

**THE NATIONAL DROUGHT PREPAREDNESS ACT OF 2003**  
**Introduced by Reps. Alcee L. Hastings and Denny Rehberg and**  
**Senators Pete Domenici and Max Baucus**

*Section By Section Analysis*

Purpose of Act: To improve national drought monitoring, planning, mitigation and response efforts.

**Section 1: Short Title**

This Act may be cited as the “National Drought Preparedness Act of 2003.”

**Sections 2 and 3: Findings and Purposes and Definitions**

This section establishes that drought is a reoccurring natural disaster that causes serious economic and environmental loss. Despite increasing demands for water, which further exacerbate drought conditions, the federal government lacks a long-term cohesive strategy for addressing droughts.

**Section 4: State Water Rights**

The bill preserves all States’ water rights.

**TITLE I: NATIONAL DROUGHT COUNCIL**

**Section 101: Establishment of a National Drought Council**

- Establishes the National Drought Council within the Office of the Secretary of Agriculture. The Council has 14 Members and is co-Chaired by the Secretary of Agriculture a non-Federal member of the Council elected by the non-Federal members of the Council.
- Membership includes: Secretaries of Agriculture, the Interior, Commerce, and the Army, Director of FEMA, Administrator of the EPA, 4 governors representing the geographic makeup of the country, a person appointed in coordination with the National Association of Counties, a person representing the interests of Tribal governments, a person representing local soil and water conservation districts, and a person appointed in coordination with the Conference of Mayors.
- Lead Federal Coordinating Agencies: The bill establishes lead federal coordinating agencies to provide expertise in monitoring (Secretary of Commerce), water planning (Secretaries of the Interior and Army), and the distribution of the Drought Assistance Fund (Secretary of Agriculture).

### **Section 102: Duties of the Council**

- Authorizes the National Drought Council to assist in coordinating drought preparedness activities of the federal government and with the activities of the states, local governments, tribes, and neighboring countries.
- This section also lists a number of charges to the Council including the following:
  - a) Consistent with state laws and other applicable federal laws, develop a comprehensive National Drought Policy Action Plan that outlines and integrates the roles and responsibilities of the federal agencies for drought;
  - b) Make recommendations to establish common drought triggers;
  - c) Coordinate and prioritize specific actions to establish a National integrated Drought System to collect and integrate information on key indicators of drought;
  - d) Encourage and facilitate development of drought preparedness plans; and
  - e) Develop and coordinate public awareness activities.
- Requires consultation with groups affected by drought, including the agricultural industry, forestry and wildfire interests, water associations, environmental groups, resource dependent businesses, and others.
- The Council is required to provide an annual report to Congress.

### **Sections 103-106: Powers of the Council, Personnel, Authorization of Appropriations, and Termination of Council**

Authorizes \$2 million annually for 8 years to manage and operate the National Drought Council and the National Office of Drought Preparedness.

### **TITLE II: NATIONAL OFFICE OF DROUGHT PREPAREDNESS**

- Establishes the National Office of Drought within USDA and under the jurisdiction of the Undersecretary for Natural Resources and Environment to provide assistance to the Council.
- To provide additional expertise in various areas, the Office must be staffed by no less than one staff member from each of the following agencies: Department of Commerce with experience in drought monitoring; Army Corps of Engineers with experience in water planning; Bureau of Reclamation with experience in water planning; and FEMA with experience in emergency management.

### **TITLE III: DROUGHT PREPAREDNESS PLANS**

#### **Section 121: Drought Assistance Fund**

Establishes a Drought Assistance Fund within USDA to be used for:

- Technical and financial assistance to states, tribes, local governments, watershed groups, and other entities for development and implementation of drought preparedness plans;

- Federal funds to be cost-shared for mitigation risks and impacts of droughts;
  - The development of mitigation measures to address environmental, economic and human health and safety issues related to drought;
  - Expanding technology transfer of drought and water conservation strategies and innovative water supply techniques; and
  - Developing post-drought evaluations and recommendations.
- The Secretary of Agriculture and non-Federal co-chair, in consultation with the National Drought Council, shall develop and promulgate guidance for the Drought Assistance Fund.
  - Establishes a 25-75 local-Federal cost-sharing agreement.
  - Requires that interstate watershed groups receiving assistance coordinate the development and implementation of drought preparedness plans to avoid adversely affecting neighboring states through the implementation of the plan.

**Sections 121-124: Drought Preparedness Plans (Federal, State, Tribal, and Local)**

- Authorizes the federal co-chair, in conjunction with the National Drought Council, to develop and publish guidance for assistance to states, tribes, local governments, and other public and private entities in developing, maintaining and implementing drought preparedness plans.
- Requires the development of federal drought preparedness plans from appropriate federal agencies and that the plan be completed within 2 years of enactment.
- Encourages the development of state and tribal drought preparedness plans, as well as local governments and regional water planners.

**Section 126: Plan Elements**

Lists key elements that may be included in drought preparedness plans.