

109TH CONGRESS
1ST SESSION

H. R. 1386

To establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. HASTINGS of Florida (for himself, Mr. REHBERG, Mr. OSBORNE, Ms. HERSETH, Mr. CASE, Mr. OTTER, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Georgia, Mr. UDALL of New Mexico, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HAYWORTH, Mr. SIMPSON, Mr. PLATTS, Mr. UDALL of Colorado, Mr. TERRY, Ms. BORDALLO, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. SALAZAR, Mr. DAVIS of Florida, Mr. ETHERIDGE, Mr. WEXLER, Mr. GRIJALVA, and Mrs. CUBIN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Resources and Transportation and Infrastructure, 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

A BILL

To establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

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 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “National Drought Preparedness Act of 2005”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
 5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Effect of Act.

TITLE I—NATIONAL DROUGHT COUNCIL

- Sec. 101. Membership and voting.
- Sec. 102. Duties of the Council.
- Sec. 103. Powers of the Council.
- Sec. 104. Council personnel matters.
- Sec. 105. Authorization of appropriations.
- Sec. 106. Termination of Council.

TITLE II—NATIONAL OFFICE OF DROUGHT PREPAREDNESS

- Sec. 201. Establishment.
- Sec. 202. Director of the Office.
- Sec. 203. Detail of government employees.
- Sec. 204. Office Personnel Requirement.

TITLE III—DROUGHT PREPAREDNESS PLANS

- Sec. 301. Drought Assistance Fund.
- Sec. 302. Drought preparedness plans.
- Sec. 303. Federal plans.
- Sec. 304. State and tribal plans.
- Sec. 305. Regional and local plans.
- Sec. 306. Plan elements.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) drought is a natural disaster;

9 (2) regional drought disasters in the United

10 States cause serious economic and environmental

11 losses, yet there is no national policy to ensure an

12 integrated and coordinated Federal strategy to pre-

13 pare for, mitigate, or respond to such losses;

1 (3) drought has an adverse effect on resource-
2 dependent businesses and industries, including
3 recreation- and tourism-based businesses and indus-
4 tries;

5 (4) State, tribal, and local governments have to
6 increase coordinated efforts with each Federal agen-
7 cy involved in drought monitoring, planning, mitiga-
8 tion, and response;

9 (5) effective drought monitoring—

10 (A) is a critical component of drought pre-
11 paredness and mitigation; and

12 (B) requires a comprehensive, integrated
13 national program that is capable of providing
14 reliable, accessible, and timely information to
15 persons involved in drought planning, mitiga-
16 tion, and response activities;

17 (6) the National Drought Policy Commission
18 was established in 1998 to provide advice and rec-
19 ommendations on the creation of an integrated, co-
20 ordinated Federal policy designed to prepare for and
21 respond to serious drought emergencies;

22 (7) according to the report issued by the Na-
23 tional Drought Policy Commission in May 2000, the
24 guiding principles of national drought policy should
25 be—

1 (A) to favor preparedness over insurance,
2 insurance over relief, and incentives over regu-
3 lation;

4 (B) to establish research priorities based
5 on the potential of the research to reduce
6 drought impacts;

7 (C) to coordinate the delivery of Federal
8 services through collaboration with State and
9 local governments and other non-Federal enti-
10 ties; and

11 (D) to improve collaboration among sci-
12 entists and managers; and

13 (8) the National Drought Council, in coordina-
14 tion with Federal agencies and State, tribal, and
15 local governments, should provide the necessary di-
16 rection, coordination, guidance, and assistance in de-
17 veloping a comprehensive drought preparedness sys-
18 tem.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) COUNCIL.—The term “Council” means the
22 National Drought Council established by section
23 101(a).

24 (2) CRITICAL SERVICE PROVIDER.—The term
25 “critical service provider” means an entity that pro-

1 vides power, water (including water provided by an
2 irrigation organization or facility), sewer services, or
3 wastewater treatment.

4 (3) DIRECTOR OF THE OFFICE.—The term “Di-
5 rector of the Office” means the Director of the Na-
6 tional Office of Drought Preparedness appointed
7 under section 202(a).

8 (4) DROUGHT.—The term “drought” means a
9 natural disaster that is caused by a deficiency in
10 precipitation—

11 (A) that may lead to a deficiency in sur-
12 face and subsurface water supplies (including
13 rivers, streams, wetlands, ground water, soil
14 moisture, reservoir supplies, lake levels, and
15 snow pack); and

16 (B) that causes or may cause—

17 (i) substantial economic or social im-
18 pacts; or

19 (ii) physical damage or injury to indi-
20 viduals, property, or the environment.

21 (5) FUND.—The term “Fund” means the
22 Drought Assistance Fund established by section
23 301(a).

24 (6) INDIAN TRIBE.—The term “Indian tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 450b).

3 (7) INTERSTATE WATERSHED.—The term
4 “interstate watershed” means a watershed that tran-
5 scends State or Tribal boundaries, or both.

6 (8) LEAD FEDERAL COORDINATING AGEN-
7 CIES.—The term “Lead Federal coordinating agen-
8 cies” means the Federal departments and agencies
9 identified in section 101(f)(3).

10 (9) MEMBER.—The term “member”, with re-
11 spect to the National Drought Council, means a
12 member of the Council specified or appointed under
13 section 101(b) or, in the absence of the member, the
14 member’s designee as authorized by such section.

15 (10) MITIGATION.—The term “mitigation”
16 means a short- or long-term action, program, or pol-
17 icy that is implemented in advance of or during a
18 drought to minimize any risks and impacts of
19 drought.

20 (11) NATIONAL INTEGRATED DROUGHT INFOR-
21 MATION SYSTEM.—The term “National Integrated
22 Drought Information System” means a comprehen-
23 sive system that collects and integrates information
24 on the key indicators of drought, including stream
25 flow, ground water levels, reservoir levels, soil mois-

1 ture, snow pack, and climate (including precipitation
2 and temperature) in order to make usable, reliable,
3 and timely assessments of drought, including the se-
4 verity of drought and forecasts of drought.

5 (12) NEIGHBORING COUNTRY.—The term
6 “neighboring country” means Canada and Mexico.

7 (13) OFFICE.—The term “Office” means the
8 National Office of Drought Preparedness established
9 under section 301.

10 (14) SECRETARY.—The term “Secretary”
11 means the Secretary of Agriculture.

12 (15) STATE.—The term “State” means the sev-
13 eral States, the District of Columbia, American
14 Samoa, Guam, the Commonwealth of the Northern
15 Mariana Islands, the Commonwealth of Puerto Rico,
16 and the United States Virgin Islands.

17 (16) TRIGGER.—The term “trigger” means the
18 thresholds or criteria that must be satisfied before
19 mitigation or emergency assistance may be provided
20 to an area—

21 (A) in which drought is emerging; or

22 (B) that is experiencing a drought.

23 (17) UNDER SECRETARY.—The term “Under
24 Secretary” means the Under Secretary of Agri-
25 culture for Natural Resources and Environment.

1 (18) WATERSHED.—The term “watershed”
2 means a region or area with common hydrology, an
3 area drained by a waterway that drains into a lake
4 or reservoir, the total area above a given point on
5 a stream that contributes water to the flow at that
6 point, or the topographic dividing line from which
7 surface streams flow in two different directions. In
8 no case shall a watershed be larger than a river
9 basin.

10 (19) WATERSHED GROUP.—The term “water-
11 shed group” means a group of individuals, formally
12 recognized by the appropriate State or States, who
13 represent the broad scope of relevant interests with-
14 in a watershed and who work together in a collabo-
15 rative manner to jointly plan the management of the
16 natural resources contained within the watershed.

17 **SEC. 4. EFFECT OF ACT.**

18 This Act does not affect—

19 (1) the authority of a State to allocate quan-
20 tities of water under the jurisdiction of the State; or

21 (2) any State water rights established as of the
22 date of enactment of this Act.

1 **TITLE I—NATIONAL DROUGHT**
2 **COUNCIL**

3 **SEC. 101. MEMBERSHIP AND VOTING.**

4 (a) IN GENERAL.—There is established in the Office
5 of the Secretary of Agriculture a council to be known as
6 the “National Drought Council”.

7 (b) MEMBERSHIP.—

8 (1) COMPOSITION.—The Council shall be com-
9 posed of—

10 (A) the Secretary (or the designee of the
11 Secretary);

12 (B) the Secretary of Commerce (or the
13 designee of the Secretary of Commerce);

14 (C) the Secretary of the Army (or the des-
15 igned of the Secretary of the Army);

16 (D) the Secretary of the Interior (or the
17 designee of the Secretary of the Interior);

18 (E) the Director of the Federal Emergency
19 Management Agency (or the designee of the Di-
20 rector);

21 (F) the Administrator of the Environ-
22 mental Protection Agency (or the designee of
23 the Administrator);

24 (G) 4 members appointed by the Secretary,
25 in coordination with the National Governors As-

1 society, each of whom shall be the Governor
2 of a State (or the designee of the Governor)
3 and who collectively shall represent the geo-
4 graphic diversity of the Nation;

5 (H) 1 member appointed by the Secretary,
6 in coordination with the National Association of
7 Counties;

8 (I) 1 member appointed by the Secretary,
9 in coordination with the United States Con-
10 ference of Mayors;

11 (J) 1 member appointed by the Secretary
12 of the Interior, in coordination with Indian
13 tribes, to represent the interests of tribal gov-
14 ernments; and

15 (K) 1 member appointed by the Secretary,
16 in coordination with the National Association of
17 Conservation Districts, to represent local soil
18 and water conservation districts.

19 (2) DATE OF APPOINTMENT.—The appointment
20 of each member of the Council shall be made not
21 later than 120 days after the date of enactment of
22 this Act.

23 (c) TERM; VACANCIES.—

24 (1) TERM.—A non-Federal member of the
25 Council appointed under subparagraphs (G) through

1 (K) of subsection (b)(1) shall be appointed for a
2 term of two years.

3 (2) VACANCIES.—A vacancy on the Council—

4 (A) shall not affect the powers of the
5 Council; and

6 (B) shall be filled in the same manner as
7 the original appointment was made.

8 (3) TERMS OF MEMBERS FILLING VACAN-
9 CIES.—Any member appointed to fill a vacancy oc-
10 ccurring before the expiration of the term for which
11 the member's predecessor was appointed shall be ap-
12 pointed only for the remainder of that term.

13 (d) MEETINGS.—

14 (1) IN GENERAL.—The Council shall meet at
15 the call of the co-chairs.

16 (2) FREQUENCY.—The Council shall meet at
17 least semiannually.

18 (e) QUORUM.—A majority of the members of the
19 Council shall constitute a quorum, but a lesser number
20 may hold hearings or conduct other business.

21 (f) COUNCIL LEADERSHIP.—

22 (1) IN GENERAL.—There shall be a Federal co-
23 chair and non-Federal co-chair of the Council.

24 (2) APPOINTMENT.—

1 (A) FEDERAL CO-CHAIR.—The Secretary
2 shall be Federal co-chair.

3 (B) NON-FEDERAL CO-CHAIR.—The Coun-
4 cil members appointed under subparagraphs
5 (G) through (K) of subsection (b)(1) shall se-
6 lect, on a biannual basis, a non-Federal co-chair
7 of the Council from among the members ap-
8 pointed under those subparagraphs.

9 (3) LEAD FEDERAL COORDINATING AGEN-
10 CIES.—

11 (A) For the purpose of implementing sec-
12 tion 102(a)(4), the Secretary of Commerce, in
13 coordination with the Secretary, shall act as the
14 lead Federal coordinating agency.

15 (B) For the purpose of implementing sec-
16 tion 102(a)(5), section 102(a)(6), and section
17 302, the Secretary of the Interior and the Sec-
18 retary of the Army shall jointly act as the lead
19 Federal coordinating agency.

20 (C) For the purpose of implementing sec-
21 tion 301, the Secretary, in coordination with
22 the other Lead Federal coordinating agencies,
23 shall act as the lead Federal coordinating agen-
24 cy.

25 (g) DIRECTOR OF THE OFFICE.—

1 (1) IN GENERAL.—The Director of the Office
2 shall serve as Secretary of the Council.

3 (2) DUTIES.—The Director of the Office shall
4 serve the interests of all members of the Council.

5 (h) COOPERATION FROM OTHER FEDERAL AGEN-
6 CIES.—The head of each department and agency of the
7 executive branch shall cooperate when appropriate with
8 the Lead Federal coordinating agencies to carry out the
9 requirements of section 101(f)(3).

10 **SEC. 102. DUTIES OF THE COUNCIL.**

11 (a) IN GENERAL.—The Council shall—

12 (1) not later than one year after the date of the
13 first meeting of the Council, develop a comprehen-
14 sive National Drought Policy Action Plan that—

15 (A)(i) delineates and integrates responsibil-
16 ities for activities relating to drought (including
17 drought preparedness, mitigation, research, risk
18 management, training, and emergency relief)
19 among Federal agencies; and

20 (ii) ensures that those activities are coordi-
21 nated with the activities of the States, local
22 governments, Indian tribes, and neighboring
23 countries;

24 (B) is consistent with—

1 (i) this Act and other applicable Fed-
2 eral laws; and

3 (ii) the laws and policies of the States
4 for water management;

5 (C) is integrated with drought manage-
6 ment programs of the States, Indian tribes,
7 local governments, watershed groups, and pri-
8 vate entities; and

9 (D) avoids duplicating Federal, State, trib-
10 al, local, watershed, and private drought pre-
11 paredness and monitoring programs in exist-
12 ence on the date of enactment of this Act;

13 (2) evaluate Federal drought-related programs
14 in existence on the date of enactment of this Act and
15 make recommendations to Congress and the Presi-
16 dent on means of eliminating—

17 (A) discrepancies between the goals of the
18 programs and actual service delivery;

19 (B) duplication among programs; and

20 (C) any other circumstances that interfere
21 with the effective operation of the programs;

22 (3) make recommendations to the President,
23 Congress, and appropriate Federal Agencies on—

1 (A) the establishment of common inter-
2 agency triggers for authorizing Federal drought
3 mitigation programs; and

4 (B) improving the consistency and fairness
5 of assistance among Federal drought relief pro-
6 grams;

7 (4) coordinate and prioritize specific activities
8 that will improve the National Integrated Drought
9 Information System by—

10 (A) taking into consideration the limited
11 resources for—

12 (i) drought monitoring, prediction,
13 and research activities; and

14 (ii) water supply forecasting; and

15 (B) providing for the development of an ef-
16 fective drought early-warning system that—

17 (i) communicates drought conditions
18 and impacts to—

19 (I) decisionmakers at the Fed-
20 eral, regional, State, tribal, and local
21 levels of government;

22 (II) the private sector; and

23 (III) the public; and

24 (ii) includes near-real-time data, infor-
25 mation, and products developed at the

1 Federal, regional, State, tribal, and local
2 levels of government that reflect regional
3 and State differences in drought condi-
4 tions;

5 (5) encourage and facilitate the development of
6 drought preparedness plans under subtitle C, includ-
7 ing establishing the guidelines under sections 301(c)
8 and 302(a);

9 (6) based on a review of drought preparedness
10 plans, develop and make available to the public
11 drought planning models to reduce water resource
12 conflicts relating to water conservation and
13 droughts;

14 (7) develop and coordinate public awareness ac-
15 tivities to provide the public with access to under-
16 standable, and informative materials on drought, in-
17 cluding—

18 (A) explanations of the causes of drought,
19 the impacts of drought, and the damages from
20 drought;

21 (B) descriptions of the value and benefits
22 of land stewardship to reduce the impacts of
23 drought and to protect the environment;

24 (C) clear instructions for appropriate re-
25 sponses to drought, including water conserva-

1 tion, water reuse, and detection and elimination
2 of water leaks;

3 (D) information on State and local laws
4 applicable to drought; and

5 (E) opportunities for assistance to re-
6 source-dependent businesses and industries in
7 times of drought; and

8 (8) establish operating procedures for the Coun-
9 cil.

10 (b) CONSULTATION.—In carrying out this section,
11 the Council shall consult with groups affected by drought
12 emergencies, including groups that represent—

13 (1) agricultural production, wildlife, and fishery
14 interests;

15 (2) forestry and fire management interests;

16 (3) the credit community;

17 (4) rural and urban water associations;

18 (5) environmental interests;

19 (6) engineering and construction interests;

20 (7) the portion of the science community that
21 is concerned with drought and climatology;

22 (8) resource-dependent businesses and other
23 private entities, including recreation and tourism-
24 based industries; and

25 (9) watershed groups.

1 (c) REPORTS TO CONGRESS.—

2 (1) ANNUAL REPORT.—

3 (A) IN GENERAL.—Not later than one year
4 after the date of the first meeting of the Coun-
5 cil, and annually thereafter, the Council shall
6 submit to Congress a report on the activities
7 carried out under this title.

8 (B) INCLUSIONS.—

9 (i) IN GENERAL.—The annual report
10 shall include a summary of drought pre-
11 paredness plans completed under title III.

12 (ii) INITIAL REPORT.—The initial re-
13 port submitted under subparagraph (A)
14 shall include any recommendations of the
15 Council under paragraph (2) or (3) of sub-
16 section (a).

17 (2) FINAL REPORT.—Not later than seven
18 years after the date of enactment of this Act, the
19 Council shall submit to Congress a report that rec-
20 ommends—

21 (A) amendments to this Act; and

22 (B) whether the Council should continue.

23 **SEC. 103. POWERS OF THE COUNCIL.**

24 (a) HEARINGS.—The Council may hold hearings,
25 meet and act at any time and place, take any testimony

1 and receive any evidence that the Council considers advis-
2 able to carry out this title.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—

4 (1) IN GENERAL.—The Council may obtain di-
5 rectly from any Federal agency any information that
6 the Council considers necessary to carry out this
7 title.

8 (2) PROVISION OF INFORMATION.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), on request of the Secretary
11 or the non-Federal co-chair of the Council, the
12 head of a Federal agency may provide informa-
13 tion to the Council.

14 (B) LIMITATION.—The head of a Federal
15 agency shall not provide any information to the
16 Council that the Federal agency head deter-
17 mines the disclosure of which may cause harm
18 to national security interests.

19 (c) POSTAL SERVICES.—The Council may use the
20 United States mail in the same manner and under the
21 same conditions as other agencies of the Federal Govern-
22 ment.

23 (d) GIFTS.—The Council may accept, use, and dis-
24 pose of gifts or donations of services or property.

1 (e) FEDERAL FACILITIES.—If the Council proposes
2 the use of a Federal facility for the purposes of carrying
3 out this title, the Council shall solicit and consider the
4 input of the Federal agency with jurisdiction over the fa-
5 cility.

6 **SEC. 104. COUNCIL PERSONNEL MATTERS.**

7 (a) COMPENSATION OF MEMBERS.—

8 (1) NON-FEDERAL EMPLOYEES.—A member of
9 the Council who is not an officer or employee of the
10 Federal Government shall serve without compensa-
11 tion.

12 (2) FEDERAL EMPLOYEES.—A member of the
13 Council who is an officer or employee of the United
14 States shall serve without compensation in addition
15 to the compensation received for services of the
16 member as an officer or employee of the Federal
17 Government.

18 (b) TRAVEL EXPENSES.—A member of the Council
19 shall be allowed travel expenses at rates authorized for an
20 employee of an agency under subchapter I of chapter 57
21 of title 5, United States Code, while away from the home
22 or regular place of business of the member in the perform-
23 ance of the duties of the Council.

1 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this title \$2,000,000 for the first fiscal year beginning on
4 or after the date of the enactment of this Act and for each
5 of the subsequent seven fiscal years.

6 **SEC. 106. TERMINATION OF COUNCIL.**

7 The Council shall terminate at the end of the eighth
8 fiscal year beginning on or after the date of the enactment
9 of this Act.

10 **TITLE II—NATIONAL OFFICE OF**
11 **DROUGHT PREPAREDNESS**

12 **SEC. 201. ESTABLISHMENT.**

13 The Secretary shall establish an office to be known
14 as the “National Office of Drought Preparedness” to pro-
15 vide assistance to the Council in carrying out this title.
16 The Office shall be under the jurisdiction of the Under
17 Secretary.

18 **SEC. 202. DIRECTOR OF THE OFFICE.**

19 (a) APPOINTMENT.—

20 (1) IN GENERAL.—The Under Secretary shall
21 appoint a Director of the Office under sections 3371
22 through 3375 of title 5, United States Code.

23 (2) QUALIFICATIONS.—The Director of the Of-
24 fice shall be a person who has experience in—

25 (A) public administration; and

1 (B) drought mitigation or drought man-
2 agement.

3 (b) POWERS.—The Director of the Office may hire
4 such other additional personnel or contract for services
5 with other entities as necessary to carry out the duties
6 of the Office.

7 **SEC. 203. DETAIL OF GOVERNMENT EMPLOYEES.**

8 (a) IN GENERAL.—Except for the requirements of
9 section 204, an employee of the Federal Government may
10 be detailed to the Office without reimbursement, unless
11 the Secretary, on the recommendation of the Director of
12 the Office, determines that reimbursement is appropriate.

13 (b) CIVIL SERVICE STATUS.—The detail of an em-
14 ployee shall be without interruption or loss of civil service
15 status or privilege.

16 **SEC. 204. OFFICE PERSONNEL REQUIREMENT.**

17 (a) IN GENERAL.—The Office shall have at least 5
18 full-time staff, including the personnel detailed to the Of-
19 fice under subsection (b).

20 (b) DETAILEES.—There shall be detailed to the Of-
21 fice, on a nonreimbursable basis—

22 (1) by the Director of the Federal Emergency
23 Management Agency, 1 employee of that agency
24 with expertise in emergency planning;

1 (2) by the Secretary of Commerce, 1 employee
2 of that department with experience in drought moni-
3 toring;

4 (3) by the Secretary of the Interior, 1 employee
5 of the Bureau of Reclamation with experience in
6 water planning; and

7 (4) by the Secretary of the Army, 1 employee
8 of the Army Corps of Engineers with experience in
9 water planning.

10 **TITLE III—DROUGHT**
11 **PREPAREDNESS PLANS**

12 **SEC. 301. DROUGHT ASSISTANCE FUND.**

13 (a) ESTABLISHMENT.—There is established within
14 the Department of Agriculture a fund to be known as the
15 “Drought Assistance Fund”.

16 (b) PURPOSE.—The Fund shall be used to pay the
17 costs of—

18 (1) providing technical and financial assistance
19 (including grants and cooperative assistance) to
20 States, Indian tribes, local governments, watershed
21 groups, and critical service providers for the develop-
22 ment and implementation of drought preparedness
23 plans under title III;

24 (2) providing to States, Indian tribes, local gov-
25 ernments, watershed groups, and critical service pro-

1 viders the Federal share, as determined by the Sec-
2 retary, in consultation with the other members of
3 the Council, of the cost of mitigating the overall risk
4 and impacts of droughts;

5 (3) assisting States, Indian tribes, local govern-
6 ments, watershed groups, and critical service pro-
7 viders in the development of mitigation measures to
8 address environmental, economic, and human health
9 and safety issues relating to drought;

10 (4) expanding the technology transfer of
11 drought and water conservation strategies and inno-
12 vative water supply techniques;

13 (5) developing post-drought evaluations and
14 recommendations; and

15 (6) supplementing, if necessary, the costs of im-
16 plementing actions under section 102(a)(4).

17 (c) GUIDELINES.—

18 (1) IN GENERAL.—The Secretary, in consulta-
19 tion with the non-Federal co-chair of the Council
20 and with the concurrence of the Council, shall de-
21 velop and promulgate guidelines to implement this
22 section.

23 (2) REQUIREMENTS.—The guidelines shall ad-
24 dress the following:

1 (A) Ensure the distribution of amounts
2 from the Fund within a reasonable period of
3 time.

4 (B) Take into consideration regional dif-
5 ferences.

6 (C) Take into consideration all impacts of
7 drought in a balanced manner.

8 (D) Prohibit the use of amounts from the
9 Fund for Federal salaries that are not directly
10 related to the provision of drought assistance.

11 (E) Require that distribution of amounts
12 from the Fund granted to States, local govern-
13 ments, watershed groups, and critical service
14 providers to meet the requirements of sub-
15 section (b)(1) be coordinated with and managed
16 by the State in which such local government or
17 critical service provider is located, consistent
18 with the drought preparedness priorities and
19 relevant water management plans within the
20 State.

21 (F) Require that distribution of amounts
22 from the Fund granted to Indian tribes to meet
23 the requirements of subsection (b)(1) be used to
24 implement plans that are, to the extent prac-
25 ticable, in coordination with each State in which

1 lands of the Indian tribe are located and con-
2 sistent with existing drought preparedness and
3 water management plans of such States.

4 (G) Require that a State, Indian tribe,
5 local government, watershed group, or critical
6 service provider that receives Federal funds
7 under paragraph (2) or (3) of subsection (b)
8 cover not less than 25 percent of the overall
9 cost incurred in carrying out the project for
10 which the Federal funds are provided. This cost
11 sharing requirement may be satisfied using
12 non-Federal grants or cash donations made by
13 non-Federal third parties.

14 (d) SPECIAL REQUIREMENT FOR INTERSTATE WA-
15 TERSHEDS.—

16 (1) DEVELOPMENT OF DROUGHT PREPARED-
17 NESS PLANS.—In order to receive funds under sub-
18 section (b)(1) to develop drought preparedness plans
19 for interstate watersheds, the guidelines shall also
20 require the relevant States, Indian tribes, or both, in
21 which the watershed is located, to coordinate in the
22 development of the drought preparedness plan. The
23 development of such plans shall—

24 (A) be consistent with the relevant States'
25 and Tribal water laws, policies, and agreements;

1 (B) be consistent and coordinated with any
2 existing interstate stream compacts;

3 (C) include the participation of any rel-
4 evant watershed groups located in the relevant
5 States, Indian tribes, or both; and

6 (D) recognize that implementation of the
7 interstate drought preparedness plan will in-
8 volve further coordination among the relevant
9 States, Indian tribes, or both, except that each
10 State and Indian tribe has sole jurisdiction over
11 implementation of that portion of the watershed
12 that exists within their boundaries.

13 (2) IMPLEMENTATION OF DROUGHT PREPARED-
14 NESS PLANS.—In order to receive funds under sub-
15 section (b)(1) to implement drought preparedness
16 plans for interstate watersheds, the guidelines shall
17 also require, to the extent practicable, the relevant
18 States, Indian tribes, or both, in which the water-
19 shed is located, to coordinate in the implementation
20 of the drought preparedness plan, recognizing the
21 sovereignty of the States and Indian tribes. Imple-
22 mentation of interstate drought preparedness plans
23 under subsection (b)(1) shall—

24 (A) be contingent upon the existence of a
25 drought preparedness plan, but not require the

1 distribution of funds to all States and Indian
2 tribes in which the watershed is located;

3 (B) consider the level of impact within the
4 watershed on each of the relevant States, In-
5 dian tribes, or both; and

6 (C) not impede on State water rights es-
7 tablished as of the date of enactment of this
8 Act.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Fund such sums
11 as are necessary to carry out subsection (b).

12 **SEC. 302. DROUGHT PREPAREDNESS PLANS.**

13 (a) IN GENERAL.—The Secretary of the Interior and
14 the Secretary of the Army shall—

15 (1) with the concurrence of the Council, jointly
16 develop guidelines for administering a national pro-
17 gram to provide technical and financial assistance to
18 States, Indian tribes, local governments, watershed
19 groups, and critical service providers for the develop-
20 ment, maintenance, and implementation of drought
21 preparedness plans; and

22 (2) promulgate the guidelines developed under
23 paragraph (1).

24 (b) REQUIREMENTS.—To build on the experience and
25 avoid duplication of efforts of Federal, State, local, tribal,

1 and regional drought plans in existence on the date of en-
2 actment of this Act, the guidelines may recognize and in-
3 corporate those plans.

4 **SEC. 303. FEDERAL PLANS.**

5 (a) IN GENERAL.—The Secretary, the Secretary of
6 the Interior, the Secretary of the Army, and other appro-
7 priate Federal agency heads shall develop and implement
8 Federal drought preparedness plans for agencies under
9 the jurisdiction of the appropriate Federal agency head.

10 (b) REQUIREMENTS.—The Federal plans—

11 (1) shall be integrated with each other;

12 (2) may be included as components of other
13 Federal planning requirements;

14 (3) shall be integrated with drought prepared-
15 ness plans of State, tribal, and local governments
16 that are affected by Federal projects and programs;
17 and

18 (4) shall be completed not later than two years
19 after the date of the enactment of this Act.

20 **SEC. 304. STATE AND TRIBAL PLANS.**

21 States and Indian tribes may develop and implement
22 State and tribal drought preparedness plans that—

23 (1) address monitoring of resource conditions
24 that are related to drought;

1 (2) identify areas that are at a high risk for
2 drought;

3 (3) describes mitigation strategies to address
4 and reduce the vulnerability of an area to drought;
5 and

6 (4) are integrated with State, tribal, and local
7 water plans in existence on the date of enactment of
8 this Act.

9 **SEC. 305. REGIONAL AND LOCAL PLANS.**

10 Local governments, watershed groups, and regional
11 water providers may develop and implement drought pre-
12 paredness plans that—

13 (1) address monitoring of resource conditions
14 that are related to drought;

15 (2) identify areas that are at a high risk for
16 drought;

17 (3) describe mitigation strategies to address
18 and reduce the vulnerability of an area to drought;
19 and

20 (4) are integrated with corresponding State
21 plans.

22 **SEC. 306. PLAN ELEMENTS.**

23 The drought preparedness plans developed under this
24 title—

1 (1) shall be consistent with Federal and State
2 laws, contracts, and policies;

3 (2) shall allow each State to continue to man-
4 age water and wildlife in the State;

5 (3) shall address the health, safety, and eco-
6 nomic interests of those persons directly affected by
7 drought;

8 (4) shall address the economic impact on re-
9 source-dependent businesses and industries, includ-
10 ing regional tourism;

11 (5) may include—

12 (A) provisions for water management
13 strategies to be used during various drought or
14 water shortage thresholds, consistent with State
15 water law;

16 (B) provisions to address key issues relat-
17 ing to drought (including public health, safety,
18 economic factors, and environmental issues such
19 as water quality, water quantity, protection of
20 threatened and endangered species, and fire
21 management);

22 (C) provisions that allow for public partici-
23 pation in the development, adoption, and imple-
24 mentation of drought plans;

1 (D) provisions for periodic drought exer-
2 cises, revisions, and updates;

3 (E) a hydrologic characterization study to
4 determine how water is being used during times
5 of normal water supply availability to anticipate
6 the types of drought mitigation actions that
7 would most effectively improve water manage-
8 ment during a drought;

9 (F) drought triggers;

10 (G) specific implementation actions for
11 droughts;

12 (H) a water shortage allocation plan, con-
13 sistent with State water law; and

14 (I) comprehensive insurance and financial
15 strategies to manage the risks and financial im-
16 pacts of droughts; and

17 (6) shall take into consideration—

18 (A) the financial impact of the plan on the
19 ability of the utilities to ensure rate stability
20 and revenue stream; and

21 (B) economic impacts from water short-
22 ages.

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