

109TH CONGRESS
2D SESSION

S. 4038

To establish the bipartisan and independent Commission on Global Resources,
Environment, and Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. SARBANES introduced the following bill; which was read twice and
referred to the Committee on Environment and Public Works

A BILL

To establish the bipartisan and independent Commission on
Global Resources, Environment, and Security, and for
other purposes.

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 “Global Resources, En-
5 vironment, and Security Commission Act of 2006”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) humans are placing increasing and poten-
9 tially unsustainable pressures on—

10 (A) the Earth;

1 (B) ecosystems; and

2 (C) natural resources;

3 (2) economic prosperity, human health, and
4 peaceful international relations depend on the con-
5 tinued existence of—

6 (A) a clean environment; and

7 (B) the sustainability of natural resources
8 and ecosystem services;

9 (3) increasing scarcities of natural resources
10 and environmental degradation can cause economic
11 losses and contribute to—

12 (A) disease;

13 (B) famine;

14 (C) increased vulnerability to natural dis-
15 asters;

16 (D) mass migration;

17 (E) disruption of trade; and

18 (F) violent conflict;

19 (4) those potential disasters can—

20 (A) weaken all members of the inter-
21 national community; and

22 (B) create serious threats to the national
23 security of the United States;

24 (5) many scientific studies reveal that the rapid
25 increases in global population and the new global se-

1 security problems have, and will likely continue to
2 have, serious impacts on the United States, includ-
3 ing—

4 (A) inadequate access to sources of healthy
5 freshwater;

6 (B) loss of biodiversity;

7 (C) climate change;

8 (D) marine overfishing and pollution;

9 (E) transboundary air pollution;

10 (F) nuclear and chemical contamination;

11 (G) deforestation;

12 (H) invasive species migration; and

13 (I) soil degradation and desertification;

14 (6) the complex and interconnected nature of
15 those problems requires new forms of cooperation
16 between—

17 (A) the stakeholders of the United States;

18 and

19 (B) the United States and other countries;

20 (7) according to the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.), it is
22 the national policy of the United States—

23 (A) to recognize the worldwide and long-
24 range character of environmental problems; and

1 (B) to lend appropriate support to initia-
2 tives, resolutions, and programs designed to
3 maximize international cooperation in antici-
4 pating and preventing a decline in the quality
5 of the world environment;

6 (8) the United States is in a unique position to
7 be able to share scientific and technical expertise on
8 the world stage in ways that—

9 (A) benefit all persons; and

10 (B) provide opportunities in the United
11 States for—

12 (i) economic growth;

13 (ii) investment; and

14 (iii) innovation; and

15 (9) the leadership of the United States on the
16 advancement of global environmental security serves
17 the domestic interests of the United States while
18 strengthening relationships between the United
19 States and other countries.

20 (b) PURPOSE.—The purpose of this Act is to estab-
21 lish a bipartisan and independent commission to make rec-
22 ommendations for a coordinated, comprehensive, and long-
23 range national policy for new and existing strategies initi-
24 ated by the United States to promote global environmental
25 security.

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the “Commission on Global Re-
4 sources, Environment, and Security” (referred to in this
5 Act as the “Commission”).

6 (b) MEMBERSHIP.—

7 (1) COMPOSITION.—The Commission shall be
8 composed of 18 members who are knowledgeable in
9 matters relating to global environmental security
10 and population (including individuals with experience
11 from the Federal Government, State, and local gov-
12 ernments, academic and technical institutions, and
13 public interest organizations), of whom—

14 (A) 2 members shall be appointed by the
15 President, of whom not more than 1 may be
16 from the same political party as the President;

17 (B) 4 members shall be appointed by the
18 majority leader of the Senate, in consultation
19 with the Chairpersons of—

20 (i) the Committee on Environment
21 and Public Works of the Senate;

22 (ii) the Committee on Foreign Rela-
23 tions of the Senate;

24 (iii) the Committee on Commerce,
25 Science, and Transportation of the Senate;
26 and

1 (iv) the Committee on Homeland Se-
2 curity and Governmental Affairs of the
3 Senate;

4 (C) 4 members shall be appointed by the
5 minority leader of the Senate, in consultation
6 with the ranking members of—

7 (i) the Committee on Environment
8 and Public Works of the Senate;

9 (ii) the Committee on Foreign Rela-
10 tions of the Senate;

11 (iii) the Committee on Commerce,
12 Science, and Transportation of the Senate;
13 and

14 (iv) the Committee on Homeland Se-
15 curity and Governmental Affairs of the
16 Senate;

17 (D) 4 members shall be appointed by the
18 Speaker of the House of Representatives, in
19 consultation with the Chairpersons of—

20 (i) the Committee on Energy and
21 Commerce of the House of Representa-
22 tives;

23 (ii) the Committee on International
24 Relations of the House of Representatives;

1 (iii) the Committee on Resources of
2 the House of Representatives;

3 (iv) the Committee on Science of the
4 House of Representatives;

5 (v) the Committee on Homeland Secu-
6 rity of the House of Representatives; and

7 (vi) the Committee on Government
8 Reform of the House of Representatives;
9 and

10 (E) 4 members shall be appointed by the
11 minority leader of the House of Representa-
12 tives, in consultation with the ranking members
13 of—

14 (i) the Committee on Energy and
15 Commerce of the House of Representa-
16 tives;

17 (ii) the Committee on International
18 Relations of the House of Representatives;

19 (iii) the Committee on Resources of
20 the House of Representatives;

21 (iv) the Committee on Science of the
22 House of Representatives;

23 (v) the Committee on Homeland Secu-
24 rity of the House of Representatives; and

1 (vi) the Committee on Government
2 Reform of the House of Representatives.

3 (2) REPRESENTATION OF COMMISSION.—To the
4 extent consistent with paragraph (1), the member-
5 ship of the Commission shall be balanced by area of
6 expertise.

7 (3) PROHIBITION ON FEDERAL GOVERNMENT
8 EMPLOYMENT.—A member of the Commission ap-
9 pointed under paragraph (1)(A) shall not be an em-
10 ployee or former employee of the Federal Govern-
11 ment.

12 (4) CONSIDERATIONS FOR APPOINTMENT.—

13 (A) BACKGROUND OF MEMBERS.—

14 (i) IN GENERAL.—All members of the
15 Commission shall have experience in—

16 (I) State and local governments;

17 (II) academic and technical insti-
18 tutions;

19 (III) businesses and industries
20 relating to resource and economic de-
21 velopment; or

22 (IV) public interest organiza-
23 tions.

24 (ii) PREFERENCE TO INDIVIDUALS
25 WITH INTERDISCIPLINARY EXPERTISE.—In

1 appointing members to the Commission,
 2 preference shall be given to individuals who
 3 have interdisciplinary experience.

4 (B) POLITICAL AFFILIATION OF MEM-
 5 BERS.—Members of the Commission shall be
 6 appointed so that not more than 9 members of
 7 the Commission are members of any 1 political
 8 party.

9 (5) DATE OF APPOINTMENTS.—The appoint-
 10 ment of a member of the Commission shall be made
 11 not later than March 30, 2007.

12 (6) TERM; VACANCIES.—

13 (A) TERM.—A member of the Commission
 14 shall be appointed for the life of the Commis-
 15 sion.

16 (B) VACANCIES.—

17 (i) IN GENERAL.—A vacancy on the
 18 Commission shall be filled in the same
 19 manner in which the original appointment
 20 was made.

21 (ii) PARTIAL TERM.—A member ap-
 22 pointed to fill a vacancy on the Commis-
 23 sion shall serve for the remainder of the
 24 term for which the predecessor of the
 25 member was appointed.

1 (7) INITIAL MEETING.—Not later than 30 days
2 after the date on which all members of the Commis-
3 sion have been appointed, the Commission shall hold
4 the initial meeting of the Commission.

5 (8) MEETINGS.—

6 (A) IN GENERAL.—The Commission shall
7 meet—

8 (i) at least twice each year; or

9 (ii) at the call of the Chairperson or
10 the majority of the members of the Com-
11 mission.

12 (B) PUBLIC ACCESS TO MEETINGS.—

13 (i) IN GENERAL.—Except as provided
14 in clause (ii), each meeting of the Commis-
15 sion shall be open to the general public.

16 (ii) EXCEPTION.—If a meeting of the
17 Commission addresses a matter described
18 in section 552b(c) of title 5, United States
19 Code, the Commission may close the meet-
20 ing, or a portion of the meeting, to the
21 general public.

22 (9) QUORUM.—A majority of voting members
23 shall constitute a quorum, but a lesser number may
24 hold meetings.

25 (10) CHAIRPERSON AND VICE CHAIRPERSON.—

1 (A) ELECTION.—The Commission shall
2 elect the Chairperson and the Vice Chairperson
3 of the Commission on an annual basis.

4 (B) ABSENCE OF THE CHAIRPERSON.—
5 The Vice Chairperson shall serve as the Chair-
6 person in the absence of the Chairperson.

7 (11) VOTING.—The Commission shall act only
8 on an affirmative vote of a majority of the voting
9 members of the Commission.

10 **SEC. 4. DUTIES.**

11 (a) STUDY.—The Commission shall—

12 (1) review and affirm current scientific under-
13 standing on the health of the global environment
14 and the long-term availability of natural resources
15 through the use of independent, consensus-based as-
16 sessments and peer reviewed studies undertaken by
17 the United States, the United Nations, and any
18 other international entity;

19 (2) study the impacts of—

20 (A) global and transnational environmental
21 problems, natural resource scarcity, and global
22 population pressure on the interests of the
23 United States, including—

24 (i) national security;

25 (ii) public health;

- 1 (iii) industry and trade; and
- 2 (iv) international relations; and
- 3 (B) the actions of the United States on
- 4 global environmental security;
- 5 (3) assess—
- 6 (A) the effectiveness of Federal and State
- 7 efforts to enhance global environmental secu-
- 8 rity, including—
- 9 (i) the integration of related activities;
- 10 (ii) the interagency coordination of re-
- 11 lated activities; and
- 12 (iii) the funding of related activities;
- 13 (B) the evolving roles of—
- 14 (i) government;
- 15 (ii) business; and
- 16 (iii) nongovernmental organizations;
- 17 and
- 18 (C) the adequacy of efforts initiated by
- 19 public and private partnerships that strive to
- 20 meet the goals of—
- 21 (i) global environmental protection;
- 22 (ii) natural resource sustainability;
- 23 and
- 24 (iii) economic prosperity; and

1 (4) determine the progress of the United States
2 in—

3 (A) achieving relevant international goals
4 and obligations; and

5 (B) meeting the challenges outlined by the
6 scientific studies described under paragraph
7 (1).

8 (b) RECOMMENDATIONS.—The Commission shall de-
9 velop recommendations for creating a coordinated, com-
10 prehensive, and long-range national policy that promotes
11 global environmental security.

12 (c) REPORT.—

13 (1) IN GENERAL.—By March 30, 2009, the
14 Commission shall submit to the President and Con-
15 gress a report that contains—

16 (A) a detailed statement of the findings
17 and conclusions of the Commission;

18 (B) a summary of public comments; and

19 (C) the recommendations of the Commis-
20 sion for such legislation and administrative ac-
21 tions as the Commission considers appropriate.

22 (2) PUBLICATION OF REPORT.—Not later than
23 90 days before submitting the final report of the
24 Commission to the President and Congress, the

1 Commission shall publish a copy of the report in the
2 Federal Register.

3 (3) PUBLIC COMMENT.—

4 (A) IN GENERAL.—Before submitting the
5 report of the Commission to the President and
6 Congress, the Commission shall—

7 (i) make a draft of the report avail-
8 able for public comment for a period of not
9 less than 60 days; and

10 (ii) consider public comments relating
11 to the draft of the report.

12 (B) AVAILABILITY OF REPORT.—A copy of
13 the report of the Commission shall remain
14 available for inspection—

15 (i) in the offices of the Commission;
16 and

17 (ii) through electronically accessible
18 formats and means, such as the World
19 Wide Web.

20 (4) CONGRESSIONAL REVIEW.—

21 (A) IN GENERAL.—Not later than 90 days
22 before submitting the final report of the Com-
23 mission to the President and Congress, the
24 Commission shall provide copies of the report to
25 the Chairpersons and ranking members of—

1 (i) the Committee on Environment
2 and Public Works of the Senate;

3 (ii) the Committee on Foreign Rela-
4 tions of the Senate;

5 (iii) the Committee on Commerce,
6 Science, and Transportation of the Senate;

7 (iv) the Committee on Homeland Se-
8 curity and Governmental Affairs of the
9 Senate;

10 (v) the Committee on Energy and
11 Commerce of the House of Representa-
12 tives;

13 (vi) the Committee on International
14 Relations of the House of Representatives;

15 (vii) the Committee on Resources of
16 the House of Representatives;

17 (viii) the Committee on Science of the
18 House of Representatives;

19 (ix) the Committee on Homeland Se-
20 curity of the House of Representatives;
21 and

22 (x) the Committee on Government Re-
23 form of the House of Representatives.

24 (B) OPPORTUNITY FOR COMMENT.—Be-
25 fore submitting the report to the President and

1 Congress, the Commission shall provide each
2 chairperson and ranking member of a com-
3 mittee described in subparagraph (A) with an
4 opportunity to comment on the report.

5 **SEC. 5. POWERS.**

6 (a) HEARINGS.—

7 (1) IN GENERAL.—The Commission or, at the
8 direction of the Commission, any subcommittee or
9 member of the Commission, may, for the purpose of
10 carrying out this Act hold such hearings, meet and
11 act at such times and places, take such testimony,
12 receive such evidence, and administer such oaths as
13 the Commission or such subcommittee or members
14 considers advisable.

15 (2) NOTICE; MINUTES; PUBLIC AVAILABILITY
16 OF DOCUMENTS.—

17 (A) NOTICE.—Each open meeting of the
18 Commission shall be preceded by timely public
19 notice in the Federal Register of the time,
20 place, and subject of the meeting.

21 (B) MINUTES.—Minutes of each meeting
22 shall—

23 (i) be kept by the Commission; and

24 (ii) contain—

1 (I) a record of the individuals
2 present;

3 (II) a description of the discus-
4 sion that occurred during the meeting;
5 and

6 (III) copies of all statements filed
7 during the meeting.

8 (iii) AVAILABILITY.—Subject to sec-
9 tion 552 of title 5, United States Code, the
10 minutes and records of all meetings and
11 other documents made available to or pre-
12 pared for the Commission shall be avail-
13 able for public inspection and copying at a
14 single location in the offices of the Com-
15 mission.

16 (b) INFORMATION FROM FEDERAL AGENCIES.—

17 (1) IN GENERAL.—The Commission may secure
18 directly from a Federal agency such information as
19 the Commission considers necessary to carry out this
20 Act.

21 (2) PROVISION OF INFORMATION.—On request
22 of the Chairperson of the Commission, the head of
23 the agency shall provide the information to the Com-
24 mission.

25 (c) ESTABLISHMENT OF SUBCOMMITTEES.—

1 (1) IN GENERAL.—The Commission may estab-
 2 lish 1 or more subcommittees to provide staff sup-
 3 port and otherwise assist in carrying out the respon-
 4 sibilities of the Commission.

5 (2) POLITICAL AFFILIATION OF SUBCOMMITTEE
 6 MEMBERS.—Members of a subcommittee shall be ap-
 7 pointed so that not more than $\frac{1}{2}$ of the members of
 8 the subcommittee are members of any 1 political
 9 party.

10 (d) ESTABLISHMENT OF MULTIDISCIPLINARY
 11 SCIENCE, ECONOMIC, AND TECHNICAL ADVISORY
 12 PANEL.—

13 (1) IN GENERAL.—To assist the Commission in
 14 carrying out the duties of the Commission under this
 15 Act, the Commission may establish a multidisci-
 16 plinary science, economic, and technical advisory
 17 panel (referred to in this Act as the “Advisory
 18 Panel”).

19 (2) COMPOSITION OF ADVISORY PANEL.—The
 20 Advisory Panel shall be composed of individuals ap-
 21 pointed by the Commission, each of whom shall have
 22 expertise in—

- 23 (A) biological science;
- 24 (B) marine science;
- 25 (C) atmospheric science;

- 1 (D) environmental toxicology;
- 2 (E) epidemiology;
- 3 (F) biogeochemistry;
- 4 (G) energy and water security;
- 5 (H) renewable energy;
- 6 (I) social science; or
- 7 (J) economics.

8 (3) APPOINTMENT.—The members of the Advi-
9 sory Panel shall be appointed by a majority vote of
10 all members of the Commission.

11 (4) USE OF BEST AVAILABLE DATA.—The Advi-
12 sory Panel shall ensure that the scientific informa-
13 tion considered by the Commission is based on the
14 best available data.

15 (e) CONTRACTS.—The Commission may make or
16 enter into contracts, leases, or other legal agreements to
17 carry out this Act.

18 (f) POSTAL SERVICES.—The Commission may use
19 the United States mails in the same manner and under
20 the same conditions as other agencies of the Federal Gov-
21 ernment.

22 (g) GIFTS.—The Commission may accept, use, and
23 dispose of gifts or donations of services or property.

24 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

25 (a) COMPENSATION OF MEMBERS.—

1 (1) NON-FEDERAL EMPLOYEES.—A member of
2 the Commission who is not an officer or employee of
3 the Federal Government shall be compensated at a
4 rate equal to the daily equivalent of the annual rate
5 of basic pay prescribed for level IV of the Executive
6 Schedule under section 5315 of title 5, United
7 States Code, for each day (including travel time)
8 during which the member is engaged in the perform-
9 ance of the duties of the Commission.

10 (2) FEDERAL EMPLOYEES.—A member of the
11 Commission who is an officer or employee of the
12 Federal Government shall serve without compensa-
13 tion in addition to the compensation received for the
14 services of the member as an officer or employee of
15 the Federal Government.

16 (b) TRAVEL EXPENSES.—A member of the Commis-
17 sion shall be allowed travel expenses, including per diem
18 in lieu of subsistence, at rates authorized for an employee
19 of an agency under subchapter I of chapter 57 of title
20 5, United States Code, while away from the home or reg-
21 ular place of business of the member in the performance
22 of the duties of the Commission.

23 (c) STAFF.—

24 (1) IN GENERAL.—The Chairperson of the
25 Commission may, without regard to the civil service

1 laws (including regulations), appoint and terminate
2 an Executive Director and such other additional per-
3 sonnel as are necessary to enable the Commission to
4 perform the duties of the Commission.

5 (2) CONFIRMATION OF EXECUTIVE DIREC-
6 TOR.—The employment of an Executive Director
7 shall be subject to confirmation by the Commission.

8 (d) EXPERTS AND CONSULTANTS.—

9 (1) IN GENERAL.—The Commission may obtain
10 the services of experts and consultants in the private
11 and nonprofit sectors in accordance with section
12 3109 of title 5, United States Code.

13 (2) COMPENSATION OF EXPERTS AND CON-
14 SULTANTS.—A consultant or expert described in
15 paragraph (1) shall be compensated at a rate equal
16 to the daily equivalent of the annual rate of basic
17 pay prescribed for level IV of the Executive Schedule
18 under section 5315 of title 5, United States Code,
19 for each day (including travel time) during which the
20 member is engaged in the performance of the duties
21 of the Commission.

22 (e) DETAIL OF GOVERNMENT EMPLOYEES.—

23 (1) FEDERAL EMPLOYEES.—

24 (A) IN GENERAL.—At the request of the
25 Commission, the head of any Federal agency

1 may detail, on a reimbursable or nonreimburs-
2 able basis, any of the personnel of the agency
3 to the Commission to assist the Commission in
4 carrying out the duties of the Commission
5 under this Act.

6 (B) CIVIL SERVICE STATUS.—The detail of
7 an employee under subparagraph (A) shall be
8 without interruption or loss of civil service sta-
9 tus or privilege.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 this Act \$8,500,000 for the period of fiscal years 2007
13 through 2010, to remain available until expended.

14 **SEC. 8. TERMINATION OF COMMISSION.**

15 (a) DATE OF TERMINATION.—The Commission shall
16 terminate 30 days after the date on which the Commission
17 submits the report of the Commission under section 4(c).

18 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
19 NATION.—The Commission may use the 30-day period re-
20 ferred to in subsection (a) to—

21 (1) conclude the activities of the Commission;

22 and

23 (2) provide testimony before any committee of
24 Congress concerning the report of the Commission.

1 (c) POST-COMMISSION ACTIVITIES.—The members
 2 and staff of the Commission, the Members of Congress,
 3 and employees of Federal agencies are encouraged to—

4 (1) continue the multi-stakeholder dialogue
 5 started by the Commission in new forums and ca-
 6 pacities; and

7 (2) examine any institutional needs, including—

8 (A) the formation of a new office;

9 (B) improvements in organization;

10 (C) a network; or

11 (D) a caucus.

12 **SEC. 9. RESPONSE OF THE PRESIDENT.**

13 (a) IN GENERAL.—Not later than 90 days after the
 14 date of receipt of the report of the Commission under sec-
 15 tion 4(c), the President shall submit to Congress and ap-
 16 propriate Federal agencies a report containing a state-
 17 ment of proposals to carry out or respond to the rec-
 18 ommendations of the Commission.

19 (b) AVAILABILITY OF REPORT.—The report de-
 20 scribed in subsection (a) shall be published or otherwise
 21 made available, including (to the maximum extent prac-
 22 ticable) in electronically accessible formats and means,
 23 such as the World Wide Web.

