

Calendar No. 281105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-144 }THE NATIONAL DROUGHT
POLICY ACT OF 1997

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 222

TO ESTABLISH AN ADVISORY COMMISSION TO PROVIDE ADVICE
AND RECOMMENDATIONS ON THE CREATION OF AN INTE-
GRATED, COORDINATED FEDERAL POLICY DESIGNED TO PRE-
PARE FOR AND RESPOND TO SERIOUS DROUGHT EMERGENCIES



NOVEMBER 7, 1997.—Ordered to be printed

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Calendar No. 281

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ 105-144

THE NATIONAL DROUGHT POLICY ACT OF 1997

NOVEMBER 7, 1997.—Ordered to be printed

Mr. THOMPSON, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany S. 222]

The Committee on Governmental Affairs, to which was referred the bill (S. 222) to establish an advisory commission to provide advice and recommendations on the creation of an integrated and coordinated Federal policy designed to prepare for and respond to serious drought emergencies, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

I. SUMMARY AND PURPOSE

S. 222, the National Drought Policy Act of 1997, establishes an advisory commission to provide recommendations on creation of an integrated and coordinated Federal drought policy.

II. BACKGROUND

While the Midwestern U.S. recently suffered from severe flooding, in 1996 the Southwest experienced the worst drought in over 100 years. The Committee recognizes, however, that *any* part of the United States can be devastated by the effects of drought. The United States often suffers serious economic and environmental losses from drought, but no strategy has been devised for a coordinated Federal response to drought emergencies. As opposed to sudden natural disasters such as tornadoes, the gradual nature of drought devastation has illustrated the need for comprehensive drought management rather than ad hoc drought response.

At the Federal level, drought has been addressed through special legislation and ad hoc action. While several Federal agencies have a role in predicting, monitoring, and assisting communities at times of drought, no single Federal agency is responsible for coordinating preparations for and responses to serious drought emergencies. State, local, and tribal governments have been left to deal individually and separately with various Federal agencies involved in drought assistance.

In response to the devastating drought of 1996, and with recommendations from the Western Governors' Association, the National Governors' Association, and the Multi-State Drought Task Force, the "National Drought Policy Act of 1997" was introduced by Senator Domenici (R-NM) on January 28, 1997. This bill establishes a commission to include Federal representatives, state governors, and other community members acutely affected by drought emergencies. The substitute amendment accepted by the Committee includes changes which would ensure that the Commission would receive important input from existing entities on drought preparation and response.

S. 222 develops a commission to provide recommendations on a permanent and systematic Federal process to address this particular type of devastating natural disaster. The Commission is directed to report its recommendations to the President, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight within 18 months from the date of enactment of this Act.

III. LEGISLATIVE HISTORY

On September 8, 1997, the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia held an informal meeting on the bill. Senator Pete Domenici joined Senator Sam Brownback (R-KS), Chairman of the Subcommittee, in leading the meeting. The following individuals participated in this meeting to present their views on S. 222: the Honorable Tom Hebert, Deputy Under Secretary for Conservation, United States Department of Agriculture; the Honorable Edward T. Schafer, Governor, North Dakota; the Honorable Jennifer Salisbury, Secretary, Department of Energy, Minerals and Natural Resources, New Mexico; John Hoffman, speaking on behalf of Mr. John Baker, Commissioner, Texas Natural Resources Conservation Commission; Mr. John Van Sweden, President, New Mexico Farm and Livestock Bureau, American Farm Bureau Federation; and Mr. Robert C. Brown, Executive Vice President, Credit Division, Farm Credit Bank of Texas. Senator Bob Kerrey (D-NE) also submitted a statement for those present at the meeting to consider.

Because of the unique nature of a drought in which the devastating effects are gradual, those at the meeting stated that the current emergency federal aid policy does not provide solutions to the long term crisis of a drought. All of the participants expressed the need for a comprehensive federal policy and for an advisory commission as established under S. 222 to specifically address the emergency response to a drought.

The Subcommittee unanimously polled out S. 222 to the full committee on September 25, 1997.

The Senate Committee on Governmental Affairs considered S. 222 on November 5, 1997. Senator Domenici, for himself and Senator Kerrey (D-NE), offered an amendment in the nature of a substitute which incorporated technical modifications and a number of substantive changes that were suggested in testimony before the Committee. The changes include an increase in the number of commissioners from 12 to 14 in order to include a representative from the National Association of Counties and an additional representative from the National Governors' Association; language providing for consultation with the National Drought Mitigation Center in Lincoln, Nebraska; language providing for collaboration with the Western Drought Coordination Council on the applicability of regional initiatives at the national level; and language providing for dissenting views to be included with the report of the commission, if a consensus on its content is not achieved. No other amendments were offered. The Domenici amendment in the nature of a substitute was adopted by voice vote, and the bill as amended was order reported by voice vote.

IV. SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title

This Act may be cited as the "National Drought Policy Act 1997"

Sec. 2. Findings

This section finds that there currently exists no coordinated Federal strategy or permanent process to respond to drought emergencies, and that the President should appoint an advisory commission to provide advice and recommendations on creation of an integrated and coordinated Federal drought policy.

Sec. 3. Establishment of Commission

This section deals with the organization structure of the Commission.

(a) Establishment.—

(b) Membership.—The 14 members of the Commission shall include:

The Secretary of Agriculture, or his designee, as Chairperson;

The Secretary of the Interior, or his designee;

The Secretary of the Army, or his designee;

The Secretary of Commerce, or his designee;

The Director of the Federal Emergency Management Agency, or his designee;

The Administrator of the Small Business Administrator, of his designee;

(The following members shall be appointed by the President within 60 days of enactment of the Act:)

Two persons nominated by the National Governors' Association, one to be a governor from a state east of the Mississippi River and the other to be a governor from a state west of the Mississippi River.

A person nominated by the National Association of Counties;

A person nominated by the United States Conference of Mayors; and

Four persons representative of groups affected by drought emergencies, such as the agricultural, credit, rural water, and Native American communities.

(c) Appointment and Vacancies.—Members are appointed for the life of the Commission, and vacancies are filled in the same manner as the original appointment.

(d) Initial Meeting.—The first meeting of the Commission shall be held within 30 days of the appointment of the members.

(e) Meetings.—Meeting will be called by the Chairperson.

(f) Quorum.—A majority of the members of the Commission constitutes a quorum, but hearings may be held with fewer Commission members present.

(g) Vice Chairperson.—The Vice Chairperson shall be selected from among the non-Federal members of the Commission.

Sec. 4. Duties of the Commission

This section defines the contents of the study and report which the Commission shall submit within 18 months of enactment of this Act. In preparing the report, the commission shall:

Determine, in consultation with the National Drought Mitigation Center in Lincoln, Nebraska, preparation and response needs on Federal, State, local and tribal levels;

Review existing Federal, State, local and tribal laws and programs related to drought;

Determine what gaps exist between the needs of drought victims and the available Federal laws and programs designed to respond to and mitigate the impacts of drought;

Collaborate with the Western Drought Coordination Council to consider regional drought initiatives and their applicability at the national level;

Recommend national policy on integration of existing programs without impacting state water rights;

Recommend whether Federal drought preparation and response programs should be consolidated under one existing Federal agency.

The contents of the report, if no approved unanimously, shall approved by majority vote. Those members voting not to approve the contents of the report shall allowed to submit dissenting views.

Sec. 5. Powers of the Commission

(a) Hearings.—The Commission may hold hearings when and where it sees fit.

(b) Information from Federal Agencies.—Federal departments or agencies shall provide requested information to the Chairperson.

(c) Postal Services.—The Commission may use the U.S. mail in the same manner as other Federal department and agencies.

(d) Gifts.—The Commission may accept, use and dispose of gifts or donations of services or property.

Sec. 6. Commission personnel matters

(a) Compensation of Members.—Non-Federal members of the commission shall not be compensated for service on the Commis-

sion, except for travel expenses. Federal members shall not receive compensation for service on the Commission in addition to that received for services as Federal employees.

(b) Travel Expenses.—This subsection allows for travel and per diem expenses in accordance with Federal law.

(c) Detail of Government Employees.—Federal Government employees may be detailed to serve on the Commission, without interruption or loss of their civil service status or privilege.

(d) Administrative Support.—The Secretary of Agriculture shall provide all financial, administrative, and staff support for the Commission.

Sec. 7. Termination

This section directs that the Commission shall terminate 90 days after submission of its report.

V. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 7, 1997.

Hon. FRED D. THOMPSON,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 222, the National Drought Policy Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown and David Hull.

Sincerely,

PAUL VAN DE WATER
(For June E. O'Neill, *Director*).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 222—National Drought Policy Act of 1997

Summary: S. 222 would establish an advisory commission to provide advice and recommendations to the President and the Congress on the creation of an integrated federal policy designed to prepare for and respond to drought emergencies. The commission would submit a report recommending a national drought policy within 18 months of enactment of the bill. The Secretary of Agriculture would provide all financial, administrative, and staff support services for the commission.

CBO estimates that implementing S. 222 would cost between \$500,000 and \$1 million over the 1998–2002 period, assuming appropriation of the necessary amounts. S. 222 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would not significantly affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: CBO estimates that implementing S. 222 would result in new spending subject to appropriation of less than \$500,000 in each of fiscal years 1998 through 2000 and that the total cost of implementing the bill would be between \$500,000 and \$1 million. Those costs would be subject to appropriation of the necessary amounts.

Basis of Estimate: For purposes of this estimate, CBO assumes that (1) S. 222 is enacted in the next few months, (2) commissioners are appointed within two months of enactment, (3) the commission submits its report with its recommendations for a national drought policy at the beginning of fiscal year 2000, (4) the commission ceases to exist within three months after submitting the report, and (5) all amounts estimated to be authorized by the bill are appropriated.

The commission would consist of 14 members, including six federal officers representing the Departments of Agriculture, the Interior, the Army, and Commerce, the Federal Emergency Management Agency, and the Small Business Administration. The other eight (nonfederal) members would be nominated by the Secretary of Agriculture and by state, county, and city associations.

CBO anticipates that requiring federal officers to sit on the commission and detailing federal employees to the commission would collectively create a need for additional staff and overtime compensation at the affected agencies. The commission would incur additional costs for travel and per diem expenses of its members, communications, supplies, printing, and other general expenses. We estimate that the total cost of temporarily replacing individuals assigned to the commission and the general expenses of the commission would require new spending subject to appropriation of less than \$500,000 a year for 1998 through 2000.

The six federal officials that would serve on the commission would be compensated by their employing agency while performing commission business (but could not receive compensation in addition to that received in connection with their normal positions). The eight nonfederal members of the commission would be reimbursed only for travel expenses, including per diem in lieu of subsistence while away from home or their regular place of business.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 222 contains no intergovernmental or private-sector mandates as defined in UMRA and would not significantly affect the budgets of state, local, or tribal governments.

Estimate prepared by: Gary Brown and David Hull.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

VI. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory and paperwork impact of S. 222, as well as the impact of the bill on personal privacy. The Committee finds that the bill will have no significant impact on paperwork or regulatory burdens, or on individual privacy, beyond what may be imposed by existing law.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that S. 222, as reported, makes no changes in existing law.

