

111TH CONGRESS
2D SESSION

H. R. 4961

To provide for the establishment of the Haitian-American Enterprise Fund.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2010

Ms. CLARKE (for herself, Mr. MEEKS of New York, Ms. FUDGE, and Mr. MEEK of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for the establishment of the Haitian-American
Enterprise Fund.

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 “Haitian Private Sector
5 Encouragement Act of 2010”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to promote—

8 (1) development of the Haitian private sector,
9 including small business, the agriculture sector, and

1 joint ventures with the United States and host coun-
2 try participants, and

3 (2) policies and practices conducive to private
4 sector development in Haiti,
5 through loans, grants, equity investments, feasibility stud-
6 ies, technical assistance, training, insurance, guarantees,
7 and other measures.

8 **SEC. 3. DESIGNATION OF HAITIAN-AMERICAN ENTERPRISE**
9 **FUND.**

10 (a) DESIGNATION.—The President is authorized to
11 designate one private, nonprofit organization established
12 under State law as eligible to receive funds and support
13 under this Act upon a determination by the President that
14 the organization has been established for the purposes de-
15 scribed in section 2. For purposes of this Act, the organi-
16 zation so designated shall be referred to as the “Haitian-
17 American Enterprise Fund”.

18 (b) CONSULTATION WITH CONGRESS.—Before desig-
19 nating an organization under subsection (a), the President
20 shall consult with—

21 (1) the majority leader and minority leader of
22 the Senate; and

23 (2) the Speaker and minority leader of the
24 House of Representatives.

1 (c) ADDITIONAL REQUIREMENTS.—Except to the ex-
2 tent inconsistent with the provisions of this Act, para-
3 graphs (3) through (5) of section 201(d) of the Support
4 for East European Democracy (SEED) Act of 1989 (22
5 U.S.C. 5421(d)) shall apply to the Haitian-American En-
6 terprise Fund to the same extent and in the same manner
7 as such paragraphs apply to the Polish-American Enter-
8 prise Fund, the Hungarian-American Enterprise Fund,
9 the Southern Africa Enterprise Development Fund, and
10 other similarly situated enterprise funds established by the
11 United States Government.

12 **SEC. 4. GRANT TO HAITIAN-AMERICAN ENTERPRISE FUND.**

13 (a) IN GENERAL.—The President, acting through the
14 Administrator of the United States Agency for Inter-
15 national Development, shall, from amounts appropriated
16 pursuant to the authorization of appropriations under sec-
17 tion 7, provide a grant to the Haitian-American Enter-
18 prise Fund, which shall be used to—

19 (1) carry out the purposes described in section
20 2, including to promote the policies and practices de-
21 scribed in subsection (b); and

22 (2) pay the administrative expenses of the En-
23 terprise Fund.

24 (b) POLICIES AND PRACTICES.—The policies and
25 practices referred to in subsection (a)(1) are policies and

1 practices conducive to the development of private property
 2 rights for the citizens of Haiti, particularly Haitian citi-
 3 zens of limited economic means, through integration of ex-
 4 tralegal property arrangements employed by some Haitian
 5 citizens into comprehensive modern property recordation
 6 systems that fix the economic potential of assets, integrate
 7 disperse ownership information into one system, hold citi-
 8 zens accountable, make assets fungible, connect citizens
 9 to one another, and protect the integrity of commercial
 10 transactions.

11 (c) OVERSIGHT.—The Administrator of the United
 12 States Agency for International Development shall mon-
 13 itor the activities of the Haitian-American Enterprise
 14 Fund.

15 **SEC. 5. TREATMENT EQUIVALENT TO OTHER ENTERPRISE**
 16 **FUNDS; CONSULTATION WITH OTHER ENTER-**
 17 **PRISE FUNDS.**

18 (a) IN GENERAL.—Except to the extent inconsistent
 19 with the provisions of this Act, subsections (f) through (p)
 20 of section 201 of the Support for East European Democ-
 21 racy (SEED) Act of 1989 (22 U.S.C. 5421) shall apply
 22 to the Haitian-American Enterprise Fund to the same ex-
 23 tent and in the same manner as such subsections apply
 24 to the Polish-American Enterprise Fund, the Hungarian-
 25 American Enterprise Fund, the Southern Africa Enter-

prise Development Fund, and other similarly situated enterprise funds established by the United States Government.

(b) CONSULTATION WITH OTHER ENTERPRISE FUNDS.—The Haitian-American Enterprise Fund may consult extensively with other similarly situated enterprise funds established by the United States Government in order to seek out best practices relating to the start-up phase and other ongoing business matters of the Enterprise Fund.

SEC. 6. HAITIAN-AMERICAN ECONOMIC OVERSIGHT PANEL.

(a) ESTABLISHMENT.—The President is authorized to establish the Haitian-American Economic Oversight Panel (in this section referred to as the “Oversight Panel”).

(b) DUTIES.—The Oversight Panel shall monitor the activities of the Haitian-American Enterprise Fund and all other economic development initiatives of the United States for Haiti.

(c) MEMBERSHIP.—The Oversight Panel shall consist of individuals appointed by the President after consultation with Congress, from among United States citizens who are not officers or employees of any government and who have demonstrated concern and commitment to the economic development of Haiti.

1 (d) REPORT.—The Oversight Panel shall submit to
2 Congress and the President an annual report on imple-
3 mentation of the Oversight Panel’s duties for the pre-
4 ceding year, including a detailed description of incidents
5 of waste, fraud, and abuse relating to economic develop-
6 ment initiatives of the United States for Haiti.

7 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect the authorities of the Hai-
9 tian-American Enterprise Fund.

10 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to the President to carry out this Act
13 \$240,000,000 for fiscal year 2011.

14 (b) AVAILABILITY.—Amounts appropriated pursuant
15 to the authorization of appropriations under subsection (a)
16 are authorized to remain available until expended.

17 (c) NONAPPLICABILITY OF OTHER LAWS.—Notwith-
18 standing any other provision of law, amounts appropriated
19 pursuant to the authorization of appropriations under sub-
20 section (a) may be expended by the Haitian-American En-
21 terprise Fund for the purposes of this Act.

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