

**Calendar No. 344**113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2198**

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

APRIL 1, 2014

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, Mr. MERKLEY, Mr. REID, Mr. HELLER, Mr. ROCKEFELLER, Mr. DURBIN, Ms. STABENOW, and Mr. CASEY) introduced the following bill; which was read the first time

APRIL 2, 2014

Read the second time and placed on the calendar

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**A BILL**

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, 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 This Act may be cited as the “Emergency Drought  
3 Relief Act of 2014”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act are as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—EMERGENCY DROUGHT RELIEF

- Sec. 101. Findings.
- Sec. 102. Definitions.
- Sec. 103. Emergency projects.
- Sec. 104. Emergency funding.
- Sec. 105. Emergency environmental reviews.
- Sec. 106. State revolving funds.
- Sec. 107. Drought planning assistance.
- Sec. 108. Calfed Bay-Delta Act reauthorization.
- Sec. 109. Reclamation States Emergency Drought Relief Act reauthorization.
- Sec. 110. Secure Water Act reauthorization.
- Sec. 111. Colorado River Basin System water.
- Sec. 112. Effect on State laws.
- Sec. 113. Klamath Basin water supply.
- Sec. 114. Termination of authorities.

TITLE II—FEDERAL DISASTER ASSISTANCE

- Sec. 201. Treatment of drought under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

6 **TITLE I—EMERGENCY DROUGHT**  
7 **RELIEF**

8 **SEC. 101. FINDINGS.**

9 Congress finds that—

10 (1) as established in the Proclamation of a  
11 State of Emergency issued by the Governor of the  
12 State on January 17, 2014, the State is experi-  
13 encing record dry conditions;

1           (2) extremely dry conditions have persisted in  
2           the State since 2012, and the current drought condi-  
3           tions are likely to persist into the future;

4           (3) the water supplies of the State are at  
5           record-low levels, as indicated by a statewide average  
6           snowpack of 12 percent of the normal average for  
7           winter as of February 1, 2014, and the fact that all  
8           major Central Valley Project reservoir levels are  
9           below 50 percent of the capacity of the reservoirs as  
10          of the date of enactment of this Act;

11          (4) the 2013–2014 drought constitutes a seri-  
12          ous emergency posing immediate and severe risks to  
13          human life and safety and to the environment  
14          throughout the State;

15          (5) the emergency requires—

16                (A) immediate and credible action that re-  
17                spects the complexity of the State of Califor-  
18                nia’s water system and its importance to the  
19                entire State; and

20                (B) policies that do not pit stakeholders  
21                against one another, which history has shown  
22                only leads to costly litigation that benefits no  
23                one and prevents any real solutions;

24          (6) Federal law (including regulations) directly  
25          authorizes expedited decisionmaking procedures and

1 environmental and public review procedures to en-  
 2 able timely and appropriate implementation of ac-  
 3 tions to respond to such a type and severity of emer-  
 4 gency; and

5 (7) the serious emergency posed by the 2013–  
 6 2014 drought in the State fully satisfies the condi-  
 7 tions necessary for the exercise of emergency deci-  
 8 sion making, analytical, and public review require-  
 9 ments under—

10 (A) the Endangered Species Act of 1973  
 11 (16 U.S.C. 1531 et seq.);

12 (B) the National Environmental Policy Act  
 13 of 1969 (42 U.S.C. 4321 et seq.);

14 (C) water control management procedures  
 15 of the Corps of Engineers described in section  
 16 222.5 of title 33, Code of Federal Regulations  
 17 (including successor regulations); and

18 (D) the Reclamation States Emergency  
 19 Drought Relief Act of 1991 (Public Law 102–  
 20 250; 106 Stat. 53).

21 **SEC. 102. DEFINITIONS.**

22 In this title:

23 (1) **CENTRAL VALLEY PROJECT.**—The term  
 24 “Central Valley Project” has the meaning given the

1 term in section 3403 of the Central Valley Project  
2 Improvement Act (106 Stat. 4707).

3 (2) KLAMATH PROJECT.—The term “Klamath  
4 Project” means the Bureau of Reclamation project  
5 in the States of California and Oregon—

6 (A) as authorized under the Act of June  
7 17, 1902 (32 Stat. 388, chapter 1093); and

8 (B) as described in—

9 (i) title II of the Oregon Resource  
10 Conservation Act of 1996 (Public Law  
11 104–208; 110 Stat. 3009–532); and

12 (ii) the Klamath Basin Water Supply  
13 Enhancement Act of 2000 (Public Law  
14 106–498; 114 Stat. 2221).

15 (3) RECLAMATION PROJECT.—The term “Rec-  
16 lamation Project” means a project constructed pur-  
17 suant to the authorities of the reclamation laws and  
18 whose facilities are wholly or partially located in the  
19 State.

20 (4) SECRETARIES.—The term “Secretaries”  
21 means—

22 (A) the Administrator of the Environ-  
23 mental Protection Agency;

24 (B) the Secretary of Commerce; and

25 (C) the Secretary of the Interior.

1           (5) STATE.—The term “State” means the State  
2 of California.

3           (6) STATE WATER PROJECT.—The term “State  
4 Water Project” means the water project described  
5 by California Water Code section 11550 et seq., and  
6 operated by the California Department of Water Re-  
7 sources.

8 **SEC. 103. EMERGENCY PROJECTS.**

9           (a) IN GENERAL.—In response to the declaration of  
10 a state of drought emergency by the Governor of the  
11 State, the Secretaries shall provide the maximum quantity  
12 of water supplies possible to Central Valley Project and  
13 Klamath Project agricultural, municipal and industrial,  
14 and refuge service and repayment contractors, State  
15 Water Project contractors, and any other locality or mu-  
16 nicipality in the State, by approving, consistent with appli-  
17 cable laws (including regulations)—

18           (1) any project or operations to provide addi-  
19 tional water supplies if there is any possible way  
20 whatsoever that the Secretaries can do so unless the  
21 project or operations constitute a highly inefficient  
22 way of providing additional water supplies; and

23           (2) any projects or operations as quickly as pos-  
24 sible based on available information to address the  
25 emergency conditions.

1 (b) MANDATE.—In carrying out subsection (a), the  
2 applicable agency heads described in that subsection shall,  
3 consistent with applicable laws (including regulations)—

4 (1) authorize and implement actions to ensure  
5 that the Delta Cross Channel Gates shall remain  
6 open to the greatest extent possible, timed to maxi-  
7 mize the peak flood tide period and provide water  
8 supply and water quality benefits for the duration of  
9 the State’s drought emergency declaration, con-  
10 sistent with operational criteria and monitoring cri-  
11 teria developed pursuant to the California State  
12 Water Resources Control Board’s Order Approving a  
13 Temporary Urgency Change in License and Permit  
14 Terms in Response to Drought Conditions, effective  
15 January 31, 2014, or a successor order;

16 (2)(A) collect data associated with the operation  
17 of the Delta Cross Channel Gates described in para-  
18 graph (1) and its impact on species listed as threat-  
19 ened or endangered under the Endangered Species  
20 Act of 1973 (16 U.S.C. 1531 et seq.), water quality,  
21 and water supply; and

22 (B) after assessing the data described in sub-  
23 paragraph (A), require the Director of the National  
24 Marine Fisheries Service to recommend revisions to  
25 operations of the Central Valley Project and the

1 California State Water Project, including, if appro-  
2 priate, the reasonable and prudent alternatives con-  
3 tained in the biological opinion issued by the Na-  
4 tional Marine Fisheries Service on June 4, 2009,  
5 that are likely to produce fishery, water quality, and  
6 water supply benefits;

7 (3)(A) implement turbidity control strategies  
8 that allow for increased water deliveries while avoid-  
9 ing jeopardy to adult delta smelt (*Hypomesus*  
10 *transpacificus*) due to entrainment at Central Valley  
11 Project and State Water Project pumping plants;  
12 and

13 (B) manage reverse flow in Old and Middle Riv-  
14 ers as prescribed by the biological opinion issued by  
15 the United States Fish and Wildlife Service and  
16 dated December 15, 2008, to minimize water supply  
17 reductions for the Central Valley Project and the  
18 State Water Project;

19 (4) adopt a 1:1 inflow to export ratio for the in-  
20 creased flow of the San Joaquin River, as measured  
21 as a 3-day running average at Vernalis during the  
22 period from April 1 through May 31, resulting from  
23 voluntary transfers and exchanges of water supplies,  
24 among other purposes;



1           (5) issue all necessary permit decisions under  
2 the authority of the Secretaries within 30 days of re-  
3 ceiving a completed application by the State to place  
4 and use temporary barriers or operable gates in  
5 Delta channels to improve water quantity and qual-  
6 ity for State Water Project and Central Valley  
7 Project South of Delta water contractors and other  
8 water users, which barriers or gates should provide  
9 benefits for species protection and in-Delta water  
10 user water quality and shall be designed such that  
11 formal consultations under section 7 of the Endan-  
12 gered Species Act of 1973 (16 U.S.C. 1536) would  
13 not be necessary;

14           (6)(A) require the Director of the United States  
15 Fish and Wildlife Service and the Commissioner of  
16 the Bureau of Reclamation to complete all require-  
17 ments under the National Environmental Policy Act  
18 of 1969 (42 U.S.C. 4321 et seq.) and the Endan-  
19 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)  
20 necessary to make final permit decisions on water  
21 transfer requests associated with voluntarily  
22 following nonpermanent crops in the State, within  
23 30 days of receiving such a request; and

24           (B) require the Director of the United States  
25 Fish and Wildlife Service to allow any water transfer

1 request associated with fallowing to maximize the  
2 quantity of water supplies available for nonhabitat  
3 uses as long as the fallowing and associated water  
4 transfer are in compliance with applicable Federal  
5 laws (including regulations);

6 (7) allow North of Delta water service contrac-  
7 tors with unused 2013 Central Valley Project con-  
8 tract supplies to take delivery of those unused sup-  
9 plies through April 15, 2014, if—

10 (A) the contractor requests the extension;

11 and

12 (B) the requesting contractor certifies  
13 that, without the extension, the contractor  
14 would have insufficient supplies to adequately  
15 meet water delivery obligations;

16 (8) maintain all rescheduled water supplies held  
17 in the San Luis Reservoir and Millerton Reservoir  
18 for all water users for delivery in the immediately  
19 following contract water year unless precluded by  
20 reservoir storage capacity limitations;

21 (9) to the maximum extent possible based on  
22 the availability of water and without causing land  
23 subsidence—

24 (A) meet the contract water supply needs  
25 of Central Valley Project refuges through the

1 improvement or installation of wells to use  
2 groundwater resources and the purchase of  
3 water from willing sellers, which activities may  
4 be accomplished by using funding made avail-  
5 able under section 104 or the Water Assistance  
6 Program or the WaterSMART program of the  
7 Department of the Interior; and

8 (B) make a quantity of Central Valley  
9 Project surface water obtained from the meas-  
10 ures implemented under subparagraph (A)  
11 available to Central Valley Project contractors;

12 (10) make any WaterSMART grant funding al-  
13 located to the State available on a priority and expe-  
14 dited basis for projects in the State that—

15 (A) provide emergency drinking and mu-  
16 nicipal water supplies to localities in a quantity  
17 necessary to meet minimum public health and  
18 safety needs;

19 (B) prevent the loss of permanent crops;

20 (C) minimize economic losses resulting  
21 from drought conditions; or

22 (D) provide innovative water conservation  
23 tools and technology for agriculture and urban  
24 water use that can have immediate water sup-  
25 ply benefits;

1           (11) implement offsite upstream projects in the  
2 Delta and upstream Sacramento River and San Joa-  
3 quin basins, in coordination with the California De-  
4 partment of Water Resources and the California De-  
5 partment of Fish and Wildlife, that offset the effects  
6 on species listed as threatened or endangered under  
7 the Endangered Species Act of 1973 (16 U.S.C.  
8 1531 et seq.) due to actions taken under this Act;  
9 and

10           (12) use all available scientific tools to identify  
11 and implement any changes to real-time operations  
12 of Bureau of Reclamation, State, and local water  
13 projects that could result in the availability of addi-  
14 tional water supplies.

15       (c) OTHER AGENCIES.—To the extent that a Federal  
16 agency other than agencies headed by the Secretaries has  
17 a role in approving projects described in subsections (a)  
18 and (b), the provisions of this section shall apply to those  
19 Federal agencies.

20       (d) ACCELERATED PROJECT DECISION AND ELE-  
21 VATION.—

22           (1) IN GENERAL.—Upon the request of the  
23 State, the heads of Federal agencies shall use the  
24 expedited procedures under this subsection to make  
25 final decisions relating to a Federal project or oper-

1        ation to provide additional water supplies or address  
2        emergency drought conditions pursuant to sub-  
3        sections (a) and (b).

4            (2) REQUEST FOR RESOLUTION.—

5            (A) IN GENERAL.—Upon the request of  
6        the State, the head of an agency referred to in  
7        subsection (a), or the head of another Federal  
8        agency responsible for carrying out a review of  
9        a project, as applicable, the Secretary of the In-  
10        terior shall convene a final project decision  
11        meeting with the heads of all relevant Federal  
12        agencies to decide whether to approve a project  
13        to provide emergency water supplies.

14           (B) MEETING.—The Secretary of the Inte-  
15        rior shall convene a meeting requested under  
16        subparagraph (A) not later than 7 days after  
17        receiving the meeting request.

18           (3) NOTIFICATION.—Upon receipt of a request  
19        for a meeting under this subsection, the Secretary of  
20        the Interior shall notify the heads of all relevant  
21        Federal agencies of the request, including the  
22        project to be reviewed and the date for the meeting.

23           (4) DECISION.—Not later than 10 days after  
24        the date on which a meeting is requested under

1 paragraph (2), the head of the relevant Federal  
2 agency shall issue a final decision on the project.

3 (5) MEETING CONVENED BY SECRETARY.—The  
4 Secretary may convene a final project decision meet-  
5 ing under this subsection at any time, at the discre-  
6 tion of the Secretary, regardless of whether a meet-  
7 ing is requested under paragraph (2).

8 **SEC. 104. EMERGENCY FUNDING.**

9 (a) FINANCIAL ASSISTANCE.—

10 (1) IN GENERAL.—Financial assistance may be  
11 made available under the Reclamation States Emer-  
12 gency Drought Relief Act of 1991 (43 U.S.C. 2201  
13 et seq.), subtitle F of title IX of the Omnibus Public  
14 Land Management Act of 2009 (42 U.S.C. 10361 et  
15 seq.) (commonly known as the “Secure Water Act of  
16 2009”), and any other applicable Federal law (in-  
17 cluding regulations), to be divided among each appli-  
18 cable program at the discretion of the Secretary for  
19 eligible water projects to assist drought-plagued  
20 areas of the State and the West.

21 (2) ADDITIONAL AVAILABILITY.—Financial as-  
22 sistance may be made available under this section to  
23 organizations and entities, including tribal govern-  
24 ments, that are engaged in collaborative processes to  
25 restore the environment while settling water rights

1 claims that are part of an active water rights adju-  
2 dication or a broader settlement of claims that are  
3 part of a basin-wide solution for restoration.

4 (b) TYPES OF ASSISTANCE.—Assistance under sub-  
5 section (a) shall include a range of projects, including—

6 (1) the installation of pumps, temporary bar-  
7 riers, or operable gates for water diversion and fish  
8 protection;

9 (2) the installation of groundwater wells in  
10 wildlife refuges and other areas;

11 (3) the purchase or assistance in the purchase  
12 of water from willing sellers;

13 (4) conservation projects providing water supply  
14 benefits in the short-term;

15 (5) exchanges with any water district willing to  
16 provide water to meet the emergency water needs of  
17 other water districts in return for the delivery of  
18 equivalent quantities of water later that year or in  
19 future years;

20 (6) maintenance of cover crops to prevent pub-  
21 lic health impacts from severe dust storms;

22 (7) emergency pumping projects for critical  
23 health and safety purposes;

1           (8) activities to reduce water demand consistent  
2 with a comprehensive program for environmental  
3 restoration and settlement of water rights claims;

4           (9) the use of new or innovative water on-farm  
5 water conservation technologies or methods that may  
6 assist in sustaining permanent crops in areas with  
7 severe water shortages;

8           (10) technical assistance to improve existing ir-  
9 rigation practices to provide water supply benefits in  
10 the short-term; and

11           (11) any other assistance the Secretary deter-  
12 mines to be necessary to increase available water  
13 supplies or mitigate drought impacts.

14 **SEC. 105. EMERGENCY ENVIRONMENTAL REVIEWS.**

15       To minimize the time spent carrying out environ-  
16 mental reviews and to deliver water quickly that is needed  
17 to address emergency drought conditions, the head of each  
18 applicable Federal agency shall, in carrying out this Act,  
19 consult with the Council on Environmental Quality in ac-  
20 cordance with section 1506.11 of title 40, Code of Federal  
21 Regulations (including successor regulations) to develop  
22 alternative arrangements to comply with the National En-  
23 vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
24 during the emergency.



1 **SEC. 106. STATE REVOLVING FUNDS.**

2 (a) IN GENERAL.—The Administrator of the Envi-  
3 ronmental Protection Agency, in allocating amounts for  
4 each of the fiscal years during which the State’s emer-  
5 gency drought declaration is in force to State water pollu-  
6 tion control revolving funds established under title VI of  
7 the Federal Water Pollution Control Act (33 U.S.C. 1381  
8 et seq.) and the State drinking water treatment revolving  
9 loan funds established under section 1452 of the Safe  
10 Drinking Water Act (42 U.S.C. 300j–12), shall, for those  
11 projects that are eligible to receive assistance under sec-  
12 tion 603 of the Federal Water Pollution Control Act (33  
13 U.S.C. 1383) or section 1452(a)(2) of the Safe Drinking  
14 Water Act (42 U.S.C. 300j–12(a)(2)), respectively, that  
15 the State determines will provide additional water supplies  
16 most expeditiously to areas that are at risk of having an  
17 inadequate supply of water for public health and safety  
18 purposes or to improve resiliency to drought—

19 (1) require the State to review and prioritize  
20 funding for such projects;

21 (2) issue a determination of waivers within 30  
22 days of the conclusion of the informal public com-  
23 ment period pursuant to section 436(c) of title IV of  
24 division G of Public Law 113–76; and

25 (3) authorize, at the request of the State, 40-  
26 year financing for assistance under section

1       603(d)(2) of the Federal Water Pollution Control  
2       Act (33 U.S.C. 1383(d)(2)) or section 1452(f)(2) of  
3       the Safe Drinking Water Act (42 U.S.C. 300j–  
4       12(f)(2)).

5       (b) APPLICABILITY.—Paragraphs (2) and (3) of sub-  
6 section (a) shall apply to any other State—

7           (1) that has a State-declared drought declara-  
8       tion in force; or

9           (2) for which a natural disaster has been de-  
10      clared by the Secretary of Agriculture under section  
11      321(a) of the Consolidated Farm and Rural Devel-  
12      opment Act (7 U.S.C. 1961(a)) for drought or agri-  
13      cultural disaster.

14      (c) EFFECT OF SECTION.—Nothing in this section  
15      authorizes the Administrator of the Environmental Pro-  
16      tection Agency to modify any funding allocation, funding  
17      criteria, or other requirement relating to State water pol-  
18      lution control revolving funds established under title VI  
19      of the Federal Water Pollution Control Act (33 U.S.C.  
20      1381 et seq.) and the State drinking water treatment re-  
21      volving loan funds established under section 1452 of the  
22      Safe Drinking Water Act (42 U.S.C. 300j–12) for any  
23      State other than as described in subsections (a) and (b).

1 **SEC. 107. DROUGHT PLANNING ASSISTANCE.**

2 (a) IN GENERAL.—Upon the request of Central Val-  
3 ley Project or Klamath Project contractors or other Rec-  
4 lamation Project contractors in the State, the Secretary  
5 of the Interior, acting through the Commissioner of Rec-  
6 lamation, shall provide water supply planning assistance  
7 in preparation for and in response to dry, critically dry,  
8 and below normal water year types to those Central Valley  
9 Project or Klamath Project contractors or other Reclama-  
10 tion Project contractors making those requests, including  
11 contractors who possess contracts for refuge water sup-  
12 plies or deliver refuge water supplies.

13 (b) TYPES OF ASSISTANCE.—Assistance under sub-  
14 section (a) shall include—

- 15 (1) hydrological forecasting;
- 16 (2) assessment of water supply sources under  
17 different water year classification types;
- 18 (3) identification of alternative water supply  
19 sources;
- 20 (4) guidance on potential water transfer part-  
21 ners;
- 22 (5) technical assistance regarding Federal and  
23 State permits and contracts under the Act of Feb-  
24 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-  
25 monly known as the “Warren Act”);

1           (6) technical assistance regarding emergency  
2           provision of water supplies for critical health and  
3           safety purposes;

4           (7) activities carried out in conjunction with the  
5           National Oceanic and Atmospheric Administration,  
6           the National Integrated Drought Information Sys-  
7           tem, and the State partners of the National Inte-  
8           grated Drought Information System under the Na-  
9           tional Integrated Drought Information System Act  
10          of 2006 (15 U.S.C. 313d)—

11                   (A) to collect and integrate key indicators  
12                   of drought severity and impacts; and

13                   (B) to produce and communicate timely  
14                   monitoring and forecast information to local  
15                   and regional communities, including the San  
16                   Joaquin Valley, the Delta, and the Central  
17                   Coast; and

18           (8) any other assistance the Secretary deter-  
19           mines to be necessary.

20 **SEC. 108. CALFED BAY-DELTA ACT REAUTHORIZATION.**

21           Title I of the Water Supply, Reliability, and Environ-  
22           mental Improvement Act (118 Stat. 1681; 123 Stat.  
23           2860) (as amended by section 207 of title II of division  
24           D of the Consolidated Appropriations Act, 2014) is

1 amended by striking “2015” each place it appears and  
2 inserting “2018”.

3 **SEC. 109. RECLAMATION STATES EMERGENCY DROUGHT**  
4 **RELIEF ACT REAUTHORIZATION.**

5 (a) IN GENERAL.—Section 301 of the Reclamation  
6 States Emergency Drought Relief Act of 1991 (43 U.S.C.  
7 2241) is amended—

8 (1) by striking “\$90,000,000” and inserting  
9 “\$190,000,000”; and

10 (2) by striking “2012” and inserting “2019”.

11 (b) CONFORMING AMENDMENT.—Section 104(c) of  
12 the Reclamation States Emergency Drought Relief Act of  
13 1991 (43 U.S.C. 2214(c)) is amended by striking “2017”  
14 and inserting “2019”.

15 **SEC. 110. SECURE WATER ACT REAUTHORIZATION.**

16 Section 9504 of the Omnibus Public Land Manage-  
17 ment Act of 2009 (42 U.S.C. 10364) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (2)(A)—

20 (i) by striking “; and” and inserting  
21 “; or”;

22 (ii) by striking “(A) be located within  
23 the States” and inserting the following:

24 “(A) be located within—

25 “(i) the States”; and

1 (iii) by adding at the end the fol-  
 2 lowing:

3 “(ii) the State of Hawaii; and”;

4 (B) in paragraph (3)(E), by adding at the  
 5 end the following:

6 “(v) AUTHORITY OF COMMIS-  
 7 SIONER.—The Commissioner of Reclama-  
 8 tion may, at the discretion of the Commis-  
 9 sioner—

10 “(I) waive any cost-share require-  
 11 ments to address emergency situa-  
 12 tions; and

13 “(II) prioritize projects based on  
 14 the ability of the projects to expedi-  
 15 tiously yield water supply benefits  
 16 during periods of drought.”; and

17 (2) in subsection (e), by striking  
 18 “\$200,000,000” and inserting “\$300,000,000”.

19 **SEC. 111. COLORADO RIVER BASIN SYSTEM WATER.**

20 (a) IN GENERAL.—As soon as practicable after the  
 21 date of enactment of this Act, consistent with the purposes  
 22 of section 9504 of the Omnibus Public Land Management  
 23 Act of 2009 (42 U.S.C. 10364), the Secretary of the Inte-  
 24 rior (referred to in this section as the “Secretary”) shall  
 25 fund or participate in pilot projects to increase Colorado

1 River System water in Lake Mead and the initial units  
2 of Colorado River Storage Project reservoirs, as author-  
3 ized by the first section of the Act of April 11, 1956 (43  
4 U.S.C. 620), to address the effects of historic drought con-  
5 ditions.

6 (b) ADMINISTRATION.—Pilot projects under this sec-  
7 tion shall be funded through—

8 (1) grants by the Secretary to public entities  
9 that use water from the Colorado River Basin for  
10 municipal purposes, for projects that are imple-  
11 mented by 1 or more non-Federal entities; or

12 (2) grants or other appropriate financial agree-  
13 ments to provide additional funds for renewing or  
14 implementing water conservation agreements that  
15 are in existence on the date of enactment of this  
16 Act.

17 (c) UPPER COLORADO RIVER BASIN FUND.—Funds  
18 in the Upper Colorado River Basin Fund established by  
19 section 5 of the Colorado River Storage Project Act (43  
20 U.S.C. 620d) shall not be used to carry out this section.

21 **SEC. 112. EFFECT ON STATE LAWS.**

22 Nothing in this Act preempts any State law in effect  
23 on the date of enactment of this Act, including area of  
24 origin and other water rights protections.

1 **SEC. 113. KLAMATH BASIN WATER SUPPLY.**

2 The Klamath Basin Water Supply Enhancement Act  
3 of 2000 (Public Law 106–498; 114 Stat. 2221) is amend-  
4 ed—

5 (1) by redesignating sections 4 through 6 as  
6 sections 5 through 7, respectively; and

7 (2) by inserting after section 3 the following:

8 **“SEC. 4. WATER MANAGEMENT AND PLANNING ACTIVITIES.**

9 “The Secretary is authorized to engage in activities,  
10 including entering into agreements and contracts, or oth-  
11 erwise making financial assistance available, to reduce  
12 water consumption or demand, or to restore ecosystems  
13 (including tribal fishery resources held in trust) in the  
14 Klamath Basin watershed, consistent with collaborative  
15 agreements for environmental restoration and settlements  
16 of water rights claims.”.

17 **SEC. 114. TERMINATION OF AUTHORITIES.**

18 (a) **EMERGENCY PROJECTS.**—The authority under  
19 section 103 expires on the date on which the Governor  
20 of the State suspends the state of drought emergency dec-  
21 laration.

22 (b) **OTHER AUTHORITY.**—The authority under sec-  
23 tions 104, 105, and 106 shall expire in a State or area  
24 on the earlier of—

25 (1) the date on which the emergency drought  
26 declaration for the State or area is withdrawn; or



1           (2) the date on which the Secretary of Agri-  
2           culture suspends the natural disaster declaration  
3           issued under section 321(a) of the Consolidated  
4           Farm and Rural Development Act (7 U.S.C.  
5           1961(a)) for drought or an agricultural disaster for  
6           the State or area.

## 7           **TITLE II—FEDERAL DISASTER** 8           **ASSISTANCE**

### 9           **SEC. 201. TREATMENT OF DROUGHT UNDER THE ROBERT** 10           **T. STAFFORD DISASTER RELIEF AND EMER-** 11           **GENCY ASSISTANCE ACT.**

12           (a) FINDINGS.—Congress finds that—

13           (1) the term “major disaster” (as defined in  
14           section 102 of the Robert T. Stafford Disaster Relief  
15           and Emergency Assistance Act (42 U.S.C. 5122))  
16           includes drought, yet no drought in the 30 years  
17           preceding the date of enactment of this Act has been  
18           declared by the President to be a major disaster in  
19           any of the States in accordance with section 401 of  
20           that Act (42 U.S.C. 5170);

21           (2) a major drought shall be eligible to be de-  
22           clared a major disaster or state of emergency by the  
23           President on the request of the Governor of any  
24           State;

1           (3) droughts are natural disasters that do  
2 occur, and while of a different type of impact, the  
3 scale of the impact of a major drought can be equiv-  
4 alent to other disasters that have been declared by  
5 the President to be a major disaster under the Rob-  
6 ert T. Stafford Disaster Relief and Emergency As-  
7 sistance Act (42 U.S.C. 5121 et seq.); and

8           (4) droughts have wide-ranging and long-term  
9 impacts on ecosystem health, agriculture production,  
10 permanent crops, forests, waterways, air quality,  
11 public health, wildlife, employment, communities,  
12 State and national parks, and other natural re-  
13 sources of a State and the people of that State that  
14 have significant value.

15       (b) FEDERAL EMERGENCY ASSISTANCE.—Section  
16 502(a) of the Robert T. Stafford Disaster Relief and  
17 Emergency Assistance Act (42 U.S.C. 5192(a)) is amend-  
18 ed—

19           (1) in paragraph (7), by striking “and” after  
20 the semicolon at the end;

21           (2) in paragraph (8), by striking the period at  
22 the end and inserting a semicolon; and

23           (3) by adding at the end the following:

24           “(9) provide disaster unemployment assistance  
25 in accordance with section 410;

1           “(10) provide emergency nutrition and other as-  
2           sistance in accordance with section 412; and

3           “(11) provide crisis counseling assistance in ac-  
4           cordance with section 416.”.

**Calendar No. 344**

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**S. 2198**

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**A BILL**

To direct the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency to take actions to provide additional water supplies and disaster assistance to the State of California and other Western States due to drought, and for other purposes.

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APRIL 2, 2014

Read the second time and placed on the calendar