

116TH CONGRESS
1ST SESSION

S. 3106

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

DECEMBER 19, 2019

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 “Reforestation Act of
5 2019”.

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 Re-
 3 forestation Act of 2019”;

4 and

5 (BB) by striking
 6 “eight-year” and inserting
 7 “10-year”;

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

12 (cc) in the third sentence, by
 13 striking “1978” and inserting
 14 “2021”;

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

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

20 “(4) REFORESTATION REQUIREMENTS.—

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

22 “(i) NATURAL REGENERATION.—

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

1 from natural seeding, sprouting, or
2 suckering in accordance with the man-
3 agement objectives of an applicable
4 land management plan.

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

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

14 “(I) is unstocked;

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

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

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

25 “(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)(2), by striking
25 “\$30,000,000” and inserting “\$60,000,000”; and

1 (2) in subsection (d)(1)—

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

4 (B) by striking “1601(d)” and inserting
5 “1601”.

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

10 “(8) With respect to projects under subsection
11 (b) entered into only by the Chief, reforestation in
12 accordance with subsection (e)(4)(C)(ii) of section 3
13 of the Forest and Rangeland Renewable Resources
14 Planning Act of 1974 (16 U.S.C. 1601).”.

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

18 (1) in subsection (a)(4)(A)—

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

21 (B) by redesignating clause (iii) as clause
22 (iv); and

23 (C) by inserting after clause (ii) the fol-
24 lowing:

1 “(iii) with respect to National Forest
2 System land only, reforestation activities;
3 and”;

4 (2) in subsection (b)(1), by adding at the end
5 the following:

6 “(C) REFORESTATION PRIORITY.—The
7 Secretary shall enter into good neighbor agree-
8 ments under this section with respect to forest,
9 rangeland, and watershed restoration services
10 described in subsection (a)(4)(A)(iii) in accord-
11 ance with subsection (e)(4)(C)(ii) of section 3
12 of the Forest and Rangeland Renewable Re-
13 sources Planning Act of 1974 (16 U.S.C.
14 1601).”.

15 **SEC. 3. REPORT.**

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

23 (1) an evaluation of the degree to which the
24 Secretary has achieved compliance with the require-
25 ments contained in the amendments made by this

1 Act, including, as a result of those amendments, the
2 number of acres covered by reforestation projects
3 that follow unplanned events (such as wildfires);

4 (2) the authorities, expressed by the number of
5 acres replanted, used to replant forests impacted by
6 unplanned events, including through—

7 (A) stewardship contracts under section
8 604 of the Healthy Forests Restoration Act of
9 2003 (16 U.S.C. 6591c); and

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

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

17 (4) the number of acres in need of reforestation
18 under subsection (e)(1) of section 3 of the Forest
19 and Rangeland Renewable Resources Planning Act
20 of 1974 (16 U.S.C. 1601).

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