

Calendar No. 649111TH CONGRESS
2^D 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.

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*]

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 eli-
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

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

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

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

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

17 ~~(b)~~ PURPOSE.—The purpose of this Act is to provide
18 assistance to the Government of Haiti to develop and im-
19 plement, or improve, nationally appropriate policies and
20 actions—

21 ~~(1)~~ to reduce deforestation and forest degrada-
22 tion in Haiti; and

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

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

4 (B) to restore within 30 years after the
5 date of enactment of this Act the forest cover
6 of Haiti to the surface area that the forest
7 cover had occupied in 1990.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) ADMINISTRATOR.—The term “Adminis-
11 trator” means the Administrator of the United
12 States Agency for International Development.

13 (2) AFFORESTATION.—

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

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

22 (3) SECRETARY.—The term “Secretary” means
23 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 capaci-
14 ty 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 (e) 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.

1 **TITLE II—GRANTS FOR**
2 **REFORESTATION**

3 **SEC. 201. REFORESTATION GRANT PROGRAM.**

4 (a) **ESTABLISHMENT.**—The Secretary, in consulta-
5 tion with the Administrator, shall establish a grant pro-
6 gram to carry out the purposes of this Act, including re-
7 versing deforestation and improving reforestation and
8 afforestation in Haiti.

9 (b) **GRANTS AUTHORIZED.**—

10 (1) **IN GENERAL.**—The Secretary is authorized
11 to award grants and contracts to public and private
12 nonprofit organizations to carry out projects that, in
13 the aggregate, reverse deforestation and improve re-
14 forestation and afforestation.

15 (2) **MAXIMUM AMOUNT.**—

16 (A) **IN GENERAL.**—Except as provided in
17 subparagraph (B), the Secretary may not
18 award a grant under this section in an amount
19 greater than \$500,000 per year.

20 (B) **EXCEPTION.**—The Secretary may
21 award a grant under this section in an amount
22 greater than \$500,000 per year if the Secretary
23 determines that the recipient of the grant has
24 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~~

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.”.

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.*

1 2151p) and consistent with the provisions of para-
 2 graph (2), the President is authorized to provide as-
 3 sistance to the Government of Haiti in the form of fi-
 4 nancial assistance, technology transfers, or capacity
 5 building assistance for the conduct of activities to de-
 6 velop and implement 1 or more forestation proposals
 7 under paragraph (2)—

8 (A) to reduce the deforestation of Haiti; and

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

11 (2) PROPOSALS.—

12 (A) IN GENERAL.—Assistance under this
 13 title may be provided to the Government of Haiti
 14 to implement one or more proposals that con-
 15 tain—

16 (i) a description of each policy and
 17 initiative to be carried out using the assist-
 18 ance;

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

21 (I) each policy and initiative will

22 be—

23 (aa) carried out and man-
 24 aged in accordance with widely
 25 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 *sistance 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-*

1 *nology, data, and monitoring support for im-*
 2 *proved watershed and forest resource manage-*
 3 *ment at a national scale in Haiti; and*

4 *(D) development of effective governance*
 5 *structures in Haiti for stakeholder engagement,*
 6 *coordination of approaches, and land use plan-*
 7 *ning and disaster mitigation at the watershed*
 8 *scale.*

9 **TITLE II—GRANTS FOR**
 10 **REFORESTATION**

11 **SEC. 201. REFORESTATION GRANT PROGRAM.**

12 *(a) ESTABLISHMENT.—The President is authorized to*
 13 *establish a grant program to carry out the purposes of this*
 14 *Act, including reversing deforestation and improving refor-*
 15 *estation and afforestation in Haiti.*

16 *(b) GRANTS AUTHORIZED.—*

17 *(1) IN GENERAL.—The President is authorized to*
 18 *award grants and contracts to carry out projects that,*
 19 *in the aggregate, reverse deforestation and improve re-*
 20 *forestation and afforestation.*

21 *(2) MAXIMUM AMOUNT.—*

22 *(A) IN GENERAL.—Except as provided in*
 23 *subparagraph (B), the President may not award*
 24 *a grant under this section in an amount greater*
 25 *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.

1 (2) *CONTENT.*—*Each application submitted*
2 *under paragraph (1) should be consistent with the*
3 *findings of the 2007 United States Agency for Inter-*
4 *national Development report entitled, “Environ-*
5 *mental Vulnerability in Haiti: Findings and Rec-*
6 *ommendations”, and shall include—*

7 (A) *a description of the objectives to be at-*
8 *tained;*

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

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

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

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

22 (A) *to develop market-based solutions to the*
23 *difficulty of reforestation in Haiti, including the*
24 *use of conditional cash transfers and similar fi-*
25 *nancial 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

111TH CONGRESS
2^D 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