

118TH CONGRESS
2D SESSION

S. 3760

To amend the Agricultural Credit Act of 1978 to authorize the Secretary of Agriculture to carry out emergency watershed protection measures on National Forest System land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2024

Mr. BENNET (for himself and Mr. ROMNEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Credit Act of 1978 to authorize the Secretary of Agriculture to carry out emergency watershed protection measures on National Forest System land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Watershed Protection
5 and Forest Recovery Act of 2024”.

6 **SEC. 2. EMERGENCY FOREST WATERSHED PROGRAM.**

7 (a) **FUNDING AND ADMINISTRATION.**—Section
8 404(b) of the Agricultural Credit Act of 1978 (16 U.S.C.

1 2204(b)) is amended by inserting “to carry out section
2 401” after “for a fiscal year”.

3 (b) EMERGENCY FOREST WATERSHED PROGRAM.—
4 Title IV of the Agricultural Credit Act of 1978 (16 U.S.C.
5 2201 et seq.) is amended by adding at the end the fol-
6 lowing:

7 **“SEC. 408. EMERGENCY FOREST WATERSHED PROGRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) EMERGENCY WATERSHED PROTECTION
10 MEASURES.—The term ‘emergency watershed pro-
11 tection measures’ means measures that—

12 “(A) are necessary to address runoff retar-
13 dation, soil-erosion prevention, and flood miti-
14 gation caused by a natural disaster or any other
15 natural occurrence that has caused a sudden
16 impairment to natural resources on National
17 Forest System land, and the damage, if not
18 treated—

19 “(i) would significantly impair or en-
20 danger the natural resources on the Na-
21 tional Forest System land; and

22 “(ii) would pose an immediate risk to
23 water resources or loss of life or property
24 downstream of the National Forest System
25 land; and

1 “(B) would maintain or restore forest
2 health and forest-related resources on the Na-
3 tional Forest System land.

4 “(2) NATURAL DISASTER.—The term ‘natural
5 disaster’ has the meaning given the term in section
6 407(a).

7 “(3) SECRETARY.—The term ‘Secretary’ means
8 the Secretary, acting through the Chief of the For-
9 est Service.

10 “(4) SPONSOR.—The term ‘sponsor’ means—

11 “(A) a State or local government;

12 “(B) an Indian Tribe (as defined in section
13 4 of the Indian Self-Determination and Edu-
14 cation Assistance Act (25 U.S.C. 5304)); and

15 “(C) a water district, water conservation
16 district, water utility, or special district.

17 “(b) AUTHORIZATION.—The Secretary, acting
18 through a sponsor, is authorized to undertake emergency
19 watershed protection measures on National Forest System
20 land.

21 “(c) AGREEMENTS; PAYMENTS.—

22 “(1) IN GENERAL.—The Secretary may enter
23 into an agreement with a sponsor and make pay-
24 ments to the sponsor, on request of the sponsor, to
25 carry out emergency watershed protection measures.

1 “(2) REQUIREMENTS.—

2 “(A) PROJECT TIMELINES.—

3 “(i) IN GENERAL.—Following a nat-
4 ural disaster or natural occurrence that ne-
5 cessitates the carrying out of emergency
6 watershed protection measures, the Sec-
7 retary shall execute agreements under
8 paragraph (1) as expeditiously as possible.

9 “(ii) TIMELINE.—A sponsor that has
10 entered into an agreement under para-
11 graph (1) shall complete all emergency wa-
12 tershed protection measures not later than
13 2 years after the conclusion of the applica-
14 ble natural disaster or natural occurrence,
15 as determined by the Secretary, that neces-
16 sitated the carrying out of those measures.

17 “(iii) CONTINUED MONITORING.—A
18 sponsor that has entered into an agree-
19 ment under paragraph (1) may monitor,
20 maintain, repair, or replace emergency wa-
21 tershed protection measures for a period of
22 not more than 3 years following the con-
23 clusion of the natural disaster or natural
24 occurrence, as determined by the Sec-
25 retary, that necessitated the carrying out

1 of those measures when failure to do so
2 would result in unacceptable risk to Na-
3 tional Forest System land or downstream
4 water users.

5 “(B) PAYMENTS.—The Secretary, in ac-
6 cordance with an agreement entered into under
7 paragraph (1)—

8 “(i) may make partial payments prior
9 to completion of the applicable project; and

10 “(ii) shall make final payment for the
11 project not later than 30 days after the
12 date on which the project is completed.

13 “(d) WAIVED MATCHING REQUIREMENTS.—The Sec-
14 retary shall waive any matching requirements for pay-
15 ments made under subsection (c)(1).

16 “(e) LIABILITY.—

17 “(1) IN GENERAL.—A sponsor that carries out
18 emergency watershed protection measures pursuant
19 to an agreement under subsection (c)(1) shall not—

20 “(A) be required to indemnify the United
21 States for any liability resulting from carrying
22 out emergency watershed protection measures
23 pursuant to that agreement; or

24 “(B) except as provided in paragraph (2),
25 be liable for injury, loss, or damage resulting

1 from carrying out emergency watershed protec-
2 tion measures pursuant to that agreement.

3 “(2) SAVINGS PROVISION.—Nothing in this sub-
4 section precludes liability for damages or costs relat-
5 ing to the carrying out of emergency watershed pro-
6 tection measures by a sponsor pursuant to an agree-
7 ment entered into under subsection (c)(1) if the
8 sponsor acted with willful or wanton negligence or
9 reckless conduct in carrying out those measures.

10 “(f) ASSUMPTION OF RISK.—A sponsor that carries
11 out emergency watershed protection measures prior to en-
12 tering into an agreement under subsection (c)(1) shall as-
13 sume the risk of incurring any cost or liability resulting
14 from carrying out those measures.

15 “(g) COORDINATION.—The Chief of the Natural Re-
16 sources Conservation Service shall coordinate on the use
17 of funds distributed under this section and section 403.

18 “(h) NEPA COMPLIANCE.—Emergency watershed
19 protection measures carried out pursuant to this section
20 shall be deemed emergency response actions for purposes
21 of section 220.4(b)(1) of title 36, Code of Federal Regula-
22 tions (or a successor regulation).”.

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