## Federal Drought Laws

**U.S. Code Number:** 7USC178c

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC 178c.

**Function:** Mitigation

**Law Description:** This allows the Secretary of Agriculture to encourage research relative to the culture and extraction of latex from Parthenium or other hydrocarbon-containing plants. This research would be to, among other things, increase the drought tolerance of these plants. This appears to have last been amended by PL 102-237, Title X, sec. 1005(1), Dec 13,1991, 105 Stat. 1894.

**Agencies (Primary agency listed first):** USDA-(ARS, NRCS)

**Customers Served:** Producers of plants that produce latex.

**How is this law related to drought?** The research will, at some point in time, result in latex producing plants that will better withstand drought.

**Law Limitations:** This is authorizing legislation. There is a need for appropriations to accomplish the legislative purpose.

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1301

**Chapter:** Department of Agriculture

**Law Title/Statute:** Agricultural Adjustment Act of 1938-Loans, Parity Payments, Consumer Safeguards, Marketing Quotas, and Marketing Certificates--Part A--Definitions, Loans, Parity Payments and Consumer Safeguards 7 USC Sec. 1301. Definitions

**Function:** Mitigation

**Law Description:** In (b)(8)(A) the term "adjusted for abnormal weather conditions" is used for the trends in yields for wheat production. It is specifically not allowed for cotton.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Wheat farmers

**How is this law related to drought?** The yield figures used for the calculation of long term yields are to be adjusted for any year and area that the Secretary of Agriculture determines that drought has impacted.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** The case of cotton and the calculation of yield trend as a result of "abnormal weather conditions" may be interpreted that drought yield reductions can't be exempted from the 5 years of data needed to formulate the Cotton "National average yield."

## Federal Drought Laws

**U.S. Code Number:** 7USC1301

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part A; Sec 1301

**Function:** Response

**Law Description:** In applying the "Agricultural Adjustment Act of 1938" the Secretary of Agriculture may, if drought or other "uncontrollable natural cause …occurs, recalculate the "normal yield." If the drought year yield is less than 75% of the "normal yield" the Secretary can just drop that year's yield out of the five to ten year yields used. This applies to Section 1301.(b)(13)(A)or (B) for peanuts, and the construction for Section 1301.(b)(13)(D) or (E) was that if the yield is less than 75% of "normal" for rice or wheat, then substitute 75% "normal" into the calculations for the "normal" yield.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Cash grain farmers

**How is this law related to drought?** The calculation of the "normal" yield establishes what the farmers will be paid by the Federal Government if a drought occurs.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

**Federal Drought Laws**

**U.S. Code Number:** 7UCS1306

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part A; Sec 1306

**Function:** Response

**Law Description:** This section allows using projected yields rather than actual yields for years when drought caused crop failure. It only applied to the years 1974 to 1977.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Wheat farmers

**How is this law related to drought?** Projected yields if drought didn't occur will be more than the actual yields during a drought year.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1313

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart I; Sec. 1313.

**Function:** Response

**Law Description:** The Secretary of Agriculture is directed to consider the effects of drought in previous year(s) when establishing the current year's tobacco market quota for a farm.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Tobacco Farmers

**How is this law related to drought?** If the quota is increased as a result of lowered yields caused by drought, then the farmer can sell more tobacco in a later year.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1314i

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart I; Sec. 1314i

**Function:** Response

**Law Description:** If drought causes pool inventories of Burley or Flue-cured tobacco to be depleted, the Secretary of Agriculture may reduce the minimum amount of domestic tobacco that cigarette manufacturers are required to utilize below 75%.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Cigarette manufacturers.

**How is this law related to drought?** Because domestic cigarette companies are required to utilize at least 75% Burley or Flue-cured tobacco in their product, when drought curtails supply, price rises and this act allows the companies to purchase foreign tobacco and thus not be subject to extremely high prices.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1331

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart iii; Sec. 1331.

**Function:** Response

**Law Description:** While this section talks about the need to avoid either undersupply or oversupply of wheat because of the effect on interstate commerce, etc., there are a series of amendments that stretch back into the 1970's saying it doesn't apply to the current five years that the farm bill encompasses.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Wheat & other grain farmers.

**How is this law related to drought?** Doesn't really apply, even though the word drought is H11in the code. It is a "sense of the Congress" piece of code that currently doesn't apply, and hasn't applied for quite a few years because every farm bill writes it out for the five years that the farm bill applies for.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1341

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart iv; Sec. 1341.

**Function:** Response

**Law Description:** While this section discusses the need to avoid either undersupply or oversupply of cotton because of the effect on interstate commerce, etc., there is a note that says it doesn't apply to the current five years (1996-2002) for "crops of loan commodities, peanuts, and sugar."

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Cotton farmers

**How is this law related to drought?** Doesn't really apply, even though the word drought is in the code. It is a "sense of the Congress" piece of code that currently doesn't apply, and hasn't applied for quite a few years because every farm bill writes it out for the five years that the farm bill applies for.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1350

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart iv; Sec. 1350.

**Function:** Response

**Law Description:** In the event of drought, section 1350(e)(2) allows the Secretary of Agriculture to consider acres not planted to cotton because of the drought to have been planted to cotton. In 1350.(h) the Secretary of Agriculture may find that if a portion of the farm base acreage that is affected by drought can be utilized by other farms in the county, then those acres may be transferred to those farms.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Cotton farmers

**How is this law related to drought?** In the event of drought, this code prevents the acreage of cotton from shrinking because of the acres that aren't in the base acreage of the county, etc.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1358-1

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart vi; Sec. 1358-1.

**Function:** Response

**Law Description:** In the event of drought, section 1358-1(b)(4)(A) allows the Secretary of Agriculture to consider the farm's poundage quota of peanuts not produced because of drought, then the farm poundage quota shall be considered to have been produced. In 1358-1.(b)(8)(A) the Secretary of Agriculture also may find that the farm quota poundage not harvested and marketed because of drought, ... beyond the control of the producer, may be transferred to the quota loan pool ...

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Peanut farmers

**How is this law related to drought?** In the event of drought, this code prevents the acreage of peanuts from shrinking because of the acres that aren't in the base acreage of the county, etc.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1359ff

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part B; SubPart vii; Sec. 1359-ff.

**Function:** Response

**Law Description:** In the event of drought, section 1359-ff(b)(4)(B) directs the Secretary of Agriculture to add the farm's sugarcane acreage not able to be harvested because of drought when determining the farm's acreage base.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Sugarcane producers

**How is this law related to drought?** In the event of drought, this code prevents the acreage of sugarcane from shrinking because of the acres that aren't in the base acreage of the county, etc.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1379c

**Chapter:** Department of Agriculture

**Law Title/Statute:** Agricultural Adjustment Act of 1938-Loans, Parity Payments, Consumer Safeguards, Marketing Quotas, and Marketing Certificates--Wheat Marketing Allocation 7 USC Sec. 1379c. Marketing Certificates

**Function:** Mitigation

**Law Description:** The Secretary (of Agriculture) shall provide for the issuance of wheat marketing certificates for each marketing year for which a wheat marketing allocation program is in effect for the purpose of enabling producers on any farm with respect to which certificates are issued to receive, in addition to the other proceeds from the sale of wheat, an amount equal to the value of such certificates.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Wheat farmers

**How is this law related to drought?** No data

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1379-c

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35; SubChap II; Part D Sec. 1379-c.

**Function:** Response

**Law Description:** In the event of drought, section 1379c.(a) directs the Secretary of Agriculture to consider an acreage of wheat not planted because of drought, ... shall be deemed to be an actual acreage of wheat planted for harvest for purposes of this subsection provided such acreage is not subsequently planted to any crop for which there are marketing quotas or voluntary adjustment programs in effect.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Wheat farmers

**How is this law related to drought?** In the event of drought, this code prevents the acreage of wheat from shrinking because of the acres that aren't in the base acreage of the county, etc.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1427

**Chapter:** Department of Agriculture

**Law Title/Statute:** USC Title 7; Chap 35A; SubChap I; Sec. 1427.

**Function:** Response

**Law Description:** Sec. 1427 (e)(1) provides, Notwithstanding the foregoing provisions of this section, the Corporation [Commodity Credit Corporation], on such terms and conditions as the Secretary may consider in the public interest, may -- (A) make available any farm commodity or product thereof owned or controlled by the Corporation for use in relieving distress -- (i) ... (ii) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and (B) donate or sell commodities in accordance with subchapter V [7 USC 1471a.] of this chapter. Public Law 98-180, 97 Stat. 1151, authorized the Secretary to provide damaged corn to livestock producers beginning in late 1983. Public Law 100-387,Title I, Sec. 101(b)(4), Aug. 11, 1998, 102 Stat. 932 repealed the section allowing the use of damaged corn to feed livestock and poultry if the shortage was caused by drought. There is a note that this section is inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996 and ending Dec. 31, 2002 …

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Livestock and poultry farmers

**How is this law related to drought?** If desired, the Congress could pass legislation to empower this piece of code, so that during a drought, the Secretary of Agriculture could move commodities that are in storage out to either provide for free, or could sell at a reduced price to people who are suffering from severe drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** This section of code, when active, allowed farmers to utilize a source of feed which normally was unavailable, and which reduced the animal feeders' costs of operation when feed would have been expensive.

## Federal Drought Laws

**U.S. Code Number:** 7USC1441-2

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC Sec. 1441-2.

**Function:** Response

**Law Description:** If an emergency is created by drought, the Secretary of Agriculture, using Sec. 1441-2(e)(7)(B), may modify or terminate any participation agreements with rice farmers.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Rice farmers

**How is this law related to drought?** Rice farmers suffering from a severe drought can be released from their participation agreements by the Secretary of Agriculture. This will give them more freedom to acquire income to make it through the drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1444

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC Sec. 1444.

**Function:** Response

**Law Description:** Sec. 1444 (d)(3) provides, the Secretary of Agriculture can find that 1966-1970 acreage is not planted to upland cotton because of drought . As long as the acreage isn't planted to some other crop that has a market quota or agriculture program, then the cotton acreage is treated as if it were planted. Sec. 1444 (e) is the program for the [1971-1977] cotton crop. In (2) the Secretary may find that if drought, or other disaster prevents planting any portion of the allotment, the rate of payment for such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. If the Secretary determines that, because of such a disaster or condition, the total quantity of cotton which the producers are able to harvest on any farm is less than 66\2/3\ percent of the farm base acreage allotment times the average yield established for the farm, the rate of payment for the deficiency in production below 100 percent shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. Paragraph (e)(2) provides special conditions for small farms. The payment rate with respect to any producer who (i) is on a small farm (that is, a farm on which the base acreage allotment is ten acres or less, or on which the yield used in making payments times the farm base acreage allotment is five thousand pounds or less, and for which the base acreage allotment has not been reduced under section 1350(f) of this title, (ii) resides on such farm, and (iii) derives his principal income from cotton produced on such farm, shall be increased by 30 per centum; but, notwithstanding paragraph (3), such increase shall be made only with respect to his share of cotton actually harvested on such farm within the quantity specified in paragraph (3). Paragraph (e)(3) provides, if the acreage not planted is determined by the Secretary, to be due to drought, then it shall be considered to be planted. The second reference to drought provides that the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster. Paragraph (h)(4, 5, & 6) establishes a program for extra long staple cotton beginning with the 1984 crop. Paragraph (4) provides, the farm program payment yield for each crop of extra long staple cotton shall be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years, except that the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or any other condition beyond the control of the producers. If the Secretary finds that there is an imbalance of supply and demand for the long staple cotton, he can impose restrictions on the program. The following applies to how the Secretary may

determine acreage, etc for the restriction. "The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this subparagraph shall be the average acreage planted on which the determination is made. Paragraph (h)(4, 5, & 6) provides, for the purpose of the preceding sentence, acreage planted to extra long staple cotton for harvest shall include any acreage which the producers were prevented from planting to extra long staple cotton or other nonconserving crops in lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. Paragraph (h)(6), provides E29that if a farmer desires to participate in a program for extra long staple cotton will execute an agreement with the Secretary of Agriculture. The Secretary may, by mutual agreement with the producers on the farm, terminate, or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought, or other disaster ... .

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Cotton farmers, Long staple cotton producers

**How is this law related to drought?** Treating drought acreage as planted will reduce farmers' costs and won't cut their long-term program acres. A small cotton farmer, suffering from drought, will be paid 130% of what his actual cotton harvest would have brought. Acreage not planted because of drought, will be treated as if it had been planted and thus will not reduce the farmer's program acreage. Drought is a condition that allows the Secretary of Agriculture to either reduce the terms that farmers have to meet or even can forgo the terms and thus reduce the farmer's production costs. Depending upon the market forces acting upon the supply of long staple cotton, the Secretary of Agriculture can adjust the yield used in the program if drought has caused a reduction in the yield. In the event of severe drought, the Secretary of Agriculture can modify or drop the terms of the program agreement with the long staple cotton producer.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1463

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC Sec. 1463.

**Function:** Response

**Law Description:** Sec. 1463 defines crop acreage bases and (c)(2) describes that the crop acreage base is considered to have been planted when producers can't plant because of drought.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Farmers, who are able to grow agricultural program crops.

**How is this law related to drought?** This code also allows the agriculture programs to assume that acreage not planted because of drought, is planted. This will mean that the rolling average acres for the program will not decline.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1471a

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC Sec. 1471a.

**Function:** Response

**Law Description:** 7 USC 1471a provides, (a) the Secretary of Agriculture can determine that a livestock emergency exists in the state or county because of drought, or other cause, and can then provide emergency livestock feed assistance.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Livestock farmers

**How is this law related to drought?** The Secretary can provide emergency feed when a drought emergency occurs.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1471b

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC Sec. 1471b.

**Function:** Response

**Law Description:** Either the Governor or the county committee (established under 16 USC 590h., where it provides that the Secretary will establish a committee of no less than 3 and no more than 5 producers who receive benefits from the program) may determine that a livestock emergency exists in the State or county and they may submit a request to the Secretary of Agriculture for emergency livestock feed assistance. If the Secretary agrees with their finding, then he can proceed as is detailed in 7 USC 1471a. In 7 USC 1471b(b) the Secretary may make his own determination and proceed as in 7 USC 1471a.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Livestock farmers

**How is this law related to drought?** This is an alternate way for livestock farmers to receive benefits when a drought emergency exists.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1471c

**Chapter:** Department of Agriculture

**Law Title/Statute:** 7 USC Sec. 1471c.

**Function:** Response

**Law Description:** 7 USC 1471c provides, (a) Qualifying livestock producers (1) If the Secretary [of Agriculture] determines that a livestock emergency exists in a State, county, or area, qualifying livestock producers located in such State, county, or area, or in a contiguous county as provided for in [7 USC 1471a(b)] of this title, shall be eligible (under application procedures established by the Secretary [of Agriculture] for emergency feed assistance under this subchapter in accordance with this subsection. (2) For the purposes of this subsection, a ``qualifying livestock producer'' is a livestock producer who has suffered a substantial loss in feed normally produced on the farm for such producer's livestock as a result of the livestock emergency and, as a result, does not have sufficient feed that has adequate nutritive value and is suitable for each of such producer's particular types of livestock (as of the date of the request, or initiation of consideration, for a determination of a livestock emergency under section 1471b of this title) for the estimated duration of the emergency. 7 USC 1471c provides, (3) Each qualifying livestock producer shall be eligible for emergency feed assistance under the programs specified in section 1471d(a) of this title that is made available where the producer is located in quantities sufficient to meet such feed deficiency with respect to the producer's livestock normally fed with feed produced by the producer. 7 USC 1471c. (b) availability of additional assistance Each livestock producer in such State, county, or area, or in a contiguous county as provided for in section 1471a(b) of this title, regardless of whether the producer qualifies for assistance under subsection (a) of this section, shall be eligible for emergency assistance under the programs specified in section 1471e of this title that are made available where the producer is located.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Livestock producers in counties that have drought or that are in counties bordering on the drought counties.

**How is this law related to drought?** This allows the secretary to extend the livestock benefits of agriculture programs into counties that are not totally within a drought area. I f some farms are over the line, in another county, they too can be pulled into the programs by this section.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1471d

**Chapter:** Department of Agriculture

**Law Title/Statute:** Price Support of Agricultural Commodities -- Emergency Livestock Feed Assistance Act of 1988 7 USC Sec. 1471d. Assistance programs.

**Function:** Response

**Law Description:** Available Programs --In accordance with section 1471c(a) of this title, the Secretary shall make one or more of the following assistance programs available to qualifying livestock producers in a State, county or area, if the Secretary determines that the livestock emergency in such State, county or area requires the implementation of such program: (1) The donation of feed grain owned by the Commodity Credit Corporation to producers who are financially unable to purchase feed under paragraph (2) or to participate in any other program authorized under this subsection.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Livestock producers

**How is this law related to drought?** Allows Secretary (of Agriculture) to create assistance programs for qualifying livestock producers.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1471e

**Chapter:** Department of Agriculture

**Law Title/Statute:** Price Support of Agricultural Commodities -- Emergency Livestock Feed Assistance Act of 1988 7 USC Sec. 1471e. Assistance programs

**Function:** Response

**Law Description:** Determination by Secretary (of Agriculture)--In addition to the assistance provided under section 1471d of this title, if the Secretary determines that the livestock emergency also requires the implementation of one or more of the assistance programs described in subsection (b) of this section, the Secretary shall implement such programs.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Livestock producers

**How is this law related to drought?** Allows Secretary (of Agriculture) to create assistance programs for qualifying livestock producers.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1508

**Chapter:** Department of Agriculture

**Law Title/Statute:** Crop Insurance

**Function:** Response

**Law Description:** 7 USC 1508 (a) provides, crop Insurance may operate if the losses are caused by drought. The insurance may not cover losses other than "in the field." (appears to mean that the insurance can not be used to cover losses that might occur while in storage.) Several exclusions are listed in (a)(3). They are logical for an insurance program, i.e. won't cover losses through neglect or malfeasance, won't cover losses from poor farming practices, and if it is customary to reseed and this is not done, the Secretary of Agriculture won't cover the loss.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Crop producers

**How is this law related to drought?** This appears to give the Secretary of Agriculture the authority to utilize crop insurance on eligible crops if they are damaged by drought. There may be other sections of code that need to be examined relative to crop insurance.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** The code doesn't provide funding nor even authorization to obtain funding through a funding measure.

## Federal Drought Laws

**U.S. Code Number:** 7 USC 1519

**Chapter:** Department of Agriculture

**Law Title/Statute:** Crop Insurance

**Function:** Response

**Law Description:** Section 1519.(a) provides, the Secretary of Agriculture is able to "establish a noninsured crop disaster assistance program" equivalent to that available in sec. 1508 of Chap 36. In Sec. 1519(h)(3) the producer who is able to receive drought loss payments from two or more different programs is required to choose and only take from one.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Crop producers

**How is this law related to drought?** This gives the Secretary of Agriculture the authority to establish a noninsured crop insurance program. One of the obvious problems is, this doesn't authorize or provide funding for such a program. There may be other sections of code that need to be examined relative to crop insurance .

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** The code doesn't provide funding nor even authorization to obtain funding through a funding measure.

## Federal Drought Laws

**U.S. Code Number:** 7USC1838

**Chapter:** Department of Agriculture

**Law Title/Statute:** Soil Bank Program

**Function:** Response, Mitigation

**Law Description:** Appears to be only for years 1965 - 1970.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Land owners

**How is this law related to drought?** No data

**Law Limitations:** This program doesn't exist anymore.

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1929a

**Chapter:** Department of Agriculture

**Law Title/Statute:** Rural Development Insurance Fund

**Function:** Response

**Law Description:** This section allows loan guarantees for rural entities, cooperatives, or Indian tribes in order to alleviate distress caused by the drought of 1988 or 89.

**Agencies (Primary agency listed first):** USDA-RMA

**Customers Served:** Rural people

**How is this law related to drought?** This program guaranteed loans to relieve distress caused by drought in '88 & '89.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC1964

**Chapter:** Department of Agriculture

**Law Title/Statute:** Ag Credit Emergency Loans

**Function:** Response.

**Law Description:** This subchapter is for emergency loans. The Community Emergency Drought Relief Act of 1977 (CEDRA77) is PL 95-31, dated May 23, 1977, 91 Stat. 169. In 1964, (e) the Secretary of Agriculture may use this if a political subdivision has a popullation of fewer than 10,000, but if the population is over 10,000, they would be eligible for a grant under the CEDRA77 as long as CEDRA77 is or has been in effect.

**Agencies (Primary agency listed first):** USDA-RDA

**Customers Served:** Rural communities

**How is this law related to drought?** A drought may qualify the local community for an emergency loan.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC2204c

**Chapter:** Department of Agriculture

**Law Title/Statute:** Water Management for Rural Areas

**Function:** Response

**Law Description:** In rural areas, the Secretary of Agriculture is authorized, directly or in coordination with any other Federal agency, entity, corporation, department, unit of State or local government, cooperative, confederation, individual, public or private organization, Indian tribe, or university, to-- (1) conduct research and demonstration projects; (2) provide technical assistance and extension services; (3) make grants, loans, and loan guarantees; and (4) provide other forms of assistance, for the purpose of helping rural areas make better and more efficient use of water resources and to alleviate problems arising in such areas from droughts or lack of water. Part (b) under activities provides, the Secretary is authorized to provide assistance under this section for the promotion or establishment of irrigation, watersheds, and other water agreement and drought management activities, including water transmission, application, and activation.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Land Grant Universities and the 1890's Schools

**How is this law related to drought?** This code allows the Department of Agriculture to cooperate with either the Land Grant Universities or the 1890's Universities to assist with drought management activities.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC5852

**Chapter:** Department of Agriculture

**Law Title/Statute:** Natl Ag Weather Info System

**Function:** Mitigation,Communication, Monitoring and Prediction

**Law Description:** The purpose of this section is to establish a weather office in the Department of Agriculture that shall cooperate with the NOAA and make grants, through the CSREES, to promote research in atmospheric sciences and climatology.

**Agencies (Primary agency listed first):** CSREES, NOAA

**Customers Served:** People who have a need for information about weather and its causes.

**How is this law related to drought?** The research that can be conducted can bear directly on the question about what causes a drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC6702

**Chapter:** Department of Agriculture

**Law Title/Statute:** Global Climate Change

**Function:** Mitigation,Communication

**Law Description:** The Secretary of Agriculture is directed to study the effects of global climate change on agriculture and forestry. While the main focus of the legislation is to study the effects, there is considerable latitude to conduct research to develop plants that are more drought tolerant, etc. A report was to be turned into the Congress by 1996.

**Agencies (Primary agency listed first):** ARS

**Customers Served:** Congress

**How is this law related to drought?** The study was to include the effects of drought as part of the entire charge. There may still be work going on under this section of code.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC7211

**Chapter:** Department of Agriculture

**Law Title/Statute:** Production Flexibility Contracts

**Function:** Response

**Law Description:** The Secretary of Agriculture may offer to enter into a contract with an eligible owner or producer. If the land, under contract, is being used for production because of a drought, flood or other natural disaster, then the land can be allowed to continue in production. PL 104-180, Title VII, Sec 726, Aug 6, 1996, 110 Stat. 1600 contained the proviso above. The production contracts are called Production Flexibility Contracts.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Eligible land operators

**How is this law related to drought?** If land under contract is not producing because of drought, only then can the payment be made.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC7333

**Chapter:** Department of Agriculture

**Law Title/Statute:** Operation of noninsured crop assistance program

**Function:** Response

**Law Description:** This section creates a noninsured crop disaster assistance program. It appears to be very similar to Title 7, Chapter 36, section 1519, except that along with crops not covered under section 1508(b) of that chapter, it also lists the following crops as being specifically included: The term ''eligible crop'' shall include floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), and industrial crops.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:** Crop producers

**How is this law related to drought?** This gives the Secretary of Agriculture the authority to establish a noninsured crop insurance program. This code contains requirements that this program will have specific crops in it. One of the obvious problems is this doesn't authorize or provide funding for such a program. There may be other sections of code that need to be examined relative to crop insurance.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 7USC7515

**Chapter:** Department of Agriculture

**Law Title/Statute:** Emergency Food Assistance

**Function:** Response

**Law Description:** The Secretary of Agriculture is allowed to request that States unaffected by drought consider assisting, by transferring emergency food, to States that are affected by drought.

**Agencies (Primary agency listed first):** USDA-FNS

**Customers Served:** State surplus food programs

**How is this law related to drought?** When drought creates more demand for surplus food, the Secretary of Agriculture can move food from States that have it to States that don't.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 8USC1254a

**Chapter:** Justice Department

**Law Title/Statute:** Immigration, Temporary Protected Status

**Function:** Response

**Law Description:** Subsection (b) provides, the Attorney General may find that a foreign state (or a part of a foreign state) has a drought or other disaster, then an alien from that foreign state may be granted temporary protected status in the United States and may grant that alien employment-authorized status for that temporary time.

**Agencies (Primary agency listed first):** DOJ

**Customers Served:** Persons from country with drought

**How is this law related to drought?** The alien's country, with a drought, would have difficulty providing food.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 11USC303

**Chapter:** Department of Agriculture

**Law Title/Statute:** Commencement of a bankruptcy case

**Function:** Response

**Law Description:** As a result of a year of drought, farmers and ranchers are excepted from being subjected to involuntary bankruptcy. This appears to come from PL 95-598, dated Nov 6, 1978, 92 Stat 2559.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** All farmers

**How is this law related to drought?** If drought causes lack of income, then this section of code prohibits creditors from pushing the operator into receivership.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 12USC1141b

**Chapter:** Banks & Banking

**Law Title/Statute:** Powers of Farm Credit Administration

**Function:** Response

**Law Description:** This section repeals the authority of the Farm Credit Administration to make emergency crop production, feed, seed, drought, and rehabilitation loans on Aug 14, 1946, see note set out under sections 1001 to 1005d of Title 7, Agriculture.

**Agencies (Primary agency listed first):** USDA-FSA

**Customers Served:**

**How is this law related to drought?** Not sure.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 12USC2252

**Chapter:** Banks & Banking

**Law Title/Statute:** Farm Credit System

**Function:** Response

**Law Description:** PL 100-387, title III, Sec 313, dated Aug 11, 1988, 102 Stat. 950 provides that it is the sense of Congress that the Farm Credit Administration ... should in its oversight of Farm Credit System institutions, with respect to farmers and ranchers who suffer major losses due to drought, hail, excessive moisture, or related condition in 1988 ... exercise forbearance collecting from borrowers, use the Agricultural Credit Act of 1987, or encourage other lenders to participate in mutual loan agreements for the farmers and ranchers. This appears to apply only to 1988.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Farmers affected by drought

**How is this law related to drought?** This is a type of code that addresses the "Sense of the Congress."

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 15USC330

**Chapter:** Commerce and Trade

**Law Title/Statute:** Weather Modification Activities or Attempts; Reporting Requirement- National Weather Modification Policy Act of 1976 15 USC 330.

**Function:** Mitigation,Monitoring and Prediction, Communication

**Law Description:** (a.) Findings- The Congress finds and declares the following: (1) Weather-related disasters and hazards, including drought, result in substantial human suffering and loss of life, billions of dollars of annual economic losses to owners of crops and other property, and substantial financial loss to the United States Treasury; (2) Weather modification technology has significant potential for preventing, diverting, moderating, or ameliorating the adverse effects of such disasters and hazards and enhancing crop production and the availability of water; (3) The interstate nature of climatic and related phenomena, the severe economic hardships experienced as the result of occasional drought and other adverse meteorological conditions, and the existing role and responsibilities of the Federal Government with respect to disaster relief, require appropriate Federal action to prevent or alleviate such disasters and hazards; and 4) Weather modification programs may have long-range and unexpected effects on existing climatic patterns which are not confined by national boundaries. The act requires that the National Oceanic Atmospheric Administration submit a report to the President and Congress by Oct 13, 1977. The act may have only been funded for one year. Sec. 5. Report- (a) In General.--The Secretary shall prepare and submit to the President and the Congress, within 1 year after the date of enactment of this Act [Oct. 13, 1976], a final report on the findings, conclusions, and recommendations of the study conducted pursuant to section 4. Such report shall include: (1) a summary of the findings made with respect to each of the areas of investigation specified in section 4; (2) other findings which are pertinent to the determination and implementation of a national policy on weather modifications; (3) a recommended national policy on weather modification and a recommended national weather modification research and development program which is consistent with, and likely to contribute to, achieving the objectives of such policy; (4) recommendations for levels of Federal funding sufficient to support adequately a national weather modification research and development program; (5) recommendations for any changes in the organization and involvement of Federal departments and agencies in weather modification which may be needed to implement effectively the recommended national policy on weather modification and the recommended research and development program; and (6) recommendations for any regulatory and other legislation which may be required to implement such policy and program or for any international agreement which may be appropriate concerning the peaceful uses of weather

modification, including recommendations concerning the dissemination, refinement, and possible implementation of the model domestic code and international agreement developed under the specifications of section 4. Each department, agency, and other instrumentality of the Federal Government is authorized and directed to furnish the Secretary any information which the Secretary deems necessary to carry out his functions under this Act. (b) Operation and Consultation.--The Secretary shall solicit and consider the views of State agencies, private firms, institutions of higher learning, and other interested persons and governmental entities in the conduct of the study required by section 4, and in the preparation of the report required by subsection (a).

**Agencies (Primary agency listed first):** DOC, NOAA

**Customers Served:** General public

**How is this law related to drought?** The model relating to how weather develops should have been valuable to determine why drought developed.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** The reason that drought develops in a particular area and for a given time is still not well understood; therefore it would be helpful to continue these modeling studies with emphasis on drought development.

## Federal Drought Laws

**U.S. Code Number:** 15USC636

**Chapter:** Commerce

**Law Title/Statute:** Aid to Small Industries. [169]

**Function:** Response

**Law Description:** Sec. 636(b) provides, disaster loans; authorization, scope, terms, and conditions, etc. If property is destroyed because of disaster, the administration may make either immediate or deferred loans to repair, rehabilitate or replace the property of small businesses, allowable purposes, or qualified businesses. If the Secretary determines that mitigating measures are necessary, the loans may be increased by 20% to cover such costs. Disasters are (1) determined by the President under the "Disaster Relief & Emergency Assistance Act (42 USC 5121). If a nursery is qualified to be a participant in the disaster loan program as set forth in section 636 (c), then in (7) it says that the disaster assistance shall not be withheld if a drought occurs

**Agencies (Primary agency listed first):** SBA

**Customers Served:** Small businesses

**How is this law related to drought?** If drought will hurt a small business, then there is a need to be able to extend assistance. This section of the code allows the Secretary of Commerce to provide that help.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC590h

**Chapter:** Department of Agriculture

**Law Title/Statute:** Environmental Quality Incentives Program.

**Function:** Response

**Law Description:** Paragraph (b)(B)(i&ii), describes how the State and county committees will be chosen and how many shall be on the committee. Paragraph (c)(5) provides that if through drought, etc. the yield in any year of wheat or corn is less than 75% of the ten year average, then it will be eliminated from the calculation of normal yield per acre. In (b)(5)(H) there is a limitation placed on the Secretary of Agriculture that he/she shall not have the authority to acquire any land or any right or interest in land.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Wheat and corn farmers

**How is this law related to drought?** Code provides a way to not reduce average yield and thus payments because of crop failure due to drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC590p

**Chapter:** Department of Agriculture

**Law Title/Statute:** Environmental Quality Incentives Program.

**Function:** Response

**Law Description:** PL 104-127 repealed section (b) on April 4, 1996. This section of the code provides for limitations on obligations incurred under the Great Plains Program. The Great Plains program has been eliminated; thus, the section still remains in force only for people who do have a Great Plains contract that is not expired. (All of these should be completed by September 30, 2005). In section 590p(h)(6) the Secretary of Agriculture was given authority, in the 1964-65 feed grain program, to either terminate, or modify the Secretary's agreement with producers when drought or other disaster occurs. This same authority is extended through the 1966-1970 program by the material in section 590p(i)(6).

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Great Plains farmers

**How is this law related to drought?** While this section of the code will have a decreasing relevance as time passes, the NRCS program personnel estimate that there will still be Great Plains contracts in force until the year 2005; therefore, if drought occurs, this could assist the farmers that will be affected.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC590q-3

**Chapter:** Department of Agriculture

**Law Title/Statute:** Critical Lands in Great Plains

**Function:** Response

**Law Description:** This section defines the "Critical Lands resource conservation program" in the Great Plains area. As a result of S.590q-3(b)(3) if drought occurs the Secretary of Agriculture may allow the producer's animals to graze or the producer to harvest a crop, subject to an appropriate reduction in the rate of payment from land in the program.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Cattle Ranchers In Great Plains Area.

**How is this law related to drought?** The land that is in the program becomes another source of animal feed in a drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC831n-4

**Chapter:** Tennessee Valley Authority

**Law Title/Statute:** TVA Bonds for financing power program

**Function:** Response

**Law Description:** Paragraph (e) provides, the TVA is required to pay into the Treasury of the United States as miscellaneous receipts, net power proceeds in excess of those needed to pay off the indebtedness of the corporation. A schedule of repayments for the years is given, and only in the event of drought, etc., can the corporation defer payment for up to two years.

**Agencies (Primary agency listed first):** TVA

**Customers Served:** People in the Tennessee Valley Authority service provision area.

**How is this law related to drought?** When the area that TVA serves has a severe drought, there will be people who will have a tough time paying their bills for electric power supplied by the TVA. The TVA is authorized to forgo payments bond payments for up to two years.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC1642

**Chapter:** Department of Agriculture

**Law Title/Statute:** Forest & Rangeland Renewable Resources Planning

**Function:** Mitigation

**Law Description:** A Semiarid Agroforestry Research Center is to be developed at Lincoln, Nebraska and will "develop and improve the drought and pest resistance characteristics of trees for conservation forestry and agroforestry applications in semiarid regions ... ." Another part of their program will be "(6) develop improved windbreak and shelterbreak technologies for drought preparedness... ."

**Agencies (Primary agency listed first):** USDA

**Customers Served:** People who raise trees that will be developed at the Lab.

**How is this law related to drought?** When it is dry, there is a need to have trees developed which can tolerate the lack of moisture and still grow and prevent wind erosion.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC2106a

**Chapter:** Cooperative Forestry Assistance

**Law Title/Statute:** Conservation- Emergency Reforestation Assistance
16 USC 2106a

**Function:** Response

**Law Description:** (a) In general--The Secretary of Agriculture is authorized to provide assistance under this section to eligible landowners who suffer destruction of 35 percent or more of a commercial tree stand due to damaging weather, related condition, or wildfire. (b)Form of assistance--The assistance, if any, provided by the Secretary under this section shall consist of either (1) reimbursement of up to 65 percent of the cost of reestablishing such tree stand damaged by the damaging weather, related condition, or wildfire in excess of 35 percent mortality; or (2) at the discretion of the Secretary, provision of sufficient tree seedlings to reestablish such tree stand.

**Agencies (Primary agency listed first):** USDA-FS

**Customers Served:** Livestock producers

**How is this law related to drought?** This law gives the Secretary of Agriculture authorization to provide assistance to eligible landowners who suffer destruction of 35 percent or more of a commercial tree stand due to damaging weather, related condition, or wildfire.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC2202

**Chapter:** Emergency Conservation Program

**Law Title/Statute:** Conservation- Emergency Conservation Program

**Function:** Response

**Law Description:** The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures (including measures carried out to assist confined livestock) during periods of severe drought as determined by the Secretary.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Producers carrying out emergency water conservation during droughts

**How is this law related to drought?** This law allows payment to producers during droughts.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC2203

**Chapter:** Emergency Conservation Program

**Law Title/Statute:** Undertaking of runoff retardation and soil-erosion preventative measures; cooperation with landowners and land users; criteria.

**Function:** Response

**Law Description:** The Secretary of Agriculture is authorized to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil-erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of that watershed.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Residents that are exposed to the given conditions.

**How is this law related to drought?** This law allows for emergency actions to be taken to safeguard lives and property from natural occurrences.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC3801

**Chapter:** Department of Agriculture

**Law Title/Statute:** Erodible Land & Wetland Cons Reserve Program

**Function:** Response

**Law Description:** This section contains definitions relative to Wetland Conservation and Reserve Program. In (6)(B) provides that Wetland shall not be considered converted wetland if production of an agricultural commodity on such land during a crop year (i) is possible as a result of a natural condition such as drought and (ii) is not assisted by an action of the producer that destroys natural wetland characteristics.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Farmers with wetland that they want to use during drought

**How is this law related to drought?** If land is normally wet, but dries out enough during a drought, then the farmer may use it to nourish cattle, etc.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC3822

**Chapter:** Department of Agriculture

**Law Title/Statute:** Erodible Land & Wetland Cons Reserve Program

**Function:** Response

**Law Description:** Using different words, part (b)(1)(D) says the same as 16USC3801(a)(6)(B) above.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Farmers with wetland that they want to use during drought

**How is this law related to drought?** If land is normally wet, but dries out enough during a drought, then the farmer may use it to nourish cattle, etc.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 16USC3832

**Chapter:** Department of Agriculture

**Law Title/Statute:** Erodible Land & Wetland Cons Reserve Program

**Function:** Response

**Law Description:** The Secretary can permit limited grazing or other use of the reserved land defined in the beginning of the section. If a drought occurs, the Secretary can allow more extensive use of the reserved land. Program rules will also require that in the event that the Secretary does allow more extensive use, the producer will receive 25% reduction in payments.

**Agencies (Primary agency listed first):** USDA

**Customers Served:** Farmers with either livestock or land that meets the Erodible land or Wetland Cons Reserve Program criteria

**How is this law related to drought?** While unusual, agencies can allow farmers to use this type of land if severe drought occurs. If this is done, then the farmers payment for nonuse of the land will be reduced by 25%.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 22USC277f

**Chapter:** Bureau of Reclamation.

**Law Title/Statute:** Valley Gravity Canal & Storage Project

**Function:** Mitigation

**Law Description:** This section provides, that the President of the United States, after consulting with the Secretary of the Interior, and the Secretary of State, may allocate the amount of the cost that he thinks is proper to protect American interests, from drought, in the lower part of the Rio Grande below Old Fort Quitman, Texas. (This project to take water off the Rio Grande was never built.)

**Agencies (Primary agency listed first):** BOR

**Customers Served:** Farmers and water users downstream of Old Fort Quitman

**How is this law related to drought?** No data

**Law Limitations:** Project was never built.

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 22USC2151r

**Chapter:** State Department

**Law Title/Statute:** International Development

**Function:** Response

**Law Description:** This section is a "sense of the Congress" about United States development cooperation policy and authorizes the President to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

**Agencies (Primary agency listed first):** State Department

**Customers Served:** People of US

**How is this law related to drought?** While not directly related to drought in this country, it is part of the country's foreign aid program.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 22USC2292

**Chapter:** State Department

**Law Title/Statute:** International Development

**Function:** Response

**Law Description:** This section gives the President authority to furnish assistance to foreign countries, international organizations or private voluntary organization for international disaster relief. Any actual assistance furnished using this section will also require an authorization for an appropriation as well as the appropriation itself.

**Agencies (Primary agency listed first):** State Department

**Customers Served:** People of US

**How is this law related to drought?** While not directly related to drought in this country, it is part of the country's foreign aid program.

**Law Limitations:** No automatic or pre-authorization for appropriation in the section.

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 22USC2292q

**Chapter:** State Department

**Law Title/Statute:** International Development

**Function:** Response

**Law Description:** This section gave authorization to appropriate funds and provide assistance in Africa because of drought during FY 85. This section does not appear to apply to any other point in time.

**Agencies (Primary agency listed first):** State Department

**Customers Served:** People of US

**How is this law related to drought?** Applied only to 1985 drought in Africa.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 22USC2293

**Chapter:** Foreign Assistance

**Law Title/Statute:** International Development- Long-term development assistance for sub-Saharan Africa/22 USC 2293

**Function:** Response

**Law Description:** (a) Findings- The Congress finds that-- (1) drought and famine have caused countless deaths and untold suffering among the people of sub-Saharan Africa; (2) drought and famine in combination with other factors such as desertification, government neglect of the agricultural sector, and inappropriate economic policies have severely affected long-term development in sub-Saharan Africa; and (3) the most cost-effective and efficient way of overcoming Africa's vulnerability to drought and famine is to address Africa's long-term development needs through a process that builds upon the needs and capabilities of the African people, promotes sustained and equitable economic growth, preserves the environment, and protects the rights of the individual.

**Agencies (Primary agency listed first):** AID

**Customers Served:** People in sub-Saharan Africa

**How is this law related to drought?** Numerous deaths occur in this area. These programs offer assistance to help people by getting them to participate in a process of long-term development that offers growth and is environmentally sustainable and self-reliant.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 26USC451

**Chapter:** Internal Revenue

**Law Title/Statute:** Taxes & Surtaxes

**Function:** Response

**Law Description:** If a livestock producer is forced to sell livestock because of drought conditions, paragraph (e) provides, the taxpayer using the cash receipts and disbursements method of accounting may elect to include such income for the taxable year following the taxable year in which such sale or exchange occurs if he establishes that, under his usual business practices, the sale or exchange would not have occurred in the taxable year in which it occurred if it were not for drought conditions, and that these drought conditions had resulted in the area being designated as eligible for assistance by the Federal Government.

**Agencies (Primary agency listed first):** IRS, USDA

**Customers Served:** Livestock farmers

**How is this law related to drought?** Farmers may be forced to sell off livestock when feed or pasture is short because of severe drought. If this happens, then this section will help the producer shift the income to the year that it normally would have occurred.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 26USC464

**Chapter:** Internal Revenue

**Law Title/Statute:** Taxes & Surtaxes

**Function:** Response

**Law Description:** A farming syndicate suffering drought or disease may choose to apply subsection (d) from this section which provides, Subsection (a) shall not apply to any amount paid for supplies which are on hand at the close of the taxable year on account of fire, storm or other casualty, or on account of disease or drought.

**Agencies (Primary agency listed first):** IRS, USDA

**Customers Served:** Farm operators

**How is this law related to drought?** Farm operators may have supplies on hand that would have been used to either grow crops, or livestock, and because of severe drought, can't be used in a given year. If this happens, then this section will help the producer shift the expense of the supplies to the year that it normally would have occurred.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 26USC1033

**Chapter:** Internal Revenue

**Law Title/Statute:** Taxes & Surtaxes

**Function:** Response

**Law Description:** Paragraph (e) explains how to handle federal income taxes if there are livestock losses from drought. There are several sections that treat federal taxes in the event that the federal taxpayer is in a Presidentially declared disaster{described in (h)(3) of this section. Item (g) covers condemnation of real property held for productive use in trade or business or for investment.

**Agencies (Primary agency listed first):** IRS, USDA

**Customers Served:** Livestock farmers

**How is this law related to drought?** Farmers may be forced to sell off livestock when feed or pasture is short because of severe drought. If this happens, then this section will help the producer shift the income to the year that it normally would have occurred.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 29USC1672

**Chapter:** Labor

**Law Title/Statute:** Migrant Workers

**Function:** Response

**Law Description:** On Aug 11, 1988, PL 100-387, title V, Sec 503 provided that the Federal Emergency Management Agency (FEMA) would do a one time transfer of $5,000,000 from the Disaster Relief Program to low income agricultural workers who have been adversely affected by the drought of 1988 through the Job Training Partnership Act.

**Agencies (Primary agency listed first):** Labor

**Customers Served:** Migrant farm workers

**How is this law related to drought?** FEMA in 1988 would provide funds to help train migrant farm workers during the drought of 1988.

**Law Limitations:** Only a one-time act. May provide suggestion of a way to move funds to needy people during drought.

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 29USC2102

**Chapter:** Labor

**Law Title/Statute:** Plant closings, etc.

**Function:** Response

**Law Description:** In the event that a firm involved in a drought or other natural disaster finds that they can not continue to operate, they may be able to legally close down quickly and give the employees very short notice.

**Agencies (Primary agency listed first):** Labor, Commerce, USDA, BOR,

**Customers Served:** Workers in firms affected by drought, and owners and operators of the firms.

**How is this law related to drought?** When a severe drought affects a commercial business, I.e. something like a vegetable processing plant, etc. then the firm may, by this section of code, close down rapidly and give workers very little notice.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 33USC701n

**Chapter:** Navigation & Flood Control

**Law Title/Statute:** Flood Control

**Function:** Response

**Law Description:** Paragraph (a)(1) provides, if a natural disaster, including drought, occurs, then the Chief of Engineers is authorized to expend an emergency fund. The emergency fund may also be expended for emergency dredging for restoration of authorized project depths for Federal navigable channels and waterways made necessary by flood, drought, earthquake, or other natural disasters. If a governor requests a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief and Emergency Assistance Act [42 USC 5121 et seq.] the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services. If, as a result of drought, a farm, ranch, or political subdivision has contaminated water, the Chief of Engineers is authorized to furnish emergency clean water.

**Agencies (Primary agency listed first):** COE

**Customers Served:** People who live in an area affected by drought.

**How is this law related to drought?** When water is scarce as a result of a severe drought, then the COE can utilize their emergency fund to provide wells, water, etc. to help the affected people.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 42USC5121

**Chapter:** PH&Welfare

**Law Title/Statute:** Disaster Relief

**Function:** Response

**Law Description:** This section is the codification of PL 93-288 of May 22, 1974. This code describes the six functions that the President of the United States, and thus indirectly the Federal Emergency Management Agency (FEMA) is given when dealing with disaster.

**Agencies (Primary agency listed first):** FEMA

**Customers Served:** All the people of the United States

**How is this law related to drought?** Disaster is defined to include drought; thus, this definition brings drought under its scope.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 42USC5122

**Chapter:** PH&Welfare

**Law Title/Statute:** Disaster Relief

**Function:** Response

**Law Description:** This section contains a number of definitions and descriptions of terms relative to Disaster legislation. The most important one is:(2). Major Disaster "Major Disaster" means any natural catastrophe ( including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

**Agencies (Primary agency listed first):** All Federal Departments

**Customers Served:** All the people of United States

**How is this law related to drought?** Because drought is defined as disaster, if the President determines that a drought is severe enough, he can declare it a disaster and start the aid needed to alleviate the situation.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 42USC5131

**Chapter:** PH&Welfare

**Law Title/Statute:** Disaster Relief

**Function:** Response

**Law Description:** The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies and includes -

(1). Preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;
(2). training and exercises;
(3). post disaster critiques and evaluations;
(4). annual review of programs;
(5). coordination of Federal, State, and local preparedness programs;
(6). application of science and technology;
(7). research.

**Agencies (Primary agency listed first):** All Federal Departments

**Customers Served:** All the people of United States

**How is this law related to drought?** The President, by using this section, may establish a program of drought preparedness. He can involve whatever agencies he feels are appropriate.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 42USC5184

**Chapter:** PH&Welfare

**Law Title/Statute:** Disaster Relief

**Function:** Response

**Law Description:** This section gives the President authority to loan a local government up to 25% of the local government's annual operating budget for the fiscal year that the major disaster occurred. If the local government has insufficient funds to pay the repayment amount during the first three years after the major disaster occurred, then the repayment amount for those years shall be forgone.

**Agencies (Primary agency listed first):** FEMA

**Customers Served:** Any body of people living where there is a local government.

**How is this law related to drought?** Allows the President to loan a local government up to 25% of the local government's operating budget.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC315b

**Chapter:** Department of Interior

**Law Title/Statute:** Grazing Lands --
43 USC 315b.

**Function:** Response

**Law Description:** The Secretary of the Interior is authorized to issue or cause to be issued permits to graze livestock on such grazing districts to such bona fide settlers, residents, and other stock owners as under his rules and regulations are entitled to participate in the use of the range, upon the payment annually of reasonable fees in each case to be fixed or determined from time to time in accordance with governing law. Secretary has authority through 43 USC 315b, to reduce payment or even forgo it as long as the drought emergency exists.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Ranchers

**How is this law related to drought?** Gives Secretary of Interior authority to remit, reduce, refund in whole or in part, or authorize postponement of payment of grazing fees during periods of severe drought or other natural causes

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC502

**Chapter:** Reclamation and Irrigation of Lands by Federal Government

**Law Title/Statute:** Maintenance and Operation of Works Generally
43 USC 502

**Function:** Response, Mitigation

**Law Description:** (a) General Authority--The Secretary of the Interior may make available, by contract, consistent with existing contracts or agreements and State law, water or canal capacity at existing Federal reclamation projects to water users and others, on a temporary basis to mitigate losses and damages resulting from drought conditions in 1987, 1988, and 1989. Unless specifically extended, all ended Dec 31, 1989.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Farmers, ranchers, general public

**How is this law related to drought?** Gives Secretary of Interior authority to assist willing buyers in their purchase of available water supplies from willing sellers and redistribute based upon priorities consistent with State law

**Law Limitations:** Covers only damages resulting from drought conditions in 1987, 1988 or 1989

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2211

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Program-Assistance during drought; water purchases/ 43 USC Sec. 2211

**Function:** Monitoring and Prediction, Response

**Law Description:** Paragraph (a) provides, construction, management, and conservation- the Secretary [of the Interior] is authorized to undertake construction of temporary facilities, management, and conservation activities that will minimize, or can be expected to have an effect in minimizing, losses or damages resulting from drought conditions. (b) Assistance to willing buyers and sellers- In order to minimize losses or damage 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- the Secretary may obtain water, through temporary contracts (see 43USC2212), 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. (d) Water banks-In order to respond to a drought, the Secretary is authorized to participate in water banks established by a State. All authorities (43 USC 2211-2214) under Subchapter I - Drought Program, terminate March 5, 2002.

**Agencies (Primary agency listed first):** DOI-BOR

**Customers Served:** Buyers and sellers

**How is this law related to drought?** This law is an effort to minimize costs and to conserve resources that otherwise may be spent due to drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2212

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Program- Availability of water on temporary basis 43 USC Sec. 2212

**Function:** Response

**Law Description:** (a.) General authority- In order to mitigate loses 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.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Fish, wildlife and individuals that may profit from them.

**How is this law related to drought?** This law allows the Secretary to make available project and nonproject water in order to mitigate losses and damages resulting from drought conditions.H89

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2213

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Program- Loans.

**Function:** Response

**Law Description:** The Secretary of the Interior is authorized to make loans to water users for the purposes of undertaking construction, management, conservation activities, or the acquisition and transportation of water consistent with State law, that can be expected to have an effect in mitigating losses and damages, including those suffered by fish and wildlife, resulting from drought conditions.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Water users that may suffer losses and damages in the mentioned situations as a result of drought.

**How is this law related to drought?** This law allows loans to be issued to those who may suffer losses due to drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2214

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Program- Applicable period of drought program/ 43 USC Sec. 2214

**Function:** Response

**Law Description:** (a.) In general- The programs and authorities established under this subchapter shall become operative in any Reclamation State 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) of this section 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) of this section. (c.) Termination of authority- The authorities established under this subchapter shall terminate ten years after March 5, 1992.

**Agencies (Primary agency listed first):** DOI-BOR

**Customers Served:** Residents of particular states affected

**How is this law related to drought?** This law is for temporary drought assistance

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2221

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Contingency Planning- Identification of opportunities for water supply conservation, augmentation and use/ 43 USC Sec. 2221

**Function:** Communication, Response

**Law Description:** The Secretary is authorized to conduct studies to identify opportunities to conserve, augment, and make more efficient use of water supplies available to Federal Reclamation projects and Indian water resource developments in order to be prepared for and better respond to drought conditions. The Secretary is authorized to provide technical assistance to States and to local and tribal government entities to assist in the development, construction, and operation of water desalinization projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

**Agencies (Primary agency listed first):** DOI-BOR

**Customers Served:** Residents of states affected by drought.

**How is this law related to drought?** This law conducts research which identifies methods for efficient water use, and efficient assistance to states become exposed to drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2222

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Contingency Planning- Drought Contingency Plans/ 43 USC Sec. 2222

**Function:** Response, Mitigation

**Law Description:** The Secretary, acting pursuant to the Federal Reclamation laws, utilizing the resources of the Department of the Interior, and in consultation with other appropriate Federal and State officials, Indian tribes, public, private, and local entities, is authorized to prepare or participate in the preparation of cooperative drought contingency plans.

**Agencies (Primary agency listed first):** DOI-BOR

**Customers Served:** No data

**How is this law related to drought?** This law allows action to be taken to prevent adverse affects of drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2223

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Contingency Planning- Plan Elements

**Function:** Response, Mitigation, Monitoring and Prediction

**Law Description:** (a) Plan Provisions- Some elements of the contingency plans are: (1) Water banks. (2) Appropriate water conservation actions. (3) Water transfers to serve users inside or outside authorized Federal Reclamation project service areas in order to mitigate the effects of drought. (4) Use of Federal Reclamation project facilities to store and convey nonproject water for agricultural, municipal and industrial, fish and wildlife, or other uses both inside and outside an authorized Federal Reclamation project service area. (5) Use of water from dead or inactive reservoir storage or increased use of groundwater resources for temporary water supplies. (6) Water supplies for fish and wildlife resources. (7) Minor structural actions. (b) Federal Reclamation projects- Each contingency plan shall identify the following two types of plan elements related to Federal Reclamation projects: (1) Those plan elements which pertain exclusively to the responsibilities and obligations of the Secretary pursuant to Federal Reclamation law and the responsibilities and obligations of the Secretary for a specific Federal Reclamation project. (2) Those plan elements that pertain to projects, purposes, or activities not constructed, financed, or otherwise governed by the Federal Reclamation law. (c) Drought levels- The Secretary is authorized to work with other Federal and State agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide more accurate and timely warning of potential drought conditions and drought levels that would trigger the implementation of contingency plans. (d) Compliance with law- The contingency plans and plan elements shall comply with all requirements of applicable Federal law. (e) Review- The contingency plans shall include provisions for periodic review to assure the adequacy of the contingency plan to respond to current conditions, and such plans may be modified accordingly.

**Agencies (Primary agency listed first):** DOI-BOR

**Customers Served:** Residents

**How is this law related to drought?** This law is an effort to mitigate the effects of drought and provide warning of potential drought so that contingency plans can be implemented.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2224

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Contingency Planning- Recommendations/ 43 USC Sec. 2224

**Function:** Response, Mitigation

**Law Description:** (a) Approval- The Secretary shall submit each plan prepared pursuant to section 2222 of this title to the Congress, together with the Secretary's recommendations, including recommendations for authorizing legislation, if needed. (b) Pacific Northwest region- A contingency plan under subsection (a) of this section for the State of Washington, Oregon, Idaho, or Montana, may be approved by the Secretary only at the request of the Governor of the affected State in coordination with the other States in the region and the Administrator of the Bonneville Power Administration.

**Agencies (Primary agency listed first):** DOI /BOR

**Customers Served:** a). All citizens of the 17 western states served by the Bureau of Reclamation. B). The states of Washington, Oregon, Idaho, or Montana.

**How is this law related to drought?** Paragraph (a) allows the Bureau to develop drought plans for the 17 western states that they serve. The plans developed by the Bureau in the states of WA, OR, ID, or MT+H95 have to be done in conjunction with the Governors and with the concurrence of the officials of the Bonneville Power Administration.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2225

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Contingency Planning- Reclamation Drought Response Fund/

**Function:** Response, Mitigation

**Law Description:** The Secretary shall undertake a study of the need, if any, to establish a Reclamation Drought Response Fund to be available for defraying those expenses which the Secretary determines necessary to implement plans prepared under section 2222 of this title and to make loans for nonstructural and minor structural activities for the prevention or mitigation of the adverse effects of drought.

**Agencies (Primary agency listed first):** DOI-BOR

**Customers Served:** Residents who may be exposed to possible drought.

**How is this law related to drought?** This law makes funds available for programs that will prevent the adverse affects of drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2226

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** Drought Contingency Planning- Technical assistance and transfer of precipitation management technology/ 43 USC Sec. 2226

**Function:** Mitigation

**Law Description:** (a) Technical assistance- The Secretary is authorized to provide technical assistance for drought contingency planning in any of the States not identified in section 391 of this title, and the District of Columbia, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship, the Republic of Palau, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. (b) Technology Transfer Program- The Secretary is authorized to conduct a Precipitation Management Technology Transfer Program to help alleviate problems caused by precipitation variability and droughts in the West, as part of a balanced long-term water resources development and management program.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Residents of the States and territories mentioned.

**How is this law related to drought?** This law allows for drought contingency planning to deal with the effects of drought and for Precipitation Management Technology Transfer Program in an effort to prevent the severe conditions that arise due to drought.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2241

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** General and Miscellaneous Provisions- Authorization of appropriations/ 43 USC Sec. 2241

**Function:** Response, Mitigation

**Law Description:** Except as otherwise provided in section 2243 of this title (relating to temperature control devices at Shasta Dam, California), there is authorized to be appropriated not more than $90,000,000 in total for fiscal years 1992, 1993, 1994, 1995, and 1996.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Citizens in the 17 western states served by the BOR

**How is this law related to drought?** Money that is authorized for drought relief is needed to help people who are lacking water.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2242

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** General and Miscellaneous Provisions- Authority of Secretary/ 43 USC Sec. 2242

**Function:** Response, Mitigation

**Law Description:** The Secretary is authorized to perform any and all acts and to promulgate such regulations as may be necessary and appropriate for the purpose of implementing this chapter. In carrying out the authorities under this chapter, the Secretary shall give specific consideration to the needs of fish and wildlife, together with other project purposes, and shall consider temporary operational changes which will mitigate, or can be expected to have an effect in mitigating, fish and wildlife losses and damages resulting from drought conditions, consistent with the Secretary's other obligations.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Fish, wildlife and individuals that may profit from them.

**How is this law related to drought?** This law allows the Secretary the perform the necessary actions to ensure the well-being of fish and wildlife, whose danger may have resulted due to conditions of drought.H97

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2243

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** General and Miscellaneous Provisions- Temperature control at Shasta Dam, Central Valley Project

**Function:** Response, Mitigation

**Law Description:** The Secretary is authorized to complete the design and specifications for construction of a device to control the temperature of water releases from Shasta Dam, Central Valley Project, California, and to construct facilities needed to attach such device to the dam. There is authorized to be appropriated to carry out the authority of this section not more than $12,000,000.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** No data

**How is this law related to drought?** This law allows for the completion of the mentioned project.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2244

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** General and Miscellaneous Provisions- Effect of chapter on other laws/ 43 USC Sec. 2244

**Function:** Response, Mitigation

**Law Description:** (a) Conformity with State and Federal law- All actions taken pursuant to this chapter pertaining to the diversion, storage, use, or transfer of water shall be in conformity with applicable State and applicable Federal law. (b) Effect on jurisdiction, authority, and water rights- Nothing in this chapter shall be construed as expanding or diminishing State, Federal, or tribal jurisdiction or authority over water resources development, control, or water rights.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** Farmers and other people in the 17 Western states served by the BOR.

**How is this law related to drought?** Drought results in lack of water. This act allows the Bureau to provide water from projects to people in need of water.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2245

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** General and Miscellaneous Provisions- Excess storage and carrying capacity/ 43 USC Sec. 2245

**Function:** Response, Mitigation

**Law Description:** The Secretary is authorized to enter into contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for the impounding, storage, and carriage of nonproject water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using any facilities associated with the Central Valley Project, Cachuma Project, and the Ventura River Project, California, the Truckee Storage Project, and the Washoe Project, California and Nevada. The Secretary is further authorized to enter into contracts for the exchange of water for the aforementioned purposes using facilities associated with the Cachuma Project, California.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** People around and in the area served by the projects mentioned in the code.

**How is this law related to drought?** This law allows the Secretary to enter into the mentioned contracts which are for projects meant to deal with drought issues.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data

## Federal Drought Laws

**U.S. Code Number:** 43USC2246

**Chapter:** Reclamation States Emergency Drought Relief

**Law Title/Statute:** General and Miscellaneous Provisions- Report/ 43 USC Sec. 2246

**Function:** Communication

**Law Description:** There shall be included as part of the President's annual budget submittal to the Congress a detailed report on past and proposed expenditures and accomplishments under this chapter.

**Agencies (Primary agency listed first):** DOI

**Customers Served:** All of the people of the United States who provide the tax monies that are used for the emergency fund.

**How is this law related to drought?** There is a need for officials dealing with drought to be answerable for what they have produced with the funding provided.

**Law Limitations:** No data

**Unmet needs at federal, state, local, and tribal levels (includes changes from customer or "provider" perspective:** No data