

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 8
OFFERED BY MR. HUFFMAN OF CALIFORNIA**

At the end of the bill, add the following new title:

1 **TITLE _____ —OTHER MATTERS**

2 **SEC. ____ . INVESTING FOR TOMORROW'S SCHOOLS.**

3 (a) ESTABLISHMENT.—

4 (1) COOPERATIVE AGREEMENTS.—Subject to
5 the provisions of this section, the Secretary of the
6 Treasury, in consultation with the Secretary of Edu-
7 cation, may enter into cooperative agreements with
8 States for the establishment of State infrastructure
9 banks and multistate infrastructure banks for mak-
10 ing loans—

11 (A) to local educational agencies for build-
12 ing or repairing elementary or secondary
13 schools which provide free public education (as
14 such terms are defined in section 14101 of the
15 Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 8801));

17 (B) to public libraries for building or re-
18 pairing library facilities;

1 (C) to eligible charter school entities for
2 use for the objective described in section
3 5224(2) of such Act (20 U.S.C. 7223c(2)) con-
4 sistent with subpart 2 of part B of title V of
5 such Act (20 U.S.C. 7223 et seq.);

6 (D) to community learning centers to con-
7 nect and improve broadband services; and

8 (E) to educational service agencies for
9 building or repairing elementary schools, sec-
10 ondary schools, or other school facilities that
11 provide free public education.

12 (2) INTERSTATE COMPACTS.—Congress grants
13 consent to two or more of the States, entering into
14 a cooperative agreement under paragraph (1) with
15 the Secretary of the Treasury for the establishment
16 of a multistate infrastructure bank, to enter into an
17 interstate compact establishing such bank in accord-
18 ance with this section.

19 (b) FUNDING.—The Secretary of the Treasury, in
20 consultation with the Secretary of Education, shall make
21 grants to State infrastructure banks and multistate infra-
22 structure banks in a State in a cooperative agreement
23 under subsection (a)(1) to provide initial capital for loans
24 provided under this section. Each bank shall apply repay-
25 ments of principal and interest on loans to the making

1 of additional loans. The Secretary shall take final action
2 on an application for a grant under this subsection within
3 90 days of the date of the submission of such application.

4 (c) INFRASTRUCTURE BANK REQUIREMENTS.—In
5 order to establish an infrastructure bank under this sec-
6 tion, each State establishing the bank shall—

7 (1) contribute, at a minimum, in each account
8 of the bank from non-Federal sources an amount
9 equal to 25 percent of the amount of each capitaliza-
10 tion grant made to the State and contributed to the
11 bank under subsection (b);

12 (2) identify an operating entity of the State as
13 recipient of the grant if the entity has the capacity
14 to manage loan funds and issue debt instruments of
15 the State for purposes of leveraging the funds;

16 (3) allow such funds to be used as reserve for
17 debt issued by the State so long as proceeds are de-
18 posited in the fund for loan purposes;

19 (4) ensure that investment income generated by
20 funds contributed to an account of the bank will
21 be—

22 (A) credited to the account;

23 (B) available for use in providing loans to
24 projects eligible for assistance from the account;

25 and

1 (C) invested in United States Treasury se-
2 curities, bank deposits, or such other financing
3 instruments as the Secretary may approve to
4 earn interest to enhance the leveraging of
5 projects assisted by the bank;

6 (5) ensure that any loan from the bank to an
7 eligible charter school entity, local educational agen-
8 cy, public library, or community learning center will
9 bear interest at or below the lowest interest rates
10 being offered for bonds the income from which is ex-
11 empt from Federal taxation, as determined by the
12 State, to make the project that is the subject of the
13 loan feasible;

14 (6) ensure that repayment of any loan from the
15 bank to an eligible charter school entity, local edu-
16 cational agency, public library, or community learn-
17 ing center will commence not later than 1 year after
18 the project has been completed;

19 (7) ensure that the term for repaying any loan
20 to an eligible charter school entity, local educational
21 agency, public library, or community learning center
22 will not exceed 30 years after the date of the first
23 payment on the loan under paragraph (5);

24 (8) ensure that the funds loaned annually that
25 are used under subsection (a)(1)(C) are limited to a

1 percentage of the total funds loaned that does not
2 exceed the percentage of elementary and secondary
3 school students in the State enrolled in charter
4 schools during the most recent school year for which
5 enrollment data are available;

6 (9) ensure that the funds loaned annually under
7 subsection (a)(1)(D) are used exclusively to connect
8 and improve broadband services; and

9 (10) require the bank to make an annual report
10 to the Secretary on its status and make such other
11 reports as the Secretary may require by guidelines.

12 (d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE
13 BANKS.—

14 (1) IN GENERAL.—An infrastructure bank es-
15 tablished under this section may make loans in an
16 amount equal to all or part of the cost of carrying
17 out a project eligible for assistance under this sec-
18 tion.

19 (2) APPLICATIONS FOR LOANS.—An application
20 to an infrastructure bank for a loan shall include—

21 (A) in the case of a renovation project, a
22 description of each architectural, civil, struc-
23 tural, mechanical, or electrical deficiency to be
24 corrected with funds under a loan and the pri-
25 orities to be applied;

1 (B) a description of the criteria used by
2 the applicant to determine the type of corrective
3 action necessary for the renovation of a facility;

4 (C) a description of improvements to be
5 made and a cost estimate for the improvements;

6 (D) a description of how work undertaken
7 with the loan will promote the conservation of
8 energy, water, or waste; and

9 (E) such other information as the infra-
10 structure bank may require.

11 An infrastructure bank shall take final action on a
12 completed application submitted to it within 90 days
13 after the date of its submission.

14 (3) CRITERIA FOR LOANS.—In considering ap-
15 plications for a loan to an eligible charter school en-
16 tity, local educational agency, public library, or com-
17 munity learning center, an infrastructure bank shall
18 consider—

19 (A) the extent to which the eligible charter
20 school entity, local educational agency, public li-
21 brary, or community learning center involved
22 lacks the fiscal capacity, including the ability to
23 raise funds through the full use of such agen-
24 cy's bonding capacity and otherwise, to under-

1 take the project for which the loan would be
2 used without the loan;

3 (B) in the case of a local educational agen-
4 cy, the threat that the condition of the physical
5 plant in the project poses to the safety and
6 well-being of students;

7 (C) the demonstrated need for the con-
8 struction, reconstruction, or renovation based
9 on the condition of the facility in the project;

10 (D) the age of such facility; and

11 (E) demonstrated need to connect and im-
12 prove broadband services in the local commu-
13 nity.

14 (e) QUALIFYING PROJECTS.—

15 (1) IN GENERAL.—Subject to subsection (a)(1),
16 a project is eligible for a loan from an infrastructure
17 bank if it is a project that consists of—

18 (A) the construction of new elementary or
19 secondary schools to meet the needs imposed by
20 enrollment growth;

21 (B) the repair, rebuilding, or upgrading of
22 classrooms or structures related to academic
23 learning, including the repair of leaking roofs,
24 crumbling walls, inadequate plumbing, poor

1 ventilation equipment, and inadequate heating
2 or light equipment;

3 (C) an activity to increase physical safety
4 at the educational facility involved;

5 (D) an activity to enhance the educational
6 facility involved to provide access for students,
7 teachers, and other individuals with disabilities;

8 (E) an activity to address environmental or
9 health hazards at the educational facility in-
10 volved, such as poor ventilation, indoor air qual-
11 ity, or lighting;

12 (F) the provision of basic infrastructure
13 that facilitates educational technology, such as
14 communications outlets, electrical systems,
15 power outlets, or a communication closet;

16 (G) work that will bring an educational fa-
17 cility into conformity with the requirements
18 of—

19 (i) environmental protection or health
20 and safety programs mandated by Federal,
21 State, or local law if such requirements
22 were not in effect when the facility was ini-
23 tially constructed; and

24 (ii) hazardous waste disposal, treat-
25 ment, and storage requirements mandated

1 by the Resource Conservation and Recov-
2 ery Act of 1976 or similar State laws;

3 (H) work that will enable efficient use of
4 available energy resources;

5 (I) work that will reduce reliance on fossil
6 fuels and expand use of solar power, wind
7 power, and other renewable energy resources;

8 (J) work to detect, remove, or otherwise
9 contain asbestos hazards in educational facili-
10 ties;

11 (K) work to construct new public library
12 facilities or repair or upgrade existing public li-
13 brary facilities;

14 (L) work to connect entities described in
15 subsection (a)(1) to broadband services, and to
16 improve such connections for such entities;

17 (M) measures designed to reduce or elimi-
18 nate human exposure to classroom noise and
19 environmental noise pollution; or

20 (N) the repair, replacement, or upgrade of
21 kitchen equipment, kitchen appliances, and
22 kitchen facilities.

23 (2) DAVIS-BACON.—The wage requirements of
24 the Act of March 3, 1931 (referred to as the “Davis-
25 Bacon Act”, 40 U.S.C. 276a et seq.) shall apply

1 with respect to individuals employed on the projects
2 described in paragraph (1).

3 (3) GREEN PRACTICES.—An entity using a loan
4 under this section to fund a new construction or ren-
5 ovation project described in paragraph (1) shall en-
6 sure that the project is certified, verified, or con-
7 sistent with State laws, regulations, and any applica-
8 ble provisions of—

9 (A) the LEED Green Building Rating Sys-
10 tem;

11 (B) Living Building Challenge;

12 (C) the CHPS green building rating pro-
13 gram developed by the Collaborative for High
14 Performance Schools; or

15 (D) a program that—

16 (i) has equivalent or more stringent
17 standards;

18 (ii) is adopted by the State or another
19 jurisdiction with authority over the entity;
20 and

21 (iii) includes a verifiable method to
22 demonstrate compliance with such pro-
23 gram.

1 (f) SUPPLEMENTATION.—Any loan made by an infra-
2 structure bank shall be used to supplement and not sup-
3 plant other Federal, State, and local funds available.

4 (g) LIMITATION ON REPAYMENTS.—Notwithstanding
5 any other provision of law, the repayment of a loan from
6 an infrastructure bank under this section may not be cred-
7 ited towards the non-Federal share of the cost of any
8 project.

9 (h) SECRETARIAL REQUIREMENTS.—In admin-
10 istering this section, the Secretary of the Treasury shall
11 specify procedures and guidelines for establishing, oper-
12 ating, and providing assistance from an infrastructure
13 bank.

14 (i) UNITED STATES NOT OBLIGATED.—The con-
15 tribution of Federal funds into an infrastructure bank es-
16 tablished under this section shall not be construed as a
17 commitment, guarantee, or obligation on the part of the
18 United States to any third party, nor shall any third party
19 have any right against the United States for payment sole-
20 ly by virtue of the contribution. Any security or debt fi-
21 nancing instrument issued by the infrastructure bank
22 shall expressly state that the security or instrument does
23 not constitute a commitment, guarantee, or obligation of
24 the United States.

1 (j) MANAGEMENT OF FEDERAL FUNDS.—Sections
2 3335 and 6503 of title 31, United States Code, shall not
3 apply to funds contributed under this section.

4 (k) PROGRAM ADMINISTRATION.—For each of fiscal
5 years 2015 through 2019, a State may expend not to ex-
6 ceed 2 percent of the Federal funds contributed to an in-
7 frastructure bank established by the State under this sec-
8 tion to pay the reasonable costs of administering the bank.

9 (l) SECRETARIAL REVIEW.—The Secretary of the
10 Treasury shall review the financial condition of each infra-
11 structure bank established under this section and transmit
12 to Congress a report on the results of such review not later
13 than 90 days after the completion of the review.

14 (m) AUTHORIZATION OF APPROPRIATIONS.—For
15 grants to States for the initial capitalization of infrastruc-
16 ture banks there are authorized to be appropriated
17 \$500,000,000 for fiscal year 2015 and for each of the 4
18 succeeding fiscal years.

19 (n) DEFINITIONS.—For purposes of this section:

20 (1) COMMUNITY LEARNING CENTER.—The term
21 “community learning center” has the meaning given
22 such term in section 4201(b)(1) of the Elementary
23 and Secondary Education Act of 1965 (20 U.S.C.
24 7171(b)(1)).

1 (2) EDUCATIONAL SERVICE AGENCY.—The
2 term “educational service agency” means a regional
3 public multiservice agency authorized by State stat-
4 ute to develop, manage, and provide services or pro-
5 grams to local educational agencies.

6 (3) ELIGIBLE CHARTER SCHOOL ENTITY.—The
7 term “eligible charter school entity” means—

8 (A) a charter school (as defined in section
9 5210 of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 7221i)); or

11 (B) a developer (as so defined) that has
12 applied to an authorized public chartering agen-
13 cy (as so defined) to operate a charter school.

14 (4) LOCAL EDUCATIONAL AGENCY.—(A) The
15 term “local educational agency” means a public
16 board of education or other public authority legally
17 constituted within a State for either administrative
18 control or direction of, or to perform a service func-
19 tion for, public elementary or secondary schools in a
20 city, county, township, school district, or other polit-
21 ical subdivision of a State, or for such combination
22 of school districts or counties as are recognized in a
23 State as an administrative agency for its public ele-
24 mentary or secondary schools.

1 (B) The term includes any other public institu-
2 tion or agency having administrative control and di-
3 rection of a public elementary or secondary school.

4 (C) The term includes an elementary or sec-
5 ondary school funded by the Bureau of Indian Af-
6 fairs but only to the extent that such inclusion
7 makes such school eligible for programs for which
8 specific eligibility is not provided to such school in
9 another provision of law and such school does not
10 have a student population that is smaller than the
11 student population of the local educational agency
12 receiving assistance under this section with the
13 smallest student population, except that such school
14 shall not be subject to the jurisdiction of any State
15 educational agency other than the Bureau of Indian
16 Affairs.

17 (5) OUTLYING AREA.—The term “outlying
18 area” means the Virgin Islands, Guam, American
19 Samoa, the Commonwealth of the Northern Mariana
20 Islands, the Republic of the Marshall Islands, the
21 Federated States of Micronesia, and the Republic of
22 Palau.

23 (6) PUBLIC LIBRARY.—The term “public li-
24 brary” means a library that serves free of charge all
25 residents of a community, district, or region, and re-

1 ceives its financial support in whole or in part from
2 public funds. Such term also includes a research li-
3 brary, which, for the purposes of this sentence,
4 means a library that—

5 (A) makes its services available to the pub-
6 lic free of charge;

7 (B) has extensive collections of books,
8 manuscripts, and other materials suitable for
9 scholarly research which are not available to the
10 public through public libraries;

11 (C) engages in the dissemination of hu-
12 manistic knowledge through services to readers,
13 fellowships, educational and cultural programs,
14 publication of significant research, and other
15 activities; and

16 (D) is not an integral part of an institu-
17 tion of higher education.

18 (7) STATE.—The term “State” means each of
19 the 50 States, the District of Columbia, the Com-
20 monwealth of Puerto Rico, and each of the outlying
21 areas.

