

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.

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## 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

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## 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 redesi-  
17 gnated)—

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-

1                   cies composition and resilience, by estab-  
2                   lishing young trees through—

3                   “(I) natural regeneration;

4                   “(II) natural regeneration with  
5                   site preparation; or

6                   “(III) planting or direct seeding.

7                   “(iv) SECRETARY.—The term ‘Sec-  
8                   retary’ means the Secretary, acting  
9                   through the Chief of the Forest Service.

10                  “(v) UNPLANNED EVENT.—

11                  “(I) IN GENERAL.—The term  
12                  ‘unplanned event’ means any un-  
13                  planned disturbance that—

14                  “(aa) disrupts ecosystem or  
15                  forest structure or composition;  
16                  or

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

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

22                  “(aa) a wildfire;

23                  “(bb) an infestation of in-  
24                  sects or disease;

25                  “(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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