

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 135

---

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2005

Received; read twice and referred to the Committee on Environment and  
Public Works

---

## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Twenty-First Century  
3 Water Commission Act of 2005”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the Nation’s water resources will be under  
7 increasing stress and pressure in the coming dec-  
8 ades;

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

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

18 **SEC. 3. ESTABLISHMENT.**

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

22 **SEC. 4. DUTIES.**

23 The duties of the Commission shall be to—

24 (1) use existing water assessments and conduct  
25 such additional assessments as may be necessary to  
26 project future water supply and demand;

1           (2) study current water management programs  
2 of Federal, Interstate, State, and local agencies, and  
3 private sector entities directed at increasing water  
4 supplies and improving the availability, reliability,  
5 and quality of freshwater resources; and

6           (3) consult with representatives of such agen-  
7 cies and entities to develop recommendations con-  
8 sistent with laws, treaties, decrees, and interstate  
9 compacts for a comprehensive water strategy  
10 which—

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

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

18           (C) suggests strategies that avoid in-  
19 creased mandates on State and local govern-  
20 ments;

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

23           (E) considers all available technologies and  
24 other methods to optimize water supply reli-

1 ability, availability, and quality, while safe-  
2 guarding the environment;

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

6 (G) suggests financing options for com-  
7 prehensive water management projects and for  
8 appropriate public works projects;

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

12 (I) includes other objectives related to the  
13 effective management of the water supply to en-  
14 sure reliability, availability, and quality, which  
15 the Commission shall consider appropriate.

16 **SEC. 5. MEMBERSHIP.**

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

21 (1) 5 members appointed by the President;

22 (2) 2 members appointed by the Speaker of the  
23 House of Representatives, in consultation with the  
24 Minority Leader of the House of Representatives;  
25 and

1           (3) 2 members appointed by the Majority Lead-  
2           er of the Senate, in consultation with the Minority  
3           Leader of the Senate.

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

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

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

12          (c) OTHER CONSIDERATIONS.—In appointing mem-  
13          bers of the Commission, every effort shall be made to en-  
14          sure that the members represent a broad cross section of  
15          regional and geographical perspectives in the United  
16          States.

17          (d) CHAIRPERSON.—The Chairperson of the Com-  
18          mission shall be designated by the President.

19          (e) TERMS.—Members of the Commission shall be  
20          appointed not later than 90 days after the date of enact-  
21          ment of this Act and shall serve for the life of the Commis-  
22          sion.

23          (f) VACANCIES.—A vacancy on the Commission shall  
24          not affect its operation, and shall be filled in the same

1 manner as the original appointment provided under sub-  
2 section (a).

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

9 **SEC. 6. MEETINGS AND QUORUM.**

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

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

18 **SEC. 7. DIRECTOR AND STAFF.**

19 A Director shall be appointed by the Speaker of the  
20 House of Representatives and the Majority Leader of the  
21 Senate, in consultation with the Minority Leader and  
22 chairmen of the Resources and Transportation and Infra-  
23 structure Committees of the House of Representatives,  
24 and the Minority Leader and chairmen of the Energy and  
25 Natural Resources and Environment and Public Works

1 Committees of the Senate. The Director and any staff re-  
2 porting to the Director shall be paid a rate of pay not  
3 to exceed the maximum rate of basic pay for GS-15 of  
4 the General Schedule.

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

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

20 (b) INFORMATION AND SUPPORT FROM FEDERAL  
21 AGENCIES.—Upon request of the Commission, any Fed-  
22 eral agency shall—

23 (1) provide to the Commission, within 30 days  
24 of its request, such information as the Commission

1 considers necessary to carry out the provisions of  
2 this Act; and

3 (2) detail to temporary duty with the Commis-  
4 sion on a reimbursable basis such personnel as the  
5 Commission considers necessary to carry out the  
6 provisions of this Act, in accordance with section  
7 5(b)(5), Appendix, title 5, United States Code.

8 **SEC. 9. REPORTS.**

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

15 (1) the President;

16 (2) the Committee on Resources and the Com-  
17 mittee on Transportation and Infrastructure of the  
18 House of Representatives; and

19 (3) the Committee on Energy and Natural Re-  
20 sources and the Committee on the Environment and  
21 Public Works of the Senate.

22 (b) FINAL REPORT.—As soon as practicable, but not  
23 later than 3 years after the date of the first meeting of  
24 the Commission, the Commission shall transmit a final re-  
25 port containing a detailed statement of the findings and



1 conclusions of the Commission, and recommendations for  
2 legislation and other policies to implement such findings  
3 and conclusions, to—

4 (1) the President;

5 (2) the Committee on Resources and the Com-  
6 mittee on Transportation and Infrastructure of the  
7 House of Representatives; and

8 (3) the Committee on Energy and Natural Re-  
9 sources and the Committee on the Environment and  
10 Public Works of the Senate.

11 **SEC. 10. TERMINATION.**

12 The Commission shall terminate not later than 30  
13 days after the date on which the Commission transmits  
14 a final report under section 9(b).

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

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

Passed the House of Representatives April 12, 2005.

Attest: JEFF TRANDAHL,  
*Clerk.*