

Bennet 1st degree #2

AMENDMENT NO. _____ Calendar No. _____

Purpose: To authorize the Secretary of Agriculture to carry out emergency watershed protection measures on National Forest System land.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1462

To improve forest management activities on National Forest System land, public land under the jurisdiction of the Bureau of Land Management, and Tribal land to return resilience to overgrown, fire-prone forested land, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by
Mr. Bennet to the amendment (No.
_____) proposed by _____

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. _____. EMERGENCY FOREST WATERSHED PROGRAM.**
- 3 (a) FUNDING AND ADMINISTRATION.—Section
- 4 404(b) of the Agricultural Credit Act of 1978 (16 U.S.C.
- 5 2204(b)) is amended by inserting “to carry out section
- 6 401” after “for a fiscal year”.
- 7 (b) EMERGENCY FOREST WATERSHED PROGRAM.—
- 8 Title IV of the Agricultural Credit Act of 1978 (16 U.S.C.

1 2201 et seq.) is amended by adding at the end the fol-
2 lowing:

3 **"SEC. 408. EMERGENCY FOREST WATERSHED PROGRAM.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) EMERGENCY WATERSHED PROTECTION
6 MEASURES.—The term ‘emergency watershed pro-
7 tection measures’ means measures that—

8 “(A) are necessary to address runoff, soil
9 erosion, and flooding caused by a natural dis-
10 aster or any other natural occurrence that has
11 caused a sudden impairment to natural re-
12 sources on National Forest System land, and
13 the damage, if not treated—

14 “(i) would significantly impair or en-
15 danger the natural resources on the Na-
16 tional Forest System land; and

17 “(ii) would pose an immediate risk to
18 water resources or loss of life or property
19 in connection to a sudden impairment of a
20 National Forest System watershed or
21 downstream of the National Forest System
22 land or waterways; and

23 “(B) would maintain or restore forest
24 health and forest-related resources on the Na-
25 tional Forest System land.

1 “(2) NATURAL DISASTER.—The term ‘natural
2 disaster’ has the meaning given the term in section
3 407(a).

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

5 “(A) a State or local government;

6 “(B) an Indian Tribe (as defined in section
7 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304)); and

9 “(C) a water district, water conservation
10 district, water utility, or special district.

11 “(b) AUTHORIZATION.—The Secretary, acting
12 through a sponsor, is authorized to undertake emergency
13 watershed protection measures on National Forest System
14 land.

15 “(c) AGREEMENTS; PAYMENTS.—

16 “(1) IN GENERAL.—Notwithstanding chapter
17 63 of title 31, United States Code, the Secretary
18 may enter into an agreement with a sponsor and
19 make payments to the sponsor, on request of the
20 sponsor, to carry out emergency watershed protec-
21 tion measures.

22 “(2) REQUIREMENTS.—

23 “(A) PROJECT TIMELINES.—

24 “(i) IN GENERAL.—Following a nat-
25 ural disaster or natural occurrence that ne-

1 cessitates the carrying out of emergency
2 watershed protection measures, the Sec-
3 retary shall execute agreements under
4 paragraph (1) as expeditiously as possible.

5 “(ii) **TIMELINE.**—Each agreement
6 under paragraph (1) shall include a
7 timeline by which the sponsor shall com-
8 plete all emergency watershed protection
9 measures during the 2-year period fol-
10 lowing the conclusion of the applicable nat-
11 ural disaster or natural occurrence, as de-
12 termined by the Secretary, that neces-
13 sitated the carrying out of those measures.

14 “(iii) **CONTINUED MONITORING.**—A
15 sponsor that has entered into an agree-
16 ment under paragraph (1) may monitor,
17 maintain, repair, or replace emergency wa-
18 tershed protection measures for a period of
19 not more than 3 years following the con-
20 clusion of the natural disaster or natural
21 occurrence, as determined by the Sec-
22 retary, that necessitated the carrying out
23 of those measures when failure to do so
24 would result in unacceptable risk to Na-

1 tional Forest System land or downstream
2 water users.

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

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

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

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

14 “(e) LIABILITY.—

15 “(1) IN GENERAL.—A sponsor that carries out
16 emergency watershed protection measures pursuant
17 to an agreement under subsection (c)(1) shall not be
18 required to indemnify the United States for any li-
19 ability resulting from carrying out emergency water-
20 shed protection measures pursuant to that agree-
21 ment.

22 “(2) SAVINGS PROVISION.—Nothing in this sub-
23 section precludes liability for damages or costs relat-
24 ing to the carrying out of emergency watershed pro-
25 tection measures by a sponsor pursuant to an agree-

1 ment entered into under subsection (c)(1) if the
2 sponsor acted with willful or wanton negligence or
3 reckless conduct in carrying out those measures.

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