

111TH CONGRESS  
1ST SESSION

# H. R. 4219

To establish a National Commission on American Recovery and Reinvestment.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2009

Mr. WILSON of South Carolina (for himself, Mr. KINGSTON, Mr. INGLIS, Mr. BROUN of Georgia, Mr. SOUDER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. FORBES, and Mr. AKIN) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To establish a National Commission on American Recovery  
and Reinvestment.

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 Commission  
5       on American Recovery and Reinvestment Act of 2009”.

6       **SEC. 2. ESTABLISHMENT OF COMMISSION.**

7       There is established in the legislative branch the Na-  
8       tional Commission on American Recovery and Reinvest-  
9       ment (referred to in this Act as the “Commission”).

1 **SEC. 3. COMPOSITION AND PROCEEDINGS.**

2 (a) MEMBERS.—The Commission shall be composed  
3 of 10 members, of whom—

4 (1) 1 member shall be appointed by the Presi-  
5 dent;

6 (2) 1 member shall be appointed by the minor-  
7 ity leader of the Senate in consultation with the mi-  
8 nority leader of the House of Representatives;

9 (3) 2 members shall be appointed by the major-  
10 ity leader of the Senate;

11 (4) 2 members shall be appointed by the minor-  
12 ity leader of the Senate;

13 (5) 2 members shall be appointed by the major-  
14 ity leader of the House of Representatives; and

15 (6) 2 members shall be appointed by the minor-  
16 ity leader of the House of Representatives.

17 (b) POLITICAL AFFILIATION.—Not more than 5  
18 members of the Commission may be of the same political  
19 party.

20 (c) NON-GOVERNMENTAL APPOINTEES.—An indi-  
21 vidual is not eligible for appointment as a member of the  
22 Commission if the individual is an officer or employee of  
23 the Federal Government or any State or local government.

24 (d) DEADLINE FOR APPOINTMENTS.—The members  
25 of the Commission shall be appointed before the end of

1 the period of 30 days beginning with the day on which  
2 this Act is enacted.

3 (e) VACANCIES.—If a vacancy occurs in the member-  
4 ship of the Commission it shall be filled in the manner  
5 in which the original appointment was made.

6 (f) CHAIRPERSON; VICE CHAIRPERSON.—

7 (1) CHAIRPERSON.—The member appointed  
8 under subsection (a)(1) shall be the chairperson of  
9 the Commission (referred to in this Act as the  
10 “chairperson”).

11 (2) VICE CHAIRPERSON.—The member ap-  
12 pointed under subsection (a)(2) shall be the vice  
13 chairperson of the Commission (referred to in this  
14 Act as the “vice chairperson”).

15 (g) PROCEEDINGS.—

16 (1) MEETINGS.—The Commission shall meet at  
17 the call of the chairperson or a majority of its mem-  
18 bers. The Commission shall hold its meetings in  
19 public to the extent that the Commission considers  
20 it appropriate to do so.

21 (2) QUORUM.—Six members of the Commission  
22 shall constitute a quorum.

23 (3) VACANCIES NOT TO AFFECT DUTIES OR  
24 POWERS.—A vacancy in the membership of the  
25 Commission does not affect its duties or powers.

1 **SEC. 4. DUTIES OF THE COMMISSION.**

2 (a) IN GENERAL.—The Commission shall—

3 (1) investigate and make findings on the—

4 (A) the number of jobs saved or created as  
5 a result of the American Recovery and Rein-  
6 vestment Act of 2009 (Public Law 111–5; 123  
7 Stat. 125);

8 (B) the circumstances in which such jobs  
9 have been saved or created; and

10 (C) the effectiveness of measures taken to  
11 prevent the improper payment of funds allo-  
12 cated under the American Recovery and Rein-  
13 vestment Act of 2009; and

14 (2) make recommendations on—

15 (A) changes that could be made to the  
16 American Recovery and Reinvestment Act of  
17 2009 to save or create more jobs; and

18 (B) steps that could be taken to prevent  
19 the improper payment of funds allocated under  
20 the American Recovery and Reinvestment Act  
21 of 2009.

22 (b) RELATIONSHIP TO THE GOVERNMENT ACCOUNT-  
23 ABILITY OFFICE.—When the Commission is investigating  
24 matters and making findings under subsection (a)(1), and  
25 when it is making recommendations under subsection  
26 (a)(2), the following requirements shall apply:

1           (1) The Commission shall begin by considering  
2           any relevant material published by the Government  
3           Accountability Office.

4           (2) If the Commission finds that the material  
5           published by the Government Accountability Office  
6           is incomplete, out-of-date or otherwise inadequate  
7           the Commission may carry out further investigations  
8           or make further findings or recommendations.

9   **SEC. 5. HEARINGS AND EVIDENCE.**

10          (a) IN GENERAL.—The Commission may, for the  
11          purposes of carrying out this Act, hold such hearings, sit  
12          and act at such times and places, take such testimony and  
13          receive such evidence as the Commission considers appro-  
14          priate. The Commission shall hold its hearings in public  
15          to the extent that the Commission considers it appropriate  
16          to do so.

17          (b) SUBPOENAS.—

18                (1) ISSUANCE.—The Commission may issue  
19                subpoenas requiring the attendance and testimony of  
20                witnesses and the production of evidence relating to  
21                any matter that the Commission is required to inves-  
22                tigate by section 4.

23                (2) LOCATION.—The attendance of witnesses  
24                and the production of evidence may be required from

1 any place within the United States at any des-  
2 ignated place of hearing within the United States.

3 (c) DELEGATION.—The powers conferred on the  
4 Commission by subsections (a) and (b) may be exercised  
5 by—

6 (1) any member of the Commission who is au-  
7 thorized by the Commission for that purpose; or

8 (2) any committee of the Commission which is  
9 authorized by the Commission for that purpose.

10 (d) SUBPOENAS: PROCEDURE AND ENFORCEMENT.—

11 (1) APPROVAL.—A subpoena may be issued  
12 under this section only if approved by—

13 (A) the chairperson and the vice chair-  
14 person; or

15 (B) a majority of the members of the Com-  
16 mission.

17 (2) SIGNATURE.—A subpoena issued under this  
18 section shall be issued under the signature of—

19 (A) the chairperson or the vice chair-  
20 person; or

21 (B) a member of the Commission author-  
22 ized for that purpose by a majority of the mem-  
23 bers of the Commission.

1           (3) SERVICE.—A subpoena issued under this  
2           section shall be served by a person authorized for  
3           that purpose by—

4                   (A) the chairperson or the vice chair-  
5           person; or

6                   (B) a member of the Commission author-  
7           ized for that purpose by a majority of the mem-  
8           bers of the Commission.

9           (4) ENFORCEMENT.—

10                   (A) COURT ORDER.—If a person refuses to  
11           obey a subpoena issued under this section, the  
12           Commission may apply to a United States dis-  
13           trict court for an order requiring that person to  
14           appear before the Commission to give testi-  
15           mony, produce evidence, or both, relating to the  
16           matter under investigation.

17                   (B) APPLICATION.—The application for  
18           the court order may be made within the judicial  
19           district where the hearing is conducted or where  
20           the person is found or resides.

21                   (C) FAILURE TO OBEY.—Any failure to  
22           obey the order of a court under this paragraph  
23           may be punished by the court as civil contempt.

1 **SEC. 6. ASSISTANCE FROM FEDERAL AGENCIES, CON-**  
2 **TRACTS, GIFTS AND POSTAL SERVICES.**

3 (a) INFORMATION FROM FEDERAL AGENCIES.—

4 (1) IN GENERAL.—The Commission may, for  
5 the purpose of carrying out this Act, request infor-  
6 mation directly from any Federal department or  
7 agency.

8 (2) DUTY TO COMPLY.—The head of a Federal  
9 department or agency who receives such a request  
10 shall provide the information requested.

11 (b) GENERAL SERVICES ADMINISTRATION.—If re-  
12 quested to do so by the Commission, the Administrator  
13 of General Services shall provide to the Commission, on  
14 a reimbursable basis, administrative support or other serv-  
15 ices necessary for the Commission to carry out this Act.

16 (c) OTHER DEPARTMENTS AND AGENCIES.—The  
17 head of a Federal department or agency may provide to  
18 the Commission such financial or other assistance (includ-  
19 ing services, facilities or staff) as the head may consider  
20 appropriate.

21 (d) CONTRACTS.—The Commission may, to the ex-  
22 tent and in the amounts provided in advance in the appro-  
23 priation Acts, enter into contracts to enable the Commis-  
24 sion to carry out this Act.

25 (e) GIFTS.—The Commission may accept, use, and  
26 dispose of gifts or donations of services or property.



1 (f) POSTAL SERVICES.—The Commission may use  
2 the United States mails in the same manner and under  
3 the same conditions as Federal departments and agencies.

4 **SEC. 7. NON-APPLICABILITY OF FEDERAL ADVISORY COM-**  
5 **MITTEE ACT.**

6 The Federal Advisory Committee Act (5 U.S.C. App.)  
7 shall not apply to the Commission.

8 **SEC. 8. DIRECTOR AND STAFF.**

9 (a) DIRECTOR.—The chairperson, in consultation  
10 with the vice chairperson, may appoint, and fix the pay  
11 of, a director of the Commission.

12 (b) OTHER STAFF.—The chairperson, in consultation  
13 with the vice chairperson, may appoint, and fix the pay  
14 of, other staff of the Commission

15 (c) RULES.—Any appointment made or pay fixed  
16 under subsection (a) or (b) shall be subject to rules pre-  
17 scribed by the Commission.

18 (d) PAY.—No rate of pay fixed under subsection (a)  
19 or (b) may exceed the equivalent of that payable for a posi-  
20 tion at level V of the Executive Schedule under section  
21 5316 of title 5, United States Code.

22 (e) APPLICABILITY OF CERTAIN CIVIL SERVICE  
23 LAWS.—The Director and staff of the Commission—

1           (1) may be appointed without regard to the  
2       provisions of title 5, United States Code, governing  
3       appointments in the competitive services; and

4           (2) may be paid without regard to the provi-  
5       sions of chapter 51 and subchapter III of chapter 53  
6       of that title relating to the classification and General  
7       Schedule pay rates (subject to subsection (d)).

8       (f) CONSULTANT SERVICES.—The Commission may  
9       procure temporary and intermittent services under section  
10      3109(b) of title 5, United States Code, but at rates for  
11      individuals not to exceed the daily rate paid to a person  
12      occupying a position at level IV of the Executive Schedule  
13      as specified in section 5315 of title 5, United States Code.

14      **SEC. 9. EXPENSES FOR MEMBERS.**

15      (a) COMPENSATION.—Each member of the Commis-  
16      sion shall be compensated at a rate not to exceed the daily  
17      equivalent of the annual rate of basic pay in effect for  
18      a position at level IV of the Executive Schedule as speci-  
19      fied in section 5315 of title 5, United States Code, for  
20      each day during which the member is engaged in carrying  
21      out functions of the Commission.

22      (b) TRAVEL EXPENSES.—Each member shall receive  
23      travel expenses, including per diem in lieu of subsistence,  
24      in accordance with applicable provisions under subchapter  
25      I of chapter 57 of title 5, United States Code.

1   **SEC. 10. REPORTS.**

2           (a) FINAL REPORT.—Before the end of the relevant  
3 period, the Commission shall submit to the President and  
4 Congress a report containing the findings and rec-  
5 ommendations described in section 4(a).

6           (b) INTERIM REPORTS.—During the relevant period,  
7 the Commission may submit to the President and Con-  
8 gress such interim reports as the Commission considers  
9 appropriate.

10          (c) MAKING REPORTS AVAILABLE TO THE PUBLIC.—  
11 The Commission shall make available to the public any  
12 reports required by this Act.

13          (d) RELEVANT PERIOD.—In this section, the term  
14 “relevant period” means the period of 18 months begin-  
15 ning with the day on which this Act is enacted.

16   **SEC. 11. TERMINATION OF COMMISSION.**

17          (a) IN GENERAL.—The Commission shall terminate  
18 at the end of the period of 60 days beginning with the  
19 day on which its final report is submitted under section  
20 11.

21          (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-  
22 NATION.—The Commission may use the period specified  
23 in subsection (a) for the purpose of concluding its activi-  
24 ties.

1 **SEC. 12. FUNDING.**

2       There is authorized to be appropriated \$5,000,000 to  
3 carry out this Act.

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