To establish the National Investment Authority to mobilize private capital to rebuild America's obsolete public infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. ______ introduced the following bill; which was referred to the Committee on ___________________.

A BILL

To establish the National Investment Authority to mobilize private capital to rebuild America's obsolete public infrastructure, and for other purposes.

Be it enacted by the Senate and House of Representatives 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 “National Investment Authority Act of 2021”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—NATIONAL INVESTMENT AUTHORITY

Sec. 101. Establishment.
Sec. 102. Functions.
Sec. 103. Funding.
Sec. 104. NIA Governing Board.
Sec. 105. Project eligibility and selection.
Sec. 106. Public accountability.

TITLE II—NIA REGIONAL OFFICES

Sec. 201. Establishment.
Sec. 203. Functions.

TITLE III—NATIONAL INFRASTRUCTURE BANK

Sec. 301. Establishment.
Sec. 302. Functions.
Sec. 303. NIB Governance.
Sec. 304. Project eligibility and selection.

TITLE IV—NATIONAL CAPITAL MANAGEMENT CORPORATION

Sec. 401. Establishment.
Sec. 402. Purpose and functions.
Sec. 403. NCMC Funds.
Sec. 404. Public asset manager powers.
Sec. 405. NCMC Governance.

SEC. 2. DEFINITIONS.

In this Act:

(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 102(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 Act.

(8) NIA.—The term “NIA” means the National Investment Authority, established under section 101.

(9) NIA ANNUAL REPORT.—The term “NIA Annual Report” means the NIA Annual Report mandated under section 106.

(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 Subsidi-
aries.

(12) NIA STAFF.—The term “NIA Staff”
means the staff of the NIA.

(13) NIB.—The term “NIB” means that Na-
tional Infrastructure Bank.

(14) PORTFOLIO PROJECT.—The term “Port-
folio Project’’ means any project or undertaking, fi-
nanced, managed, or otherwise supported by any
NIA Operating Subsidiary in the course of its busi-
ness and in accordance with the provisions of this
Act.

(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 participa-
tion 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.
TITLE I—NATIONAL INVESTMENT AUTHORITY

SEC. 101. ESTABLISHMENT.

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

(1) the NIA Governing Board established under this title;

(2) the NIA regional offices established under title II; and

(3) the NIA Operating Subsidiaries, including the NIB established under title III and the NCMC established under title IV.

SEC. 102. 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 balanced;

(B) environmentally sustainable;

(C) socially equitable; and

(D) in line with the strategic goals and national interests of the United States.
(2) PRINCIPAL GOALS.—In fulfilling its mission under paragraph (1), the NIA shall have the principal goals of the following:

(A) Eliminating unemployment, underemployment, and poverty.

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

(C) Prioritizing the communities in greatest 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.

(c) 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 Act;

(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 105 and the other provisions of this Act, 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 Act 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 Act.
SEC. 103. FUNDING.

(a) INITIAL APPROPRIATION.—Upon the date of enactment of this Act, and annually thereafter for [3/3] years, there is appropriated to the Governing Board [3] for the initial establishment of the NIA, NIB, and NCMC and to carry out this Act, 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 Governors 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 \[\text{average total assets over the preceding 6-month period}/\text{as of the last day of the quarter immediately preceding the date of such calculation}\].

(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 Act.

(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.

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

SEC. 104. 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, community advocacy groups, and relevant fields; and

(c) 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.

(4) PROFESSIONAL STAFF.—To assist the NIA in the performance of its responsibilities under this Act, the Governing Board shall establish and operate professional full-time, part-time, or volunteer staff.
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 out-
comes.

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

(3) The Technical Assistance and Strategic Co-
ordination 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 INCLU-
sion.—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. 105. PROJECT ELIGIBILITY AND SELECTION.

(a) In General.—Subject to this section’s provisions, the Governing Board shall adopt rules and promulgate 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 po-
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 requirements 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 Act 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 Act that funds freight or passenger 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 Act 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 commitments 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 OPERATING SUBSIDIARIES.—

(1) PROJECT ANALYSIS AND MONITORING COMMITTEES.—Each NIA Operating Subsidiary, including the NIB and the NCMC, shall establish a special Project Analysis and Monitoring Committee charged with identifying and evaluating its investment prospects and selecting individual projects and undertakings for inclusion in such NIA Operating Subsidiary’s asset portfolio. In performing these tasks, both the NIA Operating Subsidiary and its Project Analysis 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. 106. 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.

(e) 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 stakeholders, for the purpose of keeping the American public informed about, and collecting public feedback with respect to, the activities and plans of the NIA and NIA Operating Subsidiaries; and

(G) take any other actions necessary or incidental 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 appropria-
tion vs. initial appropriation and then have NIA
fund the Council]

TITLE II—NIA REGIONAL
OFFICES

SEC. 201. ESTABLISHMENT.

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

SEC. 202. ORGANIZATION AND STRUCTURE.

(a) LEADERSHIP.—Subject to the rules and proce-
dures established under section 102(d), each regional of-
ifice 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 Gov-
erning 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. 203. FUNCTIONS.

In addition to the functions described under section 202, 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.
TITLE III—NATIONAL INFRASTRUCTURE BANK

SEC. 301. ESTABLISHMENT.

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

SEC. 302. 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 105—

(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 pub-
lic goods and projects, by purchasing such bonds direct-
ly from State and local public issuers at favor-
able rates.

SEC. 303. 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
102(c), serve as the head of the NIB.

(2) MEMBERSHIP.—The NIB Board shall con-
sist 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 Sen-
ate—

(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 pro-
hibitions applicable to class A and B directors.

(5) SELECTION OF ENTITIES NOMINATING CAN-
didates.—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. 304. 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 105(e)(2).

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

**TITLE IV—NATIONAL CAPITAL MANAGEMENT CORPORATION**

**SEC. 401. ESTABLISHMENT.**

There is established, as a Government corporation subject to chapter 91 of title 31, United States Code, the National Capital Management Corporation.

**SEC. 402. PURPOSE AND FUNCTIONS.**

(a) **NMC MANDATE.**—The mandate of the NCMC shall be to implement the National Investment Strategy
by engaging in capital market activities that support public and private investment in Critical Public Infrastructure projects.

(b) GENERAL POWERS.—The NCMC shall have the following powers:

(1) To organize, sponsor, invest in, and manage collective investment funds, or NCMC Funds, for the purpose of financing the development of Critical Public Infrastructure.

(2) To purchase, make commitments to purchase, or otherwise acquire, hold, and manage equity or equity-like instruments issued by, or interests in, in any entity, both on its own behalf (including in its role as the agent of the U.S. Government) and on behalf of any NCMC Fund.

(3) To exercise any rights and powers necessary or incidental to equity ownership, fund or asset management, and other functions performed by the NIA in accordance with this Act.

c) TARGET INVESTMENTS AND PRIORITIES.—In carrying out its mandate, the NCMC shall, subject to the rules established by the Governing Board under section 105, prioritize investments and projects that exhibit one or more of the following target characteristics:
(1) **INNOVATION AND SCALE.**—The NCMC shall target and prioritize Critical Infrastructure Projects that are potentially transformative, innovative, require long-term capital commitments, require multi-jurisdictional coordination, have national or multi-regional scale or impact, or otherwise would both benefit from the NIA funding and advance the NIA’s goals.

(2) **PUBLIC STANDARD-SETTING; CATALYTIC SIGNIFICANCE.**—The NCMC shall prioritize Critical Infrastructure Projects that, individually or together with other NIA Portfolio Projects, can catalyze publicly beneficial change in the relevant industry or market standards, particularly with respect to boosting the growth of domestic manufacturing, creating American jobs, strengthening labor, revitalizing economically disadvantaged communities or regions, and reducing wealth gaps among different groups.

(3) **RESCUE AND TRANSFORMATION OF TROUBLED FIRMS OR INDUSTRIES.**—The NCMC shall manage Federal financial assistance to distressed private firms or other entities, as provided in the relevant Acts of Congress or determined by the Governing Board in accordance with this Act, with the goal of preventing potential harm to the local, re-
gional, or national economy and the American people, including potential loss of domestic jobs, erosion of the U.S. productive capacity and global competitiveness, and environmental damage.

SEC. 403. NCMC FUNDS.

[To be added]

SEC. 404. PUBLIC ASSET MANAGER POWERS.

[To be added]

SEC. 405. NCMC GOVERNANCE.

(a) BOARD OF DIRECTORS.—

(1) In general.—There is established the Board of Directors of the NCMC, which shall, subject to the rules of the Governing Board established under section 102(c), serve as the head of the NCMC.

(2) Membership.—The NCMC 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 NCMC; and
(ii) one of which shall be designated by the President as the Vice President of the NCMC.

(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, investment management, law, 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 NCMC 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 NCMC 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 NCMC Board may be appointed to a second term.

(7) COMPENSATION.—

(A) PRESIDENT.—The President of the NCMC 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.]

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(B) OTHER MEMBERS.—The members of the NCMC 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 NCMC shall have the following committees:

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

(2) The Risk Management Committee.

(3) The Audit and Compliance Committee.

(4) The Policy Impact Committee, which shall focus on macroeconomic analysis and policy, community impact, and labor-related standards.

(5) Such other committees as the NCMC Board determines necessary.

(c) EXECUTIVE OFFICERS.—The NCMC Board shall appoint, remove, fix the compensation, and define duties of the NCMC’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 NCMC Board determines necessary.

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

(e) **PORTFOLIO MANAGEMENT.**—To manage the NCMC’s portfolio of assets (equity stakes in various firms and projects), the NCMC shall establish—

(1) internal manager teams with the necessary expertise (including sectoral expertise); and

(2) a network of outside industry-expert partners that can be brought in, as needed, to assist with the daily running of portfolio companies’ businesses.