

110TH CONGRESS
1ST SESSION

H. R. 3398

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Mr. ELLISON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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, the following definitions apply:

8 (1) **ACQUISITION.**—The term “acquisition” in-
9 cludes any necessary activities for siting a facility,

1 equipment, structures, or rolling stock by purchase,
2 lease-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 any equipment and any nonstructural ele-
20 ments associated with such a structure or facil-
21 ity.

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

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

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

10 (ii) a mass transit facility;

11 (iii) an airport or airway facility;

12 (iv) a resource recovery facility;

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

15 (vi) a wastewater collection, convey-
16 ance, or treatment system and related fa-
17 cilities;

18 (vii) a stormwater treatment system
19 to manage, reduce, treat, or reuse munic-
20 ipal stormwater;

21 (viii) waterways, locks, dams, and as-
22 sociated facilities;

23 (ix) a levee and any related flood
24 damage reduction facility;

25 (x) a dock or port; and

1 (xi) a solid waste disposal facility.

2 (5) NONSTRUCTURAL ELEMENTS.—The term
3 “nonstructural elements” includes—

4 (A) any feature that preserves and restores
5 a natural process, a landform (including a
6 floodplain), a natural vegetated stream side
7 buffer, wetland, or any other topographical fea-
8 ture that can slow, filter, and naturally store
9 storm water runoff and flood waters;

10 (B) any natural design technique that per-
11 colates, filters, stores, evaporates, and detains
12 water close to the source of the water; and

13 (C) any feature that minimizes or dis-
14 connects impervious surfaces to slow runoff or
15 allow precipitation to percolate.

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

20 (7) REHABILITATION.—The term “rehabilita-
21 tion” means an action to extend the useful life or
22 improve the effectiveness of existing infrastructure,
23 including—

24 (A) the correction of a deficiency;

1 (B) the modernization or replacement of
2 equipment;

3 (C) the modernization of, or replacement
4 of parts for, rolling stock relating to infrastruc-
5 ture;

6 (D) the use of nonstructural elements; and

7 (E) the removal of infrastructure that is
8 deteriorated or no longer useful.

9 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

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

14 (1) meets current and future demand;

15 (2) facilitates economic growth;

16 (3) is maintained in a manner that ensures
17 public safety; and

18 (4) is developed or modified in a sustainable
19 manner.

20 (b) **MEMBERSHIP.**—

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

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

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

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

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

8 (E) 1 member shall be appointed by the
9 minority leader of the Senate.

10 (2) QUALIFICATIONS.—Each member of the
11 Commission shall—

12 (A) have experience in one or more of the
13 fields of economics, public administration, civil
14 engineering, public works, and construction and
15 related design professions, planning, public in-
16 vestment financing, environmental engineering,
17 or water resources engineering; and

18 (B) represent a cross-section of geo-
19 graphical regions of the United States.

20 (3) DATE OF APPOINTMENTS.—The members
21 of the Commission shall be appointed under para-
22 graph (1) not later than 90 days after the date of
23 enactment of this Act.

24 (c) TERM; VACANCIES.—

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

3 (2) VACANCIES.—A vacancy in the Commis-
4 sion—

5 (A) shall not affect the powers of the Com-
6 mission; and

7 (B) shall be filled, not later than 30 days
8 after the date on which the vacancy occurs, in
9 the same manner as the original appointment
10 was made.

11 (d) INITIAL MEETING.—Not later than 30 days after
12 the date on which all members of the Commission have
13 been appointed, the Commission shall hold the initial
14 meeting of the Commission.

15 (e) MEETINGS.—The Commission shall meet at the
16 call of the chairperson or the request of the majority of
17 the Commission members.

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

21 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
22 Commission shall select a chairperson and vice chair-
23 person from among the members of the Commission.

24 **SEC. 4. DUTIES.**

25 (a) STUDY.—

1 (1) IN GENERAL.—Not later than February 15,
2 2009, the Commission shall complete a study of all
3 matters relating to the state of the infrastructure of
4 the United States.

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

8 (A) the capacity of infrastructure to sus-
9 tain current and anticipated economic develop-
10 ment and competitiveness, including long-term
11 economic growth and the potential return to the
12 United States economy on investments in new
13 infrastructure as opposed to investments in ex-
14 isting infrastructure;

15 (B) the age and condition of infrastructure
16 (including congestion and changes in the condi-
17 tion of that infrastructure as compared with
18 preceding years);

19 (C) the methods used to finance the con-
20 struction, acquisition, rehabilitation, and main-
21 tenance of infrastructure (including general ob-
22 ligation bonds, tax-credit bonds, revenue bonds,
23 user fees, excise taxes, direct governmental as-
24 sistance, and private investment);

1 (D) any trends or innovations in methods
2 used to finance the construction, acquisition, re-
3 habilitation, and maintenance of infrastructure;

4 (E) investment requirements, by type of
5 infrastructure, that are necessary to maintain
6 the current condition and performance of the
7 infrastructure and the investment needed (ad-
8 justed for inflation and expressed in real dol-
9 lars) to improve infrastructure in the future;

10 (F) based on the current level of expendi-
11 ture (calculated as a percentage of total expendi-
12 ture and in constant dollars) by Federal, State,
13 and local governments—

14 (i) the projected amount of need the
15 expenditures will meet 5, 15, 30, and 50
16 years after the date of enactment of this
17 Act; and

18 (ii) the levels of investment require-
19 ments identified under subparagraph (E);

20 (G) any trends or innovations in infra-
21 structure procurement methods;

22 (H) any trends or innovations in construc-
23 tion methods or materials for infrastructure;

1 (I) the impact of local development pat-
2 terns on demand for Federal funding of infra-
3 structure;

4 (J) the impact of deferred maintenance;
5 and

6 (K) the collateral impact of deteriorated
7 infrastructure.

8 (b) RECOMMENDATIONS.—The Commission shall de-
9 velop recommendations—

10 (1) on a Federal infrastructure plan that will
11 detail national infrastructure program priorities, in-
12 cluding alternative methods of meeting national in-
13 frastructure investment needs to effectuate balanced
14 economic development;

15 (2) on infrastructure improvements and meth-
16 ods of delivering and providing for infrastructure fa-
17 cilities;

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

21 (A) inventorying existing and needed infra-
22 structure improvements;

23 (B) assessing the condition of infrastruc-
24 ture improvements;

1 (C) developing uniform criteria and proce-
2 dures for use in conducting the inventories and
3 assessments; and

4 (D) maintaining publicly accessible data;
5 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, 2010, 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 one 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 Com-
5 mission may, without regard to the civil service laws,
6 including regulations, appoint and terminate an ex-
7 ecutive director and such other additional personnel
8 as are necessary to enable the Commission to per-
9 form 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. REPORTS.**

21 (a) **INTERIM REPORTS.—**Not later than one year
22 after the date of the initial meeting of the Commission,
23 the Commission shall submit an interim report containing
24 a detailed summary of the progress of the Commission,

1 including meetings and hearings conducted during the in-
2 terim period, to—

3 (1) the President;

4 (2) the Committees on Transportation and In-
5 frastructure and Natural Resources of the House of
6 Representatives; and

7 (3) the Committees on Environment and Public
8 Works, Energy and Natural Resources, and Com-
9 merce, Science, and Transportation of the Senate.

10 (b) FINAL REPORT.—On termination of the Commis-
11 sion under section 9, the Commission shall submit a final
12 report containing a detailed statement of the findings and
13 conclusions of the Commission and recommendations for
14 legislation and other policies to implement those findings
15 and conclusions, to—

16 (1) the President;

17 (2) the Committees on Transportation and In-
18 frastructure and Natural Resources of the House of
19 Representatives; and

20 (3) the Committees on Environment and Public
21 Works, Energy and Natural Resources, and Com-
22 merce, Science, and Transportation of the Senate.

23 (c) TRANSPARENCY.—A report submitted under sub-
24 section (a) or (b) shall be made available to the public

1 electronically, in a user-friendly format, including on the
2 Internet.

3 **SEC. 8. FUNDING.**

4 For each of fiscal years 2008 through 2010, upon
5 request by the Commission—

6 (1) using amounts made available to the Sec-
7 retary of Transportation from any source or account
8 (other than the Highway Trust Fund), the Secretary
9 of Transportation shall transfer to the Commission
10 \$750,000 for use in carrying out this Act;

11 (2) using amounts from the general expenses
12 account of the Corps of Engineers (other than
13 amounts in that account made available through the
14 Department of Defense), the Secretary of the Army,
15 acting through the Chief of Engineers, shall transfer
16 to the Commission \$250,000 for use in carrying out
17 this Act; and

18 (3) the Administrator of the Environmental
19 Protection Agency shall transfer to the Commission
20 \$250,000 for use in carrying out this Act.

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

22 The Commission shall terminate on September 30,
23 2010.

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