

- (1) embedded in submerged lands of a State;
 (2) embedded in coralline formations protected by a State on submerged lands of a State; or
 (3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

(b) Notice of shipwreck location; eligibility determination for inclusion in National Register of Historic Places

The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3).

(c) Transfer of title to States

The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(d) Exception

Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

(e) Reservation of rights

This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

- (1) section 1311, 1313, or 1314 of this title; or
 (2) section 414 or 415 of title 33.

(Pub. L. 100–298, §6, Apr. 28, 1988, 102 Stat. 433.)

§ 2106. Relationship to other laws

(a) Law of salvage and law of finds

The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 2105 of this title applies.

(b) Laws of United States

This chapter shall not change the laws of the United States relating to shipwrecks, other than those to which this chapter applies.

(c) Effective date

This chapter shall not affect any legal proceeding brought prior to April 28, 1988.

(Pub. L. 100–298, §7, Apr. 28, 1988, 102 Stat. 434.)

**CHAPTER 40—RECLAMATION STATES
 EMERGENCY DROUGHT RELIEF**

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§ 2201. Definitions

As used in this chapter:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “Federal Reclamation laws” means the Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof.

(3) The term “Federal Reclamation project” means any project constructed or funded under Federal Reclamation law. Such term includes projects having approved loans under the Small Reclamation Projects Act of 1956 (70 Stat. 1044) [43 U.S.C. 422a et seq.].

(Pub. L. 102–250, §2, Mar. 5, 1992, 106 Stat. 53.)

REFERENCES IN TEXT

Act of June 17, 1902, referred to in par. (2), is act June 17, 1902, ch. 1093, 32 Stat. 388, popularly known as the Reclamation Act, which is classified generally to chapter 12 (§371 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 371 of this title and Tables.

The Small Reclamation Projects Act of 1956, referred to in par. (3), is act Aug. 6, 1956, ch. 972, 70 Stat. 1044, as amended, which is classified generally to subchapter IV (§422a et seq.) of chapter 12 of this title. For complete classification of this Act to the Code, see section 422k of this title and Tables.

SHORT TITLE

Pub. L. 102–250, §1, Mar. 5, 1992, 106 Stat. 53, provided that: “This Act [enacting this chapter] may be cited as the ‘Reclamation States Emergency Drought Relief Act of 1991.’”

BUILDING NATIONAL CAPABILITIES FOR LONG-TERM DROUGHT RESILIENCE

Memorandum of President of the United States, Mar. 21, 2016, 81 F.R. 16053, provided:

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SECTION 1. *Purpose.* Our Nation must sustain and expand efforts to reduce the vulnerability of communities to the impacts of drought. Every year, drought affects millions of Americans and poses a serious and growing threat to the security and economies of communities nationwide. Drought presents challenges to the viability of agricultural production and to the quantity and quality of drinking water supplies that communities and industries depend upon. Drought jeopardizes the integrity of critical infrastructure, causes extensive economic and health impacts, harms ecosystems, and increases energy costs. In responding to and recovering

from past droughts, we have learned that focused collaboration across all levels of government and the private sector is critical to enable productive and workable solutions to build regional resilience to drought.

Among other actions, this memorandum institutionalizes the National Drought Resilience Partnership (NDRP), which builds upon the National Integrated Drought Information System, an interagency program led by the Department of Commerce. The NDRP was outlined in the President's Climate Action Plan to better coordinate Federal support for drought-related efforts, help communities reduce the impact of current drought events, and prepare for future droughts. In sustaining this focused collaboration, the NDRP will provide the Federal Government with a lasting platform that enables locally and regionally driven priorities and needs to guide coordinated Federal activities.

SEC. 2. Policy. It is the policy of the Federal Government to coordinate and use applicable Federal investments, assets, and expertise to promote drought resilience and complement drought preparedness, planning, and implementation efforts of State, regional, tribal, and local institutions. In addition, where appropriate, the Federal Government shall seek partnerships with such institutions and the private sector in order to increase and diversify our Nation's water resources through the development and deployment of new technologies and improved access to alternative water supplies. Agencies shall also work with State, regional, tribal, and local institutions to support their efforts to maintain and enhance the long-term health and resilience of working lands and ecosystems. In carrying out this memorandum, executive departments and agencies (agencies) shall continue to recognize the primacy of States, regions, tribes, and local water users in building their resilience to drought.

SEC. 3. Drought Resilience Goals. (a) The heads of agencies shall, to the extent permitted by law and to the maximum extent possible, carry out the policy described in section 2 of this memorandum by implementing policies and taking actions to achieve the following drought resilience goals:

(i) *Data Collection and Integration.* Agencies shall share data and information related to drought, water use, and water availability, including data on snowpack, groundwater, stream flow, and soil moisture with State, regional, tribal, and local officials to strengthen decisionmaking to support more adaptive responses to drought and drought risk.

(ii) *Communicating Drought Risk to Critical Infrastructure.* Agencies shall communicate with State, regional, tribal, local, and critical infrastructure officials, targeted information about drought risks, including specific risks to critical infrastructure.

(iii) *Drought Planning and Capacity Building.* Agencies shall assist State, regional, tribal, and local officials in building local planning capacity for drought preparedness and resilience.

(iv) *Coordination of Federal Drought Activity.* Agencies shall improve the coordination and integration of drought-related activities to enhance the collective benefits of Federal programs and investments.

(v) *Market-Based Approaches for Infrastructure and Efficiency.* Agencies shall support the advancement of innovative investment models and market-based approaches to increase resilience, flexibility, and efficiency of water use and water supply systems.

(vi) *Innovative Water Use, Efficiency, and Technology.* Agencies shall support efforts to conserve and make efficient use of water by carrying out relevant research, innovation, and international engagements.

(b) The NDRP, as described in section 5 of this memorandum, shall facilitate, coordinate, and monitor the implementation of the actions conducted to achieve these goals.

SEC. 4. Drought Resilience Actions. In furtherance of the policies and goals described in this memorandum, I hereby direct agencies to take, subject to the availability of appropriations, by December 31, 2016, the following actions:

(a) *Data Collection and Integration.*

(i) The heads of agencies participating in the NDRP shall:

(A) improve the integration of all relevant drought-related data and information, and facilitate the use of such data, in coordination with the National Integrated Drought Information System, by State, regional, tribal, and local officials in drought planning and decisionmaking; and

(B) identify and use data formats that will allow these datasets to be incorporated into existing geospatial data platforms.

(ii) The Secretaries of the Interior, Agriculture, Commerce, and the Director of the Office of Science and Technology Policy shall coordinate the implementation of the activities described in section 4(a)(i) of this memorandum.

(b) *Drought Planning and Capacity Building.*

(i) The heads of agencies participating in the NDRP shall:

(A) provide technical and scientific information to State, regional, tribal, and local officials concerning the integration of drought planning, hazard mitigation, and preparedness planning; and

(B) ensure that local and regional officials are aware of drought-related planning activities and similar initiatives occurring in their region, which will avoid duplication of effort and prompt peer-to-peer collaboration.

(ii) The Secretaries of the Interior, Agriculture, Commerce, and Homeland Security shall coordinate the implementation of the activities described in section 4(b)(i) of this memorandum.

(c) *Communicating Drought Risk to Critical Infrastructure.*

(i) The heads of agencies participating in the NDRP shall:

(A) support information gathering and analysis to assess the risk of drought to critical infrastructure; and

(B) use the assessment described in section 4(c)(ii) of this memorandum to inform agencies and to better communicate accurate, science-based information about drought, and the risks of drought to communities, critical infrastructure owners and operators, and other drought resilience stakeholders.

(ii) The Secretaries of Commerce and Homeland Security shall coordinate the implementation of the activities described in section 4(c)(i) of this memorandum and jointly publish an assessment describing the risk that drought poses to U.S. critical infrastructure.

(d) *Coordination of Federal Drought Activity.*

(i) The heads of agencies participating in the NDRP shall:

(A) coordinate and use Federal programs and investments to better support drought resilience through improved information sharing and collaboration, building on existing place-based and program coordination efforts; and

(B) develop tools, guidance, and other relevant resources to ensure drought-related support to State, regional, tribal, and local officials occurs in an effective and efficient manner.

(ii) The Secretaries of the Interior, Agriculture, Commerce, and the Army shall coordinate the implementation of the activities described in section 4(d)(i) of this memorandum.

(e) *Market-Based Approaches for Infrastructure and Efficiency.*

(i) The heads of agencies participating in the NDRP shall:

(A) identify and share effective practices with State, regional, tribal, and local water users on the use of innovative financing opportunities to facilitate the construction, maintenance, rehabilitation, or restoration of drought-resilient infrastructure;

(B) test innovative financing opportunities, to the extent permitted by law, to attract private investment into underserved and drought-sensitive rural water infrastructure; and

(C) where appropriate, provide technical assistance to support State and local efforts to develop strategies for more flexible water management, including through market-based mechanisms.

(ii) The Secretaries of the Interior and Agriculture and the Administrator of the Environmental Protection Agency shall coordinate the implementation of the activities described in section 4(e)(i) of this memorandum.

(f) *Innovative Water Use, Efficiency, and Technology.*

(i) The heads of agencies participating in the NDRP shall:

(A) engage with foreign partners in order to establish mechanisms through which to implement relevant research, monitoring, and technical assistance to support transfer and adaptation of more water-efficient practices and technologies domestically;

(B) facilitate the development of new technologies and practices or the expansion of existing technologies and practices to mitigate the consequences of drought; and

(C) promote expanded use of technologies that allow the use of produced, reused, brackish, recycled, or other alternative water sources where possible and appropriate.

(ii) The Secretaries of State, Agriculture, Energy, the Interior, and the Environmental Protection Agency shall coordinate the implementation of the activities described in section 4(f)(i) of this memorandum.

SEC. 5. *National Drought Resilience Partnership.*

(a) *Establishment and Function.* There is established the National Drought Resilience Partnership (NDRP) as an interagency task force that is responsible for enhancing coordination of Federal drought resilience policies and monitoring the implementation of the activities and goals described in this memorandum.

(b) *Administration of the NDRP.* The NDRP administrative functions will be housed within the Department of Agriculture, which shall provide funding and administrative support for the NDRP to the extent permitted by law and within existing appropriations.

(c) *Membership.* The NDRP shall consist of representatives, serving at the Assistant Secretary-level or higher, from the following:

(i) the Department of Defense, Office of the Secretary of Defense-Policy;

(ii) the Department of the Interior;

(iii) the Department of Agriculture;

(iv) the Department of Commerce;

(v) the Department of Energy;

(vi) the Department of Homeland Security;

(vii) the Environmental Protection Agency;

(viii) the Office of Management and Budget;

(ix) the Office of Science and Technology Policy;

(x) the National Economic Council;

(xi) the Council on Environmental Quality;

(xii) the National Security Council staff;

(xiii) the Army; and

(xiv) such other agencies or offices as the agencies set forth above, by consensus, deem appropriate.

(d) *NDRP Co-Chairs.* The NDRP shall have two Co-Chairs. The Secretary of Agriculture, or the Secretary's designated representative, shall continuously serve as the first Co-Chair of the NDRP. The Secretary of Commerce, or the Secretary's designated official, shall serve as the second Co-Chair for a period of 2 years. The NDRP members shall rotate the second Co-Chair responsibility every 2 years based on majority vote among the Departments of Defense, the Interior, Commerce, Energy, Homeland Security, and the Environmental Protection Agency. Members serving as the second Co-Chair shall not serve in that role over consecutive periods. The NDRP shall meet at minimum on a quarterly basis, with additional meetings as needed.

(e) *Charter.* Within 90 days of the date of this memorandum, the Co-Chairs of the NDRP shall, with consensus of the members, complete a charter, which shall include any administrative policies and processes necessary to ensure the NDRP can satisfy the functions and responsibilities described in this memorandum.

(f) *Reporting Requirements and Action Plan.* Within 150 days of the date of this memorandum, the Co-Chairs of the NDRP shall submit a report to the Co-Chairs of the Council on Climate Preparedness and Resilience established by Executive Order 13653 of November 1, 2013. The report shall describe the activities undertaken and progress made concerning the implementation of this memorandum and shall include, to the extent necessary and applicable, information from all NDRP participants. Thereafter, the Co-Chairs of the NDRP shall provide updates on the implementation of the goals described in section 3 of this memorandum to the Council on Climate Preparedness and Resilience following the NDRP's quarterly meetings, and annually in the National Preparedness Report, established in Presidential Policy Directive-8 or other appropriate annual reports submitted to the President.

(g) *Long-Term Drought Resilience Action Plan.* The NDRP Co-Chairs, with consensus of the NDRP agencies, shall maintain the Long-Term Drought Resilience Federal Action Plan (the "Action Plan") and update the Action Plan as necessary. The heads of agencies participating in the NDRP shall implement the Action Plan, or any successor plan or strategy promulgated by the NDRP to guide how agencies achieve the six drought resilience goals set forth in section 3 of this memorandum.

SEC. 6. *Regional Coordination and Implementation.*

(a) *Regional Capabilities.* The heads of agencies participating in the NDRP shall establish, and utilize through their regional and field offices, cross-agency methods to coordinate Federal assistance provided to States, regions, tribes, and localities facing drought challenges. These capabilities shall be integrated with existing regional planning and coordination initiatives, including with appropriate resiliency efforts conducted by State, regional, tribal, and local drought stakeholders.

(b) *Regional Engagement Coordination.* In regions where complementary drought resilience activities are implemented by multiple Federal agencies, those agencies shall coordinate regional outreach strategies. Further, these agencies shall collectively coordinate regional outreach and engagement efforts with the goal of reducing duplication of effort for State, regional, tribal, and local stakeholders.

SEC. 7. *Definitions.* (a) "Agencies" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies.

(b) "Critical infrastructure" has the meaning provided in section 1016(e) of the USA Patriot Act of 2001 (42 U.S.C. 5195c(e)), namely, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(c) "Drought" has the meaning provided in section 2(1) of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d note), namely, a deficiency in precipitation that leads to a deficiency in surface or subsurface water supplies (including rivers, streams, wetlands, groundwater, soil moisture, reservoir supplies, lake levels, and snow pack); and that causes or may cause substantial economic or social impacts or substantial physical damage or injury to individuals, property, or the environment.

(d) "Drought resilience" means the ability to anticipate, prepare for, and adapt to the anticipated consequences of drought conditions, particularly long-term or extreme drought.

(e) "Resilience" means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions.

SEC. 8. *General Provisions.* (a) This memorandum shall be implemented consistent with applicable laws, including international treaties, agreements, and obligations, and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Agriculture is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

SUBCHAPTER I—DROUGHT PROGRAM

§ 2211. Assistance during drought; water purchases

(a) Construction, management, and conservation

Consistent with existing contractual arrangements and applicable State and applicable Federal law, and without further authorization, the Secretary is authorized to undertake construction, management, and conservation activities that will minimize, or can be expected to have an effect in minimizing, losses and damages resulting from drought conditions. Any construction activities undertaken pursuant to the authority of this subsection shall be limited to temporary facilities designed to minimize losses and damages from drought conditions, except that wells drilled to minimize losses and damages from drought conditions may be permanent facilities.

(b) Assistance to willing buyers and sellers

In order to minimize losses and damages 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 by Bureau

In order to minimize losses and damages resulting from drought conditions, the Secretary may purchase water 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. Except with respect to water stored, conveyed or delivered to Federal and State wildlife habitat, the Secretary shall deliver such water pursuant to temporary contracts under section 2212 of this title: *Provided*, That any such contract shall require recovery of any costs, including interest if applicable, incurred by the Secretary in acquiring such water.

(d) Water banks

In order to respond to a drought, the Secretary is authorized to participate in water banks established by a State.

(Pub. L. 102-250, title I, §101, Mar. 5, 1992, 106 Stat. 53.)

REFERENCES IN TEXT

The Bureau, referred to in heading for subsec. (c), probably means the Bureau of Reclamation.

TERMINATION OF AUTHORITIES

For provisions directing that authorities established under this subchapter shall terminate ten years after Mar. 5, 1992, see section 2214(c) of this title.

DESERT TERMINAL LAKES

Pub. L. 107-206, title I, §103, Aug. 2, 2002, 116 Stat. 823, which provided that not later than 14 days after Aug. 2, 2002, the Secretary of Agriculture was to carry out a transfer of funds under section 2507(a) of Pub. L. 107-171, formerly set out below, was transferred and is set out as a note under section 3839bb-6 of Title 16, Conservation.

Pub. L. 107-171, title II, §2507, May 13, 2002, 116 Stat. 275, as amended by Pub. L. 110-234, title II, §2807, May 22, 2008, 122 Stat. 1090; Pub. L. 110-246, §4(a), title II, §2807, June 18, 2008, 122 Stat. 1664, 1818; Pub. L. 111-85, title II, §207, Oct. 28, 2009, 123 Stat. 2858; Pub. L. 112-74, div. B, title II, §208(a), Dec. 23, 2011, 125 Stat. 866; Pub. L. 113-79, title II, §2507, Feb. 7, 2014, 128 Stat. 753, which related to terminal lakes assistance, was transferred to section 3839bb-6 of Title 16, Conservation.

§ 2212. Availability of water on temporary basis

(a) General authority

In order to mitigate losses 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.

(b) Special provisions applicable to temporary water supplies provided under this section

(1) Temporary supplies

Each temporary contract for the supply of water entered into pursuant to this section shall terminate no later than two years from the date of execution or upon a determination by the Secretary that water supply conditions no longer warrant that such contracts remain in effect, whichever occurs first. The costs associated with any such contract shall be repaid within the term of the contract.

(2) Ownership and acreage limitations

Lands not subject to Reclamation law that receive temporary irrigation water supplies under temporary contracts under this section shall not become subject to the ownership and acreage limitations or pricing provisions of Federal Reclamation law because of the delivery of such temporary water supplies. Lands that are subject to the ownership and acreage limitations of Federal Reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies.

(3) Treatment under Reclamation Reform Act of 1982

No temporary contract entered into by the Secretary under this section shall be treated as a “contract” as that term is used in sections 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390cc(a), 390tt].

(4) Amendments of existing contracts

Any amendment to an existing contract to allow a contractor to carry out the provisions of this subchapter shall not be considered a new and supplemental benefit for purposes of the Reclamation Reform Act of 1982 (Public Law 97-293) [43 U.S.C. 390aa et seq.].