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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Repairing Existing Public Land by Adding Necessary Trees Act” or the “RE- PLANT Act”.

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

(a) Forest and Rangeland Renewable Re-
sources Planning Act of 1974.—

(1) National forest cover policy.—

(A) In general.—Section 3 of the Forest
and Rangeland Renewable Resources Planning
Act of 1974 (16 U.S.C. 1601) is amended—

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

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

(iii) in subsection (e) (as so redesig-
nated)—

(I) in paragraph (2)—

(aa) in the first sentence—

( AA) by striking "9 of
this Act, the Secretary shall
annually for eight years fol-
lowing the enactment of this
subsection” and inserting
"9, the Secretary shall, an-
ually during each of the 10
years beginning after the
date of enactment of the
REPLANT Act”; and

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

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

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

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

(III) by adding at the end the
following:

“(4) Reforestation requirements.—

“(A) Definitions.—In this paragraph:

“(i) Natural regeneration.—

“(I) In general.—The term
‘natural regeneration’ means the es-
tablishment of a tree or tree age class
from natural seeding, sprouting, or
suckering in accordance with the management objectives of an applicable land management plan.

“(II) INCLUSION.—The term ‘natural regeneration’ may include any site preparation activity to enhance the success of regeneration to the desired species composition and structure.

“(ii) PRIORITY LAND.—The term ‘priority land’ means National Forest System land that, due to an unplanned event—

“(I) is unstocked;

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

“(III) is unlikely to experience natural regeneration without assistance.

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

“(I) natural regeneration;
“(II) natural regeneration with site preparation; or
“(III) planting direct seeding, taking into consideration species composition and resilience.
“(iv) 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
“(dd) animal damage.
“(v) UNSTOCKED.—The term ‘unstocked’, with respect to forest land, means that a percentage of forested land
area of the forest land fails to achieve compliance with a stocking level required under an applicable land management plan.

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

“(i) the amendment numbered 2400–2014–1 to chapter 2470 (relating to silvicultural practices) of the Forest Service document numbered FSM 2400 (relating to forest management) (or a successor amendment or manual); and


“(C) REFORESTATION PRIORITY.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary shall give priority to projects on the priority list described in clause (ii).

“(ii) PRIORITY LIST.—
“(I) IN GENERAL.—The Chief of the Forest Service shall, based on recommendations from regional foresters, create a priority list of reforestation projects that—

“(aa) primarily take place on priority land;

“(bb) promote effective reforestation following unplanned events; and

“(cc) may include activities to ensure adequate and appropriate seed availability.

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

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

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

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

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

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

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

(2) NATIONAL FOREST SYSTEM PROGRAM ELE-
MENTS.—Section 9 of the Forest and Rangeland Re-
1607) is amended, in the second sentence, by strik-
ing “2000” and inserting “2029”.

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

(1) in subsection (b)—

(A) by striking paragraph (2);
(B) in paragraph (3)—

(i) in the second sentence, by striking

“Proper adjustment” and inserting the follow-

(3) ADJUSTMENT OF ESTIMATES.—Proper ad-

justment”; and

(ii) by striking “(3) The amounts”

and inserting the following:

“(2) FREQUENCY.—The amounts”; and

(C) by striking the subsection designation

and all that follows through “the Secretary” in

paragraph (1) and inserting the following:

“(b) TRANSFERS TO TRUST FUND.—

“(1) IN GENERAL.—The Secretary”; and

(2) in subsection (d)(1)—

(A) by striking “section 3(d)” and insert-

ing “subsection (e) of section 3”; and

(B) by striking “1601(d)” and inserting

“1601”.

(c) STEWARDSHIP END RESULT CONTRACTING

PROJECTS.—Section 604(c) of the Healthy Forests Res-

oration Act of 2003 (16 U.S.C. 6591c(c)) is amended by

adding at the end the following:

“(8) With respect to projects under subsection

(b) entered into only by the Chief, reforestation in
accordance with subsection (e)(4)(C)(ii) of section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601).”.

(d) Good Neighbor Authority.—Section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) is amended—

(1) in subsection (a)(4)(A)—

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

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

(C) by inserting after clause (ii) the following:

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

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

“(C) Reforestation Priority.—The Secretary shall enter into good neighbor agreements under this section with respect to forest, rangeland, and watershed restoration services described in subsection (a)(4)(A)(iii) in accordance with subsection (e)(4)(C)(ii) of section 3 of the Forest and Rangeland Renewable Re-
SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, and make publicly available on the website of the Forest Service, a report that describes, with respect to the preceding year—

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

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

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

(B) good neighbor agreements under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);
(3) the number of acres of National Forest System land affected by, and the substance of reforestation needs on that land resulting from, unplanned events; and

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