

110TH CONGRESS  
1ST SESSION

# S. 775

To establish a National Commission on the Infrastructure of the United States.

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2007

Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, and Mr. COLEMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To establish a National Commission on the Infrastructure of the United States.

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 “National Infrastruc-  
5 ture Improvement Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ACQUISITION.—The term “acquisition” in-  
9 cludes the addition of land, sites, equipment, struc-

1       tures, facilities, or rolling stock by purchase, lease-  
2       purchase, trade, or donation.

3           (2) COMMISSION.—The term “Commission”  
4       means the National Commission on the Infrastruc-  
5       ture of the United States established by section 3(a).

6           (3) CONSTRUCTION.—The term “construction”  
7       means—

8           (A) the design, planning, and erection of  
9       new infrastructure;

10          (B) the expansion of existing infrastruc-  
11       ture;

12          (C) the reconstruction of an infrastructure  
13       project at an existing site; and

14          (D) the installation of initial or replace-  
15       ment infrastructure equipment.

16          (4) INFRASTRUCTURE.—

17           (A) IN GENERAL.—The term “infrastruc-  
18       ture” means a nonmilitary structure or facility  
19       and equipment associated with that structure or  
20       facility.

21           (B) INCLUSIONS.—The term “infrastruc-  
22       ture” includes—

23           (i) a surface transportation facility  
24       (such as a road, bridge, highway, public  
25       transportation facility, and freight and

1 passenger rail), as the Commission, in con-  
2 sultation with the National Surface Trans-  
3 portation Policy and Revenue Study Com-  
4 mission established by section 1909(b)(1)  
5 of the Safe, Accountable, Flexible, Effi-  
6 cient Transportation Equity Act: A Legacy  
7 for Users (Public Law 109–59; 119 Stat.  
8 1471), determines to be appropriate;

9 (ii) a mass transit facility;

10 (iii) an airport or airway facility;

11 (iv) a resource recovery facility;

12 (v) a water supply and distribution  
13 system;

14 (vi) a wastewater collection, treat-  
15 ment, and related facility;

16 (vii) waterways, locks, and dams;

17 (viii) a levee and any related flood-  
18 control facility;

19 (ix) a dock or port; and

20 (x) a solid waste disposal facility.

21 (5) MAINTENANCE.—The term “maintenance”  
22 means any regularly scheduled activity, such as a  
23 routine repair, intended to ensure that infrastruc-  
24 ture continues to operate efficiently.

1           (6) REHABILITATION.—The term “rehabilita-  
2           tion” means—

3                   (A) the correction of a deficiency in exist-  
4           ing infrastructure so as to extend the useful life  
5           or improve the effectiveness of the infrastruc-  
6           ture;

7                   (B) the modernization or replacement of  
8           equipment of existing infrastructure; and

9                   (C) the modernization of, or replacement  
10          of parts for, rolling stock relating to infrastruc-  
11          ture.

12 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

13          (a) ESTABLISHMENT.—There is established a com-  
14          mission to be known as the “National Commission on the  
15          Infrastructure of the United States” to ensure that the  
16          infrastructure of the United States—

17                   (1) meets current and future demand; and

18                   (2) facilitates economic growth.

19          (b) MEMBERSHIP.—

20                   (1) COMPOSITION.—The Commission shall be  
21          composed of 8 members, of whom—

22                   (A) 2 members shall be appointed by the  
23          President;

24                   (B) 2 members shall be appointed by the  
25          Speaker of the House of Representatives;

1           (C) 1 member shall be appointed by the  
2           minority leader of the House of Representa-  
3           tives;

4           (D) 2 members shall be appointed by the  
5           majority leader of the Senate; and

6           (E) 1 member shall be appointed by the  
7           minority leader of the Senate.

8           (2) QUALIFICATIONS.—Each member of the  
9           Commission shall have experience in 1 or more of  
10          the fields of economics, public administration, civil  
11          engineering, public works, construction, and related  
12          design professions, planning, or public investment fi-  
13          nancing.

14          (3) DATE OF APPOINTMENTS.—The members  
15          of the Commission shall be appointed under para-  
16          graph (1) not later than 90 days after the enact-  
17          ment of this Act.

18          (c) TERM; VACANCIES.—

19                (1) TERM.—A member shall be appointed for  
20                the life of the Commission.

21                (2) VACANCIES.—A vacancy in the Commis-  
22                sion—

23                        (A) shall not affect the powers of the Com-  
24                        mission; and

1 (B) shall be filled, not later than 30 days  
2 after the date on which the vacancy occurs, in  
3 the same manner as the original appointment  
4 was made.

5 (d) INITIAL MEETING.—Not later than 30 days after  
6 the date on which all members of the Commission have  
7 been appointed, the Commission shall hold the initial  
8 meeting of the Commission.

9 (e) MEETINGS.—The Commission shall meet at the  
10 call of the Chairperson or the majority of the Commission  
11 members.

12 (f) QUORUM.—A majority of the members of the  
13 Commission shall constitute a quorum, but a lesser num-  
14 ber of members may hold hearings.

15 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
16 Commission shall select a Chairperson and Vice Chair-  
17 person from among the members of the Commission.

18 **SEC. 4. DUTIES.**

19 (a) STUDY.—

20 (1) IN GENERAL.—Not later than February 15,  
21 2009, the Commission, in consultation with the advi-  
22 sory group established by paragraph (3)(A), shall  
23 complete a study of all matters relating to the state  
24 of the infrastructure of the United States.

1           (2) MATTERS TO BE STUDIED.—In carrying out  
2 paragraph (1), the Commission shall study matters  
3 such as—

4           (A) the capacity of infrastructure improve-  
5 ments to sustain current and anticipated eco-  
6 nomic development and competitiveness, includ-  
7 ing long-term economic growth, including the  
8 potential return to the United States economy  
9 on investments in new infrastructure as op-  
10 posed to investments in existing infrastructure;

11           (B) the age and condition of public infra-  
12 structure (including congestion and changes in  
13 the condition of that infrastructure as com-  
14 pared with preceding years);

15           (C) the methods used to finance the con-  
16 struction, acquisition, rehabilitation, and main-  
17 tenance of public works improvements (includ-  
18 ing general obligation bonds, tax-credit bonds,  
19 revenue bonds, user fees, excise taxes, direct  
20 governmental assistance, and private invest-  
21 ment), including the effect of different finance  
22 structures on the efficiency of infrastructure;

23           (D) any trends or innovations in methods  
24 used to finance that construction, acquisition,  
25 rehabilitation, and maintenance;

1           (E) investment requirements, by type of  
2 facility, that are necessary to maintain the cur-  
3 rent condition and performance of those facili-  
4 ties and the investment needed (as adjusted for  
5 inflation and expressed in real dollars) to im-  
6 prove those facilities in the future;

7           (F)(i) the projected share of Federal,  
8 State, local, and other government levels of in-  
9 vestment requirements as identified in subpara-  
10 graph (E); and

11           (ii) the projected expenditure on infra-  
12 structure facility improvements described in  
13 subparagraph (E) by each level of government;

14           (G) estimates of the return to the economy  
15 from public works investment;

16           (H) any trends or innovations in infra-  
17 structure procurement methods;

18           (I) any trends or innovations in construc-  
19 tion methods or materials; and

20           (J) the impact of various land use and eco-  
21 nomic development strategies on infrastructure  
22 needs and investment decisions, including the  
23 effect of metropolitan growth patterns on infra-  
24 structure costs and deferred maintenance.



1 (b) RECOMMENDATIONS.—The Commission shall de-  
2 velop recommendations—

3 (1) on a Federal infrastructure plan that will  
4 detail national infrastructure program priorities, in-  
5 cluding alternative methods of meeting national in-  
6 frastructure investment needs to effectuate balanced  
7 growth and economic development;

8 (2) on public works improvements and methods  
9 of delivering and providing for public work facilities;

10 (3) for analysis or criteria and procedures that  
11 may be used by Federal agencies and State and local  
12 governments in—

13 (A) inventorying existing and needed pub-  
14 lic works improvements;

15 (B) assessing the condition of public works  
16 improvements; and

17 (C) developing uniform criteria and proce-  
18 dures for use in conducting those inventories  
19 and assessments; and

20 (4) for proposed guidelines for the uniform re-  
21 porting, by Federal agencies, of construction, acqui-  
22 sition, rehabilitation, and maintenance data with re-  
23 spect to infrastructure improvements.

1 (c) STATEMENT AND RECOMMENDATIONS.—Not  
2 later than February 15, 2010, the Commission shall sub-  
3 mit to Congress—

4 (1) a detailed statement of the findings and  
5 conclusions of the Commission; and

6 (2) the recommendations of the Commission  
7 under subsection (b), including recommendations for  
8 such legislation and administrative actions for 5-,  
9 15-, 30-, and 50-year time periods as the Commis-  
10 sion considers to be appropriate.

11 **SEC. 5. POWERS OF THE COMMISSION.**

12 (a) HEARINGS.—The Commission shall hold such  
13 hearings, meet and act at such times and places, take such  
14 testimony, administer such oaths, and receive such evi-  
15 dence as the Commission considers advisable to carry out  
16 this Act.

17 (b) INFORMATION FROM FEDERAL AGENCIES.—

18 (1) IN GENERAL.—The Commission may secure  
19 directly from a Federal agency such information as  
20 the Commission considers necessary to carry out this  
21 Act.

22 (2) PROVISION OF INFORMATION.—On request  
23 of the Chairperson of the Commission, the head of  
24 the Federal agency shall provide the information to  
25 the Commission.

1 (c) GIFTS.—The Commission may accept, use, and  
2 dispose of gifts or donations of services or property.

3 (d) CONTRACTS.—The Commission may enter into  
4 contracts with other entities, including contracts under  
5 which 1 or more entities, with the guidance of the Com-  
6 mission, conduct the study required under section 4(a).

7 (e) POSTAL SERVICES.—The Commission may use  
8 the United States mails in the same manner and under  
9 the same conditions as other agencies of the Federal Gov-  
10 ernment.

11 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

12 (a) COMPENSATION OF MEMBERS.—A member of the  
13 Commission shall serve without pay, but shall be allowed  
14 a per diem allowance for travel expenses, at rates author-  
15 ized for an employee of an agency under subchapter I of  
16 chapter 57 of title 5, United States Code, while away from  
17 the home or regular place of business of the member in  
18 the performance of the duties of the Commission.

19 (b) STAFF.—

20 (1) IN GENERAL.—The Chairperson of the  
21 Commission may, without regard to the civil service  
22 laws, including regulations, appoint and terminate  
23 an executive director and such other additional per-  
24 sonnel as are necessary to enable the Commission to  
25 perform the duties of the Commission.

1           (2) CONFIRMATION OF EXECUTIVE DIREC-  
2           TOR.—The employment of an executive director shall  
3           be subject to confirmation by a majority of the mem-  
4           bers of the Commission.

5           (3) COMPENSATION.—

6                   (A) IN GENERAL.—Except as provided in  
7                   subparagraph (B), the Chairperson of the Com-  
8                   mission may fix the compensation of the execu-  
9                   tive director and other personnel without regard  
10                  to the provisions of chapter 51 and subchapter  
11                  III of chapter 53 of title 5, United States Code,  
12                  relating to classification of positions and Gen-  
13                  eral Schedule pay rates.

14                   (B) MAXIMUM RATE OF PAY.—In no event  
15                  shall any employee of the Commission (other  
16                  than the executive director) receive as com-  
17                  pensation an amount in excess of the maximum  
18                  rate of pay for Executive Level IV under sec-  
19                  tion 5315 of title 5, United States Code.

20           (c) DETAIL OF FEDERAL GOVERNMENT EMPLOY-  
21           EES.—

22                   (1) IN GENERAL.—An employee of the Federal  
23                  Government may be detailed to the Commission  
24                  without reimbursement.

1           (2) CIVIL SERVICE STATUS.—The detail of a  
2       Federal employee shall be without interruption or  
3       loss of civil service status or privilege.

4           (d) PROCUREMENT OF TEMPORARY AND INTERMIT-  
5       TENT SERVICES.—On request of the Commission, the Sec-  
6       retary of the Army, acting through the Chief of Engineers,  
7       shall provide, on a reimbursable basis, such office space,  
8       supplies, equipment, and other support services to the  
9       Commission and staff of the Commission as are necessary  
10      for the Commission to carry out the duties of the Commis-  
11      sion under this Act.

12   **SEC. 7. CONGRESSIONAL BUDGET OFFICE REVIEW.**

13       Not later than 90 days after the date on which the  
14      report under section 4(c) is submitted to Congress by the  
15      Commission, the Congressional Budget Office shall review  
16      the report and submit a report on the results of the review  
17      to the Committee on Environment and Public Works and  
18      the Committee on Commerce, Science, and Transportation  
19      of the Senate and the Committee on Transportation and  
20      Infrastructure of the House of Representatives.

21   **SEC. 8. FUNDING.**

22       For each of fiscal years 2008 through 2010, on re-  
23      quest of the Commission—

1           (1) the Secretary of Transportation shall trans-  
2           fer to the Commission \$750,000 to carry out this  
3           Act; and

4           (2) each of the Secretary of the Army, acting  
5           through the Chief of Engineers, and the Adminis-  
6           trator of the Environmental Protection Agency shall  
7           transfer to the Commission \$375,000 to carry out  
8           this Act.

9   **SEC. 9. TERMINATION OF COMMISSION.**

10          The Commission shall terminate on September 30,  
11   2010.

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