



Foreign Assistance Act Sections 118 and 119 Tropical Forests and Biodiversity Analysis

A Mandatory Reference for ADS Chapter 201

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Purpose

The purpose of this mandatory reference is to provide guidance on the [Foreign Assistance Act \(FAA\) Sections 118 and 119, Tropical Forest and Biodiversity Analysis](#) (hereafter referred to as the “analysis”) and the U.S. Agency for International Development’s (USAID) procedures for meeting the legislative requirement. The analysis is required in preparation for “each country development strategy statement or other country plan,” which currently includes country development cooperation strategies (CDCS) and strategic frameworks for limited presence countries. USAID policy also extends FAA 118/119 analyses to regional development cooperation strategies (RDCS). RDCS and CDCS are referred to collectively as R/CDCS in this document and the requirements listed in this document apply equally to strategic frameworks and other such country development strategy statements.

Through Section 118, Congress recognized the importance of forests and tree cover to developing countries. Congress showed particular concern about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Similarly, in Section 119, Congress found that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. These sections place a high priority on conservation and sustainable management of tropical forests and biodiversity as an important objective of U.S. development assistance. These sections require that each country strategy statement or other country plan prepared by USAID include an analysis of the actions needed to conserve biodiversity and support the sustainable management of tropical forests and the extent to which USAID addresses the actions identified.

To ensure that an R/CDCS is grounded in evidence and informed by strategic analyses and to comply with the requirements of the legislation and the USAID Program Cycle Operational Policy ([ADS 201, Program Cycle Operational Policy](#) and [ADS 201mag, Process for Developing and Approving a Country Development Cooperation Strategy \(CDCS\)](#)), Missions:

- Should initiate the analysis prior to or at the launch of Phase One, the Initial Consultations and Parameter-Setting of the R/CDCS process;
- Must describe in the analysis the actions necessary to achieve conservation and sustainable management of tropical forests and biodiversity, and the extent to which the actions necessary are supported by current or proposed USAID programming;
- Must complete the analysis prior to completion of Phase Two, Development of a Results Framework (RF);

- Must list the analysis in the relevant “Evidence Sources” sections of the RF Matrix and, as applicable, in other locations in the RF Summary Paper and Matrix and final R/CDCS; and
- Should ensure proper review, approval, and submission of the analysis.

Further information on these requirements is provided below and in the [FAA Sections 118/119, Tropical Forest and Biodiversity Analysis Best Practice Guide](#), which provides detailed guidance on how to prepare and use an FAA 118/119 analysis.

Box 1: Does the FAA 118/119 analysis apply to my Mission?

Yes, the analysis applies to all USAID Missions preparing regional/country strategies. However, countries outside the tropics (north of the Tropic of Cancer and south of the Tropic of Capricorn) only do an FAA 119 analysis and address forests as part of the biodiversity analysis.

Sections 118 and 119 of the [Foreign Assistance Act \(FAA\)](#)

The FAA of 1961, as amended in 1986, included the addition of Sections 118 and 119 and placed greater emphasis on tropical forest and endangered species conservation in U.S. foreign assistance. The FAA 118/119 Tropical Forest and Biodiversity Analysis is a mandatory strategy-level analysis that responds to the following legislative language:

- a. FAA Sec 118 (e) Country Analysis Requirements: Each country development strategy statement or other country plan prepared by USAID must include an analysis of:
 - 1) The actions necessary in that country to achieve conservation and sustainable management of tropical forests; and
 - 2) The extent to which the actions proposed for support by the Agency meet the needs identified.

- b. FAA Sec 119 (d) Country Analysis Requirements: Each country development strategy statement or other country plan prepared by USAID must include an analysis of:
 - 1) The actions necessary in that country to conserve biological diversity; and
 - 2) The extent to which the actions proposed for support by the Agency meet the needs identified.

As noted above, USAID policy also extends FAA 118/119 analyses to regional strategies and RDCSs. Thus, Regional Missions must also assess the actions necessary to conserve and sustainably manage tropical forests and biodiversity in their region, and the extent to which actions proposed by USAID address those needs. Regional analyses should be high-level and examine relevant transboundary biodiversity and forestry issues. The analysis must include all countries covered by the Regional Mission, including non-presence countries. Regional analyses are important opportunities to examine regional political and economic trends or conditions that affect biodiversity and provide insights and recommendations on how biodiversity conservation can be supported at a regional scale.

Box 2: How does the FAA 118/119 analysis differ from an Environmental Threats and Opportunities Assessment (ETOA)?

The ETOA covers a broader scope than is mandated by FAA 118/119. The ETOA emerged, in part, when countries, particularly in Africa, saw a lack of country-specific information as an obstacle to environment programming. As a result, Missions opted to broaden the FAA 118/119 analysis into an ETOA. The ETOA describes the environment—beyond the narrow focus of biodiversity and tropical forests—and covers air quality, water provision and urban issues, among other environmental topics. The [FAA 118/119 Analysis Best Practices Guide](#) provides recommendations for developing a more focused and compliant FAA 118/119 analysis.

Timeline for the Analysis

The analysis process, on average, can take anywhere from five to seven months depending on the amount of time needed to develop the scope of work, contract the analysis (if applicable), conduct in-country consultations and site-based visits (if applicable and feasible), and review, revise, and finalize the report.

- The analysis should be initiated prior to or at the launch of Phase One, the Initial Consultations and Parameter-Setting of the R/CDCS process, at the same time as other background assessments and analyses.
- Regardless of when the process is launched, the analysis findings must be available to be used in Phase Two - Development of a Results Framework, and must be finalized, with all data collected and synthesized into a report, prior to the end of Phase Two - Development of a Results Framework.

Reflecting the Analysis and Analysis Findings R/CDCS Process

Phase One

The Mission must reflect the status and timeline for completion of the 118/119 analysis on the relevant slide in the Concept Presentation slide deck. Additionally, and as applicable, the Mission should highlight linkages to tropical forests and biodiversity conservation in relevant parts of the presentation.

Phase Two

As relevant by Intermediate Result (IR), the Mission must list the 118/119 analysis in the relevant “Evidence Sources” sections of the Results Framework Matrix. Additionally, and as applicable, the Mission should reference evidence from the analysis throughout the Results Framework Summary Paper and Matrices in sections such as the High Level Summary of Country Context, Rationale for Development Objectives (DOs) and IRs, and Development Hypothesis Narratives.

Phase Three

As relevant, the Mission should use footnotes to reference evidence from the analysis throughout the R/CDCS in sections such as the Country Context, Strategic Approach, and relevant DO/IR narratives in the Results Framework section.

Box 3: My Mission does not fund environment programming. Do we need to reflect the FAA 118/119 analysis in our results framework paper and/or R/CDCS?

Yes, the FAA 118/119 analysis is designed to provide information that improves strategic planning for all Missions, even those that do not receive biodiversity funding or have environment programming. It should be referenced by all Missions, regardless of their portfolio (Note: Missions that are not in the tropics will only conduct and reference the FAA 119 analysis as per box 1).

The [USAID Biodiversity Policy](#) and [Environmental and Natural Resource Management \(ENRM\) Framework](#) serve as Agency-wide guiding documents to ensure sound stewardship of natural resources both through environment programming and programming across sectors. The FAA 118/119 analysis is a key point in the program cycle to highlight the critical linkages among biodiversity conservation, natural resource management, and development goals such as economic growth, food security, human health, climate adaptation and mitigation, and resilience to recurrent crises.

Role of the Mission, Regional Bureau, and Pillar Bureau Staff

Mission

The program office has overall responsibility for ensuring that the analysis is timed correctly to be integrated into a Mission's R/CDCS. In addition to ensuring that the analysis is initiated at the recommended time, the program office will also support the budgeting, funding, and procuring of the analysis. Analyses can be carried out internally, by contractors, or a combination of both. If conducted by contractors, the cost of an analysis can vary depending on the scope of work and/or the country/regional context. All analyses should be supported by cross-cutting Mission funds, not solely by environment funds. The analysis report will identify cross-sectoral actions that support tropical forest and biodiversity conservation and other development sector objectives and has a role in informing the R/CDCS results framework whether or not the Mission receives biodiversity funding. The program office is responsible for submitting the final report as per the submission requirements in Section 3 below. The program office should maintain the official electronic analysis report for the Mission and load the final public version onto the Development Experience Clearinghouse (DEC) website.

The Mission-designated analysis activity manager plays a leadership role from the start by developing the scope of work, to the finish, when incorporating the recommendations into the R/CDCS and beyond. The activity manager does not need to be an environment specialist since the report will be relevant to all Mission sectors.

Environment staff may not always have a lead role in conducting the analysis but where a Mission has an environment technical team, they should provide substantive technical input to or conduct the analysis.

Regional Bureaus

The Regional Bureau technical office directors or team leads should designate a technical expert in USAID/Washington to serve as a point person for assistance with the analysis. The technical expert will ensure that the Missions receive Washington support throughout the process and that analysis reports are consistent and compliant with the legislative intent. Regional Bureau technical experts will provide input and technical approval on the scope of work, review the draft analysis report, and provide technical approval on the final analysis report. Scope of work support may include informing Missions about options for conducting the analysis (both internal and external) and suggesting Washington and in-country consultations to collect information for the analysis report.

Bureau for Development, Democracy, and Innovation, Agency Environmental Coordinator's Office or Pillar Bureaus

As needed, the Bureau for Development, Democracy, and Innovation's (DDI) Center for Environment, Energy, and Infrastructure, the Agency Environmental Coordinator's Office, and the respective regional environment advisors will be engaged in the analysis process to provide technical input. If requested by Regional Bureaus, staff from these offices will suggest options for conducting the analysis, provide technical

input on scopes of work, recommend Washington or in-country consultations, comment on report drafts, and engage in the R/CDCS process, where relevant.

Approval and Submission of the Analysis Report

In addition to clearances required by the Mission, the report should receive technical approval from the appointed Regional Bureau technical expert.

Missions should submit the final analysis to their corresponding Regional Bureau (designated technical expert, BEO and/or R/CDCS coordinator in the program office), and a public version should be uploaded to the Development Experience Clearinghouse (DEC). Once uploaded to the DEC, Missions should submit the DEC link to FAB@usaid.gov and environmentalcompliancesupport@usaid.gov. Missions may also want to post analysis reports on their websites.

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