

REVISED
#40

**AMENDMENT TO H.R. 1145, AS REPORTED
OFFERED BY MR. LINDER OF GEORGIA**

At the end of the bill, add the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]):

1 SEC. 9. 21ST CENTURY WATER COMMISSION.

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the 21st Century Water Commis-
4 sion (in this section referred to as the “Commission”).

5 (b) DUTIES.—The duties of the Commission shall be
6 to—

7 (1) use existing water studies and assessments
8 and conduct such additional studies and assessments
9 as may be necessary, including studies and assess-
10 ments on climate change impacts, to—

11 (A) project future water supply needs and
12 demand;

13 (B) develop national and regional assess-
14 ments on flood risk and water availability; and

15 (C) develop national and regional trends
16 related to water quality;

17 (2) study current water management programs
18 of Federal, tribal, interstate, State, and local agen-

1 cies and private sector entities directed at increasing
2 water supplies, managing flood risk, and improving
3 the availability, reliability, and quality of water re-
4 sources; and

5 (3) develop recommendations, in consultation
6 with representatives of such agencies and entities,
7 including Indian tribes, for a comprehensive water
8 strategy that—

9 (A) identifies incentives to ensure an ade-
10 quate and dependable supply of water to meet
11 the needs of the United States for the next 50
12 years;

13 (B) considers all available technologies and
14 other methods to optimize water supply reli-
15 ability, availability, and quality, while safe-
16 guarding and enhancing the environment;

17 (C) suggests financing options, incentives,
18 and opportunities for development of com-
19 prehensive watershed management plans, re-
20 gional watershed planning, holistically designed
21 water resources projects, and increased use of
22 nonstructural elements (including green infra-
23 structure and low impact development tech-
24 niques);

1 (D) encourages, to the maximum extent
2 practicable, the integration of flood control and
3 water supply projects, including recommenda-
4 tions for capturing excess water and flood water
5 for conservation and reuse;

6 (E) suggests options to promote the use of,
7 and reduce biases against, nonstructural ele-
8 ments (including green infrastructure and low
9 impact development techniques) when managing
10 stormwater, including features that—

11 (i) preserve and restore natural proc-
12 esses, landforms (such as floodplains), nat-
13 ural storage, natural vegetated stream side
14 buffers, wetlands, or other topographical
15 features;

16 (ii) utilize natural design techniques
17 that infiltrate, filter, store, evaporate, and
18 detain water close to its source; or

19 (iii) minimize the use of impervious
20 surfaces;

21 (F) encourages the avoidance and mini-
22 mization of adverse impacts to natural systems,
23 and where possible, the restoration of natural
24 systems; and

1 (G) addresses other objectives related to a
2 comprehensive water strategy which the Com-
3 mission shall consider appropriate.

4 (c) DEVELOPMENT OF A COMPREHENSIVE WATER
5 STRATEGY.—

6 (1) IMPACTS OF CLIMATE CHANGE.—In devel-
7 oping recommendations for a comprehensive water
8 strategy, the Commission shall—

9 (A) evaluate the effectiveness of existing
10 hazard mitigation strategies and contingency
11 planning provisions for Federal, tribal, inter-
12 state, State, and local water management pro-
13 grams in light of climate change impacts, in-
14 cluding sea level rise, changing weather pat-
15 terns, increased risk of flooding or drought, and
16 associated impacts to water quality;

17 (B) consider and evaluate the impacts of
18 climate change;

19 (C) include strategies for using best avail-
20 able climate science in projections of future
21 flood and drought risk, and for developing haz-
22 ard mitigation strategies to protect water qual-
23 ity in extreme weather conditions caused by cli-
24 mate change; and

1 (D) identify adaptation techniques, or fur-
2 ther research needs of adaptation techniques,
3 for responding to climate change impacts.

4 (2) POLICY CONSIDERATIONS.—In developing
5 recommendations for a comprehensive water strat-
6 egy, the Commission shall—

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

10 (B) identify whether recommendations are
11 consistent with existing laws, treaties, decrees,
12 and interstate compacts;

13 (C) identify duplication among Federal
14 governmental programs, and make rec-
15 ommendations to improve coordination among
16 Federal, tribal, interstate, State, and local
17 agencies;

18 (D) avoid suggesting strategies for in-
19 creased mandates on State and local govern-
20 ments; and

21 (E) respect Indian tribes, their adjudicated
22 water rights, and their water right claims cur-
23 rently in the adjudication process.

24 (d) MEMBERSHIP.—

1 (1) NUMBER AND APPOINTMENT.—The Com-
2 mission shall be composed of 11 members who shall
3 be appointed, not later than 90 days after the date
4 of enactment of this Act, as follows:

5 (A) 3 members appointed by the President.

6 (B) 3 members appointed by the Speaker
7 of the House of Representatives from a list of
8 6 individuals—

9 (i) 3 nominated for that appointment
10 by the chairman of the Committee on
11 Transportation and Infrastructure of the
12 House of Representatives; and

13 (ii) 3 nominated for that appointment
14 by the chairman of the Committee on Nat-
15 ural Resources of the House of Represent-
16 atives.

17 (C) 3 members appointed by the majority
18 leader of the Senate from a list of 6 individ-
19 uals—

20 (i) 3 nominated for that appointment
21 by the chairman of the Committee on En-
22 vironment and Public Works of the Senate;
23 and

1 (ii) 3 nominated for that appointment
2 by the chairman of the Committee on En-
3 ergy and Natural Resources of the Senate.

4 (D) 1 member appointed by the minority
5 leader of the House of Representatives from a
6 list of 2 individuals—

7 (i) 1 nominated for that appointment
8 by the ranking member of the Committee
9 on Transportation and Infrastructure of
10 the House of Representatives; and

11 (ii) 1 nominated for that appointment
12 by the ranking member of the Committee
13 on Natural Resources of the House of Rep-
14 resentatives.

15 (E) 1 member appointed by the minority
16 leader of the Senate from a list of 2 individ-
17 uals—

18 (i) 1 nominated for that appointment
19 by the ranking member of the Committee
20 on Environment and Public Works of the
21 Senate; and

22 (ii) 1 nominated for that appointment
23 by the ranking member of the Committee
24 on Energy and Natural Resources of the
25 Senate.

1 (2) QUALIFICATIONS.—

2 (A) RECOGNIZED STANDING AND DISTINC-
3 TION.—Members shall be appointed to the
4 Commission from among individuals who are of
5 recognized standing and distinction in water
6 policy issues.

7 (B) LIMITATION.—A person while serving
8 as a member of the Commission may not hold
9 any other position as an officer or employee of
10 the United States, except as a retired officer or
11 retired civilian employee of the United States.

12 (C) OTHER CONSIDERATIONS.—In appoint-
13 ing members of the Commission, every effort
14 shall be made to ensure that the members rep-
15 resent a broad cross section of regional and
16 geographical perspectives in the United States.

17 (3) CHAIRPERSON.—The Chairperson of the
18 Commission shall be elected by a majority vote of
19 the members of the Commission.

20 (4) TERMS.—Members of the Commission shall
21 serve for the life of the Commission.

22 (5) VACANCIES.—A vacancy on the Commission
23 shall not affect its operation and shall be filled in
24 the manner in which the original appointment was
25 made.

1 (6) COMPENSATION AND TRAVEL EXPENSES.—

2 Members of the Commission shall serve without
3 compensation; except that members shall receive
4 travel expenses, including per diem in lieu of subsist-
5 ence, in accordance with applicable provisions under
6 subchapter I of chapter 57, United States Code.

7 (e) MEETINGS AND QUORUM.—

8 (1) MEETINGS.—The Commission shall hold its
9 first meeting not later than 60 days after the date
10 on which all original members are appointed under
11 subsection (d) and shall hold additional meetings at
12 the call of the Chairperson or a majority of its mem-
13 bers.

14 (2) QUORUM.—A majority of the members of
15 the Commission shall constitute a quorum for the
16 transaction of business.

17 (f) STAFFING.—The Chairperson of the Commission
18 may, without regard to the civil service laws and regula-
19 tions, appoint and terminate an Executive Director and
20 such other additional personnel as may be necessary for
21 the Commission to perform its duties. The Executive Di-
22 rector shall be compensated at a rate not to exceed the
23 annual rate of basic pay for GS-15 of the General Sched-
24 ule. The employment and termination of an Executive Di-

1 rector shall be subject to confirmation by a majority of
2 the members of the Commission.

3 (g) HEARINGS.—

4 (1) MINIMUM NUMBER.—The Commission shall
5 hold no fewer than 10 hearings during the life of the
6 Commission.

7 (2) IN CONJUNCTION WITH MEETINGS.—Hear-
8 ings may be held in conjunction with meetings of the
9 Commission.

10 (3) TESTIMONY AND EVIDENCE.—The Commis-
11 sion may take such testimony and receive such evi-
12 dence as the Commission considers appropriate to
13 carry out this section.

14 (4) SPECIFIED.—At least one hearing shall be
15 held in Washington, District of Columbia, for the
16 purpose of taking testimony of representatives of
17 Federal agencies, national organizations, and Mem-
18 bers of Congress. At least one hearing shall focus on
19 potential water resource issues relating to climate
20 change and how to mitigate the harms of climate
21 change-related weather events.

22 (5) NONSPECIFIED.—Hearings, other than
23 those referred to in paragraph (4), shall be sched-
24 uled in distinct geographical regions of the United
25 States. In conducting such hearings, the Commission

1 should seek to ensure testimony from individuals
2 with a diversity of experiences, including those who
3 work on water issues at all levels of government and
4 in the private sector.

5 (h) INFORMATION AND SUPPORT FROM FEDERAL
6 AGENCIES.—Upon request of the Commission, the head
7 of a Federal department or agency shall—

8 (1) provide to the Commission, within 30 days
9 of the request, such information as the Commission
10 considers necessary to carry out this section; and

11 (2) detail to temporary duty with the Commis-
12 sion on a reimbursable basis such personnel as the
13 Commission considers necessary to carry out this
14 section.

15 (i) INTERIM REPORTS.—Not later than one year
16 after the date of the first meeting of the Commission, and
17 every year thereafter, the Commission shall submit an in-
18 terim report containing a detailed summary of its
19 progress, including meetings held and hearings conducted
20 before the date of the report, to—

21 (1) the President; and

22 (2) Congress.

23 (j) FINAL REPORT.—As soon as practicable, but not
24 later than 5 years after the date of the first meeting of
25 the Commission, the Commission shall submit a final re-

1 port containing a detailed statement of the findings and
2 conclusions of the Commission and recommendations for
3 legislation and other policies to implement such findings
4 and conclusions to—

5 (1) the President;

6 (2) the Committee on Natural Resources and
7 the Committee on Transportation and Infrastructure
8 of the House of Representatives; and

9 (3) the Committee on Energy and Natural Re-
10 sources and the Committee on Environment and
11 Public Works of the Senate.

12 (k) TERMINATION.—The Commission shall terminate
13 not later than 30 days after the date on which the Com-
14 mission transmits a final report under subsection (j).

15 (l) APPLICABILITY OF FEDERAL ADVISORY COM-
16 MITTEE ACT.—The Federal Advisory Committee Act (5
17 U.S.C. App. 1 et seq.) shall not apply to the Commission.

18 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated \$12,000,000 to carry out
20 this section.

