

Suspend the Rules and Pass the Bill, H.R. 2471, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 2471

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

APRIL 13, 2021

Mr. JEFFRIES (for himself and Mr. WALTZ) introduced the following bill;
which was referred to the Committee on Foreign Affairs

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

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

24 (4) Prior to both the 2010 earthquake and
25 2016 hurricane, Haiti registered among the lowest
26 in socioeconomic indicators and had the second high-

1 est rate of income disparity in the world—conditions
2 that have further complicated disaster recovery and
3 resilience efforts. As of November 2020, 4,400,000
4 people were in need of humanitarian assistance in
5 Haiti.

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

13 (6) The United Nations Human Rights Office
14 of the High Commissioner and the Human Rights
15 Service jointly found a 333 percent increase in
16 human rights violations and abuses against the
17 rights of life and security in Haiti from July 2018
18 through December 2019. There were 131 violations
19 in 2018 and 567 violations in 2019, including the
20 shooting of at least five Haitian journalists covering
21 the protests.

22 (7) Leading members of civil society have faced
23 attacks, including Monferrier Dorval, a constitu-
24 tional law expert and president of the Port-au-
25 Prince bar who was killed on August 28, 2020.

1 (8) On November 13, 2018, according to the
2 Haitian National Human Rights Defense Network,
3 at least 71 people were killed and 18 people were
4 raped in the Port-au-Prince neighborhood of La Sa-
5 line.

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

17 (10) Following the La Saline massacre, similar
18 attacks have occurred in Port-au-Prince neighbor-
19 hoods, including the November 2019 and August
20 2020 attacks on Bel Air, in which 24 people were
21 killed and hundreds of families were displaced.

22 (11) Parliamentary elections scheduled for Oc-
23 tober 2019 did not take place, and since January
24 13, 2020, President Jovenel Moïse has ruled by de-
25 cree. The United States and international commu-

1 nity have urged President Moïse to limit the use of
2 executive decrees during this period and have ex-
3 pressed concern over several decrees issued, includ-
4 ing those creating the National Intelligence Agency
5 and appointing three new judges to the Supreme
6 Court outside of constitutional procedures. Haitian
7 civil society organizations have denounced the presi-
8 dent's use of decrees as an attempt to consolidate
9 power.

10 (12) Due to institutional weakness and other
11 challenges exacerbated by the COVID-19 pandemic,
12 Haiti's economy contracted by an estimated 4 per-
13 cent in 2020 and inflation neared 20 percent. Al-
14 though there has been no parliament in place since
15 January 2020, the Haitian Government approved a
16 budget on September 30, 2020. However, the delay
17 prevented the International Monetary Fund and
18 other multilaterals from disbursing millions in inter-
19 national assistance.

20 (13) In September 2020, President Moïse by-
21 passed the Supreme Court to appoint a Provisional
22 Electoral Council (CEP) by executive decree. Several
23 civil society groups that traditionally participate in
24 Haiti's electoral councils criticized the decision and
25 have declined to be represented in the CEP.

1 (14) The Moïse administration lacks the credi-
2 bility to oversee a proposed constitutional ref-
3 erendum scheduled for June 2021, which legal ex-
4 perts consider unconstitutional.

5 (15) There are concerns that, given the lack of
6 democratic checks and balances, the dispute over the
7 credibility of the electoral council, and the deterio-
8 rating security situation, elections scheduled for Sep-
9 tember 2021 will not be free or fair. Additionally,
10 the security situation remains volatile and on Feb-
11 ruary 7, 2021, President Moïse alleged that a coup
12 had been attempted against him leading to 23 ar-
13 rests and the forced retirement of three Supreme
14 Court judges.

15 **SEC. 3. STATEMENT OF POLICY.**

16 It is the policy of the United States to support the
17 sustainable rebuilding and development of Haiti in a man-
18 ner that—

19 (1) recognizes Haitian independence, self-reli-
20 ance, sovereignty, democratic governance, and effi-
21 ciency;

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

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

4 (4) fosters collaboration between the Haitian di-
5 aspora in the United States, including dual citizens
6 of Haiti and the United States, with the Haitian
7 Government and the business community in Haiti;

8 (5) supports anti-corruption efforts, promotes
9 press freedom, and addresses human rights con-
10 cerns, including through the enforcement of sanc-
11 tions imposed in accordance with the Global
12 Magnitsky Human Rights Accountability Act on in-
13 dividuals implicated in human rights violations;

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;

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; and

6 (10) does not provide support to facilitate the
7 proposed June 2021 constitutional referendum, in-
8 cluding through multilateral organizations.

9 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND**
10 **ANTICORRUPTION EFFORTS IN HAITI AND**
11 **HOLDING PERPETRATORS OF THE LA SALINE**
12 **MASSACRE ACCOUNTABLE.**

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

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

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

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

4 (4) Urging authorities to continue to investigate
5 attacks in the La Saline and Bel Air neighborhoods
6 from 2018 through 2021 that left dozens dead in
7 order to bring the perpetrators to justice.

8 (b) BRIEFING.—

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

15 (A) an examination of any links between
16 the massacre in La Saline and mass protests
17 that occurred concurrently in the country;

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

22 (C) a detailed description of all known per-
23 petrators, as well as the intellectual authors, of
24 the shootings;

1 (D) an overview of efforts taken by the
2 Haitian Government to bring the perpetrators,
3 as well as the intellectual authors, of the La Sa-
4 line massacre to justice and to prevent other
5 similar attacks; and

6 (E) an assessment of the ensuing treat-
7 ment and displacement of the survivors of the
8 La Saline massacre.

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

13 **SEC. 5. ACTIONS TO PROMOTE FREEDOM OF THE PRESS**
14 **AND ASSEMBLY IN HAITI.**

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

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

23 (2) Collaborating with government officials and
24 representatives of civil society to develop and imple-
25 ment legal protections for journalists in Haiti.

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

4 (4) Supporting efforts to strengthen the capac-
5 ity of independent journalists and increase access to
6 resources for investigative journalism.

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

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

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

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

22 (3) Assessing the impact of both the United
23 States' and the international community's recovery
24 and development efforts in Haiti since January
25 2010.

1 (4) Supporting disaster resilience and recon-
2 struction efforts.

3 (5) Addressing the underlying causes of poverty
4 and inequality, and improving access to health re-
5 sources, clean water, food, and shelter.

6 (6) Assessing the impact of the COVID–19
7 pandemic on post-disaster recovery efforts and eval-
8 uating United States support to help with pandemic
9 response efforts in Haiti, including providing tech-
10 nical assistance and preventing other infectious dis-
11 ease outbreaks.

12 **SEC. 7. REPORT.**

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

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

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

1 practical and appropriate, an assessment of corrup-
2 tion prosecutions investigated by the Haitian judici-
3 ary since January 2015;

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

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

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

19 (6) an assessment of United States security as-
20 sistance to Haiti, including the United States sup-
21 port to the Haitian National Police and an assess-
22 ment of compliance with section 620M of the For-
23 eign Assistance Act of 1961 (22 U.S.C. 2378d) and
24 section 362 of title 10, United States Code (com-
25 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 plan in collaboration with the Haitian
14 Government on efforts to support development goals
15 since January 2015, including steps taken to—

16 (A) strengthen institutions at the national
17 and local levels; and

18 (B) strengthen democratic governance at
19 the national and local levels;

20 (10) an analysis of the effectiveness and sus-
21 tainability of United States-financed development
22 projects, including the Caracol Industrial Park and
23 supporting infrastructure;

24 (11) a breakdown of procurement from Haitian
25 small- and medium-sized businesses and nongovern-

1 mental organizations by the United States and Hai-
2 tian governments for development and humanitarian
3 activities by year since 2015, and a description of ef-
4 forts to increase local procurement, including food
5 aid;

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

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

17 (14) a risk assessment of conflict, instability,
18 and violence in Haiti that includes information relat-
19 ing to—

20 (A) systemic patterns and causes of vio-
21 lence and subsequent impunity relating to mas-
22 sacres, death threats, kidnappings, armed at-
23 tacks, and firearm-related violence, with anal-
24 ysis of the roles of the various actors and bene-

1 ficiaries who play a part, including Haitain
2 Government actors;

3 (B) gang activity and its role in the recent
4 wave of kidnappings and the capacities of the
5 police force to address the most serious mani-
6 festations of insecurity;

7 (C) the scope and role of criminal activity
8 and its linkages to political forces, particularly
9 leading up to elections; and

10 (D) implications of the lack of independ-
11 ence of Haiti's judicial system.

12 (b) CONSULTATION.—In preparing the report re-
13 quired under subsection (a), the Secretary of State and
14 the USAID Administrator shall consult with nongovern-
15 mental organizations and civil society groups in Haiti and
16 the United States, as well as the Government of Haiti
17 where appropriate.

18 (c) PUBLIC AVAILABILITY.—The report required
19 under subsection (a) shall be made publicly available on
20 the website of the Department of State.

21 **SEC. 8. SUNSET.**

22 (a) REPEAL.—The Assessing Progress in Haiti Act
23 (22 U.S.C. 2151n; Public Law 113–162) is repealed.

24 (b) TERMINATION.—This Act shall terminate on De-
25 cember 31, 2025.

1 **SEC. 9. DEFINITIONS.**

2 In this Act the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Foreign Affairs and the
5 Committee on Appropriations of the House of Rep-
6 resentatives; and

7 (2) the Committee on Foreign Relations and
8 the Committee on Appropriations of the Senate.