

Calendar No. 416

105TH CONGRESS
2^D SESSION

H. R. 3035

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1998

Received; read twice and placed on the calendar

AN ACT

To establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Drought Pol-
3 icy Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the United States often suffers serious eco-
7 nomic and environmental losses from severe regional
8 droughts and there is no coordinated Federal strat-
9 egy to respond to such emergencies;

10 (2) at the Federal level, even though historically
11 there have been frequent, significant droughts of na-
12 tional consequences, drought is addressed mainly
13 through special legislation and ad hoc action rather
14 than through a systematic and permanent process as
15 occurs with other natural disasters;

16 (3) there is an increasing need, particularly at
17 the Federal level, to emphasize preparedness, mitiga-
18 tion, and risk management (rather than simply crisis
19 management) when addressing drought and other
20 natural disasters or emergencies;

21 (4) several Federal agencies have a role in
22 drought from predicting, forecasting, and monitoring
23 of drought conditions to the provision of planning,
24 technical, and financial assistance;

25 (5) there is no single Federal agency in a lead
26 or coordinating role with regard to drought;

1 (6) State, local, and tribal governments have
2 had to deal individually and separately with each
3 Federal agency involved in drought assistance; and

4 (7) the President should appoint an advisory
5 commission to provide advice and recommendations
6 on the creation of an integrated, coordinated Federal
7 policy designed to prepare for, mitigate the impacts
8 of, respond to, and recover from serious drought
9 emergencies.

10 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

11 (a) **ESTABLISHMENT.**—There is established a com-
12 mission to be known as the National Drought Policy Com-
13 mission (hereinafter in this Act referred to as the “Com-
14 mission”).

15 (b) **MEMBERSHIP.**—

16 (1) **COMPOSITION.**—The Commission shall be
17 composed of 16 members. The members of the Com-
18 mission shall include—

19 (A) the Secretary of Agriculture, or the
20 designee of the Secretary, who shall chair the
21 Commission;

22 (B) the Secretary of the Interior, or the
23 designee of the Secretary;

24 (C) the Secretary of the Army, or the des-
25 ignee of the Secretary;

1 (D) the Secretary of Commerce, or the
2 designee of the Secretary;

3 (E) the Director of the Federal Emergency
4 Management Agency, or the designee of the Di-
5 rector;

6 (F) the Administrator of the Small Busi-
7 ness Administration, or the designee of the Ad-
8 ministrator;

9 (G) two persons nominated by the National
10 Governors' Association and appointed by the
11 President, of whom—

12 (i) one shall be the governor of a
13 State east of the Mississippi River; and

14 (ii) one shall be a governor of a State
15 west of the Mississippi River;

16 (H) a person nominated by the National
17 Association of Counties and appointed by the
18 President;

19 (I) a person nominated by the United
20 States Conference of Mayors and appointed by
21 the President; and

22 (J) six persons, appointed by the Secretary
23 of Agriculture in coordination with the Sec-
24 retary of the Interior and the Secretary of the
25 Army, who shall be representative of groups

1 acutely affected by drought emergencies, such
2 as the agricultural production community, the
3 credit community, rural and urban water asso-
4 ciations, Native Americans, and fishing and en-
5 vironmental interests.

6 (2) DATE.—The appointments of the members
7 of the Commission shall be made no later than 60
8 days after the date of the enactment of this Act.

9 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
10 bers shall be appointed for the life of the Commission. Any
11 vacancy in the Commission shall not affect its powers, but
12 shall be filled in the same manner as the original appoint-
13 ment.

14 (d) INITIAL MEETING.—No later than 30 days after
15 the date on which all members of the Commission have
16 been appointed, the Commission shall hold its first meet-
17 ing.

18 (e) MEETINGS.—The Commission shall meet at the
19 call of the chair.

20 (f) 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 (g) VICE CHAIR.—The Commission shall select a vice
24 chair from among the members who are not Federal offi-
25 cers or employees.

1 **SEC. 4. DUTIES OF THE COMMISSION.**

2 (a) **STUDY AND REPORT.**—The Commission shall
3 conduct a thorough study and submit a report on national
4 drought policy in accordance with this section.

5 (b) **CONTENT OF STUDY AND REPORT.**—In conduct-
6 ing the study and report, the Commission shall—

7 (1) determine, in consultation with the National
8 Drought Mitigation Center in Lincoln, Nebraska,
9 and other appropriate entities, what needs exist on
10 the Federal, State, local, and tribal levels to prepare
11 for and respond to drought emergencies;

12 (2) review all existing Federal laws and pro-
13 grams relating to drought;

14 (3) review State, local, and tribal laws and pro-
15 grams relating to drought that the Commission finds
16 pertinent;

17 (4) determine what differences exist between
18 the needs of those affected by drought and the Fed-
19 eral laws and programs designed to mitigate the im-
20 pacts of and respond to drought;

21 (5) collaborate with the Western Drought Co-
22 ordination Council and other appropriate entities in
23 order to consider regional drought initiatives and the
24 application of such initiatives at the national level;

25 (6) make recommendations on how Federal
26 drought laws and programs can be better integrated

1 with ongoing State, local, and tribal programs into
2 a comprehensive national policy to mitigate the im-
3 pacts of and respond to drought emergencies without
4 diminishing the rights of States to control water
5 through State law and considering the need for pro-
6 tection of the environment;

7 (7) make recommendations on improving public
8 awareness of the need for drought mitigation, pre-
9 vention, and response and on developing a coordi-
10 nated approach to drought mitigation, prevention,
11 and response by governmental and nongovernmental
12 entities, including academic, private, and nonprofit
13 interests; and

14 (8) include a recommendation on whether all
15 Federal drought preparation and response programs
16 should be consolidated under one existing Federal
17 agency and, if so, identify such agency.

18 (c) SUBMISSION OF REPORT.—

19 (1) IN GENERAL.—No later than 18 months
20 after the date of the enactment of this Act, the
21 Commission shall submit a report to the President
22 and Congress which shall contain a detailed state-
23 ment of the findings and conclusions of the Commis-
24 sion, together with its recommendations for such leg-

1 islation and administrative actions as it considers
2 appropriate.

3 (2) APPROVAL OF REPORT.—Before submission
4 of the report, the contents of the report shall be ap-
5 proved by unanimous consent or majority vote. If
6 the report is approved by majority vote, members
7 voting not to approve the contents shall be given the
8 opportunity to submit dissenting views with the re-
9 port.

10 **SEC. 5. POWERS OF THE COMMISSION.**

11 (a) HEARINGS.—The Commission may hold such
12 hearings, sit and act at such times and places, take such
13 testimony, and receive such evidence as the Commission
14 considers necessary to carry out the purposes of this Act.

15 (b) INFORMATION FROM FEDERAL AGENCIES.—The
16 Commission may secure directly from any Federal depart-
17 ment or agency such information as the Commission con-
18 sidered necessary to carry out the provisions of this Act.
19 Upon request of the chair of the Commission, the head
20 of such department or agency shall furnish such informa-
21 tion to the Commission.

22 (c) POSTAL SERVICES.—The Commission may use
23 the United States mails in the same manner and under
24 the same conditions as other departments and agencies of
25 the Federal Government.

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

3 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

4 (a) COMPENSATION OF MEMBERS.—Each member of
5 the Commission who is not an officer or employee of the
6 Federal Government shall not be compensated for service
7 on the Commission, except as provided under subsection
8 (b). All members of the Commission who are officers or
9 employees of the United States shall serve without com-
10 pensation in addition to that received for their services as
11 officers or employees of the United States.

12 (b) TRAVEL EXPENSES.—The members of the Com-
13 mission shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for employ-
15 ees of agencies under subchapter I of chapter 57 of title
16 5, United States Code, while away from their homes or
17 regular places of business in the performance of services
18 for the Commission.

19 (c) DETAIL OF GOVERNMENT EMPLOYEES.—Any
20 Federal Government employee may be detailed to the
21 Commission without reimbursement, and such detail shall
22 be without interruption or loss of civil service status or
23 privilege.

1 (d) ADMINISTRATIVE SUPPORT.—The Secretary of
2 Agriculture shall provide all financial, administrative, and
3 staff support services for the Commission.

4 **SEC. 7. TERMINATION OF THE COMMISSION.**

5 The Commission shall terminate 90 days after the
6 date on which the Commission submits its report under
7 section 4.

Passed the House of Representatives June 16, 1998.

Attest:

ROBIN H. CARLE,

Clerk.

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