To facilitate the development of affordable housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. __________ introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To facilitate the development of affordable housing, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Housing is Infrastructure Act of 2021”.

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

Sec. 1. Short title; table of contents.

TITLE I—SUPPORT FOR HOUSING PROGRAMS

Sec. 101. Public Housing Capital Fund.
Sec. 102. Section 8 project-based rental assistance.
Sec. 103. Supportive housing for persons with disabilities.
Sec. 104. Supportive housing for the elderly.
Sec. 105. Rural multifamily preservation and revitalization demonstration program.
Sec. 106. Single-family housing repair loans and grants.
Sec. 107. Housing preservation grants.
Sec. 108. Native American housing block grants.
Sec. 109. Housing Trust Fund.
Sec. 110. HOME Investment Partnerships program.
Sec. 111. Capital Magnet Fund.
Sec. 112. Community development block grant funding for affordable housing and infrastructure.
Sec. 113. Lead hazard reduction and healthy homes initiative.
Sec. 114. Flood mitigation assistance grant program.
Sec. 115. Inclusion of minority and women’s business enterprises.
Sec. 116. First-generation downpayment assistance.
Sec. 117. Fair housing enforcement.
Sec. 118. Fair and equitable housing development requirements.
Sec. 119. Reports on outcomes.
Sec. 120. HUD salaries and expenses.

TITLE II—NATIONAL INVESTMENT AUTHORITY SYSTEM

Sec. 201. Short title.

Subtitle A—National Investment Authority

Sec. 211. Establishment.
Sec. 212. Functions.
Sec. 213. Funding.
Sec. 214. NIA Governing Board.
Sec. 215. Project eligibility and selection.
Sec. 216. Public accountability.

Subtitle B—NIA Regional Offices

Sec. 231. Establishment.
Sec. 232. Organization and structure.
Sec. 233. Functions.

Subtitle C—National Infrastructure Bank

Sec. 251. Establishment.
Sec. 252. Functions.
Sec. 253. NIB Governance.
Sec. 254. Project eligibility and selection.
TITLE I—SUPPORT FOR HOUSING PROGRAMS

SEC. 101. PUBLIC HOUSING CAPITAL FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) $70,000,000,000 and any amounts appropriated pursuant to this subsection shall remain available until the expiration of the 7-year period beginning upon the date of such appropriation.

(b) REQUIREMENTS.—The Secretary of Housing and Urban Development (in this title referred to as the “Secretary”) shall—

(1) distribute not less than 50 percent of any amounts appropriated pursuant to subsection (a) under the same formula used for amounts made available for the Capital Fund for fiscal year 2020; and

(2) make available all remaining amounts by competition for priority investments, which shall not exclude public housing agencies working in good faith to resolve urgent health and safety concerns based on written notification of violations from the Department of Environmental Protection, Depart-
ment of Justice, or Department of Housing and
Urban Development.

(c) TIMING.—The Secretary shall obligate amounts—
(1) made available under subsection (b)(1)
within 30 days of enactment of the Act appro-
priating such funds; and
(2) made available under subsection (b)(2)
within 12 months of enactment of the Act appro-
priating such funds.

(d) LIMITATION.—Amounts provided pursuant to
this section may not be used for operating costs or rental
assistance.

(e) USE OF AMOUNTS.—Not more than 0.5 percent
of any amount appropriated pursuant to this section shall
be used by the Secretary for costs associated with staff,
training, technical assistance, technology, monitoring,
travel, enforcement, research, and evaluation.

(f) SUPPLEMENTATION OF FUNDS.—The Secretary
shall ensure that amounts provided pursuant to this sec-
tion shall serve to supplement and not supplant other
amounts generated by a recipient of such amounts or
amounts provided by other Federal, State, or local
sources.

(g) CLIMATE AND NATURAL DISASTER RESILIENCE
AND WATER AND ENERGY EFFICIENCY.—In distributing
any amounts pursuant to subsection (b), the Secretary shall give priority to public housing agencies located in States and localities that have a plan to increase climate and natural disaster resilience and water and energy efficiency when developing or rehabilitating public housing using any amounts distributed.

(h) REPEAL OF FAIRCLOTH AMENDMENT.—Section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)) is amended by striking paragraph (3) (relating to limitation on new construction).

SEC. 102. SECTION 8 PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for assistance to owners of properties receiving project-based subsidy contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), [[$2,000,000,000]], to remain available until September 30, 2024.

(b) USE OF AMOUNTS.—Amounts provided pursuant to this section shall be used for competitive grants for capital improvements to such properties, including grants for activities that mitigate threats to the health and safety of residents, reduce lead based paint hazards, reduce other housing related hazards, including carbon monoxide, radon, or mold, improve water and energy efficiency, or
reduce the risk of harm to occupants or property from natural hazards.

(c) Grants for Areas of Persistent Poverty.—Of any amounts made available pursuant to this section, not less than [10 percent] shall be available without regard to any requirement regarding minimum grant amount and only for eligible uses within or directly benefitting—

(1) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(2) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Census Bureau; or

(3) any territory or possession of the United States.

(d) Wage Rate Requirements.—Projects funded with grants provided under this section shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.
(e) POLICIES; PROCEDURES, CONTRACTS.—Grants under this section shall—

(1) be provided through the policies, procedures, contracts, and transactional infrastructure of the authorized programs administered by the Department of Housing and Urban Development, on such terms and conditions as the Secretary of Housing and Urban Development deems appropriate to ensure the maintenance and preservation of the property, the continued operation and maintenance of energy efficiency technologies, and the timely expenditure of funds; and

(2) include a financial assessment and physical inspection of such property.

(f) ELIGIBLE OWNERS.—To be eligible for a grant under this section, the owner of the property shall have at least a satisfactory management review rating, be in substantial compliance with applicable performance standards and legal requirements, and commit to an additional period of affordability determined by the Secretary, but of not fewer than 15 years.

(g) WAIVERS AND ALTERNATIVE REQUIREMENTS.—In administering funds made available pursuant to this section, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation
in connection with the obligation by the Secretary or the
use of such funds (except for requirements related to fair
housing, nondiscrimination, labor standards, and the envi-
ronment), upon a finding that such a waiver is necessary
to expedite or facilitate the use of such funds.

(h) CLIMATE AND NATURAL DISASTER RESILIENCE
AND WATER AND ENERGY EFFICIENCY.—Not less than
15 percent of all amounts made available pursuant to this
section shall be used only for activities relating to climate
and natural disaster resilience and water and energy effi-
ciency and, at the Secretary’s discretion, other strategies
to enhance the environmental sustainability of housing
production and design

(i) TRANSFER AUTHORITY.—Of the amounts made
available pursuant to this section, the Secretary may
transfer up to 0.5 percent to the account for “Department
of Housing and Urban Development, Program Offices—
Office of Housing” for necessary costs of administering
and overseeing the obligation and expenditure of amounts
made available pursuant to this section and such trans-
ferred amounts shall remain available until September 30,
2028.
SEC. 103. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

(a) Authorization of Appropriations.—There is authorized to be appropriated \[\$2,500,000,000\] for project rental assistance under the program for supportive housing for persons with disabilities under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)) for State housing finance agencies and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Use of Amounts.—Amounts made available pursuant to this section may be used for costs necessary to provide residents of such housing with access to broadband high-speed internet service.

(c) Grants for Areas of Persistent Poverty.—Of any amounts made available pursuant to this section, not less than \[10\] percent shall be available without regard to any requirement regarding minimum grant amount and only for eligible uses within or directly benefiting—

(1) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual
Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(2) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Census Bureau; or

(3) any territory or possession of the United States.

(d) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 104. SUPPORTIVE HOUSING FOR THE ELDERLY.

(a) Authorization of Appropriations.—There is authorized to be appropriated \$2,500,000,000, to remain available until September 30, 2023, for—

(1) capital advances pursuant to section 202(c)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(1)), including amendments to capital advance contracts for housing for the elderly as authorized by section 202 of such Act;
(2) project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term;

(3) senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000 (12 U.S.C. 1701g note);

(4) supportive services associated with housing assisted under paragraph (1), (2), or (3); and

(5) costs necessary to provide residents of housing assisted under paragraph (1), (2), or (3) with access to broadband high-speed internet service.

(b) GRANTS FOR AREAS OF PERSISTENT POVERTY.—Of any amounts made available pursuant to this section, not less than [10 percent] shall be available without regard to any requirement regarding minimum grant amount and only for eligible uses within or directly benefiting—

(1) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual
Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(2) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Census Bureau; or

(3) any territory or possession of the United States.

(c) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 105. RURAL MULTIFAMILY PRESERVATION AND REVITALIZATION DEMONSTRATION PROGRAM.

(a) Authorization of Appropriations.—There is authorized to be appropriated for carrying out the Multifamily Preservation and Revitalization Demonstration program of the Rural Housing Service (as authorized under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, and 1486))
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[$1,000,000,000] and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Eligible Uses.—Any amounts made available pursuant to this section may be used under such sections 514, 515, and 516 to finance the construction of new affordable housing.

(c) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 106. SINGLE-FAMILY HOUSING REPAIR LOANS AND GRANTS.

(a) Authorization of Appropriations.—There is authorized to be appropriated for carrying out single family housing repair loans and grants under section 504 of the Housing Act of 1949 (42 U.S.C. 1474) [$600,000,000] and any amounts appropriated pursuant to this section shall remain available until expended.

(b) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this
section shall be used only for activities relating to climate
and natural disaster resilience and water and energy effi-
ciency and, at the Secretary’s discretion, other strategies
to enhance the environmental sustainability of housing
production and design.

SEC. 107. HOUSING PRESERVATION GRANTS.

(a) Authorization of Appropriations.—There is
authorized to be appropriated for carrying out housing
preservation grants under section 533 of the Housing Act
of 1949 (42 U.S.C. 1490m) [§400,000,000] and any
amounts appropriated pursuant to this section shall re-
main available until expended.

(b) Climate and Natural Disaster Resilience
and Water and Energy Efficiency.—Not less than
15 percent of all amounts made available pursuant to this
section shall be used only for activities relating to climate
and natural disaster resilience and water and energy effi-
ciency and, at the Secretary’s discretion, other strategies
to enhance the environmental sustainability of housing
production and design.

SEC. 108. NATIVE AMERICAN HOUSING BLOCK GRANTS.

(a) Authorization of Appropriations.—There is
authorized to be appropriated for carrying out the Native
American housing block grant program under title I of
the Native American Housing Assistance and Self-Deter-
mination Act of 1996 (25 U.S.C. 4111 et seq.) of which $2,000,000,000, of which $50,000,000 shall be available only for the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.). Any amounts made available pursuant to this section shall remain available until expended.

(b) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

(c) Compliance With Treaty Obligations.—The Secretary shall withhold all or partial funds to a tribe or tribal entity under this section if, after consultation with the Secretary of the Interior and the tribe, the Secretary determines prior to disbursement that the tribe is not in compliance with obligations under its 1866 treaty with the United States as it relates to the inclusion of persons who are lineal descendants of Freedmen as having the rights of the citizens of such tribes, unless a federal
court has issued a final order that determines the treaty obligations with respect to including Freedmen as citizens.

For purposes of this subsection, a court order is not considered final if time remains for an appeal or application for discretionary review with respect to the order.]

SEC. 109. HOUSING TRUST FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Housing Trust Fund under section 1338 of the Housing and Urban Development Act of 1992 (12 U.S.C. 4568) $45,000,000,000 and any amounts made available pursuant to this subsection shall remain available until expended.

(b) PRIORITY FOR OCCUPANCY.—The Secretary shall ensure that priority for occupancy in dwelling units assisted with amounts made available pursuant to this section that become available for occupancy shall be given to persons and households who are homeless (as such term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) or at risk of homelessness (as such term is defined in section 401 of such Act (42 U.S.C. 11360)).

(c) GRANTS FOR AREAS OF PERSISTENT POVERTY.—Of any amounts made available pursuant to this section, not less than 10 percent shall be available without regard to any requirement regarding minimum grant
amount and only for eligible uses within or directly benefiting—

(1) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(2) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Census Bureau; or

(3) any territory or possession of the United States.

(d) CLIMATE AND NATURAL DISASTER RESILIENCE AND WATER AND ENERGY EFFICIENCY.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

(e) APPLICABILITY OF DAVIS-BACON ACT.—
(1) **IN GENERAL.**—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with amounts made available pursuant to this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. The preceding sentence shall apply to the rehabilitation of residential property only if such property contains not less than 12 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any individual who—

(A) performs services for which the individual volunteered;

(B) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and
(C) is not otherwise employed at any time in the construction work.

SEC. 110. HOME INVESTMENT PARTNERSHIPS PROGRAM.

(a) Authorization of Appropriations.—There is authorized to be appropriated for carrying out the HOME Investment Partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) $35,000,000,000 and any amounts made available pursuant to this section shall remain available until expended.

(b) Grants for Areas of Persistent Poverty.—Of any amounts made available pursuant to this section, not less than 10 percent shall be available without regard to any requirement regarding minimum grant amount and only for eligible uses within or directly benefiting—

(1) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(2) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-
year data series available from the American Community Survey of the Census Bureau; or

(3) any territory or possession of the United States.

(c) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 111. CAPITAL MAGNET FUND.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Capital Magn
Fund under section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4569) [$12,000,000,000] and any amounts made available pursuant to this subsection shall remain available until expended.

(b) Grants for Areas of Persistent Poverty.—Of any amounts made available pursuant to this section, not less than [10 percent] shall be available without regard to any requirement regarding minimum grant
amount and only for eligible uses within or directly benefitting—

(1) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(2) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Census Bureau; or

(3) any territory or possession of the United States.

(e) Climate and Natural Disaster Resilience and Water and Energy Efficiency.—Not less than 15 percent of all amounts made available pursuant to this section shall be used only for activities relating to climate and natural disaster resilience and water and energy efficiency and, at the Secretary’s discretion, other strategies to enhance the environmental sustainability of housing production and design.

(d) Applicability of Davis-Bacon Act.—
(1) IN GENERAL.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with amounts made available pursuant to this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. The preceding sentence shall apply to the rehabilitation of residential property only if such property contains not less than 12 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

(2) EXCEPTION.—Paragraph (1) shall not apply to any individual who—

(A) performs services for which the individual volunteered;

(B) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and
(C) is not otherwise employed at any time in the construction work.

SEC. 112. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR AFFORDABLE HOUSING AND INFRASTRUCTURE.

(a) Authorization of Appropriations.—Subject to the provisions of this section, there is authorized to be appropriated \([\$10,000,000,000]\) for assistance under this section, of which—

(1) \([\$2,000,000,000]\) shall be for assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) only for colonias, as such term is defined in section 916(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5306 note);

(2) \([\$250,000,000]\) shall be for grants under subsection (c) of this section for manufactured housing infrastructure improvements; and

(3) the remainder shall be for grants under subsection (b) of this section to lower barriers to development of affordable housing.

Any amounts appropriated pursuant to this section shall remain available until expended.
(b) Grants for Lowering Barriers to Development of Affordable Housing.—

(1) Eligible Activities.—Amounts made available for assistance under this subsection may be used only under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for—

(A) the development and preservation of qualified affordable housing, including the construction of such housing;

(B) the responsible elimination or waiving of zoning requirements and other requirements that limit affordable housing development, including high density and multifamily development restrictions, off-street parking requirements, and height limitations; or

(C) any project or entity eligible for a discretionary grant provided by the Department of Transportation.

(2) Administrative and Planning Costs.—Not more than 15 percent of any amounts made available for use under this subsection may be used for administrative and planning costs.
(3) LIMITATION.—The Secretary shall ensure that recipients of amounts provided for use under this subsection are not incentivized or otherwise rewarded for eliminating or undermining the intent of the zoning regulations or other regulations or policies that—

(A) establish fair wages for labors;

(B) ensure the health and safety of buildings for residents and the general public;

(C) protect fair housing;

(D) provide environmental protections;

(E) prevent tenant displacement; or

(F) protect any other interest that the Secretary determines is in the public interest to preserve.

(4) GRANTS FOR AREAS OF PERSISTENT POVERTY.—Of any amounts made available for use under this subsection, not less than \[10\%\] shall be available without regard to any requirement regarding minimum grant amount and only for eligible uses within or directly benefitting—

(A) any county that has consistently had 20 percent or more of the population living in poverty during the 30-year period preceding the date of enactment of this Act, as measured by
the 1990 and 2000 decennial census and the most recent annual Small Area Income and Poverty Estimates as estimated by the Bureau of the Census;

(B) any census tract having a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Census Bureau; or

(C) any territory or possession of the United States.

(5) COMPETITION.—Amounts made available for assistance under this subsection shall be awarded to States, units of general local government, and Indian tribes on a competitive basis, based on the extent to which the applicant—

(A) demonstrates that the applicant is responsibly streamlining the process for development of qualified affordable housing;

(B) is eliminating or reducing impact fees for housing within boundaries of the State, unit of local government, or Indian tribe, as applicable, and other assessments by State or local governments upon the owners of new housing development projects that offset governmental
capital expenditures for infrastructure required
to serve or made necessary by the new housing
developments, except for fees that are invested
exclusively for housing; and

(C) provides assurances that the applicant
will supplement assistance provided under this
subsection with amounts from non-Federal
sources for costs of the qualified affordable
housing or infrastructure eligible under para-
graph (1) to be funded with assistance under
this subsection, and the extent of such supple-
mental assistance to be provided.

(6) CLIMATE AND NATURAL DISASTER RESIL-
IENCE AND WATER AND ENERGY EFFICIENCY.—Not
less than 15 percent of all amounts made available
pursuant to this section shall be used only for activi-
ties relating to climate and natural disaster resil-
ience and water and energy efficiency and, at the
Secretary’s discretion, other strategies to enhance
the environmental sustainability of housing produc-
tion and design.

(7) QUALIFIED AFFORDABLE HOUSING.—For
purposes of this subsection, the term “qualified af-
fordable housing” means a housing development
that—
(A) funded in any part by assistance provided by the Department of Housing and Urban Development or the Rural Housing Service of the Department of Agriculture;

(B) includes a qualified low income building as such term is defined in section 42 of the Internal Revenue Code of 1986; or

(C) consists of five or more dwelling units of which 20 percent or more are made available—

(i) for rental only by a low-income family (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)));

(ii) at a monthly rent amount that does not exceed 30 percent of the monthly adjusted income (as defined in such section 3(b)) of the tenant low-income family; and

(iii) maintains affordability for residents who are low-income families for a period of not less than 30 years.

(c) MANUFACTURED HOUSING INFRASTRUCTURE IMPROVEMENT GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a pro-
gram under this subsection to make grants to assist in carrying out infrastructure improvements for manufactured housing communities.

(2) Eligible Projects.—Amounts from grants under this subsection may be used only to assist in carrying out a project for replacement, upgrade, or improvement of infrastructure serving a manufactured housing community that—

(A) is critically needed, in accordance with such standards as the Secretary shall establish, to protect the health and safety of the residents of the manufactured housing community and the long-term sustainability of the community;

(B) can be commenced expeditiously upon receipt of funding with a grant under this subsection, in accordance with such standards as the Secretary shall establish; and

(C) is a project for water source or distribution systems, including connecting to public water systems, new wells, pump stations or storage facilities, septic or sewer wastewater systems, electric, including meter panels and utility poles within the community, roadways or driveways within the community, on- or off-site stormwater drainage or flood controls, tree-
trimming and removal as necessary to install new systems or protect homes and facilities, emergency storm shelters which can serve a dual purpose as community centers, energy efficiency projects including solar, wind and street light conversions, or other eligible activities as the Secretary defines.

(3) **Eligible Manufactured Home Communities.**—Amounts from grants under this subsection may be used only for projects meeting the requirements under paragraph (2) that will be carried out with respect to a manufactured housing community that—

(A) meets the affordable housing safe harbor requirements of the Internal Revenue Service under section 601.201 of title 26, Code of Federal Regulations; and

(B)(i) is owned by the residents of the manufactured housing community; or

(ii) the Secretary otherwise determines is subject to such binding agreements as are necessary to ensure that the manufactured housing community will be maintained as such a community, and affordable for low-income families (as such term is defined in section 3(b) of the
United States Housing Act of 1937 (42 U.S.C. 1437a(b)), on a long-term basis.

(4) CRITERIA.—The Secretary shall award grants under this subsection based on a competition using criteria that give priority for such grants to eligible projects under paragraph (2) based on the extent to which the project complies with the requirements of subparagraphs (A) and (B) of such paragraph and the extent to which the project will assist low-income families.

(5) CAPACITY BUILDING; TECHNICAL ASSISTANCE.—Of any amounts made available for grants under this section, the Secretary may use not more than 5 percent for capacity building, project management, and technical assistance for feasibility, planning, and implementation of infrastructure grants.

(6) DEFINITION OF MANUFACTURED HOME COMMUNITY.—For purposes of this subsection, the term “manufactured home community” means any community, court, or park equipped to accommodate manufactured homes for which pad sites or pad sites and the manufactured homes, or both, are leased to residents to be used primarily for residential purposes, including any manufactured housing commu-
community as such term is used for purposes of the program of the Federal National Mortgage Association for multifamily loans for manufactured housing communities and the program of the Federal Home Loan Mortgage Corporation for loans for manufactured housing communities.

SEC. 113. LEAD HAZARD REDUCTION AND HEALTHY HOMES INITIATIVE.

There is authorized to be appropriated \[\$5,000,000,000\], to remain available until September 30, 2023, of which—

(1) \[\$1,250,000,000\] shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970; and

(2) the remainder shall be for the Lead Hazard Reduction program of the Secretary, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, except that not less than \[\$2,000,000,000\] of such amount shall be for the award of grants to areas with the highest lead-based paint abatement needs.
SEC. 114. FLOOD MITIGATION ASSISTANCE GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for carrying out the Flood Mitigation Assistance Grant program under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) [§5,000,000,000] and any amounts appropriated pursuant to this section shall remain available until expended.

(b) MULTIFAMILY RESIDENCES AND ATTACHED AND SEMI-ATTACHED HOMES.—

(1) ALTERNATIVE FORMS OF MITIGATION.—With regard to any structure that is a multifamily residence or an attached or semi-attached residence, the Administrator of the Federal Emergency Management Agency shall consult with the Secretary of Housing and Urban Development and establish alternative forms of mitigation.

(2) DEFINITION.—For the purposes of this subsection, the term “multifamily residence” has the same meaning as in the Flood Disaster Protection Act of 1973 and the National Flood Insurance Act of 1968.

(c) STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the
performance of construction, alteration or repair
work carried out, in whole or in part, with assistance
made available through this section shall be paid
wages at rates not less than those prevailing on
projects of a similar character in the locality as de-
determined by the Secretary of Labor in accordance
with subchapter IV of chapter 31 of title 40, United
States Code. With respect to the labor standards in
this paragraph, the Secretary of Labor shall have
the authority and functions set forth in Reorganiza-
tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5
U.S.C. App.) and section 3145 of title 40, United
States Code.

(2) Exception based on number of units.—Paragraph (1) shall not apply to single-
family homes or residential properties of less than 5
units.

(3) Exception for certain individuals.—
Paragraph (1) shall not apply to any individual
that—

(A) performs services for which the indi-
vidual volunteered;

(B) does not receive compensation for such
services or is paid expenses, reasonable benefits,
or a nominal fee for such services; and
(C) is not otherwise employed at any time in the construction work.

SEC. 115. INCLUSION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

(a) DUTY.—It shall be the duty of each relevant agency head—

(1) to consult and cooperate with grantees and recipients, when utilizing funds made available pursuant to this Act, to promote the inclusion of minority and women’s business enterprises, as defined in subsection (b), including to establish—

(A) special consideration to increasing grantee and recipient outreach to minority and women’s business enterprises to inform such businesses of hiring opportunities created through such funds; and

(B) procurement goals for the utilization of minority and women’s business enterprises; and

(2) to convene meetings with leaders and officials of State and local governments, tribal entities, and public housing authorities for the purpose of recommending and promoting funding opportunities and initiatives needed to advance the position of minority and women’s business enterprises when com-
peting for funds made available pursuant to this Act.

(b) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) MINORITY.—The term “minority” has the meaning given such term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) and also includes any indigenous person in the United States or its territories.

(2) MINORITY AND WOMEN’S BUSINESS ENTERPRISE.—The term “minority and women’s business enterprise” means a business at least 51 percent owned and controlled by minority group members or women.

(3) RELEVANT AGENCY HEAD.—The term “relevant agency head” means, with respect to funds made available pursuant to any section of this Act, the head of the Federal agency responsible for administering the program under which such funds are to be expended.

SEC. 116. FIRST-GENERATION DOWNPAYMENT ASSISTANCE.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a program under this section to provide grants to States to provide financial
assistance as provided in this section to first-generation
homebuyers in connection with downpayments made to ac-
quire owner-occupied primary residences.

(b) FORMULA.—Amounts made available to carry out
this section shall be allocated among States in accordance
with a formula established by the Secretary, which shall
take into consideration population size, median area home
prices, and racial disparities in homeownership rates.

(e) ASSISTANCE.—Amounts from a grant under this
section shall be used only to provide assistance —

(1) on behalf of a qualified homebuyer; and

(2) for costs in connection with the acquisition,
    involving an eligible mortgage loan, of an eligible
    home, including downpayment costs, closing costs,
    and costs to reduce the rates of interest on eligible
    mortgage loans.

(d) AMOUNT.—The amount of assistance provided on
behalf of a qualified homebuyer with grant amounts under
this section may not exceed $20,000, or $25,000 in the
case of a qualified homebuyer who is a socially and eco-
nomically disadvantaged individual.

(c) LAYERING OF ASSISTANCE.—Assistance from
grant amounts under this section may be provided on be-
half of a qualified homebuyer who is receiving assistance
from other sources, including other State, Federal, local,
private, public, and nonprofit sources, for acquisition of
an eligible home.

(f) Administration.—

(1) In general.—The Secretary shall require
that each State receiving grant amounts under this
section administer the program to provide assistance
with such amounts through the State housing fi-
inance agency for the State or such other housing
agency of the State as the Secretary considers ap-
propriate, except that any such agency may, at the
option of the agency, contract with a nonprofit enti-
ty, including a community development financial in-
stitution, minority depository institution, housing
counseling agency, or community development credit
union, to administer such assistance.

(2) Affirmatively Furthering Fair Housing.—For a State to be eligible to for a grant under
this section, the State housing finance agency or the
nonprofit entity administering such grant funds
shall have an adopted a plan to affirmatively fur-
thering fair housing that complies, as determined by
the Secretary, with the final rule of the Secretary
entitled “Affirmatively Furthering Fair Housing”,
(3) Prohibition of Priority.—In selecting qualified homebuyers for assistance with grant amounts under this section, a State may not provide any priority or preference for homebuyers who are acquiring eligible homes with a mortgage loan made, insured, guaranteed, or otherwise assisted by the State housing finance agency for the State or any other housing agency of the State.

(g) Reallocation.—The Secretary shall reallocate any grant funds under this section allocated for a State for a fiscal year that remain unused at the end of such fiscal year among other States that demonstrate to the Secretary the capacity to expend such amounts and that are satisfactorily meeting the goals of the program under this section, as determined by the Secretary.

(h) Qualified Homebuyers.—Assistance from grant amounts under this section may be provided only on behalf of a homebuyer who meets all of the following requirements:

(1) Income.—The homebuyer has an income that does not exceed—

(A) 120 percent of median income for the area (as determined by the Secretary) within which—
(i) the eligible home to be acquired using such assistance is located; or

(ii) the place of residence of the homebuyer is located; or

(B) in the case of a homebuyer acquiring an eligible home that is located in a high-cost area, as determined by the Secretary, 180 percent of the median income for the area within which the eligible home to be acquired using such assistance is located; and

(2) First-time homebuyer.—The homebuyer has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any present ownership interest in a principal residence in any State.

(3) First-generation homebuyer.—The homebuyer is—

(A) an individual—

(i) whose parents or legal guardians—

(I) do not own, and have not previously during the prospective homebuyer’s lifetime owned, a home in any State; or
(II) have previously during the prospective homebuyer’s lifetime owned a home in any State, but—

(aa) such home was lost due to foreclosure, deed-in-lieu of foreclosure, or short sale; and

(bb) have not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any present ownership interest in a principal residence in any State; and

(ii) whose spouse has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any present ownership interest in a principal residence in any State; or

(B) an individual who has at any time been placed in foster care.

(i) ELIGIBLE HOMES.—

(1) IN GENERAL.—Assistance from grant amounts under this section may be provided only in
connection with the acquisition by a qualified home-buyer of a residential property that—

(A) consists of 1 to 4 dwelling units; and

(B) will be occupied by the qualified home-buyer, in accordance with such assurances and commitments as the Secretary shall require, as the primary residence of the homebuyer, subject to subsection (b).

(2) REPAYMENT OF ASSISTANCE.—

(A) REQUIREMENT.—The Secretary shall require that, if a homebuyer on behalf of whom assistance is provided from grant amounts under this section ceases to occupy the property acquired using such assistance as the primary residence of the homebuyer, the homebuyer shall repay to the Secretary—

(i) 100 percent of the amount of such assistance, if such failure to occupy commences before the expiration of the 12-month period beginning on the date of acquisition;

(ii) 80 percent of the amount of such assistance, if such failure to occupy commences after the expiration of the 12-month period beginning on such date of
acquisition but before the expiration of the 24-month period beginning on such date of acquisition;

(iii) 60 percent of the amount of such assistance, if such failure to occupy commences after the expiration of the 24-month period beginning on such date of acquisition but before the expiration of the 36-month period beginning on such date of acquisition;

(iv) 40 percent of the amount of such assistance, if such failure to occupy commences after the expiration of the 36-month period beginning on such date of acquisition but before the expiration of the 48-month period beginning on such date of acquisition; and

(v) 20 percent of the amount of such assistance, if such failure to occupy commences after the expiration of the 48-month period beginning on such date of acquisition but before the expiration of the 60-month period beginning on such date of acquisition.
(B) LIMITATION.—Notwithstanding subparagraph (A), if a homebuyer on behalf of whom assistance is provided from grant amounts under this section sells the property acquired with such assistance before the expiration of the 60-month period beginning on such date of acquisition and the proceeds from such sale are less than the amount the homebuyer is required to repay the Secretary under paragraph (1), the homebuyer shall not be liable to the Secretary for repayment of the amount of such shortage.

(3) LAND TRUSTS AND SHARED EQUITY PROGRAMS.—Assistance from grant amounts under this section may be provided in connection with an eligible home made available through a community land trust or shared equity homeownership program.

(j) ELIGIBLE MORTGAGE LOANS.—Assistance from grant amounts under this section may be provided only in connection with the acquisition of a eligible home involving a residential mortgage loan that—

(1) meets the underwriting requirements and dollar amount limitations for acquisition by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation;
(2) is made, insured, or guaranteed under title II of the National Housing Act (12 U.S.C. 1707 et seq.) or title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.); or

(3) is a qualified mortgage, as such term is defined in section 129C(b)(2) of the Truth in Lending Act (15 U.S.C. 1639c(b)(2)).

(k) HOUSING COUNSELING REQUIREMENT.—

(1) IN GENERAL.—Except as provided pursuant to paragraph (2), assistance with grant amounts under this section may not be provided on behalf of qualified homebuyer unless such homebuyer has completed a program of counseling with respect to the responsibilities and financial management involved in homeownership, as the Secretary shall require, provided through a counseling agency approved by the Secretary.

(2) EXCEPTION.—The Secretary shall provide that States may waive the requirement under paragraph (1) for qualified homebuyers who are highly qualified with respect to undertaking homeownership, based on clearly established underwriting criteria as the Secretary shall provide.

(3) REFERRAL UPON MORTGAGE DENIAL.—The Secretary shall require that any qualified homebuyer
who has completed a counseling program referred to
in paragraph (1) or for whom such requirement is
waived pursuant to paragraph (2), who receives a
commitment for assistance with grant amounts
under this section, and who applies for an eligible
mortgage loan for acquisition of an eligible home
and is denied such mortgage loan shall be referred
to a counseling agency described in paragraph (1)
for counseling relating to such denial.

(4) FUNDING.—Of any amounts appropriated
to carry out this section, the Secretary shall use not
less than 5 percent for costs of providing counseling
referred to in paragraph (1).

(l) ADMINISTRATIVE COSTS.—Of any grant amounts
under this section received by a State, the State may use
not more than 5 percent for administrative costs of and
training for carrying out the program of the State to pro-
vide assistance with such grant amounts.

(m) REPORTS.—

(1) IN GENERAL.—For each fiscal year during
which the Secretary makes grants under this section,
the Secretary shall submit a report to the Congress
that shall include—
(A) demographic information regarding applicants for assistance provided pursuant to this section, including race, ethnicity, and gender;

(B) information regarding the types of assistance provided, including downpayment assistance, assistance with closing costs, and assistance to reduce mortgage loan interest rates;

(C) information regarding properties acquired using such assistance, including location, property value, property type, and first mortgage type and investor.

(2) CAPACITY BUILDING.—Of any amounts appropriated to carry out this section, the Secretary shall use not more than 1 percent to assist States to develop capacity to meet the requirements under paragraph (1).

(n) COMPELLING INTEREST STUDY.—The Secretary and the Attorney General shall conduct a study to demonstrate that there is a compelling interest to grant funds for downpayment assistance to socially and economically disadvantaged individuals, as such term is defined in subsection (o). The Secretary shall provide States provided grant amounts under this section an opportunity to modify their programs for assistance under this section according to the findings of such study.
(o) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMMUNITY LAND TRUST.—The term “community land trust” means a nonprofit organization or State or local governments or instrumentalities that—

(A) use a ground lease or deed covenant with an affordability period of at least 30 years or more to—

(i) make homeownership units affordable to households; and

(ii) stipulate a preemptive option to purchase the affordable homeownership units so that the affordability of the units is preserved for successive income-eligible households; and

(B) monitor properties to ensure affordability is preserved.

(2) ELIGIBLE HOME.—The term “eligible home” means a residential dwelling, including a unit in a condominium or cooperative project or a manufactured housing unit, that meets the requirements of section 4.
(3) ELIGIBLE MORTGAGE LOAN.—The term “eligible mortgage loan” means a residential mortgage loan that meets the requirements of subsection (j).

(4) QUALIFIED HOMEBUYER.—The term “qualified homebuyer” means a homebuyer who meets the requirements of subsection (h).

(5) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(6) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—

(A) IN GENERAL.—The term “shared equity homeownership program” means affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities.

(B) AFFORDABILITY REQUIREMENTS.—Any such program under subparagraph (A) shall—

(i) provide affordable homeownership opportunities to households; and

(ii) utilize a ground lease, deed restriction, subordinate loan, or similar legal mechanism that includes provisions ensuring that the program shall—
(I) maintain the homeownership unit as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(II) apply a resale formula that limits the homeowner’s proceeds upon resale; and

(III) provide the program administrator or such administrator’s assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

(7) Socially and economically disadvantaged individual.—The term “socially and economically disadvantaged individual” means an individual who meets the following requirements:

(A) Social disadvantage.—

(i) In general.—The individual is a member of a socially disadvantaged group, which social disadvantage stems from circumstances beyond their control, whose members have been subjected to racial or ethnic prejudice within United States society because of their identity as members of
such group without regard to their individual qualities.

(ii) **Presumption; Rebuttal.**—An individual identifying as Black, Hispanic, Native American, or Asian American, or any combination thereof, shall be presumed to be socially disadvantaged for purposes of clause (i). Such presumption may be rebutted with credible evidence to the contrary.

(iii) **Burden of Proof.**—An individual who does not identify as described in clause (ii) shall be required to establish individual social disadvantage for purposes of clause (i) by a preponderance of the evidence.

(B) **Economic Disadvantage.**—The individual has an income that does not exceed—

(i) 120 percent of median income for the area (as determined by the Secretary) within which—

(I) the eligible home to be acquired using such assistance is located; or
(II) the place of residence of the
homebuyer is located; or

(ii) in the case of a homebuyer acquir-
ing an eligible home that is located in a
high-cost area, as determined by the Sec-
retary, 180 percent of the median income
for the area within which the eligible home
to be acquired using such assistance is lo-
cated.

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

(p) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated for grants under this section
[$10,000,000,000], to remain available until expended.

SEC. 117. FAIR HOUSING ENFORCEMENT.

(a) FHIP.—There is authorized to be appropriated
for the Fair Housing Initiatives Program under section
561 of the Housing and Community Development Act of
1987 (42 U.S.C. 3616a) [$2,500,000,000], to remain
available until expended.
(b) FHAP.—There is authorized to be appropriated for the Fair Housing Assistance Program under the Fair Housing Act (42 U.S.C. 3601 et seq.) [$2,500,000,000], to remain available until expended.

SEC. 118. FAIR AND EQUIitable HOUSING DEVELOPMENT REQUIREMENTS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development, the Secretary of Agriculture, the Administrator of the Federal Emergency Management Agency, and the Secretary of the Treasury shall require, as part of application for a grant or funding made available pursuant to this title—

(1)(A) certification of consultation with a qualified fair housing enforcement organization, as such term is defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a); or

(B) where there is no qualified fair housing enforcement organization that covers the relevant service area—

(i) a letter of support from a local government office that has as its mission to advance fair housing laws and anti-discrimination principles; or
(ii) where there is no local government office that has as its mission to advance fair housing laws and anti-discrimination principles, a letter of support from a Fair Housing Assistance Program agency, as such term is used in subpart C of title 24, Code of Federal Regulations; and

(2) a description of consultations made in accordance with paragraph (1) that includes the name of the entity consulted, a description of the nature of the consultation, identification of any concerns raised during the consultation, and an explanation of any changes made as a result of the consultation.

(b) FUNDING.—Of any amounts available pursuant to this title for administrative and planning costs for grants under this title, not more than 0.5 percent may be used to provide for consultations required under this section.

SEC. 119. REPORTS ON OUTCOMES.

The Secretary of Housing and Urban Development, in coordination with the Secretary of the Treasury, the Administrator of the Federal Emergency Management Agency, and the Secretary of Agriculture shall submit a report to the Congress on an annual basis until all funds made available pursuant to this title are expended, that
provides a summary of outcomes for each program for which such funds were made available, disaggregated at the census tract level, or block group level when available, that shall include, to the maximum extent possible, identification for the preceding year of—

(1) the total number of housing units produced, rehabilitated, or mitigated using such funds;

(2) the percentage of such housing units that are affordable to low-, to very low-, and to extremely low-income households;

(3) the number of such housing units that are located in high-poverty census tracts;

(4) the number of such housing units that are located in low-poverty census tracts;

(5) the number of such housing units located in areas where the percentage of households in a racial or ethnic minority group—

(A) is at least 20 percentage points higher than the percentage of that minority group for the Metropolitan Statistical Area;

(B) is at least 20 percentage points higher than the percentage of all minorities for the Metropolitan Statistical Area; or

(C) exceeds 50 percent of the population;
(6) the number of such housing units with three or more bedrooms;

(7) the number of such housing units located in qualified opportunity zones designated pursuant to section 1400Z–1 of the Internal Revenue Code of 1986;

(8) the number of such housing units that are in compliance with the design and construction requirements of the Department of Housing and Urban Development under section 100.205 of title 24 of the Code of Federal Regulations; and

(9) any other information that the Secretary of Housing and Urban Development considers appropriate to illustrate the number of housing units made available and accessible to protected classes under the Fair Housing Act (42 U.S.C. 3601 et seq.), disaggregated by protected class.

SEC. 120. HUD SALARIES AND EXPENSES.

There is authorized to be appropriated \[\$2,500,000,000\] for salaries and expenses of the Department of Housing and Urban Development for costs of carrying out this title.
TITLE II—NATIONAL INVESTMENT AUTHORITY SYSTEM

SEC. 201. SHORT TITLE.

This title may be cited as the “National Investment Authority Act of 2021”.

SEC. 202. DEFINITIONS.

In this title:

(1) CRITICAL PUBLIC INFRASTRUCTURE.—The term “Critical Public Infrastructure” means high-quality, environmentally safe—

(A) physical infrastructure (including transportation, energy, water, and communications infrastructure);

(B) industrial infrastructure (including domestic manufacturing facilities); and

(C) social infrastructure (including affordable housing, education, and healthcare).

(2) ELIGIBLE PRIVATE ENTITY.—The term “Eligible Private Entity” means any non-government entity, or a group of such entities, that—

(A) seeks the NIA funding or technical assistance in connection with one or more Critical Public Infrastructure projects;
(B) is not itself and is not controlled by, directly or indirectly, a Financial Intermediary; and

(C) meets the entity eligibility criteria and any other requirements and conditions, established by the Governing Board or the NIA Operating Subsidiaries.

(3) **FINANCIAL INTERMEDIARY.**—The term “Financial Intermediary” means—

(A) a commercial bank [with assets above $10,000,000,000];

(B) a broker or dealer (as such terms are defined under section 3 of the Securities Exchange Act of 1934);

(C) an issuer that would be an investment company, as defined under the Investment Company Act of 1940, but for paragraph (1) or (7) of section 3(c) of that Act; and

(D) **[To be added]**

(4) **GOVERNING BOARD.**—The term “Governing Board” means the Governing Board of the NIA.

(5) **NATIONAL INVESTMENT STRATEGY.**—The term “National Investment Strategy” means the National Investment Strategy designed by the Governing Board under section 212(b).
(6) NCMC.—The term “NCMC” means the National Capital Management Corporation.

(7) NCMC FUNDS.—The term “NCMC Funds” means collective investment vehicles organized, sponsored, invested in, and managed by the NCMC, in accordance with the provisions of this title.

(8) NIA.—The term “NIA” means the National Investment Authority, established under section 211.

(9) NIA ANNUAL REPORT.—The term “NIA Annual Report” means the NIA Annual Report mandated under section 216.

(10) NIA BOND.—The term “NIA bond” means a bond or any other debt or debt-like instrument issued by the NIA or an NIA Operating Subsidiary.

(11) NIA OPERATING SUBSIDIARY.—The term “NIA Operating Subsidiary” means—

(A) the NIB;

(B) the NCMC; and

(C) such other government corporations or entities as may be established or designated by an Act of Congress as NIA Operating Subsidiaries.
(12) NIA STAFF.—The term “NIA Staff” means the staff of the NIA.

(13) NIB.—The term “NIB” means that National Infrastructure Bank.

(14) PORTFOLIO PROJECT.—The term “Portfolio Project” means any project or undertaking, financed, managed, or otherwise supported by any NIA Operating Subsidiary in the course of its business and in accordance with the provisions of this title.

(15) PROJECT FUNDING DATE.—The term “Project Funding Date” means, with respect to each NIA Portfolio Project, each date on which the NIA—

(A) makes a final decision to commit to funding or participating in that Portfolio Project; and

(B) extends funding or assumes participation pursuant to its commitment.

(16) QUALIFYING FUND INVESTOR.—The term “Qualifying Fund Investor” means a public or private entity, or a group of such entities, that—

(A) meets the criteria for participation in any NCMC Fund, as established by the Governing Board and the NCMC Board; and
(B) is not—

(i) a depository institution (as defined under section 3 of the Federal Deposit Insurance Act);

(ii) a broker or dealer (as such terms are defined under section 3 of the Securities Exchange Act of 1934); or

(iii) an issuer that would be an investment company, as defined in the Investment Company Act of 1940, but for paragraph (1) or (7) of section 3(c) of that Act.

(17) STATE.—The term “State” means each of the several States, the District of Columbia, each territory of the United States, and each Indian Tribe.

Subtitle A—National Investment Authority

SEC. 211. ESTABLISHMENT.

There is established the National Investment Authority, which shall contain—

(1) the NIA Governing Board established under this subtitle; and

(2) the NIA regional offices established under subtitle B; and
(3) the NIA Operating Subsidiaries, including
the NIB established under subtitle C.

SEC. 212. FUNCTIONS.

(a) NIA MISSION.—

(1) IN GENERAL.—The NIA’s mission shall be
to design, finance, and implement a coherent and
dynamic program of long-term national economic
growth and development that is—

(A) structurally and geographically bal-
anced;

(B) environmentally sustainable;

(C) socially equitable; and

(D) in line with the strategic goals and na-
tional interests of the United States.

(2) PRINCIPAL GOALS.—In fulfilling its mission
under paragraph (1), the NIA shall have the prin-
cipal goals of the following:

(A) Eliminating unemployment, under-
employment, and poverty.

(B) Ensuring universal access to essential
goods and services.

(C) Prioritizing the communities in great-
est need.

(D) Remediating and eliminating threats
to communities arising from toxic water, land
and air pollution, unsustainable resource use, and climate change.

(E) Prioritizing environmental justice hotspots and bolstering climate and environmental resilience.

(F) Reducing greenhouse gas emissions in line with the recommendations of the Intergovernmental Panel on Climate Change.

(G) Increasing domestic manufacturing capacity and ensuring U.S. competitiveness in line with the foregoing.

(b) NATIONAL INVESTMENT STRATEGY.—In pursuit of the NIA’s mission, the Governing Board shall formulate, regularly update, and implement a forward-looking National Investment Strategy that mobilizes, amplifies, and coordinates investment of public and private capital, over different time horizons, in—

(1) equitable, inclusive, structurally balanced, and environmentally sustainable growth of the U.S. economy;

(2) long-term development of domestic productive and manufacturing capacity;

(3) creation of sustainable and well-paying domestic jobs;
(4) universal availability of high-quality Critical Public Infrastructure;

(5) elimination of gaps in the quality of life and well-being of ethnic and racial groups, as well as among geographic regions and communities;

(6) broad and equitable access to affordable housing;

(7) transition to a low-carbon emissions economy;

(8) technology development in support of national goals; and

(9) such other goals as the Governing Board may determine.

(e) OVERSIGHT OF NIA OPERATING SUBSIDIARIES.—The Governing Board shall—

(1) establish rules governing the operations of the NIA Operating Subsidiaries;

(2) monitor the compliance of the NIA Operating Subsidiaries with the rules established under paragraph (1) and the provisions of this title;

(3) supervise the implementation of the National Investment Strategy by the NIA Operating Subsidiaries; and

(4) develop consistent policies and procedures for the NIA Operating Subsidiaries with respect to
project selection and performance, consistent with section 215 and the other provisions of this title, including—

(A) labor, equity, and environmental criteria to be used in the project-selection process and in the implementation of projects;

(B) project selection procedures; and

(C) the community engagement process in project selection.

(d) OVERSIGHT OF NIA REGIONAL OFFICES.—The Governing Board shall establish rules and procedures establishing the structure and governing the operation of the NIA regional offices.

(e) ANCILLARY FUNCTIONS.—The Governing Board shall—

(1) conduct, fund, coordinate, and otherwise support academic research and development of technology and scientific knowledge consistent with and beneficial to the National Investment Strategy;

(2) maintain regular and effective channels of communication and public outreach, especially with respect to communities in areas where the NIA conducts or plans to conduct its operations;

(3) provide technical assistance to public and private entities, community groups, and individuals
participating or intending to participate in the NIA project selection process;

(4) ensure compliance with the relevant project selection criteria and all other applicable requirements of this title and the Governing Board;

(5) collect, study, and publicize data relating to investments by the NIA and NIA Operating Subsidiaries and the impact of such investments on economic growth, sustainability, inclusivity, and other measures of the nation’s well-being; and

(6) perform any additional functions determined necessary or useful in order to support or enhance the NIA’s ability to fulfill its mission under this title.

SEC. 213. FUNDING.

(a) INITIAL APPROPRIATION.—There is appropriated to the Governing Board [$27,000,000,000] for the initial establishment of the NIA, NIB, and NCMC and to carry out this title, such sums to remain available until expended.

(b) FEDERAL RESERVE SUPPORT.—

(1) PURCHASE OF NIA BONDS.—

(A) IN GENERAL.—The Board of Governors of the Federal Reserve System may purchase NIA bonds and other debt instruments,
both directly from the NIA or NIA Operating Subsidiary and in secondary markets.

(B) LIMITATION.—The total value of NIA bonds and other debt instruments held by the Board of Governors of the Federal Reserve System at any one time may not exceed 25 percent of the total assets held by the Board of Governors of the Federal Reserve System and the Federal reserve banks. For purposes of this preceding sentence, the total asset amount shall be calculated as the average total assets over the preceding 6-month period as of the last day of the quarter immediately preceding the date of such calculation.

(2) BACKUP LIQUIDITY SUPPORT.—

(A) IN GENERAL.—At the request of the head of an NIA Operating Subsidiary, the Board of Governors of the Federal Reserve System shall lend funds to such NIA Operating Subsidiary—

(i) at preferential rates; and

(ii) on a collateralized or uncollateralized basis.

(B) LIMITATION.—The total value of outstanding loans provided by the Board of Gov-
ernors of the Federal Reserve System under this paragraph may not exceed 25 percent of the total assets held by the Board of Governors of the Federal Reserve System and the Federal reserve banks. For purposes of this preceding sentence, the total asset amount shall be calculated as \[ \frac{\text{the average total assets over the preceding 6-month period}}{\text{as of the last day of the quarter immediately preceding the date of such calculation}}. \]

(c) TREASURY LINE OF CREDIT.—

(1) IN GENERAL.—At the request of the Chair or Vice-Chair of the Governing Board, the Secretary of the Treasury shall lend funds to one or more NIA Operating Subsidiary designated in such request, at cost. The request submitted under this provision shall be accompanied by a written attestation by the head of the relevant NIA Operating Subsidiary that such Operating Subsidiary is unable to access the liquidity support from the Board of Governors of the Federal Reserve System authorized under subsection (b).

(2) LIMITATION.—The aggregate amount of all loans authorized under paragraph (1) at one time may not exceed \[$x\].
(d) NIA Bonds.—

(1) In general.—The NIA or NIA Operating Subsidiaries may issue bonds and other debt instruments, or “NIA Bonds”, on terms determined by the Governing Board or the issuing NIA Operating Subsidiary, as applicable, in accordance with the requirements of this title.

(2) Exempt Securities.—NIA Bonds and other instruments issued by NIA Operating Subsidiaries shall be exempt from the requirements of section 5 of the Securities Act of 1933.

(3) No Full Faith and Credit.—NIA Bonds and other instruments issued by NIA Operating Subsidiaries shall not be backed by the full faith and credit of the United States.

(e) Use of Proceeds.—The NIA and NIA Operating Subsidiaries shall retain all proceeds from financing, investments, and other financial assistance made under this title and may, without further appropriation, use such amounts to carry out this title.

SEC. 214. NIA GOVERNING BOARD.

(a) Establishment.—There is established the Governing Board of the NIA, as an independent Federal agency.

(b) Members.—
(1) IN GENERAL.—The Governing Board shall consist of the following:

(A) VOTING MEMBERS.—Nine voting members, appointed by the President by and with the advice and consent of the Senate.

(B) NON-VOTING MEMBERS.—The following ex-officio, non-voting members:

(i) The Chairman of the Board of Governors of the Federal Reserve System.

(ii) The Secretary of the Treasury.

(iii) The Secretary of Housing and Urban Development.

(iv) The President of each NIA Operating Subsidiary.

(2) CHAIR; VICE CHAIR.—The President shall select one voting member of the Governing Board to serve as Chair and one to serve as Vice Chair.

(3) TERMS OF SERVICE.—

(A) IN GENERAL.—The voting members of the Governing Board shall serve a 10-year term, and members may not serve more than one term.

(B) STAGGERED TERMS.—Notwithstanding subparagraph (A)—
(i) in appointing the initial voting members of the Governing Board, the President shall stagger the terms of the initial members such that no more than one member’s term ends in any one year; and

(ii) the initial voting members of the Governing Board may be appointed to a second term.

(4) QUALIFICATIONS.—In appointing the voting members of the Governing Board, the President shall ensure that—

(A) all members have established expertise in finance, economics, law, environmental science, engineering, public administration, infrastructure projects, public health, or other relevant fields; and

(B) at least 5 of the members have demonstrated experience with, and endorsement from, labor organizations, non-profit organizations, and community advocacy groups.

(5) COMPENSATION.—

(A) CHAIR.—The Chair of the Governing Board shall be compensated at the rate of pay payable for a position at level I of the Executive
Schedule under section 5312 of title 5, United States Code.

(B) OTHER MEMBERS.—The members of the Governing Board other than the Chair shall be compensated at the rate of pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(c) PROFESSIONAL STAFF.—To assist the NIA in the performance of its responsibilities under this title, the Governing Board shall establish and operate professional full-time staff, the NIA Staff, whose structure shall include the following units:

(1) The Applied Research and Technology unit, which shall organize, finance, and coordinate applied research and development of technologies that could improve environmental, economic, and social outcomes.

(2) The Public Outreach and Communication unit, which shall ensure the continuous flow of information and communication between the Governing Board and businesses and communities, including through the NIA regional offices.

(3) The Technical Assistance and Strategic Coordination unit, which shall—
(A) coordinate public investment strategies and ensure cooperation among Federal, State, and local agencies; and

(B) provide technical assistance to public and private entities.

(4) Such other units as the Governing Board determines necessary to support its operations.

(d) Office of Minority and Women Inclusion.—Section 342(g)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5452(g)(1)) is amended—

(1) in subparagraph (H), by striking “and”.

(2) in subparagraph (I), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(J) the National Investment Authority.”.

(e) Interagency Consultation and Coordination.—The NIA Governing Board, the Secretary of the Treasury, and the Board of Governors of the Federal Reserve System shall establish the process for regular consultations to ensure effective cooperation and coordination of their policies and priorities.

SEC. 215. PROJECT ELIGIBILITY AND SELECTION.

(a) In General.—Subject to this section’s provisions, the Governing Board shall adopt rules and promul-
gate policies and procedures establishing core requirements for the eligibility, identification, evaluation, selection, and ongoing monitoring and management of the Portfolio Projects. In doing so, the Governing Board shall seek to ensure that the Portfolio Project selection process is conducted in a transparent, efficient, and publicly accountable manner, consistent with the core purposes of the NIA.

(b) **Identifying Potential Portfolio Projects.**—Projects potentially eligible for NIA funding shall be identified primarily through the following channels:

1. **EXTERNAL.**—Projects identified by Federal, State, or local agencies, public banks, or other government-owned corporations that would benefit from NIA management or investment and meet the NIA’s eligibility requirements.

2. **INTERNAL.**—Prospective projects identified and proposed by the NIA staff, based on internal research or in collaboration with the outside scientific and technology experts and communities.

3. **PUBLIC AUCTION.**—Projects—

   (A) that meet a set of criteria identified by the NIA staff in accordance with a particular investment goal; and
(B) are announced to the public by the NIA in a public call for proposals (the “auction”) that is conducted in a transparent and fair manner, as determined by the Governing Board, in coordination with the NIA regional offices and the NIA Operating Subsidiaries.

(c) Portfolio Project Eligibility Criteria.—

(1) In General.—The NIA and the NIA Operating Subsidiaries shall prioritize projects and investments that, in the NIA’s determination, have potential to generate tangible long-term public benefits and advance the goals of the NIA.

(2) Specific Project Eligibility Criteria.—The NIA Operating Subsidiaries shall apply the following criteria and balance the following factors, to determine that each Portfolio Project is eligible for the NIA funding, both at the Project Funding Date and on an ongoing basis:

(A) Financial and Economic Impact Criteria, which include—

(i) potential contribution to the long-term growth and sustainability of the national, regional, or local economy;

(ii) innovativeness and transformative technological potential;
(iii) potential strengthening of global competitiveness and resilience of the U.S. economy;

(iv) potential for and commitment to domestic job creation and “Buy America”;

(v) scale, time horizons, expected costs and cash revenues;

(vi) availability or lack of superior or viable private or public funding alternatives; and

(vii) such other factors as may be appropriate to consider under the circumstances.

(B) Environmental Impact Criteria, which include—

(i) project participants’ record of or commitment to mandatory compliance with all relevant environmental laws, regulations, and standards;

(ii) absence of significant climate risk or mandatory climate-risk mitigation;

(iii) potential to facilitate a broader economy-wide shift to clean technologies or production; and
(iv) any additional requirements and commitments applicable to individual types of project or investment.

(C) Social and Racial Equity Impact Criteria, which include—

(i) potential to improve health, education, living conditions, income, and overall well-being of local, and especially disadvantaged, communities;

(ii) potential to rectify racial or socio-economic inequity;

(iii) any other factors and commitments appropriate or necessary under the circumstances.

(D) Labor and Employment Impact Criteria, which include—

(i) project participants’ record of or commitment to mandatory compliance with all relevant labor and wage-related laws, regulations and standards, including requirements that the participants—

(I) provide written assurances prescribed by the applicable NIA Operating Subsidiary that any project will be performed with the require-
ments of Federal laws that would otherwise apply to similar projects to which the United States is a party;

(II) with respect to recipients of financial assistance authorized under this title that funds public transportation capital projects, as defined in section 5302 of title 49, United States Code, comply with the grant requirements applicable to grants made under section 5309 of such title;

(III) with respect to recipient of financial assistance for an infrastructure project involving reconstruction, rehabilitation, replacement, or expansion that may impact current public employees on the project site, shall protect the interests of employees affected by the financial assistance under arrangements the Secretary of Labor concludes are fair and equitable in accordance with section 5333(b)(2) of title 49, United States Code;

(IV) with respect to recipients of financial assistance authorized under
this title that funds freight or pas-
senger rail capital projects, as defined
by section 22901(2) of title 49,
United States Code, shall comply with
the requirements of section 22905 of
such 49; and

(V) with respect to recipients of
financial assistance authorized under
this title that do not involve a Federal
contract or assistance in which no
Federal law is controlling for contrac-
tors, shall apply Executive Order
13658;

(ii) project participants’ record of or
commitment to commitment to utilize
unionized workers and employees;

(iii) project participants’ record of or
commitment to labor representation in
management structures; and

(iv) any other factors and commit-
ments appropriate or necessary under the
circumstances.

(3) ADDITIONAL GOVERNING BOARD AUTHORITY.—The Governing Board, in consultation with the
NIA Operating Subsidiaries, may expand, interpret,
adjust, or vary the context-specific application of the
foregoing Portfolio Project eligibility requirements, if
doing so serves the public interest, amplifies public
benefits associated with the relevant NIA Projects,
and facilitates the implementation of the National
Investment Strategy or the broader statutory goals
of the NIA.

(d) ENTITY ELIGIBILITY CRITERIA.—The Governing
Board shall develop eligibility criteria for any external
partners, participants in, or recipients of the NIA funding
for Portfolio Projects, including Eligible Private Entities
and Qualifying Fund Investors.

(e) PORTFOLIO PROJECT SELECTION BY NIA OPER-
ATING SUBSIDIARIES.—

(1) PROJECT ANALYSIS AND MONITORING COM-
MITTEES.—Each NIA Operating Subsidiary, includ-
ing the NIB and the NCMC, shall establish a special
Project Analysis and Monitoring Committee charged
with identifying and evaluating its investment pros-
pects and selecting individual projects and under-
takings for inclusion in such NIA Operating Subsidi-
ary's asset portfolio. In performing these tasks, both
the NIA Operating Subsidiary and its Project Anal-
ysis and Monitoring Committee shall comply with
the applicable rules, policies, and procedures promulgated by the Governing Board.

(2) PORTFOLIO PROJECT SELECTION.—

(A) IN GENERAL.—In selecting Portfolio Projects, an NIA Operating Subsidiary shall—

(i) comply with all rules and procedures issued by the Governing Board under this section;

(ii) ensure fair and equitable access to NIA funding, among other things, by maintaining effective communication with and providing technical assistance to local public entities, nonprofit organizations, employee- or community-owned enterprise, start-ups, and minority-run businesses;

(iii) identify potential investment opportunities through the project identification methods described under subsection (b); and

(iv) evaluate projects thoroughly, applying the project eligibility criteria specified in this section or established by the Governing Board.

(B) PROJECT ANALYSIS.—In evaluating and selecting potential Portfolio Projects, each
NIA Operating Subsidiary, acting through its Project Analysis and Monitoring Committee shall conduct the following:

(i) **FINANCIAL ANALYSIS.**—A financial analysis of expected direct and indirect revenues and costs associated with the project, provided, however, that such financial analysis shall not constitute the sole or principal basis for the NIA Operating Subsidiary’s decisions with respect to any project or investment.

(ii) **PUBLIC ECONOMIC BENEFIT ANALYSIS.**—A public economic benefit analysis, including—

(I) the projected impact on macroeconomic growth, employment, and similar metrics applied on local, State, regional, or national levels; and

(II) potential measurable benefits to affected communities, businesses, and other economic actors.

(iii) **ENVIRONMENTAL AND SOCIAL BENEFITS ANALYSIS.**—An environmental and social benefits analysis, including—
(I) reductions in emissions, increased environmental sustainability, and related metrics;

(II) long-term contribution to an environmentally sustainable and resilient economic growth;

(III) increased access to housing (including through reduced costs of living), employment (including through reduced commute times and costs), educational, and other opportunities for communities; and

(IV) health benefits (including through better or more equitable access to healthcare and wellness amenities).

(iv) Stakeholder Impact Analysis.—A stakeholder impact analysis, including—

(I) targeted benefits for disadvantaged communities and groups; and

(II) identification of potential for cooperation and coordination with public and private constituencies.
(f) **INVESTMENT ADVISORY COUNCIL.**—

(1) **IN GENERAL.**—To assist and advise the NIA Operating Subsidiaries on technical matters related to their respective investment and portfolio management strategies, the Governing Board shall establish and appoint the Investment Advisory Council, a consultative body comprising individuals widely recognized for their expertise and experience in financial management, investment banking, infrastructure finance, macroeconomic analysis, urban planning, and related fields.

(2) **DUTIES.**—The Investment Advisory Council shall provide technical advice to the NIA Operating Subsidiaries in order to assist with a more comprehensive assessment of investment opportunities and performance. The Investment Advisory Council’s powers and duties shall be exclusively of advisory and consultative character.

(3) **MEMBERSHIP; CONFLICTS OF INTEREST.**—The Governing Board shall—

(A) determine the number, qualifications, selection and appointment procedures, terms of service, and rights and responsibilities of the Investment Advisory Council members;
(B) establish rules and procedures governing the activities of the Investment Advisory Council, including rules and procedures for recusal or removal of individual members of the Investment Advisory Council whose personal or professional interests may conflict, or appear to conflict, with the NIA’s interests and objectives; and

(C) oversee the operation of the Investment Advisory Council on an ongoing basis.

SEC. 216. PUBLIC ACCOUNTABILITY.

(a) Periodic Reports and Congressional Testimony.—

(1) Reports.—The Governing Board shall submit to the President and Congress, within 90 days after the last day of each fiscal year, a completed and detailed NIA Annual Report with respect to the preceding fiscal year, setting forth—

(A) the core principles, objectives, and implementation priorities of the National Investment Strategy over different time horizons;

(B) any changes, revisions, or adjustments to the National Investment Strategy and the NIA’s developmental goals and priorities since the date of the last NIA Annual Report;
(C) the Governing Board’s discussion and analysis of the NIA’s financial results and condition, overall performance of the NIA’s statutory duties and public policy objectives, and actions undertaken in pursuit of such objectives;

(D) the discussion and analysis of the environmental impact, social and racial equity impact, and labor and employment impact of the NIA’s activities; and

(E) any other information Congress may request.

(2) Testimony.—In conjunction with the submission of the NIA Annual Report, the Chair of the Governing Board, along with the Presidents of the NIB and NCMC, shall provide written and oral testimony in Congress on matters covered in the NIA Annual Report and related matters.

(b) Annual Audits.—

(1) Recordkeeping requirement.—The NIA and each NIA Operating Subsidiary shall maintain adequate books and records that correctly reflect the financial transactions, condition, and results of operation of the NIA or NIA Operating Subsidiary.

(2) Audits.—
(A) GAO AUDIT OF NIA.—The Comptroller General of the United States shall perform an annual audit of the NIA’s consolidated books of account.

(B) SPECIAL NIA AUDIT PANEL.—

(i) IN GENERAL.—The Comptroller General of the United States shall, annually, establish a Special NIA Audit Panel to perform an independent audit of the financial performance of each NIA Operating Subsidiary.

(ii) MEMBERS.—The Comptroller General shall ensure that each Special NIA Audit Panel consists of—

(I) representatives of the Government Accountability Office; and

(II) representatives of each U.S. public accounting firm of nationally recognized standing.

(3) ACCOUNTING STANDARDS.—The NIA and NIA Operating Subsidiaries shall use generally accepted accounting practices or such other recommended accounting practices as the Governing Board determines appropriate.]

(c) PUBLIC INTEREST COUNCIL.—
(1) **Establishment.**—There is established the Public Interest Council (the “Council”), an independent advisory and consultative body, which shall safeguard the effective representation and incorporation of the interests of the American people in the formulation and implementation of the National Investment Strategy and other activities of the NIA and the NIA Operating Subsidiaries.

(2) **Members.**—The Public Interest Council shall consist of 7 members, appointed by the President from among individuals who—

(A) are academics, community leaders, consumer advocates, etc.;

(B) have demonstrated expertise in various areas relevant to the NIA’s overall mission, experience in community representation, and reputation for integrity; and

(C) do not have a conflict of interest.

(3) **Functions and Powers.**—The Public Interest Council shall—

(A) advise the Governing Board on matters of public policy and public well-being arising in the course of the activities of the NIA and NIA Operating Subsidiaries;
(B) provide an independent public interest-based perspective on substantive policy issues faced, and strategic decisions made, by the NIA and NIA Operating Subsidiaries in the course of fulfilling their statutory functions and responsibilities;

(C) inform and advise Congress on matters of special public concern or significance, as related to the operations of the NIA and NIA Operating Subsidiaries;

(D) recommend to Congress and the Governing Board specific measures to—

(i) correct or improve the performance and impact of the NIA and NIA Operating Subsidiaries on the well-being of the American public; or

(ii) enhance the transparency of the actions and decisions of the NIA and NIA Operating Subsidiaries;

(E) have broad rights to request access to the books and records of the NIA and NIA Operating Subsidiaries and such other information necessary or helpful to the Council in the performance of its duties;
(F) engage in an ongoing discussion and
dialogue with communities, public interest
groups, mass media, and other public stake-
holders, for the purpose of keeping the Amer-
ican public informed about, and collecting pub-
lic feedback with respect to, the activities and
plans of the NIA and NIA Operating Subsidi-
aries; and

(G) take any other actions necessary or in-
cidental to any of the foregoing.

(4) CONGRESSIONAL REPORTS.—Annually, the
Public Interest Council shall prepare and submit to
Congress and the President a full report, outlining
the Council’s independent assessment of, and rec-
ommendations related to, the performance and the
impact of the NIA and NIA Operating Subsidiaries
on issues of public policy significance.

(5) STAFF.—The Public Interest Council shall
have full-time dedicated exclusively to supporting the
Council’s performance of its powers and duties.

(6) FUNDING.—[TBD: Permanent appropriation vs. initial appropriation and then have NIA fund the Council]
Subtitle B—NIA Regional Offices

SEC. 231. ESTABLISHMENT.

The Governing Board shall establish regional offices of the NIA in each of [To be added].

SEC. 232. ORGANIZATION AND STRUCTURE.

(a) LEADERSHIP.—Subject to the rules and procedures established under section 212(d), each regional office shall be headed by a Director, who shall be appointed by the Governing Board and be directly accountable to it.

(b) NIA STAFF.—The Director of each regional office shall appoint staff to provide regional support to the Governing Board in carrying out the duties of the Governing Board.

(c) NIA OPERATING SUBSIDIARIES.—The head of each NIA Operating Subsidiary shall locate staff within each regional office to provide the subsidiary with regional support in carrying out the duties of the subsidiary.

SEC. 233. FUNCTIONS.

In addition to the functions described under section 232, the regional offices shall—

(1) serve as the key liaison between the NIA and State and local public authorities, businesses, and communities;

(2) participate in Portfolio Project identification, selection, and management, in order to ensure
effective representation of local and regional economic and community needs and interests and to provide an additional source of public accountability for the NIA;

(3) cooperate and coordinate the NIA’s regional operations with the activities of regional Federal reserve banks and other Federal agencies; and

(4) encourage the creation of, and cooperate with, State and local public banks, development banks, “green” banks, and other public finance institutions.

Subtitle C—National Infrastructure Bank

SEC. 251. ESTABLISHMENT.

There is established, as a Government corporation subject to chapter 91 of title 31, United States Code, the National Infrastructure Bank (“NIB”).

SEC. 252. FUNCTIONS.

(a) NIB MANDATE.—The mandate of the NIB shall be to implement the National Investment Strategy by engaging in credit market activities supporting public and private investment in Critical Public Infrastructure projects.

(b) POWERS.—The NIB shall have the following powers:
(1) To make senior or subordinated loans, purchase senior or subordinated debt securities, or to enter into a binding commitment to do any of the foregoing, the proceeds of which are to be used to finance or refinance the development of one or more Critical Public Infrastructure projects.

(2) To issue guarantees.

(3) To issue and sell debt obligations of the NIB, on secured or unsecured basis, of such maturities and on such terms as the NIB Board shall determine from time to time.

(4) To purchase in the open market any of NIB’s outstanding obligations at any time and at any price the NIB Board determines appropriate under the circumstances.

(5) To monitor and oversee Portfolio Projects financed, in whole or in part, by the NIB.

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

(c) INVESTMENT PRIORITIES.—In carrying out the mandate of the NIB, the NIB Board shall, subject to the rules established by the Governing Board under section 215—
(1) conduct risk analysis and manage portfolio risk;

(2) target investments based on their potential to produce long-term public benefits and have a long-term economic impact and not based solely on anticipated revenues or profit considerations;

(3) in carrying out direct lending activities, target and prioritize projects that have some national socioeconomic significance but face difficulty in securing low-cost financing in traditional markets; and

(4) in carrying out secondary market-making activities, prioritize municipal bonds supporting public goods and projects, by purchasing such bonds directly from State and local public issuers at favorable rates.

SEC. 253. NIB GOVERNANCE.

(a) BOARD OF DIRECTORS.—

(1) IN GENERAL.—There is established the Board of Directors of the NIB, which shall, subject to the rules of the NIA established under section 212(c), serve as the head of the NIB.

(2) MEMBERSHIP.—The NIB Board shall consist of the following 9 members:

(A) CLASS A DIRECTORS.—Three class A directors, to be appointed by the President by
and with the advice and consent of the Senate—

(i) one of which shall be designated by the President as the President of the NIB; and

(ii) one of which shall be designated by the President as the Vice President of the NIB.

(B) Class B Directors.—Three class B directors, to be appointed by the President, by and with the advice and consent of the Senate, from among a pool of candidates nominated by the private sector.

(C) Class C Directors.—Three class C directors, to be appointed by the President, by and with the advice and consent of the Senate, from among a pool of candidates nominated by labor, environmental, and other public interest organizations.

(3) Qualifications.—Class A and B directors shall be appointed from among individuals with proven technical expertise and experience in core fields, including infrastructure finance, banking, public finance, macroeconomics, environmental science or engineering, and such other non-financial
disciplines as the Governing Board may determine appropriate.

(4) CONFLICTS OF INTEREST.—The Governing Board shall establish strict conflicts-of-interest prohibitions applicable to class A and B directors.

(5) SELECTION OF ENTITIES NOMINATING CANDIDATES.—The Governing Board shall establish policies and procedures for selecting which entities may nominate directors for the position of Class B and C directors.

(6) TERMS OF SERVICE.—

(A) IN GENERAL.—The members of the NIB Board shall serve a 10-year term, and members may not serve more than one term.

(B) STAGGERED TERMS.—Notwithstanding subparagraph (A)—

(i) in appointing the initial members of the NIB Board, the President shall stagger the terms of the initial members such that no more than one member’s term ends in any one year; and

(ii) the initial members of the NIB Board may be appointed to a second term.

[(7) COMPENSATION.—]
(A) **PRESIDENT.**—The President of the NIB shall be compensated at the rate of pay payable for a position at level I of the Executive Schedule under section 5312 of title 5, United States Code.]

(B) **OTHER MEMBERS.**—The members of the NIB Board other than the President shall be compensated at the rate of pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.]

(b) **COMMITTEES.**—The NIB shall have the following committees:

(1) The Executive Committee, which shall be comprised of the President of the NIB, the Vice President of the NIB, and the executive officers described under subsection (c).

(2) The Risk Management Committee.

(3) The Project Analysis and Monitoring Committee.

(4) The Audit and Compliance Committee.

(5) The Policy Impact Committee, which shall focus on macroeconomic analysis and policy, community impact, and labor-related standards.
(6) Such other committees as the NIB Board determines necessary.

c) **EXECUTIVE OFFICERS.**—The NIB Board shall appoint, remove, fix the compensation, and define duties of the NIB’s executive officers, who shall include—

(1) the Chief Financial Officer;

(2) the Chief Compliance Officer;

(3) the Chief Risk Officer;

(4) the Chief Operations Officer;

(5) the General Counsel; and

(6) such other executive officers as the NIB Board determines necessary.

d) **BYLAWS.**—The NIB Board shall adopt bylaws and such other rules as are necessary for the proper management and functioning of the NIB.

**SEC. 254. PROJECT ELIGIBILITY AND SELECTION.**

a) **IN GENERAL.**—The NIB Board shall establish eligibility and selection criteria for the NIB Portfolio Projects, subject to the provisions of section 105 and the policies and procedures for project selection and performance established by the Governing Board under section 215(e)(2).

b) **SPECIFIC CRITERIA.**—In establishing the criteria required under subsection (a), the NIB Board shall prioritize providing credit support and technical assistance
1 to State, Tribal, and local authorities and other public entities, for purposes of financing Critical Public Infrastructure.