

**AMENDMENT TO RULES COMMITTEE PRINT 116-**

**54**

**OFFERED BY MS. HAALAND OF NEW MEXICO**

At the end of title II of division L, insert the following:

1           **Subtitle E—Reforest America**  
2                           **Grant Program**

3   **SEC. 82501. REFOREST AMERICA GRANT PROGRAM.**

4           The Cooperative Forestry Assistance Act of 1978 is  
5 amended by inserting after section 5 (16 U.S.C. 2103a)  
6 the following:

7   **“SEC. 6. REFOREST AMERICA GRANT PROGRAM.**

8           “(a) DEFINITIONS.—In this section:

9                   “(1) COMMUNITY OF COLOR.—The term ‘com-  
10 munity of color’ means, in a State, a census block  
11 group in an urban area for which the aggregate per-  
12 centage of residents who identify as Black, African-  
13 American, Asian, Pacific Islander, Hispanic, Latino,  
14 other non-White race, or linguistically isolated is—

15                           “(A) not less than 50 percent; or

16                           “(B) is significantly higher than the State  
17 average.

1           “(2) ELIGIBLE COST.—The term ‘eligible cost’  
2 means, with respect to a project of an eligible entity  
3 under the Program—

4           “(A) the cost of implementing a reforest-  
5 ation project, including by—

6           “(i) planning and designing the refor-  
7 estation activity, including considering rel-  
8 evant science;

9           “(ii) establishing tree nurseries;

10           “(iii) purchasing trees; and

11           “(iv) ecologically based site prepara-  
12 tion, including the labor and cost associ-  
13 ated with the use of machinery;

14           “(B) the cost of maintaining and moni-  
15 toring planted trees for a period of up to 3  
16 years to ensure successful establishment of the  
17 trees;

18           “(C) with respect to reforestation in an  
19 urban area under subsection (e) in a low in-  
20 come community that has an existing tree can-  
21 opy cover of not more than 20 percent, not  
22 more than 50 percent of the cost of the mainte-  
23 nance of any nearby tree canopy; and

24           “(D) any other relevant cost, as deter-  
25 mined by the Secretary.

1           “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
2           tity’ means—

3                   “(A) a State agency;

4                   “(B) a local governmental entity;

5                   “(C) an Indian Tribe; and

6                   “(D) a nonprofit organization.

7           “(4) ELIGIBLE LAND.—

8                   “(A) IN GENERAL.—The term ‘eligible  
9           land’ means—

10                   “(i) land owned in fee simple by an el-  
11           igible entity—

12                           “(I)(aa) for which, at the time of  
13                           application to the Program under sub-  
14                           section (c), the forest stocking level of  
15                           the land is less than 25 percent of re-  
16                           gional norms for forest properties  
17                           with comparable tree species and soil  
18                           characteristics; and

19                           “(bb) that is in need of active re-  
20                           forestation due to events such as—

21                                   “(AA) high intensity wild-  
22                                   fire;

23                                   “(BB) pest infestation;

24                                   “(CC) invasive species; and

1                   “(DD) drought and other  
2                   extreme weather; or

3                   “(II) that was formerly forest  
4                   land and has been abandoned or in-  
5                   completely reclaimed from mining,  
6                   commercial development, clearing for  
7                   agriculture, or other nonforest use;  
8                   and

9                   “(ii) with respect to reforestation in  
10                  an urban area under subsection (e), land  
11                  in that urban area that is owned in fee  
12                  simple by an eligible entity.

13                  “(B) EXCLUSION.—The term ‘eligible land’  
14                  does not include land on which the eligible enti-  
15                  ty conducted a timber harvest—

16                         “(i) not later than 5 years before the  
17                         date on which the eligible entity submits  
18                         an application under subsection (c); and

19                         “(ii) that resulted in a forest stocking  
20                         level described in subparagraph  
21                         (A)(i)(I)(aa).

22                  “(5) INDIAN TRIBE.—The term ‘Indian Tribe’  
23                  has the meaning given the term ‘Indian tribe’ in sec-  
24                  tion 4 of the Indian Self-Determination and Edu-  
25                  cation Assistance Act (25 U.S.C. 5304).

1           “(6) LOCAL GOVERNMENTAL ENTITY.—The  
2 term ‘local governmental entity’ means any munic-  
3 ipal government or county government with jurisdic-  
4 tion over local land use decisions.

5           “(7) LOW INCOME COMMUNITY.—The term ‘low  
6 income community’ means any census block group in  
7 an urban area in which not less than 30 percent of  
8 the population lives below the poverty line (as de-  
9 fined in section 673 of the Community Services  
10 Block Grant Act (42 U.S.C. 9902)).

11           “(8) NONPROFIT ORGANIZATION.—The term  
12 ‘nonprofit organization’ means an organization  
13 that—

14           “(A) is described in section 170(h)(3) of  
15 the Internal Revenue Code of 1986; and

16           “(B) operates in accordance with 1 or  
17 more of the purposes described in section  
18 170(h)(4)(A) of that Code.

19           “(9) PROGRAM.—The term ‘Program’ means  
20 the Reforest America Grant Program established  
21 under subsection (b)(1).

22           “(10) SECRETARY.—The term ‘Secretary’  
23 means the Secretary of Agriculture, acting through  
24 the Chief of the Forest Service.

1           “(11) URBAN AREA.—The term ‘urban area’  
2 means an area identified by the Bureau of the Cen-  
3 sus as an ‘urban area’ in the most recent census.

4           “(b) ESTABLISHMENT.—

5           “(1) IN GENERAL.—The Secretary shall estab-  
6 lish a program, to be known as the ‘Reforest Amer-  
7 ica Grant Program’, under which the Secretary shall  
8 award grants to eligible entities to conduct projects  
9 to reforest eligible land in accordance with this sec-  
10 tion.

11           “(2) REFORESTATION.—In carrying out the  
12 Program, the Secretary shall, to the maximum ex-  
13 tent practicable, award sufficient grants each year to  
14 plant—

15           “(A) 50,000,000 trees in each of calendar  
16 years 2021 and 2022;

17           “(B) 100,000,000 trees in each of calendar  
18 years 2023 and 2024;

19           “(C) 150,000,000 trees in each of calendar  
20 years 2025 and 2026; and

21           “(D) 250,000,000 trees in calendar year  
22 2027 and each calendar year thereafter.

23           “(c) APPLICATIONS.—

24           “(1) IN GENERAL.—An eligible entity that  
25 seeks to receive a grant under the Program shall

1 submit an application at such time, in such form,  
2 and containing such information as the Secretary  
3 may require, including the information described in  
4 paragraph (2), to—

5 “(A) the State forester or equivalent offi-  
6 cial of the State in which the eligible entity is  
7 located; or

8 “(B) in the case of an eligible entity that  
9 is an Indian Tribe, an official of the governing  
10 body of the Indian Tribe.

11 “(2) CONTENTS.—An application submitted  
12 under paragraph (1) shall include—

13 “(A) the reason that the forest stocking  
14 level of the land is less than 25 percent of re-  
15 gional norms for forest properties with com-  
16 parable tree species and soil characteristics, if  
17 applicable;

18 “(B) the natural, economic, and environ-  
19 mental benefits of returning the eligible land to  
20 forested condition;

21 “(C) an estimate of the annual carbon se-  
22 questration that will be achieved by the re-  
23 planted forests, using processes determined by  
24 the Secretary;

25 “(D) a reforestation plan that includes—

1 “(i) a list of expected eligible costs;

2 “(ii) a description of the site prepara-  
3 tion and the tree species to be planted;

4 “(iii) a description of the manner in  
5 which the design of the project is informed  
6 by climate change science and will enhance  
7 forest health, resilience, and biodiversity;

8 “(iv) an explanation of the manner in  
9 which the land will be maintained for 36  
10 months after planting to ensure successful  
11 establishment; and

12 “(v) an explanation of the manner in  
13 which the land will be managed later than  
14 36 months after planting, including wheth-  
15 er that management shall include a timber  
16 harvest;

17 “(E) in the case of an application for an  
18 urban reforestation project under subsection  
19 (e)—

20 “(i) a description of the manner in  
21 which the tree planting shall address dis-  
22 parities in local environmental quality,  
23 such as lower tree canopy cover; and



1                   “(ii) a description of the anticipated  
2                   community and stakeholder engagement in  
3                   the project; and

4                   “(F) any other relevant information re-  
5                   quired by the Secretary.

6                   “(3) APPLICATIONS TO SECRETARY.—Each offi-  
7                   cial that receives an application under paragraph (1)  
8                   shall submit the application to the Secretary with a  
9                   description of the application and any other relevant  
10                  information that the Secretary may require.

11                  “(d) PRIORITY.—

12                  “(1) DEFINITION OF CONNECTIVITY.—In this  
13                  subsection, the term ‘connectivity’ means the degree  
14                  to which the landscape facilitates native species  
15                  movement.

16                  “(2) PRIORITY.—In awarding grants under the  
17                  Program, the Secretary shall give priority—

18                  “(A) to projects that provide the largest  
19                  potential increase in carbon sequestration per  
20                  dollar;

21                  “(B) to projects that provide increased  
22                  habitat connectivity for wildlife;

23                  “(C) to projects under which an eligible  
24                  entity will enter into a contract or cooperative  
25                  agreement with 1 or more qualified youth or

1 conservation corps (as the term is defined in  
2 section 203 of Public Law 91–378 (commonly  
3 known as the ‘Youth Conservation Corps Act of  
4 1970’) (16 U.S.C. 1722)); and

5 “(D) in the case of urban reforestation  
6 projects under subsection (e), to projects that—

7 “(i) are located in a community of  
8 color or a low-income community;

9 “(ii) are located in a neighborhood  
10 with poor local environmental quality, in-  
11 cluding lower tree canopy cover and higher  
12 maximum daytime summer temperatures;

13 “(iii) are located in a neighborhood  
14 with high amounts of senior citizens or  
15 children;

16 “(iv) are located immediately adjacent  
17 to large numbers of residents;

18 “(v) will collaboratively engage neigh-  
19 bors and community members that will be  
20 closely affected by the tree planting in as  
21 many aspects of project development and  
22 implementation as possible; and

23 “(vi) will employ a substantial per-  
24 centage of the workforce locally, with a  
25 focus on engaging unemployed and under-

1 employed persons in communities of color  
2 and low-income communities.

3 “(e) URBAN REFORESTATION.—

4 “(1) IN GENERAL.—In carrying out the Pro-  
5 gram, the Secretary shall award sufficient grants  
6 each year to projects carried out in urban areas to  
7 plant, to the maximum extent practicable—

8 “(A) 5,000,000 trees in each of calendar  
9 years 2021 through 2023;

10 “(B) 10,000,000 trees in each of calendar  
11 years 2024 through 2027; and

12 “(C) 15,000,000 trees in calendar year  
13 2028 and each calendar year thereafter.

14 “(2) FEDERAL SHARE.—The Secretary shall  
15 award a grant to an eligible entity under the Pro-  
16 gram to conduct a reforestation project in an urban  
17 area in an amount equal to not more than 90 per-  
18 cent of the cost of reforesting the eligible land, as  
19 determined by the Secretary.

20 “(3) MATCHING REQUIREMENT.—As a condi-  
21 tion of receiving a grant described in paragraph (2),  
22 an eligible entity shall provide, in cash or through  
23 in-kind contributions from non-Federal sources,  
24 matching funds in an amount equal to not less than

1 10 percent of the cost of reforesting the eligible  
2 land, as determined by the Secretary.

3 “(f) PROHIBITED CONVERSION TO NONFOREST  
4 USE.—

5 “(1) IN GENERAL.—Subject to paragraphs (2)  
6 and (3), an eligible entity that receives a grant  
7 under the Program shall not sell or convert land  
8 that was reforested under the Program to nonforest  
9 use.

10 “(2) REIMBURSEMENT OF FUNDS.—An eligible  
11 entity that receives a grant under this Program and  
12 sells or converts land that was reforested under the  
13 Program to nonforest use shall pay to the Federal  
14 Government an amount equal to the greater of—

15 “(A) the amount of the grant; and

16 “(B) the current appraised value of timber  
17 stocks on that land.

18 “(3) LOSS OF ELIGIBILITY.—An eligible entity  
19 that receives a grant under this Program and sells  
20 or converts land that was reforested under the Pro-  
21 gram to nonforest use shall not be eligible for addi-  
22 tional grants under the Program.

23 “(g) COSTS.—

24 “(1) FEDERAL SHARE.—Unless otherwise pro-  
25 vided under this section, the Secretary shall award

1 a grant to an eligible entity under the Program in  
2 an amount equal to not more than 75 percent of the  
3 cost of reforesting the eligible land, as determined by  
4 the Secretary.

5 “(2) MATCHING REQUIREMENT.—Unless other-  
6 wise provided under this section, as a condition of  
7 receiving a grant under the Program, an eligible en-  
8 tity shall provide, in cash or through in-kind con-  
9 tributions from non-Federal sources, matching funds  
10 in an amount equal to not less than 25 percent of  
11 the cost of reforesting the eligible land, as deter-  
12 mined by the Secretary.

13 “(h) PLANTING SURVIVAL.—An eligible entity that  
14 receives a grant under the Program shall—

15 “(1) not later than 36 months after planting  
16 has been completed using the grant funds, submit to  
17 the responsible State or Tribal official, as applicable,  
18 a monitoring report that describes project implemen-  
19 tation, including the survival rate of all plantings  
20 made under the grant; and

21 “(2) if the survival rate reported in the moni-  
22 toring report under paragraph (1) is, after 36  
23 months, less than the required minimum survival  
24 rate for the geographic area in which the planting  
25 is located, as determined by a State forester or

1 equivalent State or Tribal official, as applicable, re-  
2 plant tree seedlings in a quantity equivalent to half  
3 of the original planting, using comparable means to  
4 the original planting.

5 “(i) PREVAILING WAGE REQUIREMENT.—Any con-  
6 tractor or subcontractor entering into a service contract  
7 in connection with a project under the Program shall—

8 “(1) be treated as a Federal contractor or sub-  
9 contractor for purposes of chapter 67 of title 41,  
10 United States Code (commonly known as the  
11 ‘McNamara-O’Hara Service Contract Act of 1965’);  
12 and

13 “(2) pay each class of employee employed by  
14 the contractor or subcontractor wages and fringe  
15 benefits at rates in accordance with prevailing rates  
16 for the class in the locality, or, where a collective-  
17 bargaining agreement covers the employee, in ac-  
18 cordance with the rates provided for in the agree-  
19 ment, including prospective wage increases provided  
20 for in the agreement.

21 “(j) REPORT.—The Secretary shall annually submit  
22 to the relevant committees of Congress a report that de-  
23 scribes the activities of the Program, including the total  
24 amount of carbon sequestered by replanted forests during  
25 the year covered by the report.

1 “(k) FUNDING.—

2 “(1) IN GENERAL.—Of the funds of the Refor-  
3 estation Trust Fund established under section 303  
4 of Public Law 96–451 (16 U.S.C. 1606a), the Sec-  
5 retary shall use such sums as are necessary to carry  
6 out the Program.

7 “(2) ADMINISTRATIVE COSTS AND TECHNICAL  
8 ASSISTANCE.—Of the funds used under paragraph  
9 (1), the Secretary shall allocate not more than 10  
10 percent for each fiscal year to State foresters or  
11 equivalent officials, including equivalent officials of  
12 Indian Tribes, for administrative costs and technical  
13 assistance under the Program.”.

