

TWENTY-FIRST CENTURY WATER COMMISSION ACT OF
2007

DECEMBER 19, 2007.—Ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 135]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural 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 without amendment and recommend that the bill do pass.

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

H.R. 135 would establish the “Twenty-First Century Water Policy Commission.” Under the bill, the Commission is charged with conducting a study of 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 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 will appoint 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 on January 4, 2007 by Rep. John Linder (R-GA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. The bill was also referred to the Committee on Transportation and Infrastructure.

On October 10, 2007, Committee on Natural Resources met to consider H.R. 135. The Subcommittee on Water and Power was discharged from further consideration of the bill, and the bill was ordered favorably reported by unanimous consent and without amendment to the House of Representatives.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 states that the Act may be cited as the "Twenty-First Century Water Commission Act of 2007".

Section 2. Findings

Section 2 summarizes the need for the legislation.

Section 3. Establishment

Section 3 establishes a commission to be known as the "Twenty-First Century Water Commission."

Section 4. Duties

Section 4 outlines the roles and responsibilities of the Commission, which includes using existing water assessments and current water management programs to create a comprehensive water strategy.

Section 5. Membership

Section 5 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

Section 6 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

Section 7 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

Section 8 provides that the Commission shall hold no fewer than ten hearings during its existence. 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, DC. Other hearings will be held in 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

Section 9 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. No 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, and the appropriate authorizing committees in the House of Representatives and the Senate.

Section 10. Termination

Section 10 provides the Commission shall terminate not later than 30 days following transmittal of the Commission's final report.

Section 11. Authorization of appropriations

Section 11 authorizes the appropriation of \$9,000,000 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 Natural 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:

H.R. 135—Twenty-First Century Water Commission Act of 2007

Summary: H.R. 135 would establish the Twenty-First Century Water Commission. The Commission's responsibilities would include projecting the future of water supply and demand in the United States, studying the management of that supply, and preparing a comprehensive strategy for its management in the future.

Assuming appropriation of the amount specified in the bill, CBO estimates that implementing H.R. 135 would cost \$9 million over the 2008–2012 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—				
	2008	2009	2010	2011	2012
CHANGING IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	2	3	2	2	0
Estimated Outlays	1	2	3	3	0

Basis of Estimate: For this estimate, CBO assumes that H.R. 135 will be enacted near the beginning of fiscal year 2008 and that the \$9 million authorized to be appropriated by the bill will be provided over the next four years. Estimates of spending are based on historical spending patterns of similar activities.

H.R. 135 would require the President and the Congress to appoint 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 2008, and that the commission would issue its final report in 2011.

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: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 135 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

