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### THE TWENTY-FIRST CENTURY WATER COMMISSION ACT OF 2008

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Mrs. BOXER, from the Committee on Environment and Public  
Works, submitted the following

### R E P O R T

[To accompany S. 2728]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2728) to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs, reports favorably thereon with amendments, and recommends that the bill, as amended, do pass.

#### PURPOSES OF THE LEGISLATION

S. 2728 would establish the Twenty-First Century Water Commission, a commission to help assess the country's future water supply and management needs. S. 2728 provides for the requirements of membership and appointment of the Twenty-First Century Water Commission (the Commission), and establishes its duties and responsibilities. The bill also requires hearings and reports on the Commission's findings and recommendations. The Commission's responsibilities would include projecting future water supply and demand in the United States, studying the management of that supply, studying measures to improve the availability, reliability, and quality of freshwater resources, and preparing a comprehensive strategy for its management in the future. The bill would require the Commission to transmit a final report containing

a detailed statement of the findings and conclusions of the Commission, and recommendations for legislation and other policies to implement such findings and conclusions not later than three years after the date of the first meeting of the Commission.

#### GENERAL STATEMENT AND BACKGROUND

As the population of the United States continues to grow, demands on its water supply, are expected to increase greatly, as are demands on the nation's water infrastructure, including Federal, state and local water conveyance, storage, and treatment. The federal government's U.S. Climate Change Science Program, concluded in a May 2008 report that the "[e]ffects of climate on the nation's water storage capabilities and hydrologic functions will have significant implications for water management and planning as variability in natural processes increases." A Report by the U.S. Climate Change Science Program and the Subcommittee on Global Change Research: The Effects of Climate Change on Water Resources in the United States (U.S. Climate Change Science Program Synthesis and Assessment Product 4.3) (May 2008). Investments in water infrastructure, increased and improved water efficiency and conservation, improvements to water quality, and cooperation with Federal, state, and local agencies need to be assessed and considered.

To help assess these needs and provide recommendations to lawmakers and policymakers, S. 2728, the Twenty-First Century Water Commission Act of 2008 would establish the Twenty-First Century Water Commission. The Commission, whose members are appointed by the Presidents and leaders of both chambers of Congress is charged with: (1) assessing and projecting future water supply and demand; (2) studying current water management programs of federal, interstate, state, and local agencies; and (3) consulting with representatives of such agencies and entities to develop recommendations for a comprehensive water strategy. The Commission is required to submit a final comprehensive report of its findings and recommendations to the President and the committees of jurisdiction of the Congress not later than three years after the date of the first meeting of the Commission.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section 1 would provide that the Act may be cited as the "Twenty-First Century Water Commission Act of 2008".

##### *Section 2. Findings*

Section 2 finds that a thorough assessment of the nation's technological and economic advances that can be employed to increase water supplies nationwide is needed, and that a comprehensive strategy to increase water availability and ensure safe, adequate, reliable, and sustainable water supplies is vital to the economic and environmental future of the Nation, and will alleviate the impending stress on our water resources.

### *Section 3. Establishment*

Section 3 establishes a commission called the “Twenty-First Century Water Commission.”

### *Section 4. Duties*

Section 4 outlines the duties of the Commission, which include: (1) use existing water assessments and conducting new assessments to project future water supply and demand, (2) studying current water management programs at all levels of government and private entities directed at increasing water supplies and improving freshwater resources, (3) consulting with representatives of such agencies and entities to develop recommendations for a comprehensive water strategy, consistent with existing laws, treaties, decrees, and interstate compacts, which respect and consider several enumerated factors.

### *Section 5. Membership*

Section 5 describes the membership of the Commission, which will be composed of 9 members: 5 will be appointed by the President, 2 will be appointed by the Speaker of the House in consultation with the minority leader, and 2 will be appointed by the majority leader of the Senate in consultation with the minority leader. To qualify for membership on the Commission, individuals must be of recognized standing and distinction in water policy issues and must not hold any other position as an officer or employee of the United States. The members will represent a broad cross section of regional and geographical perspectives in the United States. The Chairperson of the Commission shall be designated by the President. Members shall be appointed not later than 90 days after the date of enactment of this Act and shall serve for the life of the Commission.

### *Section 6. Meetings and quorum*

Section 6 requires that the Commission hold its first meeting not later than 60 days after the date on which all members have been appointed and that it hold additional meetings at the call of the Chairperson or a majority of its members. A majority of the members of the Commission constitutes a quorum.

### *Section 7. Director and staff*

Section 7 specifies that a Director shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader and chairmen of the Resources and Transportation and Infrastructure Committees of the House of Representatives, and the minority leader and chairmen of the Energy and Natural Resources and Environment and Public Works Committees of the Senate.

### *Section 8. Powers and proceedings of the commission*

Section 8 requires the Commission to hold no fewer than 10 hearings during its life. Hearings may be held in conjunction with meetings of the Commission. The Commission may take such testimony and receive such evidence as the Commission considers appropriate to carry out this Act. At least 1 hearing shall be held in Washington, DC, for the purpose of taking testimony of representa-

tives of Federal agencies, national organizations, and Members of Congress. Other hearings shall be scheduled in distinct geographical regions of the United States and should seek to ensure testimony from individuals with a diversity of experiences, including those who work on water issues at all levels of government and in the private sector.

*Section 9. Reports*

Section 9 requires the Committee to report its progress not later than 6 months after the date of the first meeting of the Commission, and every 6 months thereafter, the Commission shall transmit an interim report containing a detailed summary of its progress, including meetings and hearings conducted in the interim period. Not later than 3 years after the date of the first meeting of the Commission, the Commission shall transmit a final report containing a detailed statement of the findings and conclusions of the Commission, and recommendations for legislation and other policies to implement such findings and conclusions. All such reports will be submitted to the President; the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Energy and Natural Resources and the Committee on the Environment and Public Works of the Senate.

*Section 10. Termination*

Section 10 will terminate the Commission not later than 30 days after the date on which the Commission transmits a final report under section 9.

*Section 11. Authorization of appropriations*

Section 11 authorizes the appropriation of \$9,000,000 to carry out this Act.

LEGISLATIVE HISTORY

S. 2728 was introduced by Senator Isakson of Georgia. The bill was read twice and referred to the Senate Committee on Environment and Public Works. The Committee met on May 21, 2008, when S. 2728 was ordered favorably reported as amended by voice vote.

ROLL CALL VOTES

The Committee adopted, by unanimous consent, an amendment proposed by Senator Boxer that included the requirement that the Commission recommend the promotion of water efficiency and conservation in its comprehensive water strategy, and struck language regarding mandates on states and local governments and language related to duplication and conflict among federal programs.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b)(2) of rule XXVI of the Standing Rules of the Senate, the Committee states that there are not expected to be significant costs to private entities under this legislation, and the Committee agrees with the Congressional Budget Of-

office, which has concluded that the bill will not establish any private-sector mandates.

#### MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the Committee finds, consistent with the determination of the Congressional Budget Office, that S. 2728 would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. The Committee further agrees with the Congressional Budget Office that the bill does not impose private sector mandates.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

#### *S. 2728—Twenty-First Century Water Commission Act of 2008*

Summary: S. 2728 would establish the Twenty-First Century Water Commission. The commission’s responsibilities would include projecting future 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. The bill would require the commission to complete that work within three years.

Assuming appropriation of the amount specified in the legislation, CBO estimates that implementing S. 2728 would cost \$9 million over the 2009–2013 period. Enacting the legislation would not affect direct spending or revenues.

S. 2728 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2728 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—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated authorization level .....	2	3	2	2	0	9
Estimated outlays .....	1	2	3	3	0	9

Basis of estimate: For this estimate, CBO assumes that S. 2728 will be enacted near the beginning of fiscal year 2009 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.

S. 2728 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 2009 and that the commission would issue its final report in 2012.

Intergovernmental and private-sector impact: S. 2728 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimates: On October 15, 2007, CBO transmitted a cost estimate for H.R. 135, the Twenty-First Century Water Commission Act of 2007, as ordered reported by the House Committee on Natural Resources on October 10, 2007. The Natural Resources Committee's version of the bill would authorize the appropriation of \$9 million for the proposed commission.

On May 22, 2008, CBO transmitted a cost estimate for H.R. 135 as ordered reported by the House Committee on Transportation and Infrastructure on May 15, 2008. The Transportation and Infrastructure Committee's version of the bill would authorize the appropriation of \$12 million for the proposed commission.

Estimate prepared by: Federal Costs: Tyler Kruzich. Impact on State, Local, and Tribal Governments: Neil Hood. Impact on the Private Sector: Amy Petz.

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

#### CHANGES TO EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

