



IN THE CONGRESS OF THE UNITED STATES

MAY 18th, 2020

Rep. KAMALA D. HARRIS (for herself) introduced the following bill

A BILL

To improve the infrastructure of the United States and therefore secure our freedoms and liberties that is the birthright of this great nation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This act may be cited as the “Infrastructure Expansion for American Freedom Act.”

SECTION 2. NON-FEDERAL COST SHARE OF AFFECTED PROGRAMS.

Notwithstanding any other provision of law (including regulations), the non-Federal share of the cost of any activity carried out using funds provided by this Act or an amendment made by this Act shall be an amount equal to the product obtained by multiplying—

(1) the non-Federal cost share of the activity, as in effect on the day before the date of enactment of this Act; and

(2) 0.5.

SECTION 3. TRANSPORTATION INFRASTRUCTURE.

(a) Highway Trust Fund.—Out of funds of the Treasury not otherwise appropriated, in addition to any other funds made available for the Highway Trust Fund, there is appropriated \$75,000,000,000 for each of fiscal years 2020 through 2027 to the Highway Trust Fund to improve roads, bridges, and other transportation infrastructure in the United States.

(b) Intercity Passenger And High-Speed Rail Service.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$15,000,000,000 for each of fiscal years 2020 through 2024 to the Secretary of Transportation—

- (1) to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4908);
- (2) to make discretionary grants to States to pay the cost of projects described in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code, and section 24105(b) of that title, subject to the condition that the Secretary of Transportation shall give priority to projects that support the development of intercity high-speed rail service; and
- (3) to carry out section 5309 of title 49, United States Code.

(c) Transportation Infrastructure Finance And Innovation.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$2,000,000,000 for each of fiscal years 2020 through 2024 to provide credit assistance for surface transportation projects of national and regional significance in accordance with chapter 6 of title 23, United States Code.

(d) Airport Improvement.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$2,500,000,000 for each of fiscal years 2020 through 2024 to implement airport improvement and noise compatibility projects at public-use airports in accordance with subchapter I of chapter 471 of title 49, United States Code.

(e) Next Generation Air Transportation System.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$3,500,000,000 for each of fiscal years 2020 through 2024 to the Next Generation Air Transportation System Joint Planning and Development Office of the

Federal Aviation Administration to accelerate deployment of satellite technology to improve airport safety and capacity.

(f) National Infrastructure Investments.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$5,000,000,000 for each of fiscal years 2020 through 2024 for the discretionary grant program under title I of division K of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235) (commonly referred to as the “TIGER Discretionary Grant Program”), subject to the condition that, for projects carried out under that program that are located in rural areas, the Secretary of Transportation may increase the Federal share of the costs of the project to 100 percent.

SECTION 4. WATER INFRASTRUCTURE.

(a) State Water Pollution Control Revolving Funds.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$6,000,000,000 for each of fiscal years 2020 through 2024 to the Administrator of the Environmental Protection Agency to make capitalization grants to States for the purpose of establishing water pollution control revolving funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.).

(b) State Drinking Water Treatment Revolving Loan Funds.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$6,000,000,000 for each of fiscal years 2020 through 2024 to the Administrator of the Environmental Protection Agency to make capitalization grants to States for the purpose of establishing drinking water treatment revolving loan funds under section 1452(a) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)).

(c) Water Infrastructure Finance And Innovation.—Out of funds of the Treasury not otherwise appropriated, in addition to the amounts made available under section 5033(a) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3912(a)), there is appropriated \$2,000,000,000 for each of fiscal years 2020 through 2024 the Administrator of the Environmental Protection Agency to provide long-term, low-interest loans for large water infrastructure projects that are not eligible for funding from a State revolving loan fund, in accordance with the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(d) Non-Federal Dams And Levees.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$2,000,000,000 to the Director of the Federal Emergency Management Agency to carry out the pre-disaster hazard mitigation program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) for each of fiscal years 2020 through 2024 for—

- (1) minor localized flood reduction projects; and
- (2) major flood risk reduction projects.

(e) Inland Waterways.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$1,500,000,000 for each of fiscal years 2020 through 2024 to the Construction Account of the Corps of Engineers for the construction, replacement, rehabilitation, and expansion of inland waterways projects to improve the movement and transport of goods, subject to the condition that, notwithstanding any other provision of law, none of the amounts provided by this subsection may be cost-shared with any amounts from the Inland Waterways Trust Fund established by section 9506(a) of the Internal Revenue Code of 1986.

(f) Harbor Maintenance.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$1,500,000,000 for each of fiscal years 2020 through 2024 to the Operation and Maintenance Account of the Corps of Engineers for the eligible operations and maintenance costs of all coastal harbors and channels and for inland harbors to improve the movement of goods through marine ports in the United States.

(g) Dams And Levees.—

(1) IN GENERAL.—Subject to paragraph (2), out of funds of the Treasury not otherwise appropriated, there is appropriated \$10,000,000,000 for each of fiscal years 2020 through 2024 to the Construction Account of the Corps of Engineers for the following activities:

(A) Activities falling within Dam Safety and Levee Safety Action Classifications 1, 2, and 3.

(B) Activities authorized by subtitle B of title III of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1284) (including the amendments made by that subtitle).

(C) Assistance for flood damage reduction activities authorized by the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.).

(2) REQUIREMENTS.—The Secretary of the Army, acting through the Chief of Engineers—

(A) may use the funds appropriated pursuant to this subsection to carry out authorized flood damage reduction and coastal storm damage reduction activities, including the activities authorized by—

(i) section 1001 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1049); and

(ii) section 7002 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1364); and

(B) shall have unlimited reprogramming authority with respect to those funds.

SECTION 5. NATIONAL PARK SERVICE.

Out of funds of the Treasury not otherwise appropriated, there is appropriated \$3,000,000,000 for each of fiscal years 2020 through 2024 for—

(1) expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service; and

(2) the general administration of the National Park Service.

SECTION 6. MISCELLANEOUS INFRASTRUCTURE.

(a) Broadband Initiatives Program.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$2,500,000,000 for each of fiscal years 2020 through 2024 for the broadband initiatives program established under title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) to expand the access and quality of broadband service across the rural United States.

(b) Broadband Technology Opportunities Program.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$2,500,000,000 for each of fiscal years 2020 through 2024 to the Assistant Secretary of Commerce for Communications and Information to make grants for purposes of the Broadband Technology Opportunities Program established under section 6001(a) of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305(a)), including providing access and improving broadband service to underserved areas of the United States.

(c) Electric Grid.—Out of funds of the Treasury not otherwise appropriated, there is appropriated \$10,000,000,000 for each of fiscal years 2020 through 2024 to the Secretary of Energy for expenses necessary for—

(1) electricity delivery and energy reliability activities to modernize the electric grid, including activities relating to—

- (A) demand responsive equipment;
- (B) enhanced security and reliability of the energy infrastructure;
- (C) energy storage research, development, demonstration, and deployment; and
- (D) facilitating recovery from disruptions to the energy supply; and

(2) implementation of the programs authorized under title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.).

SECTION 7. NATIONAL INFRASTRUCTURE BANK

For purposes of this title, the following definitions shall apply, unless the context requires otherwise:

(1) BANK.—The term “Bank” means the National Infrastructure Development Bank established under section 202(a).

(2) BOARD.—The term “Board” means the National Infrastructure Development Bank Board.

(3) CHIEF ASSET AND LIABILITY MANAGEMENT OFFICER.—The term “chief asset and liability management officer” means the chief individual responsible for coordinating the management of assets and liabilities of the Bank.

(4) CHIEF COMPLIANCE OFFICER.—The term “chief compliance officer” or “CCO” means the chief individual responsible for overseeing and managing the compliance and regulatory affairs issues of the Bank.

(5) CHIEF FINANCIAL OFFICER.—The term “chief financial officer” or “CFO” means the chief individual responsible for managing the financial risks, planning, and reporting of the Bank.

(6) CHIEF LOAN ORIGINATION OFFICER.—The term “chief loan origination officer” means the chief individual responsible for the processing of new loans provided by the Bank.

(7) CHIEF OPERATIONS OFFICER.—The term “chief operations officer” or “COO” means the chief individual responsible for information technology and the day-to-day operations of the Bank.

(8) CHIEF RISK OFFICER.—The term “chief risk officer” or “CRO” means the chief individual responsible for managing operational and compliance-related risks of the Bank.

(9) CHIEF TREASURY OFFICER.—The term “chief treasury officer” means the chief individual responsible for managing the Bank’s treasury operations.

(10) DEVELOP; DEVELOPMENT.—The terms “develop” and “development” mean, with respect to an infrastructure project, any—

- (A) preconstruction planning, feasibility review, permitting, design work, and other preconstruction activities; and
- (B) construction, reconstruction, rehabilitation, replacement, or expansion.

(11) DISADVANTAGED COMMUNITY.—The term “disadvantaged community” means a community with a median household income of less than 80 percent of the statewide median household income for the State in which the community is located.

(12) ENERGY INFRASTRUCTURE PROJECT.—The term “energy infrastructure project” means any project for energy transmission, energy efficiency enhancement for buildings, public housing and federally assisted multifamily housing, and schools, renewable energy, and energy storage.

(13) ENTITY.—The term “entity” means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, and a State or other governmental entity, including a political subdivision or any other instrumentality of a State or a revolving fund.

(14) ENVIRONMENTAL INFRASTRUCTURE PROJECT.—The term “environmental infrastructure project” means any project for the establishment, maintenance, or enhancement of any drinking water and wastewater treatment facility, storm water management system, dam, levee, open space management system, solid waste disposal facility, hazardous waste facility, industrial site cleanup, or redevelopment of a Brownfield site (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)).

(15) EXECUTIVE DIRECTOR.—The term “executive director” means the individual serving as the chief executive officer of the Bank.

(16) GENERAL COUNSEL.—The term “general counsel” means the individual who serves as the chief lawyer for the Bank.

(17) INFRASTRUCTURE PROJECT.—The term “infrastructure project” means any energy, environmental, telecommunications, data, or transportation infrastructure project.

(18) PUBLIC BENEFIT BOND.—The term “public benefit bond” means a bond issued with respect to an infrastructure project in accordance with this title if—

- (A) the net spendable proceeds from the sale of the issue may be used for expenditures incurred after the date of issuance with respect to the project, subject to the rules of the Bank;
- (B) the bond issued by the Bank is in registered form and meets the requirements of this title and otherwise applicable law;
- (C) the term of each bond which is part of the issue is greater than 30 years; and
- (D) the payment of principal with respect to the bond is the obligation of the Bank.

(19) PUBLIC-PRIVATE PARTNERSHIP.—The term “public-private partnership” means any entity—

- (A) (i) which is undertaking the development of all or part of an infrastructure project, which will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or

(ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State; and
- (B) which owns, leases, or operates, or will own, lease, or operate, the project in whole or in part, and at least one of the participants in the entity is a nongovernmental entity.

(20) REVOLVING FUND.—The term “revolving fund” means a fund or program established by a State or a political subdivision or other instrumentality of a State, the principal activity of

which is to make loans, commitments, or other financial accommodation available for the development of one or more categories of infrastructure projects.

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

(22) SMART GRID.—The term “smart grid” means a system that provides for any of the smart grid functions set forth in section 1306(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(d)).

(23) SMART GROWTH.—The term “smart growth” means development that avoids sprawl, including any activity—

- (A) relating to policy analysis (such as reviewing State and local codes, school siting guidelines, and transportation policies) or a public participatory process (such as visioning, design workshops, alternative analysis, and build-out analysis); and
- (B) activities similar to those carried out pursuant to the Department of Housing and Urban Development-Department of Transportation-Environmental Protection Agency Partnership for Sustainable Communities.

(24) STATE.—The term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory of the United States.

(25) TELECOMMUNICATIONS INFRASTRUCTURE PROJECT.—

- (A) IN GENERAL.—The term “telecommunications infrastructure project” means any project involving infrastructure required to provide information by wire or radio.
- (B) INCLUSIONS.—The term “telecommunications infrastructure project” includes—
 - (i) a project carried out by a State, county, or municipal agency;
 - (ii) a community-owned project; and
 - (iii) any other project administered by a public provider.

(26) TRANSPORTATION INFRASTRUCTURE PROJECT.—The term “transportation infrastructure project” means any project for the construction, maintenance, or enhancement of highways, roads, bridges, transit and intermodal systems, inland waterways, commercial ports, airports, intercity bus, high-speed rail, and freight rail systems.

SECTION 8. ESTABLISHMENT OF NATIONAL INFRASTRUCTURE DEVELOPMENT BANK.

(a) Establishment Of National Infrastructure Development Bank.—The National Infrastructure Development Bank is established as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly known as the “Government Corporation Control Act”), except as otherwise provided in this title.

(b) Responsibility Of The Secretary.—The Secretary shall take such action as may be necessary to assist in implementing the establishment of the Bank in accordance with this title.

(c) Conforming Amendment.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (N) the following:

“(O) the National Infrastructure Development Bank.”.

SECTION 9. BOARD OF DIRECTORS.

(a) In General.—The Bank shall have a Board of Directors consisting of 5 members appointed by the President, by and with the advice and consent of the Senate.

(b) Qualifications.—The directors of the Board shall include individuals representing different regions of the United States and—

- (1) 2 of the directors shall have public sector experience; and
- (2) 3 of the directors shall have private sector experience.

(c) Chairperson And Vice Chairperson.—As designated at the time of appointment, one of the directors of the Board shall be designated chairperson of the Board by the President and one shall be designated as vice chairperson of the Board by the President.

(d) Terms.—

- (1) **IN GENERAL.**—Except as provided in paragraph (2) and subsection (f), each director shall be appointed for a term of 6 years.
- (2) **INITIAL STAGGERED TERMS.**—Of the initial members of the Board—
 - (A) the chairperson and vice chairperson shall be appointed for terms of 6 years;
 - (B) 1 shall be appointed for a term of 5 years;
 - (C) 1 shall be appointed for a term of 4 years; and
 - (D) 1 shall be appointed for a term of 3 years.

(e) Date Of Initial Nominations.—The initial nominations by the President for appointment of directors to the Board shall be made not later than 60 days after the date of enactment of this Act.

(f) Vacancies.—

- (1) **IN GENERAL.**—A vacancy on the Board shall be filled in the manner in which the original appointment was made.
- (2) **APPOINTMENT TO REPLACE DURING TERM.**—Any director appointed to fill a vacancy occurring before the expiration of the term for which the director's predecessor was appointed shall be appointed only for the remainder of the term.
- (3) **DURATION.**—A director may serve after the expiration of that director's term until a successor has taken office.

(g) Quorum.—Three directors shall constitute a quorum.

(h) Reappointment.—A director of the Board appointed by the President may be reappointed by the President in accordance with this section.

(i) Per Diem Reimbursement.—Directors of the Board shall serve on a part-time basis and shall receive a per diem when engaged in the actual performance of Bank business, plus reasonable reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(j) Limitations.—A director of the Board may not participate in any review or decision affecting a project under consideration for assistance under this title if the director has or is affiliated with a person who has an interest in such project.

(k) Powers And Limitations Of The Board.—

(1) **POWERS.**—In order to carry out the purposes of the Bank as set forth in this title, the Board shall be responsible for monitoring and overseeing infrastructure projects and have the following powers:

(A) To make senior and subordinated loans and purchase senior and subordinated debt securities and enter into a binding commitment to make any such loan or purchase any such security, on such terms as the Board may determine, in the Board's discretion, to be appropriate, the proceeds of which are to be used to finance or refinance the development of one or more infrastructure projects.

(B) To issue and sell debt securities of the Bank on such terms as the Board shall determine from time to time.

(C) To issue public benefit bonds and to provide direct subsidies to infrastructure projects from amounts made available from the issuance of such bonds.

(D) To make loan guarantees.

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

(F) To borrow on the global capital market and lend to regional, State, and local entities, and commercial banks for the purpose of funding infrastructure projects.

(G) To purchase, pool, and sell infrastructure-related loans and securities on the global capital market.

(H) To purchase in the open market any of the Bank's outstanding obligations at any time and at any price.

(I) To monitor and oversee infrastructure projects financed, in whole or in part, by the Bank.

(J) To acquire, lease, pledge, exchange, and dispose of real and personal property and otherwise exercise all the usual incidents of ownership of property to the extent the exercise of such powers are appropriate to and consistent with the purposes of the Bank.

(K) To sue and be sued in the Bank's corporate capacity in any court of competent jurisdiction, except that no attachment, injunction, or similar process, may be issued against the property of the Bank or against the Bank with respect to such property.

(L) To indemnify the directors and officers of the Bank for liabilities arising out of the actions of the directors and officers in such capacity, in accordance with, and subject to the limitations contained in this title.

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

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

SECTION 10. EXECUTIVE COMMITTEE.

(a) In General.—The Board shall have an executive committee consisting of 9 members, headed by the executive director of the Bank.

(b) Executive Director.—A majority of the Board shall have the authority to appoint and reappoint the executive director.

(c) CEO.—The executive director shall be the chief executive officer of the Bank, with such executive functions, powers, and duties as may be prescribed by this title, the bylaws of the Bank, or the Board.

(d) Other Executive Officers.—The Board shall appoint, remove, fix the compensation, and define duties of 8 other executive officers to serve on the executive committee as the—

(1) chief compliance officer;

(2) chief financial officer;

(3) chief asset and liability management officer;

- (4) chief loan origination officer;
- (5) chief operations officer;
- (6) chief risk officer;
- (7) chief treasury officer; and
- (8) general counsel.

(e) Qualifications.—The executive director and other executive officers shall have demonstrated experience and expertise in one or more of the following:

- (1) Transportation infrastructure.
- (2) Environmental infrastructure.
- (3) Energy infrastructure.
- (4) Telecommunications infrastructure.
- (5) Economic development.
- (6) Workforce development.
- (7) Public health.
- (8) Private or public finance.

(f) Duties.—In order to carry out the purposes of the Bank as set forth in this title, the executive committee shall—

- (1) establish disclosure and application procedures for entities nominating projects for assistance under this title;
- (2) accept, for consideration, project proposals relating to the development of infrastructure projects, which meet the basic criteria established by the Board, and which are submitted by an entity;

- (3) provide recommendations to the Board and place project proposals accepted by the executive committee on a list for consideration for financial assistance from the Board; and
- (4) provide technical assistance to entities receiving financing from the Bank and otherwise implement decisions of the Board.

(g) Vacancy.—A vacancy in the position of executive director shall be filled in the manner in which the original appointment was made.

(h) Compensation.—The compensation of the executive director and other executive officers of the executive committee shall be determined by the Board.

(i) Removal.—The executive director and other executive officers may be removed at the discretion of a majority of the Board.

(j) Term.—The executive director and other executive officers shall serve a 6-year term and may be reappointed in accordance with this section.

(k) Limitations.—The executive director and other executive officers shall not—

- (1) hold any other public office;
- (2) have any interest in an infrastructure project considered by the Board;
- (3) have any interest in an investment institution, commercial bank, or other entity seeking financial assistance for any infrastructure project from the Bank; and
- (4) have any such interest during the 2-year period beginning on the date such officer ceases to serve in such capacity.

SECTION 11. EFFECTIVE DATE AND ENACTMENT

(a) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of the enactment of this Act.

