

Union Calendar No. 197

108TH CONGRESS
1ST SESSION

H. R. 135

[Report No. 108–309, Part I]

To establish the “Twenty-First Century Water Commission” to study and develop recommendations for a comprehensive water strategy to address future water needs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. LINDER (for himself, Mr. CALVERT, Mr. DUNCAN, and Mr. SHUSTER) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 8, 2003

Reported from the Committee on Resources with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 8, 2003

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 31, 2003

OCTOBER 31, 2003

Additional sponsors: Mr. STENHOLM, Mr. ISSA, Mr. MCGOVERN, Mr. HAYWORTH, Mr. ROYCE, Ms. BORDALLO, Mr. ISAKSON, Mr. PASTOR, Mr. RENZI, Mr. MARSHALL, Mrs. NAPOLITANO, Mr. DOOLITTLE, Mr. GERLACH, Mr. MCINNIS, Mr. BEAUPREZ, Mr. CANTOR, Mr. GOODLATTE, Mr. CARDOZA, Mr. GRIJALVA, Mr. BURNS, Mr. HASTINGS of Florida, Mr. SESSIONS, Mr. BALLENGER, Mr. KINGSTON, Mr. GARY G. MILLER of California, and Mr. NORWOOD

OCTOBER 31, 2003

The Committee on Transportation and Infrastructure discharged; committed

to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on January 7, 2003]

A BILL

To establish the “Twenty-First Century Water Commission” to study and develop recommendations for a comprehensive water strategy to address future water needs.

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 “Twenty-First Century*
5 *Water Commission Act of 2003”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

8 *(1) the Nation’s water resources will be under in-*
9 *creasing stress and pressure in the coming decades;*

10 *(2) a thorough assessment of technological and*
11 *economic advances that can be employed to increase*
12 *water supplies or otherwise meet water needs in every*
13 *region of the country is important and long overdue;*
14 *and*

15 *(3) a comprehensive strategy to increase water*
16 *availability and ensure safe, adequate, reliable, and*
17 *sustainable water supplies is vital to the economic*
18 *and environmental future of the Nation.*

1 **SEC. 3. ESTABLISHMENT.**

2 *There is established a commission to be known as the*
3 *“Twenty-First Century Water Commission” (in this Act re-*
4 *ferred to as the “Commission”).*

5 **SEC. 4. DUTIES.**

6 *The duties of the Commission shall be to—*

7 *(1) use existing water assessments and conduct*
8 *such additional assessments as may be necessary to*
9 *project future water supply and demand;*

10 *(2) study current water management programs*
11 *of Federal, Interstate, State, and local agencies, and*
12 *private sector entities directed at increasing water*
13 *supplies and improving the availability, reliability,*
14 *and quality of freshwater resources; and*

15 *(3) consult with representatives of such agencies*
16 *and entities to develop recommendations consistent*
17 *with laws, treaties, decrees, and interstate compacts*
18 *for a comprehensive water strategy which—*

19 *(A) respects the primary role of States in*
20 *adjudicating, administering, and regulating*
21 *water rights and water uses;*

22 *(B) identifies incentives intended to ensure*
23 *an adequate and dependable supply of water to*
24 *meet the needs of the United States for the next*
25 *50 years;*

1 (C) suggests strategies that avoid increased
2 mandates on State and local governments;

3 (D) eliminates duplication and conflict
4 among Federal governmental programs;

5 (E) considers all available technologies and
6 other methods to optimize water supply reli-
7 ability, availability, and quality, while safe-
8 guarding the environment;

9 (F) recommends means of capturing excess
10 water and flood water for conservation and use
11 in the event of a drought;

12 (G) suggests financing options for com-
13 prehensive water management projects and for
14 appropriate public works projects;

15 (H) suggests strategies to conserve existing
16 water supplies, including recommendations for
17 repairing aging infrastructure; and

18 (I) includes other objectives related to the ef-
19 fective management of the water supply to ensure
20 reliability, availability, and quality, which the
21 Commission shall consider appropriate.

22 **SEC. 5. MEMBERSHIP.**

23 (a) *NUMBER AND APPOINTMENT.*—The Commission
24 shall be composed of 9 members who shall be appointed not

1 *later than 90 days after the date of enactment of this Act.*

2 *Member shall be appointed as follows:*

3 *(1) 5 members appointed by the President;*

4 *(2) 2 members appointed by the Speaker of the*
5 *House of Representatives, in consultation with the*
6 *Minority Leader of the House of Representatives; and*

7 *(3) 2 members appointed by the Majority Leader*
8 *of the Senate, in consultation with the Minority*
9 *Leader of the Senate.*

10 *(b) QUALIFICATIONS.—Members shall be appointed to*
11 *the Commission from among individuals who—*

12 *(1) are of recognized standing and distinction in*
13 *water policy issues; and*

14 *(2) while serving on the Commission, do not hold*
15 *any other position as an officer or employee of the*
16 *United States, except as a retired officer or retired ci-*
17 *vilian employee of the United States.*

18 *(c) OTHER CONSIDERATIONS.—In appointing mem-*
19 *bers of the Commission, every effort shall be made to ensure*
20 *that the members represent a broad cross section of regional*
21 *and geographical perspectives in the United States.*

22 *(d) CHAIRPERSON.—The Chairperson of the Commis-*
23 *sion shall be designated by the President.*

1 (e) *TERMS.*—*Members of the Commission shall be ap-*
2 *pointed not later than 90 days after the date of enactment*
3 *of this Act and shall serve for the life of the Commission.*

4 (f) *VACANCIES.*—*A vacancy on the Commission shall*
5 *not affect its operation, and shall be filled in the same man-*
6 *ner as the original appointment provided under subsection*
7 *(a).*

8 (g) *COMPENSATION AND TRAVEL EXPENSES.*—*Mem-*
9 *bers of the Commission shall serve without compensation,*
10 *except members shall receive travel expenses, including per*
11 *diem in lieu of subsistence, in accordance with applicable*
12 *provisions under subchapter I of chapter 57, United States*
13 *Code.*

14 **SEC. 6. MEETINGS AND QUORUM.**

15 (a) *MEETINGS.*—*The Commission shall hold its first*
16 *meeting not later than 60 days after the date on which all*
17 *members have been appointed under section 5, and shall*
18 *hold additional meetings at the call of the Chairperson or*
19 *a majority of its members.*

20 (b) *QUORUM.*—*A majority of the members of the Com-*
21 *mission shall constitute a quorum for the transaction of*
22 *business.*

23 **SEC. 7. DIRECTOR AND STAFF.**

24 *A Director shall be appointed by the Speaker of the*
25 *House of Representatives and the Majority Leader of the*

1 *Senate, in consultation with the Minority Leader and*
2 *chairmen of the Resources and Transportation and*
3 *Infrastructure Committees of the House of Representatives,*
4 *and the Minority Leader and chairmen of the Energy and*
5 *Natural Resources and Environment and Public Works*
6 *Committees of the Senate. The Director and any staff re-*
7 *porting to the Director shall be paid a rate of pay not to*
8 *exceed the maximum rate of basic pay for GS-15 of the*
9 *General Schedule.*

10 **SEC. 8. POWERS AND PROCEEDINGS OF THE COMMISSION.**

11 (a) *HEARINGS.*—*The Commission shall hold no fewer*
12 *than 10 hearings during the life of the Commission. Hear-*
13 *ings may be held in conjunction with meetings of the Com-*
14 *mission. The Commission may take such testimony and re-*
15 *ceive such evidence as the Commission considers appro-*
16 *priate to carry out this Act. At least 1 hearing shall be*
17 *held in Washington, D.C., for the purpose of taking testi-*
18 *mony of representatives of Federal agencies, national orga-*
19 *nizations, and Members of Congress. Other hearings shall*
20 *be scheduled in distinct geographical regions of the United*
21 *States and should seek to ensure testimony from individuals*
22 *with a diversity of experiences, including those who work*
23 *on water issues at all levels of government and in the pri-*
24 *vate sector.*

1 **(b) INFORMATION AND SUPPORT FROM FEDERAL**
2 *AGENCIES.*—*Upon request of the Commission, any Federal*
3 *agency shall—*

4 (1) *provide to the Commission, within 30 days*
5 *of its request, such information as the Commission*
6 *considers necessary to carry out the provisions of this*
7 *Act; and*

8 (2) *detail to temporary duty with the Commis-*
9 *sion on a reimbursable basis such personnel as the*
10 *Commission considers necessary to carry out the pro-*
11 *visions of this Act, in accordance with section 5(b)(5),*
12 *Appendix, title 5, United States Code.*

13 **SEC. 9. REPORTS.**

14 **(a) INTERIM REPORTS.**—*Not later than 6 months after*
15 *the date of the first meeting of the Commission, and every*
16 *6 months thereafter, the Commission shall transmit an in-*
17 *terim report containing a detailed summary of its progress,*
18 *including meetings and hearings conducted in the interim*
19 *period, to—*

20 (1) *the President;*

21 (2) *the Committee on Resources and the Com-*
22 *mittee on Transportation and Infrastructure of the*
23 *House of Representatives; and*

1 (3) *the Committee on Energy and Natural Re-*
2 *sources and the Committee on the Environment and*
3 *Public Works of the Senate.*

4 (b) *FINAL REPORT.*—*As soon as practicable, but not*
5 *later than 3 years after the date of the first meeting of the*
6 *Commission, the Commission shall transmit a final report*
7 *containing a detailed statement of the findings and conclu-*
8 *sions of the Commission, and recommendations for legisla-*
9 *tion and other policies to implement such findings and con-*
10 *clusions, to—*

11 (1) *the President;*

12 (2) *the Committee on Resources and the Com-*
13 *mittee on Transportation and Infrastructure of the*
14 *House of Representatives; and*

15 (3) *the Committee on Energy and Natural Re-*
16 *sources and the Committee on the Environment and*
17 *Public Works of the Senate.*

18 **SEC. 10. TERMINATION.**

19 *The Commission shall terminate not later than 30*
20 *days after the date on which the Commission transmits a*
21 *final report under section 7(b).*

22 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

23 *There are authorized to be appropriated \$9,000,000 to*
24 *carry out this Act.*

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