

113TH CONGRESS
2D SESSION

S. 2163

To establish an emergency watershed protection disaster assistance fund to be available to the Secretary of Agriculture to provide assistance for any natural disaster.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2014

Mr. UDALL of Colorado (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish an emergency watershed protection disaster assistance fund to be available to the Secretary of Agriculture to provide assistance for any natural disaster.

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. EMERGENCY WATERSHED PROTECTION DIS-**
4 **ASTER ASSISTANCE FUND.**

5 (a) DEFINITIONS.—In this section:

6 (1) EMERGENCY WATERSHED PROTECTION
7 PROGRAM.—The term “emergency watershed protec-
8 tion program” means the emergency watershed pro-

1 tection program established under section 403 of the
2 Agricultural Credit Act of 1978 (16 U.S.C. 2203).

3 (2) FUND.—The term “Fund” means the
4 Emergency Watershed Protection Disaster Assist-
5 ance Fund established by subsection (b).

6 (3) NATURAL DISASTER.—The term “natural
7 disaster” means—

8 (A) a natural disaster declared by the Sec-
9 retary under section 321(a) of the Consolidated
10 Farm and Rural Development Act (7 U.S.C.
11 1961(a)); or

12 (B) a major disaster or emergency des-
13 ignated by the President under the Robert T.
14 Stafford Disaster Relief and Emergency Assist-
15 ance Act (42 U.S.C. 5121 et seq.).

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Agriculture.

18 (b) ESTABLISHMENT.—There is established in the
19 Treasury of the United States a fund to be known as the
20 “Emergency Watershed Protection Disaster Assistance
21 Fund”, to be administered by the Secretary to carry out
22 activities under the emergency watershed protection pro-
23 gram.

24 (c) PURPOSE AND AVAILABILITY OF FUND.—

1 (1) IN GENERAL.—Subject to subsection (d),
 2 amounts in the Fund shall be available to the Sec-
 3 retary, until expended, to provide additional amounts
 4 for authorized activities described in subsection (b)
 5 in areas affected by a natural disaster.

6 (2) MAINTENANCE OF FUNDING.—Amounts in
 7 the Fund shall supplement (and not supplant) other
 8 Federal funding for natural disasters.

9 (d) DIRECTLY APPROPRIATED AMOUNTS.—Amounts
 10 appropriated directly to the Fund by this Act or any sub-
 11 sequent Act for a specific purpose shall be available only
 12 for that purpose until such time as the transfer authority
 13 provided by subsection (f) takes effect with regard to the
 14 amounts.

15 (e) TRANSFER OF PRIOR APPROPRIATIONS TO
 16 FUND.—

17 (1) IN GENERAL.—The Secretary may transfer
 18 to the Fund, and merge with other amounts gen-
 19 erally appropriated to the Fund, the available unob-
 20 ligated balance of any amounts described in para-
 21 graph (2) if, in advance of the transfer, the Sec-
 22 retary—

23 (A) determines that the unobligated
 24 amounts are no longer needed to respond to the

1 natural disaster for which the amounts were
 2 originally appropriated; and

3 (B) provides a certification of that deter-
 4 mination to the Committees on Appropriations
 5 of the House of Representatives and the Sen-
 6 ate.

7 (2) AMOUNTS.—

8 (A) IN GENERAL.—Amounts described in
 9 this paragraph are amounts for the emergency
 10 watershed protection program that—

11 (i) except in the case of funds de-
 12 scribed in subparagraph (B), remain unob-
 13 ligated as of the date of enactment of this
 14 Act; or

15 (ii)(I) are made available under the
 16 Disaster Relief Appropriations Act, 2013
 17 (division A of Public Law 113–2; 127 Stat.
 18 4); and

19 (II) are not necessary to fulfill any el-
 20 igible request for the funds made in ac-
 21 cordance with that Act.

22 (B) EMERGENCY DESIGNATIONS.—

23 (i) EMERGENCY DESIGNATION FOR
 24 STATUTORY PAYGO.—This subsection is
 25 designated as an emergency requirement

1 pursuant to section 4(g) of the Statutory
2 Pay-As-You-Go Act of 2010 (Public Law
3 111–139; 2 U.S.C. 933(g)).

4 (ii) EMERGENCY DESIGNATION FOR
5 CONGRESSIONAL ENFORCEMENT.—In the
6 Senate, this subsection is designated as an
7 emergency requirement pursuant to sec-
8 tions 403(a) and 423(b) of S. Con. Res. 13
9 (111th Congress), the concurrent resolu-
10 tion on the budget for fiscal year 2010.

11 (3) CERTAIN FUNDS.—

12 (A) PRELIMINARY DEPOSIT.—Not later
13 than 30 days after the date of enactment of
14 this Act, the Secretary shall transfer to the
15 Fund all amounts described in paragraph
16 (2)(A)(ii) that are in excess of amounts re-
17 quested in applications received by the Sec-
18 retary on or before April 18, 2014, in accord-
19 ance with the Disaster Relief Appropriations
20 Act, 2013 (division A of Public Law 113–2;
21 127 Stat. 4).

22 (B) FINAL DEPOSIT.—As soon as prac-
23 ticable after the Secretary has made final deter-
24 minations on all applications described in sub-
25 paragraph (A), the Secretary shall transfer to

1 the Fund all remaining unobligated amounts
2 described in paragraph (2)(A)(ii).

3 (f) TRANSFER OF OTHER APPROPRIATIONS TO
4 FUND.—

5 (1) IN GENERAL.—Unless otherwise specifically
6 provided in an appropriations Act, the Secretary
7 may transfer to or within the Fund, and merge with
8 other amounts generally appropriated to the Fund,
9 the available unobligated balance of any amounts
10 that are appropriated for fiscal year 2014 or any
11 subsequent fiscal year for the emergency watershed
12 protection program to respond to a natural disaster
13 or are designated by the Congress as an emergency
14 requirement if, in advance of the transfer, the Sec-
15 retary—

16 (A) determines that the unobligated
17 amounts are no longer needed to respond to the
18 natural disaster for which the amounts were
19 originally appropriated; and

20 (B) provides a certification of that deter-
21 mination to the Committees on Appropriations
22 of the House of Representatives and the Sen-
23 ate.

24 (2) TIMING.—A transfer of unobligated
25 amounts with respect to a natural disaster may not

1 be made under this subsection until after the end of
2 the 2-year period beginning on the date on which the
3 amounts were originally appropriated for that nat-
4 ural disaster.

5 (g) AVAILABILITY OF FUNDS.—Amounts transferred
6 into the Fund under this section shall be available to the
7 Secretary for obligation without further appropriation.

8 (h) ADMINISTRATIVE EXPENSES.—In addition to any
9 other funds available to the Secretary to cover administra-
10 tive costs, the Secretary may use up to 3 percent of the
11 amounts allocated from the Fund for a specific natural
12 disaster to cover administrative costs of the State and
13 local offices of the Department of Agriculture in the areas
14 affected by the natural disaster to carry out disaster-re-
15 lated activities.

16 (i) LIMITATION ON PER DISASTER OBLIGATIONS.—

17 (1) IN GENERAL.—Amounts in the Fund, ex-
18 cept for amounts described in subsection (d) that
19 are appropriated to the Fund and obligated in ac-
20 cordance with that subsection, may not be obligated
21 in excess of \$1,000,000 for a natural disaster until
22 at least 15 days after the date on which the Sec-
23 retary notifies the Committees on Appropriations of
24 the House of Representatives and the Senate of the

1 determination of the Secretary to obligate additional
2 amounts and the reasons for the determination.

3 (2) SPECIFIC AND EXTREME NEED.—The Sec-
4 retary may not obligate more than 50 percent of the
5 amounts in the Fund for any 1 natural disaster un-
6 less the Secretary declares that there is a specific
7 and extreme need for additional funds to be provided
8 in response to that natural disaster at time of the
9 obligation.

10 (j) QUARTERLY REPORTS.—The Secretary shall sub-
11 mit, on a quarterly basis, to the Committees on Appropria-
12 tions of the House of Representatives and the Senate a
13 report describing the status of the Fund and any trans-
14 actions that have affected the Fund since the previous re-
15 port.

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