

119TH CONGRESS
1ST SESSION

S. 904

To improve disaster assistance programs of the Department of Agriculture,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2025

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

A BILL

To improve disaster assistance programs of the Department
of Agriculture, 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 “Livestock Disaster As-
5 sistance Improvement Act of 2025”.

6 **SEC. 2. EMERGENCY CONSERVATION PROGRAM IMPROVE-**
7 **MENTS.**

8 (a) **ADDITIONAL REQUIREMENTS.**—Title IV of the
9 Agricultural Credit Act of 1978 is amended by inserting
10 after section 402B (16 U.S.C. 2202b) the following:

1 **“SEC. 402C. ADDITIONAL REQUIREMENTS FOR EMERGENCY**
2 **CONSERVATION PROGRAM.**

3 “(a) ELIGIBILITY OF FEDERAL, STATE, AND LOCAL
4 LAND USERS.—

5 “(1) IN GENERAL.—An agricultural producer
6 eligible to receive payments under sections 401 and
7 402 includes a person that—

8 “(A) holds a permit from the Federal Gov-
9 ernment to conduct agricultural production or
10 grazing on Federal land; or

11 “(B) leases land from a State or unit of
12 local government to conduct agricultural pro-
13 duction or grazing on that land.

14 “(2) EFFECT.—Nothing in this subsection au-
15 thorizes the Secretary to make a payment under sec-
16 tion 401 or 402 to a State or unit of local govern-
17 ment.

18 “(b) PERMANENT IMPROVEMENTS.—Emergency
19 measures eligible for payments under sections 401 and
20 402 include—

21 “(1) new permanent measures, including per-
22 manent water wells and pipelines; and

23 “(2) replacement or restoration of existing
24 emergency measures with permanent measures, in-
25 cluding permanent water wells and pipelines.

26 “(c) STREAMLINING APPLICATION PROCESS.—

1 “(1) WAIVER OF PUBLIC COMMENT.—During a
2 drought emergency, as determined by the Secretary,
3 the 30-day public comment period required under
4 the National Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.) shall be waived with respect to
6 an application to carry out emergency measures
7 under section 401 or 402 on land administered by
8 the Secretary of the Interior, acting through the Di-
9 rector of the Bureau of Land Management (referred
10 to in this subsection as the ‘Secretary of the Inte-
11 rior’).

12 “(2) ACCEPTANCE OF NRCS REVIEWS.—With
13 respect to an application to carry out emergency
14 measures under section 401 or 402 on land adminis-
15 tered by the Secretary of the Interior, the Secretary
16 of the Interior may accept—

17 “(A) during a drought emergency, as de-
18 termined by the Secretary, an archeological re-
19 view conducted by the Secretary, acting through
20 the Chief of the Natural Resources Conserva-
21 tion Service, for purposes of an archeological
22 review required to be conducted;

23 “(B) an environmental review under the
24 National Environmental Policy Act of 1969 (42
25 U.S.C. 4321 et seq.) conducted by the Sec-

retary, acting through the Chief of the Natural Resources Conservation Service, for purposes of such an environmental review required to be conducted; and

“(C) a review under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) conducted by the Secretary, acting through the Chief of the Natural Resources Conservation Service, for purposes of such a review required to be conducted.”.

(b) EMERGENCY FOREST RESTORATION PROGRAM.—Section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (3) through (5), respectively;

(B) by inserting before paragraph (3) (as so redesignated) the following:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) with respect to nonindustrial private forest land, an owner of the nonindustrial private forest land;

“(B) with respect to Federal land, a person that holds a permit from the Federal Government to conduct agricultural production or grazing on the Federal land; and

“(C) with respect to land owned by a State or a unit of local government, a person that leases land from the State or unit of local government to conduct agricultural production or grazing on that land.

“(2) ELIGIBLE LAND.—The term ‘eligible land’ means—

“(A) nonindustrial private forest land;

“(B) Federal land; and

“(C) land owned by a State or unit of local government.”; and

(C) in paragraph (3) (as so redesignated)—

(i) in subparagraph (A)—

(I) in the matter preceding clause

(i), by striking “nonindustrial private forest land” and inserting “eligible land”; and

(II) by redesignating clauses (i)

and (ii) as subclauses (I) and (II), re-

1 spectively, and indenting appro-
2 priately;

3 (ii) by redesignating subparagraphs
4 (A) and (B) as clauses (i) and (ii), respec-
5 tively, and indenting appropriately;

6 (iii) in the matter preceding clause (i)
7 (as so redesignated), by striking “The
8 term” and inserting the following:

9 “(A) IN GENERAL.—The term”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(B) INCLUSIONS.—The term ‘emergency
13 measures’ includes—

14 “(i) new permanent measures de-
15 scribed in subparagraph (A), including per-
16 manent water wells and pipelines; and

17 “(ii) replacement or restoration of ex-
18 isting emergency measures with permanent
19 measures described in subparagraph (A),
20 including permanent water wells and pipe-
21 lines.”;

22 (2) in subsection (b)—

23 (A) by striking “an owner of nonindustrial
24 private forest land who” and inserting “an eli-
25 gible entity that”; and

1 (B) by striking “restore the land” and in-
2 serting “restore eligible land”;

3 (3) in subsection (c)—

4 (A) by striking “owner must” and insert-
5 ing “eligible entity shall”; and

6 (B) by striking “nonindustrial private for-
7 est land” and inserting “eligible land”;

8 (4) in subsection (d), by striking “an owner of
9 nonindustrial private forest land” and inserting “an
10 eligible entity”;

11 (5) by redesignating subsection (e) as sub-
12 section (g); and

13 (6) by inserting after subsection (d) the fol-
14 lowing:

15 “(e) STREAMLINING APPLICATION PROCESS.—

16 “(1) WAIVER OF PUBLIC COMMENT.—During a
17 drought emergency, as determined by the Secretary,
18 the 30-day public comment period required under
19 the National Environmental Policy Act of 1969 (42
20 U.S.C. 4321 et seq.) shall be waived with respect to
21 an application to carry out emergency measures
22 under this section on land administered by the Sec-
23 retary of the Interior, acting through the Director of
24 the Bureau of Land Management (referred to in this
25 subsection as the ‘Secretary of the Interior’).

1 “(2) ACCEPTANCE OF NRCS REVIEWS.—With
2 respect to an application to carry out emergency
3 measures under this section on land administered by
4 the Secretary of the Interior, the Secretary of the
5 Interior may accept—

6 “(A) during a drought emergency, as de-
7 termined by the Secretary, an archeological re-
8 view conducted by the Secretary, acting through
9 the Chief of the Natural Resources Conserva-
10 tion Service, for purposes of an archeological
11 review required to be conducted;

12 “(B) an environmental review under the
13 National Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.) conducted by the Sec-
15 retary, acting through the Chief of the Natural
16 Resources Conservation Service, for purposes of
17 such an environmental review required to be
18 conducted; and

19 “(C) a review under the Endangered Spe-
20 cies Act of 1973 (16 U.S.C. 1531 et seq.) con-
21 ducted by the Secretary, acting through the
22 Chief of the Natural Resources Conservation
23 Service, for purposes of such a review required
24 to be conducted.

1 “(f) EFFECT.—Nothing in this section authorizes the
 2 Secretary to make a payment under this section to a State
 3 or unit of local government.”.

4 (c) CLERICAL IMPROVEMENTS.—

5 (1) REPEAL.—Section 406 of the Agricultural
 6 Credit Act of 1978 (16 U.S.C. 2201 note; Public
 7 Law 95–334) is repealed.

8 (2) HEADING FORMAT CORRECTIONS.—

9 (A) Section 402 of the Agricultural Credit
 10 Act of 1978 (16 U.S.C. 2202) is amended—

11 (i) by striking the section designation
 12 and all that follows through “authorized”
 13 and inserting the following:

14 **“SEC. 402. WATER CONSERVATION AND WATER ENHANCING**
 15 **MEASURES DURING SEVERE DROUGHT.**

16 “The Secretary is authorized”; and

17 (ii) by striking “during” and all that
 18 follows through “of” and inserting “during
 19 a period of”.

20 (B) Section 403 of the Agricultural Credit
 21 Act of 1978 (16 U.S.C. 2203) is amended by
 22 striking the section designation and all that fol-
 23 lows through “authorized” in subsection (a)
 24 and inserting the following:

1 **“SEC. 403. EMERGENCY WATERSHED PROGRAM.**

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

3 (C) Section 405 of the Agricultural Credit
4 Act of 1978 (16 U.S.C. 2205) is amended by
5 striking the section designation and all that fol-
6 lows through “authorized” and inserting the
7 following:

8 **“SEC. 405. REGULATIONS.**

9 “The Secretary is authorized”.

10 (3) REORDERING.—Title IV of the Agricultural
11 Credit Act of 1978 (16 U.S.C. 2201 et seq.) is
12 amended—

13 (A) by redesignating sections 402C (as
14 added by subsection (a)), 403, 404, 405, and
15 407 (as amended by subsection (b)) as sections
16 403, 405, 407, 408, and 406, respectively, and
17 moving the sections so as to appear in numer-
18 ical order;

19 (B) in section 402B (16 U.S.C. 2202b), by
20 striking the section designation and heading
21 and all that follows through “maximum” and
22 inserting the following:

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

24 (C) by moving that subsection (d) (as so
25 redesignated) so as to appear after subsection
26 (c) of section 402A (16 U.S.C. 2202a).

1 (4) CLERICAL AMENDMENTS.—Section 402A of
 2 the Agricultural Credit Act of 1978 (16 U.S.C.
 3 2202a) (as amended by paragraph (3)(C)) is amend-
 4 ed—

5 (A) in subsection (b), by striking “2279)”
 6 and inserting “2279))”;

7 (B) in subsection (c), in the subsection
 8 heading, by striking “LIMITATION” and insert-
 9 ing “TOTAL PAYMENT FOR SINGLE EVENT”;

10 (C) by striking the section designation and
 11 heading and inserting the following:

12 **“SEC. 404. COST-SHARE REQUIREMENT; MAXIMUM PAY-**
 13 **MENT.”**

14 ; and

15 (D) by moving that section 404 (as so re-
 16 designated) so as to appear after section 403
 17 (as redesignated by paragraph (3)(A)).

18 (5) CONFORMING AMENDMENT.—Section
 19 1241(f)(9)(B) of the Food Security Act of 1985 (16
 20 U.S.C. 3841(f)(9)(B)) is amended by striking “403”
 21 and inserting “405”.

22 **SEC. 3. LIVESTOCK FORAGE DISASTER PROGRAM.**

23 Section 1501(c)(3)(D)(ii)(I) of the Agricultural Act
 24 of 2014 (7 U.S.C. 9081(c)(3)(D)(ii)(I)) is amended—

(1) by striking “at least 8 consecutive” and inserting the following: “not less than—

“(aa) 4 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B); or

“(bb) 8 consecutive”; and

(2) in item (bb) (as so designated), by striking “1 monthly payment” and inserting “2 monthly payments”.

SEC. 4. EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.

(a) IN GENERAL.—Section 1501(d) of the Agricultural Act of 2014 (7 U.S.C. 9081(d)) is amended—

(1) in paragraph (1), by inserting “drought,” after “adverse weather,”;

(2) in paragraph (2), by striking “to reduce losses” and all that follows through the period at the end and inserting “to reduce losses caused by feed

1 or water shortages (including transportation costs
 2 for feed, water, livestock, and honey bees), disease,
 3 adverse weather, drought, or other factors, as deter-
 4 mined by the Secretary, including inspections of cat-
 5 tle tick fever.”;

6 (3) in paragraph (4)—

7 (A) by striking “In the case” and inserting
 8 the following:

9 “(A) IN GENERAL.—In the case”; and

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

11 “(B) REQUIREMENTS FOR HONEY BEES.—

12 “(i) IN GENERAL.—In the case of eli-
 13 gible producers of honey bees, the payment
 14 rate under subparagraph (A) shall incor-
 15 porate per-hive and per-colony rates of
 16 loss, subject to clause (ii).

17 “(ii) DETERMINATION OF COLONY
 18 LOSSES.—

19 “(I) IN GENERAL.—For purposes
 20 of clause (i), in determining honeybee
 21 colony losses eligible for assistance
 22 under this subsection, the Secretary
 23 shall—

1 “(aa) review the normal
2 mortality rate used for the cal-
3 culation of that assistance; and

4 “(bb) adjust the normal
5 mortality rate described in item
6 (aa) as necessary to exclude
7 losses caused by colony collapse
8 disorder, as determined by the
9 Secretary.

10 “(II) INSUFFICIENT DATA.—In
11 the absence of sufficient data to es-
12 tablish the adjusted mortality rate de-
13 scribed in subclause (I)(bb), the Sec-
14 retary shall use the normal mortality
15 rate for honey bees applied for the
16 first fiscal year for which emergency
17 relief was provided to eligible pro-
18 ducers of honey bees under section
19 531(e) of the Federal Crop Insurance
20 Act (7 U.S.C. 1531(e)).”; and

21 (4) by adding at the end the following:

22 “(5) DOCUMENTATION.—

23 “(A) IN GENERAL.—Any requirements for
24 the submission of documentation by an eligible

1 producer to receive a payment under this sub-
 2 section shall be consistent nationwide.

3 “(B) PRODUCERS OF HONEY BEES.—The
 4 Secretary, in consultation with eligible pro-
 5 ducers of honey bees, shall establish a standard,
 6 for purposes of this subsection, for—

7 “(i) collecting data; and

8 “(ii) setting an annual rate for replac-
 9 ing colonies and hives of honey bees.”.

10 (b) APPLICABILITY TO PRODUCERS OF HONEY
 11 BEES.—The Secretary of Agriculture shall apply the
 12 amendments made by subsection (a) to producers of honey
 13 bees such that there is no limit on the size of a beekeeping
 14 operation with respect to those amendments.

15 **SEC. 5. DROUGHT MONITOR INTERAGENCY WORKING**
 16 **GROUP.**

17 (a) IN GENERAL.—Not later than 180 days after the
 18 date of enactment of this Act, the Secretary of Agriculture
 19 shall establish an interagency working group (referred to
 20 in this section as the “working group”) to improve the
 21 availability of consistent, accurate, and reliable data for
 22 use in producing the United States Drought Monitor in
 23 accordance with section 12512 of the Agriculture Improve-
 24 ment Act of 2018 (7 U.S.C. 5856).

1 (b) MEMBERSHIP.—The working group shall consist
2 of not fewer than—

3 (1) 3 representatives from the Department of
4 Agriculture, including 1 representative from each
5 of—

6 (A) the Office of the Chief Economist, who
7 shall serve as the Chair of the working group;

8 (B) the Forest Service; and

9 (C) the Farm Service Agency;

10 (2) 4 representatives from the National Oceanic
11 and Atmospheric Administration, including 1 rep-
12 resentative from each of—

13 (A) the Climate Prediction Center;

14 (B) the National Centers for Environ-
15 mental Information;

16 (C) the National Integrated Drought In-
17 formation System; and

18 (D) the National Mesonet Program;

19 (3) 1 representative from the National Drought
20 Mitigation Center;

21 (4) 1 representative from the Department of
22 the Interior;

23 (5) 1 representative from the Cooperative Insti-
24 tute for Research to Operations in Hydrology of the
25 University of Alabama; and

1 (6) 3 representatives from mesonet programs in
2 States—

3 (A) that have experienced severe drought,
4 as determined by the United States Drought
5 Monitor, in not less than 5 calendar years dur-
6 ing the period of calendar years 2012 through
7 2023; and

8 (B) more than 50 percent of the land area
9 of which is designated by the Economic Re-
10 search Service as a Level 1 frontier and remote
11 area.

12 (c) DUTIES.—The working group shall—

13 (1) develop a means for the inclusion of addi-
14 tional in-situ data into the process of developing the
15 United States Drought Monitor, including—

16 (A) determining minimum requirements
17 for data to be included in the United States
18 Drought Monitor;

19 (B) identifying data available from other
20 government agencies, including through portals
21 managed by the National Oceanic and Atmos-
22 pheric Administration; and

23 (C) identifying gaps in coverage and deter-
24 mining solutions to address those gaps;

1 (2) identify and address potential barriers to
2 the use of existing data, including—

3 (A) identifying Federal datasets that would
4 be of immediate use in developing the United
5 States Drought Monitor where access is re-
6 stricted to some or all authors of the United
7 States Drought Monitor; and

8 (B) developing proposed accommodations,
9 modifications to contractual agreements, or up-
10 dates to interagency memoranda of under-
11 standing to allow for incorporation of datasets
12 identified under subparagraph (A);

13 (3) develop an open and transparent method-
14 ology for vetting data products developed using re-
15 mote sensing or modeling;

16 (4) if determined appropriate by the working
17 group, develop a methodology for inclusion of data
18 that may otherwise be excluded from the United
19 States Drought Monitor due to shorter periods of
20 record; and

21 (5) identify and address any other issues relat-
22 ing to data availability and quality, as determined
23 appropriate by the Chair of the working group.

24 (d) REPORT.—Not later than 1 year after the date
25 of enactment of this Act, the working group shall submit

1 a report containing recommendations for changes in poli-
2 cies, regulations, guidance documents, or existing law to
3 meet the objectives described in subsection (c) to—

4 (1) the Secretary of Agriculture;

5 (2) the Secretary of Commerce;

6 (3) the Secretary of the Interior;

7 (4) the Committee on Agriculture, Nutrition,
8 and Forestry of the Senate;

9 (5) the Committee on Commerce, Science, and
10 Transportation of the Senate;

11 (6) the Committee on Agriculture of the House
12 of Representatives; and

13 (7) the Committee on Science, Space, and
14 Technology of the House of Representatives.

15 (e) ACTION BY SECRETARY.—Not later than 180
16 days after the date of submission of the report under sub-
17 section (d), the Secretary of Agriculture, in coordination
18 with the Secretary of Commerce and the Secretary of the
19 Interior, shall incorporate, to the extent practicable, the
20 recommendations of the working group to improve the
21 United States Drought Monitor in accordance with section
22 12512 of the Agriculture Improvement Act of 2018 (7
23 U.S.C. 5856).

1 (f) TERMINATION.—The working group shall termi-
 2 nate on the date that is 90 days after the date on which
 3 the report is submitted under subsection (d).

4 **SEC. 6. ALIGNMENT OF FARM SERVICE AGENCY AND FOR-**
 5 **EST SERVICE DROUGHT RESPONSE.**

6 (a) IN GENERAL.—Not later than 60 days after the
 7 date of submission of the report under section 5(d), the
 8 Administrator of the Farm Service Agency and the Chief
 9 of the Forest Service shall enter into a memorandum of
 10 understanding to better align drought response activities
 11 of the Farm Service Agency and the Forest Service (re-
 12 ferred to in this section as the “agencies”).

13 (b) CONTENTS.—The memorandum of understanding
 14 entered into under subsection (a) shall include—

15 (1) a commitment to better align practices of
 16 the agencies with respect to determining the severity
 17 of regional drought conditions;

18 (2) a strategy for amending those determina-
 19 tions to ensure consistent policy with respect to
 20 drought response in cases where the agencies are
 21 making inconsistent determinations within the same
 22 spatial scale;

23 (3) an agreement to utilize, to the extent prac-
 24 ticable, the United States Drought Monitor in mak-
 25 ing those determinations; and

1 (4) an agreement to provide consistent informa-
2 tion to grazing permittees, operators, and other
3 stakeholders affected by determinations relating to
4 drought.

○