

**Calendar No. 649**

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1183**

**[Report No. 111–352]**

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.

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**IN THE SENATE OF THE UNITED STATES**

JUNE 4, 2009

Mr. DURBIN (for himself, Mr. BROWNBACK, Ms. COLLINS, Mr. SANDERS, Mr. LIEBERMAN, Mr. BURRIS, Mr. CARDIN, Mr. BROWN of Ohio, Mr. KIRK, Mrs. FEINSTEIN, Mr. LEAHY, Mr. DODD, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. LUGAR, Mr. KERRY, Mrs. GILLIBRAND, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 18, 2010

Reported by Mr. KERRY, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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—

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

11             (2) tropical forests provide a wide range of ben-  
12             efits by—

13               (A) harboring a major portion of the bio-  
14               logical and terrestrial resources of Earth and  
15               providing habitats for an estimated 10,000,000  
16               to 30,000,000 plant and animal species, includ-  
17               ing species essential to medical research and  
18               agricultural productivity;

19               (B) playing a critical role as carbon sinks  
20               that reduce greenhouse gases in the atmos-  
21               phere, as 1 hectare of tropical forest can absorb  
22               up to approximately 3 tons of carbon dioxide  
23               per year, thus moderating potential global cli-  
24               mate change; and

1           (C) regulating hydrological cycles upon  
 2           which agricultural and coastal resources de-  
 3           pend;

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

6           (4) while international efforts to stem the tide  
 7           of tropical deforestation have accelerated during the  
 8           past 2 decades, the rapid rate of tropical deforest-  
 9           ation continues unabated;

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

13          (6) during the period beginning in 2000 and  
 14          ending in 2005, the deforestation rate in Haiti accel-  
 15          erated by more than 20 percent over the deforest-  
 16          ation rate in Haiti during the period beginning in  
 17          1990 and ending in 1999;

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

20                 (A) nearly 10 percent (approximately  
 21                 11,000 hectares) of the forest cover of Haiti;  
 22                 and

23                 (B) approximately 22 percent of the total  
 24                 forest and woodland habitat of Haiti;

25                 (8) poverty and economic pressures are—

1           (A) two factors that underlie the tropical  
2       deforestation of Haiti; and

3           (B) manifested particularly through the  
4       clearing of vast areas of forest for conversion to  
5       agricultural uses;

6           (9) the unemployment rate of Haiti is approxi-  
7       mately 80 percent;

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

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

14          (12) 60 percent of the population of Haiti relies  
15      on charcoal produced from cutting down trees for  
16      cooking fuel;

17          (13) soil erosion represents the most direct ef-  
18      fect of the deforestation of Haiti, as the erosion  
19      has—

20               (A) lowered the productivity of the land  
21               due to the poor soils underlying the tropical for-  
22               ests;

23               (B) worsened the severity of droughts;

24               (C) led to further deforestation;

1           (D) significantly decreased the quality and;  
2           as a result, quantity of freshwater and clean  
3           drinking water available to the population of  
4           Haiti; and

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

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

10          (15) when trees are cleared, rainfall runs off  
11          the soil more quickly and contributes to floods and  
12          further erosion;

13          (16) in 2004, Hurricane Jeanne struck Haiti,  
14          killing approximately 3,000, and affecting over  
15          200,000, people, partly because deforestation had re-  
16          sulted in the clearing of large hillsides, which en-  
17          abled rainwater to run off directly to settlements lo-  
18          cated at the bottom of the slopes;

19          (17) research conducted by the United Nations  
20          Environmental Programme has revealed a direct (89  
21          percent) correlation between the extent of the defor-  
22          estation of a country and the incidence of victims  
23          per weather event in the country;

24          (18) finding economic benefits for local commu-  
25          nities from sustainable uses of tropical forests is

critical for the long-term protection of the tropical forests in Haiti; and

~~(19) tropical reforestation efforts would provide new sources of jobs, income, and investments in 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 of Haiti to the surface area that the forest cover had occupied in 1990.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) **AFFORESTATION.**—

(A) **IN GENERAL.**—The term “afforestation” means the establishment of a new forest through the seeding of, or planting of trees on, a parcel of nonforested land.

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

(3) **SECRETARY.**—The term “Secretary” means 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) the Government of Haiti will  
20                  establish and enforce legal regimes,  
21                  standards, and safeguards—

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

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

22           (2) the enhancement and expansion of govern-  
 23 mental and nongovernmental institutional capacity  
 24 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 \$500,000 per year.

~~(B) EXCEPTION.~~—The Secretary may award a grant under this section in an amount greater than \$500,000 per year if the Secretary determines that the recipient of the grant has demonstrated success with respect to a project



1           that was the subject of a grant under this sec-  
2           tion.

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

(F) securing the involvement and commitment of local communities and indigenous peoples—

(i) to protect tropical forests in existence as of the date of enactment of this Act; and

(ii) to carry out afforestation and reforestation activities.

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

(d) ~~APPLICATION.~~—

(1) ~~IN GENERAL.~~—To be eligible for a grant under this section, an entity shall prepare and submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

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

(A) a description of the objectives to be attained;

(B) a description of the manner in which 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.”.

4       **SECTION 1. SHORT TITLE.**

5       *This Act may be cited as the “Haiti Reforestation Act*  
 6       *of 2010”.*

7       **SEC. 2. FINDINGS; PURPOSE.**

8       (a) *FINDINGS.—Congress finds that—*

9               (1) *the established policy of the Federal Govern-*  
 10              *ment is to support and seek protection of tropical for-*  
 11              *ests around the world;*

12             (2) *tropical forests provide a wide range of bene-*  
 13              *fits by—*

14                   (A) *harboring a major portion of the bio-*  
 15                   *logical and terrestrial resources of Earth and*  
 16                   *providing habitats for an estimated 10,000,000*  
 17                   *to 30,000,000 plant and animal species, includ-*  
 18                   *ing species essential to medical research and ag-*  
 19                   *ricultural productivity;*

20                   (B) *playing a critical role as carbon sinks*  
 21                   *that reduce greenhouse gases in the atmosphere,*  
 22                   *as 1 hectare of tropical forest can absorb up to*  
 23                   *approximately 3 tons of carbon dioxide per year,*  
 24                   *thus moderating potential global climate change;*  
 25                   *and*

1                   (C) regulating hydrological cycles upon  
2                   which agricultural and coastal resources depend;

3                   (3) tropical forests are also a key factor in reduc-  
4                   ing rates of soil loss, particularly on hilly terrain;

5                   (4) while international efforts to stem the tide of  
6                   tropical deforestation have accelerated during the past  
7                   2 decades, the rapid rate of tropical deforestation con-  
8                   tinues unabated;

9                   (5) in 1923, over 60 percent of the land of Haiti  
10                  was forested but, by 2006, that percentage had de-  
11                  creased to less than 2 percent;

12                  (6) during the period beginning in 2000 and  
13                  ending in 2005, the deforestation rate in Haiti accel-  
14                  erated by more than 20 percent over the deforestation  
15                  rate in Haiti during the period beginning in 1990  
16                  and ending in 1999;

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

19                         (A) nearly 10 percent (approximately  
20                         11,000 hectares) of the forest cover of Haiti; and

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

23                   (8) poverty and economic pressures are—

24                         (A) two factors that underlie the tropical  
25                         deforestation of Haiti; and

1           (B) manifested particularly through the  
 2           clearing of vast areas of forest for conversion to  
 3           agricultural uses;

4           (9) the unemployment rate of Haiti is approxi-  
 5           mately 80 percent;

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

9           (11) two-thirds of the population of Haiti de-  
 10          pend on the agricultural sector, which consists mainly  
 11          of small-scale subsistence farming;

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

15          (13) soil erosion represents the most direct effect  
 16          of the deforestation of Haiti, as the erosion has—

17               (A) lowered the productivity of the land due  
 18               to the poor soils underlying the tropical forests;

19               (B) worsened the severity of droughts and  
 20               flooding events;

21               (C) led to further deforestation;

22               (D) significantly decreased the quality and,  
 23               as a result, quantity of freshwater and clean  
 24               drinking water available to the population of  
 25               Haiti; and



1                   (E) increased the pressure on the remaining  
2                   land and trees in Haiti;

3                   (14) tropical forests provide forest cover to soften  
4                   the effect of heavy rains and reduce erosion by an-  
5                   choring the soil with their roots;

6                   (15) when trees are cleared, rainfall runs off the  
7                   soil more quickly and contributes to floods and fur-  
8                   ther erosion;

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

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

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

1           (19) tropical reforestation efforts would provide  
2           new sources of jobs, income, and investments in Haiti  
3           by—

4                   (A) providing employment opportunities in  
5           tree seedling programs, contract tree planting  
6           and management, sustainable agricultural ini-  
7           tiatives, sustainable and managed timber har-  
8           vesting, and wood products milling and fin-  
9           ishing services; and

10                   (B) enhancing community enterprises that  
11           generate income through the trading of sustain-  
12           able forest resources, many of which exist on  
13           small scales in Haiti and in the rest of the re-  
14           gion.

15           (b) *PURPOSE.*—The purpose of this Act is to provide  
16           assistance to the Government of Haiti to develop and imple-  
17           ment, or improve, nationally appropriate policies and ac-  
18           tions—

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

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

24                   (A) to restore social and economic condi-  
25           tions for environmental recovery of 35 percent of

1        *Haiti's land surface area within 5 years after*  
 2        *the date of enactment of this Act;*

3                *(B) to restore within 30 years after the date*  
 4        *of enactment of this Act the forest cover of Haiti*  
 5        *to at least 10 percent of the land in Haiti; and*

6                *(C) to establish within 10 years after the*  
 7        *date of enactment of this Act agroforestry cover*  
 8        *of land in Haiti to more than 25 percent; and*

9                *(3) to improve sustainable resource management*  
 10        *at the watershed scale.*

11    **SEC. 3. DEFINITIONS.**

12        *In this Act:*

13                *(1) ADMINISTRATOR.—The term “Adminis-*  
 14        *trator” means the Administrator of the United States*  
 15        *Agency for International Development.*

16                *(2) AFFORESTATION.—*

17                        *(A) IN GENERAL.—The term “afforestation”*  
 18        *means the establishment of a new forest through*  
 19        *the seeding of, or planting of trees on, a parcel*  
 20        *of nonforested land.*

21                        *(B) INCLUSION.—The term “afforestation”*  
 22        *includes—*

23                                *(i) the introduction of a tree species to*  
 24        *a parcel of nonforested land of which the*  
 25        *species is not a native species; and*

1                   (ii) the increase of tree cover through  
2                   plantations.

3           (3) *AGROFORESTRY*.—

4                   (A) *IN GENERAL*.—The term “agroforestry”  
5                   refers to systems in which perennial trees or  
6                   shrubs are integrated with crops or livestock, and  
7                   where perennials constitute a minimum 10 per-  
8                   cent of ground cover.

9                   (B) *INCLUSION*.—Actual forest cover result-  
10                   ing from agroforestry programs can be counted  
11                   toward the total forest cover goal set forth in sec-  
12                   tion (2)(b).

13           (4) *APPROPRIATE COMMITTEES OF CONGRESS*.—  
14           The term “appropriate committees of Congress”  
15           means—

16                   (A) the Committee on Foreign Relations  
17                   and the Committee on Appropriations of the  
18                   Senate; and

19                   (B) the Committee on Foreign Affairs and  
20                   the Committee on Appropriations of the House of  
21                   Representatives.

22           (5) *DEFORESTATION*.—The term “deforestation”  
23                   refers to the conversion of forest to another land use  
24                   or the long term reduction of the tree canopy.

25           (6) *FOREST*.—

1           (A) *IN GENERAL.*—The term “forest” means  
 2           a terrestrial ecosystem containing native tree  
 3           species generated and maintained primarily  
 4           through natural ecological and evolutionary  
 5           processes.

6           (B) *EXCLUSION.*—The term “forest” does  
 7           not include plantations, such as crops of trees  
 8           planted primarily by humans for the purposes of  
 9           harvesting.

10          (7) *REFORESTATION.*—

11           (A) *IN GENERAL.*—The term “reforestation”  
 12           refers to the establishment of forest on lands that  
 13           were previously considered as forest, but which  
 14           have been deforested.

15           (B) *INCLUSION.*—The term “reforestation”  
 16           includes the increase of tree cover through plan-  
 17           tations.

18   **TITLE I—FORESTATION AND WA-**  
 19       **TERSHERD MANAGEMENT AS-**  
 20       **SISTANCE TO GOVERNMENT**  
 21       **OF HAITI**

22   **SEC. 101. FORESTATION ASSISTANCE.**

23          (a) *AUTHORITY.*—

24           (1) *IN GENERAL.*—In accordance with section  
 25           117 of the Foreign Assistance Act of 1961 (22 U.S.C.

2151p) and consistent with the provisions of paragraph (2), the President is authorized to provide assistance to the Government of Haiti in the form of financial assistance, technology transfers, or capacity building assistance for the conduct of activities to develop and implement 1 or more forestation proposals under paragraph (2)—

(A) to reduce the deforestation of Haiti; and

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

(2) PROPOSALS.—

(A) IN GENERAL.—Assistance under this title may be provided to the Government of Haiti to implement one or more proposals that contain—

(i) a description of each policy and initiative to be carried out using the assistance;

(ii) adequate documentation to ensure, as determined by the President, that—

(I) each policy and initiative will

be—

(aa) carried out and managed in accordance with widely accepted environmentally sustain-

1            *able forestry and agricultural*  
2            *practices; and*

3                    *(bb) designed and imple-*  
4                    *mented in a manner by which to*  
5                    *improve the governance of forests*  
6                    *by building governmental capac-*  
7                    *ity to be more transparent, inclu-*  
8                    *sive, accountable, and coordinated*  
9                    *in decisionmaking processes and*  
10                   *the implementation of the policy*  
11                   *or initiative; and*

12                   *(II) the proposals will further es-*  
13                   *tablish and enforce legal regimes,*  
14                   *standards, and safeguards—*

15                   *(aa) to prevent violations of*  
16                   *human rights and the rights of*  
17                   *local communities;*

18                   *(bb) to prevent harm to vul-*  
19                   *nerable social groups; and*

20                   *(cc) to ensure that members*  
21                   *of local communities in affected*  
22                   *areas, as partners and primary*  
23                   *stakeholders, will be engaged in*  
24                   *the design, planning, implementa-*

1                    *tion, monitoring, and evaluation*  
 2                    *of the policies and initiatives; and*  
 3                    *(iii) a description of how the proposal*  
 4                    *or proposals support and aid forest restora-*  
 5                    *tion efforts consistent with the purpose set*  
 6                    *forth in section 2(b).*

7                    *(B) DETERMINATION OF COMPATIBILITY*  
 8                    *WITH CERTAIN PROGRAMS.—In evaluating each*  
 9                    *proposal under subparagraph (A), the President*  
 10                    *shall ensure that each policy and initiative de-*  
 11                    *scribed in the proposal submitted by the Govern-*  
 12                    *ment of Haiti under that subparagraph is com-*  
 13                    *patible with—*

14                    *(i) broader development, poverty allevi-*  
 15                    *ation, and natural resource conservation ob-*  
 16                    *jectives and initiatives in Haiti; and*

17                    *(ii) the development, poverty allevi-*  
 18                    *ation, disaster risk management, and cli-*  
 19                    *mate resilience programs of the United*  
 20                    *States Agency for International Develop-*  
 21                    *ment.*

22                    *(b) ELIGIBLE ACTIVITIES.—Any assistance received by*  
 23                    *the Government of Haiti under subsection (a)(1) shall be*  
 24                    *conditional upon development and implementation of a*  
 25                    *proposal under subsection (a)(2), which may include—*



1           (1) *the provision of technologies and associated*  
 2           *support for activities to reduce deforestation or in-*  
 3           *crease afforestation and reforestation rates, includ-*  
 4           *ing—*

5                     (A) *fire reduction initiatives;*

6                     (B) *forest law enforcement initiatives;*

7                     (C) *the development of timber tracking sys-*  
 8                     *tems;*

9                     (D) *the development of cooking fuel sub-*  
 10                    *stitutes;*

11                    (E) *initiatives to increase agricultural pro-*  
 12                    *ductivity;*

13                    (F) *tree-planting initiatives; and*

14                    (G) *programs that are designed to focus on*  
 15                    *market-based solutions, including programs that*  
 16                    *leverage the international carbon-offset market;*

17           (2) *the enhancement and expansion of govern-*  
 18           *mental and nongovernmental institutional capacity*  
 19           *to effectively design and implement a proposal devel-*  
 20           *oped under subsection (a)(2) through initiatives, in-*  
 21           *cluding—*

22                    (A) *the establishment of transparent, ac-*  
 23                    *countable, and inclusive decision-making proc-*  
 24                    *esses relating to all stakeholders (including af-*  
 25                    *ected local communities);*

1           (B) the promotion of enhanced coordination  
 2           among ministries and agencies responsible for  
 3           agroecological zoning, mapping, land planning  
 4           and permitting, sustainable agriculture, forestry,  
 5           and law enforcement; and

6           (C) the clarification of land tenure and re-  
 7           source rights of affected communities, including  
 8           local communities;

9           (3) the development and support of institutional  
 10          capacity to measure, verify, and report the activities  
 11          carried out by the Government of Haiti to reduce de-  
 12          forestation and increase afforestation and reforest-  
 13          ation rates through the use of appropriate methods,  
 14          including—

15               (A) the use of best practices and technologies  
 16               to monitor land use change in Haiti, including  
 17               changes in the extent of natural forest cover, pro-  
 18               tected areas, mangroves, agroforestry, and agri-  
 19               culture;

20               (B) the monitoring of the impacts of poli-  
 21               cies and initiatives on—

22                       (i) affected communities;

23                       (ii) the biodiversity of the environment  
 24                       of Haiti; and

1                   *(iii) the health of the tropical forests of*  
2                   *Haiti; and*

3                   *(C) independent and participatory forest*  
4                   *monitoring; and*

5                   *(4) the development of and coordination with*  
6                   *watershed restoration programs in Haiti, including—*

7                   *(A) agreements with the Government of*  
8                   *Haiti, nongovernmental organizations, or pri-*  
9                   *vate sector partners to provide technical assist-*  
10                  *ance, capacity building, or technology transfers*  
11                  *which support the environmental recovery of*  
12                  *Haiti's watersheds through forest restoration ac-*  
13                  *tivities, provided that the assistance will help*  
14                  *strengthen economic drivers of sustainable re-*  
15                  *source management, reduce environmental vul-*  
16                  *nerability, and improve governance, planning,*  
17                  *and community action of watersheds in Haiti;*

18                  *(B) actions to support economic incentives*  
19                  *for sustainable resource management, may in-*  
20                  *cluding enhanced incentives for the replacement*  
21                  *of annual hillside cropping with perennial and*  
22                  *non-erosive production systems;*

23                  *(C) enhanced extension services supporting*  
24                  *the sustainable intensification of agriculture to*

1           *increase farmer incomes and reduce pressure on*  
 2           *degraded land; and*

3                     *(D) investments in watershed infrastructure*  
 4           *to reduce environmental vulnerability, including*  
 5           *the establishment of appropriate erosion control*  
 6           *measures through reforestation activities in tar-*  
 7           *geted watersheds or sub-watersheds.*

8           *(c) DEVELOPMENT OF PERFORMANCE METRICS.—*

9                     *(1) IN GENERAL.—If the President provides as-*  
 10          *stance under subsection (a)(1), the President, in co-*  
 11          *operation with the Government of Haiti, shall develop*  
 12          *appropriate performance metrics to measure, verify,*  
 13          *and report—*

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

17                    *(B) the results of each policy and initiative*  
 18          *with respect to the tropical forests of Haiti; and*

19                    *(C) each impact of each policy and initia-*  
 20          *tive on the local communities of Haiti.*

21                    *(2) REQUIREMENTS.—Performance metrics de-*  
 22          *veloped under paragraph (1) shall, to the maximum*  
 23          *extent practicable, include short-term and long-term*  
 24          *metrics to evaluate the implementation of each policy*

1       *and initiative contained in each proposal developed*  
 2       *under subsection (a)(2).*

3       *(d) REPORTS.—*

4               *(1) INITIAL REPORT.—Not later than 18 months*  
 5       *after the date of enactment of this Act, the President*  
 6       *shall submit to the appropriate committees of Con-*  
 7       *gress a report that describes the actions that the*  
 8       *President has taken, and plans to take—*

9               *(A) to engage with the Government of*  
 10       *Haiti, nongovernmental stakeholders, and public*  
 11       *and private nonprofit organizations to imple-*  
 12       *ment this section; and*

13              *(B) to enter into agreements with the Gov-*  
 14       *ernment of Haiti under subsection (a)(1).*

15              *(2) BIENNIAL REPORTS.—Not later than 2 years*  
 16       *after the date on which the President first provides*  
 17       *assistance to the Government of Haiti under sub-*  
 18       *section (a)(1) and biennially thereafter, the President*  
 19       *shall submit to Congress a report that describes the*  
 20       *progress of the Government of Haiti in implementing*  
 21       *each policy and initiative contained in the proposal*  
 22       *submitted under subsection (a)(2).*

23       *(e) ADDITIONAL ASSISTANCE.—The President is au-*  
 24       *thorized to provide financial and other assistance to the*

1 *Government of Haiti, local government bodies, or non-*  
 2 *governmental organizations for the purpose of—*

3           (1) *providing local communities information re-*  
 4 *lating to each policy and initiative to be carried out*  
 5 *by the Government of Haiti through funds made*  
 6 *available under subsection (a)(1);*

7           (2) *promoting effective participation by local*  
 8 *communities in the design, implementation, and*  
 9 *independent monitoring of each policy and initiative;*  
 10 *and*

11           (3) *promoting, consistent with supporting the*  
 12 *sustainability of forestation activities, enhanced wa-*  
 13 *tershed governance, national planning, and commu-*  
 14 *nity action programs that lead to increased—*

15           (A) *development of a national watershed*  
 16 *management policy for Haiti with the Inter-*  
 17 *Ministerial Committee for Land Management,*  
 18 *the Ministry of Environment, Ministry of Agri-*  
 19 *culture, and the Ministry of Planning and Ex-*  
 20 *ternal Cooperation;*

21           (B) *establishment of an effective forum for*  
 22 *donor coordination related to management and*  
 23 *reforestation in Haiti;*

24           (C) *support for the National Center for*  
 25 *Geospatial Information (CNIGS) to provide tech-*

nology, data, and monitoring support for improved watershed and forest resource management at a national scale in Haiti; and

(D) development of effective governance structures in Haiti for stakeholder engagement, coordination of approaches, and land use planning and disaster mitigation at the watershed scale.

## **TITLE II—GRANTS FOR REFORESTATION**

### **SEC. 201. REFORESTATION GRANT PROGRAM.**

(a) *ESTABLISHMENT.*—The President is authorized to 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 President is authorized to award grants and contracts 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 President may not award a grant under this section in an amount greater than \$500,000 per year.

1           (B) *EXCEPTION.*—*The President may*  
 2           *award a grant under this section in an amount*  
 3           *greater than \$500,000 per year if the President*  
 4           *determines that the recipient of the grant has*  
 5           *demonstrated success with respect to a project*  
 6           *that was the subject of a grant under this sec-*  
 7           *tion.*

8           (3) *DURATION.*—*The President shall award*  
 9           *grants under this section for a period not to exceed*  
 10          *3 years.*

11          (c) *USE OF FUNDS.*—

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

14                   (A) *providing a financial incentive to pro-*  
 15                   *tect trees;*

16                   (B) *providing hands-on management and*  
 17                   *oversight of replanting efforts;*

18                   (C) *focusing on sustainable income-gener-*  
 19                   *ating growth;*

20                   (D) *providing seed money to start coopera-*  
 21                   *tive reforestation and afforestation efforts and*  
 22                   *providing subsequent conditional funding for*  
 23                   *such efforts contingent upon required tree care*  
 24                   *and maintenance activities;*



1           (E) *promoting widespread use of improved*  
 2           *cooking stove technologies, to the extent that this*  
 3           *does not result in the harvesting of tropical forest*  
 4           *growth and other renewable fuel technologies that*  
 5           *reduce deforestation and improve human health;*  
 6           *and*

7           (F) *securing the involvement and commit-*  
 8           *ment of local communities—*

9                   (i) *to protect tropical forests in exist-*  
 10           *ence as of the date of enactment of this Act;*  
 11           *and*

12                   (ii) *to carry out afforestation and re-*  
 13           *forestation activities.*

14           (2) *CONSISTENCY WITH PROPOSALS.—To the*  
 15           *maximum extent practicable, a project carried out*  
 16           *using grant funds shall support and be consistent*  
 17           *with the proposal developed under section 101(a)(2)*  
 18           *that is the subject of the project.*

19           (d) *APPLICATION.—*

20                   (1) *IN GENERAL.—To be eligible for a grant*  
 21           *under this section, an entity shall prepare and submit*  
 22           *an application at such time, in such manner, and*  
 23           *containing such information as the President may*  
 24           *reasonably require.*

(2) *CONTENT.*—Each application submitted under paragraph (1) should be consistent with the findings of the 2007 United States Agency for International Development report entitled, “Environmental Vulnerability in Haiti: Findings and Recommendations”, and shall include—

(A) a description of the objectives to be attained;

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

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

(D) to the extent that the applicant intends to use nonnative species in afforestation efforts, an explanation of the benefit of the use of non-native species over native species and verification that the species to be used are not invasive.

(3) *PREFERENCE FOR CERTAIN PROJECTS.*—In awarding grants under this section, preference shall be given to applicants that propose—

(A) to develop market-based solutions to the difficulty of reforestation in Haiti, including the use of conditional cash transfers and similar financial incentives to protect reforestation efforts;

1                   (B) to partner with local communities and  
2                   cooperatives; and

3                   (C) to focus on efforts that build local ca-  
4                   pacity to sustain growth after the completion of  
5                   the underlying grant project.

6           (e) *DISSEMINATION OF INFORMATION.*—The President  
7   shall collect and widely disseminate information about the  
8   effectiveness of the demonstration projects assisted under  
9   this section.

10 **SEC. 202. FOREST PROTECTION GRANTS.**

11       Chapter 7 of part I of the Foreign Assistance Act of  
12   1961 (22 U.S.C. 2281 et seq.) is amended by inserting after  
13   section 466 the following new section:

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

15       “(a) *SUBMISSION OF LIST OF AREAS OF SEVERELY*  
16 *DEGRADED NATURAL RESOURCES.*—The Administrator of  
17 the Agency for International Development, in cooperation  
18 with nongovernmental conservation organizations, shall in-  
19 vite the Government of Haiti to submit a list of areas with-  
20 in the territory of Haiti in which tropical forests are seri-  
21 ously degraded or threatened.

22       “(b) *REVIEW OF LIST.*—The Administrator shall as-  
23 sess the list submitted by the Government of Haiti under  
24 subsection (a) and shall seek to reach agreement with the

1 *Government of Haiti for the restoration and future sustain-*  
 2 *able use of those areas.*

3 “(c) *GRANT PROGRAM.*—

4 “(1) *GRANTS AUTHORIZED.*—*The Administrator*  
 5 *of the Agency for International Development is au-*  
 6 *thorized to make grants, in consultation with the*  
 7 *International Forestry Division of the Department of*  
 8 *Agriculture and on such terms and conditions as may*  
 9 *be necessary, to nongovernmental organizations for*  
 10 *the purchase on the open market of discounted com-*  
 11 *mercial debt of the Government of Haiti in exchange*  
 12 *for commitments by the Government of Haiti to re-*  
 13 *store tropical forests identified by the Government*  
 14 *under subsection (a) or for commitments to develop*  
 15 *plans for sustainable use of such tropical forests.*

16 “(2) *MANAGEMENT OF PROTECTED AREAS.*—  
 17 *Each recipient of a grant under this subsection shall*  
 18 *participate in the ongoing management of the area or*  
 19 *areas protected pursuant to such grant.*

20 “(3) *RETENTION OF PROCEEDS.*—*Notwith-*  
 21 *standing any other provision of law, a grantee (or*  
 22 *any subgrantee) of the grants referred to in section*  
 23 *(a) may retain, without deposit in the Treasury of*  
 24 *the United States and without further appropriation*  
 25 *by Congress, interest earned on the proceeds of any*

1     *resulting debt-for-nature exchange pending the dis-*  
 2     *bursements of such proceeds and interest for approved*  
 3     *program purposes, which may include the establish-*  
 4     *ment of an endowment, the income of which is used*  
 5     *for such purposes.*

6             “(4) *TERMINATION OF PROGRAM.*—*The authority*  
 7     *to make grants under the pilot program shall termi-*  
 8     *nate five years after the date of the enactment of this*  
 9     *Act. The authority may be renewed for one additional*  
 10    *five-year period during the 30-year reforestation pe-*  
 11    *riod targeted by this Act if the Administrator deter-*  
 12    *mines and certifies to Congress that the pilot program*  
 13    *is effective in meeting the goals of the Act and the*  
 14    *commitment of the Government of Haiti to returning*  
 15    *land in Haiti to long-term sustainable forests. The*  
 16    *cumulative duration of the pilot program may not ex-*  
 17    *ceed ten total years.”.*

18     ***TITLE III—ADMINISTRATIVE***  
 19             ***PROVISION***

20    ***SEC. 301. DELEGATION.***

21     *The President may delegate authorities and duties*  
 22    *under this Act to the Administrator or the Secretary of*  
 23    *State, as appropriate.*

Amend the title so as to read: “A bill to authorize  
 the President to provide assistance to the Government of

Haiti to reduce deforestation and forest degradation in Haiti, and for other purposes.”.



Calendar No. 649

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1183**

[Report No. 111-352]

**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.

NOVEMBER 18, 2010

Reported with an amendment and an amendment to the title