

108TH CONGRESS  
2D SESSION

# S. 2993

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2004

Mr. GRAHAM of Florida (for himself and Mr. VOINOVICH) 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 2004”.

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

1 transportation facility, and freight and  
2 passenger rail);

3 (ii) a mass transit facility;

4 (iii) an airport or airway facility;

5 (iv) a resource recovery facility;

6 (v) a water supply and distribution  
7 system;

8 (vi) a wastewater collection, treat-  
9 ment, and related facility;

10 (vii) a waterway;

11 (viii) a dock or port;

12 (ix) a school building; and

13 (x) a solid waste disposal facility.

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

18 (6) REHABILITATION.—The term “rehabilita-  
19 tion” means—

20 (A) the correction of a deficiency in exist-  
21 ing infrastructure so as to extend the useful life  
22 or improve the effectiveness of the infrastruc-  
23 ture;

24 (B) the modernization or replacement of  
25 equipment of existing infrastructure; and

1                   (C) the modernization of, or replacement  
2                   of parts for, rolling stock relating to infrastruc-  
3                   ture.

4 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

5           (a) **ESTABLISHMENT.**—There is established a com-  
6 mission to be known as the “National Commission on the  
7 Infrastructure of the United States” to ensure that the  
8 infrastructure of the United States—

9                   (1) meets current and future demand; and

10                   (2) facilitates economic growth.

11           (b) **MEMBERSHIP.**—

12                   (1) **COMPOSITION.**—The Commission shall be  
13 composed of 7 members, of whom—

14                   (A) 3 members shall be appointed by the  
15 President;

16                   (B) 1 member shall be appointed by the  
17 Speaker of the House of Representatives;

18                   (C) 1 member shall be appointed by the  
19 minority leader of the House of Representa-  
20 tives;

21                   (D) 1 member shall be appointed by the  
22 majority leader of the Senate; and

23                   (E) 1 member shall be appointed by the  
24 minority leader of the Senate.

1           (2) QUALIFICATIONS.—Each member of the  
2 Commission shall have experience in 1 or more of  
3 the fields of economics, public administration, civil  
4 engineering, public works, and related design profes-  
5 sions, planning, or public investment financing.

6           (3) DATE OF APPOINTMENTS.—The members  
7 of the Commission shall be appointed under para-  
8 graph (1) not later than 90 days after the enact-  
9 ment of this Act.

10 (c) TERM; VACANCIES.—

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

13           (2) VACANCIES.—A vacancy in the Commis-  
14 sion—

15                   (A) shall not affect the powers of the Com-  
16 mission; and

17                   (B) shall be filled, not later than 30 days  
18 after the date on which the vacancy occurs, in  
19 the same manner as the original appointment  
20 was made.

21           (d) INITIAL MEETING.—Not later than 30 days after  
22 the date on which all members of the Commission have  
23 been appointed, the Commission shall hold the initial  
24 meeting of the Commission.

1 (e) MEETINGS.—The Commission shall meet at the  
2 call of the Chairperson or the majority of the Commission  
3 members.

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

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

10 **SEC. 4. DUTIES.**

11 (a) STUDY.—

12 (1) IN GENERAL.—Not later than February 15,  
13 2007, the Commission shall complete a study of all  
14 matters relating to the state of the infrastructure of  
15 the United States.

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

19 (A) the capacity of infrastructure improve-  
20 ments to sustain current and anticipated eco-  
21 nomic development, including long-term eco-  
22 nomic construction and to support a sustained  
23 and expanding economy;

24 (B) the age and condition of public infra-  
25 structure (including congestion and changes in

1 the condition of that infrastructure as com-  
2 pared with preceding years);

3 (C) the methods used to finance the con-  
4 struction, acquisition, rehabilitation, and main-  
5 tenance of public works improvements (includ-  
6 ing general obligation bonds, tax-credit bonds,  
7 revenue bonds, user fees, excise taxes, direct  
8 governmental assistance, and private invest-  
9 ment);

10 (D) any trends or innovations in methods  
11 used to finance that construction, acquisition,  
12 rehabilitation, and maintenance;

13 (E) investment requirements, by type of  
14 facility, that are necessary to maintain the cur-  
15 rent condition and performance of those facili-  
16 ties and the investment needed to improve those  
17 facilities in the future;

18 (F)(i) the projected historical share of  
19 Federal, State, local, and other government lev-  
20 els of investment requirements as identified in  
21 subparagraph (E); and

22 (ii) the projected expenditure on infra-  
23 structure facility improvements described in  
24 subparagraph (E) by each level of government;

1 (G) estimates of the return to the economy  
2 from public works investment;

3 (H) any trends or innovations in infra-  
4 structure procurement methods; and

5 (I) any trends or innovations in construc-  
6 tion methods or materials.

7 (3) CONSULTATION.—In carrying out para-  
8 graph (1), the Commission shall consult with appro-  
9 priate stakeholders, including—

10 (A) the Secretary of the Army;

11 (B) the Secretary of Agriculture;

12 (C) the Secretary of Transportation;

13 (D) the Administrator of the Environ-  
14 mental Protection Agency;

15 (E) the Secretary of Commerce;

16 (F) the Secretary of Education;

17 (G) the Secretary of Energy;

18 (H) the Secretary of the Treasury;

19 (I) the Secretary of the Interior;

20 (J) the Administrator of General Services;

21 (K) associations representing private sector  
22 stakeholders;

23 (L) associations representing State and  
24 local governments; and

1 (M) such other individuals and entities as  
2 are determined to be appropriate by the Com-  
3 mission.

4 (4) RESOURCES; DATA.—In carrying out para-  
5 graph (1), to the maximum extent practicable, the  
6 Commission shall—

7 (A) use existing studies, data, sampling  
8 techniques, and reports of other commissions;  
9 and

10 (B) if collecting new data under this sec-  
11 tion, make every effort to ensure that the data  
12 is collected in consultation with the States so as  
13 to ensure that uniform methods, categories, and  
14 analyses are used.

15 (b) RECOMMENDATIONS.—The Commission shall de-  
16 velop recommendations—

17 (1) on a Federal infrastructure plan that will  
18 detail national infrastructure program priorities, in-  
19 cluding alternative methods of meeting national in-  
20 frastructure needs to effectuate balanced growth and  
21 economic development;

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

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

4                   (A) inventorying existing and needed pub-  
5           lic works improvements;

6                   (B) assessing the condition of public works  
7           improvements; and

8                   (C) developing uniform criteria and proce-  
9           dures for use in conducting those inventories  
10          and assessments; and

11          (4) for proposed guidelines for the uniform re-  
12          porting, by Federal agencies, of construction, acqui-  
13          sition, rehabilitation, and maintenance data with re-  
14          spect to infrastructure improvements.

15          (c) STATEMENT AND RECOMMENDATIONS.—Not  
16          later than February 15, 2007, the Commission shall sub-  
17          mit to Congress—

18                   (1) a detailed statement of the findings and  
19          conclusions of the Commission; and

20                   (2) the recommendations of the Commission  
21          under subsection (b), including recommendations for  
22          such legislation and administrative actions for 5-,  
23          15-, 30-, and 50-year time periods as the Commis-  
24          sion considers to be appropriate.

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

2 (a) HEARINGS.—The Commission shall hold such  
3 hearings, meet and act at such times and places, take such  
4 testimony, administer such oaths, and receive such evi-  
5 dence as the Commission considers advisable to carry out  
6 this Act.

7 (b) INFORMATION FROM FEDERAL AGENCIES.—

8 (1) IN GENERAL.—The Commission may secure  
9 directly from a Federal agency such information as  
10 the Commission considers necessary to carry out this  
11 Act.

12 (2) PROVISION OF INFORMATION.—On request  
13 of the Chairperson of the Commission, the head of  
14 the Federal agency shall provide the information to  
15 the Commission.

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

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

22 (e) POSTAL SERVICES.—The Commission may use  
23 the United States mails in the same manner and under  
24 the same conditions as other agencies of the Federal Gov-  
25 ernment.

1 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

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

9 (b) STAFF.—

10 (1) IN GENERAL.—The Chairperson of the  
11 Commission may, without regard to the civil service  
12 laws, including regulations, appoint and terminate  
13 an executive director and such other additional per-  
14 sonnel as are necessary to enable the Commission to  
15 perform the duties of the Commission.

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

20 (3) COMPENSATION.—

21 (A) IN GENERAL.—Except as provided in  
22 subparagraph (B), the Chairperson of the Com-  
23 mission may fix the compensation of the execu-  
24 tive director and other personnel without regard  
25 to the provisions of chapter 51 and subchapter  
26 III of chapter 53 of title 5, United States Code,

1 relating to classification of positions and Gen-  
2 eral Schedule pay rates.

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

9 (c) DETAIL OF FEDERAL GOVERNMENT EMPLOY-  
10 EES.—

11 (1) IN GENERAL.—An employee of the Federal  
12 Government may be detailed to the Commission  
13 without reimbursement.

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

17 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-  
18 TENT SERVICES.—On request of the Commission, the Sec-  
19 retary of the Army, acting through the Chief of Engineers,  
20 shall provide, on a reimbursable basis, such office space,  
21 supplies, equipment, and other support services to the  
22 Commission and staff of the Commission as are necessary  
23 for the Commission to carry out the duties of the Commis-  
24 sion under this Act.

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

2 Not later than 90 days after the date on which the  
3 report under section 4(c) is submitted to Congress by the  
4 Commission, the Congressional Budget Office shall review  
5 the report and submit a report on the results of the review  
6 to the Committee on Environment and Public Works and  
7 the Committee on Commerce, Science, and Transportation  
8 of the Senate and the Committee on Transportation and  
9 Infrastructure of the House of Representatives.

10 **SEC. 8. FUNDING.**

11 (a) FISCAL YEAR 2005.—For fiscal year 2005, from  
12 amounts otherwise made available to the Secretary of the  
13 Army for the purpose of civil works for that fiscal year,  
14 the Secretary of the Army shall transfer to the Commis-  
15 sion such amount, not to exceed \$2,000,000, as the Com-  
16 mission may request to carry out this Act.

17 (b) FUTURE FISCAL YEARS.—There is authorized to  
18 be appropriated to the Commission to carry out this Act  
19 \$1,000,000 for each of fiscal years 2006 and 2007.

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

21 The Commission shall terminate on September 30,  
22 2007.

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