

Calendar No. 281

105TH CONGRESS
1ST Session

S. 222

[Report No. 105-144]

A BILL

To establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

NOVEMBER 7, 1997

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1997

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. COCHRAN, Mr. GRASSLEY, Mr. CAMPBELL, Mr. CRAIG, Mr. DORGAN, Mr. JOHNSON, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

NOVEMBER 7, 1997

Reported by Mr. THOMPSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

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 Drought Pol-
3 icy Act of 1997.”

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 The Congress finds that, although the United States
6 often suffers serious economic and environmental losses
7 from severe regional droughts, there currently exists no
8 coordinated Federal strategy to respond to these emer-
9 gencies. At the Federal level, even though there have his-
10 torically been frequent, significant droughts of national
11 consequences, drought is addressed mainly through special
12 legislation and ad hoc action rather than through a sys-
13 tematic and permanent process as occurs with other natu-
14 ral disasters. Several Federal agencies have a role in
15 drought from predicting, forecasting, and monitoring of
16 drought conditions to the provision of planning, technical,
17 and financial assistance. There has never been one single
18 agency in a lead or coordinating role with regard to
19 drought. As a result, the State, local, and tribal govern-
20 ments have had to deal individually and separately with
21 each Federal agency involved. Therefore, the Congress
22 further finds that the President should appoint an advi-
23 sory commission to provide advice and recommendations
24 on the creation of an integrated, coordinated Federal pol-
25 icy designed to prepare for and respond to serious drought
26 emergencies.

1 **SEC. 3. COMMISSION.**

2 (a) The President shall appoint an advisory commis-
3 sion to provide recommendations on a national drought
4 policy. The Commission shall report its recommendations
5 to the President and to the Committee on Governmental
6 Affairs in the Senate and the Committee on Government
7 Reform and Oversight in the House of Representatives
8 within one year from the date of enactment of this Act.

9 (b) The members of the Commission shall include:

10 (1) The Secretary of Agriculture, or his des-
11 ignee, who shall serve as Chairman of the Commis-
12 sion;

13 (2) The Secretary of the Interior, or his des-
14 ignee;

15 (3) The Secretary of the Army, or his designee;

16 (4) The Secretary of the Commerce, or his des-
17 ignee;

18 (5) The Director of the Federal Emergency
19 Management Agency, or his designee;

20 (6) The Administrator of the Small Business
21 Administration, or his designee;

22 (7) A person nominated by the National Gov-
23 ernors' Association;

24 (8) A person nominated by the United States
25 Conference of Mayors; and

1 (9) Four persons representative of groups
2 acutely affected by drought emergencies, such as the
3 agricultural production community, the credit com-
4 munity, rural water associations, and Native Ameri-
5 cans. These members shall be chosen by the Chair-
6 man of the Commission.

7 (c) In developing its report, the Commission shall:

8 (1) Determine what needs exist on the Federal,
9 State, local, and tribal levels to prepare for and re-
10 spond to drought emergencies.

11 (2) Review all existing Federal laws and pro-
12 grams relating to drought.

13 (3) Review those State, local, and tribal laws
14 and programs relating to drought the Commission
15 finds pertinent.

16 (4) Determine what gaps exist between the
17 needs of those affected by drought and the Federal
18 laws and programs designed to mitigate the impacts
19 of and respond to drought.

20 (5) Make recommendations on how Federal
21 drought laws and programs can be better integrated
22 with ongoing State, local, and tribal programs into
23 a comprehensive national policy to mitigate the im-
24 pacts of and respond to drought emergencies without
25 diminishing the rights of states to control water

1 through state law. The report shall include a rec-
2 ommendation on whether all Federal drought prepa-
3 ration and response programs should be consolidated
4 under one existing Federal agency and, if so, the re-
5 port shall identify such agency.

6 (d) Any vacancy on the Commission shall be filled
7 in the such manner as the original appointment. Members
8 of the Commission shall serve without compensation but
9 shall be reimbursed for travel, subsistence, and other nec-
10 essary expenses incurred by them in the performance of
11 their duties. The Secretary of Agriculture shall provide all
12 financial, administrative, and staffing requirements for
13 the Commission, including office space, furnishings, and
14 equipment. The heads of other Federal agencies are au-
15 thorized, at the request of the Commission, to provide
16 such information or personnel, to the extent permitted by
17 law and within the limits of available funds, to the Com-
18 mission as may be useful to accomplish the purposes of
19 this section.

20 (e) The Commission may hold such hearings, and sit
21 and act at such times and places, as it deems advisable.
22 The Commission is authorized to use the United States
23 mail in the same manner and upon the same conditions
24 as other departments and agencies of the United States.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Drought Policy*
 3 *Act of 1997”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1) the United States often suffers serious eco-*
 7 *nomie and environmental losses from severe regional*
 8 *droughts and there is no coordinated Federal strategy*
 9 *to respond to such emergencies;*

10 *(2) at the Federal level, even though historically*
 11 *there have been frequent, significant droughts of na-*
 12 *tional consequences, drought is addressed mainly*
 13 *through special legislation and ad hoc action rather*
 14 *than through a systematic and permanent process as*
 15 *occurs with other natural disasters;*

16 *(3) several Federal agencies have a role in*
 17 *drought from predicting, forecasting, and monitoring*
 18 *of drought conditions to the provision of planning,*
 19 *technical, and financial assistance;*

20 *(4) there has never been one single Federal agen-*
 21 *cy in a lead or coordinating role with regard to*
 22 *drought;*

23 *(5) the State, local, and tribal governments have*
 24 *had to deal individually and separately with each*
 25 *Federal agency involved in drought assistance; and*

1 (6) *the President should appoint an advisory*
 2 *commission to provide advice and recommendations*
 3 *on the creation of an integrated, coordinated Federal*
 4 *policy designed to prepare for and respond to serious*
 5 *drought emergencies.*

6 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

7 (a) *ESTABLISHMENT.*—*There is established a commis-*
 8 *sion to be known as the National Drought Policy Commis-*
 9 *sion (hereafter in this Act referred to as the “Commission”).*

10 (b) *MEMBERSHIP.*—

11 (1) *COMPOSITION.*—*The Commission shall be*
 12 *composed of 14 members. The members of the Com-*
 13 *mission shall include—*

14 (A) *the Secretary of Agriculture, or the des-*
 15 *ignee of the Secretary, who shall serve as Chair-*
 16 *person of the Commission;*

17 (B) *the Secretary of the Interior, or the des-*
 18 *ignee of the Secretary;*

19 (C) *the Secretary of the Army, or the des-*
 20 *ignee of the Secretary;*

21 (D) *the Secretary of Commerce, or the des-*
 22 *ignee of the Secretary;*

23 (E) *the Director of the Federal Emergency*
 24 *Management Agency, or the designee of the Di-*
 25 *rector;*

1 (F) *the Administrator of the Small Business*
 2 *Administration, or the designee of the Adminis-*
 3 *trator;*

4 (G) *two persons nominated by the National*
 5 *Governors' Association and appointed by the*
 6 *President, of whom—*

7 (i) *one shall be the governor of a State*
 8 *east of the Mississippi River; and*

9 (ii) *one shall be a governor of a State*
 10 *west of the Mississippi River;*

11 (H) *a person nominated by the National*
 12 *Association of Counties and appointed by the*
 13 *President;*

14 (I) *a person nominated by the United*
 15 *States Conference of Mayors and appointed by*
 16 *the President; and*

17 (J) *four persons appointed by the Secretary*
 18 *of Agriculture who shall be representative of*
 19 *groups acutely affected by drought emergencies,*
 20 *such as the agricultural production community,*
 21 *the credit community, rural water associations,*
 22 *and Native Americans.*

23 (2) *DATE.—The appointments of the members of*
 24 *the Commission shall be made no later than 60 days*
 25 *after the date of enactment of this Act.*

1 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—Members
 2 shall be appointed for the life of the Commission. Any va-
 3 cancy in the Commission shall not affect its powers, but
 4 shall be filled in the same manner as the original appoint-
 5 ment.

6 (d) *INITIAL MEETING.*—No later than 30 days after
 7 the date on which all members of the Commission have been
 8 appointed, the Commission shall hold its first meeting.

9 (e) *MEETINGS.*—The Commission shall meet at the call
 10 of the Chairperson.

11 (f) *QUORUM.*—A majority of the members of the Com-
 12 mission shall constitute a quorum, but a lesser number of
 13 members may hold hearings.

14 (g) *VICE CHAIRPERSON.*—The Commission shall select
 15 a Vice Chairperson from among the members who are not
 16 Federal officers or employees.

17 **SEC. 4. DUTIES OF THE COMMISSION.**

18 (a) *STUDY AND REPORT.*—The Commission shall con-
 19 duct a thorough study and submit a report on national
 20 drought policy, as provided under subsection (c).

21 (b) *CONTENT OF STUDY AND REPORT.*—In conducting
 22 the study and report, the Commission shall—

23 (1) *determine, in consultation with the National*
 24 *Drought Mitigation Center in Lincoln, Nebraska,*
 25 *what needs exist on the Federal, State, local, and trib-*

1 *al levels to prepare for and respond to drought emer-*
2 *gencies;*

3 (2) *review all existing Federal laws and pro-*
4 *grams relating to drought;*

5 (3) *review those State, local, and tribal laws and*
6 *programs relating to drought the Commission finds*
7 *pertinent;*

8 (4) *determine what differences exist between the*
9 *needs of those affected by drought and the Federal*
10 *laws and programs designed to mitigate the impacts*
11 *of and respond to drought;*

12 (5) *collaborate with the Western Drought Coordi-*
13 *nation Council in order to consider regional drought*
14 *initiatives and the application of such initiatives at*
15 *the national level;*

16 (6) *make recommendations on how Federal*
17 *drought laws and programs can be better integrated*
18 *with ongoing State, local, and tribal programs into a*
19 *comprehensive national policy to mitigate the impacts*
20 *of and respond to drought emergencies without dimin-*
21 *ishing the rights of States to control water through*
22 *State law; and*

23 (7) *include a recommendation on whether all*
24 *Federal drought preparation and response programs*

1 *should be consolidated under one existing Federal*
 2 *agency and, if so, identify such agency.*

3 (c) *SUBMISSION OF REPORT.*—

4 (1) *IN GENERAL.*—No later than 18 months after
 5 *the date of enactment of this Act, the Commission*
 6 *shall submit a report to the President and the Com-*
 7 *mittee on Governmental Affairs of the Senate and the*
 8 *Committee on Government Reform and Oversight of*
 9 *the House of Representatives which shall contain a*
 10 *detailed statement of the findings and conclusions of*
 11 *the Commission, together with its recommendations*
 12 *for such legislation and administrative actions as it*
 13 *considers appropriate.*

14 (2) *APPROVAL OF REPORT.*—Before submission
 15 *of the report, the contents of the report shall be ap-*
 16 *proved by unanimous consent or majority vote. If the*
 17 *report is approved by majority vote, members voting*
 18 *not to approve the contents shall be given the oppor-*
 19 *tunity to submit dissenting views with the report.*

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

21 (a) *HEARINGS.*—The Commission may hold such hear-
 22 *ings, sit and act at such times and places, take such testi-*
 23 *mony, and receive such evidence as the Commission consid-*
 24 *ers necessary to carry out the purposes of this Act.*

1 (b) *INFORMATION FROM FEDERAL AGENCIES.*—The
 2 Commission may secure directly from any Federal depart-
 3 ment or agency such information as the Commission con-
 4 siders necessary to carry out the provisions of this Act.
 5 Upon request of the Chairperson of the Commission, the
 6 head of such department or agency shall furnish such infor-
 7 mation to the Commission.

8 (c) *POSTAL SERVICES.*—The Commission may use the
 9 United States mails in the same manner and under the
 10 same conditions as other departments and agencies of the
 11 Federal Government.

12 (d) *GIFTS.*—The Commission may accept, use, and
 13 dispose of gifts or donations of services or property.

14 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

15 (a) *COMPENSATION OF MEMBERS.*—Each member of
 16 the Commission who is not an officer or employee of the
 17 Federal Government shall not be compensated for service
 18 on the Commission, except as provided under subsection (b).
 19 All members of the Commission who are officers or employ-
 20 ees of the United States shall serve without compensation
 21 in addition to that received for their services as officers or
 22 employees of the United States.

23 (b) *TRAVEL EXPENSES.*—The members of the Commis-
 24 sion shall be allowed travel expenses, including per diem
 25 in lieu of subsistence, at rates authorized for employees of

1 agencies under subchapter I of chapter 57 of title 5, United
 2 States Code, while away from their homes or regular places
 3 of business in the performance of services for the Commis-
 4 sion.

5 (c) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any Fed-
 6 eral Government employee may be detailed to the Commis-
 7 sion without reimbursement, and such detail shall be with-
 8 out interruption or loss of civil service status or privilege.

9 (d) *ADMINISTRATIVE SUPPORT.*—The Secretary of Ag-
 10 riculture shall provide all financial, administrative, and
 11 staff support services for the Commission.

12 **SEC. 7. TERMINATION OF THE COMMISSION.**

13 The Commission shall terminate 90 days after the
 14 date on which the Commission submits its report under
 15 section 4.