

116TH CONGRESS
2D SESSION

S. 4357

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to promote reforestation following unplanned events on Federal land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2020

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

A BILL

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to promote reforestation following unplanned events on Federal 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 “Repairing Existing
5 Public Land by Adding Necessary Trees Act” or the “RE-
6 PLANT Act”.

1 **SEC. 2. REFORESTATION FOLLOWING WILDFIRES AND**
 2 **OTHER UNPLANNED EVENTS.**

3 (a) FOREST AND RANGELAND RENEWABLE RE-
 4 SOURCES PLANNING ACT OF 1974.—

5 (1) NATIONAL FOREST COVER POLICY.—

6 (A) IN GENERAL.—Section 3 of the Forest
 7 and Rangeland Renewable Resources Planning
 8 Act of 1974 (16 U.S.C. 1601) is amended—

9 (i) by redesignating subsection (e) as
 10 subsection (f);

11 (ii) by redesignating the second sub-
 12 section (d) (relating to the policy of Con-
 13 gress regarding forested land in the Na-
 14 tional Forest System) as subsection (e);
 15 and

16 (iii) in subsection (e) (as so redesign-
 17 ated)—

18 (I) in paragraph (2)—

19 (aa) in the first sentence—

20 (AA) by striking “9 of
 21 this Act, the Secretary shall
 22 annually for eight years fol-
 23 lowing the enactment of this
 24 subsection” and inserting
 25 “9, the Secretary shall, an-
 26 nually during each of the 10

1 years beginning after the
 2 date of enactment of the
 3 REPLANT Act”; and

4 (BB) by striking
 5 “eight-year” and inserting
 6 “10-year”;

7 (bb) in the second sentence,
 8 by striking “such eight-year pe-
 9 riod” and inserting “the 10-year
 10 period”; and

11 (cc) in the third sentence, by
 12 striking “1978” and inserting
 13 “2021”;

14 (II) in paragraph (3), in the first
 15 sentence, by striking “subsection (d)”
 16 and inserting “subsection”; and

17 (III) by adding at the end the
 18 following:

19 “(4) REFORESTATION REQUIREMENTS.—

20 “(A) DEFINITIONS.—In this paragraph:

21 “(i) NATURAL REGENERATION.—

22 “(I) IN GENERAL.—The term
 23 ‘natural regeneration’ means the es-
 24 tablishment of a tree or tree age class
 25 from natural seeding, sprouting, or

1 suckering in accordance with the man-
 2 agement objectives of an applicable
 3 land management plan.

4 “(II) INCLUSION.—The term
 5 ‘natural regeneration’ may include
 6 any site preparation activity to en-
 7 hance the success of regeneration to
 8 the desired species composition and
 9 structure.

10 “(ii) PRIORITY LAND.—The term ‘pri-
 11 ority land’ means National Forest System
 12 land that, due to an unplanned event—

13 “(I) is unstocked;

14 “(II) requires reforestation to
 15 meet the objectives of an applicable
 16 land management plan; and

17 “(III) is unlikely to experience
 18 natural regeneration without assist-
 19 ance.

20 “(iii) REFORESTATION.—The term
 21 ‘reforestation’ means the act of renewing
 22 tree cover by establishing young trees
 23 through—

24 “(I) natural regeneration;

1 “(II) natural regeneration with
2 site preparation; or

3 “(III) planting direct seeding,
4 taking into consideration species com-
5 position and resilience.

6 “(iv) UNPLANNED EVENT.—

7 “(I) IN GENERAL.—The term
8 ‘unplanned event’ means any un-
9 planned disturbance that—

10 “(aa) disrupts ecosystem or
11 forest structure or composition;
12 or

13 “(bb) changes resources,
14 substrate availability, or the
15 physical environment.

16 “(II) INCLUSIONS.—The term
17 ‘unplanned event’ may include—

18 “(aa) a wildfire;

19 “(bb) an infestation of in-
20 sects or disease;

21 “(cc) a weather event; and

22 “(dd) animal damage.

23 “(v) UNSTOCKED.—The term
24 ‘unstocked’, with respect to forest land,
25 means that a percentage of forested land

1 area of the forest land fails to achieve com-
2 pliance with a stocking level required
3 under an applicable land management
4 plan.

5 “(B) REQUIREMENT.—Each reforestation
6 activity under this section shall be carried out
7 in accordance with applicable Forest Service
8 management practices and definitions, including
9 those contained in—

10 “(i) the amendment numbered 2400–
11 2014–1 to chapter 2470 (relating to sil-
12 vicultural practices) of the Forest Service
13 document numbered FSM 2400 (relating
14 to forest management) (or a successor
15 amendment or manual); and

16 “(ii) section 219.19 of title 36, Code
17 of Federal Regulations (or a successor reg-
18 ulation).

19 “(C) REFORESTATION PRIORITY.—

20 “(i) IN GENERAL.—In carrying out
21 this subsection, the Secretary shall give
22 priority to projects on the priority list de-
23 scribed in clause (ii).

24 “(ii) PRIORITY LIST.—

1 “(I) IN GENERAL.—The Chief of
2 the Forest Service shall, based on rec-
3 ommendations from regional foresters,
4 create a priority list of reforestation
5 projects that—

6 “(aa) primarily take place
7 on priority land;

8 “(bb) promote effective re-
9 forestation following unplanned
10 events; and

11 “(cc) may include activities
12 to ensure adequate and appro-
13 priate seed availability.

14 “(II) RANKING.—The Chief of
15 the Forest Service shall rank projects
16 on the priority list under subclause (I)
17 based on—

18 “(aa) documentation of an
19 effective reforestation project
20 plan;

21 “(bb) the ability to measure
22 the progress and success of the
23 project; and

24 “(cc) the ability of a project
25 to provide benefits relating to

1 forest function and health, soil
 2 health and productivity, wildlife
 3 habitat, improved air and water
 4 quality, carbon sequestration po-
 5 tential, resilience, job creation,
 6 and enhanced recreational oppor-
 7 tunities.”.

8 (B) CONFORMING AMENDMENT.—Section
 9 of the Cooperative Forestry Assistance Act of
 10 1978 (16 U.S.C. 2105) is amended, in the un-
 11 designated matter following paragraph (5) of
 12 subsection (g)—

13 (i) by striking “section 3(d)” and in-
 14 serting “subsection (e) of section 3”; and

15 (ii) by striking “1601(d)” and insert-
 16 ing “1601”.

17 (2) NATIONAL FOREST SYSTEM PROGRAM ELE-
 18 MENTS.—Section 9 of the Forest and Rangeland Re-
 19 newable Resources Planning Act of 1974 (16 U.S.C.
 20 1607) is amended, in the second sentence, by strik-
 21 ing “2000” and inserting “2029”.

22 (b) REFORESTATION TRUST FUND.—Section 303 of
 23 Public Law 96–451 (16 U.S.C. 1606a) is amended—

24 (1) in subsection (b)—

25 (A) by striking paragraph (2);

1 (B) in paragraph (3)—

2 (i) in the second sentence, by striking
3 “Proper adjustment” and inserting the fol-
4 lowing:

5 “(3) ADJUSTMENT OF ESTIMATES.—Proper ad-
6 justment”; and

7 (ii) by striking “(3) The amounts”
8 and inserting the following:

9 “(2) FREQUENCY.—The amounts”; and

10 (C) by striking the subsection designation
11 and all that follows through “the Secretary” in
12 paragraph (1) and inserting the following:

13 “(b) TRANSFERS TO TRUST FUND.—

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

15 (2) in subsection (d)(1)—

16 (A) by striking “section 3(d)” and insert-
17 ing “subsection (e) of section 3”; and

18 (B) by striking “1601(d)” and inserting
19 “1601”.

20 (c) STEWARDSHIP END RESULT CONTRACTING
21 PROJECTS.—Section 604(c) of the Healthy Forests Res-
22 toration Act of 2003 (16 U.S.C. 6591c(c)) is amended by
23 adding at the end the following:

24 “(8) With respect to projects under subsection

25 (b) entered into only by the Chief, reforestation in

1 accordance with subsection (e)(4)(C)(ii) of section 3
 2 of the Forest and Rangeland Renewable Resources
 3 Planning Act of 1974 (16 U.S.C. 1601).”.

4 (d) GOOD NEIGHBOR AUTHORITY.—Section 8206 of
 5 the Agricultural Act of 2014 (16 U.S.C. 2113a) is amend-
 6 ed—

7 (1) in subsection (a)(4)(A)—

8 (A) in clause (ii), by striking “and” at the
 9 end;

10 (B) by redesignating clause (iii) as clause
 11 (iv); and

12 (C) by inserting after clause (ii) the fol-
 13 lowing:

14 “(iii) with respect to National Forest
 15 System land only, reforestation activities;
 16 and”; and

17 (2) in subsection (b)(1), by adding at the end
 18 the following:

19 “(C) REFORESTATION PRIORITY.—The
 20 Secretary shall enter into good neighbor agree-
 21 ments under this section with respect to forest,
 22 rangeland, and watershed restoration services
 23 described in subsection (a)(4)(A)(iii) in accord-
 24 ance with subsection (e)(4)(C)(ii) of section 3
 25 of the Forest and Rangeland Renewable Re-

1 sources Planning Act of 1974 (16 U.S.C.
2 1601).”.

3 **SEC. 3. REPORT.**

4 Not later than 1 year after the date of enactment
5 of this Act, and annually thereafter, the Secretary of Agri-
6 culture shall submit to the Committee on Agriculture, Nu-
7 trition, and Forestry of the Senate and the Committee on
8 Agriculture of the House of Representatives, and make
9 publicly available on the website of the Forest Service, a
10 report that describes, with respect to the preceding year—

11 (1) an evaluation of the degree to which the
12 Secretary has achieved compliance with the require-
13 ments contained in the amendments made by this
14 Act, including, as a result of those amendments, the
15 number of acres covered by reforestation projects
16 that follow unplanned events (such as wildfires);

17 (2) the authorities, expressed by the number of
18 acres replanted, used to replant forests impacted by
19 unplanned events, including through—

20 (A) stewardship contracts under section
21 604 of the Healthy Forests Restoration Act of
22 2003 (16 U.S.C. 6591c); and

23 (B) good neighbor agreements under sec-
24 tion 8206 of the Agricultural Act of 2014 (16
25 U.S.C. 2113a);

1 (3) the number of acres of National Forest Sys-
2 tem land affected by, and the substance of reforest-
3 ation needs on that land resulting from, unplanned
4 events; and

5 (4) the number of acres in need of reforestation
6 under subsection (e)(1) of section 3 of the Forest
7 and Rangeland Renewable Resources Planning Act
8 of 1974 (16 U.S.C. 1601).

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