



- Board of Directors
Communications and Legislation Committee

3/11/2014 Board Meeting

8-7

Subject

Express support, if amended, for S. 2016 (Feinstein, D-CA) and H.R. 4039 (Costa, D-CA) - California Emergency Drought Relief Act of 2014

Executive Summary

S. 2016, which was introduced on February 11, 2014 ([Attachment 1](#)) and sponsored by Senators Feinstein and Boxer of California and Senators Wyden and Merkley of Oregon, seeks to alleviate the impacts of the drought in California and Oregon by: (1) directing federal agencies to use their authority and discretion under existing laws and regulations to improve water supply conditions through operational flexibility measures; (2) providing financial assistance for water supply, water conservation, and drought-alleviation projects; and (3) streamlining the federal regulatory approval process for water supply and drought related activities. S. 2016 is identical to H. R. 4039, introduced by Representative Costa (D-CA) on February 11, 2014 ([Attachment 2](#)).

Details

The provisions of S. 2016, the California Emergency Drought Relief Act of 2014, can be grouped into three categories: (1) operational flexibility measures; (2) financial assistance, and (3) regulatory streamlining.

Measures to Take Advantage of Operational Flexibility under Existing Law

The bill directs federal agencies to provide the maximum amount of water possible to Central Valley Project (CVP), State Water Project (SWP), and Klamath Project water contractors and users consistent with existing law. These measures include: authorizing certain Delta Cross Channel operations; using turbidity control strategies to increase water supply and reduce fish entrainment from CVP and SWP operations; managing Old and Middle River (OMR) reverse flows, within the confines of the existing Biological Opinions, to minimize water supply impacts; adopting a 1:1 San Joaquin River Inflow to Export ratio for water transfers and exchanges; utilizing temporary barriers or operable gates in the Delta to improve water supply and protect species; allowing North of Delta water contractors with unused supplies to take later delivery of water; allowing the rescheduling of water deliveries from San Luis and Millerton Reservoirs; supplying wildlife refuges with non-project water so as to free up project water supplies for CVP contractors; utilizing offsite and upstream mitigation for any species impacts resulting from the bill; and using all available scientific tools to identify and implement changes to real-time project operations that could result in increased water supply.

Financial Assistance

The bill also authorizes financial assistance through a variety of federal programs for water supply, water conservation and water use efficiency projects; groundwater extraction; water purchases and transfers; emergency projects to provide drinking water to areas where water shortages pose a risk to public health and safety; use of innovative on-farm and irrigation technologies; federal assistance to water contractors for drought planning; drought and climatic forecasting and monitoring; mitigation activities for drought and wildfire hazards; emergency grants to assist low-income migrant and seasonal farmworkers; and deferred contract payments and financial assistance for agricultural water contractors.

Regulatory Streamlining

The bill also expedites federal regulatory approvals for various water supply and drought alleviation projects and activities. These measures include: requiring federal agencies to act on applications to use temporary barriers or operable gates in the Delta within 30 days; requiring federal agencies to complete NEPA and ESA compliance review on water transfer applications associated with voluntary fallowing within 30 days; setting up an expedited decision-making process for proposed operational flexibility measures with short deadlines for making final regulatory decisions; and using alternative emergency approval methods to comply with NEPA requirements.

The bill specifically does not preempt state law. The bill also could be said to provide “short-term” relief because the operational flexibility and regulatory streamlining measures, and a few of the financial assistance program modifications, will expire when a drought declaration in a state is suspended by the governor.

Impacts of the Legislation upon Metropolitan

The operational flexibility measures in the bill, particularly the 1:1 San Joaquin River Inflow to Export ratio for water transfers and exchanges, the use of turbidity triggers, application of the OMR criteria to minimize water supply impacts, revised Delta Cross Channel operations, and use of temporary barriers and operable gates in the Delta could provide some water supply benefits to Metropolitan, assuming that federal regulatory officials diligently exercise their discretion under existing law to reduce water supply impacts. However, by substituting 1994 Bay-Delta Accord standards for current Biological Opinion criteria, the Valadao bill, H.R. 3964, a completing drought relief bill that is the subject of a concurrent board letter, could provide greater water supply benefits than those under S. 2016.

Two other possible improvements to the bill could be made with regard to regulatory streamlining. First, although the bill directs federal agencies to approve certain applications within fixed deadlines, there is no remedy provided for noncompliance. The deadlines would be strengthened if the bill provided that if decisions on applications are not made within the time periods specified in the bill, then the projects will be deemed approved. Second, the process for accelerated decision-making in section 103(d) currently applies to a “Federal project or activity.” This may not include a nonfederal project or activity for which a federal permit or approval is needed. Consequently, the accelerated decision-making process could be broadened to apply to “a Federal project, activity, permit or authorization” (emphasis added) to clarify that it includes nonfederal projects that require a federal permit or authorization.

Comparison of S. 2016 (Feinstein) and H.R. 3964 (Valadao)

While it is difficult to quantify the different water supply impacts to Metropolitan under S. 2016 (Feinstein) and H.R. 3964 (Valadao), there are important qualitative differences between the two bills. First, H.R. 3964 pursues a strategy of remedying water supply shortages during the drought (and later on) by rolling back ESA and environmental protection requirements. S. 2016, in contrast, tries to alleviate drought impacts within the framework of existing species and environmental protection laws.

Second, S. 2016 focuses on specific drought relief measures that will produce more immediate water supply benefits. H.R. 3964 contains drought relief measures but it also seeks to fundamentally reform the water law regime in California with measures that are not short-term responses to immediate drought conditions (like providing for 40-year instead of 25-year water contract renewal periods).

Third, there is a stark difference in terms of “federalism” and the role of state law. Contrary to the long tradition in federal reclamation law of preserving state law whenever possible, H.R. 3964 takes an aggressive approach in preempting state law, and asserting federal supremacy over state law. In contrast, S. 2016 does not preempt any state laws.

Fourth, it appears that H.R. 3964 may be more likely than S. 2016 to generate future litigation. This is because H.R. 3964 contains several very general and ambiguous legal mandates in important and controversial areas. For example, the mandate in Section 401(3) of H.R. 3964 that actions to protect species under the ESA “be applied in a manner that is consistent with water right priorities established by State law” (emphasis added), is bound to generate future controversy over whether or not a species-protective action is “consistent” with state water right

priorities. Similarly, the prohibition in section 108(b) against species-protective conditions that “restrict the exercise” of state water rights could also spawn future litigation over whether a measure is sufficiently stringent to “restrict” the exercise of water rights. In contrast, S. 2016 avoids the more vague and general regulatory criteria that are in H. R. 3964, and instead provides greater specificity and detail about particular emergency measures, operational criteria, financial assistance programs, and expedited procedures to be used to alleviate the drought.

Finally, H.R. 3964, with its mandate that the CVP and SWP be operated in accordance with standards in the 1994 Principle of Agreement, could likely provide greater water supply benefits to the SWP than S. 2016.

Status of S. 2016 and H.R. 4039

S. 2016 has been referred to the Senate Committee on Energy and Natural Resources. H.R. 4039 has been referred to the House Committees on Natural Resources, Transportation and Infrastructure, Energy and Commerce, Agriculture, and the Budget.

Policy

Minute Item 46637, dated April 11, 2006, adopting a set of Delta policy principles ensuring a foundation for development of future positions and provide guidance to staff

Minute Item 47135, dated June 12, 2007, adopting Metropolitan’s Delta Action Plan

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because the proposed action involves proposals for legislation to be enacted by the state legislature (Section 15378(b)(1) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to the provisions of CEQA pursuant to Sections 15378(b)(1) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination that the proposed action is not subject to CEQA and authorize the General Manager to take support, if amended, positions on S. 2016 and H.R. 4039.

Fiscal Impact: Unknown

Business Analysis: If passed, S. 2016 and H.R. 4039 could potentially provide short-term benefits to SWP operations during the current drought.

Option #2

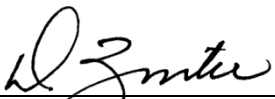
Take no position on S. 2016 and H.R. 4039.

Fiscal Impact: Unknown

Business Analysis: If passed, S. 2016 and H.R. 4039 could potentially provide short-term benefits to SWP operations during the current drought. If Metropolitan takes no position, it will not be able to engage on negotiations on the terms of the proposed bills.

Staff Recommendation

Option #1



Dee Zinke
Deputy General Manager, External Affairs

3/4/2014
Date



Jeffrey Lightlinger
General Manager

3/5/2014
Date

Attachment 1 – S. 2016 (Feinstein, D-CA), as introduced February 11, 2014

Attachment 2 – H. R. 4039 (Costa, D-CA), as introduced February 11, 2014

Ref# ea12629888

113TH CONGRESS
2D SESSION

S. 2016

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 due to drought, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2014

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. WYDEN, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “California Emergency
5 Drought Relief Act of 2014”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—CALIFORNIA 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. Effect on State laws.
- Sec. 112. Klamath Basin water supply.
- Sec. 113. Termination of authorities.

TITLE II—EMERGENCY SUPPLEMENTAL AGRICULTURE DISASTER APPROPRIATIONS

- Sec. 201. Emergency supplemental agriculture disaster appropriations.

TITLE III—FEDERAL DISASTER ASSISTANCE

- Sec. 301. Treatment of drought under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE IV—EMERGENCY DESIGNATIONS

- Sec. 401. Emergency designations.

1 **TITLE I—CALIFORNIA**
 2 **EMERGENCY DROUGHT RELIEF**
 3 **SEC. 101. FINDINGS.**

4 Congress finds that—

5 (1) as established in the Proclamation of a
 6 State of Emergency issued by the Governor of the
 7 State on January 17, 2014, the State is experi-
 8 encing record dry conditions;

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

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

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

12 (5) the emergency requires—

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

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

21 (6) Federal law (including regulations) directly
22 authorizes expedited decisionmaking procedures and
23 environmental and public review procedures to en-
24 able timely and appropriate implementation of ac-

1 tions to respond to such a type and severity of emer-
2 gency; and

3 (7) the serious emergency posed by the 2013–
4 2014 drought in the State fully satisfies the condi-
5 tions necessary for the exercise of emergency deci-
6 sionmaking, analytical, and public review require-
7 ments under—

8 (A) the Endangered Species Act of 1973
9 (16 U.S.C. 1531 et seq.);

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

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

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

19 **SEC. 102. DEFINITIONS.**

20 In this title:

21 (1) **CENTRAL VALLEY PROJECT.**—The term
22 “Central Valley Project” has the meaning given the
23 term in section 3403 of the Central Valley Project
24 Improvement Act (106 Stat. 4707).

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

4 (A) as authorized under the Act of June
5 17, 1902 (32 Stat. 388, chapter 1093); and

6 (B) as described in—

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

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

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

18 (4) RESERVED WORKS.—The term “reserved
19 works” means Bureau of Reclamation-owned project
20 facilities for which the operations and maintenance
21 are performed by employees of the Bureau of Rec-
22 lamation or by contract, regardless of funding
23 source.

24 (5) SECRETARIES.—The term “Secretaries”
25 means—

1 (A) the Administrator of the Environ-
2 mental Protection Agency;

3 (B) the Secretary of Commerce; and

4 (C) the Secretary of the Interior.

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

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

12 **SEC. 103. EMERGENCY PROJECTS.**

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

22 (1) any project or operations to provide addi-
23 tional water supplies if there is any possible way
24 whatsoever that the Secretaries can do so unless the

1 project or operations constitute a highly inefficient
2 way of providing additional water supplies; and

3 (2) any projects or operations as quickly as pos-
4 sible based on available information to address the
5 emergency conditions.

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

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

21 (2)(A) collect data associated with the operation
22 of the Delta Cross Channel Gates described in para-
23 graph (1) and its impact on species listed as threat-
24 ened or endangered under the Endangered Species

1 Act of 1973 (16 U.S.C. 1531 et seq.), water quality,
2 and water supply; and

3 (B) after assessing the data described in sub-
4 paragraph (A), require the Director of the National
5 Marine Fisheries Service to recommend revisions to
6 operations of the Central Valley Project and the
7 California State Water Project, including, if appro-
8 priate, the reasonable and prudent alternatives con-
9 tained in the biological opinion issued by the Na-
10 tional Marine Fisheries Service on June 4, 2009,
11 that are likely to produce fishery, water quality, and
12 water supply benefits;

13 (3)(A) implement turbidity control strategies
14 that allow for increased water deliveries while avoid-
15 ing jeopardy to adult delta smelt (*Hypomesus*
16 *transpacificus*) due to entrainment at Central Valley
17 Project and State Water Project pumping plants;
18 and

19 (B) manage reverse flow in Old and Middle Riv-
20 ers as prescribed by the biological opinion issued by
21 the United States Fish and Wildlife Service and
22 dated December 15, 2008, to minimize water supply
23 reductions for the Central Valley Project and the
24 State Water Project;

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

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

20 (6)(A) require the Director of the United States
21 Fish and Wildlife Service and the Commissioner of
22 the Bureau of Reclamation to complete all require-
23 ments under the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4321 et seq.) and the Endan-
25 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)

1 necessary to make final permit decisions on water
2 transfer requests associated with voluntarily
3 fallowing nonpermanent crops in the State, within
4 30 days of receiving such a request; and

5 (B) require the Director of the United States
6 Fish and Wildlife Service to allow any water transfer
7 request associated with fallowing to maximize the
8 quantity of water supplies available for nonhabitat
9 uses as long as the fallowing and associated water
10 transfer are in compliance with applicable Federal
11 laws (including regulations);

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

16 (A) the contractor requests the extension;
17 and

18 (B) the requesting contractor certifies
19 that, without the extension, the contractor
20 would have insufficient supplies to adequately
21 meet water delivery obligations;

22 (8) maintain all rescheduled water supplies held
23 in the San Luis Reservoir and Millerton Reservoir
24 for all water users for delivery in the immediately

1 following contract water year unless precluded by
2 reservoir storage capacity limitations;

3 (9) to the maximum extent possible based on
4 the availability of water and without causing land
5 subsidence—

6 (A) meet the contract water supply needs
7 of Central Valley Project refuges through the
8 improvement or installation of wells to use
9 groundwater resources and the purchase of
10 water from willing sellers, which activities may
11 be accomplished by using funding made avail-
12 able under section 104 or the Water Assistance
13 Program or the WaterSMART program of the
14 Department of the Interior; and

15 (B) make a quantity of Central Valley
16 Project surface water obtained from the meas-
17 ures implemented under subparagraph (A)
18 available to Central Valley Project contractors;

19 (10) make WaterSMART grant funding admin-
20 istered by the Bureau of Reclamation available for
21 eligible projects within the State on a priority and
22 expedited basis—

23 (A) to provide emergency drinking and
24 municipal water supplies to localities in a quan-

1 tity necessary to meet minimum public health
2 and safety needs;

3 (B) to prevent the loss of permanent crops;

4 (C) to minimize economic losses resulting
5 from drought conditions; and

6 (D) to provide innovative water conserva-
7 tion tools and technology for agriculture and
8 urban water use that can have immediate water
9 supply benefits;

10 (11) implement offsite upstream projects in the
11 Delta and upstream Sacramento River and San Joa-
12 quin basins, in coordination with the California De-
13 partment of Water Resources and the California De-
14 partment of Fish and Wildlife, that offset the effects
15 on species listed as threatened or endangered under
16 the Endangered Species Act of 1973 (16 U.S.C.
17 1531 et seq.) due to actions taken under this Act;

18 (12) for reserved works only, authorize annual
19 operation and maintenance deficits, owed to the
20 Federal Government and incurred due to delivery of
21 contract water supplies to a Central Valley Project
22 or Klamath Project water contractor during each fis-
23 cal year the State emergency drought declaration is
24 in force, to accrue without interest for a period of
25 5 years and then to be repaid, notwithstanding sec-

1 tion 106 of Public Law 99–546 (100 Stat. 3052), to
2 the Federal Government over a period of not more
3 than 10 years at the lesser of—

4 (A) the project interest rate; and

5 (B) the rate specified in section 106 of
6 Public Law 99–546 (100 Stat. 3052); and

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

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

17 (d) ACCELERATED PROJECT DECISION AND ELE-
18 VATION.—

19 (1) IN GENERAL.—Upon the request of the
20 State, the heads of Federal agencies shall use the
21 expedited procedures under this subsection to make
22 final decisions relating to a Federal project or oper-
23 ation to provide additional water supplies or address
24 emergency drought conditions pursuant to sub-
25 sections (a) and (b).

1 (2) REQUEST FOR RESOLUTION.—

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

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

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

20 (4) DECISION.—Not later than 10 days after
21 the date on which a meeting is requested under
22 paragraph (2), the head of the relevant Federal
23 agency shall issue a final decision on the project.

24 (5) MEETING CONVENED BY SECRETARY.—The
25 Secretary may convene a final project decision meet-

1 ing under this subsection at any time, at the discre-
2 tion of the Secretary, regardless of whether a meet-
3 ing is requested under paragraph (2).

4 **SEC. 104. EMERGENCY FUNDING.**

5 (a) FINANCIAL ASSISTANCE.—

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

18 (2) ADDITIONAL AVAILABILITY.—Financial as-
19 sistance may be made available under this section to
20 organizations and entities, including tribal govern-
21 ments, that are engaged in collaborative processes to
22 restore the environment while settling water rights
23 claims that are part of an active water rights adju-
24 dication or a broader settlement of claims that are
25 part of a basin-wide solution for restoration.

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

3 (1) the installation of pumps, temporary bar-
4 riers, or operable gates for water diversion and fish
5 protection;

6 (2) the installation of groundwater wells in
7 wildlife refuges and other areas;

8 (3) the purchase or assistance in the purchase
9 of water from willing sellers;

10 (4) conservation projects providing water supply
11 benefits in the short-term;

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

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

19 (7) emergency pumping projects for critical
20 health and safety purposes;

21 (8) activities to reduce water demand consistent
22 with a comprehensive program for environmental
23 restoration and settlement of water rights claims;

24 (9) the use of new or innovative water on-farm
25 water conservation technologies or methods that may

1 assist in sustaining permanent crops in areas with
2 severe water shortages;

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

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

9 (c) FUNDING.—There is appropriated, out of funds
10 of the Treasury not otherwise appropriated, \$100,000,000
11 to the Secretary of the Interior and the Secretary of Com-
12 merce to carry out this section.

13 **SEC. 105. EMERGENCY ENVIRONMENTAL REVIEWS.**

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

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

2 The Administrator of the Environmental Protection
3 Agency, in allocating amounts for each of the fiscal years
4 during which the State's emergency drought declaration
5 is in force to State water pollution control revolving funds
6 established under title VI of the Federal Water Pollution
7 Control Act (33 U.S.C. 1381 et seq.) and the State drink-
8 ing water treatment revolving loan funds established
9 under section 1452 of the Safe Drinking Water Act (42
10 U.S.C. 300j-12), shall, for those projects that are eligible
11 to receive assistance under section 603 of the Federal
12 Water Pollution Control Act (33 U.S.C. 1383) or section
13 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C.
14 300j-12(a)(2)), respectively, that the State determines
15 will provide additional water supplies most expeditiously
16 to areas that are at risk of having an inadequate supply
17 of water for public health and safety purposes or to im-
18 prove 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 **SEC. 107. DROUGHT PLANNING ASSISTANCE.**

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

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

19 (1) hydrological forecasting;

20 (2) assessment of water supply sources under
21 different water year classification types;

22 (3) identification of alternative water supply
23 sources;

24 (4) guidance on potential water transfer part-
25 ners;

1 (5) technical assistance regarding Federal and
2 State permits and contracts under the Act of Feb-
3 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-
4 monly known as the “Warren Act”);

5 (6) technical assistance regarding emergency
6 provision of water supplies for critical health and
7 safety purposes;

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

15 (A) to collect and integrate key indicators
16 of drought severity and impacts; and

17 (B) to produce and communicate timely
18 monitoring and forecast information to local
19 and regional communities, including the San
20 Joaquin Valley, the Delta, and the Central
21 Coast; and

22 (8) any other assistance the Secretary deter-
23 mines to be necessary.

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

2 Title I of the Water Supply, Reliability, and Environ-
3 mental Improvement Act (118 Stat. 1681; 123 Stat.
4 2860) (as amended by section 207 of title II of division
5 D of the Consolidated Appropriations Act, 2014) is
6 amended by striking “2015” each place it appears and
7 inserting “2018”.

8 **SEC. 109. RECLAMATION STATES EMERGENCY DROUGHT**
9 **RELIEF ACT REAUTHORIZATION.**

10 Section 301 of the Reclamation States Emergency
11 Drought Relief Act of 1991 (43 U.S.C. 2241) is amend-
12 ed—

13 (1) by striking “\$90,000,000” and inserting
14 “\$190,000,000”; and

15 (2) by striking “2012” and inserting “2017”.

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

17 Section 9504 of Public Law 111–11 (42 U.S.C.
18 10364) is amended—

19 (1) in subsection (a)(3)(E), by adding at the
20 end the following:

21 “(v) AUTHORITY OF COMMISS-
22 SIONER.—The Commissioner of Reclama-
23 tion may, at the discretion of the Commis-
24 sioner—

1 “(I) waive any cost-share require-
2 ments to address emergency situa-
3 tions; and

4 “(II) prioritize projects based on
5 the ability of the projects to expedi-
6 tiously yield water supply benefits
7 during periods of drought.”; and

8 (2) in subsection (e), by striking
9 “\$200,000,000” and inserting “\$250,000,000”.

10 **SEC. 111. EFFECT ON STATE LAWS.**

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

14 **SEC. 112. KLAMATH BASIN WATER SUPPLY.**

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

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

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

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

22 “The Secretary is authorized to engage in activities,
23 including entering into agreements and contracts, or oth-
24 erwise making financial assistance available, to reduce
25 water consumption or demand, or to restore ecosystems

1 in the Klamath Basin watershed, including tribal fishery
2 resources held in trust, consistent with collaborative agree-
3 ments for environmental restoration and settlements of
4 water rights claims.”.

5 **SEC. 113. TERMINATION OF AUTHORITIES.**

6 The authorities under sections 103, 104, 105, and
7 106 expire on the date on which the Governor of the State
8 suspends the state of drought emergency declaration.

9 **TITLE II—EMERGENCY SUPPLE-**
10 **MENTAL AGRICULTURE DIS-**
11 **ASTER APPROPRIATIONS**

12 **SEC. 201. EMERGENCY SUPPLEMENTAL AGRICULTURE DIS-**
13 **ASTER APPROPRIATIONS.**

14 (a) FUNDING.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law, as soon as practicable after the
17 date of enactment of this Act, out of any funds in
18 the Treasury not otherwise appropriated, the Sec-
19 retary of the Treasury shall transfer to the Sec-
20 retary of Agriculture (referred to in this section as
21 the “Secretary”) for the emergency conservation
22 program established under title IV of the Agricul-
23 tural Credit Act of 1978 (16 U.S.C. 2201 et seq.)
24 and the emergency watershed protection program es-
25 tablished under section 403 of the Agricultural

1 Credit Act of 1978 (16 U.S.C. 2203) \$100,000,000,
2 to be divided among each applicable program as the
3 Secretary determines to be appropriate—

4 (A) to provide to agricultural producers
5 and other eligible entities affected by the 2014
6 drought assistance upon declaration of a nat-
7 ural disaster under section 321(a) of the Con-
8 solidated Farm and Rural Development Act (7
9 U.S.C. 1961(a)) or for the same purposes for
10 counties that are contiguous to a designated
11 natural disaster area; and

12 (B) to carry out any other activities the
13 Secretary determines necessary as a result of
14 the 2014 drought, such as activities relating to
15 wildfire damage.

16 (2) RECEIPT AND ACCEPTANCE.—The Sec-
17 retary shall be entitled to receive, shall accept, and
18 shall use to carry out this subsection the funds
19 transferred under paragraph (1), without further ap-
20 propriation.

21 (b) EMERGENCY ASSISTANCE PROGRAM FOR LIVE-
22 STOCK, HONEY BEES, AND FARM-RAISED FISH.—Not-
23 withstanding any other applicable limitations under law,
24 the Secretary shall use such sums as are necessary of the
25 funds of the Commodity Credit Corporation to carry out

1 the emergency assistance program for livestock, honey
2 bees, and farm-raised fish under section 531(e) of the
3 Federal Crop Insurance Act (7 U.S.C. 1531(e)) for fiscal
4 year 2014 to provide assistance to agricultural producers
5 for losses due to drought.

6 (c) FEMA PREDISASTER HAZARD MITIGATION
7 GRANTS.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, as soon as practicable after the
10 date of enactment of this Act, out of any funds in
11 the Treasury not otherwise appropriated, the Sec-
12 retary of the Treasury shall transfer to the Adminis-
13 trator of the Federal Emergency Management Agen-
14 cy \$25,000,000 for fiscal year 2014 for mitigation
15 activities related to drought and wildfire hazards.

16 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
17 trator of the Federal Emergency Management Agen-
18 cy shall be entitled to receive, shall accept, and shall
19 use to carry out this subsection the funds trans-
20 ferred under paragraph (1), without further appro-
21 priation.

22 (d) EMERGENCY COMMUNITY WATER ASSISTANCE
23 GRANTS.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law—

1 (A) as soon as practicable after the date of
2 enactment of this Act, out of any funds in the
3 Treasury not otherwise appropriated, the Sec-
4 retary of the Treasury shall transfer to the Sec-
5 retary \$25,000,000 for fiscal year 2014 to pro-
6 vide emergency community water assistance
7 grants under section 306A of the Consolidated
8 Farm and Rural Development Act (7 U.S.C.
9 1926a) to address impacts of drought;

10 (B) the maximum amount of a grant pro-
11 vided under subparagraph (A) for fiscal year
12 2014 shall be \$1,000,000; and

13 (C) for fiscal year 2014, a community
14 whose population is less than 50,000 shall be
15 eligible for a grant under this paragraph.

16 (2) RECEIPT AND ACCEPTANCE.—The Sec-
17 retary shall be entitled to receive, shall accept, and
18 shall use to carry out this subsection the funds
19 transferred under paragraph (1), without further ap-
20 propriation.

21 (e) OFFICE OF THE INSPECTOR GENERAL.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, as soon as practicable after the
24 date of enactment of this Act, out of any funds in
25 the Treasury not otherwise appropriated, the Sec-

1 retary of the Treasury shall transfer to the Inspector
2 General of the Department of Agriculture
3 \$2,000,000 for fiscal year 2014, to remain available
4 until expended, for oversight of activities carried out
5 by the Department relating to drought.

6 (2) RECEIPT AND ACCEPTANCE.—The Inspector
7 General of the Department of Agriculture shall be
8 entitled to receive, shall accept, and shall use to
9 carry out this subsection the funds transferred
10 under paragraph (1), without further appropriation.

11 (f) EMERGENCY GRANTS TO ASSIST LOW-INCOME
12 MIGRANT AND SEASONAL FARMWORKERS.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, as soon as practicable after the
15 date of enactment of this Act, out of any funds in
16 the Treasury not otherwise appropriated, the Sec-
17 retary of the Treasury shall transfer to the Sec-
18 retary \$25,000,000 for fiscal year 2014 to provide
19 emergency grants to assist low-income migrant and
20 seasonal farmworkers under section 2281 of the
21 Food, Agriculture, Conservation, and Trade Act of
22 1990 (42 U.S.C. 5177a) to address impacts of
23 drought upon declaration of a natural disaster under
24 section 321(a) of the Consolidated Farm and Rural
25 Development Act (7 U.S.C. 1961(a)) or for the same

1 purposes in counties that are contiguous to a des-
2 ignated natural disaster area.

3 (2) RECEIPT AND ACCEPTANCE.—The Sec-
4 retary shall be entitled to receive, shall accept, and
5 shall use to carry out this subsection the funds
6 transferred under paragraph (1), without further ap-
7 propriation.

8 (g) EMERGENCY FOREST RESTORATION PRO-
9 GRAM.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, as soon as practicable after the
12 date of enactment of this Act, out of any funds in
13 the Treasury not otherwise appropriated, the Sec-
14 retary of the Treasury shall transfer to the Sec-
15 retary \$25,000,000 for fiscal year 2014 for the
16 Emergency Forest Restoration Program under sec-
17 tion 407 of the Agricultural Credit Act of 1978 (16
18 U.S.C. 2206) to address impacts of drought or wild-
19 fire upon declaration of a natural disaster under sec-
20 tion 321(a) of the Consolidated Farm and Rural De-
21 velopment Act (7 U.S.C. 1961(a)) or for the same
22 purposes in counties that are contiguous to a des-
23 ignated natural disaster area.

24 (2) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary shall be entitled to receive, shall accept, and

1 shall use to carry out this subsection the funds
2 transferred under paragraph (1), without further ap-
3 propriation.

4 **TITLE III—FEDERAL DISASTER**
5 **ASSISTANCE**

6 **SEC. 301. TREATMENT OF DROUGHT UNDER THE ROBERT**
7 **T. STAFFORD DISASTER RELIEF AND EMER-**
8 **GENCY ASSISTANCE ACT.**

9 (a) FINDINGS.—Congress finds that—

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

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

22 (3) droughts are natural disasters that do
23 occur, and while of a different type of impact, the
24 scale of the impact of a major drought can be equiv-
25 alent to other disasters that have been declared by

1 the President to be a major disaster under the Rob-
2 ert T. Stafford Disaster Relief and Emergency As-
3 sistance Act (42 U.S.C. 5121 et seq.); and

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

11 (b) AMENDMENT.—Section 502(a) of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5192(a)) is amended—

14 (1) in paragraph (7), by striking “and”;

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

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

18 “(9) provide disaster unemployment assistance
19 in accordance with section 410;

20 “(10) provide emergency nutrition assistance in
21 accordance with section 412; and

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

1 **TITLE IV—EMERGENCY**
2 **DESIGNATIONS**

3 **SEC. 401. EMERGENCY DESIGNATIONS.**

4 (a) This Act is designated as an emergency require-
5 ment pursuant to section 4(g) of the Statutory Pay-As-
6 You-Go Act of 2010 (Public Law 111–139; 2 U.S.C.
7 933(g)).

8 (b) In the Senate, this Act is designated as an emer-
9 gency requirement pursuant to section 403(a) of S. Con.
10 Res. 13 (111th Congress), the concurrent resolution on
11 the budget for fiscal year 2010.

○

113TH CONGRESS
2^D SESSION

H. R. 4039

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 due to drought, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2014

Mr. COSTA (for himself, Mr. CÁRDENAS, and Mr. FARR) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, Agriculture, and the Budget, 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 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “California Emergency
5 Drought Relief Act of 2014”.

1 **SEC. 2. TABLE OF CONTENTS.**

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

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

TITLE I—CALIFORNIA EMERGENCY DROUGHT RELIEF

- 5 Sec. 101. Findings.
- 6 Sec. 102. Definitions.
- 7 Sec. 103. Emergency projects.
- 8 Sec. 104. Emergency funding.
- 9 Sec. 105. Emergency environmental reviews.
- 10 Sec. 106. State revolving funds.
- 11 Sec. 107. Drought planning assistance.
- 12 Sec. 108. Calfed Bay-Delta Act reauthorization.
- 13 Sec. 109. Reclamation States Emergency Drought Relief Act reauthorization.
- 14 Sec. 110. Secure Water Act reauthorization.
- 15 Sec. 111. Effect on State laws.
- 16 Sec. 112. Klamath Basin water supply.
- 17 Sec. 113. Termination of authorities.

TITLE II—EMERGENCY SUPPLEMENTAL AGRICULTURE DISASTER APPROPRIATIONS

- 18 Sec. 201. Emergency supplemental agriculture disaster appropriations.

TITLE III—FEDERAL DISASTER ASSISTANCE

- 19 Sec. 301. Treatment of drought under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

TITLE IV—EMERGENCY DESIGNATIONS

- 20 Sec. 401. Emergency designations.

21 **TITLE I—CALIFORNIA**
 22 **EMERGENCY DROUGHT RELIEF**

23 **SEC. 101. FINDINGS.**

24 Congress finds that—

- 25 (1) as established in the Proclamation of a
- 26 State of Emergency issued by the Governor of the
- 27 State on January 17, 2014, the State is experi-
- 28 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 sionmaking, 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) RESERVED WORKS.—The term “reserved
21 works” means Bureau of Reclamation-owned project
22 facilities for which the operations and maintenance
23 are performed by employees of the Bureau of Rec-
24 lamation or by contract, regardless of funding
25 source.

1 (5) SECRETARIES.—The term “Secretaries”
2 means—

3 (A) the Administrator of the Environ-
4 mental Protection Agency;

5 (B) the Secretary of Commerce; and

6 (C) the Secretary of the Interior.

7 (6) STATE.—The term “State” means the State
8 of California.

9 (7) STATE WATER PROJECT.—The term “State
10 Water Project” means the water project described
11 by California Water Code section 11550 et seq., and
12 operated by the California Department of Water Re-
13 sources.

14 **SEC. 103. EMERGENCY PROJECTS.**

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

24 (1) any project or operations to provide addi-
25 tional water supplies if there is any possible way

1 whatsoever that the Secretaries can do so unless the
2 project or operations constitute a highly inefficient
3 way of providing additional water supplies; and

4 (2) any projects or operations as quickly as possible based on available information to address the
5 emergency conditions.

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

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

19 (2)(A) collect data associated with the operation
20 of the Delta Cross Channel Gates described in paragraph (1) and its impact on species listed as threatened or endangered under the Endangered Species
21 Act, 16 U.S.C. 1531, et seq., as amended, and the California Endangered Species Act, California Public Resources Code, sections 4730-4738, as amended.

1 Act of 1973 (16 U.S.C. 1531 et seq.), water quality,
2 and water supply; and

3 (B) after assessing the data described in sub-
4 paragraph (A), require the Director of the National
5 Marine Fisheries Service to recommend revisions to
6 operations of the Central Valley Project and the
7 California State Water Project, including, if appro-
8 priate, the reasonable and prudent alternatives con-
9 tained in the biological opinion issued by the Na-
10 tional Marine Fisheries Service on June 4, 2009,
11 that are likely to produce fishery, water quality, and
12 water supply benefits;

13 (3)(A) implement turbidity control strategies
14 that allow for increased water deliveries while avoid-
15 ing jeopardy to adult delta smelt (*Hypomesus*
16 *transpacificus*) due to entrainment at Central Valley
17 Project and State Water Project pumping plants;
18 and

19 (B) manage reverse flow in Old and Middle Riv-
20 ers as prescribed by the biological opinion issued by
21 the United States Fish and Wildlife Service and
22 dated December 15, 2008, to minimize water supply
23 reductions for the Central Valley Project and the
24 State Water Project;

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

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

20 (6)(A) require the Director of the United States
21 Fish and Wildlife Service and the Commissioner of
22 the Bureau of Reclamation to complete all require-
23 ments under the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4321 et seq.) and the Endan-
25 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)

1 necessary to make final permit decisions on water
2 transfer requests associated with voluntarily
3 fallowing nonpermanent crops in the State, within
4 30 days of receiving such a request; and

5 (B) require the Director of the United States
6 Fish and Wildlife Service to allow any water transfer
7 request associated with fallowing to maximize the
8 quantity of water supplies available for nonhabitat
9 uses as long as the fallowing and associated water
10 transfer are in compliance with applicable Federal
11 laws (including regulations);

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

16 (A) the contractor requests the extension;
17 and

18 (B) the requesting contractor certifies
19 that, without the extension, the contractor
20 would have insufficient supplies to adequately
21 meet water delivery obligations;

22 (8) maintain all rescheduled water supplies held
23 in the San Luis Reservoir and Millerton Reservoir
24 for all water users for delivery in the immediately

1 following contract water year unless precluded by
2 reservoir storage capacity limitations;

3 (9) to the maximum extent possible based on
4 the availability of water and without causing land
5 subsidence—

6 (A) meet the contract water supply needs
7 of Central Valley Project refuges through the
8 improvement or installation of wells to use
9 groundwater resources and the purchase of
10 water from willing sellers, which activities may
11 be accomplished by using funding made avail-
12 able under section 104 or the Water Assistance
13 Program or the WaterSMART program of the
14 Department of the Interior; and

15 (B) make a quantity of Central Valley
16 Project surface water obtained from the meas-
17 ures implemented under subparagraph (A)
18 available to Central Valley Project contractors;

19 (10) make WaterSMART grant funding admin-
20 istered by the Bureau of Reclamation available for
21 eligible projects within the State on a priority and
22 expedited basis—

23 (A) to provide emergency drinking and
24 municipal water supplies to localities in a quan-

1 tity necessary to meet minimum public health
2 and safety needs;

3 (B) to prevent the loss of permanent crops;

4 (C) to minimize economic losses resulting
5 from drought conditions; and

6 (D) to provide innovative water conserva-
7 tion tools and technology for agriculture and
8 urban water use that can have immediate water
9 supply benefits;

10 (11) implement offsite upstream projects in the
11 Delta and upstream Sacramento River and San Joa-
12 quin basins, in coordination with the California De-
13 partment of Water Resources and the California De-
14 partment of Fish and Wildlife, that offset the effects
15 on species listed as threatened or endangered under
16 the Endangered Species Act of 1973 (16 U.S.C.
17 1531 et seq.) due to actions taken under this Act;

18 (12) for reserved works only, authorize annual
19 operation and maintenance deficits, owed to the
20 Federal Government and incurred due to delivery of
21 contract water supplies to a Central Valley Project
22 or Klamath Project water contractor during each fis-
23 cal year the State emergency drought declaration is
24 in force, to accrue without interest for a period of
25 5 years and then to be repaid, notwithstanding sec-

1 tion 106 of Public Law 99–546 (100 Stat. 3052), to
2 the Federal Government over a period of not more
3 than 10 years at the lesser of—

4 (A) the project interest rate; and

5 (B) the rate specified in section 106 of
6 Public Law 99–546 (100 Stat. 3052); and

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

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

17 (d) ACCELERATED PROJECT DECISION AND ELE-
18 VATION.—

19 (1) IN GENERAL.—Upon the request of the
20 State, the heads of Federal agencies shall use the
21 expedited procedures under this subsection to make
22 final decisions relating to a Federal project or oper-
23 ation to provide additional water supplies or address
24 emergency drought conditions pursuant to sub-
25 sections (a) and (b).

1 (2) REQUEST FOR RESOLUTION.—

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

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

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

20 (4) DECISION.—Not later than 10 days after
21 the date on which a meeting is requested under
22 paragraph (2), the head of the relevant Federal
23 agency shall issue a final decision on the project.

24 (5) MEETING CONVENED BY SECRETARY.—The
25 Secretary may convene a final project decision meet-

1 ing under this subsection at any time, at the discre-
2 tion of the Secretary, regardless of whether a meet-
3 ing is requested under paragraph (2).

4 **SEC. 104. EMERGENCY FUNDING.**

5 (a) FINANCIAL ASSISTANCE.—

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

18 (2) ADDITIONAL AVAILABILITY.—Financial as-
19 sistance may be made available under this section to
20 organizations and entities, including tribal govern-
21 ments, that are engaged in collaborative processes to
22 restore the environment while settling water rights
23 claims that are part of an active water rights adju-
24 dication or a broader settlement of claims that are
25 part of a basin-wide solution for restoration.

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

3 (1) the installation of pumps, temporary bar-
4 riers, or operable gates for water diversion and fish
5 protection;

6 (2) the installation of groundwater wells in
7 wildlife refuges and other areas;

8 (3) the purchase or assistance in the purchase
9 of water from willing sellers;

10 (4) conservation projects providing water supply
11 benefits in the short-term;

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

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

19 (7) emergency pumping projects for critical
20 health and safety purposes;

21 (8) activities to reduce water demand consistent
22 with a comprehensive program for environmental
23 restoration and settlement of water rights claims;

24 (9) the use of new or innovative water on-farm
25 water conservation technologies or methods that may

1 assist in sustaining permanent crops in areas with
2 severe water shortages;

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

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

9 (c) FUNDING.—There is appropriated, out of funds
10 of the Treasury not otherwise appropriated, \$100,000,000
11 to the Secretary of the Interior and the Secretary of Com-
12 merce to carry out this section.

13 **SEC. 105. EMERGENCY ENVIRONMENTAL REVIEWS.**

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

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

2 The Administrator of the Environmental Protection
3 Agency, in allocating amounts for each of the fiscal years
4 during which the State's emergency drought declaration
5 is in force to State water pollution control revolving funds
6 established under title VI of the Federal Water Pollution
7 Control Act (33 U.S.C. 1381 et seq.) and the State drink-
8 ing water treatment revolving loan funds established
9 under section 1452 of the Safe Drinking Water Act (42
10 U.S.C. 300j-12), shall, for those projects that are eligible
11 to receive assistance under section 603 of the Federal
12 Water Pollution Control Act (33 U.S.C. 1383) or section
13 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C.
14 300j-12(a)(2)), respectively, that the State determines
15 will provide additional water supplies most expeditiously
16 to areas that are at risk of having an inadequate supply
17 of water for public health and safety purposes or to im-
18 prove 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 **SEC. 107. DROUGHT PLANNING ASSISTANCE.**

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

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

19 (1) hydrological forecasting;

20 (2) assessment of water supply sources under
21 different water year classification types;

22 (3) identification of alternative water supply
23 sources;

24 (4) guidance on potential water transfer part-
25 ners;

1 (5) technical assistance regarding Federal and
2 State permits and contracts under the Act of Feb-
3 ruary 21, 1911 (36 Stat. 925, chapter 141) (com-
4 monly known as the “Warren Act”);

5 (6) technical assistance regarding emergency
6 provision of water supplies for critical health and
7 safety purposes;

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

15 (A) to collect and integrate key indicators
16 of drought severity and impacts; and

17 (B) to produce and communicate timely
18 monitoring and forecast information to local
19 and regional communities, including the San
20 Joaquin Valley, the Delta, and the Central
21 Coast; and

22 (8) any other assistance the Secretary deter-
23 mines to be necessary.

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

2 Title I of the Water Supply, Reliability, and Environ-
3 mental Improvement Act (118 Stat. 1681; 123 Stat.
4 2860) (as amended by section 207 of title II of division
5 D of the Consolidated Appropriations Act, 2014) is
6 amended by striking “2015” each place it appears and
7 inserting “2018”.

8 **SEC. 109. RECLAMATION STATES EMERGENCY DROUGHT**
9 **RELIEF ACT REAUTHORIZATION.**

10 Section 301 of the Reclamation States Emergency
11 Drought Relief Act of 1991 (43 U.S.C. 2241) is amend-
12 ed—

13 (1) by striking “\$90,000,000” and inserting
14 “\$190,000,000”; and

15 (2) by striking “2012” and inserting “2017”.

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

17 Section 9504 of Public Law 111–11 (42 U.S.C.
18 10364) is amended—

19 (1) in subsection (a)(3)(E), by adding at the
20 end the following:

21 “(v) AUTHORITY OF COMMISS-
22 SIONER.—The Commissioner of Reclama-
23 tion may, at the discretion of the Commis-
24 sioner—

1 “(I) waive any cost-share require-
2 ments to address emergency situa-
3 tions; and

4 “(II) prioritize projects based on
5 the ability of the projects to expedi-
6 tiously yield water supply benefits
7 during periods of drought.”; and

8 (2) in subsection (e), by striking
9 “\$200,000,000” and inserting “\$250,000,000”.

10 **SEC. 111. EFFECT ON STATE LAWS.**

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

14 **SEC. 112. KLAMATH BASIN WATER SUPPLY.**

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

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

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

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

22 “The Secretary is authorized to engage in activities,
23 including entering into agreements and contracts, or oth-
24 erwise making financial assistance available, to reduce
25 water consumption or demand, or to restore ecosystems

1 in the Klamath Basin watershed, including tribal fishery
2 resources held in trust, consistent with collaborative agree-
3 ments for environmental restoration and settlements of
4 water rights claims.”.

5 **SEC. 113. TERMINATION OF AUTHORITIES.**

6 The authorities under sections 103, 104, 105, and
7 106 expire on the date on which the Governor of the State
8 suspends the state of drought emergency declaration.

9 **TITLE II—EMERGENCY SUPPLE-**
10 **MENTAL AGRICULTURE DIS-**
11 **ASTER APPROPRIATIONS**

12 **SEC. 201. EMERGENCY SUPPLEMENTAL AGRICULTURE DIS-**
13 **ASTER APPROPRIATIONS.**

14 (a) FUNDING.—

15 (1) IN GENERAL.—Notwithstanding any other
16 provision of law, as soon as practicable after the
17 date of enactment of this Act, out of any funds in
18 the Treasury not otherwise appropriated, the Sec-
19 retary of the Treasury shall transfer to the Sec-
20 retary of Agriculture (referred to in this section as
21 the “Secretary”) for the emergency conservation
22 program established under title IV of the Agricul-
23 tural Credit Act of 1978 (16 U.S.C. 2201 et seq.)
24 and the emergency watershed protection program es-
25 tablished under section 403 of the Agricultural

1 Credit Act of 1978 (16 U.S.C. 2203), \$100,000,000,
2 to be divided among each applicable program as the
3 Secretary determines to be appropriate—

4 (A) to provide to agricultural producers
5 and other eligible entities affected by the 2014
6 drought assistance upon declaration of a nat-
7 ural disaster under section 321(a) of the Con-
8 solidated Farm and Rural Development Act (7
9 U.S.C. 1961(a)) or for the same purposes for
10 counties that are contiguous to a designated
11 natural disaster area; and

12 (B) to carry out any other activities the
13 Secretary determines necessary as a result of
14 the 2014 drought, such as activities relating to
15 wildfire damage.

16 (2) RECEIPT AND ACCEPTANCE.—The Sec-
17 retary shall be entitled to receive, shall accept, and
18 shall use to carry out this subsection the funds
19 transferred under paragraph (1), without further ap-
20 propriation.

21 (b) EMERGENCY ASSISTANCE PROGRAM FOR LIVE-
22 STOCK, HONEY BEES, AND FARM-RAISED FISH.—Not-
23 withstanding any other applicable limitations under law,
24 the Secretary shall use such sums as are necessary of the
25 funds of the Commodity Credit Corporation to carry out

1 the emergency assistance program for livestock, honey
2 bees, and farm-raised fish under section 531(e) of the
3 Federal Crop Insurance Act (7 U.S.C. 1531(e)) for fiscal
4 year 2014 to provide assistance to agricultural producers
5 for losses due to drought.

6 (c) FEMA PREDISASTER HAZARD MITIGATION
7 GRANTS.—

8 (1) IN GENERAL.—Notwithstanding any other
9 provision of law, as soon as practicable after the
10 date of enactment of this Act, out of any funds in
11 the Treasury not otherwise appropriated, the Sec-
12 retary of the Treasury shall transfer to the Adminis-
13 trator of the Federal Emergency Management Agen-
14 cy \$25,000,000 for fiscal year 2014 for mitigation
15 activities related to drought and wildfire hazards.

16 (2) RECEIPT AND ACCEPTANCE.—The Adminis-
17 trator of the Federal Emergency Management Agen-
18 cy shall be entitled to receive, shall accept, and shall
19 use to carry out this subsection the funds trans-
20 ferred under paragraph (1), without further appro-
21 priation.

22 (d) EMERGENCY COMMUNITY WATER ASSISTANCE
23 GRANTS.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law—

1 (A) as soon as practicable after the date of
2 enactment of this Act, out of any funds in the
3 Treasury not otherwise appropriated, the Sec-
4 retary of the Treasury shall transfer to the Sec-
5 retary \$25,000,000 for fiscal year 2014 to pro-
6 vide emergency community water assistance
7 grants under section 306A of the Consolidated
8 Farm and Rural Development Act (7 U.S.C.
9 1926a) to address impacts of drought;

10 (B) the maximum amount of a grant pro-
11 vided under subparagraph (A) for fiscal year
12 2014 shall be \$1,000,000; and

13 (C) for fiscal year 2014, a community
14 whose population is less than 50,000 shall be
15 eligible for a grant under this paragraph.

16 (2) RECEIPT AND ACCEPTANCE.—The Sec-
17 retary shall be entitled to receive, shall accept, and
18 shall use to carry out this subsection the funds
19 transferred under paragraph (1), without further ap-
20 propriation.

21 (e) OFFICE OF THE INSPECTOR GENERAL.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, as soon as practicable after the
24 date of enactment of this Act, out of any funds in
25 the Treasury not otherwise appropriated, the Sec-

1 retary of the Treasury shall transfer to the Inspector
2 General of the Department of Agriculture
3 \$2,000,000 for fiscal year 2014, to remain available
4 until expended, for oversight of activities carried out
5 by the Department relating to drought.

6 (2) RECEIPT AND ACCEPTANCE.—The Inspector
7 General of the Department of Agriculture shall be
8 entitled to receive, shall accept, and shall use to
9 carry out this subsection the funds transferred
10 under paragraph (1), without further appropriation.

11 (f) EMERGENCY GRANTS TO ASSIST LOW-INCOME
12 MIGRANT AND SEASONAL FARMWORKERS.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, as soon as practicable after the
15 date of enactment of this Act, out of any funds in
16 the Treasury not otherwise appropriated, the Sec-
17 retary of the Treasury shall transfer to the Sec-
18 retary \$25,000,000 for fiscal year 2014 to provide
19 emergency grants to assist low-income migrant and
20 seasonal farmworkers under section 2281 of the
21 Food, Agriculture, Conservation, and Trade Act of
22 1990 (42 U.S.C. 5177a) to address impacts of
23 drought upon declaration of a natural disaster under
24 section 321(a) of the Consolidated Farm and Rural
25 Development Act (7 U.S.C. 1961(a)) or for the same

1 purposes in counties that are contiguous to a des-
2 ignated natural disaster area.

3 (2) RECEIPT AND ACCEPTANCE.—The Sec-
4 retary shall be entitled to receive, shall accept, and
5 shall use to carry out this subsection the funds
6 transferred under paragraph (1), without further ap-
7 propriation.

8 (g) EMERGENCY FOREST RESTORATION PRO-
9 GRAM.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, as soon as practicable after the
12 date of enactment of this Act, out of any funds in
13 the Treasury not otherwise appropriated, the Sec-
14 retary of the Treasury shall transfer to the Sec-
15 retary \$25,000,000 for fiscal year 2014 for the
16 Emergency Forest Restoration Program under sec-
17 tion 407 of the Agricultural Credit Act of 1978 (16
18 U.S.C. 2206) to address impacts of drought or wild-
19 fire upon declaration of a natural disaster under sec-
20 tion 321(a) of the Consolidated Farm and Rural De-
21 velopment Act (7 U.S.C. 1961(a)) or for the same
22 purposes in counties that are contiguous to a des-
23 ignated natural disaster area.

24 (2) RECEIPT AND ACCEPTANCE.—The Sec-
25 retary shall be entitled to receive, shall accept, and

1 shall use to carry out this subsection the funds
2 transferred under paragraph (1), without further ap-
3 propriation.

4 **TITLE III—FEDERAL DISASTER**
5 **ASSISTANCE**

6 **SEC. 301. TREATMENT OF DROUGHT UNDER THE ROBERT**
7 **T. STAFFORD DISASTER RELIEF AND EMER-**
8 **GENCY ASSISTANCE ACT.**

9 (a) FINDINGS.—Congress finds that—

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

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

22 (3) droughts are natural disasters that do
23 occur, and while of a different type of impact, the
24 scale of the impact of a major drought can be equiv-
25 alent to other disasters that have been declared by

1 the President to be a major disaster under the Rob-
2 ert T. Stafford Disaster Relief and Emergency As-
3 sistance Act (42 U.S.C. 5121 et seq.); and

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

11 (b) AMENDMENT.—Section 502(a) of the Robert T.
12 Stafford Disaster Relief and Emergency Assistance Act
13 (42 U.S.C. 5192(a)) is amended—

14 (1) in paragraph (7), by striking “and”;

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

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

18 “(9) provide disaster unemployment assistance
19 in accordance with section 410;

20 “(10) provide emergency nutrition assistance in
21 accordance with section 412; and

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

1 **TITLE IV—EMERGENCY**
2 **DESIGNATIONS**

3 **SEC. 401. EMERGENCY DESIGNATIONS.**

4 (a) This Act is designated as an emergency require-
5 ment pursuant to section 4(g) of the Statutory Pay-As-
6 You-Go Act of 2010 (Public Law 111–139; 2 U.S.C.
7 933(g)).

8 (b) In the Senate, this Act is designated as an emer-
9 gency requirement pursuant to section 403(a) of S. Con.
10 Res. 13 (111th Congress), the concurrent resolution on
11 the budget for fiscal year 2010.

○