

and provision set out as a note under section 1671 of this title] may be cited as the 'Renewable Resources Extension Act of 1978'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-588, §1, Oct. 22, 1976, 90 Stat. 2949, provided: "That this Act [enacting this section and sections 472a, 521b, and 1611 to 1614 of this title, amending sections 500, 515, 516, 518, 576b, 581h, and 1601 to 1610 of this title, repealing sections 476, 513 and 514 of this title, and enacting provisions set out as notes under this section and sections 476, 513, 528, and 594-2 of this title] may be cited as the 'National Forest Management Act of 1976'."

SHORT TITLE

Pub. L. 93-378, §1, Aug. 17, 1974, 88 Stat. 476, provided: "That this Act [enacting this subchapter and amending section 581h of this title] may be cited as the 'Forest and Rangeland Renewable Resources Planning Act of 1974'."

SEPARABILITY

Pub. L. 94-588, §21, Oct. 22, 1976, 90 Stat. 2963, provided that: "If any provision of this Act [see Short Title of 1976 Amendment note set out above] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

**§ 1601. Renewable Resource Assessment**

**(a) Preparation by Secretary of Agriculture; time of preparation, updating and contents**

In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture (referred to in this subchapter as the "Secretary") shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities;

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the

use, ownership, and management of forest, range, and other associated lands; and<sup>1</sup>

(5) an analysis of the potential effects of global climate change on the condition of renewable resources on the forests and rangelands of the United States; and

(6) an analysis of the rural and urban forestry opportunities to mitigate the buildup of atmospheric carbon dioxide and reduce the risk of global climate change.<sup>2</sup>

**(b) Omitted**

**(c) Contents of Assessments**

The Secretary shall report in the 1979 and subsequent Assessments on:

(1) the additional fiber potential in the National Forest System including, but not restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

(2) the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands, and of urban wood wastes and wood product recycling, including recommendations to the Congress for actions which would lead to increased utilization of material now being wasted both in the forests and in manufactured products; and

(3) the milling and other wood fiber product fabrication facilities and their location in the United States, noting the public and private forested areas that supply such facilities, assessing the degree of utilization into product form of harvested trees by such facilities, and setting forth the technology appropriate to the facilities to improve utilization either individually or in aggregate units of harvested trees and to reduce wasted wood fibers. The Secretary shall set forth a program to encourage the adoption by these facilities of these technologies for improving wood fiber utilization.

**(d) Public involvement; consultation with governmental departments and agencies**

In developing the reports required under subsection (c) of this section, the Secretary shall provide opportunity for public involvement and shall consult with other interested governmental departments and agencies.

**(e) Congressional policy of multiple use sustained yield management; examination and certification of lands; estimate of appropriations necessary for reforestation and other treatment; budget requirements; authorization of appropriations**

(1) It is the policy of the Congress that all forested lands in the National Forest System shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. Accordingly, the Sec-

<sup>1</sup> So in original. The word "and" probably should not appear.

<sup>2</sup> So in original. The comma probably should be a period.

retary is directed to identify and report to the Congress annually at the time of submission of the President's budget together with the annual report provided for under section 1606(c) of this title, beginning with submission of the President's budget for fiscal year 1978, the amount and location by forests and States and by productivity class, where practicable, of all lands in the National Forest System where objectives of land management plans indicate the need to reforest areas that have been cut-over or otherwise denuded or deforested, and all lands with stands of trees that are not growing at their best potential rate of growth. All national forest lands treated from year to year shall be examined after the first and third growing seasons and certified by the Secretary in the report provided for under this subsection as to stocking rate, growth rate in relation to potential and other pertinent measures. Any lands not certified as satisfactory shall be returned to the backlog and scheduled for prompt treatment. The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.

(2) Notwithstanding the provisions of section 1607 of this title, the Secretary shall, annually during each of the 10 years beginning after November 15, 2021, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the 10-year period. After the 10-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary's estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President's budget and shall also be transmitted to the Speaker of the House and the President of the Senate together with the annual report provided for under section 1606(c) of this title at the time of submission of the President's budget to the Congress beginning with the budget for fiscal year 2021. The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve growing forests to secure planned production of trees and other multiple use values.

(3) Effective for the fiscal year beginning October 1, 1977, and each fiscal year thereafter, there is hereby authorized to be appropriated for the purpose of reforesting and treating lands in the National Forest System \$200,000,000 annually to

meet requirements of this subsection. All sums appropriated for the purposes of this subsection shall be available until expended.

(4) REFORESTATION REQUIREMENTS.—

(A) DEFINITIONS.—In this paragraph:

(i) NATURAL REGENERATION.—

(I) IN GENERAL.—The term "natural regeneration" means the establishment 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) does not meet the conditions for appropriate forest cover described in paragraph (1);

(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, taking into consideration species 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

(dd) animal damage.

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

(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 Secretary 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 Secretary 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 potential, resilience, job creation, and enhanced recreational opportunities.

#### (f) Report on herbicides and pesticides

The Secretary shall submit an annual report to the Congress on the amounts, types, and uses of herbicides and pesticides used in the National Forest System, including the beneficial or adverse effects of such uses.

(Pub. L. 93-378, § 3, formerly § 2, Aug. 17, 1974, 88 Stat. 476; renumbered § 3 and amended Pub. L. 94-588, §§ 2-4, Oct. 22, 1976, 90 Stat. 2949, 2950; Pub. L. 101-624, title XXIV, § 2408(a), Nov. 28, 1990, 104 Stat. 4061; Pub. L. 115-141, div. O, title II, § 208(b)(1), Mar. 23, 2018, 132 Stat. 1066; Pub. L. 117-58, div. G, title III, § 70302(a)(1)(A), Nov. 15, 2021, 135 Stat. 1258.)

### Editorial Notes

#### CODIFICATION

Subsec. (b) of this section amended section 581h of this title.

#### AMENDMENTS

2021—Subsecs. (d), (e). Pub. L. 117-58, § 70302(a)(1)(A)(ii), redesignated subsec. (d) relating to Congressional policy regarding forested land in the National Forest System as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(2). Pub. L. 117-58, § 70302(a)(1)(A)(iii)(I), in first sentence, substituted “1607 of this title, the Secretary shall, annually during each of the 10 years beginning after November 15, 2021” for “1607 of this title, the Secretary shall annually for eight years following October 22, 1976” and “10-year” for “eight-year”; in second sentence, substituted “the 10-year period” for “such eight-year period”; and, in third sentence, substituted “fiscal year 2021” for “fiscal year 1978”.

Subsec. (e)(3). Pub. L. 117-58, § 70302(a)(1)(A)(iii)(II), substituted “requirements of this subsection” for “requirements of this subsection (d)”.

Subsec. (e)(4). Pub. L. 117-58, § 70302(a)(1)(A)(iii)(III), added par. (4).

Subsec. (f). Pub. L. 117-58, § 70302(a)(1)(A)(i), redesignated subsec. (e) as (f).

2018—Subsec. (a). Pub. L. 115-141 inserted “(referred to in this subchapter as the ‘Secretary’)” after “Secretary of Agriculture” in introductory provisions.

1990—Subsec. (a)(5), (6). Pub. L. 101-624 added pars. (5) and (6).

1976—Subsecs. (c) to (e). Pub. L. 94-588, §§ 3, 4, added subsecs. (c) to (e).

### Statutory Notes and Related Subsidiaries

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsecs. (d)(1) and (e) of this section relating to submitting annual reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and pages 45 and 47 of House Document No. 103-7.

#### REPORT

Pub. L. 117-58, div. G, title III, § 70303, Nov. 15, 2021, 135 Stat. 1260, provided that: “Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], 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 title [see Short Title of 2021 Amendment note set out under section 1600 of this title], including, as a result of those amendments, the number of acres covered by reforestation projects that follow unplanned events (such as wildfires);

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

“(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).”

#### PRESIDENTIAL COMMISSION ON STATE AND PRIVATE FORESTS

Pub. L. 101-624, title XII, § 1245, Nov. 28, 1990, 104 Stat. 3548, as amended by Pub. L. 102-237, title X, § 1018(b), Dec. 13, 1991, 105 Stat. 1905, established the Commission on State and Private Forests, which was to assess the status of the State and private forest lands of the United States and report its findings and recommendations to the President by Dec. 1, 1992, and which terminated 90 days after submitting its report.

### Executive Documents

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this subchapter and system activities requiring coordination and approval under general authorities of this subchapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

**§ 1602. Renewable Resource Program; preparation by Secretary and transmittal to President; purpose and development of program; time of preparation, updating and contents**

In order to provide for periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 1010a of title 7, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), and the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. 4321 et seq.]. The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits;

(4) a detailed study of personnel requirements as needed to implement and monitor existing and ongoing programs; and

(5) Program recommendations which—

(A) evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;

(B) explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;

(C) recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;

(D) state national goals that recognize the interrelationships between and interdependence within the renewable resources;

(E) evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices; and

(F) account for the effects of global climate change on forest and rangeland conditions, including potential effects on the geographic ranges of species, and on forest and rangeland products.

(Pub. L. 93-378, §4, formerly §3, Aug. 17, 1974, 88 Stat. 477, renumbered §4 and amended Pub. L. 94-588, §§2, 5, Oct. 22, 1976, 90 Stat. 2949, 2951; Pub. L. 101-624, title XXIV, §2408(b), Nov. 28, 1990, 104 Stat. 4061; Pub. L. 115-141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

**Editorial Notes**

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in text, is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified generally to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2018—Pub. L. 115-141 substituted "Secretary" for "Secretary of Agriculture" in introductory provisions.

1990—Par. (5)(F). Pub. L. 101-624 added subpar. (F).

1976—Par. (4). Pub. L. 94-588 substituted "implement and monitor" for "satisfy".

Par. (5). Pub. L. 94-588 added par. (5).

**Executive Documents**

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1601 of this title.

**§ 1603. National Forest System resource inventories; development, maintenance, and updating by Secretary as part of Assessment**

As a part of the Assessment, the Secretary shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

(Pub. L. 93-378, §5, formerly §4, Aug. 17, 1974, 88 Stat. 477, renumbered §5, Pub. L. 94-588, §2, Oct. 22, 1976, 90 Stat. 2949; amended Pub. L. 115-141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)