

109TH CONGRESS
1ST SESSION

S. 2050

To establish a commission on inland waters policy.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2005

Ms. SNOWE (for herself and Ms. CANTWELL) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To establish a commission on inland waters policy.

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 Inland Wa-
5 ters Policy Commission Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the United States—

9 (A) is endowed with a vast and diverse net-

10 work of inland bodies of water; and

1 (B) has benefited greatly from the man-
2 agement, use, and development of those water
3 resources;

4 (2) States have primacy in adjudicating, admin-
5 istering, regulating, and allocating rights and uses
6 for intrastate waters resources;

7 (3) inland waters resources—

8 (A) are essential in meeting the need for
9 fresh water for human consumption;

10 (B) are integral to the production of food
11 and a wealth of natural resources;

12 (C) are critical to health of the natural en-
13 vironment;

14 (D) support an enormous array of bio-
15 diversity; and

16 (E) serve the country in agricultural pro-
17 duction, municipal consumption, transportation,
18 waste assimilation, energy generation, recre-
19 ation, aquaculture, industrial, and security
20 needs;

21 (4) less than 1 percent of the world's water is
22 fresh and liquid, and of that, 0.0008 percent is re-
23 newable annually for use by people and land and
24 water species;

1 (5) the availability, distribution, stability, and
2 integrity of water resources are vital to the future of
3 the economic, social, and environmental well-being of
4 the United States;

5 (6) water—

6 (A) is a dynamic and scarce resource that
7 is susceptible to—

8 (i) change as a result of direct and in-
9 direct human activity; and

10 (ii) changes in climate; and

11 (B) is subject to naturally occurring fluc-
12 tuations that affect supply, quality, and dis-
13 tribution;

14 (7) changes in inland waters can increase de-
15 mand and place added pressure on the availability,
16 distribution, and integrity of water resources;

17 (8) the Federal Government has a critical role
18 in maintaining the quality and quantity of available
19 water resources while meeting new challenges for
20 usage;

21 (9) furthering scientific understanding of inland
22 waters can greatly enhance efforts to efficiently uti-
23 lize, distribute, and preserve water resources;

24 (10) because jurisdiction over, and regulation
25 of, inland waters involve Federal, State, interstate,

1 and local governments, the coordination of water
2 policies between the Federal, State, and local levels
3 is essential to managing inland waters and respond-
4 ing to the demands of stakeholders;

5 (11) through the observance of the Year of
6 Clean Water beginning on October 18, 2002, the
7 United States recognized that significant progress
8 has been made in improving—

9 (A) the quality of drinking water;

10 (B) the management of wastewater; and

11 (C) the health of the country's waters, wet-
12 land, and watersheds;

13 (12) the designation of 2002–2003 as the Year
14 of Clean Water—

15 (A) renewed the Nation's commitment to
16 managing inland waters; and

17 (B) focused attention on developing new
18 approaches to meeting future challenges to the
19 value and function of water resources;

20 (13) given the rising pressure on inland waters
21 and the complexity of managing waters resources, an
22 integrated strategy for water research, use, alloca-
23 tion, and conservation is needed to ensure that poli-
24 cies for managing the Nation's inland waters ad-

1 dress emerging challenges and continue to serve the
2 Nation's water needs in the future; and

3 (14) in 2001 and 2004, the National Academies
4 of Science concluded that the level of investment in,
5 and coordination of, water resources research is in-
6 adequate to confront current pressing water issues.

7 **SEC. 3. PURPOSE.**

8 The purpose of this Act is to establish a commission
9 to make recommendations for a coordinated and com-
10 prehensive national inland waters policy that will pro-
11 mote—

12 (1) protection of life and property;

13 (2) responsible stewardship of inland waters re-
14 sources;

15 (3) protection of inland aquatic environments
16 and prevention of water pollution;

17 (4) enhancement of commerce and transpor-
18 tation relating to inland waters;

19 (5) resolution of conflicts among users of inland
20 waters, while recognizing climate variations;

21 (6) engagement of State and local governments
22 and the private sector in innovative approaches for
23 sustainable use of inland waters resources;

24 (7) expansion of human knowledge of inland
25 aquatic environments and the relationships among—

1 (A) inland aquatic environments;

2 (B) terrestrial environments;

3 (C) marine environments;

4 (D) extreme weather events; and

5 (E) climate;

6 (8) advancement of research, education, and
7 training in fields relating to inland waters steward-
8 ship, management, and development;

9 (9) investments in, and development and im-
10 provement of the capabilities, performance, use, and
11 efficiency of, technologies relating to—

12 (A) water distribution;

13 (B) agricultural application and drought
14 mitigation;

15 (C) pollution prevention;

16 (D) wastewater treatment;

17 (E) drinking water;

18 (F) energy production;

19 (G) instream waterflow;

20 (H) wildlife and fish habitat preservation
21 and restoration;

22 (I) food security; and

23 (J) other activities relating to inland wa-
24 ters; and

(10) close cooperation among all Federal agencies, State and local governments, and the private sector on matters affecting inland waters to ensure—

(A) coherent and consistent stewardship, development, regulation, and management of activities affecting inland waters;

(B) availability and appropriate allocation of Federal resources, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal agencies and programs engaged in inland waters activities; and

(D) enhancements of partnerships with State, interstate, and local governments with respect to inland waters activities, including the management of inland waters and identification of appropriate opportunities for policymaking and decisionmaking at the State and local levels.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Commission on Inland Waters Policy established by section 5(a).

1 (2) INLAND WATERS.—The term “inland wa-
2 ters” includes—

3 (A) streams;

4 (B) rivers;

5 (C) lakes (including the Great Lakes);

6 (D) ponds;

7 (E) aquifers;

8 (F) riparian areas;

9 (G) estuaries; and

10 (H) freshwater and saltwater wetlands.

11 (3) INLAND WATERS RESOURCE.—The term
12 “inland waters resource” means a living or nonliving
13 natural, historic, or cultural resource in the environ-
14 ment of inland waters.

15 **SEC. 5. ESTABLISHMENT OF COMMISSION.**

16 (a) ESTABLISHMENT.—There is established a com-
17 mission to be known as the “Commission on Inland Wa-
18 ters Policy”.

19 (b) MEMBERSHIP.—

20 (1) COMPOSITION.—The Commission shall be
21 composed of 16 members who—

22 (A) are knowledgeable concerning inland
23 aquatic activities; and

24 (B) represent—

25 (i) State and local governments;

(ii) industries directly or indirectly relating to inland waters, including aquaculture, agriculture, and manufacturing;

(iii) academic and technical institutions; and

(iv) public-interest organizations involved with scientific, regulatory, economic, conservation, or recreational inland aquatic activities.

(2) APPOINTMENT.—Of the members appointed to the Commission—

(A) 4 shall be appointed by the President;

(B) 4 shall be appointed by the President from among 8 candidates nominated by the majority leader of the Senate, in consultation with the Committee on Commerce of the Senate;

(C) 4 shall be appointed by the President from among 8 candidates nominated by the Speaker of the House of Representatives, in consultation with the Committee on Energy and Commerce of the House of Representatives;

(D) 2 shall be appointed by the President from among 4 candidates nominated by the minority leader of the Senate, in consultation with the Committee on Commerce of the Senate; and

1 (E) 2 shall be appointed by the President
2 from among 4 candidates nominated by the mi-
3 nority leader of the House of Representatives,
4 in consultation with the Committee on Energy
5 and Commerce of the House of Representatives.

6 (3) BALANCE.—The membership of the Com-
7 mission shall be—

8 (A) balanced by area of expertise; and

9 (B) balanced geographically with respect to
10 each of the regions specified in subsection
11 (d)(3)(A).

12 (4) DATE OF APPOINTMENTS.—The appoint-
13 ment of a member of the Commission shall be made
14 not later than 90 days after the date of enactment
15 of this Act.

16 (c) TERM; VACANCIES.—

17 (1) TERM.—A member shall be appointed for
18 the life of the Commission.

19 (2) VACANCIES.—A vacancy on the Commis-
20 sion—

21 (A) shall not affect the powers of the Com-
22 mission; and

23 (B) shall be filled in the same manner as
24 the original appointment was made.

25 (d) MEETINGS.—

1 (1) IN GENERAL.—The Commission shall meet
2 at the call of the Chairperson.

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

7 (3) PUBLIC MEETINGS.—

8 (A) IN GENERAL.—The Commission shall
9 hold at least 1 meeting in each of—

- 10 (i) the Northeast;
- 11 (ii) the Southeast (including the Car-
12 ibbean);
- 13 (iii) the Southwest;
- 14 (iv) the Northwest;
- 15 (v) the Midwest; and
- 16 (vi) the Great Lakes region.

17 (B) NOTICE.—Notice of each public meet-
18 ing shall be published in the Federal Register
19 in advance of the meeting.

20 (e) QUORUM.—A majority of the members of the
21 Commission shall constitute a quorum, but a lesser num-
22 ber of members may hold hearings.

23 (f) CHAIRPERSON.—

1 (1) IN GENERAL.—The Commission shall select
 2 a Chairperson from among the members of the Com-
 3 mission.

4 (2) DUTIES.—The Chairperson shall supervise
 5 the staff and the expenditure of the funds of the
 6 Commission.

7 **SEC. 6. DUTIES.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Commission shall con-
 10 duct a study of all matters relating to inland waters.

11 (2) MATTERS TO BE STUDIED.—The matters to
 12 be studied by the Commission shall include, with re-
 13 spect to inland waters—

14 (A) a review of the supply and demand for
 15 inland waters resources and anticipated future
 16 supply and demand for inland waters;

17 (B) an assessment of existing and planned
 18 facilities associated with inland waters activi-
 19 ties, including human resources, vessels, tech-
 20 nical equipment, and scientific research facili-
 21 ties;

22 (C) a review of existing and planned inland
 23 waters activities and research of Federal enti-
 24 ties;

1 (D)(i) a review of the cumulative effect of
2 Federal laws (including regulations) of inland
3 waters; and

4 (ii) an explanation of those laws for incon-
5 sistencies and contradictions that might ad-
6 versely affect inland waters activities, including
7 management, stewardship, conservation, and al-
8 location;

9 (E) an assessment of the relationship
10 among inland waters management regimes
11 among Federal, State, local, and private enti-
12 ties;

13 (F) a review of opportunities for invest-
14 ment in new products and technologies that can
15 enhance inland waters activities;

16 (G) a review of previous and ongoing Fed-
17 eral and State efforts to enhance the effective-
18 ness and integration of inland waters activities;
19 and

20 (H) a review of the effectiveness of policy
21 coordination among Federal agencies.

22 (b) RECOMMENDATIONS.—

23 (1) IN GENERAL.—The Commission shall de-
24 velop recommendations on matters relating to inland
25 waters, including recommendations for—

1 (A) changes in those activities and re-
2 search necessary to improve efficiency and ef-
3 fectiveness and to reduce duplication of Federal
4 efforts;

5 (B) resolving the inconsistencies in the
6 laws reviewed under subsection (a)(2)(D)(i) to
7 the extent practicable; and

8 (C) modifications to Federal laws or the
9 structure of executive agencies necessary to im-
10 prove the understanding, management, con-
11 servation, use, distribution, and availability of
12 inland waters.

13 (2) LIMITATIONS ON RECOMMENDATIONS.—In
14 developing recommendations under paragraph (1),
15 the Commission—

16 (A) shall give equal consideration to envi-
17 ronmental, technical feasibility, economic, and
18 scientific factors; and

19 (B) shall not make recommendations spe-
20 cific to the land or water within a single State
21 unless that land or water constitutes a unique
22 ecosystem that exists in no other State.

23 (c) REPORT.—

24 (1) DRAFT REPORT.—Not later than 18 months
25 after the date of enactment of this Act, the Commis-

1 sion shall submit to the Committee on Commerce of
2 the Senate and the Committee on Energy and Com-
3 merce of the House of Representatives and to the
4 Governor of each State, for comment, a draft report
5 that contains—

6 (A) a detailed statement of the findings
7 and conclusions of the Commission; and

8 (B) the recommendations of the Commis-
9 sion for such legislation and administrative ac-
10 tions as the Commission considers appropriate.

11 (2) FINAL REPORT.—Not later than 2 years
12 after the date of enactment of this Act, the Commis-
13 sion shall submit to the President and Congress a
14 final report that includes the comments of the Gov-
15 ernors on the draft report.

16 (d) SCIENCE ADVISORY PANEL.—

17 (1) IN GENERAL.—The Commission, in con-
18 sultation with the National Academy of Sciences,
19 shall establish a multidisciplinary science advisory
20 panel to assist the Commission in carrying out the
21 duties of the Commission under this section.

22 (2) USE OF BEST AVAILABLE SCIENTIFIC
23 DATA.—The science advisory panel shall ensure that
24 the scientific information considered by the Commis-
25 sion is based on the best available data.

1 **SEC. 7. POWERS.**

2 (a) HEARINGS.—The Commission may hold such
3 hearings, meet and act at such times and places, take such
4 testimony, and receive such evidence as the Commission
5 considers advisable to carry out this Act.

6 (b) INFORMATION FROM FEDERAL AGENCIES.—

7 (1) IN GENERAL.—The Commission may secure
8 directly from a Federal agency such information as
9 the Commission considers necessary to carry out this
10 Act.

11 (2) PROVISION OF INFORMATION.—On request
12 of the Chairperson of the Commission, the head of
13 the agency shall provide the information to the Com-
14 mission.

15 (c) POSTAL SERVICES.—The Commission may use
16 the United States mails in the same manner and under
17 the same conditions as other agencies of the Federal Gov-
18 ernment.

19 (d) GIFTS.—The Commission may accept, use, and
20 dispose of gifts or donations of services or property.

21 **SEC. 8. COMMISSION PERSONNEL MATTERS.**

22 (a) COMPENSATION OF MEMBERS.—

23 (1) NON-FEDERAL EMPLOYEES.—A member of
24 the Commission who is not an officer or employee of
25 the Federal Government shall be compensated at a
26 rate equal to the daily equivalent of the annual rate

1 of basic pay prescribed for level IV of the Executive
2 Schedule under section 5315 of title 5, United
3 States Code, for each day (including travel time)
4 during which the member is engaged in the perform-
5 ance of the duties of the Commission.

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

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

19 (c) STAFF.—

20 (1) IN GENERAL.—The Chairperson of the
21 Commission may, without regard to the civil service
22 laws (including regulations), appoint and terminate
23 an executive director and such other additional per-
24 sonnel as are necessary to enable the Commission to
25 perform the duties of the Commission.

1 (2) CONFIRMATION OF EXECUTIVE DIREC-
 2 TOR.—The employment of an executive director shall
 3 be subject to confirmation by the Commission.

4 (3) COMPENSATION.—

5 (A) IN GENERAL.—Except as provided in
 6 subparagraph (B), the Chairperson of the Com-
 7 mission may fix the compensation of the execu-
 8 tive director and other personnel without regard
 9 to the provisions of chapter 51 and subchapter
 10 III of chapter 53 of title 5, United States Code,
 11 relating to classification of positions and Gen-
 12 eral Schedule pay rates.

13 (B) MAXIMUM RATE OF PAY.—The rate of
 14 pay for the executive director and other per-
 15 sonnel shall not exceed the rate payable for
 16 level V of the Executive Schedule under section
 17 5316 of title 5, United States Code.

18 (d) DETAIL OF FEDERAL GOVERNMENT EMPLOY-
 19 EES.—

20 (1) IN GENERAL.—An employee of the Federal
 21 Government may be detailed to the Commission
 22 without reimbursement.

23 (2) CIVIL SERVICE STATUS.—The detail of the
 24 employee shall be without interruption or loss of civil
 25 service status or privilege.

1 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
 2 **TENT SERVICES.**—The Chairperson of the Commission
 3 may procure temporary and intermittent services in ac-
 4 cordance with section 3109(b) of title 5, United States
 5 Code, at rates for individuals that do not exceed the daily
 6 equivalent of the annual rate of basic pay prescribed for
 7 level V of the Executive Schedule under section 5316 of
 8 that title.

9 **SEC. 9. REPORTS BY THE PRESIDENT.**

10 (a) **NATIONAL INLAND WATERS POLICY.**—

11 (1) **IN GENERAL.**—Not later than 120 days
 12 after the Commission submits the final report of the
 13 Commission under section 6(c)(2), the President
 14 shall submit to Congress a report entitled “National
 15 Inland Waters Policy”.

16 (2) **CONTENTS.**—The report shall contain a
 17 statement of proposals to implement or respond to
 18 the recommendations of the Commission for a co-
 19 ordinated, comprehensive, and long-range national
 20 policy for the responsible use and stewardship of in-
 21 land waters for the benefit of the United States.

22 (3) **CONSULTATION.**—The report under para-
 23 graph (1) shall be developed in consultation with the
 24 States.

1 (4) EFFECT OF SUBSECTION.—Nothing in this
 2 subsection authorizes the President to take any ad-
 3 ministrative or regulatory action, or to implement a
 4 reorganization plan, not otherwise authorized by
 5 other law in effect as of the date of the action.

6 (b) BIENNIAL REPORT.—Not later than January 31,
 7 2006, and biennially thereafter, the President shall submit
 8 to Congress a report on all Federal programs relating to
 9 inland waters activities, including—

10 (1) a description of each program;

11 (2) the relationship between the program and
 12 other Federal programs;

13 (3) the level of funding for the program for the
 14 fiscal year in which the report is submitted; and

15 (4) a projection of the level at which the pro-
 16 gram will be funded for each of the following 5 fiscal
 17 years.

18 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to carry out
 20 this Act \$8,500,000, to remain available until expended.

21 **SEC. 11. TERMINATION OF COMMISSION.**

22 The Commission shall terminate 120 days after the
 23 date on which the Commission submits the final report
 24 of the Commission under section 6(c)(2).

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