

117TH CONGRESS
1ST SESSION

S. 866

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

MARCH 18, 2021

Ms. STABENOW (for herself, Mr. PORTMAN, Mrs. SHAHEEN, Mrs. CAPITO, Mr. BENNET, Mr. MARSHALL, and Mr. HEINRICH) 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) does not meet the conditions
14 for appropriate forest cover described
15 in paragraph (1);

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

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

22 “(iii) REFORESTATION.—The term
23 ‘reforestation’ means the act of renewing
24 tree cover, taking into consideration spe-

cies composition and resilience, by establishing young trees through—

“(I) natural regeneration;

“(II) natural regeneration with site preparation; or

“(III) planting or direct seeding.

“(iv) SECRETARY.—The term ‘Secretary’ means the Secretary, acting through the Chief of the Forest Service.

“(v) UNPLANNED EVENT.—

“(I) IN GENERAL.—The term ‘unplanned event’ means any unplanned disturbance that—

“(aa) disrupts ecosystem or forest structure or composition; or

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

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

“(aa) a wildfire;

“(bb) an infestation of insects or disease;

“(cc) a weather event; and

1 “(dd) animal damage.

2 “(B) REQUIREMENT.—Each reforestation
3 activity under this section shall be carried out
4 in accordance with applicable Forest Service
5 management practices and definitions, including
6 definitions relating to silvicultural practices and
7 forest management.

8 “(C) REFORESTATION PRIORITY.—

9 “(i) IN GENERAL.—In carrying out
10 this subsection, the Secretary shall give
11 priority to projects on the priority list de-
12 scribed in clause (ii).

13 “(ii) PRIORITY LIST.—

14 “(I) IN GENERAL.—The Sec-
15 retary shall, based on recommenda-
16 tions from regional foresters, create a
17 priority list of reforestation projects
18 that—

19 “(aa) primarily take place
20 on priority land;

21 “(bb) promote effective re-
22 forestation following unplanned
23 events; and

1 “(cc) may include activities
2 to ensure adequate and appro-
3 priate seed availability.

4 “(II) RANKING.—The Secretary
5 shall rank projects on the priority list
6 under subclause (I) based on—

7 “(aa) documentation of an
8 effective reforestation project
9 plan;

10 “(bb) the ability to measure
11 the progress and success of the
12 project; and

13 “(cc) the ability of a project
14 to provide benefits relating to
15 forest function and health, soil
16 health and productivity, wildlife
17 habitat, improved air and water
18 quality, carbon sequestration po-
19 tential, resilience, job creation,
20 and enhanced recreational oppor-
21 tunities.”.

22 (B) CONFORMING AMENDMENT.—Section
23 9 of the Cooperative Forestry Assistance Act of
24 1978 (16 U.S.C. 2105) is amended, in the un-

1 designated matter following paragraph (5) of
 2 subsection (g)—

- 3 (i) by striking “section 3(d)” and in-
 4 serting “subsection (e) of section 3”; and
- 5 (ii) by striking “1601(d)” and insert-
 6 ing “1601”.

7 (2) NATIONAL FOREST SYSTEM PROGRAM ELE-
 8 MENTS.—Section 9 of the Forest and Rangeland Re-
 9 newable Resources Planning Act of 1974 (16 U.S.C.
 10 1607) is amended, in the second sentence, by strik-
 11 ing “2000” and inserting “2030”.

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

14 (1) in subsection (b)—

15 (A) by striking paragraph (2);

16 (B) in paragraph (3)—

- 17 (i) in the second sentence, by striking
 18 “Proper adjustment” and inserting the fol-
 19 lowing:

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

- 22 (ii) by striking “(3) The amounts”
 23 and inserting the following:

24 “(2) FREQUENCY.—The amounts”; and

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

4 “(b) TRANSFERS TO TRUST FUND.—

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

6 (2) in subsection (d)(1)—

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

9 (B) by striking “1601(d)” and inserting
 10 “1601”.

11 **SEC. 3. REPORT.**

12 Not later than 1 year after the date of enactment
 13 of this Act, and annually thereafter, the Secretary of Agri-
 14 culture shall submit to the Committee on Agriculture, Nu-
 15 trition, and Forestry of the Senate and the Committee on
 16 Agriculture of the House of Representatives, and make
 17 publicly available on the website of the Forest Service, a
 18 report that describes, with respect to the preceding year—

19 (1) an evaluation of the degree to which the
 20 Secretary has achieved compliance with the require-
 21 ments contained in the amendments made by this
 22 Act, including, as a result of those amendments, the
 23 number of acres covered by reforestation projects
 24 that follow unplanned events (such as wildfires);

1 (2) the total number of acres of land reforested
2 under each authority of the Secretary under which
3 reforestation projects have been carried out;

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

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

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