

# Union Calendar No. 320

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3035

**[Report No. 105-554, Part I]**

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 1997

Mr. SKEEN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Resources, 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

MAY 22, 1998

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 22, 1998

The Committee on Resources discharged

MAY 22, 1998

Referral to the Committee on Agriculture extended for a period ending not later than June 3, 1998

JUNE 3, 1998

Referral to the Committee on Agriculture extended for a period ending not later than June 5, 1998

JUNE 5, 1998

Additional sponsors: Mr. BARRETT of Nebraska and Mr. BONILLA

JUNE 5, 1998

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “National Drought Policy*  
5 *Act of 1998”.*

6 **SEC. 2. FINDINGS.**

7       *Congress finds that—*

8               (1) *the United States often suffers serious eco-*  
9 *nomie and environmental losses from severe regional*  
10 *droughts and there is no coordinated Federal strategy*  
11 *to respond to such emergencies;*

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

1           (3) *there is an increasing need, particularly at*  
2 *the Federal level, to emphasize preparedness, mitiga-*  
3 *tion, and risk management (rather than simply crisis*  
4 *management) when addressing drought and other nat-*  
5 *ural disasters or emergencies;*

6           (4) *several Federal agencies have a role in*  
7 *drought from predicting, forecasting, and monitoring*  
8 *of drought conditions to the provision of planning,*  
9 *technical, and financial assistance;*

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

12          (6) *State, local, and tribal governments have had*  
13 *to deal individually and separately with each Federal*  
14 *agency involved in drought assistance; and*

15          (7) *the President should appoint an advisory*  
16 *commission to provide advice and recommendations*  
17 *on the creation of an integrated, coordinated Federal*  
18 *policy designed to prepare for, mitigate the impacts*  
19 *of, respond to, and recover from serious drought emer-*  
20 *gencies.*

21 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

22          (a) *ESTABLISHMENT.*—*There is established a commis-*  
23 *sion to be known as the National Drought Policy Commis-*  
24 *sion (hereinafter in this Act referred to as the “Commis-*  
25 *sion”).*

1       **(b) MEMBERSHIP.**—

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

5                       **(A)** *the Secretary of Agriculture, or the des-*  
6 *ignee of the Secretary, who shall chair the Com-*  
7 *mission;*

8                       **(B)** *the Secretary of the Interior, or the des-*  
9 *ignee of the Secretary;*

10                      **(C)** *the Secretary of the Army, or the des-*  
11 *ignee of the Secretary;*

12                      **(D)** *the Secretary of Commerce, or the des-*  
13 *ignee of the Secretary;*

14                      **(E)** *the Director of the Federal Emergency*  
15 *Management Agency, or the designee of the Di-*  
16 *rector;*

17                      **(F)** *the Administrator of the Small Business*  
18 *Administration, or the designee of the Adminis-*  
19 *trator;*

20                      **(G)** *two persons nominated by the National*  
21 *Governors' Association and appointed by the*  
22 *President, of whom—*

23                               **(i)** *one shall be the governor of a State*  
24 *east of the Mississippi River; and*

1                   (ii) one shall be a governor of a State  
2                   west of the Mississippi River;

3                   (H) a person nominated by the National  
4                   Association of Counties and appointed by the  
5                   President;

6                   (I) a person nominated by the United  
7                   States Conference of Mayors and appointed by  
8                   the President; and

9                   (J) six persons, appointed by the Secretary  
10                  of Agriculture in coordination with the Secretary  
11                  of the Interior and the Secretary of the Army,  
12                  who shall be representative of groups acutely af-  
13                  fected by drought emergencies, such as the agri-  
14                  cultural production community, the credit com-  
15                  munity, rural and urban water associations, Na-  
16                  tive Americans, and fishing and environmental  
17                  interests.

18                  (2) *DATE.*—The appointments of the members of  
19                  the Commission shall be made no later than 60 days  
20                  after the date of the enactment of this Act.

21                  (c) *PERIOD OF APPOINTMENT; VACANCIES.*—Members  
22                  shall be appointed for the life of the Commission. Any va-  
23                  cancy in the Commission shall not affect its powers, but  
24                  shall be filled in the same manner as the original appoint-  
25                  ment.

1       (d) *INITIAL MEETING.*—No later than 30 days after  
2 the date on which all members of the Commission have been  
3 appointed, the Commission shall hold its first meeting.

4       (e) *MEETINGS.*—The Commission shall meet at the call  
5 of the chair.

6       (f) *QUORUM.*—A majority of the members of the Com-  
7 mission shall constitute a quorum, but a lesser number of  
8 members may hold hearings.

9       (g) *VICE CHAIR.*—The Commission shall select a vice  
10 chair from among the members who are not Federal officers  
11 or employees.

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

13       (a) *STUDY AND REPORT.*—The Commission shall con-  
14 duct a thorough study and submit a report on national  
15 drought policy in accordance with this section.

16       (b) *CONTENT OF STUDY AND REPORT.*—In conducting  
17 the study and report, the Commission shall—

18               (1) *determine, in consultation with the National*  
19 *Drought Mitigation Center in Lincoln, Nebraska, and*  
20 *other appropriate entities, what needs exist on the*  
21 *Federal, State, local, and tribal levels to prepare for*  
22 *and respond to drought emergencies;*

23               (2) *review all existing Federal laws and pro-*  
24 *grams relating to drought;*

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

4           (4) determine what differences exist between the  
5           needs of those affected by drought and the Federal  
6           laws and programs designed to mitigate the impacts  
7           of and respond to drought;

8           (5) collaborate with the Western Drought Coordi-  
9           nation Council and other appropriate entities in  
10          order to consider regional drought initiatives and the  
11          application of such initiatives at the national level;

12          (6) make recommendations on how Federal  
13          drought laws and programs can be better integrated  
14          with ongoing State, local, and tribal programs into a  
15          comprehensive national policy to mitigate the impacts  
16          of and respond to drought emergencies without dimin-  
17          ishing the rights of States to control water through  
18          State law and considering the need for protection of  
19          the environment;

20          (7) make recommendations on improving public  
21          awareness of the need for drought mitigation, preven-  
22          tion, and response and on developing a coordinated  
23          approach to drought mitigation, prevention, and re-  
24          sponse by governmental and nongovernmental enti-

1 *ties, including academic, private, and nonprofit in-*  
2 *terests; and*

3 *(8) include a recommendation on whether all*  
4 *Federal drought preparation and response programs*  
5 *should be consolidated under one existing Federal*  
6 *agency and, if so, identify such agency.*

7 *(c) SUBMISSION OF REPORT.—*

8 *(1) IN GENERAL.—No later than 18 months after*  
9 *the date of the enactment of this Act, the Commission*  
10 *shall submit a report to the President and Congress*  
11 *which shall contain a detailed statement of the find-*  
12 *ings and conclusions of the Commission, together with*  
13 *its recommendations for such legislation and admin-*  
14 *istrative actions as it considers appropriate.*

15 *(2) APPROVAL OF REPORT.—Before submission*  
16 *of the report, the contents of the report shall be ap-*  
17 *proved by unanimous consent or majority vote. If the*  
18 *report is approved by majority vote, members voting*  
19 *not to approve the contents shall be given the oppor-*  
20 *tunity to submit dissenting views with the report.*

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

22 *(a) HEARINGS.—The Commission may hold such hear-*  
23 *ings, sit and act at such times and places, take such testi-*  
24 *mony, and receive such evidence as the Commission consid-*  
25 *ers necessary to carry out the purposes of this Act.*

1           (b) *INFORMATION FROM FEDERAL AGENCIES.*—The  
2 *Commission may secure directly from any Federal depart-*  
3 *ment or agency such information as the Commission con-*  
4 *siders necessary to carry out the provisions of this Act.*  
5 *Upon request of the chair of the Commission, the head of*  
6 *such department or agency shall furnish such information*  
7 *to the Commission.*

8           (c) *POSTAL SERVICES.*—*The Commission may use the*  
9 *United States mails in the same manner and under the*  
10 *same conditions as other departments and agencies of the*  
11 *Federal Government.*

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

14 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

15          (a) *COMPENSATION OF MEMBERS.*—*Each member of*  
16 *the Commission who is not an officer or employee of the*  
17 *Federal Government shall not be compensated for service*  
18 *on the Commission, except as provided under subsection (b).*  
19 *All members of the Commission who are officers or employ-*  
20 *ees of the United States shall serve without compensation*  
21 *in addition to that received for their services as officers or*  
22 *employees of the United States.*

23          (b) *TRAVEL EXPENSES.*—*The members of the Commis-*  
24 *sion shall be allowed travel expenses, including per diem*  
25 *in lieu of subsistence, at rates authorized for employees of*

1 *agencies under subchapter I of chapter 57 of title 5, United*  
2 *States Code, while away from their homes or regular places*  
3 *of business in the performance of services for the Commis-*  
4 *sion.*

5 *(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Fed-*  
6 *eral Government employee may be detailed to the Commis-*  
7 *sion without reimbursement, and such detail shall be with-*  
8 *out interruption or loss of civil service status or privilege.*

9 *(d) ADMINISTRATIVE SUPPORT.—The Secretary of Ag-*  
10 *riculture shall provide all financial, administrative, and*  
11 *staff support services for the Commission.*

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

13 *The Commission shall terminate 90 days after the date*  
14 *on which the Commission submits its report under section*  
15 *4.*



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