

108TH CONGRESS
1ST SESSION

H. R. 1203

To provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2003

Mr. SHIMKUS (for himself and Mr. JOHNSON of Illinois) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the annual audit of the White County Bridge Commission, for the New Harmony Bridge over the Wabash River, Indiana and Illinois, for the filling of vacancies in the membership thereof, and for other purposes.

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. AUDIT PROCEDURES.**

4 (a) IN GENERAL.—

5 (1) ANNUAL AUDIT REQUIREMENT.—The White
6 County Bridge Commission (created by the Act ap-
7 proved April 12, 1941 (55 Stat. 140–144), and in

1 this Act referred to as the “Commission”) shall pro-
2 vide for an annual audit of its financial transactions
3 by an independent public accountant of recognized
4 standing in such manner as prescribed by the Gov-
5 ernors of the States of Indiana and Illinois and in
6 accordance with generally accepted auditing stand-
7 ards.

8 (2) AVAILABILITY OF RECORDS.—The Commis-
9 sion shall make available for purposes of the audit
10 all books, accounts, financial records, reports, files,
11 and all other papers, documents, or property belong-
12 ing to or in use by the Commission.

13 (3) GAO ADVICE.—The General Accounting Of-
14 fice is authorized and directed to make available its
15 advice on any matter pertaining to an audit per-
16 formed pursuant to this section.

17 (b) AUDIT REPORT.—The Commission within 4
18 months following the close of the fiscal year for which the
19 audit is made shall submit a copy of the audit report to
20 the Governors of the States of Indiana and Illinois and
21 to the Secretary of Commerce. The report shall set forth
22 the scope of the audit and shall include a statement of
23 assets and liabilities, capital, and surplus or deficits; a
24 statement of surplus or deficit analysis, a statement of in-
25 come and expense; a statement of sources and application

1 of funds; and such comments and information as may be
2 deemed necessary to keep the Governors and the Secretary
3 informed of the operations and financial condition of the
4 Commission.

5 (c) ADDITIONAL AUDITS.—The Governor of the State
6 of Indiana or Illinois or the Secretary of Commerce is au-
7 thorized to provide for the conduct of further audits of
8 the Commission if the audit report submitted under sub-
9 section (b) is not satisfactory to the Governor or the Sec-
10 retary, as the case may be.

11 (d) COST.—The Commission shall bear all expenses
12 of the annual audit of its financial transactions as re-
13 quired by this section. All expenses of any additional audit
14 required under this section shall be paid by the official
15 or agency requesting such additional audit.

16 **SEC. 2. MEMBERSHIP.**

17 (a) CONTINUATION.—Each person who is a member,
18 on the date of enactment of this Act, of the Commission
19 shall continue in office until the expiration of his or her
20 present term, except as provided in subsection (b).

21 (b) TERMS OF OFFICE.—Notwithstanding any other
22 provision of law, the term of office of each person who
23 is a member of the Commission on the date of enactment
24 of this Act shall expire on the 90th day following such
25 date of enactment. The Secretary of Commerce may there-

1 upon appoint 3 persons as members of the Commission,
2 1 for a term of 2 years, 1 for a term of 4 years, and
3 1 for a term of 6 years. Each person appointed as a mem-
4 ber of the Commission thereafter shall be a resident of
5 White County, Illinois, or Posey County, Indiana, and
6 shall be appointed for a term of 6 years, except that a
7 person appointed to fill a vacancy shall serve only for the
8 unexpired term of his predecessor.

9 (c) BOND.—Each person appointed under this section
10 shall give such bond as may be fixed by the Secretary,
11 conditioned upon the faithful performance of all duties re-
12 quired by this Act. The cost of such bonds shall be deemed
13 an operating expense of the Commission.

14 (d) CHAIRMAN.—The Secretary shall designate the
15 member of the Commission who shall serve as chairman
16 for a term of 2 years and the member who shall serve
17 as vice chairman for a term of 2 years.

18 (e) VACANCIES.—Vacancies in the Commission shall
19 not affect its powers and shall be filled in the same man-
20 ner as the original appointments were made. Incumbent
21 members whose terms have expired shall hold over in of-
22 fice until their successors are appointed and qualified.

23 (f) RULES.—The Commission shall have power to es-
24 tablish rules and regulations for the government of its
25 business.

1 (g) OATH.—Each member appointed under this Act
2 shall qualify within 30 days after appointment by filing
3 with the Secretary of Commerce an oath that he will faithfully
4 fully perform the duties imposed upon him by law.

5 (h) REMOVAL FOR CAUSE.—Each member appointed
6 under this Act shall be removable for cause by the Secretary of Commerce.

8 (i) LIMITATION ON APPLICABILITY.—This section
9 shall not be applicable to ex officio members or State high-
10 way department members of the Commission.

11 SEC. 3. ANNUAL REPORT.

12 (a) SUBMISSION.—The Commission shall submit an
13 annual report covering its operations and fiscal trans-
14 actions during the preceding fiscal year and its financial
15 condition and a statement of all receipts and expenditures
16 during such period to the Governors of the States of Indiana
17 and Illinois and to the Secretary of Commerce not
18 later than 4 months following the last day of the fiscal
19 year for which the audit required under section 1 of this
20 Act is made.

21 (b) REVIEW.—The Secretary shall review such annual
22 reports and audit reports submitted under section
23 1(b) of this Act and shall make recommendations to Congress
24 based upon such review, or take such other action
25 as the Secretary may consider necessary, to effectuate the

1 intent of Congress as established by this Act and by the
2 Act approved April 12, 1941 (55 Stat. 140–145).

3 **SEC. 4. AUTHORITY TO TRANSFER.**

4 Authority is granted to transfer all functions, powers,
5 duties, responsibilities, authority, assets, liability, obliga-
6 tions, books, records, property, and equipment of the Com-
7 mission, to the highway department or other agency of the
8 States of Indiana and Illinois, or to joint agencies estab-
9 lished by interstate compact or agreement. Such transfer
10 shall be carried out in a manner as may be prescribed or
11 authorized by the laws of the States. Upon such transfer,
12 the Commission shall cease to exist.

13 **SEC. 5. SPECIAL RULES.**

14 (a) ENFORCEMENT.—All provisions of this Act and
15 the Act approved April 12, 1941 (55 Stat. 140–145), may
16 be enforced or the violation thereof prevented by man-
17 damus, injunction, or other appropriate remedy by the
18 chief legal officer of either the State of Indiana or Illinois
19 in any court having competent jurisdiction of the subject
20 matter and of the parties.

21 (b) NON-FEDERAL EMPLOYEES.—Members and em-
22 ployees of the Commission shall not be treated as Federal
23 officers and employees.

24 (c) PAY.—

(1) PER DIEM; TRAVEL EXPENSES.—The members of the Commission shall each be entitled to a per diem compensation for their services of \$30 for each day actually spent in the business of the Commission, but the maximum per diem compensation of the chairman in any 1 year shall not exceed \$3,000 and of each other member in any 1 year shall not exceed \$2,000. The members of the Commission shall also be entitled to receive traveling expense allowance of the standard mileage rate for each mile actually traveled on the business of the Commission.

12 (2) TREATMENT OF PAYMENTS.—Payments
13 under the provisions of this subsection shall be in
14 lieu of any other payments for salary or expenses
15 authorized for service as a member of the Commis-
16 sion under the provisions of any other Federal law
17 relating to the Commission, but nothing in this sub-
18 section shall affect any other Federal law with re-
19 spect to the funds from which any such payments
20 shall be made.

○