

TWENTY-FIRST CENTURY WATER COMMISSION ACT OF  
2003

OCTOBER 8, 2003.—Ordered to be printed

Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 135) to establish the “Twenty-First Century Water Commission” to study and develop recommendations for a comprehensive water strategy to address future water needs, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Twenty-First Century Water Commission Act of 2003”.

**SEC. 2. FINDINGS.**

Congress finds that—

- (1) the Nation’s water resources will be under increasing stress and pressure in the coming decades;
- (2) a thorough assessment of technological and economic advances that can be employed to increase water supplies or otherwise meet water needs in every region of the country is important and long overdue; and
- (3) a comprehensive strategy to increase water availability and ensure safe, adequate, reliable, and sustainable water supplies is vital to the economic and environmental future of the Nation.

**SEC. 3. ESTABLISHMENT.**

There is established a commission to be known as the “Twenty-First Century Water Commission” (in this Act referred to as the “Commission”).

**SEC. 4. DUTIES.**

The duties of the Commission shall be to—

- (1) use existing water assessments and conduct such additional assessments as may be necessary to project future water supply and demand;
- (2) study current water management programs of Federal, Interstate, State, and local agencies, and private sector entities directed at increasing water supplies and improving the availability, reliability, and quality of freshwater resources; and

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

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

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

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

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

(E) considers all available technologies and other methods to optimize water supply reliability, availability, and quality, while safeguarding the environment;

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

(G) suggests financing options for comprehensive water management projects and for appropriate public works projects;

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

(I) includes other objectives related to the effective management of the water supply to ensure reliability, availability, and quality, which the Commission shall consider appropriate.

#### **SEC. 5. MEMBERSHIP.**

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 9 members who shall be appointed not later than 90 days after the date of enactment of this Act. Member shall be appointed as follows:

(1) 5 members appointed by the President;

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

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

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

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

(2) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

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

(d) **CHAIRPERSON.**—The Chairperson of the Commission shall be designated by the President.

(e) **TERMS.**—Members of the Commission shall be appointed not later than 90 days after the date of enactment of this Act and shall serve for the life of the Commission.

(f) **VACANCIES.**—A vacancy on the Commission shall not affect its operation, and shall be filled in the same manner as the original appointment provided under subsection (a).

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

#### **SEC. 6. MEETINGS AND QUORUM.**

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

(b) **QUORUM.**—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

#### **SEC. 7. DIRECTOR AND STAFF.**

A Director shall be appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate, in consultation with the Minority Leader and chairmen of the Resources and Transportation and Infrastructure Committees of the House of Representatives, and the Minority Leader and chairmen of the Energy and Natural Resources and Environment and Public Works Committees of the Senate.

The Director and any staff reporting to the Director shall be paid a rate of pay not to exceed the maximum rate of basic pay for GS-15 of the General Schedule.

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

(a) **HEARINGS.**—The Commission shall hold no fewer than 10 hearings during the life of the Commission. Hearings may be held in conjunction with meetings of the Commission. The Commission may take such testimony and receive such evidence as the Commission considers appropriate to carry out this Act. At least 1 hearing shall be held in Washington, D.C., for the purpose of taking testimony of representatives of Federal agencies, national organizations, and Members of Congress. Other hearings shall be scheduled in distinct geographical regions of the United States and should seek to ensure testimony from individuals with a diversity of experiences, including those who work on water issues at all levels of government and in the private sector.

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

- (1) provide to the Commission, within 30 days of its request, such information as the Commission considers necessary to carry out the provisions of this Act; and
- (2) detail to temporary duty with the Commission on a reimbursable basis such personnel as the Commission considers necessary to carry out the provisions of this Act, in accordance with section 5(b)(5), Appendix, title 5, United States Code.

**SEC. 9. REPORTS.**

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

- (1) the President;
- (2) the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives; and
- (3) the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

(b) **FINAL REPORT.**—As soon as practicable, but not later than 3 years after the date of the first meeting of the Commission, the Commission shall transmit a final report containing a detailed statement of the findings and conclusions of the Commission, and recommendations for legislation and other policies to implement such findings and conclusions, to—

- (1) the President;
- (2) the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives; and
- (3) the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

**SEC. 10. TERMINATION.**

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

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

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

**PURPOSE OF THE BILL**

The purpose of H.R. 135 is to establish the “Twenty-First Century Water Commission” to study and develop recommendations for a comprehensive water strategy to address future water needs.

**BACKGROUND AND NEED FOR LEGISLATION**

There are numerous federal, state and local agencies that have responsibilities for managing water resources. While there is some overlap of agency responsibilities, some argue that there is little coordination among them. At the same time, competing demands for water among various agricultural, urban, recreational and environmental interests have led to many challenges over the last few decades.

H.R. 135 would establish the “Twenty-First Century Water Policy Commission” to study federal, state, local, and private water management programs in an effort to develop recommendations for a comprehensive water strategy that: (1) Respects the primary role of states in water rights law; (2) identifies incentives to ensure an adequate and dependable domestic water supply for 50 years; (3) does not place increased mandates on state and local governments; (4) eliminates duplication and conflict among governmental agencies; (5) considers all available technologies for increasing water supply efficiently, while safeguarding the environment; (6) recommends means of capturing excess water for future droughts; (7) suggests financing options for public works projects; and (8) suggests conservation strategies.

H.R. 135, as ordered reported from the Committee on Resources, attempts to reduce these challenges by creating a commission to recommend improved interagency coordination and planning through a comprehensive, national water policy. Specifically, this legislation would establish a commission of nine non-federal water experts to recommend policies to meet the above objectives in a national water strategy. The bill stipulates that the President of the United States and the U. S. Congress shall make every effort possible to appoint these commissioners from a broad cross-section of regional and geographical U.S. perspectives. The Commission is directed to hold no less than ten public hearings around the nation and submit a final report no later than three years after its first meeting. The legislation sunsets the Commission within 30 days of the final report’s submission.

#### COMMITTEE ACTION

H.R. 135 was introduced by Congressman John Linder (R-GA) on January 7, 2003 . The bill was referred to the Committee on Resources, and additionally to the Committee on Transportation and Infrastructure. With the Resources Committee, the bill was referred to the Subcommittee on Water and Power. On April 1, 2003, the Subcommittee held a hearing on the bill. On April 3, 2003, the Subcommittee met to mark up the bill. No amendments were offered and the bill was then forwarded to the Full Resources Committee by voice vote. On September 24, 2003, the Full Resources Committee met to mark up the bill. Subcommittee Chairman Ken Calvert offered an amendment in the nature of a substitute to authorize Congressional appointments to an expanded nine-member commission. The amendment also gives the Commission responsibility to examine ways to improve the availability, reliability and quality of freshwater resources while adding provisions respecting the primary role of State regulation of water and water rights. The amendment was agreed to by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives, as amended, by unanimous consent.

#### SECTION-BY-SECTION

##### *Section 1. Short title*

This Act may be cited as the “Twenty-First Century Water Commission Act of 2003”.

## *Section 2. Findings*

This section summarizes the need for the legislation.

## *Section 3. Establishment*

This section establishes a commission to be known as the “Twenty-First Century Water Commission.”

## *Section 4. Duties*

This section outlines the roles and responsibilities of the Commission.

## *Section 5. Membership*

This section provides a description of the composition and make-up of the Commission. The section describes the number and appointment of Commission members, qualifications, chairperson selection, terms of appointment, conditions for vacancies, monetary compensation and travel expenses, and other considerations.

## *Section 6. Meetings and quorum*

This section provides the requirements of meetings, including notices. The first meeting of the Commission is to be held not later than 60 days after the appointment of all members.

## *Section 7. Director and staff*

This section provides for the appointment of a Director and staff, if necessary, and the manner in which compensation will be paid for their services.

## *Section 8. Powers and proceedings of the Commission*

This section provides that the Commission shall hold no fewer than 10 hearings during its life. The Commission may take testimony and receive such evidence as is necessary and appropriate to carry out the Act. At least one hearing shall be held in Washington, D.C. Other hearings will be held at other distinct areas of the United States and should seek to ensure testimony from individuals with a diversity of experiences. The Commission, if necessary, can utilize information and support from appropriate federal agencies.

## *Section 9. Reports*

This section provides for the requirement of interim reports which contain a detailed summary of the Commission’s progress, including meetings and hearings. The first interim report of the Commission will be completed not later than six months after the date of the first meeting, and subsequent interim reports will be completed every six months thereafter. Not later than three years after the date of the first meeting of the Commission, a final report shall be prepared containing findings and conclusions of the Commission, and recommendations for implementing final report findings and conclusions. Interim reports and the final report will be transmitted to the President, the Committee on Resources and Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

### *Section 10. Termination*

This section provides the Commission shall terminate not later than 30 days following transmittal of the Commission's final report.

### *Section 11. Authorization of appropriations*

This section provides an authorization to be appropriated \$9 million to carry out this Act.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the "Twenty-First Century Water Commission" to study and develop recommendations for a comprehensive water strategy to address future water needs.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 30, 2003.

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 135, the Twenty-first Century Water Commission Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff is Rachel Milberg.

Sincerely,

ELIZABETH M. ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 135—Twenty-First Century Water Commission Act of 2003*

Summary: H.R. 135 would authorize the establishment of a commission to project the future supply of water, study the current management of the water supply, and issue a report that provides a comprehensive strategy for managing water. For the activities of this commission, the bill would authorize the appropriation of \$9 million.

Assuming appropriation of the amount specified in the bill, CBO estimates that implementing H.R. 135 would cost \$9 million over the 2004–2008 period. Enacting H.R. 135 would not affect direct spending or revenues.

H.R. 135 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 135 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year in millions of dollars—				
	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	1	2	2	2	2
Estimated Outlays .....	(*)	2	2	3	2

Note: \* = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that H.R. 135 will be enacted near the beginning of fiscal year 2004 and that the amounts authorized in the bill will be appropriated over the next several years. Estimates of spending are based on historical spending patterns of similar programs.

H.R. 135 would require the President and Congressional leaders to appoint all nine members of the commission before it could meet. CBO expects that the commission would hold its first meeting in the second half of fiscal year 2004. Consequently, we estimate that the commission would incur no significant costs until 2005.

Intergovernmental and private-sector impact: H.R. 135 contains no intergovernmental or private-sector mandates as defined in

UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Rachel Milberg; impact on state, local, and tribal Governments: Majorie Miller; impact on the private sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any state, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

