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110TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 110–504
Part 2

21ST CENTURY WATER COMMISSION ACT

JUNE 4, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. OBERSTAR, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 135]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. 21ST CENTURY WATER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the 21st Century Water Commission (in this section referred to as the "Commission").

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

(1) use existing water studies and assessments and conduct such additional studies and assessments as may be necessary, including studies and assessments on climate change impacts, to—

(A) project future water supply needs and demand;

(B) develop national and regional assessments on flood risk and water availability; and

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

(2) study current water management programs of Federal, interstate, State, and local agencies and private sector entities directed at increasing water supplies, managing flood risk, and improving the availability, reliability, and quality of water resources; and

(3) develop recommendations, in consultation with representatives of such agencies and entities, for a comprehensive water strategy that—

(A) identifies incentives to ensure an adequate and dependable supply of water to meet the needs of the United States for the next 50 years;

(B) considers all available technologies and other methods to optimize water supply reliability, availability, and quality, while safeguarding and enhancing the environment;

(C) suggests financing options, incentives, and opportunities for development of comprehensive watershed management plans, regional watershed planning, holistically designed water resources projects, and increased use of nonstructural elements (including green infrastructure and low impact development techniques);

(D) encourages, to the maximum extent practicable, the integration of flood control and water supply projects, including recommendations for capturing excess water and flood water for conservation and reuse;

(E) suggests options to promote the use of, and reduce biases against, nonstructural elements (including green infrastructure and low impact development techniques) when managing stormwater, including features that—

(i) preserve and restore natural processes, landforms (such as floodplains), natural storage, natural vegetated stream side buffers, wetlands, or other topographical features;

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

(iii) minimize the use of impervious surfaces;

(F) encourages the avoidance and minimization of adverse impacts to natural systems, and where possible, the restoration of natural systems; and

(G) addresses other objectives related to a comprehensive water strategy which the Commission shall consider appropriate.

(c) DEVELOPMENT OF A COMPREHENSIVE WATER STRATEGY.—

(1) IMPACTS OF CLIMATE CHANGE.—In developing recommendations for a comprehensive water strategy, the Commission shall—

(A) evaluate the effectiveness of existing hazard mitigation strategies and contingency planning provisions for Federal, interstate, State, and local water management programs in light of climate change impacts, including sea level rise, changing weather patterns, increased risk of flooding or drought, and associated impacts to water quality;

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

(C) include strategies for using best available climate science in projections of future flood and drought risk, and for developing hazard mitigation strategies to protect water quality in extreme weather conditions caused by climate change; and

(D) identify adaptation techniques, or further research needs of adaptation techniques, for responding to climate change impacts.

(2) POLICY CONSIDERATIONS.—In developing recommendations for a comprehensive water strategy, the Commission shall—

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

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

(C) identify duplication among Federal governmental programs, and make recommendations to improve coordination among Federal, interstate, State, and local agencies; and

(D) avoid suggesting strategies for increased mandates on State and local governments.

(d) MEMBERSHIP.—

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

(A) 3 members appointed by the President.

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

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

(ii) 3 nominated for that appointment by the chairman of the Committee on Natural Resources of the House of Representatives.

(C) 3 members appointed by the majority leader of the Senate from a list of 6 individuals—

(i) 3 nominated for that appointment by the chairman of the Committee on Environment and Public Works of the Senate; and

(ii) 3 nominated for that appointment by the chairman of the Committee on Energy and Natural Resources of the Senate.

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

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

(ii) 1 nominated for that appointment by the ranking member of the Committee on Natural Resources of the House of Representatives.

(E) 1 member appointed by the minority leader of the Senate from a list of 2 individuals—

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

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

(2) QUALIFICATIONS.—

(A) RECOGNIZED STANDING AND DISTINCTION.—Members shall be appointed to the Commission from among individuals who are of recognized standing and distinction in water policy issues.

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

(C) OTHER CONSIDERATIONS.—In appointing members of the Commission, every effort shall be made to ensure that the members represent a broad cross section of regional and geographical perspectives in the United States.

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

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

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

(6) COMPENSATION AND TRAVEL EXPENSES.—Members of the Commission shall serve without compensation; except that members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57, United States Code.

(e) MEETINGS AND QUORUM.—

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

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

(f) STAFFING.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the annual rate of basic pay for GS–15 of the General Schedule. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(g) HEARINGS.—

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

(2) IN CONJUNCTION WITH MEETINGS.—Hearings may be held in conjunction with meetings of the Commission.

(3) TESTIMONY AND EVIDENCE.—The Commission may take such testimony and receive such evidence as the Commission considers appropriate to carry out this section.

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

(5) NONSPECIFIED.—Hearings, other than those referred to in paragraph (4), shall be scheduled in distinct geographical regions of the United States. In conducting such hearings, the Commission 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.

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

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

(2) detail to temporary duty with the Commission on a reimbursable basis such personnel as the Commission considers necessary to carry out this section.

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

(1) the President; and

(2) Congress.

(j) FINAL REPORT.—As soon as practicable, but not later than 5 years after the date of the first meeting of the Commission, the Commission shall submit 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 to—

(1) the President;

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

(3) the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

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

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

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

PURPOSE OF THE LEGISLATION

H.R. 135, as amended, establishes a commission to examine water resource needs of the nation over the next 50 years and develop recommendations for a comprehensive water strategy to address these needs.

BACKGROUND AND NEED FOR LEGISLATION

The United States is a nation blessed with abundant water resources across much of the landscape. In addition, investment in water infrastructure has helped provide reliable water resources for the more arid regions, as well as those with less reliable water supplies. The nation's waters support myriad human uses and needs, power generation, navigation, and industry while also providing for a globally diverse freshwater ecosystem.

The water resources of the United States are not evenly distributed across the country, resulting in very different water resource management strategies. Historically, areas such as the Northeast have relatively abundant water resources requiring mostly flood protection, while the West and Southwest, in particular, are quite dry necessitating greater water supply infrastructure.

These widely diverse conditions around the United States are all managed differently and often independently of other projects. There are many Federal and state agencies with management responsibilities, in addition to the very different water laws of the various states. Most of this has resulted in very local views of project operations and needs with little consideration of the broader watersheds that surround these projects. In addition, there have been increased demands for water resources, in part due to increased population and an increased recognition of the need to reserve water for aquatic ecosystems, as well as consumptive uses. These different operations and conditions are resulting in greater conflict over water resources and are potentially subject to changing climactic conditions.

Since the 1950s, there have been at least seven different commissions empanelled to examine Federal water policy. The last review of water policy was the Western Water Policy Advisory Review Commission which was authorized in 1992 and issued its report in 1998. There has not been a comprehensive review of Federal water policy since 1973. Given the current challenges that exist in a number of large watersheds, and the greater challenges to be faced with changes brought on by factors such as climate change, increasing population, endangered species, and other competing uses there needs to be a comprehensive review of national water policies, and an assessment that starts to review watershed needs and planning. The 21st Century Water Commission provides an important update of the water resource needs of the nation looking forward over the next 50 years and takes into account possible impacts on water resources due to global climate change.

H.R. 135, as amended, includes specific direction to the Commission to consider impacts of climate change and climate change science in the review and recommendations. The bill, as amended, provides that the composition of the Commission is 11 members, with three members appointed by the President, three members appointed by the Speaker of the House, one member appointed by the Minority Leader of the House, three members appointed by the Majority Leader of the Senate, and one member appointed by the Minority Leader of the Senate. H.R. 135, as amended authorizes the Commission for five years and authorizes $12 million to be appropriated to the Commission to complete its duties.

SUMMARY OF LEGISLATION

Section 1. 21st Century Water Commission

Subsection (a) Establishment

The subsection establishes the "21st Century Water Commission".

Subsection (b) Duties

The subsection outlines the duties of the Commission. The duties include utilizing water studies and assessments, including studies and assessments that take into account impacts of climate change, to project future water supply needs and demand, develop national and regional assessments of flood risk and water availability, and develop national and regional trends related to water quality. The Commission should study current water management programs of Federal, interstate, state, and local agencies for increasing water supplies, managing flood risk, and improving reliability and quality of water resources.

Finally, the Commission should develop recommendations, in consultation with representatives of Federal, interstate, state, and local agencies, for a comprehensive water strategy that identifies incentives to ensure an adequate and dependable supply of water to meet the needs of the United States for the next 50 years; considers all available technologies and other methods to optimize water supply reliability, availability, and quality, while safeguarding and enhancing the environment; suggests financing options, incentives, and opportunities for development of comprehensive watershed management plans, regional watershed planning,

holistically designed water resources projects, and increased use of nonstructural elements (including green infrastructure and low impact development techniques); encourage, to the maximum extent practicable, the integration of flood control and water supply projects, including recommendations for capturing excess water and flood water for conservation and reuse; suggest options to promote the use of, and reduce biases against, nonstructural elements (including green infrastructure and low-impact development techniques) when managing stormwater (including features that preserve and restore natural processes, landforms, natural storage, natural vegetated stream side buffers, wetlands, or other topographical features; utilizes natural design techniques that infiltrate, filter, store, evaporate, and detain water close to its source; or minimizes the use of impervious surfaces; encourages the avoidance and minimization of adverse impacts to natural systems, and where possible, the restoration of natural systems; and addresses other objectives related to a comprehensive water strategy which the Commission considers appropriate.

The extensive list of duties ensures that the Commission looks at a wide array of issues and concerns as it proceeds to develop the comprehensive water strategy. While water supply is one aspect of the duties for the Commission to review, the overall strategy should look at a wide array of concerns at the same time it is considering ways to integrate the multiple water resource demands that can occur, and how to better manage for multiple purposes. This review and strategy recommendations must take into account the impacts of climate change and look at non-structural alternatives that make use of natural processes and restore or enhance ecosystems. The duties of the Commission are not limited to those duties enumerated in this list.

Subsection (c) Development of a comprehensive water strategy

This subsection directs the development of a comprehensive water strategy and outlines the major areas of consideration to be included in such a strategy.

Subsection (c)(1) highlights the special consideration and impacts that might result in water resource needs in light of global climate change and specifically directs the Commission to include the impacts of climate change as it develops the comprehensive water strategy. The strategy should evaluate the effectiveness of existing hazard mitigation strategies and contingency planning provisions for Federal, interstate, state, and local water management programs in light of climate change impacts, including sea level rise, changing weather patterns, increased risk of flooding or drought, and associated impacts to water quality; consider and evaluate the impacts of climate change; include strategies for using the best available climate science in projections of future flood and drought risk, and for developing hazard mitigation strategies to protect water quality in extreme weather conditions caused by climate change; and identify adaptation techniques, or further research needs of adaptation techniques, for responding to climate change impacts.

These climate change provisions direct the Commission to review existing hazard mitigation strategies at all levels of government and how climate change might impact these strategies and plans.

The comprehensive strategy also will consider strategies that look at best available climate change science in projecting future risks for hazard mitigation plans. Finally, the comprehensive strategy should identify adaptation techniques that would be useful for responding to climate change impacts, as well as identifying further research that might be needed in adaptation to climate change.

Subsection (c)(2) identifies policy considerations that the Commission shall use as guidance in developing the comprehensive strategy. The policy considerations include respecting the primary role of States in adjudicating, administering, and regulating water rights and water uses; identifying whether recommendations are consistent with existing laws, treaties, decrees, and interstate compacts; identifying duplication among Federal governmental programs, and making recommendations to improve coordination among Federal, interstate, state, and local agencies; and avoiding suggesting strategies for increased mandates on state and local governments.

The policy considerations are defined in recognition that there are many different entities that have interests and rights in water resource management. Water use regulation is primarily a state and tribal responsibility. This includes the different types of water law as practiced in western United States (prior appropriation), versus the eastern United States (riparian rights) as well as unique water laws and interests as represented by Hawaii or federally recognized tribes. These duties also make clear that the Commission will ensure the recommendations are consistent with existing laws, treaties (with tribes and with other sovereign nations), decrees, and interstate compacts.

Subsection (d) Membership

The subsection defines the composition and qualifications of the Commission. The Commission shall consist of 11 members, three members appointed by the President, three members appointed by the Speaker of the House, one member appointed by the Minority Leader of the House, three members appointed by the Majority Leader of the Senate, and one member appointed by the Minority Leader of the Senate. The members of the Commission shall be recognized in the field of water resources and may not be a current Federal employee. A Chairperson will be elected by the members of Commission. The members shall serve for the full term of the Commission.

Subsection (e) Meetings and quorum

The Commission shall meet not later than 60 days after all of the original members are appointed. The Commission shall hold additional meetings at the call of the Chairperson or a majority of its members.

Subsection (f) Staffing

The Chairperson of the Commission has authority to appoint and terminate an Executive Director and such other staff as is needed. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

Subsection (g) Hearings

The Commission shall hold a minimum of 10 hearings. At least one hearing will be held in Washington, DC, to receive testimony from representatives of Federal agencies, national organizations, and Members of Congress. At least one hearing shall focus on water resource issues related to climate change and mitigation of adverse impacts from climate change-related weather events. Other hearings should be held in locations to ensure diversity of geographic concerns and individual experiences.

Subsection (h) Information and support from Federal agencies

Upon request of the Commission, the head of a Federal department or agency shall provide to the Commission, within 30 days of the request, such information as the Commission considers necessary to carry out this section; and detail to temporary duty with the Commission on a reimbursable basis such personnel as the Commission considers necessary to carry out this section.

Subsection (i) Interim reports

Not later than one year after the date of the first meeting of the Commission and every year thereafter, the Commission shall submit an interim report containing a detailed summary of its progress to the President and Congress.

Subsection (j) Final report

As soon as practicable, but not later than five years after the date of the first meeting of the Commission, the Commission shall submit 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 to the President, the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives; and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

Subsection (k) Termination

The Commission shall terminate not later than 30 days after the Commission transmits the final report.

Subsection (l) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act shall not apply to the Commission. Nothing in this waiver indicates intent by Congress that the Commission should act in a non-public fashion. The Commission shall make every effort for all proceedings to be conducted in a public and fully transparent manner with reasonable public notice of all meetings and proceedings.

Subsection (m) Authorization of appropriations

This subsection authorizes $12 million to be appropriated to carry out this section.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On January 4, 2007, Representative John Linder introduced H.R. 135. The bill was referred to the Committee on Natural Resources, and also referred to the Committee on Transportation and Infrastructure. On October 10, 2007, Committee on Natural Resources met to consider H.R. 135. The Committee on Natural Resources ordered the bill reported favorably to the House by unanimous consent.

On November 8, 2007, the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure held a hearing on H.R. 135. Testimony supported the need for a national Water Commission to conduct a broad based review of water resource needs over the next 50 years. Testimony was received that expressly called for the inclusion of climate change impacts on the nation's water resources and the need for a more integrated watershed planning and implementation of water resource projects.

On May 7, 2008, the Subcommittee on Water Resources and Environment considered H.R. 135 and adopted an amendment in the nature of a substitute to the bill by voice vote. The Subcommittee favorably recommended the bill, as amended, to the Committee on Transportation and Infrastructure, by voice vote.

On May 15, 2008, the Committee on Transportation and Infrastructure met in open session, and ordered H.R. 135, as amended, reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 135 reported. A motion to order H.R. 135, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the

Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to establish a Commission to conduct a comprehensive review and provide recommendations for water resources needs in the United States.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 135 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 22, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR, CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 135, the Twenty-First Century Water Commission Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 135—Twenty-First Century Water Commission Act of 2007

Summary: H.R. 135 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 five years.

Assuming appropriation of the amount specified in the legislation, CBO estimates that implementing H.R. 135 would cost $12 million over the 2009–2013 period. Enacting H.R. 135 would not affect direct spending or revenues.

H.R. 135 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 H.R. 135 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
CHANGING IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	3	3	3	3	0	12

	By fiscal year in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
Estimated Outlays	2	3	3	3	1	12

Basis of estimate: For this estimate, CBO assumes that H.R. 135 will be enacted near the beginning of fiscal year 2009 and that the $12 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.

H.R. 135 would require the President and the Congress to appoint 11 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 2013.

Intergovernmental and private-sector impact: H.R. 135 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous estimate: 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.

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.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 135, the Twenty-First Century Water Commission of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 135 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

This legislation creates a Commission and waives applicability of the Federal Advisory Committee Act.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 135 makes no changes in existing law.

○