

103^D CONGRESS
2^D SESSION

H. R. 5159

To establish the Capital Budget Commission.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 1994

Mr. WISE (for himself, Mr. ABERCROMBIE, Ms. FURSE, Mr. HINCHEY, Mr. HUGHES, Mr. LANCASTER, Mr. LIPINSKI, Mrs. MINK, Mr. NADLER, Mr. POMEROY, Mr. THORNTON, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To establish the Capital Budget Commission.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Capital Budget
5 Commission Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) deteriorating infrastructure and the demand
9 for capital improvements and investment are at a
10 critical stage;

1 (2) limited funding is available for maintaining
2 the existing infrastructure and building new infra-
3 structure;

4 (3) there is increased interest in capital budget-
5 ing and alternative financing options given present
6 and future budget constraints; and

7 (4) there is a need for evaluating what is to be
8 included in a capital budget.

9 **SEC. 3. ESTABLISHMENT.**

10 There is established a commission to be known as the
11 Capital Budget Commission (hereinafter in this Act re-
12 ferred to as the “Commission”).

13 **SEC. 4. DUTIES OF COMMISSION.**

14 (a) **STUDY.**—The Commission shall study capital
15 budgeting and evaluate what should be included in a cap-
16 ital budget for the United States Government. The Com-
17 mission shall focus on investments that sustain growth
18 and establish a process which encourages long-term invest-
19 ment and how to account for that investment.

20 (b) **REPORTS.**—The Commission shall submit a pre-
21 liminary and final report pursuant to section 8, each of
22 which shall contain—

23 (1) a detailed statement of the findings and
24 conclusions of the Commission on the matters de-
25 scribed in subsection (a); and

1 (2) specific recommendations with respect to—

2 (A) ways in which the Congress would im-
3 plement capital budgeting for the United States
4 Government;

5 (B) prioritizing what should be included in
6 a capital budget and establishing a method or
7 formula to determine how to account for those
8 items; and

9 (C) possible changes in the executive and
10 legislative branches which would facilitate the
11 implementation of a capital budget.

12 **SEC. 5. MEMBERSHIP.**

13 (a) **NUMBER AND APPOINTMENT.**—The Commission
14 shall be composed of 15 members, to be appointed not
15 later than 30 days after the date of the enactment of this
16 Act, as follows:

17 (1) 3 members appointed by the President.

18 (2) 3 members, 1 of whom shall be a Senator,
19 appointed by the President pro tempore of the Sen-
20 ate from among the recommendations made by the
21 majority leader of the Senate.

22 (3) 3 members, 1 of whom shall be a Senator,
23 appointed by the President pro tempore of the Sen-
24 ate from among the recommendations made by the
25 minority leader of the Senate.

1 (4) 3 members, 2 of whom shall be Members of
2 the House of Representatives, appointed by the
3 Speaker of the House of Representatives.

4 (5) 3 members, 2 of whom shall be Members of
5 the House of Representatives, appointed by the mi-
6 nority leader of the House of Representatives.

7 (b) ADDITIONAL QUALIFICATIONS.—The Commis-
8 sion members (not including the Members of Congress)
9 shall be chosen from among individuals who are knowledg-
10 able about capital budgeting by virtue of their education
11 and experience as demonstrated in their professional
12 careers.

13 (c) CONTINUATION OF MEMBERSHIP.—If a member
14 was appointed to the Commission as a Member of Con-
15 gress and the member ceases to be a Member of Congress,
16 that member may continue as a member for not longer
17 than the 60-day period beginning on the date that member
18 ceases to be a Member of Congress.

19 (d) TERMS.—

20 (1) IN GENERAL.—Each member of the Com-
21 mission shall be appointed for the life of the Com-
22 mission.

23 (2) VACANCIES.—A vacancy in the Commission
24 shall be filled in the manner in which the original
25 appointment was made.

1 (e) BASIC PAY.—

2 (1) RATES OF PAY.—Except as provided in
3 paragraph (2), each member of the Commission
4 shall serve without pay.

5 (2) TRAVEL EXPENSES.—Each member shall
6 receive travel expenses, including per diem in lieu of
7 subsistence, in accordance with sections 5702 and
8 5703 of title 5, United States Code.

9 (f) QUORUM.—8 members of the Commission shall
10 constitute a quorum but a lesser number may hold hear-
11 ings.

12 (g) CHAIRPERSON.—The Chairperson of the Commis-
13 sion shall be elected by a majority of the members.

14 (h) MEETINGS.—The Commission shall meet at the
15 call of the Chairperson.

16 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
17 **AND CONSULTANTS.**

18 (a) DIRECTOR.—The Commission shall have a Direc-
19 tor who shall be appointed by the Chairperson. The Direc-
20 tor shall be paid at a rate not to exceed the maximum
21 rate of basic pay payable for level IV of the Executive
22 Schedule under section 5315 of title 5, United States
23 Code.

24 (b) STAFF.—Subject to rules prescribed by the Com-
25 mission, the Chairperson may appoint and fix the pay of

1 additional personnel as the Chairperson considers appropriate.
2

3 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
4 LAWS.—The Director and staff of the Commission may
5 be appointed without regard to the provisions of title 5,
6 United States Code, governing appointments in the competitive service, and may be paid without regard to the
7 provisions of chapter 51 and subchapter III of chapter 53
8 of that title relating to classification and General Schedule
9 pay rates, except that an individual so appointed may not
10 receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule under section
11 5315 of the title 5, United States Code.
12

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14 (d) EXPERTS AND CONSULTANTS.—The Commission
15 may procure temporary and intermittent services under
16 section 3109(b) of title 5, United States Code, at rates
17 for individuals not to exceed the maximum annual rate
18 of basic pay payable for GS–18 of the General Schedule.

19 (e) STAFF OF FEDERAL AGENCIES.—Upon request
20 of the Commission, the head of any Federal department
21 or agency may detail, on a reimbursable basis, any of the
22 personnel of that department or agency to the Commission
23 to assist it in carrying out its duties under this Act.

1 **SEC. 7. POWERS OF COMMISSION.**

2 (a) **HEARINGS AND SESSIONS.**—The Commission
3 may, for the purpose of carrying out this Act, hold hear-
4 ings, sit and act at times and places, take testimony, and
5 receive evidence as the Commission considers appropriate.

6 (b) **POWERS OF MEMBERS AND AGENTS.**—Any mem-
7 ber or agent of the Commission may, if authorized by the
8 Commission, take any action which the Commission is au-
9 thorized to take by this section.

10 (c) **OBTAINING OFFICIAL DATA.**—The Commission
11 may secure directly from any department or agency of the
12 United States information necessary to enable it to carry
13 out this Act. Upon request of the Chairperson of the Com-
14 mission, the head of that department or agency shall fur-
15 nish that information to the Commission.

16 (d) **MAILS.**—The Commission may use the United
17 States mails in the same manner and under the same con-
18 ditions as other departments and agencies of the United
19 States.

20 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon
21 the request of the Commission, the Administrator of Gen-
22 eral Services shall provide to the Commission, on a reim-
23 bursable basis, the administrative support services nec-
24 essary for the Commission to carry out its responsibilities
25 under this Act.

1 **SEC. 8. REPORTS.**

2 (a) **PRELIMINARY REPORT.**—The Commission shall
3 submit to the President and the Congress a preliminary
4 report not later than 12 months after the date on which
5 all the members of the Commission have been appointed.

6 (b) **FINAL REPORT.**—The Commission shall submit
7 a final report to the President and the Congress not later
8 than 18 months after the date on which all the members
9 of the Commission have been appointed.

10 **SEC. 9. TERMINATION.**

11 The Commission shall terminate 30 days after sub-
12 mitting its final report pursuant to section 8(b).

13 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

14 Amounts shall be made available to carry out this Act
15 only to the extent such amounts are made available in ad-
16 vance in appropriations Acts.

