

110TH CONGRESS  
1ST SESSION

# S. 775

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Infrastruc-  
3 ture Improvement Act of 2007”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ACQUISITION.**—The term “acquisition” in-  
7 cludes any necessary activities for siting a facility,  
8 equipment, structures, or rolling stock by purchase,  
9 lease-purchase, trade, or donation.

10 (2) **COMMISSION.**—The term “Commission”  
11 means the National Commission on the Infrastruc-  
12 ture of the United States established by section 3(a).

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

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

17 (B) the expansion of existing infrastruc-  
18 ture;

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

21 (D) the installation of initial or replace-  
22 ment infrastructure equipment.

23 (4) **INFRASTRUCTURE.**—

24 (A) **IN GENERAL.**—The term “infrastruc-  
25 ture” means a nonmilitary structure or facility,  
26 and any equipment and any nonstructural ele-

1           ments associated with such a structure or facil-  
2           ity.

3           (B) INCLUSIONS.—The term “infrastruc-  
4           ture” includes—

5                   (i) a surface transportation facility  
6                   (such as a road, bridge, highway, public  
7                   transportation facility, and freight and  
8                   passenger rail), as the Commission, in con-  
9                   sultation with the National Surface Trans-  
10                  portation Policy and Revenue Study Com-  
11                  mission established by section 1909(b)(1)  
12                  of the Safe, Accountable, Flexible, Effi-  
13                  cient Transportation Equity Act: A Legacy  
14                  for Users (Public Law 109–59; 119 Stat.  
15                  1471), determines to be appropriate;

16                   (ii) a mass transit facility;

17                   (iii) an airport or airway facility;

18                   (iv) a resource recovery facility;

19                   (v) a water supply and distribution  
20                  system;

21                   (vi) a wastewater collection, convey-  
22                  ance, or treatment system, and related fa-  
23                  cilities;

1 (vii) a stormwater treatment system  
2 to manage, reduce, treat, or reuse munic-  
3 ipal stormwater;

4 (viii) waterways, locks, dams, and as-  
5 sociated facilities;

6 (ix) a levee and any related flood  
7 damage reduction facility;

8 (x) a dock or port; and

9 (xi) a solid waste disposal facility.

10 (5) NONSTRUCTURAL ELEMENTS.—The term  
11 “nonstructural elements” includes —

12 (A) any feature that preserves and restores  
13 a natural process, a landform (including a  
14 floodplain), a natural vegetated stream side  
15 buffer, wetland, or any other topographical fea-  
16 ture that can slow, filter, and naturally store  
17 storm water runoff and flood waters;

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

21 (C) any feature that minimizes or dis-  
22 connects impervious surfaces to slow runoff or  
23 allow precipitation to percolate.

24 (6) MAINTENANCE.—The term “maintenance”  
25 means any regularly scheduled activity, such as a

1 routine repair, intended to ensure that infrastruc-  
2 ture continues to operate efficiently and as intended.

3 (7) REHABILITATION.—The term “rehabilita-  
4 tion” means an action to extend the useful life or  
5 improve the effectiveness of existing infrastructure,  
6 including—

7 (A) the correction of a deficiency;

8 (B) the modernization or replacement of  
9 equipment;

10 (C) the modernization of, or replacement  
11 of parts for, rolling stock relating to infrastruc-  
12 ture;

13 (D) the use of nonstructural elements; and

14 (E) the removal of infrastructure that is  
15 deteriorated or no longer useful.

16 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

17 (a) ESTABLISHMENT.—There is established a com-  
18 mission to be known as the “National Commission on the  
19 Infrastructure of the United States” to ensure that the  
20 infrastructure of the United States—

21 (1) meets current and future demand;

22 (2) facilitates economic growth;

23 (3) is maintained in a manner that ensures  
24 public safety; and

1           (4) is developed or modified in a sustainable  
2 manner.

3 (b) MEMBERSHIP.—

4           (1) COMPOSITION.—The Commission shall be  
5 composed of 8 members, of whom—

6           (A) 2 members shall be appointed by the  
7 President;

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

10           (C) 1 member shall be appointed by the  
11 minority leader of the House of Representa-  
12 tives;

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

15           (E) 1 member shall be appointed by the  
16 minority leader of the Senate.

17           (2) QUALIFICATIONS.—Each member of the  
18 Commission shall—

19           (A) have experience in 1 or more of the  
20 fields of economics, public administration, civil  
21 engineering, public works, construction, and re-  
22 lated design professions, planning, public in-  
23 vestment financing, environmental engineering,  
24 or water resources engineering; and

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

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

7           (c) TERM; VACANCIES.—

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

10          (2) VACANCIES.—A vacancy in the Commis-  
11          sion—

12                 (A) shall not affect the powers of the Com-  
13                 mission; and

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

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

22          (e) MEETINGS.—The Commission shall meet at the  
23          call of the Chairperson or the request of the majority of  
24          the Commission members.

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

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

7 **SEC. 4. DUTIES.**

8 (a) STUDY.—

9 (1) IN GENERAL.—Not later than February 15,  
10 2009, the Commission shall complete a study of all  
11 matters relating to the state of the infrastructure of  
12 the United States.

13 (2) MATTERS TO BE STUDIED.—In carrying out  
14 paragraph (1), the Commission shall study matters  
15 such as—

16 (A) the capacity of infrastructure to sus-  
17 tain current and anticipated economic develop-  
18 ment and competitiveness, including long-term  
19 economic growth, including the potential return  
20 to the United States economy on investments in  
21 new infrastructure as opposed to investments in  
22 existing infrastructure;

23 (B) the age and condition of public infra-  
24 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 infrastructure (including general ob-  
6 ligation bonds, tax-credit bonds, revenue bonds,  
7 user fees, excise taxes, direct governmental as-  
8 sistance, and private investment);

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

12 (E) investment requirements, by type of  
13 infrastructure, that are necessary to maintain  
14 the current condition and performance of the  
15 infrastructure and the investment needed (ad-  
16 justed for inflation and expressed in real dol-  
17 lars) to improve infrastructure in the future;

18 (F) based on the current level of expendi-  
19 ture (calculated as a percentage of total expendi-  
20 ture and in constant dollars) by Federal, State,  
21 and local governments—

22 (i) the projected amount of need the  
23 expenditures will meet 5, 15, 30, and 50  
24 years after the date of enactment of this  
25 Act; and

- 1 (ii) the levels of investment require-  
2 ments, as identified under subparagraph  
3 (E);  
4 (G) any trends or innovations in infra-  
5 structure procurement methods;  
6 (H) any trends or innovations in construc-  
7 tion methods or materials for infrastructure;  
8 (I) the impact of local development pat-  
9 terns on demand for Federal funding of infra-  
10 structure;  
11 (J) the impact of deferred maintenance;  
12 and  
13 (K) the collateral impact of deteriorated  
14 infrastructure.

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 investment needs to effectuate balanced  
21 economic development;

22 (2) on infrastructure improvements and meth-  
23 ods of delivering and providing for infrastructure fa-  
24 cilities;

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 infra-  
5                   structure improvements;

6                   (B) assessing the condition of infrastruc-  
7                   ture improvements;

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

11                  (D) maintaining publicly accessible data;  
12                  and

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

17           (c) STATEMENT AND RECOMMENDATIONS.—Not  
18           later than February 15, 2010, the Commission shall sub-  
19           mit to Congress—

20                   (1) a detailed statement of the findings and  
21                   conclusions of the Commission; and

22                   (2) the recommendations of the Commission  
23                   under subsection (b), including recommendations for  
24                   such legislation and administrative actions for 5-,

1 15-, 30-, and 50-year time periods as the Commis-  
2 sion considers to be appropriate.

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

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

9 (b) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

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

24 (e) POSTAL SERVICES.—The Commission may use  
25 the United States mails in the same manner and under

1 the same conditions as other agencies of the Federal Gov-  
2 ernment.

3 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

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

11 (b) STAFF.—

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

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

22 (3) COMPENSATION.—

23 (A) IN GENERAL.—Except as provided in  
24 subparagraph (B), the Chairperson of the Com-  
25 mission may fix the compensation of the execu-

1           tive director and other personnel without regard  
2           to the provisions of chapter 51 and subchapter  
3           III of chapter 53 of title 5, United States Code,  
4           relating to classification of positions and Gen-  
5           eral Schedule pay rates.

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

12          (c) DETAIL OF FEDERAL GOVERNMENT EMPLOY-  
13          EES.—

14                   (1) IN GENERAL.—An employee of the Federal  
15          Government may be detailed to the Commission  
16          without reimbursement.

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

20          (d) PROCUREMENT OF TEMPORARY AND INTERMIT-  
21          TENT SERVICES.—On request of the Commission, the Sec-  
22          retary of the Army, acting through the Chief of Engineers,  
23          shall provide, on a reimbursable basis, such office space,  
24          supplies, equipment, and other support services to the  
25          Commission and staff of the Commission as are necessary

1 for the Commission to carry out the duties of the Commis-  
2 sion under this Act.

3 **SEC. 7. REPORTS.**

4 (a) INTERIM REPORTS.—Not later than 1 year after  
5 the date of the initial meeting of the Commission, the  
6 Commission shall submit an interim report containing a  
7 detailed summary of the progress of the Commission, in-  
8 cluding meetings and hearings conducted during the in-  
9 terim period, to—

10 (1) the President;

11 (2) the Committees on Transportation and In-  
12 frastructure and Natural Resources of the House of  
13 Representatives; and

14 (3) the Committees on Environment and Public  
15 Works, Energy and Natural Resources, and Com-  
16 merce, Science, and Transportation of the Senate.

17 (b) FINAL REPORT.—On termination of the Commis-  
18 sion under section 9, the Commission shall submit a final  
19 report containing a detailed statement of the findings and  
20 conclusions of the Commission and recommendations for  
21 legislation and other policies to implement those findings  
22 and conclusions, to—

23 (1) the President;

1           (2) the Committees on Transportation and In-  
2           frastructure and Natural Resources of the House of  
3           Representatives; and

4           (3) the Committees on Environment and Public  
5           Works, Energy and Natural Resources, and Com-  
6           merce, Science, and Transportation of the Senate.

7           (c) TRANSPARENCY.—A report submitted under sub-  
8           section (a) or (b) shall be made available to the public  
9           electronically, in a user-friendly format, including on the  
10          Internet.

11       **SEC. 8. FUNDING.**

12          For each of fiscal years 2008 through 2010, upon  
13          request by the Commission—

14               (1) using amounts made available to the Sec-  
15               retary of Transportation from any source or account  
16               other than the Highway Trust Fund, the Secretary  
17               of Transportation shall transfer to the Commission  
18               \$750,000 for use in carrying out this Act;

19               (2) using amounts from the General Expenses  
20               account of the Corps of Engineers (other than  
21               amounts in that account made available through the  
22               Department of Defense), the Secretary of the Army,  
23               acting through the Chief of Engineers, shall transfer  
24               to the Commission \$250,000 for use in carrying out  
25               this Act; and

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

4 **SEC. 9. TERMINATION OF COMMISSION.**

5           The Commission shall terminate on September 30,  
6 2010.

          Passed the Senate August 2, 2007.

Attest:

*Secretary.*

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 775**

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