

109TH CONGRESS
2D SESSION

S. 2388

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

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2006

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

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 2006”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

(2) COMMISSION.—The term “Commission” means the National Commission on the Infrastructure of the United States established by section 3(a).

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

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

(B) the expansion of existing infrastructure;

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

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term “infrastructure” means a nonmilitary structure or facility and equipment associated with that structure or facility.

(B) INCLUSIONS.—The term “infrastructure” includes—

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

passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

- (ii) a mass transit facility;
- (iii) an airport or airway facility;
- (iv) a resource recovery facility;
- (v) a water supply and distribution system;
- (vi) a wastewater collection, treatment, and related facility;
- (vii) waterways, locks, and dams;
- (viii) a levee and any related flood-control facility;
- (ix) a dock or port; and
- (x) a solid waste disposal facility.

(5) MAINTENANCE.—The term “maintenance” means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure 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 7 members, of whom—

22 (A) 3 members shall be appointed by the
23 President;

24 (B) 1 member 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) 1 member 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 such
3 matters 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, and to support
8 a sustained and expanding economy;

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

13 (C) the methods used to finance the con-
14 struction, acquisition, rehabilitation, and main-
15 tenance of public works improvements (includ-
16 ing general obligation bonds, tax-credit bonds,
17 revenue bonds, user fees, excise taxes, direct
18 governmental assistance, and private invest-
19 ment);

20 (D) any trends or innovations in methods
21 used to finance that construction, acquisition,
22 rehabilitation, and maintenance;

23 (E) investment requirements, by type of
24 facility, that are necessary to maintain the cur-
25 rent condition and performance of those facili-

ties and the investment needed (as adjusted for inflation and expressed in real dollars) to improve those facilities in the future;

(F)(i) the projected share of Federal, State, local, and other government levels of investment requirements as identified in subparagraph (E); and

(ii) the projected expenditure on infrastructure facility improvements described in subparagraph (E) by each level of government;

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

(H) any trends or innovations in infrastructure procurement methods; and

(I) any trends or innovations in construction methods or materials.

(3) CONSULTATION.—

(A) ESTABLISHMENT.—There is established an advisory group to provide assistance and advice on request of the Commission.

(B) MEMBERSHIP.—The advisory group shall be composed of—

(i) the Secretary of the Army;

(ii) the Secretary of Agriculture;

(iii) the Secretary of Transportation;

1 (iv) the Administrator of the Environ-
2 mental Protection Agency;

3 (v) the Secretary of Commerce;

4 (vi) the Secretary of Education;

5 (vii) the Secretary of Energy;

6 (viii) the Secretary of the Treasury;

7 (ix) the Secretary of the Interior;

8 (x) the Administrator of General Serv-
9 ices;

10 (xi) the Director of the Office of Man-
11 agement and Budget;

12 (xii) a representative of the National
13 Governors Association;

14 (xiii) a representative of the National
15 Association of Counties;

16 (xiv) a representative of the United
17 States Conference of Mayors; and

18 (xv) a representative of the National
19 Conference of State Legislatures.

20 (C) COMPENSATION.—The members of the
21 advisory group shall serve without compensa-
22 tion.

23 (D) TERMINATION.—The advisory group
24 shall terminate on September 30, 2009.

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

4 (A) use existing studies, data, sampling
5 techniques, and reports of other commissions;
6 and

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

12 (b) RECOMMENDATIONS.—The Commission shall de-
13 velop recommendations—

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

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

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

24 (A) inventorying existing and needed pub-
25 lic works improvements;

1 (B) assessing the condition of public works
2 improvements; and

3 (C) developing uniform criteria and proce-
4 dures for use in conducting those inventories
5 and assessments; and

6 (4) for proposed guidelines for the uniform re-
7 porting, by Federal agencies, of construction, acqui-
8 sition, rehabilitation, and maintenance data with re-
9 spect to infrastructure improvements.

10 (c) STATEMENT AND RECOMMENDATIONS.—Not
11 later than February 15, 2009, the Commission shall sub-
12 mit to Congress—

13 (1) a detailed statement of the findings and
14 conclusions of the Commission; and

15 (2) the recommendations of the Commission
16 under subsection (b), including recommendations for
17 such legislation and administrative actions for 5-,
18 15-, 30-, and 50-year time periods as the Commis-
19 sion considers to be appropriate.

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

21 (a) HEARINGS.—The Commission shall hold such
22 hearings, meet and act at such times and places, take such
23 testimony, administer such oaths, and receive such evi-
24 dence as the Commission considers advisable to carry out
25 this Act.

1 (b) INFORMATION FROM FEDERAL AGENCIES.—

2 (1) IN GENERAL.—The Commission may secure
3 directly from a Federal agency such information as
4 the Commission considers necessary to carry out this
5 Act.

6 (2) PROVISION OF INFORMATION.—On request
7 of the Chairperson of the Commission, the head of
8 the Federal agency shall provide the information to
9 the Commission.

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

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

16 (e) POSTAL SERVICES.—The Commission may use
17 the United States mails in the same manner and under
18 the same conditions as other agencies of the Federal Gov-
19 ernment.

20 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

21 (a) COMPENSATION OF MEMBERS.—A member of the
22 Commission shall serve without pay, but shall be allowed
23 a per diem allowance for travel expenses, at rates author-
24 ized for an employee of an agency under subchapter I of
25 chapter 57 of title 5, United States Code, while away from

1 the home or regular place of business of the member in
2 the performance of the duties of the Commission.

3 (b) STAFF.—

4 (1) IN GENERAL.—The Chairperson of the
5 Commission may, without regard to the civil service
6 laws, including regulations, appoint and terminate
7 an executive director and such other additional per-
8 sonnel as are necessary to enable the Commission to
9 perform the duties of the Commission.

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

14 (3) COMPENSATION.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Chairperson of the Com-
17 mission may fix the compensation of the execu-
18 tive director and other personnel without regard
19 to the provisions of chapter 51 and subchapter
20 III of chapter 53 of title 5, United States Code,
21 relating to classification of positions and Gen-
22 eral Schedule pay rates.

23 (B) MAXIMUM RATE OF PAY.—In no event
24 shall any employee of the Commission (other
25 than the executive director) receive as com-

1 pensation an amount in excess of the maximum
2 rate of pay for Executive Level IV under sec-
3 tion 5315 of title 5, United States Code.

4 (c) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
5 EES.—

6 (1) IN GENERAL.—An employee of the Federal
7 Government may be detailed to the Commission
8 without reimbursement.

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

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

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

21 Not later than 90 days after the date on which the
22 report under section 4(c) is submitted to Congress by the
23 Commission, the Congressional Budget Office shall review
24 the report and submit a report on the results of the review
25 to the Committee on Environment and Public Works and

1 the Committee on Commerce, Science, and Transportation
2 of the Senate and the Committee on Transportation and
3 Infrastructure of the House of Representatives.

4 **SEC. 8. FUNDING.**

5 (a) FISCAL YEAR 2007.—For fiscal year 2007, from
6 amounts otherwise made available to the Secretary of the
7 Treasury and the Secretary of Transportation for admin-
8 istrative and policy measures for that fiscal year, each of
9 the Secretaries shall transfer to the Commission not more
10 than \$1,000,000, as the Commission may request to carry
11 out this Act.

12 (b) FUTURE FISCAL YEARS.—There is authorized to
13 be appropriated to the Commission to carry out this Act
14 \$1,000,000 for each of fiscal years 2008 and 2009.

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

16 The Commission shall terminate on September 30,
17 2009.

