

119TH CONGRESS
1ST SESSION

H. R. 605

To amend the Healthy Forests Restoration Act of 2003 to reauthorize and improve the Water Source Protection Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2025

Mr. COSTA (for himself, Mr. VALADAO, Ms. PETTERSEN, Ms. STANSBURY, and Ms. PEREZ) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Healthy Forests Restoration Act of 2003 to reauthorize and improve the Water Source Protection Program, 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 “Headwaters Protection
5 Act of 2025”.

1 **SEC. 2. WATER SOURCE PROTECTION PROGRAM REAU-**
 2 **THORIZATION AND IMPROVEMENTS.**

3 Section 303 of the Healthy Forests Restoration Act
 4 of 2003 (16 U.S.C. 6542) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by redesignating subparagraphs
 8 (G) and (H) as subparagraphs (K) and
 9 (L), respectively; and

10 (ii) by inserting after subparagraph
 11 (F) the following:

12 “(G) an acequia association;

13 “(H) a local, regional, or other public enti-
 14 ty that manages stormwater or wastewater re-
 15 sources or other related water infrastructure;

16 “(I) a land-grant mercedes;

17 “(J) a local, regional, or other private enti-
 18 ty that has water delivery authority;”;

19 (B) by redesignating paragraphs (1)
 20 through (7) as paragraphs (2) through (8), re-
 21 spectively; and

22 (C) by inserting before paragraph (2) (as
 23 so redesignated) the following:

24 “(1) **ADJACENT LAND.**—The term ‘adjacent
 25 land’ means non-Federal land, including State, local,
 26 and private land, that is adjacent to, and within the

1 same watershed as, National Forest System land on
2 which a watershed protection and restoration project
3 is carried out under this section.”;

4 (2) in subsection (b)—

5 (A) by inserting “and adjacent land” be-
6 fore the period at the end;

7 (B) by striking “The Secretary shall” and
8 inserting the following:

9 “(1) IN GENERAL.—The Secretary shall”; and

10 (C) by adding at the end the following:

11 “(2) REQUIREMENTS.—A watershed protection
12 and restoration project under the Program shall—

13 “(A) protect and restore watershed health,
14 water supply and quality, a municipal or agri-
15 cultural water supply system, and water-related
16 infrastructure;

17 “(B) protect and restore forest health from
18 insect infestation and disease or wildfire; or

19 “(C) advance any combination of the pur-
20 poses described in subparagraphs (A) and (B).

21 “(3) PRIORITIES.—In selecting watershed pro-
22 tection and restoration projects under the Program,
23 the Secretary shall give priority to projects that
24 would—

1 “(A) provide risk management benefits as-
2 sociated with drought, wildfire, post-wildfire
3 conditions, extreme weather, or flooding, includ-
4 ing minimizing risks to watershed health, water
5 supply and quality, and water-related infra-
6 structure, including municipal and agricultural
7 water supply systems;

8 “(B) be designed to support aquatic res-
9 toration and conservation efforts that com-
10 plement existing or planned forest restoration
11 or wildfire risk reduction efforts;

12 “(C) include—

13 “(i) partners with demonstrated ca-
14 pacity and success in designing and imple-
15 menting ecological restoration projects,
16 wildfire risk reduction efforts, or post-wild-
17 fire restoration projects; or

18 “(ii) in the case of disadvantaged
19 communities that have historically lacked
20 access to adequate resources, partners with
21 a strong likelihood of success in designing
22 and implementing a watershed protection
23 and restoration project; and

24 “(D)(i) include a contribution of funds or
25 in-kind support from non-Federal partners in

an amount greater than the amount required under subsection (g)(2);

“(ii) provide quantifiable benefits to water supply or quality and include the use of nature-based solutions, such as restoring wetland and riparian ecosystems;

“(iii) be designed to improve—

“(I) resilience to climate change; or

“(II) watershed and fire resilience; or

“(iv) include such other characteristics as the Secretary determines to be appropriate.

“(4) CONDITIONS FOR PROJECTS ON ADJACENT LAND.—

“(A) IN GENERAL.—No project or activity may be carried out under this section on adjacent land unless the owner of the adjacent land provides express support for, and is a willing and engaged partner in, carrying out that project or activity.

“(B) EFFECT.—Nothing in this section authorizes any change in—

“(i) the ownership of adjacent land on which a project or activity is carried out under this section; or

1 “(ii) the management of adjacent land
2 on which a project or activity is carried out
3 under this section, except during the car-
4 rying out of that project or activity.”;

5 (3) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) by inserting “and adjacent land”
8 after “watersheds”;

9 (ii) by striking the period at the end
10 and inserting “; or”;

11 (iii) by striking “with end water
12 users” and inserting the following: “with—
13 “(A) end water users”; and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(B) end waters users to protect and re-
17 store the condition of National Forest water-
18 sheds and adjacent land that provide water for
19 the benefit of another end water user.”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (C), by striking
22 “or” after the semicolon;

23 (ii) by redesignating subparagraph
24 (D) as subparagraph (E); and

1 (iii) by inserting after subparagraph
2 (C) the following:

3 “(D) a good neighbor agreement entered
4 into under section 8206 of the Agricultural Act
5 of 2014 (16 U.S.C. 2113a); or”; and

6 (C) by adding at the end the following:

7 “(3) LEADERSHIP BY NON-FEDERAL PART-
8 NERS.—The Secretary shall facilitate a leadership
9 role for non-Federal partners in carrying out assess-
10 ments, planning, project design, and project imple-
11 mentation under this section.”;

12 (4) in subsection (d)—

13 (A) in paragraph (2), by striking “shall be
14 conducted” and inserting the following: “shall
15 be—

16 “(A) designed to protect and restore eco-
17 logical integrity (as defined in section 219.19 of
18 title 36, Code of Federal Regulations (as in ef-
19 fect on the date of enactment of this subpara-
20 graph));

21 “(B) based on the best available scientific
22 information; and

23 “(C) conducted”; and

24 (B) by adding at the end the following:

1 “(4) REDUCING REDUNDANCY.—An existing
 2 watershed plan, such as a watershed protection and
 3 restoration action plan developed under section
 4 304(a)(3), or other applicable watershed planning
 5 documents may be used as the basis for a water
 6 source management plan under this subsection.”;

7 (5) in subsection (e)(1), by striking “purpose
 8 of—” in the matter preceding subparagraph (A) and
 9 all that follows through the period at the end of sub-
 10 paragraph (C) and inserting “purpose of advancing
 11 any of the purposes described in subsection (b)(2).”;
 12 and

13 (6) in subsection (g)—

14 (A) in paragraph (2)—

15 (i) by striking “at least equal to” and
 16 inserting “not less than 20 percent of”;

17 (ii) by striking “The Secretary” and
 18 inserting the following:

19 “(A) IN GENERAL.—Subject to subpara-
 20 graph (B), the Secretary”; and

21 (iii) by adding at the end the fol-
 22 lowing:

23 “(B) WAIVER.—The Secretary may waive
 24 the requirement under subparagraph (A) in the
 25 discretion of the Secretary.”; and

(B) in paragraph (4)—

(i) in subparagraph (B), by striking “\$10,000,000 for each of fiscal years 2019 through 2023” and inserting “\$30,000,000 for each of fiscal years 2025 through 2033”; and

(ii) by adding at the end the following:

“(D) SET-ASIDE FOR PARTNER PARTICIPATION IN PLANNING AND CAPACITY.—Of the amounts made available under subparagraph (B) to carry out this section for each fiscal year, the Secretary shall use not less than 10 percent for non-Federal partner technical assistance participation and capacity-building efforts in developing or implementing a water source management plan under subsection (d).”.

SEC. 3. WATERSHED CONDITION FRAMEWORK IMPROVEMENTS.

Section 304 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6543) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

1 (B) in paragraph (6), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(7) that ensures that management activities
5 and authorizations do not result in long-term deg-
6 radation of watershed health or lower the classifica-
7 tion under paragraph (1) of any watershed in a Na-
8 tional Forest.”; and

9 (2) by adding at the end the following:

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 \$30,000,000 for each of fiscal years 2025 through 2029.”.

13 **SEC. 4. EFFECT.**

14 Nothing in this Act or an amendment made by this
15 Act shall be construed—

16 (1) to supersede or in any manner affect or
17 conflict with State water law, Federal water law,
18 interstate compacts, or treaty obligations; or

19 (2) to authorize any acquisition of land by the
20 Federal Government or any exertion of Federal con-
21 trol over non-Federal land.

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