

118TH CONGRESS
2D SESSION

S. 5289

To direct the Secretary of Agriculture and the Secretary of the Interior to carry out activities to provide for white oak restoration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. McCONNELL (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To direct the Secretary of Agriculture and the Secretary of the Interior to carry out activities to provide for white oak restoration, 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 “White Oak Resilience
5 Act of 2024”.

6 **SEC. 2. DEFINITION OF LAND-GRANT COLLEGE OR UNIVER-**
7 **SITY.**

8 In this Act, the term “land-grant college or univer-
9 sity” means—

1 (1) an 1862 Institution (as defined in section 2
2 of the Agricultural Research, Extension, and Edu-
3 cation Reform Act of 1998 (7 U.S.C. 7601));

4 (2) an 1890 Institution (as defined in that sec-
5 tion); and

6 (3) a 1994 Institution (as defined in section
7 532 of the Equity in Educational Land-Grant Sta-
8 tus Act of 1994 (7 U.S.C. 301 note; Public Law
9 103–382)).

10 **SEC. 3. WHITE OAK RESTORATION INITIATIVE COALITION.**

11 (a) IN GENERAL.—There is established the White
12 Oak Restoration Initiative Coalition (referred to in this
13 section as the “Coalition”)—

14 (1) as a voluntary collaborative group of public,
15 State, private, and nongovernmental organizations to
16 carry out the duties described in subsection (b); and

17 (2) in accordance with the charter entitled
18 “White Oak Initiative Coalition Charter” adopted by
19 the White Oak Initiative Board of Directors on
20 March 21, 2023 (or a successor charter).

21 (b) DUTIES.—In addition to the duties specified in
22 the charter described in subsection (a)(2), the duties of
23 the Coalition are—

1 (1) to coordinate public, State, local, private,
2 and nongovernmental restoration of white oak in the
3 United States;

4 (2) to make program and policy recommenda-
5 tions with respect to—

6 (A) changes necessary to address Federal
7 and State policies that impede activities to im-
8 prove the health, resiliency, and natural regen-
9 eration of white oak;

10 (B) adopting or modifying Federal and
11 State policies to increase the pace and scale of
12 white oak regeneration and resiliency of white
13 oak;

14 (C) options to enhance communication, co-
15 ordination, and collaboration between forest
16 land owners, particularly for cross-boundary
17 projects, to improve the health, resiliency, and
18 natural regeneration of white oak;

19 (D) research gaps that should be ad-
20 dressed to improve the best available science on
21 white oak;

22 (E) outreach to forest landowners with
23 white oak or white oak regeneration potential;
24 and

1 (F) options and policies necessary to im-
2 prove the quality and quantity of white oak in
3 tree nurseries; and

4 (3) to submit the report under subsection (c).

5 (c) REPORT.—Not later than 2 years after the date
6 of enactment of this Act, the Coalition shall submit to the
7 Committee on Agriculture, Nutrition, and Forestry of the
8 Senate and the Committee on Natural Resources and the
9 Committee on Agriculture of the House of Representatives
10 a report describing the activities of the Coalition during
11 the period beginning on the date of enactment of this Act,
12 including the recommendations described in subsection
13 (b)(2).

14 (d) ADMINISTRATIVE SUPPORT, TECHNICAL SERV-
15 ICES, AND STAFF SUPPORT.—The Secretary of the Inte-
16 rior and the Secretary of Agriculture shall make such per-
17 sonnel available to the Coalition for administrative sup-
18 port, technical services, and development and dissemina-
19 tion of educational materials as the Secretaries determine
20 to be necessary to carry out this section.

21 (e) NONAPPLICABILITY OF FEDERAL ADVISORY
22 COMMITTEE ACT.—Chapter 10 of title 5, United States
23 Code, shall not apply to the Coalition.

24 (f) PRIVATE FUNDING OF WHITE OAK RESTORATION
25 PROJECTS.—The Secretary of Agriculture may make

1 available funds to the Coalition to carry out this section
2 from funds in the accounts established pursuant to section
3 1241(f) of the Food Security Act of 1985 (16 U.S.C.
4 3841(f)).

5 **SEC. 4. FOREST SERVICE PILOT PROGRAM.**

6 (a) IN GENERAL.—The Secretary of Agriculture, act-
7 ing through the Chief of the Forest Service, shall establish
8 and carry out 5 pilot projects in national forests to restore
9 white oak in those national forests through white oak res-
10 toration and natural regeneration practices.

11 (b) NATIONAL FORESTS RESERVED OR WITHDRAWN
12 FROM THE PUBLIC DOMAIN.—At least 3 pilot projects re-
13 quired under subsection (a) shall be carried out in national
14 forests reserved or withdrawn from the public domain.

15 (c) AUTHORITY TO ENTER INTO COOPERATIVE
16 AGREEMENTS.—The Secretary of Agriculture may enter
17 into cooperative agreements to carry out the pilot projects
18 required under subsection (a).

19 **SEC. 5. DEPARTMENT OF THE INTERIOR WHITE OAK AS-**
20 **SESSMENT AND PILOT PROJECTS.**

21 (a) DEFINITIONS.—In this section:

22 (1) COVERED LAND.—The term “covered land”
23 means land under the administrative jurisdiction of
24 the Secretary, including a unit of the National Wild-
25 life Refuge System and abandoned mine land.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (b) ASSESSMENT.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall carry out an assessment of covered land to
7 evaluate—

8 (A) whether white oak is present on the
9 covered land; and

10 (B) the potential to restore white oak for-
11 ests on the covered land.

12 (2) USE OF INFORMATION.—In carrying out the
13 assessment under paragraph (1), the Secretary may
14 use information from sources other than the Depart-
15 ment of the Interior, including information from—

16 (A) the White Oak Restoration Initiative
17 Coalition established by section 3(a); and

18 (B) the Chief of the Forest Service.

19 (3) REPORT.—Not later than 180 days after
20 the date of enactment of this Act, the Secretary
21 shall submit to the appropriate committees of Con-
22 gress, and make publicly available on the website of
23 the Department of the Interior, a report describing
24 the results of the assessment carried out under para-
25 graph (1).

1 (c) PILOT PROJECTS.—

2 (1) IN GENERAL.—As soon as practicable after
3 the date on which the Secretary submits the report
4 required under subsection (b)(3), the Secretary shall
5 establish and carry out 5 pilot projects on various
6 areas of covered land, the purpose of which is to re-
7 store and naturally regenerate white oak.

8 (2) AUTHORITY TO ENTER INTO COOPERATIVE
9 AGREEMENTS.—The Secretary may enter into coop-
10 erative agreements to carry out the pilot projects re-
11 quired under paragraph (1).

12 **SEC. 6. WHITE OAK REGENERATION AND UPLAND OAK**
13 **HABITAT.**

14 (a) ESTABLISHMENT.—Not later than 180 days after
15 the date of enactment of this Act, the Secretary of Agri-
16 culture (referred to in this section as the “Secretary”)
17 shall establish a nonregulatory program to be known as
18 the “White Oak and Upland Oak Habitat Regeneration
19 Program” (referred to in this section as the “Program”).

20 (b) DUTIES.—In carrying out the Program, the Sec-
21 retary shall—

22 (1) draw upon the best available science and
23 management plans for species of white oak to iden-
24 tify, prioritize, and implement restoration and con-

1 servation activities that will improve the growth of
2 white oak within the United States;

3 (2) collaborate and coordinate with the White
4 Oak Restoration Initiative Coalition to prioritize
5 white oak restoration initiatives;

6 (3) adopt a white oak restoration strategy
7 that—

8 (A) supports the implementation of a
9 shared set of science-based restoration and con-
10 servation activities developed in accordance with
11 paragraph (1);

12 (B) targets cost-effective projects with
13 measurable results; and

14 (C) maximizes restoration outcomes with
15 no net gain of Federal full-time equivalent em-
16 ployees; and

17 (4) establish the voluntary grant and technical
18 assistance program in accordance with subsection
19 (e).

20 (c) COORDINATION.—In establishing the Program,
21 the Secretary, acting through the Chief of the Forest Serv-
22 ice, shall consult with—

23 (1) the heads of Federal agencies, including—

24 (A) the Director of the United States Fish
25 and Wildlife Service; and

1 (B) the Chief of the Natural Resources
2 Conservation Service; and

3 (2) the Governor of each State in which res-
4 toration efforts will be carried out pursuant to the
5 Program.

6 (d) PURPOSES.—The purposes of the Program in-
7 clude—

8 (1) coordinating restoration and conservation
9 activities among Federal, State, local, and Tribal en-
10 tities and conservation partners to address white oak
11 restoration priorities;

12 (2) improving and regenerating white oak and
13 upland oak forests and the wildlife habitat such for-
14 ests provide;

15 (3) carrying out coordinated restoration and
16 conservation activities that lead to the increased
17 growth of species of white oak in native white oak
18 regions on Federal, State, Tribal, and private land;

19 (4) facilitating strategic planning to maximize
20 the resilience of white oak systems and habitats
21 under changing climate conditions;

22 (5) engaging the public through outreach, edu-
23 cation, and citizen involvement to increase capacity
24 and support for coordinated restoration and con-
25 servation activities for species of white oak; and

1 (6) increasing scientific capacity to support the
2 planning, monitoring, and research activities nec-
3 essary to carry out such coordinated restoration and
4 conservation activities.

5 (e) GRANTS AND ASSISTANCE.—

6 (1) IN GENERAL.—To the extent that funds are
7 available to carry out this section, the Secretary
8 shall establish a voluntary grant and technical as-
9 sistance program (referred to in this subsection as
10 the “grant program”) to achieve the purposes of the
11 Program described in subsection (d).

12 (2) ADMINISTRATION.—

13 (A) IN GENERAL.—The Secretary shall
14 enter into a cooperative agreement with the Na-
15 tional Fish and Wildlife Foundation (referred
16 to in this subsection as the “Foundation”) to
17 manage and administer the grant program.

18 (B) FUNDING.—After the Secretary enters
19 into a cooperative agreement with the Founda-
20 tion under subparagraph (A), the Foundation
21 shall—

22 (i) for each fiscal year, receive
23 amounts to carry out this subsection in an
24 advance payment of the entire amount on

1 October 1, or as soon as practicable there-
2 after, of that fiscal year;

3 (ii) invest and reinvest such amounts
4 for the benefit of the grant program; and

5 (iii) otherwise administer the grant
6 program to support partnerships between
7 the public and private sectors in accord-
8 ance with this section.

9 (3) APPLICATION OF NATIONAL FISH AND
10 WILDLIFE FOUNDATION ESTABLISHMENT ACT.—
11 Amounts received by the Foundation to carry out
12 the grant program shall be subject to the National
13 Fish and Wildlife Foundation Establishment Act (16
14 U.S.C. 3701 et seq.), excluding section 10(a) of that
15 Act (16 U.S.C. 3709(a)).

16 **SEC. 7. WHITE OAK TREE NURSERY SHORTAGES.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary of Agri-
19 culture, acting through the Chief of the Forest Service,
20 shall develop and implement a national strategy to in-
21 crease the capacity of Federal, State, Tribal, and private
22 tree nurseries to address the nationwide shortage of white
23 oak tree seedlings.

24 (b) ELEMENTS.—The strategy required under sub-
25 section (a) shall—

1 (1) be based on the best available science and
2 data, as established by land-grant colleges and uni-
3 versities that have demonstrated—

4 (A) scientific expertise relating to white
5 oak;

6 (B) the ability to rapidly transfer tech-
7 nologies to the stove industry;

8 (C) geographic proximity to concentrated
9 areas of white oak; and

10 (D) support for regional economic develop-
11 ment; and

12 (2) identify and address—

13 (A) regional shortages of bareroot and con-
14 tainer white oak tree seedlings;

15 (B) regional white oak reforestation oppor-
16 tunities and the seedling supply necessary to
17 fulfill those opportunities;

18 (C) opportunities to enhance white oak
19 seedling diversity and close gaps in seed inven-
20 tories; and

21 (D) barriers to expanding, enhancing, or
22 creating new infrastructure to increase nursery
23 capacity for white oak tree seedlings.

1 **SEC. 8. WHITE OAK RESEARCH.**

2 (a) RESEARCH.—The Secretary of Agriculture, act-
3 ing through the Chief of the Forest Service, shall enter
4 into a memorandum of understanding with a land-grant
5 college or university to conduct research on—

6 (1) white oak genes with resistance and stress
7 tolerance;

8 (2) white oak trees that exhibit vigor for the
9 purpose of increasing survival and growth;

10 (3) establishing a diverse white oak seed bank
11 capable of responding to stressors;

12 (4) providing a sustainable supply of white oak
13 seedlings and genetic resources;

14 (5) reforestation of white oak through natural
15 and artificial regeneration; and

16 (6) the best methods for white oak reforestation
17 on abandoned mine land sites.

18 (b) CONSULTATION.—In carrying out the research
19 under subsection (a), the land-grant college or university
20 may consult with such States, nonprofit organizations, in-
21 stitutions of higher education, and other scientific bodies
22 as the land-grant college or university determines to be
23 appropriate.

24 **SEC. 9. NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.**

25 (a) PARTNERSHIPS.—

1 (1) IN GENERAL.—The Secretary of Agri-
2 culture, acting through the Director of the National
3 Institute of Food and Agriculture, shall enter into a
4 partnership with an eligible entity described in para-
5 graph (2) to conduct research on improving white
6 oak species resiliency, health, and preservation, in-
7 cluding research on—

8 (A) population-scale sequencing;

9 (B) stress response traits;

10 (C) seedling physiology and performance;

11 and

12 (D) white oak product development.

13 (2) ELIGIBLE ENTITY.—An eligible entity re-
14 ferred to in paragraph (1) is a land-grant college or
15 university that has demonstrated—

16 (A) scientific expertise relating to white
17 oak;

18 (B) the ability to rapidly transfer tech-
19 nologies to the stave industry;

20 (C) geographic proximity to concentrated
21 areas of white oak; and

22 (D) support for regional economic develop-
23 ment.

24 (b) PRIORITIES.—The Secretary of Agriculture, act-
25 ing through the Director of the National Institute of Food

1 and Agriculture, shall prioritize research relating to the
2 resistance of white oak to disease, pest, heat, and drought
3 in cultivated, new, and old-growth white oak timber
4 stands.

5 **SEC. 10. NATURAL RESOURCES CONSERVATION SERVICE**
6 **INITIATIVE.**

7 The Secretary of Agriculture, acting through the
8 Chief of the Natural Resources Conservation Service, shall
9 establish an initiative on white oak—

10 (1) to re-establish white oak forests where ap-
11 propriate;

12 (2) to improve the management of existing
13 white oak forests to foster natural regeneration of
14 white oak; and

15 (3) to provide technical assistance to private
16 landowners to re-establish, improve management of,
17 and naturally regenerate white oak.

18 **SEC. 11. AUTHORITIES.**

19 To the maximum extent practicable, to carry out ac-
20 tivities under this Act and the amendments made by this
21 Act, the Secretary of the Interior and the Secretary of Ag-
22 riculture shall use the authorities provided under this Act
23 and those amendments, in combination with authorities
24 under other provisions of law, including—

1 (1) good neighbor agreements under section
2 8206 of the Agricultural Act of 2014 (16 U.S.C.
3 2113a); and

4 (2) stewardship contracting projects under sec-
5 tion 604 of the Healthy Forests Restoration Act of
6 2003 (16 U.S.C. 6591c).

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