy costs associ-
 7 ated with rural infrastructure projects.

8 **SEC. 304. CONTRACT AUTHORITY.**

9 Notwithstanding any other provision of law, approval
 10 by the Board of Directors of a Federal credit instrument
 11 that uses funds made available under this Act shall impose
 12 upon the United States a contractual obligation to fund
 13 the Federal credit investment.

14 **SEC. 305. LIMITATION ON AUTHORITY.**

15 IFA shall not have the authority to issue debt in its
 16 own name.

17 **TITLE IV—TAX EXEMPTION RE-**
 18 **QUIREMENTS FOR STATE AND**
 19 **LOCAL BONDS**

20 **SEC. 401. NATIONAL LIMITATION ON AMOUNT OF TAX-EX-**
 21 **EMPT FINANCING FOR FACILITIES.**

22 Section 142(m)(2)(A) of the Internal Revenue Code
 23 of 1986 is amended by striking “\$15,000,000,000” and
 24 inserting “\$16,000,000,000”.

1 TITLE V—BUDGETARY EFFECTS**2 SEC. 501. BUDGETARY EFFECTS.**

3 The budgetary effects of this Act, for the purpose of
4 complying with the Statutory Pay-As-You-Go Act of 2010,
5 shall be determined by reference to the latest statement
6 titled “Budgetary Effects of PAYGO Legislation” for this
7 Act, submitted for printing in the Congressional Record
8 by the Chairman of the Senate Budget Committee, pro-
9 vided that such statement has been submitted prior to the
10 vote on passage.

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