

105TH CONGRESS
1ST SESSION

S. 222

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1997

Referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Drought Pol-
5 icy Act of 1997”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the United States often suffers serious eco-
4 nomic and environmental losses from severe regional
5 droughts and there is no coordinated Federal strat-
6 egy to respond to such emergencies;

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

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

17 (4) there has never been one single Federal
18 agency in a lead or coordinating role with regard to
19 drought;

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

24 (6) the President should appoint an advisory
25 commission to provide advice and recommendations
26 on the creation of an integrated, coordinated Federal

1 policy designed to prepare for and respond to serious
2 drought emergencies.

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

4 (a) ESTABLISHMENT.—There is established a com-
5 mission to be known as the National Drought Policy Com-
6 mission (hereafter in this Act referred to as the “Commis-
7 sion”).

8 (b) MEMBERSHIP.—

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

12 (A) the Secretary of Agriculture, or the
13 designee of the Secretary, who shall serve as
14 Chairperson of the Commission;

15 (B) the Secretary of the Interior, or the
16 designee of the Secretary;

17 (C) the Secretary of the Army, or the des-
18 ignee of the Secretary;

19 (D) the Secretary of Commerce, or the
20 designee of the Secretary;

21 (E) the Director of the Federal Emergency
22 Management Agency, or the designee of the Di-
23 rector;

1 (F) the Administrator of the Small Busi-
2 ness Administration, or the designee of the Ad-
3 ministrator;

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
8 State 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 Sec-
18 retary of Agriculture who shall be representa-
19 tive of groups acutely affected by drought emer-
20 gencies, such as the agricultural production
21 community, the credit community, rural water
22 associations, and Native Americans.

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

1 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
 2 bers shall be appointed for the life of the Commission. Any
 3 vacancy 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
 8 been appointed, the Commission shall hold its first meet-
 9 ing.

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

12 (f) QUORUM.—A majority of the members of the
 13 Commission shall constitute a quorum, but a lesser num-
 14 ber of members may hold hearings.

15 (g) VICE CHAIRPERSON.—The Commission shall se-
 16 lect a Vice Chairperson from among the members who are
 17 not Federal officers or employees.

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

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

22 (b) CONTENT OF STUDY AND REPORT.—In conduct-
 23 ing the study and report, the Commission shall—

24 (1) determine, in consultation with the National
 25 Drought Mitigation Center in Lincoln, Nebraska,

1 what needs exist on the Federal, State, local, and
2 tribal levels to prepare for and respond to drought
3 emergencies;

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

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

9 (4) determine what differences exist between
10 the needs of those affected by drought and the Fed-
11 eral laws and programs designed to mitigate the im-
12 pacts of and respond to drought;

13 (5) collaborate with the Western Drought Co-
14 ordination Council in order to consider regional
15 drought initiatives and the application of such initia-
16 tives at the national level;

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

24 (7) include a recommendation on whether all
25 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
5 after the date of enactment of this Act, the Commis-
6 sion shall submit a report to the President and the
7 Committee on Governmental Affairs of the Senate
8 and the Committee on Government Reform and
9 Oversight of the House of Representatives which
10 shall contain a detailed statement of the findings
11 and conclusions of the Commission, together with its
12 recommendations for such legislation and adminis-
13 trative actions as it 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
17 the report is approved by majority vote, members
18 voting not to approve the contents shall be given the
19 opportunity to submit dissenting views with the re-
20 port.

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

22 (a) HEARINGS.—The Commission may hold such
23 hearings, sit and act at such times and places, take such
24 testimony, and receive such evidence as the Commission
25 considers 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 sider 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 in-
7 formation to the Commission.

8 (c) POSTAL SERVICES.—The Commission may use
9 the United States mails in the same manner and under
10 the same conditions as other departments and agencies of
11 the 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
19 (b). All members of the Commission who are officers or
20 employees of the United States shall serve without com-
21 pensation in addition to that received for their services as
22 officers or employees of the United States.

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

ees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Agriculture shall provide all financial, administrative, and staff support services for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

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

Passed the Senate November 10, 1997.

Attest:

GARY SISCO,
Secretary.