

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 135  
OFFERED BY Ms. EDDIE BERNICE JOHNSON OF  
TEXAS**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. 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;

1           (2) study current water management programs  
2 of Federal, interstate, State, and local agencies and  
3 private sector entities directed at increasing water  
4 supplies, managing flood risk, and improving the  
5 availability, reliability, and quality of water re-  
6 sources; and

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

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

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

18           (C) suggests financing options, incentives,  
19 and opportunities for development of com-  
20 prehensive watershed management plans, re-  
21 gional watershed planning, holistically designed  
22 water resources projects, and increased use of  
23 nonstructural elements (including green infra-  
24 structure and low impact development tech-  
25 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, interstate,  
12 State, and local water management programs in  
13 light of climate change impacts, including sea  
14 level rise, changing weather patterns, increased  
15 risk of flooding or drought, and associated im-  
16 pacts 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, interstate, State, and local agencies;  
17 and

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

21 (d) MEMBERSHIP.—

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

1 (A) 3 members appointed by the President.

2 (B) 3 members appointed by the Speaker  
3 of the House of Representatives from a list of  
4 6 individuals—

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

9 (ii) 3 nominated for that appointment  
10 by the chairman of the Committee on Nat-  
11 ural Resources of the House of Represent-  
12 atives.

13 (C) 3 members appointed by the majority  
14 leader of the Senate from a list of 6 individ-  
15 uals—

16 (i) 3 nominated for that appointment  
17 by the chairman of the Committee on En-  
18 vironment and Public Works of the Senate;  
19 and

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

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

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

5 (ii) 1 nominated for that appointment  
6 by the ranking member of the Committee  
7 on Natural Resources of the House of Rep-  
8 resentatives.

9 (E) 1 member appointed by the minority  
10 leader of the Senate from a list of 2 individ-  
11 uals—

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

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

20 (2) QUALIFICATIONS.—

21 (A) RECOGNIZED STANDING AND DISTINC-  
22 TION.—Members shall be appointed to the  
23 Commission from among individuals who are of  
24 recognized standing and distinction in water  
25 policy issues.

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

6 (C) OTHER CONSIDERATIONS.—In appoint-  
7 ing members of the Commission, every effort  
8 shall be made to ensure that the members rep-  
9 resent a broad cross section of regional and  
10 geographical perspectives in the United States.

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

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

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

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

1 (e) MEETINGS AND QUORUM.—

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

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

11 (f) STAFFING.—The Chairman of the Commission  
12 may, without regard to the civil service laws and regula-  
13 tions, appoint and terminate an Executive Director and  
14 such other additional personnel as may be necessary for  
15 the Commission to perform its duties. The Executive Di-  
16 rector shall be compensated at a rate not to exceed the  
17 annual rate of basic pay for GS-15 of the General Sched-  
18 ule. The employment and termination of an Executive Di-  
19 rector shall be subject to confirmation by a majority of  
20 the members of the Commission.

21 (g) HEARINGS.—

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

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

4           (3) TESTIMONY AND EVIDENCE.—The Commis-  
5           sion may take such testimony and receive such evi-  
6           dence as the Commission considers appropriate to  
7           carry out this section.

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

16          (5) NONSPECIFIED.—Hearings, other than  
17          those referred to in paragraph (4), shall be sched-  
18          uled in distinct geographical regions of the United  
19          States. In conducting such hearings, the Commission  
20          should seek to ensure testimony from individuals  
21          with a diversity of experiences, including those who  
22          work on water issues at all levels of government and  
23          in the private sector.

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

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

7 (2) detail to temporary duty with the Commis-  
8 sion on a reimbursable basis such personnel as the  
9 Commission considers necessary to carry out this  
10 section.

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

17 (1) the President; and

18 (2) Congress.

19 (j) FINAL REPORT.—As soon as practicable, but not  
20 later than 5 years after the date of the first meeting of  
21 the Commission, the Commission shall submit a final re-  
22 port containing a detailed statement of the findings and  
23 conclusions of the Commission and recommendations for  
24 legislation and other policies to implement such findings  
25 and conclusions to—

1 (1) the President;

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

5 (3) the Committee on Energy and Natural Re-  
6 sources and the Committee on Environment and  
7 Public Works of the Senate.

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

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

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

