

108TH CONGRESS
1ST SESSION

S. 1454

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

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 21), 2003

Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. ALLARD, Mr. ALLEN, Mr. BINGAMAN, Mr. BURNS, Mr. CAMPBELL, Mr. ENZI, Mr. JOHNSON, Mr. SMITH, Mr. WARNER, Mr. CRAIG, Mr. HAGEL, Mr. WYDEN, Mr. ROBERTS, Mr. NELSON of Nebraska, Ms. COLLINS, and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

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

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Drought Preparedness Act of 2003”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

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

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

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

Subtitle B—National Office of Drought Preparedness

- Sec. 111. Establishment.
- Sec. 112. Director of the Office.
- Sec. 113. Office staff.

Subtitle C—Drought Preparedness Plans

- Sec. 121. Drought Assistance Fund.
- Sec. 122. Drought preparedness plans.
- Sec. 123. Federal plans.
- Sec. 124. State and tribal plans.
- Sec. 125. Regional and local plans.
- Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

3 SEC. 2. FINDINGS.

4 Congress finds that—

5 (1) drought is a natural disaster:

6 (2) regional drought disasters in the United
7 States cause serious economic and environmental
8 losses, yet there is no national policy to ensure an
9 integrated and coordinated Federal strategy to pre-
10 pare for, mitigate, or respond to such losses;

1 (3) drought has an adverse effect on resource-
2 dependent businesses and industries (including the
3 recreation and tourism industries);

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

8 (5) effective drought monitoring—

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

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

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

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

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

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

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

19 SEC. 3. DEFINITIONS.

20 In this Act:

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

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

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the Office appointed under section
6 112(a).

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

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

15 (B) that causes or may cause—

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

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

20 (5) FUND.—The term “Fund” means the
21 Drought Assistance Fund established by section
22 121(a).

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

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

3 (7) INTERSTATE WATERSHED.—The term
4 “interstate watershed” means a watershed that
5 crosses a State or tribal boundary.

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

11 (9) NATIONAL INTEGRATED DROUGHT SYS-
12 TEM.—The term “National Integrated Drought Sys-
13 tem” means a comprehensive system that collects
14 and integrates information on the key indicators of
15 drought, including stream flow, ground water levels,
16 reservoir levels, soil moisture, snow pack, climate
17 (including precipitation and temperature), and fore-
18 casts, in order to make usable, reliable, and timely
19 assessments of drought, including the severity of
20 drought.

21 (10) NEIGHBORING COUNTRY.—The term
22 “neighboring country” means Canada and Mexico.

23 (11) OFFICE.—The term “Office” means the
24 National Office of Drought Preparedness established
25 under section 111.

(12) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

7 (A) in which drought is emerging; or
8 (B) that is experiencing a drought.

(15) WATERSHED.—

15 (i) a region or area with common hy-
16 drology;
17 (ii) an area drained by a waterway
18 that drains into a lake or reservoir;
19 (iii) the total area above a designated
20 point on a stream that contributes water to
21 the flow at the designated point; or
22 (iv) the topographic dividing line from
23 which surface streams flow in 2 different
24 directions.

1 (B) EXCLUSION.—The term “watershed”
2 does not include a region or area described in
3 subparagraph (A) that is larger than a river
4 basin.

5 (16) WATERSHED GROUP.—The term “water-
6 shed group” means a group of individuals that—

7 (A) represents the broad scope of relevant
8 interests in a watershed; and

9 (B) works in a collaborative manner to
10 jointly plan the management of the natural re-
11 sources in the watershed; and

12 (C) is formally recognized by each of the
13 States in which the watershed lies.

14 SEC. 4. EFFECT OF ACT.

15 This Act does not affect—

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

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

5 SEC. 101. MEMBERSHIP AND VOTING.

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

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The Council shall be com-
11 posed of—

12 (A) the Secretary;

13 (B) the Secretary of Commerce;

14 (C) the Secretary of the Army;

15 (D) the Secretary of the Interior;

16 (E) the Director of the Federal Emergency

17 Management Agency;

18 (F) the Administrator of the Environ-
19 mental Protection Agency;

20 (G) 4 members appointed by the Secretary,
21 in coordination with the National Governors As-
22 sociation—

23 (i) who shall each be a Governor of a
24 State; and

(ii) who shall collectively represent the

geographic diversity of the United States;

(H) 1 member appointed by the Secretary,

in coordination with the National Association of

Counties;

(I) 1 member appointed by the Secretary,

in coordination with the United States Con-

ference of Mayors;

(J) 1 member appointed by the Secretary

of the Interior, in coordination with Indian

tribes, to represent the interests of tribal gov-

ernments; and

(K) 1 member appointed by the Secretary,

in coordination with the National Association of

Conservation Districts, to represent local soil

and water conservation districts.

(2) DATE OF APPOINTMENT.—The appointment

each member of the Council shall be made not

or than 120 days after the date of enactment of

Act.

(c) TERM; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—Except as provided in

subparagraph (B), a member of the Council

shall serve for the life of the Council.

5 (2) VACANCIES.—

6 (A) IN GENERAL.—A vacancy on the
7 Council—

10 (ii) shall be filled in the same manner
11 as the original appointment was made.

12 (B) DURATION OF APPOINTMENT.—A
13 member appointed to fill a vacancy occurring
14 before the expiration of the term for which the
15 predecessor was appointed shall be appointed
16 only for the remainder of the term.

17 (d) MEETINGS.—

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

20 (2) FREQUENCY.—The Council shall meet at
21 least semiannually.

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

25 (f) Co-CHAIRS.—

3 (2) APPOINTMENT.—

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

6 (B) NON-FEDERAL CO-CHAIR.—Every 2
7 years, the Council members appointed under
8 subparagraphs (G) through (K) of subsection
9 (b)(1) shall select a non-Federal co-chair from
10 among the members appointed under those sub-
11 paragraphs.

12 (g) DIRECTOR.—

13 (1) IN GENERAL.—The Director shall serve as
14 Director of the Council.

17 SEC. 102. DUTIES OF THE COUNCIL.

18 (a) IN GENERAL.—The Council shall—

19 (1) not later than 1 year after the date of the
20 first meeting of the Council, develop a comprehen-
21 sive National Drought Policy Action Plan that—

22 (A)(i) delineates and integrates responsibil-
23 ities for activities relating to drought (including
24 drought preparedness, mitigation, research, risk

1 management, training, and emergency relief)
2 among Federal agencies; and

7 (B) is consistent with—

10 (ii) the laws and policies of the States
11 for water management;

12 (C) is integrated with drought manage-
13 ment programs of the States, Indian tribes,
14 local governments, watershed groups, and pri-
15 vate entities; and

16 (D) avoids duplicating Federal, State, trib-
17 al, local, watershed, and private drought pre-
18 paredness and monitoring programs in exist-
19 ence on the date of enactment of this Act;

24 (A) discrepancies between the goals of the
25 programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere

with the effective operation of the programs;

(3) make recommendations to the President,

Congress, and appropriate Federal Agencies on—

(A) the establishment of common inter-

agency triggers for authorizing Federal drought

mitigation programs; and

(B) improving the consistency and fairness

of assistance among Federal drought relief pro-

grams;

(4) coordinate and prioritize specific activities

that will improve the National Integrated Drought

System by—

(A) taking into consideration the limited

resources for—

(i) drought monitoring, prediction,

and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of a

Effective drought information delivery system

that—

(i) communicates drought conditions

and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the federal, regional, State, tribal, and local levels of government that reflect regional State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

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

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

1 (A) explanations of the causes of drought,
2 the impacts of drought, and the damages from
3 drought;

4 (B) descriptions of the value and benefits
5 of land stewardship to reduce the impacts of
6 drought and to protect the environment;

7 (C) clear instructions for appropriate re-
8 sponses to drought, including water conserva-
9 tion, water reuse, and detection and elimination
10 of water leaks;

11 (D) information on State and local laws
12 applicable to drought; and

13 (E) information on the assistance available
14 to resource-dependent businesses and industries
15 during a drought; and

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

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

23 (2) forestry and fire management interests;

24 (3) the credit community;

25 (4) rural and urban water associations:

9 (c) AGENCY ROLES AND RESPONSIBILITIES.—

10 (1) DESIGNATION OF LEAD AGENCIES.—

11 (A) DEPARTMENT OF COMMERCE.—The
12 Department of Commerce shall be the lead
13 agency for purposes of implementing subsection
14 (a)(4).

15 (B) DEPARTMENTS OF THE ARMY AND
16 THE INTERIOR.—The Department of the Army
17 and the Department of the Interior shall jointly
18 be the lead agency for purposes of imple-
19 menting—

20 (i) paragraphs (5) and (6) of section
21 subsection (a); and

22 (ii) section 122.

23 (C) DEPARTMENT OF AGRICULTURE.—The
24 Department of Agriculture, in cooperation with
25 the lead agencies designated under subparagraph

1 graphs (A) and (B), shall be the lead agency
2 for purposes of implementing section 121.

3 (2) COOPERATION FROM OTHER FEDERAL
4 AGENCIES.—The head of each Federal agency shall
5 cooperate as appropriate with the lead agencies in
6 carrying out any duties under this Act.

7 (d) REPORTS TO CONGRESS.—

8 (1) ANNUAL REPORT.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of the first meeting of the Coun-
11 cil, and annually thereafter, the Council shall
12 submit to Congress a report on the activities
13 carried out under this title.

14 (B) INCLUSIONS.—

15 (i) IN GENERAL.—The annual report
16 shall include a summary of drought pre-
17 paredness plans completed under sections
18 123 through 125.

19 (ii) INITIAL REPORT.—The initial re-
20 port submitted under subparagraph (A)
21 shall include any recommendations of the
22 Council under paragraph (2) or (3) of sub-
23 section (a).

24 (2) FINAL REPORT.—Not later than 7 years
25 after the date of enactment of this Act, the Council

1 shall submit to Congress a report that rec-
2 ommends—

3 (A) amendments to this Act; and
4 (B) whether the Council should continue.

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

6 (a) HEARINGS.—The Council may hold hearings,
7 meet and act at any time and place, take any testimony
8 and receive any evidence that the Council considers advis-
9 able to carry out this title.

10 (b) INFORMATION FROM FEDERAL AGENCIES.—

11 (1) IN GENERAL.—The Council may obtain di-
12 rectly from any Federal agency any information that
13 the Council considers necessary to carry out this
14 title.

15 (2) PROVISION OF INFORMATION.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), on request of the Secretary
18 or the non-Federal co-chair, the head of a Fed-
19 eral agency may provide information to the
20 Council.

21 (B) LIMITATION.—The head of a Federal
22 agency shall not provide any information to the
23 Council that the Federal agency head deter-
24 mines the disclosure of which may cause harm
25 to national security interests.

1 (c) POSTAL SERVICES.—The Council may use the
2 United States mail in the same manner and under the
3 same conditions as other agencies of the Federal Govern-
4 ment.

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

7 (e) FEDERAL FACILITIES.—If the Council proposes
8 the use of a Federal facility for the purposes of carrying
9 out this title, the Council shall solicit and consider the
10 input of the Federal agency with jurisdiction over the fa-
11 cility.

12 **SEC. 104. COUNCIL PERSONNEL MATTERS.**

13 (a) COMPENSATION OF MEMBERS.—

14 (1) NON-FEDERAL EMPLOYEES.—A member of
15 the Council who is not an officer or employee of the
16 Federal Government shall serve without compensa-
17 tion.

18 (2) FEDERAL EMPLOYEES.—A member of the
19 Council who is an officer or employee of the United
20 States shall serve without compensation in addition
21 to the compensation received for services of the
22 member as an officer or employee of the Federal
23 Government.

24 (b) TRAVEL EXPENSES.—A member of the Council
25 shall be allowed travel expenses at rates authorized for an

1 employee of an agency under subchapter I of chapter 57
2 of title 5, United States Code, while away from the home
3 or regular place of business of the member in the perform-
4 ance of the duties of the Council.

5 SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

6 There is authorized to be appropriated to carry out
7 this title \$2,000,000 for each of fiscal years 2004 through
8 2011.

9 SEC. 106. TERMINATION OF COUNCIL.

10 The Council shall terminate 8 years after the date
11 of enactment of this Act.

**12 Subtitle B—National Office of
13 Drought Preparedness**

14 SEC. 111. ESTABLISHMENT.

15 The Secretary shall establish an office to be known
16 as the “National Office of Drought Preparedness”, which
17 shall be under the jurisdiction of the Under Secretary, to
18 provide assistance to the Council in carrying out this title.

19 SEC. 112. DIRECTOR OF THE OFFICE.

20 (a) APPOINTMENT.—

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

24 (2) QUALIFICATIONS.—The Director shall be a
25 person who has experience in—

4 (b) POWERS.—The Director may hire such other ad-
5 ditional personnel or contract for services with other enti-
6 ties as necessary to carry out the duties of the Office.

7 SEC. 113. OFFICE STAFF.

8 (a) IN GENERAL.—The Office shall have at least 5
9 full-time staff, including the detailees detailed under sub-
10 section (b)(1).

11 (b) DETAILEES.—

12 (1) REQUIRED DETAILEES.—There shall be de-
13 tailed to the Office on a nonreimbursable basis—

14 (A) by the Director of the Federal Emer-
15 gency Management Agency, 1 employee of the
16 Federal Emergency Management Agency with
17 expertise in emergency planning;

18 (B) by the Secretary of Commerce, 1 em-
19 ployee of the Department of Commerce with ex-
20 perience in drought monitoring:

21 (C) by the Secretary of the Interior, 1 em-
22 ployee of the Bureau of Reclamation with expe-
23 rience in water planning; and

(D) by the Secretary of the Army, 1 employee of the Army Corps of Engineers with experience in water planning.

4 (2) ADDITIONAL DETAILEES.—

9 (B) REIMBURSEMENT.—An employee de-
10 tailed under subparagraph (A) shall be detailed
11 without reimbursement, unless the Secretary,
12 on the recommendation of the Director, deter-
13 mines that reimbursement is appropriate.

18 **Subtitle C—Drought Preparedness**

19 **Plans**

20 SEC. 121. DROUGHT ASSISTANCE FUND.

21 (a) ESTABLISHMENT.—There is established in the
22 Treasury of the United States a fund to be known as the
23 “Drought Assistance Fund”.

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

1 (1) providing technical and financial assistance
2 (including grants and cooperative assistance) to
3 States, Indian tribes, local governments, watershed
4 groups, and critical service providers for the develop-
5 ment and implementation of drought preparedness
6 plans under sections 123 through 125;

7 (2) providing to States, Indian tribes, local gov-
8 ernments, watershed groups, and critical service pro-
9 viders the Federal share, as determined by the Sec-
10 retary, in consultation with the other members of
11 the Council, of the cost of mitigating the overall risk
12 and impacts of droughts;

18 (4) expanding the technology transfer of
19 drought and water conservation strategies and inno-
20 vative water supply techniques;

21 (5) developing post-drought evaluations and
22 recommendations; and

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

25 (c) GUIDELINES.—

10 (B) take into consideration regional differences:
11

12 (C) take into consideration all impacts of
13 drought in a balanced manner;

14 (D) prohibit the use of amounts from the
15 Fund for Federal salaries that are not directly
16 related to the provision of drought assistance;

17 (E) require that amounts from the Fund
18 provided to States, local governments, water-
19 shed groups, and critical service providers
20 under subsection (b)(1) be coordinated with and
21 managed by the State in which the local govern-
22 ments, watershed groups, or critical service pro-
23 viders are located, consistent with the drought
24 preparedness priorities and relevant water man-
25 agement plans in the State;

1 (F) require that amounts from the Fund
2 provided to Indian tribes under subsection
3 (b)(1) be used to implement plans that are, to
4 the maximum extent practicable—

5 (i) coordinated with any State in
6 which land of the Indian tribe is located;
7 and

8 (ii) consistent with existing drought
9 preparedness and water management plans
10 of the State; and

(G) require that a State, Indian tribe, local government, watershed group, or critical service provider that receives Federal funds under paragraph (2) or (3) of subsection (b) pay, using amounts made available through non-Federal grants, cash donations made by non-Federal persons or entities, or any other non-Federal funds, not less than 25 percent of the total cost of carrying out a project for which Federal funds are provided under this Act.

21 (3) SPECIAL REQUIREMENTS APPLICABLE TO
22 INTERSTATE WATERSHEDS.—

23 (A) DEVELOPMENT OF DROUGHT PRE-
24 PAREDNESS PLANS.—The guidelines promul-
25 gated under paragraph (1) shall require that, to

1 receive financial assistance under subsection
2 (b)(1) for the development of drought prepared-
3 ness plans for interstate watersheds, the States
4 or Indian tribes in which the interstate water-
5 shed is located shall—
6 (i) cooperate in the development of
7 the plan; and
8 (ii) in developing the plan—
9 (I) ensure that the plan is con-
10 sistent with any applicable State and
11 tribal water laws, policies, and agree-
12 ments;
13 (II) ensure that the plan is con-
14 sistent and coordinated with any
15 interstate stream compacts;
16 (III) include the participation of
17 any appropriate watershed groups;
18 and
19 (IV) recognize that while imple-
20 mentation of the plan will involve fur-
21 ther coordination among the appro-
22 priate States and Indian tribes, each
23 State and Indian tribe has sole juris-
24 diction over implementation of the

1 portion of the watershed within the
2 State or tribal boundaries.

3 (B) IMPLEMENTATION OF DROUGHT PRE-
4 PAREDNESS PLANS.—The guidelines promul-
5 gated under paragraph (1) shall require that, to
6 receive financial assistance under subsection
7 (b)(1) for the implementation of drought pre-
8 paredness plans for interstate watersheds, the
9 States or Indian tribes in which the interstate
10 watershed is located shall, to the maximum ex-
11 tent practicable—

12 (i) cooperate in implementing the
13 plan;

14 (ii) in implementing the plan—

15 (I) provide that the distribution
16 of funds to all States and Indian
17 tribes in which the watershed is lo-
18 cated is not required; and

19 (II) consider the level of impact
20 within the watershed on the affected
21 States or Indian tribes; and

22 (iii) ensure that implementation of the
23 plan does not interfere with State water
24 rights in existence on the date of enact-
25 ment of this Act.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Fund such sums
3 as are necessary to carry out subsection (b).

4 **SEC. 122. DROUGHT PREPAREDNESS PLANS.**

5 (a) IN GENERAL.—The Secretary of the Interior and
6 the Secretary of the Army shall, with the concurrence of
7 the Council, jointly promulgate guidelines for admin-
8 istering a national program to provide technical and finan-
9 cial assistance to States, Indian tribes, local governments,
10 watershed groups, and critical service providers for the de-
11 velopment, maintenance, and implementation of drought
12 preparedness plans.

13 (b) REQUIREMENTS.—To build on the experience and
14 avoid duplication of efforts of Federal, State, local, tribal,
15 and regional drought plans in existence on the date of en-
16 actment of this Act, the guidelines may recognize and in-
17 corporate those plans.

18 **SEC. 123. FEDERAL PLANS.**

19 (a) IN GENERAL.—The Secretary, the Secretary of
20 the Interior, the Secretary of the Army, and other appro-
21 priate Federal agency heads shall develop and implement
22 Federal drought preparedness plans for agencies under
23 the jurisdiction of the appropriate Federal agency head.

24 (b) REQUIREMENTS.—The Federal plans—

25 (1) shall be integrated with each other;

3 (3) shall be integrated with drought prepared-
4 ness plans of State, tribal, and local governments
5 that are affected by Federal projects and programs;
6 and

9 SEC. 124. STATE AND TRIBAL PLANS.

10 States and Indian tribes may develop and implement
11 State and tribal drought preparedness plans that—

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

14 (2) identify areas that are at a high risk for
15 drought:

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

19 (4) are integrated with State, tribal, and local
20 water plans in existence on the date of enactment of
21 this Act.

22 SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments, watershed groups, and regional water providers may develop and implement drought preparedness plans that—

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

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

7 and

9 plans.

10 SEC. 126. PLAN ELEMENTS.

11 The drought preparedness plans developed under sec-
12 tions 123 through 125—

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

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

20 (4) shall address the economic impact on re-
21 source-dependent businesses and industries, includ-
22 ing regional tourism;

23 (5) may include—

24 (A) provisions for water management
25 strategies to be used during various drought or

1 water shortage thresholds, consistent with State
2 water law;

3 (B) provisions to address key issues relating
4 to drought (including public health, safety,
5 economic factors, and environmental issues such
6 as water quality, water quantity, protection of
7 threatened and endangered species, and fire
8 management);

9 (C) provisions that allow for public participation
10 in the development, adoption, and implementation
11 of drought plans;

12 (D) provisions for periodic drought exercises,
13 revisions, and updates;

14 (E) a hydrologic characterization study to
15 determine how water is being used during times
16 of normal water supply availability to anticipate
17 the types of drought mitigation actions that
18 would most effectively improve water management
19 during a drought;

20 (F) drought triggers;

21 (G) specific implementation actions for
22 droughts;

23 (H) a water shortage allocation plan, consistent
24 with State water law; and

10 **TITLE II—WILDFIRE** 11 **SUPPRESSION**

12 SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUP-
13 PRESSION RESOURCES.

14 Title II of the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
16 amended by adding at the end the following:

17 "SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUP-
18 PRESSION RESOURCES

19 “(a) FINDINGS AND PURPOSE —

20 “(1) FINDINGS.—Congress finds that—

21 “(A) droughts increase the risk of cata-
22 strophic wildfires that—

1 “(ii) because of the potential of such
2 wildfires to overwhelm State wildfire sup-
3 pression resources, require a coordinated
4 response among States, Federal agencies,
5 and neighboring countries; and

6 “(iii) result in billions of dollars in
7 losses each year;

8 “(B) the Federal Government must, to the
9 maximum extent practicable, prevent and sup-
10 press such catastrophic wildfires to protect
11 human life and property;

12 “(C) not taking into account State, local,
13 and private wildfire suppression costs, during
14 the period of 1996 through 2000, the Federal
15 Government expended over \$630,000,000 per
16 year for wildfire suppression costs;

17 “(D) in 2002, the Federal Government ex-
18 pended \$1,600,000,000 for wildfire suppression;

19 “(E) it is more cost-effective to prevent
20 wildfires by prepositioning wildfire fighting re-
21 sources to catch flare-ups than to commit mil-
22 lions of dollars to respond to large uncontrol-
23 lable fires; and

24 “(F) it is in the best interest of the United
25 States to invest in catastrophic wildfire preven-

4 “(2) PURPOSE.—The purpose of this section is
5 to encourage the mitigation and prevention of
6 wildfires by providing financial assistance to States
7 for prepositioning of wildfire suppression resources.

8 "(b) AUTHORIZATION.—Subject to the availability of
9 funds, the Director of the Federal Emergency Manage-
10 ment Agency (referred to in this section as the 'Director')
11 shall reimburse a State for the cost of prepositioning wild-
12 fire suppression resources on potential multiple and large
13 fire complexes when the Director determines, in accord-
14 ance with national and regional severity indices of the For-
15 est Service, that a wildfire event poses a threat to life and
16 property in the area.

17 "(c) ELIGIBILITY.—Wildfire suppression resources of
18 the Federal Government, neighboring countries, and any
19 State other than the State requesting assistance are eligi-
20 ble for reimbursement under this section.

21 "(d) REIMBURSEMENT.—

22 “(1) IN GENERAL.—The Director may reim-
23 burse a State for the costs of prepositioning of wild-
24 fire suppression resources of the entities specified in

1 subsection (c), including mobilization to, and demo-
2 bilization from, the staging or prepositioning area.

3 “(2) REQUIREMENTS.—For a State to receive
4 reimbursement under paragraph (1)—

5 “(A) any resource provided by an entity
6 specified in subsection (c) shall have been spe-
7 cifically requested by the State seeking reim-
8 bursement; and

9 “(B) staging or prepositioning costs—

10 “(i) shall be expended during the ap-
11 proved prepositioning period; and

12 “(ii) shall be reasonable.”.

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