

111TH CONGRESS
1ST SESSION

H. R. 4206

To authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2009

Mr. MEEK of Florida (for himself and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, 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 “Haiti Reforestation
5 Act of 2009”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the established policy of the Federal Gov-
2 ernment is to support and seek protection of tropical
3 forests around the world;

4 (2) tropical forests provide a wide range of ben-
5 efits by—

6 (A) harboring a major portion of the bio-
7 logical and terrestrial resources of Earth and
8 providing habitats for an estimated 10,000,000
9 to 30,000,000 plant and animal species, includ-
10 ing species essential to medical research and
11 agricultural productivity;

12 (B) playing a critical role as carbon sinks
13 that reduce greenhouse gases in the atmos-
14 phere, as 1 hectare of tropical forest can absorb
15 up to approximately 3 tons of carbon dioxide
16 per year, thus moderating potential global cli-
17 mate change; and

18 (C) regulating hydrological cycles upon
19 which agricultural and coastal resources de-
20 pend;

21 (3) tropical forests are also a key factor in re-
22 ducing rates of soil loss, particularly on hilly terrain;

23 (4) while international efforts to stem the tide
24 of tropical deforestation have accelerated during the

1 past 2 decades, the rapid rate of tropical deforest-
2 ation continues unabated;

3 (5) in 1923, over 60 percent of the land of
4 Haiti was forested but, by 2006, that percentage
5 had decreased to less than 2 percent;

6 (6) during the period beginning in 2000 and
7 ending in 2005, the deforestation rate in Haiti accel-
8 erated by more than 20 percent over the deforest-
9 ation rate in Haiti during the period beginning in
10 1990 and ending in 1999;

11 (7) as a result, during the period described in
12 paragraph (6), Haiti lost—

13 (A) nearly 10 percent (approximately
14 11,000 hectares) of the forest cover of Haiti;
15 and

16 (B) approximately 22 percent of the total
17 forest and woodland habitat of Haiti;

18 (8) poverty and economic pressures are—

19 (A) two factors that underlie the tropical
20 deforestation of Haiti; and

21 (B) manifested particularly through the
22 clearing of vast areas of forest for conversion to
23 agricultural uses;

24 (9) the unemployment rate of Haiti is approxi-
25 mately 80 percent;

1 (10) the per capita income of Haiti is \$450 per
2 year, which is barely one-tenth of the per capita in-
3 come of Latin America and the Caribbean;

4 (11) two-thirds of the population of Haiti de-
5 pend on the agricultural sector, which consists main-
6 ly of small-scale subsistence farming;

7 (12) 60 percent of the population of Haiti relies
8 on charcoal produced from cutting down trees for
9 cooking fuel;

10 (13) soil erosion represents the most direct ef-
11 fect of the deforestation of Haiti, as the erosion
12 has—

13 (A) lowered the productivity of the land
14 due to the poor soils underlying the tropical for-
15 ests;

16 (B) worsened the severity of droughts;

17 (C) led to further deforestation;

18 (D) significantly decreased the quality and,
19 as a result, quantity of freshwater and clean
20 drinking water available to the population of
21 Haiti; and

22 (E) increased the pressure on the remain-
23 ing land and trees in Haiti;

1 (14) tropical forests provide forest cover to soft-
2 en the effect of heavy rains and reduce erosion by
3 anchoring the soil with their roots;

4 (15) when trees are cleared, rainfall runs off
5 the soil more quickly and contributes to floods and
6 further erosion;

7 (16) in 2004, Hurricane Jeanne struck Haiti,
8 killing approximately 3,000, and affecting over
9 200,000, people, partly because deforestation had re-
10 sulted in the clearing of large hillsides, which en-
11 abled rainwater to run off directly to settlements lo-
12 cated at the bottom of the slopes;

13 (17) research conducted by the United Nations
14 Environmental Programme has revealed a direct (89
15 percent) correlation between the extent of the defor-
16 estation of a country and the incidence of victims
17 per weather event in the country;

18 (18) finding economic benefits for local commu-
19 nities from sustainable uses of tropical forests is
20 critical for the long-term protection of the tropical
21 forests in Haiti; and

22 (19) tropical reforestation efforts would provide
23 new sources of jobs, income, and investments in
24 Haiti by—

(A) providing employment opportunities in tree seedling programs, contract tree planting and management, sustainable agricultural initiatives, sustainable and managed timber harvesting, and wood products milling and finishing services; and

(B) enhancing community enterprises that generate income through the trading of sustainable forest resources, many of which exist on small scales in Haiti and in the rest of the region.

(b) PURPOSE.—The purpose of this Act is to provide assistance to the Government of Haiti to develop and implement, or improve, nationally appropriate policies and actions—

(1) to reduce deforestation and forest degradation in Haiti; and

(2) to increase annual rates of afforestation and reforestation in a measurable, reportable, and verifiable manner—

(A) to eliminate within 5 years after the date of enactment of this Act any further net deforestation of Haiti; and

(B) to restore within 30 years after the date of enactment of this Act the forest cover

1 of Haiti to the surface area that the forest
2 cover had occupied in 1990.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the United
7 States Agency for International Development.

8 (2) AFFORESTATION.—

9 (A) IN GENERAL.—The term
10 “afforestation”—

11 (i) means the establishment of a new
12 forest through the seeding of, or planting
13 of trees on, a parcel of nonforested land;
14 and

15 (ii) includes the seeding of, or plant-
16 ing of crops (other than trees), such as
17 jatropha or vetiver plants, on a parcel of
18 nonforested land for soil stabilization pur-
19 poses.

20 (B) INCLUSION.—The term “afforestation”
21 includes the introduction of a tree species to a
22 parcel of nonforested land of which the species
23 is not a native species.

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of Agriculture.

1 **TITLE I—FORESTATION ASSIST-**
2 **ANCE TO GOVERNMENT OF**
3 **HAITI**

4 **SEC. 101. FORESTATION ASSISTANCE.**

5 (a) AUTHORITY OF SECRETARY.—

6 (1) IN GENERAL.—In accordance with para-
7 graph (2), the Secretary, in consultation with the
8 Administrator, may offer to enter into agreements
9 with the Government of Haiti to provide financial
10 assistance, technology transfers, or capacity building
11 assistance for the conduct of activities to develop
12 and implement 1 or more forestation proposals
13 under paragraph (2)—

14 (A) to reduce the deforestation of Haiti;
15 and

16 (B) to increase the rates of afforestation
17 and reforestation in Haiti.

18 (2) PROPOSALS.—

19 (A) IN GENERAL.—To be eligible for as-
20 sistance under paragraph (1), the Government
21 of Haiti shall submit to the Secretary 1 or more
22 proposals that contain—

23 (i) a description of each policy and
24 initiative to be carried out using the assist-
25 ance; and

1 (ii) adequate documentation to ensure,
2 as determined by the Secretary, that—

3 (I) each policy and initiative will
4 be—

5 (aa) carried out and man-
6 aged in accordance with widely
7 accepted environmentally sustain-
8 able forestry and agricultural
9 practices; and

10 (bb) designed and imple-
11 mented in a manner by which to
12 improve the governance of forests
13 by building governmental capac-
14 ity to be more transparent, inclu-
15 sive, accountable, and coordi-
16 nated in decisionmaking proc-
17 esses and the implementation of
18 the policy or initiative; and

19 (II) each policy and initiative will
20 be designed and implemented—

21 (aa) to prevent violations of
22 human rights and the rights of
23 local communities and indigenous
24 people;

1 (bb) to prevent harm to vul-
2 nerable social groups; and

3 (cc) to ensure that members
4 of local communities and indige-
5 nous people in affected areas, as
6 partners and primary stake-
7 holders, will be engaged in the
8 design, planning, implementation,
9 monitoring, and evaluation of the
10 policies and initiatives.

11 (B) DETERMINATION OF COMPATIBILITY
12 WITH CERTAIN PROGRAMS.—In evaluating each
13 proposal under subparagraph (A), the Secretary
14 shall ensure that each policy and initiative de-
15 scribed in the proposal submitted by the Gov-
16 ernment of Haiti under that subparagraph is
17 compatible with—

18 (i) broader development, poverty alle-
19 viation, and natural resource conservation
20 objectives and initiatives in Haiti; and

21 (ii) the development, poverty allevi-
22 ation, disaster risk management, and cli-
23 mate resilience programs of the Depart-
24 ment of Agriculture.

1 (b) ELIGIBLE ACTIVITIES.—Any assistance received
2 by the Government of Haiti under subsection (a)(1) shall
3 be used to implement a proposal developed under sub-
4 section (a)(2), which may include—

5 (1) the provision of technologies and associated
6 support for activities to reduce deforestation or in-
7 crease afforestation and reforestation rates, includ-
8 ing—

9 (A) fire reduction initiatives;

10 (B) forest law enforcement initiatives;

11 (C) the development of timber tracking
12 systems;

13 (D) the development of cooking fuel sub-
14 stitutes;

15 (E) initiatives to increase agricultural pro-
16 ductivity;

17 (F) tree-planting initiatives;

18 (G) programs that are designed to focus on
19 market-based solutions, including programs
20 that leverage the international carbon-offset
21 market; and

22 (H) planting of crops to produce biofuels;

23 (2) the enhancement and expansion of govern-
24 mental and nongovernmental institutional capacity
25 to effectively design and implement a proposal devel-

1 oped under subsection (a)(2) through initiatives, in-
2 cluding—

3 (A) the establishment of transparent, ac-
4 countable, and inclusive decisionmaking proc-
5 esses relating to all stakeholders (including af-
6 fected local communities);

7 (B) the promotion of enhanced coordina-
8 tion among ministries and agencies responsible
9 for agroecological zoning, mapping, land plan-
10 ning and permitting, sustainable agriculture,
11 forestry, and law enforcement; and

12 (C) the clarification of land tenure and re-
13 source rights of affected communities, including
14 local communities and indigenous peoples; and

15 (3) the development and support of institutional
16 capacity to measure, verify, and report the activities
17 carried out by the Government of Haiti to reduce de-
18 forestation and increase afforestation and reforest-
19 ation rates through the use of appropriate methods,
20 including—

21 (A) the use of best practices and tech-
22 nologies to monitor any change in the forest
23 cover of Haiti;

24 (B) the monitoring of the impacts of poli-
25 cies and initiatives on—

- 1 (i) affected communities;
2 (ii) the biodiversity of the environment
3 of Haiti; and
4 (iii) the health of the tropical forests
5 of Haiti; and
6 (C) independent and participatory forest
7 monitoring.

8 (c) DEVELOPMENT OF PERFORMANCE METRICS.—

9 (1) IN GENERAL.—If the Secretary provides as-
10 sistance under subsection (a)(1), in accordance with
11 paragraph (2), the Secretary, in cooperation with
12 the Government of Haiti and, if necessary, in con-
13 sultation with the Administrator, shall develop ap-
14 propriate performance metrics to measure, verify,
15 and report—

16 (A) the conduct of each policy and initia-
17 tive to be carried out by the Government of
18 Haiti;

19 (B) the results of each policy and initiative
20 with respect to the tropical forests of Haiti; and

21 (C) each impact of each policy and initia-
22 tive on the local communities and indigenous
23 people of Haiti.

24 (2) REQUIREMENTS.—Performance metrics de-
25 veloped under paragraph (1) shall, to the maximum

1 extent practicable, include short-term and long-term
2 metrics to evaluate the implementation of each pol-
3 icy and initiative contained in each proposal devel-
4 oped under subsection (a)(2).

5 (d) REPORTS.—

6 (1) INITIAL REPORT.—Not later than 18
7 months after the date of enactment of this Act, the
8 Secretary shall submit to the appropriate committees
9 of Congress a report that describes the actions that
10 the Secretary has taken, and plans to take—

11 (A) to engage with the Government of
12 Haiti, nongovernmental stakeholders, and pub-
13 lic and private nonprofit organizations to imple-
14 ment this section; and

15 (B) to enter into agreements with the Gov-
16 ernment of Haiti under subsection (a)(1).

17 (2) BIENNIAL REPORTS.—Not later than 2
18 years after the date on which the Secretary first pro-
19 vides assistance to the Government of Haiti under
20 subsection (a)(1) and biennially thereafter, the Sec-
21 retary shall submit to Congress a report that de-
22 scribes the progress of the Government of Haiti in
23 implementing each policy and initiative contained in
24 the proposal submitted under subsection (a)(2).

1 (e) ADDITIONAL ASSISTANCE.—The Secretary may
2 provide financial and other assistance to nongovernmental
3 stakeholders to ensure—

4 (1) the access by local communities and indige-
5 nous people to information relating to each policy
6 and initiative to be carried out by the Government
7 of Haiti through funds made available under sub-
8 section (a)(1); and

9 (2) that the groups described in paragraph (1)
10 have an appropriate opportunity to participate effec-
11 tively in the design, implementation, and inde-
12 pendent monitoring of each policy and initiative.

13 (f) NONGOVERNMENTAL ORGANIZATION.—At the
14 election of the Government of Haiti, or on the determina-
15 tion of the Secretary, in cooperation with the Government
16 of Haiti, the Government of Haiti may enter into an
17 agreement with a private, nongovernmental conservation
18 organization authorizing the organization to act on behalf
19 of the Government of Haiti for the purposes of this sec-
20 tion.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out this section.

TITLE II—GRANTS FOR REFORESTATION

SEC. 201. REFORESTATION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Administrator, shall establish a grant program to carry out the purposes of this Act, including reversing deforestation and improving reforestation and afforestation in Haiti.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants and contracts to public and private nonprofit organizations to carry out projects that, in the aggregate, reverse deforestation and improve reforestation and afforestation.

(2) MAXIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not award a grant under this section in an amount greater than \$1,000,000 per year.

(B) EXCEPTION.—The Secretary may award a grant under this section in an amount greater than \$1,000,000 per year if the Secretary determines that the recipient of the grant has demonstrated success with respect to

1 a project that was the subject of a grant under
2 this section.

3 (3) DURATION.—The Secretary shall award
4 grants under this section for a period not to exceed
5 3 years.

6 (c) USE OF FUNDS.—

7 (1) IN GENERAL.—Grants awarded pursuant to
8 subsection (b) may be used for activities such as—

9 (A) providing a financial incentive to pro-
10 tect trees;

11 (B) providing hands-on management and
12 oversight of replanting efforts;

13 (C) focusing on sustainable income-gener-
14 ating growth;

15 (D) providing seed money to start coopera-
16 tive reforestation and afforestation efforts and
17 providing subsequent conditional funding for
18 such efforts contingent upon required tree care
19 and maintenance activities;

20 (E) promoting widespread use of improved
21 cooking stove technologies and the development
22 of liquid biofuels, to the extent that neither re-
23 sults in the harvesting of tropical forest growth;
24 and

1 (F) securing the involvement and commit-
2 ment of local communities and indigenous peo-
3 ples—

4 (i) to protect tropical forests in exist-
5 ence as of the date of enactment of this
6 Act; and

7 (ii) to carry out afforestation and re-
8 forestation activities.

9 (2) CONSISTENCY WITH PROPOSALS.—To the
10 maximum extent practicable, a project carried out
11 using grant funds shall support and be consistent
12 with the proposal developed under section 101(a)(2)
13 that is the subject of the project.

14 (d) APPLICATION.—

15 (1) IN GENERAL.—To be eligible for a grant
16 under this section, an entity shall prepare and sub-
17 mit an application at such time, in such manner,
18 and containing such information as the Secretary
19 may reasonably require.

20 (2) CONTENT.—Each application submitted
21 under paragraph (1) shall include—

22 (A) a description of the objectives to be at-
23 tained;

24 (B) a description of the manner in which
25 the grant funds will be used;

1 (C) a plan for evaluating the success of the
2 project based on verifiable evidence; and

3 (D) to the extent that the applicant in-
4 tends to use nonnative species in afforestation
5 efforts, an explanation of the benefit of the use
6 of nonnative species over native species.

7 (3) PREFERENCE FOR CERTAIN PROJECTS.—In
8 awarding grants under this section, the Secretary
9 shall give preference to applicants that propose—

10 (A) to develop market-based solutions to
11 the difficulty of reforestation in Haiti, including
12 the use of conditional cash transfers and similar
13 financial incentives to protect reforestation ef-
14 forts;

15 (B) to partner with local communities and
16 cooperatives; and

17 (C) to focus on efforts that build local ca-
18 pacity to sustain growth after the completion of
19 the underlying grant project.

20 (e) DISSEMINATION OF INFORMATION.—The Sec-
21 retary shall collect and widely disseminate information
22 about the effectiveness of the demonstration projects as-
23 sisted under this section.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

4 **SEC. 202. FOREST PROTECTION GRANTS.**

5 Chapter 7 of part I of the Foreign Assistance Act
6 of 1961 (22 U.S.C. 2281 et seq.) is amended by inserting
7 after section 466 the following new section:

8 **“SEC. 467. PILOT PROGRAM FOR HAITI.**

9 “(a) SUBMISSION OF LIST OF AREAS OF SEVERELY
10 DEGRADED NATURAL RESOURCES.—The Administrator
11 of the Agency for International Development, in coopera-
12 tion with nongovernmental conservation organizations,
13 shall invite the Government of Haiti to submit a list of
14 areas within the territory of Haiti in which tropical forests
15 are seriously degraded or threatened.

16 “(b) REVIEW OF LIST.—The Administrator shall as-
17 sess the list submitted by the Government of Haiti under
18 subsection (a) and shall seek to reach agreement with the
19 Government of Haiti for the restoration and future sus-
20 tainable use of those areas.

21 “(c) GRANT PROGRAM.—

22 “(1) GRANTS AUTHORIZED.—The Adminis-
23 trator of the Agency for International Development
24 is authorized to make grants, in consultation with
25 the International Forestry Division of the Depart-

1 ment of Agriculture and on such terms and condi-
2 tions as may be necessary, to nongovernmental orga-
3 nizations for the purchase on the open market of
4 discounted commercial debt of the Government of
5 Haiti in exchange for commitments by the Govern-
6 ment of Haiti to restore tropical forests identified by
7 the Government under subsection (a) or for commit-
8 ments to develop plans for sustainable use of such
9 tropical forests.

10 “(2) MANAGEMENT OF PROTECTED AREAS.—
11 Each recipient of a grant under this subsection shall
12 participate in the ongoing management of the area
13 or areas protected pursuant to such grant.

14 “(3) RETENTION OF PROCEEDS.—Notwith-
15 standing any other provision of law, a grantee (or
16 any subgrantee) of the grants referred to in section
17 (a) may retain, without deposit in the Treasury of
18 the United States and without further appropriation
19 by Congress, interest earned on the proceeds of any
20 resulting debt-for-nature exchange pending the dis-
21 bursements of such proceeds and interest for ap-
22 proved program purposes, which may include the es-
23 tablishment of an endowment, the income of which
24 is used for such purposes.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.”.

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