

DROUGHT PREPAREDNESS ACT

JANUARY 30, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 4385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4385) to extend authorization of the Reclamation States Emergency Drought Relief Act of 1991, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 4385 is to extend authorization of the Reclamation States Emergency Drought Relief Act of 1991.

BACKGROUND AND NEED FOR LEGISLATION

The Bureau of Reclamation (Reclamation) was established as a water management agency that works with water users to insulate communities and rural economies against disruption in their water supplies and to provide the additional reliability of supply necessary to support the economy. Addressing the impacts of drought conditions was and continues to be a significant part of Reclamation's mission. Today, many of Reclamation's activities address drought through the use of enhanced water management that helps guard against, and to a certain extent mitigate, the adverse effects of drought, for example, through conservation, increased efficiencies, coordinated operation of reservoirs, and science-based forecasting.

Reclamation's Drought Response Program aids drought planning and mitigation. One of the authorities Reclamation relies on for this program is the Reclamation States Emergency Drought Relief

Act of 1991 (Act). The Act gives Reclamation temporary emergency authorities to take certain measures to mitigate the impacts of drought in the 17 Reclamation states as well as the territories. These measures include: the construction of temporary water infrastructure, the purchase of water from willing sellers, participation in state water banks, and the ability to make loans to water users to build drought mitigation infrastructure. The bill also gives Reclamation the authority to make available water from certain projects for use outside the authorized project service area to mitigate drought conditions. Reclamation is also authorized to make water available for the purposes of protecting or restoring fish and wildlife resources that are at risk due to drought conditions. Reclamation is currently authorized to spend no more than \$130 million over the lifetime of the program. H.R. 4385 extends these authorities and the current authorized appropriations through fiscal year 2028.

COMMITTEE ACTION

H.R. 4385 was introduced on June 27, 2023, by Rep. Joe Neguse (D-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Wildlife and Fisheries. On September 28, 2023, the Subcommittee on Water, Wildlife and Fisheries held a hearing on the bill. On November 8, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Water, Wildlife and Fisheries was discharged from further consideration of H.R. 4385 by unanimous consent. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Wildlife and Fisheries held on September 28, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Drought Preparedness Act.”

Section 2. Extension of authorization

Section 2 extends the authorities provided by the Reclamation States Emergency Drought Relief Act of 1991, which enables the Bureau of Reclamation to respond to and mitigate the impacts of drought, through fiscal year 2028.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL
BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 4385, Drought Preparedness Act			
As ordered reported by the House Committee on Natural Resources on November 8, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	1	8	9
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
	Mandate Effects		
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate? No	
		Contains private-sector mandate? No	

H.R. 4385 would extend through 2028 the authority of the Bureau of Reclamation (BOR) to assist states, tribes, and local governments with conservation management and construction activities to mitigate the effects of drought. Over the 2005–2023 period, a total of \$130 million was authorized to be appropriated for the program. Before that authority expired at the end of fiscal year 2023, the agency had allocated \$121 million for that program, including \$3 million in 2023.

Because CBO cannot predict when the amounts authorized to be appropriated would be provided, we assume that the remaining \$9 million would be provided in roughly equal amounts over the 2024–2028 period. Using historical spending patterns and subject to the availability of appropriated funds, CBO estimates implementing the bill would cost \$8 million over the 2024–2028 period and \$1 million after 2028.

The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4385

	By fiscal year, millions of dollars—					
	2024	2025	2026	2027	2028	2024– 2028
Estimated Authorization	2	2	2	2	1	9
Estimated Outlays	1	1	2	2	2	8

The CBO staff contact for this estimate is Aurora Swanson. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to extend authorization of the Reclamation States Emergency Drought Relief Act of 1991.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 4385 contains no unfunded mandates as defined in the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**RECLAMATION STATES EMERGENCY DROUGHT RELIEF
ACT OF 1991**

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TITLE I—DROUGHT PROGRAM

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SEC. 104. APPLICABLE PERIOD OF DROUGHT PROGRAM.

(a) **IN GENERAL.**—The programs and authorities established under this subchapter shall become operative in any Reclamation State and in the State of Hawaii only after the Governor or Governors of the affected State or States, or on a reservation, when the governing body of the affected tribe has made a request for temporary drought assistance and the Secretary has determined that such temporary assistance is merited, or upon the approval of a drought contingency plan as provided in subchapter II of this chapter.

(b) **COORDINATION WITH BPA.**—If a Governor referred to in subsection (a) is the Governor of the State of Washington, Oregon, Idaho, or Montana, the Governor shall coordinate with the Administrator of the Bonneville Power Administration before making a request under subsection (a).

(c) **TERMINATION OF AUTHORITY.**—The authorities established under this subchapter shall terminate on September 30, **[2022]** 2028.

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**TITLE III—GENERAL AND
MISCELLANEOUS PROVISIONS**

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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 \$120,000,000 in total for the period of fiscal years 2006 through **[2022]** 2028.

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