

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5586
OFFERED BY MR. LEVIN OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Haiti Development,
3 Accountability, and Institutional Transparency Initiative
4 Act”.

5 SEC. 2. FINDINGS.

6 Congress finds the following:

7 (1) On January 12, 2010, a massive earth-
8 quake struck near the Haitian capital city of Port-
9 au-Prince, leaving an estimated 220,000 people
10 dead, including 103 United States citizens, 101
11 United Nations personnel, and nearly 18 percent of
12 the nation’s civil service, as well as 300,000 injured,
13 115,000 homes destroyed, and 1,500,000 people dis-
14 placed.

15 (2) The Post Disaster Needs Assessment con-
16 ducted by the Government of Haiti, the United Na-
17 tions, the World Bank, the Inter-American Develop-
18 ment Bank, and others estimated that damage and

1 economic losses from the January 12, 2010, earth-
2 quake totaled \$7,804,000,000.

3 (3) The international community, led by the
4 United States and the United Nations, mounted an
5 unprecedented humanitarian response to the earth-
6 quake in Haiti. Through 2018, more than \$8 billion
7 has been disbursed by donors. Since the 2010 earth-
8 quake, the United States Government has disbursed
9 more than \$4,000,000,000 in recovery and develop-
10 ment funding.

11 (4) On October 4, 2016, Hurricane Matthew
12 struck southwestern Haiti on the Tiburon Peninsula,
13 causing widespread damage and flooding and leaving
14 1.4 million people in need of immediate assistance.
15 Recovery efforts continue more than three years
16 later.

17 (5) Prior to both the earthquake and hurricane,
18 Haiti registered among the lowest socioeconomic in-
19 dicators and had the second highest rate of income
20 disparity in the world - conditions that have further
21 complicated disaster recovery and resilience efforts.

22 (6) In June 2019 the World Food Program re-
23 ported that Haiti has one of the highest levels of
24 chronic food insecurity in the world, with more than

1 half of its total population chronically food insecure
2 and 22 percent of children chronically malnourished.

3 (7) In October 2010, an unprecedented out-
4 break of cholera in Haiti resulted in over 800,000
5 reported cases and over 9,000 deaths to date. The
6 Pan American Health Organization reported in 2018
7 that the cholera incidence rate in Haiti is 25.5 cases
8 per 100,000.

9 (8) With United States assistance, almost
10 14,000 jobs have been created since the 2010 earth-
11 quake, largely in the apparel industry at the Caracol
12 Industrial Park (in partnership with the Inter-Amer-
13 ican Development Bank, the Haitian Government,
14 and the private sector) in northern Haiti.

15 (9) According to the Haitian National Human
16 Rights Defense Network, on November 13, 2018, at
17 least 59 people were shot and killed in the Port-au-
18 Prince neighborhood of La Saline. After months of
19 investigations, no one has been held responsible for
20 the La Saline massacre.

21 (10) Since 2018, tens of thousands of Haitians
22 have participated in popular demonstrations de-
23 manding accountability over government manage-
24 ment of Petrocaribe resources. In early 2019, the
25 Haitian superior court of auditors released a series

1 of reports implicating high-level government officials
2 in the misappropriation of funds.

3 (11) From August 2018 through February
4 2019, local human rights organizations reported that
5 64 Haitian citizens were killed in protests.

6 (12) According to the Committee to Protect
7 Journalists, five Haitian journalists were shot while
8 covering protests in 2019 and one was killed. On
9 September 23, 2019, Associated Press photo-
10 journalist Chery Dieu-Nalio was shot by Haitian
11 Senator Jean Marie Ralph Féthière when the Sen-
12 ator fired multiple shots near a crowd outside of
13 parliament.

14 (13) Economic growth in Haiti is projected to
15 drop below 1.5 percent this year. Inflation is esti-
16 mated to be 15 percent and the local currency has
17 depreciated by 30 percent in the past year. The Hai-
18 tian government and parliament have failed to pass
19 a budget for two years, preventing the International
20 Monetary Fund and other multilaterals from dis-
21 bursing millions in international assistance.

22 (14) Midterm elections set for October 2019 did
23 not take place, and since January 2020 President
24 Moise has ruled by decree.

1 **SEC. 3. STATEMENT OF POLICY.**

2 It is the policy of the United States to support the
3 sustainable rebuilding and development of Haiti in a man-
4 ner that—

5 (1) recognizes Haitian independence, self-reli-
6 ance, sovereignty, democratic governance, and effi-
7 ciency;

8 (2) promotes Haitian-led efforts for reconstruc-
9 tion and development of Haiti;

10 (3) strengthens the capacity of civil society and
11 supports private sector initiatives that foster eco-
12 nomic opportunities in Haiti;

13 (4) fosters collaboration between the Haitian di-
14 aspora in the United States and the Haitian Govern-
15 ment;

16 (5) combats impunity and prioritizes delivering
17 justice to victims of human rights abuses;

18 (6) ensures the protection of press freedoms
19 and promotion of a free and independent Haitian
20 press;

21 (7) promotes respect for freedom of assembly
22 and the rights of Haitians to peacefully demonstrate;

23 (8) demands increased transparency and ac-
24 countability among all branches of government and
25 supports anti-corruption and addresses human
26 rights concerns;

1 (9) prioritizes strengthening community resil-
2 ience to environmental and weather-related impacts;
3 and

4 (10) promotes democratic principles, including
5 free, fair, and timely elections in accordance with the
6 Haitian Constitution.

7 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND ANTI-COR-**
8 **RUPTION EFFORTS IN HAITI AND HOLDING**
9 **PERPETRATORS OF LA SALINE MASSACRE**
10 **ACCOUNTABLE.**

11 (a) SECRETARY OF STATE PRIORITIZATION.—The
12 Secretary of State shall prioritize the protection of human
13 rights and anti-corruption efforts in Haiti by—

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 human rights violators and cor-
20 rupt actors in Haiti, including public and private
21 sector actors, and hold them accountable for their
22 actions; and

23 (3) addressing concerns of impunity for alleged
24 orchestrators of the La Saline massacre.

25 (b) ASSESSMENT.—

1 (1) ELEMENTS.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary
3 of State, in consultation with nongovernmental orga-
4 nizations in Haiti and the United State, shall submit
5 to the appropriate congressional committees a de-
6 tailed assessment of the happenings on November
7 13, 2018, in the Port-au-Prince neighborhood of La
8 Saline. The assessment shall include the following:

9 (A) An examination of any links between
10 the massacre in La Saline and mass protests
11 that occurred concurrently in the country.

12 (B) An analysis of the reports on the La
13 Saline massacre authored by the United Na-
14 tions, the European Union, and the Haitian
15 Government.

16 (C) A detailed description of all known ac-
17 tors implicated in the shooting.

18 (D) An overview of efforts taken by the
19 Haitian Government to bring the orchestrators
20 of the La Saline massacre to justice.

21 (E) An assessment of the ensuing treat-
22 ment and displacement of the La Saline shoot-
23 ing survivors.

1 (2) PUBLIC AVAILABILITY.—The assessment re-
2 quired under paragraph (1) shall be made publicly
3 available on the website of the Department of State.

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

6 The Secretary of State shall prioritize the promotion
7 of press and assembly freedoms, as well as the protection
8 of journalists, in Haiti by—

9 (1) advocating for increased protections for the
10 press and the freedom to peacefully assemble in
11 Haiti;

12 (2) collaborating with government and non-
13 government officials to develop and implement legal
14 protections for journalists in Haiti;

15 (3) supporting efforts to strengthen trans-
16 parency and access to information in Haiti;

17 (4) ensuring that threats and attacks on jour-
18 nalists and protesters are fully investigated and per-
19 petrators are held accountable;

20 (5) developing increased protection measures
21 for peaceful protesters in accordance with Haitian
22 law; and

23 (6) financing efforts to strengthen capacity for
24 independent journalists and increase support for in-
25 vestigative journalism.

1 **SEC. 6. ACTIONS TO SUPPORT POST-EARTHQUAKE AND**
2 **POST-HURRICANE RECOVERY AND DEVELOP-**
3 **MENT IN HAITI.**

4 The Secretary of State, in coordination with the Ad-
5 ministrator of the United States Agency for International
6 Development, shall prioritize post-earthquake and post-
7 hurricane recovery and development efforts in Haiti by—

8 (1) collaborating with the Haitian Government
9 on a detailed and transparent development plan that
10 includes clear objectives and benchmarks;

11 (2) building the capacity of local institutions
12 through post-earthquake and post-hurricane recovery
13 and development planning;

14 (3) assessing the impact of both the United
15 States' and the international community's recovery
16 and development efforts in Haiti over the past 10
17 years;

18 (4) supporting disaster resilience and recon-
19 struction efforts; and

20 (5) addressing the underlying causes of poverty
21 and inequality, including by providing health re-
22 sources, access to clean water, food, and shelter.

23 **SEC. 7. REPORT.**

24 (a) **IN GENERAL.**—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of State,
26 in coordination with the Administrator of the United

1 States Agency for International Development, shall submit
2 to the appropriate congressional committees a report that
3 includes the following:

4 (1) A strategy for carrying out the initiatives
5 described in sections 4, 5, and 6, including estab-
6 lished baselines, benchmarks, and indicators to
7 measure outcomes and impact.

8 (2) An assessment of corruption in Haiti, in-
9 cluding an analysis of corruption among the public
10 and private sectors, a list of government and non-
11 government officials known or alleged to have par-
12 taken in corruption or human rights violations, and
13 a list of United States entities, including financial
14 institutions, with financial ties to alleged corrupt ac-
15 tors in Haiti.

16 (3) An overview of efforts taken by the Haitian
17 Government to address public and private sector cor-
18 ruption.

19 (4) A description of United States Government
20 efforts to consult and engage with Haitian Govern-
21 ment officials and independent civil society groups
22 focused on monitoring corruption and human rights
23 abuses and promoting democracy in Haiti to address
24 the Petrocaribe scandal and other acts of corruption
25 within the Haitian Government.

1 (5) An assessment of the Haitian Government's
2 efforts to support displaced survivors of urban and
3 gang violence.

4 (6) A detailed description of all known attacks
5 on journalists in the past since the beginning of
6 "country lock" protests in July 2018.

7 (7) An assessment of the Haitian Government's
8 response to civic protests that have taken place since
9 July 2018 and any allegations of human rights
10 abuses.

11 (8) An analysis of the Haitian Government's ef-
12 forts to increase protection for journalists.

13 (9) A description of United States Government-
14 led efforts to promote press freedom in Haiti over
15 the last three years and an outline of any additional
16 best practices the United States Government can
17 employ to promote press freedom and the freedom of
18 expression in Haiti.

19 (10) A plan, developed in collaboration with the
20 Haitian Government, to support development goals
21 that includes the following:

22 (A) Strengthening institutions at the na-
23 tional and local levels.

24 (B) Strengthening democratic governance
25 at the national and local levels.

1 (11) A description of best practices to ensure
2 efficient and transparent earthquake and hurricane
3 recovery and development efforts in Haiti.

4 (12) An analysis of the effectiveness and sus-
5 tainability of United States-financed development
6 projects, including the Caracol Industrial Park and
7 supporting infrastructure.

8 (13) A breakdown of local procurement by year
9 and a description of efforts to increase local procure-
10 ment, including food aid.

11 (14) The design of quantitative and qualitative
12 indicators to assess progress and benchmarks for
13 United States initiatives focused on natural disaster
14 recovery, resilience, and sustainable development in
15 Haiti.

16 (15) A description of United States efforts
17 taken to assist the Haitian people in their pursuits
18 for free and fair democratic elections.

19 (b) CONSULTATION.—In preparing the report re-
20 quired under paragraph (1), the Secretary of State and
21 the USAID Administrator shall consult with nongovern-
22 mental organizations and civil society groups in Haiti and
23 the United States, as well as the Government of Haiti
24 where appropriate.

1 (d) PUBLIC AVAILABILITY.—The report required
2 under paragraph (1) shall be made publicly available on
3 the website of the Department of State.

4 **SEC. 8. DEFINITION.**

5 In this Act the term “appropriate congressional com-
6 mittees” means—

7 (1) the Committee on Foreign Affairs and the
8 Committee on Appropriations of the House of Rep-
9 resentatives; and

10 (2) the Committee on Foreign Relations and
11 the Committee on Appropriations of the Senate.

Amend the title so as to read: “A bill To measure
the progress of recovery and efforts to address corrup-
tion, rule of law, and media freedoms in Haiti.”.

