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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti.

IN THE HOUSE OF REPRESENTATIVES

Mr. JEFFRIES introduced the following bill; which was referred to the Committee on _____

A BILL

To measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti.

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 Development,
5 Accountability, and Institutional Transparency Initiative
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) On January 12, 2010, a massive earth-
2 quake struck near the Haitian capital city of Port-
3 au-Prince, leaving at least 220,000 people dead, in-
4 cluding 103 United States citizens, 101 United Na-
5 tions personnel, and nearly 18 percent of Haiti's
6 civil service, as well as 300,000 injured, 115,000
7 homes destroyed, and 1,500,000 Haitians displaced.

8 (2) The international community, led by the
9 United States and the United Nations, mounted an
10 unprecedented humanitarian response to the earth-
11 quake in Haiti. Through 2018, more than
12 \$8,000,000,000 has been disbursed by donors. Since
13 the 2010 earthquake, the United States Government
14 has disbursed more than \$4,000,000,000 in recovery
15 and development funding.

16 (3) On October 4, 2016, Hurricane Matthew
17 struck southwestern Haiti on the Tiburon Peninsula,
18 causing widespread damage and flooding and leaving
19 1.4 million people in need of immediate assistance.
20 Recovery efforts continue more than four years
21 later.

22 (4) Prior to both the 2010 earthquake and
23 2016 hurricane, Haiti registered among the lowest
24 in socioeconomic indicators and had the second high-
25 est rate of income disparity in the world—conditions

1 that have further complicated disaster recovery and
2 resilience efforts. As of November 2020, 4,400,000
3 people are in need of humanitarian assistance in
4 Haiti.

5 (5) With United States assistance, more than
6 30,000 jobs have been created since the 2010 earth-
7 quake, largely in the apparel industry at the Caracol
8 Industrial Park (in partnership with the Inter-Amer-
9 ican Development Bank, the Haitian Government,
10 and the private sector) in northern Haiti.

11 (6) Since 2018, tens of thousands of Haitians
12 have participated in popular demonstrations de-
13 manding accountability over government manage-
14 ment of Petrocaribe resources. In early 2019, the
15 Haitian superior court of auditors released a series
16 of reports implicating high-level government officials
17 in the misappropriation of funds.

18 (7) The United Nations Human Rights Office
19 of the High Commissioner and the Human Rights
20 Service jointly found a 333 percent increase in
21 human rights violations and abuses against the
22 rights of life and security from July 2018 through
23 December 2019. There were 131 violations in 2018
24 and 567 violations in 2019, including the shooting of
25 at least one journalist covering the protests.

1 (8) Leading members of civil society have faced
2 attacks, including Monferrier Dorval, a constitu-
3 tional law expert and president of the Port-au-
4 Prince bar who was killed on August 28, 2020.

5 (9) On November 13, 2018, according to the
6 Haitian National Human Rights Defense Network,
7 at least 71 people were shot and killed and 18 peo-
8 ple were raped in the Port-au-Prince neighborhood
9 of La Saline.

10 (10) On December 10, 2020, the Department of
11 the Treasury's Office of Foreign Assets Control des-
12 ignated former Haitian National Police officer
13 Jimmy Cherizier, former Director General of the
14 Ministry of the Interior Fednel Monchery, and
15 former Departmental Delegate Joseph Pierre Rich-
16 ard Duplan pursuant to the Global Magnitsky Exec-
17 utive Order for being foreign persons responsible for
18 or complicit in, or having directly or indirectly en-
19 gaged in, serious human rights abuse for their con-
20 nection to the La Saline massacre.

21 (11) Following the La Saline massacre, similar
22 attacks have occurred in Port-au-Prince neighbor-
23 hoods, including the November 2019 and August
24 2020 attacks on Bel Air, in which 24 people were
25 killed and hundreds of families were displaced.

1 (12) Parliamentary elections scheduled for Oc-
2 tober 2019 did not take place, and since January
3 13, 2020, President Jovenel Moïse has ruled by de-
4 cree. At least five decrees have been cited as increas-
5 ingly authoritarian by Haitian civic and political
6 leaders and the international community, including
7 the October 30, 2020 decision to constitute a five-
8 member group to draft a new constitution, the No-
9 vember 6, 2020, decision to reduce the control of
10 anti-corruption entities like the Superior Court of
11 Accounts and Administrative Litigation, the Novem-
12 ber 26, 2020, anti-terrorism decree that establishes
13 sanctions applicable to Haitian police officers not
14 stopping demonstrations, the November 26, 2020,
15 creation of the National Intelligence Agency, and the
16 February 11, 2021, appointment of three new judges
17 to the Supreme Court of Haiti outside of constitu-
18 tional procedures.

19 (13) Although there has been no parliament in
20 place since January 2020, the Haitian Government
21 approved a budget on September 30, 2020, but the
22 delay prevented the International Monetary Fund
23 and other multilaterals from disbursing millions in
24 international assistance.

1 (14) In September 2020, President Moïse by-
2 passed the Supreme Court to appoint a Provisional
3 Electoral Council (CEP) by executive decree. Several
4 civil society groups that traditionally participate in
5 Haiti’s electoral councils criticized the decision and
6 have declined to be represented in the CEP.

7 (15) On February 7, 2021, President Moïse al-
8 leged that a coup had been attempted against him
9 leading to 23 subsequent arrests, including of Judge
10 Yviquel Dabrésil of the Supreme Court of Haiti. The
11 Department of State noted that “the situation re-
12 mains murky and we await the results of the police
13 investigation”. President Moïse later forced the re-
14 tirement of three Supreme Court judges on Feb-
15 ruary 9, 2021, who were named as possible transi-
16 tional presidents by political opponents, and replaced
17 them with individuals he unilaterally selected.

18 **SEC. 3. STATEMENT OF POLICY.**

19 It is the policy of the United States to support the
20 sustainable rebuilding and development of Haiti in a man-
21 ner that—

22 (1) recognizes Haitian independence, self-reli-
23 ance, sovereignty, democratic governance, and effi-
24 ciency;

1 (2) promotes efforts that are led by and sup-
2 port the people and Government of Haiti at all levels
3 so that Haitians lead the course of reconstruction
4 and development of Haiti;

5 (3) builds the long term capacity of the Govern-
6 ment of Haiti, civil society in Haiti, and the private
7 sector to foster economic opportunities in Haiti;

8 (4) fosters collaboration between the Haitian di-
9 aspora in the United States, including dual citizens
10 of Haiti and the United States, with the Haitian
11 Government and the business community in Haiti;

12 (5) supports anticorruption efforts and address-
13 es human rights concerns;

14 (6) respects and helps restore Haiti's natural
15 resources, as well as strengthens community-level re-
16 silience to environmental and weather-related im-
17 pacts;

18 (7) promotes the holding of free, fair, and time-
19 ly elections in accordance with democratic principles
20 and the Haitian Constitution;

21 (8) provides timely and comprehensive reporting
22 on Haiti and the United States Government's goals
23 and progress, as well as transparent post program
24 evaluations and contracting data; and

1 (9) promotes the participation of Haitian
2 women and youth in governmental and nongovern-
3 mental institutions and in economic development and
4 governance assistance programs funded by the
5 United States.

6 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND**
7 **ANTICORRUPTION EFFORTS IN HAITI AND**
8 **HOLDING PERPETRATORS OF THE LA SALINE**
9 **MASSACRE ACCOUNTABLE.**

10 (a) SECRETARY OF STATE PRIORITIZATION.—The
11 Secretary of State shall prioritize the protection of human
12 rights and anticorruption efforts in Haiti by the following
13 methods:

14 (1) Fostering strong relationships with inde-
15 pendent civil society groups focused on monitoring
16 corruption and human rights abuses and promoting
17 democracy in Haiti.

18 (2) Supporting the efforts of the Haitian Gov-
19 ernment to identify persons involved in human rights
20 violations and significant acts of corruption in Haiti,
21 including public and private sector actors, and hold
22 them accountable for their actions.

23 (3) Addressing concerns of impunity for the al-
24 leged perpetrators, as well as the intellectual au-
25 thors, of the La Saline massacre.

1 (4) Urging authorities to continue to investigate
2 attacks in the La Saline and Bel Air neighborhoods
3 in 2018 and 2019 that left dozens dead in order to
4 bring the perpetrators to justice.

5 (b) BRIEFING.—

6 (1) ELEMENTS.—Not later than 180 days after
7 the date of the enactment of this Act, the Secretary
8 of State shall brief the appropriate congressional
9 committees on the happenings on November 13,
10 2018, in the Port-au-Prince neighborhood of La Sa-
11 line, and its aftermath. The briefing shall include—

12 (A) an examination of any links between
13 the massacre in La Saline and mass protests
14 that occurred concurrently in the country;

15 (B) an analysis of the reports on the La
16 Saline massacre authored by the United Na-
17 tions, the European Union, and the Govern-
18 ment of Haiti;

19 (C) a detailed description of all known per-
20 petrators, as well as the intellectual authors, of
21 the shootings;

22 (D) an overview of efforts taken by the
23 Haitian Government to bring the perpetrators,
24 as well as the intellectual authors, of the La Sa-

1 line massacre to justice and to prevent other
2 similar attacks; and

3 (E) an assessment of the ensuing treat-
4 ment and displacement of the survivors of the
5 La Saline massacre.

6 (2) CONSULTATION.—In the briefing required
7 under paragraph (1), the Secretary of State shall
8 consult with nongovernmental organizations in Haiti
9 and the United States.

10 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF THE PRESS**
11 **AND ASSEMBLY IN HAITI.**

12 The Secretary of State shall prioritize the promotion
13 of freedom of the press and freedom of assembly, as well
14 as the protection of journalists in Haiti by the following
15 methods:

16 (1) Advocating to Haitian authorities for in-
17 creased protection for journalists and the press and
18 for the freedom to peacefully assemble or protest in
19 Haiti.

20 (2) Collaborating with government officials and
21 representatives of civil society to increase legal pro-
22 tections for journalists in Haiti.

23 (3) Supporting efforts to strengthen trans-
24 parency in Haiti's public and private sectors, as well
25 as access to information in Haiti.

1 (4) Utilizing United States foreign assistance
2 for programs to strengthen capacity for independent
3 journalists and increase support for investigative
4 journalism.

5 **SEC. 6. ACTIONS TO SUPPORT POST-EARTHQUAKE, POST-**
6 **HURRICANE AND POST-COVID-19 RECOVERY**
7 **AND DEVELOPMENT IN HAITI.**

8 The Secretary of State, in coordination with the Ad-
9 ministrators of the United States Agency for International
10 Development (USAID), shall prioritize post-earthquake
11 and post-hurricane recovery and development efforts in
12 Haiti by the following methods:

13 (1) Collaborating with the Haitian Government
14 on a detailed and transparent development plan that
15 includes clear objectives and benchmarks.

16 (2) Building the capacity of Haitian-led public,
17 private, and nongovernmental sector institutions in
18 Haiti through post-earthquake and post-hurricane
19 recovery and development planning.

20 (3) Assessing the impact of both the United
21 States' and the international community's recovery
22 and development efforts in Haiti since January
23 2010.

24 (4) Supporting disaster resilience and recon-
25 struction efforts.

1 (5) Addressing the underlying causes of poverty
2 and inequality.

3 (6) Improving access to—

4 (A) health resources;

5 (B) public health technical assistance; and

6 (C) clean water, food, and shelter.

7 (7) Assessing the impact of the COVID–19
8 pandemic on post-disaster recovery efforts and eval-
9 uating United States support needed to help with
10 the pandemic response in Haiti.

11 **SEC. 7. REPORT.**

12 (a) REPORT CONTENT.—Not later than 180 days
13 after the date of the enactment of this Act, the Secretary
14 of State, in coordination with the Administrator of the
15 United States Agency for International Development, and
16 other relevant agencies and departments, shall submit to
17 the appropriate congressional committees a report that in-
18 cludes—

19 (1) a strategy for carrying out the initiatives
20 described in sections 4, 5, and 6, including estab-
21 lished baselines, benchmarks, and indicators to
22 measure outcomes and impact;

23 (2) an assessment of major corruption com-
24 mitted among the public and private sectors, and on

1 all corruption prosecutions investigated by the Hai-
2 tian judiciary since January 2015;

3 (3) an overview of efforts taken by the Haitian
4 Government to address corruption, including the
5 Petrocaribe scandal, and corrective measures to
6 strengthen and restore trust in Haiti's public insti-
7 tutions;

8 (4) a description of United States Government
9 efforts to consult and engage with Haitian Govern-
10 ment officials and independent civil society groups
11 focused on monitoring corruption and human rights
12 abuses and promoting democracy and press freedom
13 in Haiti since January 2015;

14 (5) a description of the Haitian Government's
15 response to civic protests that have taken place since
16 July 2018 and any allegations of human rights
17 abuses, including attacks on journalists;

18 (6) an assessment of United States security as-
19 sistance to Haiti, including the United States sup-
20 port to the Haitian National Police and an assess-
21 ment of compliance with section 620M of the For-
22 eign Assistance Act of 1961 (22 U.S.C. 2378d) and
23 section 362 of title 10, United States Code (com-
24 monly referred to as the "Leahy Laws");

1 (7) a description of the Haitian Government's
2 efforts to support displaced survivors of urban and
3 gang violence;

4 (8) an assessment of the impact of presidential
5 decrees on the health of Haiti's democratic institu-
6 tions and safeguarding of human rights, including
7 reducing the authority of the Superior Court of Ac-
8 counts and Administrative Litigation, promulgating
9 an antiterrorism law, and establishing the National
10 Intelligence Agency, as well as retiring and subse-
11 quently appointing judges to the Supreme Court of
12 Haiti;

13 (9) a review of the February 7, 2021, alleged
14 coup against President Moïse and subsequent arrest
15 and jailings of alleged perpetrators;

16 (10) an analysis in collaboration with the Hai-
17 tian Government on efforts to support development
18 goals since January 2015, including steps taken
19 to—

20 (A) strengthen institutions at the national
21 and local levels; and

22 (B) strengthen democratic governance at
23 the national and local levels;

24 (11) an analysis of the effectiveness and sus-
25 tainability of United States-financed development

1 projects, including the Caracol Industrial Park and
2 supporting infrastructure;

3 (12) a breakdown of procurement from Haitian
4 small- and medium-sized businesses and nongovern-
5 mental organizations by the United States and Hai-
6 tian governments for development and humanitarian
7 activities by year since 2015, and a description of ef-
8 forts to increase local procurement, including food
9 aid;

10 (13) a description of United States efforts
11 taken since January 2010 to assist the Haitian peo-
12 ple in their pursuits for free, fair, and timely demo-
13 cratic elections; and

14 (14) quantitative and qualitative indicators to
15 assess progress and benchmarks for United States
16 initiatives focused on sustainable development in
17 Haiti, including democracy assistance, economic re-
18 vitalization, natural disaster recovery, pandemic re-
19 sponse, resilience, energy and infrastructure, health,
20 and food security.

21 (b) CONSULTATION.—In preparing the report re-
22 quired under subsection (a), the Secretary of State and
23 the USAID Administrator shall consult with nongovern-
24 mental organizations and civil society groups in Haiti and

1 the United States, as well as the Government of Haiti
2 where appropriate.

3 (c) **PUBLIC AVAILABILITY.**—The report required
4 under subsection (a) shall be made publicly available on
5 the website of the Department of State.

6 **SEC. 8. SUNSET.**

7 (a) **REPEAL.**—The Assessing Progress in Haiti Act
8 (22 U.S.C. 2151n; Public Law 113–162) is repealed.

9 (b) **TERMINATION.**—This Act shall terminate on De-
10 cember 31, 2025.

11 **SEC. 9. DEFINITIONS.**

12 In this Act the term “appropriate congressional com-
13 mittees” means—

14 (1) the Committee on Foreign Affairs and the
15 Committee on Appropriations of the House of Rep-
16 resentatives; and

17 (2) the Committee on Foreign Relations and
18 the Committee on Appropriations of the Senate.