

111TH CONGRESS  
1ST SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. LINDER (for himself, Ms. BORDALLO, Mrs. NAPOLITANO, and Mr. COSTA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, 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

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Twenty-First Century  
5 Water Commission Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

4           (2) a thorough assessment of technological and  
5           economic advances that can be employed to increase  
6           water supplies or otherwise meet water needs in  
7           every region of the country is important and long  
8           overdue; and

9           (3) a comprehensive strategy to increase water  
10          availability and ensure safe, adequate, reliable, and  
11          sustainable water supplies is vital to the economic  
12          and environmental future of the Nation.

13 **SEC. 3. ESTABLISHMENT.**

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

17 **SEC. 4. DUTIES.**

18          The duties of the Commission shall be to—

19               (1) use existing water assessments and conduct  
20               such additional assessments as may be necessary to  
21               project future water supply and demand;

22               (2) study current water management programs  
23               of Federal, interstate, State, and local agencies, and  
24               private sector entities directed at increasing water

1 supplies and improving the availability, reliability,  
2 and quality of freshwater resources; and

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

8 (A) respects the primary role of States in  
9 adjudicating, administering, and regulating  
10 water rights and water uses;

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

15 (C) suggests strategies that avoid in-  
16 creased mandates on State and local govern-  
17 ments;

18 (D) eliminates duplication and conflict  
19 among Federal governmental programs;

20 (E) considers all available technologies and  
21 other methods to optimize water supply reli-  
22 ability, availability, and quality, while safe-  
23 guarding the environment;

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

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

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

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

14 **SEC. 5. MEMBERSHIP.**

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

19 (1) 5 members appointed by the President;

20 (2) 2 members appointed by the Speaker of the  
21 House of Representatives, in consultation with the  
22 minority leader of the House of Representatives; and

23 (3) 2 members appointed by the majority leader  
24 of the Senate, in consultation with the minority lead-  
25 er of the Senate.

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

3 (1) are of recognized standing and distinction  
4 in water policy issues; and

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

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

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

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

20 (f) VACANCIES.—A vacancy on the Commission shall  
21 not affect its operation, and shall be filled in the same  
22 manner as the original appointment provided under sub-  
23 section (a).

24 (g) COMPENSATION AND TRAVEL EXPENSES.—Mem-  
25 bers of the Commission shall serve without compensation,

1 except members shall receive travel expenses, including per  
2 diem in lieu of subsistence, in accordance with applicable  
3 provisions under subchapter I of chapter 57, United  
4 States Code.

5 **SEC. 6. MEETINGS AND QUORUM.**

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

11 (b) QUORUM.—A majority of the members of the  
12 Commission shall constitute a quorum for the transaction  
13 of business.

14 **SEC. 7. STAFFING.**

15 The Chairperson of the Commission may, without re-  
16 gard to the civil service laws and regulations, appoint and  
17 terminate an Executive Director and such other additional  
18 personnel as may be necessary for the Commission to per-  
19 form its duties. The Executive Director shall be com-  
20 pensated at a rate not to exceed the annual rate of basic  
21 pay for GS–15 of the General Schedule. The employment  
22 and termination of the Executive Director shall be subject  
23 to confirmation by a majority of the members of the Com-  
24 mission.

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

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

16 (b) INFORMATION AND SUPPORT FROM FEDERAL  
17 AGENCIES.—Upon request of the Commission, any Fed-  
18 eral agency shall—

19 (1) provide to the Commission, within 30 days  
20 of its request, such information as the Commission  
21 considers necessary to carry out the provisions of  
22 this Act; and

23 (2) detail to temporary duty with the Commis-  
24 sion on a reimbursable basis such personnel as the  
25 Commission considers necessary to carry out the

1 provisions of this Act, in accordance with section  
2 5(b)(5), Appendix, title 5, United States Code.

3 **SEC. 9. REPORTS.**

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

10 (1) the President;

11 (2) the Committee on Resources and the Com-  
12 mittee on Transportation and Infrastructure of the  
13 House of Representatives; and

14 (3) the Committee on Energy and Natural Re-  
15 sources and the Committee on the Environment and  
16 Public Works of the Senate.

17 (b) FINAL REPORT.—As soon as practicable, but not  
18 later than 3 years after the date of the first meeting of  
19 the Commission, the Commission shall transmit a final re-  
20 port containing a detailed statement of the findings and  
21 conclusions of the Commission, and recommendations for  
22 legislation and other policies to implement such findings  
23 and conclusions, to—

24 (1) the President;



1           (2) the Committee on Resources and the Com-  
2           mittee on Transportation and Infrastructure of the  
3           House of Representatives; and

4           (3) the Committee on Energy and Natural Re-  
5           sources and the Committee on the Environment and  
6           Public Works of the Senate.

7 **SEC. 10. TERMINATION.**

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

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

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

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