

(d) *NDRP Co-Chairs.* The NDRP shall have two Co-Chairs. The Secretary of Agriculture, or the Secretary's designated representative, shall continuously serve as the first Co-Chair of the NDRP. The Secretary of Commerce, or the Secretary's designated official, shall serve as the second Co-Chair for a period of 2 years. The NDRP members shall rotate the second Co-Chair responsibility every 2 years based on majority vote among the Departments of Defense, the Interior, Commerce, Energy, Homeland Security, and the Environmental Protection Agency. Members serving as the second Co-Chair shall not serve in that role over consecutive periods. The NDRP shall meet at minimum on a quarterly basis, with additional meetings as needed.

(e) *Charter.* Within 90 days of the date of this memorandum, the Co-Chairs of the NDRP shall, with consensus of the members, complete a charter, which shall include any administrative policies and processes necessary to ensure the NDRP can satisfy the functions and responsibilities described in this memorandum.

(f) *Reporting Requirements and Action Plan.* Within 150 days of the date of this memorandum, the Co-Chairs of the NDRP shall submit a report to the Co-Chairs of the Council on Climate Preparedness and Resilience established by Executive Order 13653 of November 1, 2013. The report shall describe the activities undertaken and progress made concerning the implementation of this memorandum and shall include, to the extent necessary and applicable, information from all NDRP participants. Thereafter, the Co-Chairs of the NDRP shall provide updates on the implementation of the goals described in section 3 of this memorandum to the Council on Climate Preparedness and Resilience following the NDRP's quarterly meetings, and annually in the National Preparedness Report, established in Presidential Policy Directive-8 or other appropriate annual reports submitted to the President.

(g) *Long-Term Drought Resilience Action Plan.* The NDRP Co-Chairs, with consensus of the NDRP agencies, shall maintain the Long-Term Drought Resilience Federal Action Plan (the "Action Plan") and update the Action Plan as necessary. The heads of agencies participating in the NDRP shall implement the Action Plan, or any successor plan or strategy promulgated by the NDRP to guide how agencies achieve the six drought resilience goals set forth in section 3 of this memorandum.

SEC. 6. Regional Coordination and Implementation.

(a) *Regional Capabilities.* The heads of agencies participating in the NDRP shall establish, and utilize through their regional and field offices, cross-agency methods to coordinate Federal assistance provided to States, regions, tribes, and localities facing drought challenges. These capabilities shall be integrated with existing regional planning and coordination initiatives, including with appropriate resiliency efforts conducted by State, regional, tribal, and local drought stakeholders.

(b) *Regional Engagement Coordination.* In regions where complementary drought resilience activities are implemented by multiple Federal agencies, those agencies shall coordinate regional outreach strategies. Further, these agencies shall collectively coordinate regional outreach and engagement efforts with the goal of reducing duplication of effort for State, regional, tribal, and local stakeholders.

SEC. 7. Definitions. (a) "Agencies" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies.

(b) "Critical infrastructure" has the meaning provided in section 1016(e) of the USA Patriot Act of 2001 (42 U.S.C. 5195c(e)), namely, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(c) "Drought" has the meaning provided in section 2(1) of the National Integrated Drought Information

System Act of 2006 (15 U.S.C. 313d note), namely, a deficiency in precipitation that leads to a deficiency in surface or subsurface water supplies (including rivers, streams, wetlands, groundwater, soil moisture, reservoir supplies, lake levels, and snow pack); and that causes or may cause substantial economic or social impacts or substantial physical damage or injury to individuals, property, or the environment.

(d) "Drought resilience" means the ability to anticipate, prepare for, and adapt to the anticipated consequences of drought conditions, particularly long-term or extreme drought.

(e) "Resilience" means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions.

SEC. 8. General Provisions. (a) This memorandum shall be implemented consistent with applicable laws, including international treaties, agreements, and obligations, and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Agriculture is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

SUBCHAPTER I—DROUGHT PROGRAM

§ 2211. Assistance during drought; water purchases

(a) Construction, management, and conservation

Consistent with existing contractual arrangements and applicable State and applicable Federal law, and without further authorization, the Secretary is authorized to undertake construction, management, and conservation activities that will minimize, or can be expected to have an effect in minimizing, losses and damages resulting from drought conditions. Any construction activities undertaken pursuant to the authority of this subsection shall be limited to temporary facilities designed to minimize losses and damages from drought conditions, except that wells drilled to minimize losses and damages from drought conditions may be permanent facilities.

(b) Assistance to willing buyers and sellers

In order to minimize losses and damages resulting from drought conditions, the Secretary may provide nonfinancial assistance to willing buyers in their purchase of available water supplies from willing sellers.

(c) Water purchases by Bureau

In order to minimize losses and damages resulting from drought conditions, the Secretary may purchase water from willing sellers, including, but not limited to, water made available by Federal Reclamation project contractors through conservation or other means with respect to which the seller has reduced the consumption of water. Except with respect to water stored, conveyed or delivered to Federal and

State wildlife habitat, the Secretary shall deliver such water pursuant to temporary contracts under section 2212 of this title: *Provided*, That any such contract shall require recovery of any costs, including interest if applicable, incurred by the Secretary in acquiring such water.

(d) Water banks

In order to respond to a drought, the Secretary is authorized to participate in water banks established by a State.

(Pub. L. 102-250, title I, §101, Mar. 5, 1992, 106 Stat. 53.)

Editorial Notes

REFERENCES IN TEXT

The Bureau, referred to in heading for subsec. (c), probably means the Bureau of Reclamation.

Statutory Notes and Related Subsidiaries

TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

DESERT TERMINAL LAKES

Pub. L. 107-206, title I, §103, Aug. 2, 2002, 116 Stat. 823, which provided that not later than 14 days after Aug. 2, 2002, the Secretary of Agriculture was to carry out a transfer of funds under section 2507(a) of Pub. L. 107-171, formerly set out below, was transferred and is set out as a note under section 3839bb-6 of Title 16, Conservation.

Pub. L. 107-171, title II, §2507, May 13, 2002, 116 Stat. 275, as amended by Pub. L. 110-234, title II, §2807, May 22, 2008, 122 Stat. 1090; Pub. L. 110-246, §4(a), title II, §2807, June 18, 2008, 122 Stat. 1664, 1818; Pub. L. 111-85, title II, §207, Oct. 28, 2009, 123 Stat. 2858; Pub. L. 112-74, div. B, title II, §208(a), Dec. 23, 2011, 125 Stat. 866; Pub. L. 113-79, title II, §2507, Feb. 7, 2014, 128 Stat. 753, which related to terminal lakes assistance, was transferred to section 3839bb-6 of Title 16, Conservation.

§ 2212. Availability of water on temporary basis

(a) General authority

In order to mitigate losses and damages resulting from drought conditions, the Secretary may make available, by temporary contract, project and nonproject water, and may permit the use of facilities at Federal Reclamation projects for the storage or conveyance of project or nonproject water, for use both within and outside an authorized project service area.

(b) Special provisions applicable to temporary water supplies provided under this section

(1) Temporary supplies

Each temporary contract for the supply of water entered into pursuant to this section shall terminate no later than two years from the date of execution or upon a determination by the Secretary that water supply conditions no longer warrant that such contracts remain in effect, whichever occurs first. The costs associated with any such contract shall be repaid within the term of the contract.

(2) Ownership and acreage limitations

Lands not subject to Reclamation law that receive temporary irrigation water supplies under temporary contracts under this section

shall not become subject to the ownership and acreage limitations or pricing provisions of Federal Reclamation law because of the delivery of such temporary water supplies. Lands that are subject to the ownership and acreage limitations of Federal Reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies.

(3) Treatment under Reclamation Reform Act of 1982

No temporary contract entered into by the Secretary under this section shall be treated as a “contract” as that term is used in sections 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390cc(a), 390tt].

(4) Amendments of existing contracts

Any amendment to an existing contract to allow a contractor to carry out the provisions of this subchapter shall not be considered a new and supplemental benefit for purposes of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390aa et seq.].

(c) Contract price

The price for project water, other than water purchased pursuant to section 2211(c) of this title, delivered under a temporary contract entered into by the Secretary under this section shall be at least sufficient to recover all Federal operation and maintenance costs and administrative costs, and an appropriate share of capital costs, including interest on such capital costs allocated to municipal and industrial water, except that, for project water delivered to nonproject landholdings, the price shall include full cost (as defined in section 202(3) of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1263; 43 U.S.C. 390bb) [43 U.S.C. 390bb(3)]). For all contracts entered into by the Secretary under the authority of this subchapter—

(1) the interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs expended pursuant to this chapter shall be at a rate to be determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year preceding the date of execution of the temporary contract; or

(2) in the case of existing facilities the rate as authorized for that Federal Reclamation project; or

(3) in the absence of such authorized rate, the interest rate as determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction was initiated on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which were neither due nor callable for redemption for fifteen years from date of issue: *Provided*, That for all deliveries of water for municipal and industrial purposes from existing facilities to nonproject contractors, the rate shall be as set forth in paragraph (1) of this subsection.