

111TH CONGRESS  
1ST SESSION

# S. 1183

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 and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Haiti Reforestation  
5 Act of 2009”.

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

7 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (8) poverty and economic pressures are—

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

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

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

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

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

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

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

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

16                   (B) worsened the severity of droughts;

17                   (C) led to further deforestation;

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

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

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

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

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

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

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

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

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

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

12 (b) PURPOSE.—The purpose of this Act is to provide  
13 assistance to the Government of Haiti to develop and im-  
14 plement, or improve, nationally appropriate policies and  
15 actions—

16 (1) to reduce deforestation and forest degrada-  
17 tion in Haiti; and

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

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

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

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

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

8 (2) AFFORESTATION.—

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

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

17 (3) SECRETARY.—The term “Secretary” means  
18 the Secretary of Agriculture.

19 **TITLE I—FORESTATION ASSIST-**  
20 **ANCE TO GOVERNMENT OF**  
21 **HAITI**

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

23 (a) AUTHORITY OF SECRETARY.—

24 (1) IN GENERAL.—In accordance with para-  
25 graph (2), the Secretary, in consultation with the

1 Administrator, may offer to enter into agreements  
2 with the Government of Haiti to provide financial  
3 assistance, technology transfers, or capacity building  
4 assistance for the conduct of activities to develop  
5 and implement 1 or more forestation proposals  
6 under paragraph (2)—

7 (A) to reduce the deforestation of Haiti;

8 and

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

11 (2) PROPOSALS.—

12 (A) IN GENERAL.—To be eligible for as-  
13 sistance under paragraph (1), the Government  
14 of Haiti shall submit to the Secretary 1 or more  
15 proposals that contain—

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

19 (ii) adequate documentation to ensure,  
20 as determined by the Secretary, 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 coordi-  
9                   nated in decisionmaking proc-  
10                  esses and the implementation of  
11                  the policy or initiative; and

12                  (II) the Government of Haiti will  
13                  establish and enforce legal regimes,  
14                  standards, and safeguards—

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

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

21                   (cc) to ensure that members  
22                   of local communities and indige-  
23                   nous people in affected areas, as  
24                   partners and primary stake-  
25                   holders, will be engaged in the

1 design, planning, implementation,  
2 monitoring, and evaluation of the  
3 policies and initiatives.

4 (B) DETERMINATION OF COMPATIBILITY  
5 WITH CERTAIN PROGRAMS.—In evaluating each  
6 proposal under subparagraph (A), the Secretary  
7 shall ensure that each policy and initiative de-  
8 scribed in the proposal submitted by the Gov-  
9 ernment of Haiti under that subparagraph is  
10 compatible with—

11 (i) broader development, poverty alle-  
12 viation, and natural resource conservation  
13 objectives and initiatives in Haiti; and

14 (ii) the development, poverty allevi-  
15 ation, disaster risk management, and cli-  
16 mate resilience programs of the Depart-  
17 ment of Agriculture.

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

22 (1) the provision of technologies and associated  
23 support for activities to reduce deforestation or in-  
24 crease afforestation and reforestation rates, includ-  
25 ing—

- 1 (A) fire reduction initiatives;
- 2 (B) forest law enforcement initiatives;
- 3 (C) the development of timber tracking  
4 systems;
- 5 (D) the development of cooking fuel sub-  
6 stitutes;
- 7 (E) initiatives to increase agricultural pro-  
8 ductivity;
- 9 (F) tree-planting initiatives; and
- 10 (G) programs that are designed to focus on  
11 market-based solutions, including programs  
12 that leverage the international carbon-offset  
13 market;
- 14 (2) the enhancement and expansion of govern-  
15 mental and nongovernmental institutional capacity  
16 to effectively design and implement a proposal devel-  
17 oped under subsection (a)(2) through initiatives, in-  
18 cluding—
- 19 (A) the establishment of transparent, ac-  
20 countable, and inclusive decisionmaking proc-  
21 esses relating to all stakeholders (including af-  
22 fected local communities);
- 23 (B) the promotion of enhanced coordina-  
24 tion among ministries and agencies responsible  
25 for agroecological zoning, mapping, land plan-

1           ning and permitting, sustainable agriculture,  
2           forestry, and law enforcement; and

3                 (C) the clarification of land tenure and re-  
4           source rights of affected communities, including  
5           local communities and indigenous peoples; and

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

12                 (A) the use of best practices and tech-  
13           nologies to monitor any change in the forest  
14           cover of Haiti;

15                 (B) the monitoring of the impacts of poli-  
16           cies and initiatives on—

17                         (i) affected communities;

18                         (ii) the biodiversity of the environment  
19           of Haiti; and

20                         (iii) the health of the tropical forests  
21           of Haiti; and

22                 (C) independent and participatory forest  
23           monitoring.

24          (c) DEVELOPMENT OF PERFORMANCE METRICS.—

1           (1) IN GENERAL.—If the Secretary provides as-  
2           sistance under subsection (a)(1), in accordance with  
3           paragraph (2), the Secretary, in cooperation with  
4           the Government of Haiti and, if necessary, in con-  
5           sultation with the Administrator, shall develop ap-  
6           propriate performance metrics to measure, verify,  
7           and report—

8                   (A) the conduct of each policy and initia-  
9                   tive to be carried out by the Government of  
10                  Haiti;

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

13                  (C) each impact of each policy and initia-  
14                  tive on the local communities and indigenous  
15                  people of Haiti.

16           (2) REQUIREMENTS.—Performance metrics de-  
17           veloped under paragraph (1) shall, to the maximum  
18           extent practicable, include short-term and long-term  
19           metrics to evaluate the implementation of each pol-  
20           icy and initiative contained in each proposal devel-  
21           oped under subsection (a)(2).

22           (d) REPORTS.—

23                   (1) INITIAL REPORT.—Not later than 18  
24                   months after the date of enactment of this Act, the  
25                   Secretary shall submit to the appropriate committees

1 of Congress a report that describes the actions that  
2 the Secretary has taken, and plans to take—

3 (A) to engage with the Government of  
4 Haiti, nongovernmental stakeholders, and pub-  
5 lic and private nonprofit organizations to imple-  
6 ment this section; and

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

9 (2) BIENNIAL REPORTS.—Not later than 2  
10 years after the date on which the Secretary first pro-  
11 vides assistance to the Government of Haiti under  
12 subsection (a)(1) and biennially thereafter, the Sec-  
13 retary shall submit to Congress a report that de-  
14 scribes the progress of the Government of Haiti in  
15 implementing each policy and initiative contained in  
16 the proposal submitted under subsection (a)(2).

17 (e) ADDITIONAL ASSISTANCE.—The Secretary may  
18 provide financial and other assistance to nongovernmental  
19 stakeholders to ensure—

20 (1) the access by local communities and indige-  
21 nous people to information relating to each policy  
22 and initiative to be carried out by the Government  
23 of Haiti through funds made available under sub-  
24 section (a)(1); and

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

5           (f) NONGOVERNMENTAL ORGANIZATION.—At the  
6           election of the Government of Haiti, or on the determina-  
7           tion of the Secretary, in cooperation with the Government  
8           of Haiti, the Government of Haiti may enter into an  
9           agreement with a private, nongovernmental conservation  
10          organization authorizing the organization to act on behalf  
11          of the Government of Haiti for the purposes of this sec-  
12          tion.

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

## 16                   **TITLE II—GRANTS FOR** 17                   **REFORESTATION**

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

19          (a) ESTABLISHMENT.—The Secretary, in consulta-  
20          tion with the Administrator, shall establish a grant pro-  
21          gram to carry out the purposes of this Act, including re-  
22          versing deforestation and improving reforestation and  
23          afforestation in Haiti.

24          (b) GRANTS AUTHORIZED.—

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

6           (2) MAXIMUM AMOUNT.—

7           (A) IN GENERAL.—Except as provided in  
8 subparagraph (B), the Secretary may not  
9 award a grant under this section in an amount  
10 greater than \$500,000 per year.

11           (B) EXCEPTION.—The Secretary may  
12 award a grant under this section in an amount  
13 greater than \$500,000 per year if the Secretary  
14 determines that the recipient of the grant has  
15 demonstrated success with respect to a project  
16 that was the subject of a grant under this sec-  
17 tion.

18           (3) DURATION.—The Secretary shall award  
19 grants under this section for a period not to exceed  
20 3 years.

21           (c) USE OF FUNDS.—

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

24           (A) providing a financial incentive to pro-  
25 tect trees;

1 (B) providing hands-on management and  
2 oversight of replanting efforts;

3 (C) focusing on sustainable income-gener-  
4 ating growth;

5 (D) providing seed money to start coopera-  
6 tive reforestation and afforestation efforts and  
7 providing subsequent conditional funding for  
8 such efforts contingent upon required tree care  
9 and maintenance activities;

10 (E) promoting widespread use of improved  
11 cooking stove technologies and the development  
12 of liquid biofuels, to the extent that neither re-  
13 sults in the harvesting of tropical forest growth;  
14 and

15 (F) securing the involvement and commit-  
16 ment of local communities and indigenous peo-  
17 ples—

18 (i) to protect tropical forests in exist-  
19 ence as of the date of enactment of this  
20 Act; and

21 (ii) to carry out afforestation and re-  
22 forestation activities.

23 (2) CONSISTENCY WITH PROPOSALS.—To the  
24 maximum extent practicable, a project carried out  
25 using grant funds shall support and be consistent

1 with the proposal developed under section 101(a)(2)  
2 that is the subject of the project.

3 (d) APPLICATION.—

4 (1) IN GENERAL.—To be eligible for a grant  
5 under this section, an entity shall prepare and sub-  
6 mit an application at such time, in such manner,  
7 and containing such information as the Secretary  
8 may reasonably require.

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

11 (A) a description of the objectives to be at-  
12 tained;

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

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

17 (D) to the extent that the applicant in-  
18 tends to use nonnative species in afforestation  
19 efforts, an explanation of the benefit of the use  
20 of nonnative species over native species.

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

24 (A) to develop market-based solutions to  
25 the difficulty of reforestation in Haiti, including

1 the use of conditional cash transfers and similar  
2 financial incentives to protect reforestation ef-  
3 forts;

4 (B) to partner with local communities and  
5 cooperatives; and

6 (C) to focus on efforts that build local ca-  
7 pacity to sustain growth after the completion of  
8 the underlying grant project.

9 (e) DISSEMINATION OF INFORMATION.—The Sec-  
10 retary shall collect and widely disseminate information  
11 about the effectiveness of the demonstration projects as-  
12 sisted under this section.

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

16 **SEC. 202. FOREST PROTECTION GRANTS.**

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

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

21 “(a) SUBMISSION OF LIST OF AREAS OF SEVERELY  
22 DEGRADED NATURAL RESOURCES.—The Administrator  
23 of the Agency for International Development, in coopera-  
24 tion with nongovernmental conservation organizations,  
25 shall invite the Government of Haiti to submit a list of

1 areas within the territory of Haiti in which tropical forests  
2 are seriously degraded or threatened.

3 “(b) REVIEW OF LIST.—The Administrator shall as-  
4 sess the list submitted by the Government of Haiti under  
5 subsection (a) and shall seek to reach agreement with the  
6 Government of Haiti for the restoration and future sus-  
7 tainable use of those areas.

8 “(c) GRANT PROGRAM.—

9 “(1) GRANTS AUTHORIZED.—The Adminis-  
10 trator of the Agency for International Development  
11 is authorized to make grants, in consultation with  
12 the International Forestry Division of the Depart-  
13 ment of Agriculture and on such terms and condi-  
14 tions as may be necessary, to nongovernmental orga-  
15 nizations for the purchase on the open market of  
16 discounted commercial debt of the Government of  
17 Haiti in exchange for commitments by the Govern-  
18 ment of Haiti to restore tropical forests identified by  
19 the Government under subsection (a) or for commit-  
20 ments to develop plans for sustainable use of such  
21 tropical forests.

22 “(2) MANAGEMENT OF PROTECTED AREAS.—  
23 Each recipient of a grant under this subsection shall  
24 participate in the ongoing management of the area  
25 or areas protected pursuant to such grant.

1           “(3) RETENTION OF PROCEEDS.—Notwith-  
2 standing any other provision of law, a grantee (or  
3 any subgrantee) of the grants referred to in section  
4 (a) may retain, without deposit in the Treasury of  
5 the United States and without further appropriation  
6 by Congress, interest earned on the proceeds of any  
7 resulting debt-for-nature exchange pending the dis-  
8 bursements of such proceeds and interest for ap-  
9 proved program purposes, which may include the es-  
10 tablishment of an endowment, the income of which  
11 is used for such purposes.

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

○