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REPORT
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TO ESTABLISH A NATIONAL COMMISSION ON THE INFRASTRUCTURE OF THE UNITED STATES

NOVEMBER 7, 2007.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 775]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 775) to establish a National Commission on the Infrastructure of the United States, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

BACKGROUND

The 'National Infrastructure Improvement Act of 2007' would create a commission to be known as the 'National Commission on the Infrastructure of the United States' to ensure that the infrastructure of the United States meets current and future demand, facilitates economic growth, is maintained in a manner that ensures public safety, and is developed or modified in a sustainable manner.

The National Commission on the Infrastructure of the United States is needed because the infrastructure of our nation is aging quickly and may be vulnerable to potential failure. For example, on August 1, 2007 during the evening rush hour, the I–35W Mississippi Bridge located in Minneapolis, Minnesota collapsed, killing 13 people. While the cause of the collapse is still under investigation, the bridge was completed in November of 1967, and had been in use for almost forty years. It also had been classified as structurally deficient. Much of the nation's infrastructure has not only exceeded its design life but has become an impediment to further economic growth and creates safety hazards either because of its physical condition or because it does not meet current design standards.

The Department of Transportation has reported that 27.1% of our nation's bridges are structurally deficient or functionally obsolete. According to DOT's Conditions and Performance report, the nation spent $75 billion on highway infrastructure in 2005 but needs to spend $100 billion annually.

The wastewater management systems in the United States are also aging, as they continue to discharge billions of gallons of untreated sewage into U.S. surface waters every year. The EPA has estimated that nationwide all levels of government will need to spend $390 billion over the next twenty years to replace existing systems to meet increasing demand.

PURPOSE OF THE LEGISLATION

The legislation would create a national commission to examine the status of the nation's infrastructure and make recommendations on how to improve and sustain it in the future.

SUMMARY OF THE LEGISLATION

Section 1. Short title

This section establishes the bill title as the "National Infrastructure Improvement Act of 2007."

Section 2. Definitions

Section 2 defines the terms acquisition, commission, construction, infrastructure, nonstructural elements, maintenance and rehabilitation.

Section 3. Establishment of Commission

Section 3 establishes the Commission and outlines its goals, membership and terms.

The Commission is to study ways in which to ensure that the infrastructure of the United States meets current and future demand, facilitates economic growth, and is maintained to protect the public and is developed or modified in a sustainable manner. The Commission will consist of eight members. Two of the members are to be appointed by the President, two members are to be appointed by the Speaker of the House of Representatives, one member is to be appointed by the minority leader of the House of Representatives, two members are to be appointed by the majority leader of the Senate, and one member is to be appointed by the minority leader of the Senate. Each member must have experience in one or more of several fields including economics, public administration, civil engineering, public works, construction, environmental engineering or water resources engineering. The members must also represent a cross-section of geographical areas in the U.S. The members serve for the life of the Commission and shall have their first meeting no later than 30 days after all members have been appointed.

Section 4. Duties

Section 4 outlines the duties of the Commission including the matters to be studied by the Commission. The section authorizes the Commission to make recommendations and issue a report to Congress on its findings.

In Section 4, the Commission is directed to study the capacity of infrastructure to sustain economic development now and in the future; the age and condition of public infrastructure; the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure; investment requirements that are necessary to maintain and to improve infrastructure based on current expenditures by Federal, State, and local governments; the impact of local development patterns on demand for Federal funding of infrastructure; the impact of deferred maintenance; and the collateral impact of deteriorated infrastructure.

The National Infrastructure Improvement Act of 2007 states that the Commission will develop recommendations on a Federal infrastructure plan that will detail national infrastructure program priorities; on infrastructure improvements and methods of delivering and providing for infrastructure facilities; for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in inventorying existing and needed infrastructure improvements, assessing the condition of infrastructure improvements, developing uniform criteria and procedures for use in conducting the inventories and assessments, and maintaining publicly accessible data; and for proposed guidelines for the uniform reporting by Federal agencies of data in regards to infrastructure improvements.

Section 5. Powers of the Commission

This section authorizes the Commission to hold hearings, take testimony and receive evidence as the Commission considers advisable to carry out this Act.

Section 6. Commission personnel matters

This section outlines matters related to Commission personnel, including an executive director to be appointed by the Commission's chairperson. Federal government employees may be detailed to the Commission. It further directs the Secretary of the Army, through the Chief of Engineers, to provide for reimbursable office space and supplies to the Commission.

Section 7. Congressional Budget Office Review

The Congressional Budget Office is required to review the report and submit a report on the results of the review to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, no later than 90 days after the date on which the report is submitted to Congress by the Commission.

Section 8. Reports

This section outlines the reports the Commission must submit to the President, the Senate Committees on Environment and Public Works, Energy and Natural Resources and Commerce, Science and Transportation; and the House Committees on Transportation and Infrastructure and Natural Resources. Section 8 requires the Commission to present an interim report and a final report to the President, and to the congressional committees containing a detailed

summary of the progress of the Commission. The reports must also be made publicly available on the Internet.

Section 9. Funding

This section provides the Commission with authority to request funding from fiscal years 2008 through 2010, from amounts made available to the Secretary of Transportation (from any source other than the Highway Trust Fund) from the General Expenses account of the Corps of Engineers, and from the Administrator of the Environmental Protection Agency.

Section 10. Termination of the Commission

This section establishes that the Commission shall terminate on September 30, 2010.

LEGISLATIVE HISTORY

On March 8, 2006, Senators Voinovich, Carper, Clinton, Murkowski and Coleman introduced S. 2388. The bill was referred to the Senate Committee on Environment and Public Works. The Committee took no action on the bill during the 109th Congress.

On March 3, 2007, Senators Carper, Voinovich, Clinton and Coleman introduced S. 775. It was referred to the Committee on Environment and Public Works, which did not hold any hearings on the bill.

On August 3, 2007, the Committee on Environment and Public Works approved the bill by voice vote.

ROLLCALL VOTES

There were no rollcall votes during the consideration of the National Infrastructure Improvement Act of 2007 by the Committee.

CONGRESSIONALLY DIRECTED SPENDING

For purposes of Rule XLIV of the Standing Rules of the Senate, S. 775 does not contain any congressionally directed spending.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. Any governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

EVALUATION OF REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires publication in the report of the Committee an estimate of the regulatory impact made by the bill as reported. No regulatory impact is expected by the passage of the bill. The bill will not affect the personal privacy of individuals.

COST OF LEGISLATION

The Congressional Budget Office estimates that implementing S. 775 would cost $1 million in 2008 and $4 million over the 2008–2010 period. According to the Congressional Budget Office, enact-

ing S. 775 would not affect direct spending or revenues. The estimate of the Congressional Budget Office is attached.

S. 775—National Infrastructure Improvement Act of 2007

S. 775 would establish the National Commission on the Infrastructure of the United States. Assuming appropriation of the specified amounts, CBO estimates that implementing S. 775 would cost $1 million in 2008 and $4 million over the 2008–2010 period. Enacting the legislation would not affect direct spending or revenues.

S. 775 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The act would create an eight-member commission, and would require it to complete three studies and issue recommendations regarding the infrastructure needs of the United States. The commission would terminate on September 30, 2010. The act would authorize transfers of funds—totaling $1.25 million per year—from the Department of Transportation, the Corps of Engineers, and the Environmental Protection Agency for use by the commission to carry out its responsibilities.

The CBO staff contact for this estimate is Sarah Puro. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

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