

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To establish a Government corporation to provide loans and loan guarantees for infrastructure projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARBAJAL introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a Government corporation to provide loans and loan guarantees for infrastructure projects, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Infrastruc-
5 ture Investment Corporation Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) According to the American Society of Civil
2 Engineers 2017 Infrastructure Report, the current
3 condition of the infrastructure in the United States
4 earns a grade of D+ and an estimated
5 \$4,500,000,000,000 is needed by 2025 to make con-
6 ditions adequate.

7 (2) Current and foreseeable demands on tradi-
8 tional funding for infrastructure expansion exceed
9 the resources to support much-needed infrastructure
10 programs.

11 (3) As of April 19, 2019, the top 50 strategic
12 infrastructure projects, including transportation,
13 water and wastewater, ports and waterways, and
14 telecommunications, totaled \$289,370,000,000 in
15 unmet needs.

16 (4) Infrastructure needs are not limited to tra-
17 ditional roads and bridges but include a wide sector
18 of basic, physical, and organizational structures and
19 facilities that are needed for the effective and pro-
20 ductive operation of society.

21 (5) Investment in infrastructure not only cre-
22 ates jobs and economic growth and is a key compo-
23 nent of maintaining a global competitive edge but is
24 also fundamental to enhancing and preserving qual-
25 ity of life.

1 (6) The establishment of a Government cor-
2 poration that provides loans supported by pension
3 funds to finance qualified infrastructure projects
4 would attract needed supplemental capital for infra-
5 structure development.

6 **SEC. 3. ESTABLISHMENT.**

7 There is established a corporation to be known as the
8 “National Infrastructure Investment Corporation” (in this
9 Act referred to as the “Corporation”), which shall be a
10 Government corporation as defined in section 103 of title
11 5, United States Code, whose purpose shall be to finance
12 infrastructure projects that are beyond the financing capa-
13 bilities of States and cities, including—

14 (1) prioritizing projects in a fair and efficient
15 manner; and

16 (2) minimizing financial costs to the Federal
17 Government.

18 **SEC. 4. BOARD OF DIRECTORS AND INSPECTOR GENERAL.**

19 (a) ESTABLISHMENT.—The management of the Cor-
20 poration shall be vested in a board of directors (in this
21 Act referred to as the “Board”).

22 (b) MEMBERSHIP.—The Board shall be composed of
23 7 members that meet the qualifications under subsection
24 (c), consisting of—

1 (1) 3 members appointed by the President, by
2 and with the advice and consent of the Senate;

3 (2) 1 member appointed by the majority leader
4 of the Senate;

5 (3) 1 member appointed by the minority leader
6 of the Senate;

7 (4) 1 member appointed by the Speaker of the
8 House of Representatives; and

9 (5) 1 member appointed by the minority leader
10 of the House of Representatives.

11 (c) QUALIFICATIONS.—Each member of the Board
12 shall—

13 (1) be a citizen of the United States;

14 (2) have significant demonstrated experience or
15 expertise in—

16 (A) infrastructure, and with respect to in-
17 frastructure, experience or expertise in—

18 (i) heavy construction;

19 (ii) labor; or

20 (iii) government policy;

21 (B) the financing, development, or oper-
22 ation of infrastructure projects, including the
23 evaluation and selection of eligible projects; or

1 (C) the management and administration of
2 a financial institution that provides financing
3 for infrastructure projects; and

4 (3) represent different geographic regions of the
5 United States to ensure rural areas and small com-
6 munities are represented.

7 (d) INITIAL APPOINTMENTS.—Not later than 30 days
8 after the date of enactment of this Act, the President and
9 congressional leadership shall appoint the members of the
10 Board in accordance with subsections (b) and (c).

11 (e) CHAIR.—The Chair of the Board shall be des-
12 ignated by the President from among the members ap-
13 pointed under subsection (b).

14 (f) TERMS.—Each member of the Board shall hold
15 office for a term of 5 years, except as provided in the fol-
16 lowing paragraphs:

17 (1) TERMS OF INITIAL APPOINTEES.—As des-
18 ignated by the President and congressional leader-
19 ship at the time of appointment—

20 (A) the Chair shall be appointed for a term
21 of 5 years;

22 (B) the 4 members appointed by congress-
23 sional leadership shall be appointed for a term
24 of 4 years; and

1 (C) the 2 members appointed by the Presi-
2 dent shall be appointed for a term of 2 years.

3 (2) VACANCIES.—Vacancies shall be filled ac-
4 cording to the following:

5 (A) A vacancy shall be filled in the manner
6 in which the original appointment was made.

7 (B) Any Board member elected to fill a va-
8 cancy occurring before the expiration of the
9 term for which the direct predecessor of the
10 member was appointed shall be appointed only
11 for the remainder of that term.

12 (C) In accordance with subparagraph (B),
13 a Board member may serve after the expiration
14 of the term of the direct predecessor of the
15 Board member until a successor has taken of-
16 fice.

17 (g) RESPONSIBILITIES OF THE BOARD.—The respon-
18 sibilities of the Board are as follows:

19 (1) Provide low-cost loans and loan guarantees
20 to eligible applicants under section 5.

21 (2) Develop strategic goals for the Corporation
22 based on the purpose of the Corporation.

23 (3) Monitor and assess the effectiveness of the
24 Corporation in achieving such strategic goals.

1 (4) Review and approve the annual business
2 plans, annual budgets, and long-term strategies of
3 and for infrastructure projects financed through the
4 Corporation.

5 (5) Develop, review, and approve annual reports
6 for the Corporation.

7 (6) Employ at least 1 external auditor to con-
8 duct an annual audit of such infrastructure projects.

9 (7) Employ individuals as necessary to carry
10 out the provisions of this Act.

11 (8) Determine the operations and internal poli-
12 cies of the Corporation.

13 (h) INSPECTOR GENERAL.—The Board shall appoint
14 an employee of the Corporation to be known as the “In-
15 spector General” whose duties shall include the following:

16 (1) Conduct audits under section 6(b).

17 (2) Carry out, with respect to the Corporation,
18 duties and responsibilities established under the In-
19 spector General Act of 1978 (5 U.S.C. App.).

20 (3) Establish, maintain, and oversee such au-
21 dits as the Inspector General considers appropriate
22 under this Act.

1 **SEC. 5. LOANS, LOAN GUARANTEES, AND BONDING.**

2 (a) GENERAL AUTHORITY.—The Corporation shall
3 provide loans, loan guarantees, and bonds to eligible appli-
4 cants for infrastructure projects in the United States.

5 (b) ELIGIBILITY REQUIREMENTS.—An applicant is
6 eligible for a loan, loan guarantee, or bond under this sec-
7 tion if the applicant—

8 (1) submits a detailed letter of interest to the
9 Corporation that—

10 (A) describes the infrastructure project
11 and the location, purpose, and cost of the
12 project;

13 (B) outlines the proposed financial plan
14 with respect to such project, including the re-
15 quested loan, loan guarantee, or bond amount
16 and the proposed obligor;

17 (C) provides a status of environmental re-
18 view; and

19 (D) summarizes the geographic area af-
20 fected by such project;

21 (2) meets the prerequisites for assistance and
22 conditions for assistance described in subsections (g)
23 and (h) of section 502 of the Railroad Revitalization
24 and Regulatory Reform Act of 1976 (45 U.S.C.
25 822(g) and (h)).

1 (c) ELIGIBLE USES.—Loans, loan guarantees, and
2 bonds provided under this section may be used only for
3 eligible project costs (as defined in section 601(a)(2) of
4 title 23, United States Code) for infrastructure projects,
5 including transportation, energy, environment, and tele-
6 communications.

7 (d) CONSULTATION.—Prior to approving a loan, loan
8 guarantee, or bond under this section, the Corporation
9 shall require the applicant to consult with any member of
10 the House of Representatives or member of the Senate
11 whose district or State, respectively, is affected by the in-
12 frastructure project to ensure that such project is meri-
13 torious and to avoid any problems that may arise with re-
14 spect to such project.

15 (e) TIMING.—A loan or bond provided under sub-
16 section (a) shall be structured with respect to the expected
17 timing and duration of the construction and utility of an
18 infrastructure project.

19 (f) TIFIA.—Except as inconsistent with this Act, the
20 Corporation shall provide for loans, loan guarantees, and
21 bonds under this section in the same manner and subject
22 to the same requirements as the Secretary of Transpor-
23 tation enters into loans and loan agreements under section
24 602 of chapter 6 of title 23, United States Code, with re-

1 spect to the TIFIA program (as defined in section 601
2 of such title).

3 **SEC. 6. AUDITS AND REPORTS.**

4 (a) REPORT TO CONGRESS.—Not later than 1 year
5 after the date of enactment of this Act, and annually
6 thereafter, the Board shall submit to Congress a report
7 on the activities of the Corporation.

8 (b) ANNUAL AUDIT.—Not later than 1 year after the
9 date of enactment of this Act, and annually thereafter,
10 the Inspector General of the Corporation shall—

11 (1) conduct an account audit of the Corpora-
12 tion;

13 (2) conduct, supervise, and coordinate inves-
14 tigations of the business activities of the Corpora-
15 tion;

16 (3) ensure that the Corporation is acting con-
17 sistent with this Act; and

18 (4) submit the results of such audit to Con-
19 gress.

20 (c) GAO AUDIT AND REPORT.—Not later than 5
21 years after the date of enactment of this Act, and every
22 5 years thereafter, the Comptroller General of the United
23 States shall—

24 (1) conduct an evaluation of the activities of the
25 Corporation from the previous 5 fiscal years; and

1 (2) submit to Congress a report containing the
2 results of such evaluation, which shall include—

3 (A) an assessment of the impact and bene-
4 fits of each infrastructure project financed
5 through the Corporation; and

6 (B) a review of the effectiveness of such in-
7 frastructure project in accomplishing the goals
8 of this Act.

9 (d) APPLICATION WAITING PERIOD.—Before any
10 loan or loan guarantee is awarded under this Act, the Cor-
11 poration shall submit to Congress a report describing the
12 application for such loan or loan guarantee. The Corpora-
13 tion may not award the loan or loan agreement before the
14 end of the 60-day period following the submission of such
15 report to Congress. The Corporation may award the loan
16 or loan agreement after such period unless Congress en-
17 acts a joint resolution disapproving the application with
18 an explanation for such disapproval.

19 (e) REJECTED APPLICATIONS.—An application that
20 is rejected under subsection (d) shall not be resubmitted
21 to the Corporation unless the basis for the disapproval of
22 the application has been addressed by the resubmitted ap-
23 plication.

1 **SEC. 7. FUNDING.**

2 (a) PENSION FUND LOANS.—For purposes of paying
3 for the administrative costs of the Corporation and to pro-
4 vide loans and loan guarantees for eligible infrastructure
5 projects, the Board may accept loans during fiscal years
6 2024 through 2028 from pension funds.

7 (b) LIMITATION.—The Board may not accept more
8 than \$5,000,000,000 in loans under subsection (a) during
9 any single fiscal year.

10 (c) ANNUAL PERCENTAGE RATE.—With respect to a
11 loan described under subsection (a), the Board may not
12 pay an annual percentage rate of less than 3 percent or
13 more than 4 percent.