

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. BENNET (for himself and Mr. CURTIS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 2025”.

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 with respect  
17 to the use of funds distributed under this section and sec-  
18 tion 406.

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

24 (c) CLERICAL AND CONFORMING AMENDMENTS.—

1           (1) Section 402 of the Agricultural Credit Act  
2 of 1978 (16 U.S.C. 2202) is amended—

3           (A) by striking the section designation and  
4 all that follows through “authorized” and in-  
5 sserting the following:

6 **“SEC. 402. WATER CONSERVATION AND WATER ENHANCING**  
7 **MEASURES DURING SEVERE DROUGHT.**

8 “The Secretary is authorized”; and

9           (B) by striking “during” and all that fol-  
10 lows through “of” and inserting “during a pe-  
11 riod of”.

12           (2) Section 405 of the Agricultural Credit Act  
13 of 1978 (16 U.S.C. 2205) is amended by striking  
14 the section designation and all that follows through  
15 “authorized” and inserting the following:

16 **“SEC. 405. REGULATIONS.**

17 “The Secretary is authorized”.

18           (3) Section 406 of the Agricultural Credit Act  
19 of 1978 (16 U.S.C. 2201 note; Public Law 95–334)  
20 is repealed.

21           (4) Section 403 of the Agricultural Credit Act  
22 of 1978 (16 U.S.C. 2203) is amended—

23           (A) by moving the section so as to appear  
24 after section 405 (16 U.S.C. 2205) (as amend-  
25 ed by paragraph (2)); and

1 (B) by striking the section designation and  
2 all that follows through “authorized” in sub-  
3 section (a) and inserting the following:

4 **“SEC. 406. EMERGENCY WATERSHED PROGRAM.**

5 “(a) IN GENERAL.—The Secretary is authorized”.

6 (5) Title IV of the Agricultural Credit Act of  
7 1978 is amended—

8 (A) in section 402B (16 U.S.C. 2202b), by  
9 striking the section designation and heading  
10 and all that follows through “maximum” and  
11 inserting the following:

12 “(d) MAXIMUM PAYMENT.—The maximum”; and

13 (B) by moving that subsection (as so re-  
14 designated) so as to appear after subsection (c)  
15 of section 402A (16 U.S.C. 2202a).

16 (6) Section 402A of the Agricultural Credit Act  
17 of 1978 (16 U.S.C. 2202a) (as amended by para-  
18 graph (5)(B)) is amended—

19 (A) in subsection (b), by striking “2279)”  
20 and inserting “2279))”;

21 (B) in subsection (c), in the subsection  
22 heading, by striking “LIMITATION” and insert-  
23 ing “TOTAL PAYMENT FOR SINGLE EVENT”;  
24 and



1 (C) by striking the section designation and  
2 heading and inserting the following:

3 **“SEC. 403. COST-SHARE REQUIREMENT; MAXIMUM PAY-**  
4 **MENT.”.**

5 (7) Section 1241(f)(9)(B) of the Food Security  
6 Act of 1985 (16 U.S.C. 3841(f)(9)(B)) is amended  
7 by striking “403” and inserting “406”.