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SENATE

{ REPORT
113-73

RECLAMATION STATES EMERGENCY DROUGHT RELIEF EXTENSION

JULY 15, 2013.—Ordered to be printed

Mr. WYDEN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 659]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 659) to reauthorize the Reclamation States Emergency Drought Relief Act of 1991, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, strike lines 1 through 6 and insert the following:

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking “2012” and inserting “2018”.

PURPOSE

The purpose of S. 659 is to reauthorize the Reclamation States Emergency Drought Relief Act of 1991.

BACKGROUND AND NEED

The Reclamation States Emergency Drought Relief Act (Drought Relief Act) was authorized in 1991 (43 U.S.C. 2214) and allows the Bureau of Reclamation (Reclamation) to undertake activities that would minimize or mitigate drought damages or losses within the 17 Reclamation States, including Tribes within those states, and Hawaii. The Drought Relief Act was amended in 2000 (Public Law 106-566) and reauthorized in 2006 (Public Law 109-234). In 2010,

the Drought Relief Act was extended for an additional two years to 2012 (Public Law 111–212). Its authority expired last year.

Over 60 percent of the nation experienced some form of drought during 2012 with many of the Reclamation States being the hardest hit. Reclamation has provided emergency assistance and planning assistance to States dealing with the drought through the Drought Relief Act authority, and since the Drought Relief Act was originally authorized, appropriations amount to \$74.5 million. S. 659 would reauthorize the Reclamation States Emergency Drought Relief Act for an additional five years.

LEGISLATIVE HISTORY

S. 659 was introduced by Senator Wyden on March 22, 2013. The Senate Energy and Natural Resources Committee, Subcommittee on Water and Power, held a hearing on S. 659 on April 16, 2013. At its business meeting on May 16, 2013, the Committee ordered S. 659 favorably reported as amended.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 16, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 659, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 659, the Committee adopted an amendment to strike the increase in the authorization of appropriations.

SECTION-BY-SECTION ANALYSIS

Section 1 reauthorizes the Reclamation States Emergency Drought Relief Act of 1991 by amending section 104(c) of the Act (43 U.S.C. 2214(c)), to delay the termination of authority from September 30, 2012 to September 30, 2018.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of S. 659 has been provided by the Congressional Budget Office:

S. 659—A bill to reauthorize the Reclamation States Emergency Drought Relief Act of 1991, and for other purposes

Summary: S. 659 would extend the authority of the Secretary of the Interior, acting through the Bureau of Reclamation, to assist states, tribes, and local governments with conservation, management, and construction activities to mitigate the effects of drought. For the 2005–2012 period, \$90 million was authorized to be appropriated for this program. The Congress appropriated about \$75 million before the authority expired in 2012. S. 659 would extend the authority to appropriate funds through 2018. CBO assumes that the remaining \$15 million would be appropriated in equal amounts over the next five years.

Based on information from the Bureau of Reclamation, CBO estimates that implementing the legislation would cost \$14 million

over the 2014–2018 period. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 659 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 659 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2014	2015	2016	2017	2018	2014–2018
CHANGES IN SPENDING SUBJECT TO APPROPRIATIONS						
Estimated Authorization Level	3	3	3	3	3	15
Estimated Outlays	2	3	3	3	3	14

Pay-As-You-Go Considerations: None.

Intergovernmental and private-sector impact: S. 659 contains no intergovernmental or private-sector mandates as defined in UMRA. By extending the legislative authority for the relief program, the bill would benefit certain states that undertake activities to mitigate damages caused by droughts. Any costs incurred by governmental entities would result from complying with conditions for receiving federal assistance.

Estimate prepared by: Federal costs: Aurora Swanson; Impact on state, local, and tribal governments: Lisa Ramirez-Branum; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 659.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 659, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 659, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Bureau of Reclamation at the April 16, 2013, Subcommittee on Water and Power hearing on S. 659 follows:

STATEMENT OF ROBERT QUINT, SENIOR ADVISOR, BUREAU
OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Chairman Schatz and Members of the Subcommittee, I am Bob Quint, Senior Advisor at the Bureau of Reclamation (Reclamation). I am pleased to provide the views of the Department of the Interior on S. 659 which reauthorizes Title I of the Reclamation States Emergency Drought Relief Act of 1991 until the year 2018, and increases the amount of authorized federal appropriations from the current ceiling of \$90 million up to \$110 million. The Department supports extending the authorization of this program through 2018; however, as explained below, we do not believe an increase to the authorization of appropriations is necessary at this time. An April 31d update to the U.S. Drought Monitor shows that 83% of the Western United States, where Reclamation operates, is abnormally dry, with 63% being in moderate to exceptional drought status.

Title I of the Reclamation States Emergency Drought Relief Act of 1991 provides Reclamation the authority for construction, management, and conservation measures to alleviate the adverse impacts of drought, including mitigation of fish and wildlife impacts. This authority is most often implemented through drilling new private wells. Wells are the only permanent construction authorized under the Act. All other Title I work must be of a temporary nature. No new Reclamation projects are authorized under Title I; Reclamation does not own, operate, or maintain projects funded under it. S. 659 would extend the expiration date as well as increase the authorization for appropriations from \$90 million to \$110 million to allow for greater capacity in Reclamation's assistance to States, tribes, and local governments in addressing the impacts of drought.

Title I also provides Reclamation with the flexibility to meet contractual water deliveries by allowing acquisition of water to meet requirements under the Endangered Species Act, benefiting contractors at a time when they are financially challenged. We believe that our existing WaterSMART Program provides some lessons applicable to the communities where Drought Act authorities are used.

Additionally, Title I authorizes Reclamation to participate in water banks established under state law; facilitate water acquisitions between willing buyers and willing sellers; acquire conserved water for use under temporary contracts; make facilities available for storage and conveyance of project and nonproject water; make project and nonproject water available for nonproject uses; and, acquire water for fish and wildlife purposes on a nonreimbursable basis.

Reclamation's primary approach to drought is to continue working with our stakeholders on a proactive basis to assess the implications of water shortages, develop flexible operational plans that account for expected periods of drought, and support projects that conserve water and im-

prove the efficiency of water delivery infrastructure. Federal Drought relief is a “last resort” to be employed only in the most extreme of cases. Given the extreme weather conditions currently facing the nation, we will continue to consider ideas to make drought relief even more effective through improved interagency cooperation and other changes.

Title II of the Reclamation States Emergency Drought Relief Act of 1991 provides Reclamation with permanent authority to assist States, Tribes, and local governments with planning and technical assistance related to drought planning, preparation, and adaptation strategies. This authority allows Reclamation to assist non-Federal entities to prepare for drought so that they are less vulnerable when drought inevitably happens. This authority for drought-related Federal coordination and technical assistance does not automatically expire and will remain in effect without the authorities that S. 659 would extend.

Given that there remains a capacity for over \$15 million in authorized appropriations for this program, the Department does not believe an increase in the authorized appropriations ceiling is necessary at this time. If the authorized appropriations ceiling should become a more urgent constraint, we will evaluate the need for an increase to the appropriations ceiling at that time.

This concludes my written statement. I am pleased to answer questions at the appropriate time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 659 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

PUBLIC LAW 102–250, as amended

AN ACT To provide emergency drought relief to the Reclamation States, and for other purposes.

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TITLE I—DROUGHT PROGRAM

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SEC. 104. APPLICABLE PERIOD OF DROUGHT PROGRAM.

(c) **TERMINATION OF AUTHORITY.**—The authorities established under this title shall terminate on September 30, **[2012]** 2018.

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**TITLE III—GENERAL AND MISCELLANEOUS
PROVISIONS**

SEC. 301 AUTHORIZATION OF APPROPRIATIONS.

Except as otherwise provided in section 303 of this Act (relating to temperature control devices at Shasta Dam, California), there is authorized to be appropriated not more than **【\$90,000,000】** *\$110,000,000* in total for the period of fiscal years 2006 through **【2012】** *2018*.

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