



normally have offices in the county. A similar structure exists at the state level. When a state governor gets a request for a disaster designation related to agricultural issues, such as drought, the governor asks the Secretary of the Department of Agriculture to designate an administrative disaster. The Secretary sends the request to the national office of the Farm Service Agency. From there, it goes back to the State Emergency Board, which works with the relevant County Emergency Board(s) to analyze the situation and determine whether or not conditions exist for the disaster designation.

The Department of Agriculture also has several ongoing and *ad hoc* programs that provide financial relief to farmers who have suffered drought-related losses. The Emergency Conservation Program, the Emergency Watershed Program, the Non-insured Crop Disaster Assistance Program, and the Federal Crop Insurance Program are examples. These and other emergency relief programs require congressional action and are dependent on the appropriations process or emergency supplemental appropriations. The funding for drought, floods, and economic assistance approached \$16 billion over the past two years.

But many agricultural producers expressed concerns about these types of responses. For example, a farmer who testified at the Commission's hearing in Austin experienced a significant drought during the summer of 1999. He finished harvest in August, but the Farm Service Agency could not take his application for assistance until December. By February of 2000, assistance was still not available. During the 1999 drought in the mid-Atlantic and southeastern states, the Department of Agriculture, under the Secretarial disaster designation, could only provide assistance through the Emergency Conservation Program and take loan applications, pending congressional appropriations. Comments from the Agriculture Department note that once appropriations are received, the tens and sometimes hundreds of thousands of

applications must then be processed within existing personnel constraints. For these reasons, assistance is often "too little and too late," as we heard time and again at our public hearings.

Public witnesses at the Commission's hearing in Billings said that documentation acceptable to trigger federal response for one Department of Agriculture emergency program was not sufficient to trigger other Department emergency programs. They said that they often fail to get a clear understanding of what additional information is needed to meet program criteria and that this causes confusion for everyone, including the agency staff administering the program. And witnesses at several of the Commission's hearings said that they were frustrated by the Department's Emergency Conservation Program. That program can help them develop emergency livestock watering facilities in times of dire need, but the program seldom provides timely assistance. This may be due in part to the fact that the program is funded by supplemental appropriations from Congress after the fact.

Title I of Public Law 102-250 authorizes the Bureau of Reclamation to provide emergency response assistance, including emergency well drilling. However, Title I is temporary, and the assistance it authorizes is available only within the 17 so-called "Reclamation" states in the West. Title I is the only federal law that authorizes water deliveries "from Federal Reclamation projects and non-project water...on a non-reimbursable basis for the purposes of protecting or restoring fish and wildlife resources." Public Law 102-250 is also the basis for the Bureau's drought planning and education assistance. All of these activities must therefore share the funds for this program.

Public Law 95-51 provides the Secretary of the Army authority under certain conditions to construct wells and transport water to farmers, ranchers, and political subdivisions within areas that the Assistant Secretary of the Army for Civil Works determines to be drought distressed. Any farmer, rancher, or political subdivision within a