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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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 HOUSE OF REPRESENTATIVES

Mr. NEGUSE introduced the following bill; which was referred to the
Committee on _____

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 2023”.

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

2 (a) FUNDING AND ADMINISTRATION.—Section
3 404(b) of the Agricultural Credit Act of 1978 (16 U.S.C.
4 2204(b)) is amended by inserting “to carry out section
5 401” after “for a fiscal year”.

6 (b) EMERGENCY FOREST WATERSHED PROGRAM.—
7 Title IV of the Agricultural Credit Act of 1978 (16 U.S.C.
8 2201 et seq.) is amended by adding at the end the fol-
9 lowing:

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

11 “(a) DEFINITIONS.—In this section:

12 “(1) EMERGENCY WATERSHED PROTECTION
13 MEASURES.—The term ‘emergency watershed pro-
14 tection measures’ means measures that—

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

22 “(i) would significantly impair or en-
23 danger the natural resources on the Na-
24 tional Forest System land; and

25 “(ii) would pose an immediate risk to
26 water resources or loss of life or property

1 downstream of the National Forest System
2 land; and

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

6 “(2) NATURAL DISASTER.—The term ‘natural
7 disaster’ has the meaning given the term in section
8 407(a).

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

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

13 “(A) a State or local government;

14 “(B) an Indian Tribe (as defined in section
15 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304)); and

17 “(C) a water district, water conservation
18 district, water utility, or special district.

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

23 “(c) AGREEMENTS; PAYMENTS.—

24 “(1) IN GENERAL.—The Secretary may enter
25 into an agreement with a sponsor and make pay-

1 ments to the sponsor, on request of the sponsor, to
2 carry out emergency watershed protection measures.

3 “(2) REQUIREMENTS.—

4 “(A) PROJECT TIMELINES.—

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

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

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

1 occurrence, as determined by the Sec-
2 retary, that necessitated the carrying out
3 of those measures when failure to do so
4 would result in unacceptable risk to Na-
5 tional Forest System land or downstream
6 water users.

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

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

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

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

18 “(e) LIABILITY.—

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

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

1 “(B) except as provided in paragraph (2),
2 be liable for injury, loss, or damage resulting
3 from carrying out emergency watershed protec-
4 tion measures pursuant to that agreement.

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

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

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

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