

109TH CONGRESS
1ST SESSION

H. R. 945

To provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Ms. LEE (for herself, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mrs. MCCARTHY, Mr. HASTINGS of Florida, Mr. RUSH, Mr. WYNN, Mr. OWENS, Mr. PAYNE, Mr. SANDERS, Mr. GRIJALVA, Ms. NORTON, Mr. RANGEL, Mr. TOWNS, Mr. WEXLER, Ms. WOOLSEY, Mr. CUMMINGS, Ms. CARSON, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, and Ms. WATERS) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “New Partnership for Haiti Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purpose.

Sec. 103. Definitions.

Sec. 104. Requirements for determining a democratically elected government in Haiti.

Sec. 105. Development of a comprehensive strategy.

TITLE II—UNITED STATES ASSISTANCE FOR HAITI

Sec. 201. Assistance for health sector development.

Sec. 202. Assistance for health infrastructure development.

Sec. 203. Assistance for water and sanitation infrastructure development.

Sec. 204. Professional exchange for areas in Haiti severely affected by dilapidated physical health infrastructures.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. FINDINGS.**

3 Congress finds the following:

4 (1) Haiti is the most impoverished nation in the
5 Western Hemisphere.

6 (2) The United Nations Joint Programme on
7 HIV/AIDS states that Haiti accounts for 90 percent
8 of the HIV/AIDS infections and case rates in the
9 Caribbean.

10 (3) HIV infections and AIDS have approached
11 epidemic proportions in Haiti. More than 300,000
12 infected people have been identified and deaths from
13 HIV/AIDS have left approximately 200,000 children
14 orphaned, while more than 12,000 children in Haiti
15 are living with HIV/AIDS.

1 (4) The infant and maternal mortality rate in
2 Haiti continues to rise and only 1 in every 10,000
3 Haitians has access to a physician.

4 (5) The Global Fund to Fight AIDS, Tubercu-
5 culosis and Malaria has approved the control mecha-
6 nisms of the Government of Haiti, which include
7 measures to address transparency and for disburse-
8 ment of grants from the Global Fund.

9 (6) The President has included Haiti in the list
10 of 15 countries that qualify for United States assist-
11 ance to combat HIV/AIDS under the United States
12 Leadership Against HIV/AIDS, Tuberculosis, and
13 Malaria Act of 2003.

14 (7) The people of Haiti have a constitutional
15 and fundamental human right to health and govern-
16 ment has the obligation to fulfill these rights to the
17 level of resources available.

18 (8) The legal minimum daily wage in Haiti is
19 approximately \$.96 but many Haitians work in the
20 informal economy or in subsistence agriculture for
21 \$.40 or less a day.

22 (9) 76 percent of Haiti's children under the age
23 of five are underweight or suffer from wasting or
24 stunting.

1 (10) Only 46 percent of the population has ac-
2 cess to safe water and only 28 percent of the popu-
3 lation to sanitation services.

4 (11) 63 percent of Haitians are undernour-
5 ished. As stated by the United Nations Special
6 Rapporteur on the Right to Food: “Despite the fact
7 that global wealth and resources [are] sufficient to
8 provide food for everyone, some 100,000 people [die]
9 every day of hunger or hunger-related diseases
10 [throughout the world].”.

11 (12) The infant mortality rate in Haiti is ap-
12 proximately 76 deaths for each 1,000 live female
13 births and 81 deaths for each 1,000 live male births.

14 (13) Life expectancy at birth in Haiti is ap-
15 proximately 51 years.

16 (14) Approximately 80 percent of Haiti’s popu-
17 lation lives in abject poverty.

18 (15) Unemployment and underemployment is
19 widespread in Haiti as evidenced by the fact that
20 more than two-thirds of the labor force are without
21 formal jobs.

22 (16)(A) The Office of Technical Assistance
23 within the Bureau of International Affairs of the
24 Department of the Treasury has provided advisers
25 to governments in Central and Eastern Europe and

1 the independent states of the former Soviet Union to
2 assist in the transition from command to market
3 economies.

4 (B) In the typical mission, a Treasury Depart-
5 ment “resident advisor” provides assistance to a
6 senior finance ministry or central bank counterpart
7 in one of several areas: tax policy and administra-
8 tion, government debt issuance and management, fi-
9 nancial institutions policy and regulation, budget
10 policy and management, and the prevention, detec-
11 tion, and prosecution of financial crimes. These resi-
12 dent advisers are supported by short-term experts
13 and technicians.

14 (17) More recently, the Department of the
15 Treasury has addressed challenges in other parts of
16 the world by assisting the South African Depart-
17 ment of Finance in restructuring its budget office
18 and process, working in the Haitian Finance Min-
19 istry to improve apportionment and budget execu-
20 tion, and helping to resolve the banking crisis in In-
21 donesia.

22 (18) More recently, Haiti’s democratically elect-
23 ed President was ousted which left Haiti with a
24 transitional government from 2004 to 2006.

1 (19) Programs of assistance under this Act will
2 work in partnership with any democratically elected
3 government of Haiti which is recognized and works
4 within the Haitian Constitution.

5 **SEC. 102. PURPOSE.**

6 The purpose of this Act is to strengthen United
7 States leadership and the effectiveness of the United
8 States response to infectious diseases in Haiti and Haiti's
9 struggling health sector while assisting with the rebuilding
10 of physical infrastructure by—

11 (1) establishing a comprehensive, integrated
12 strategy to develop Haiti's health infrastructure,
13 combat HIV/AIDS and other infectious diseases,
14 and improve coordination among relevant Federal
15 departments and agencies and between the United
16 States and a democratically elected government in
17 Haiti, nongovernmental organizations, and other
18 international organizations;

19 (2) providing increased resources for United
20 States efforts, particularly for technical assistance
21 and training, to combat HIV/AIDS, tuberculosis,
22 and malaria in Haiti;

23 (3) encouraging the expansion of the inter-
24 national community to reengage with a democrat-
25 ically elected government in Haiti and expand pri-

1 vate sector efforts and public-private sector partner-
2 ships to establish a functional health sector in Haiti;

3 (4) assisting and securing a system of basic
4 water, sanitation, and other physical infrastructure;
5 and

6 (5) encouraging an exchange of knowledge and
7 professionalism between a democratically elected
8 government in Haiti and the United States Depart-
9 ment of the Treasury through the Department's Of-
10 fice of Technical Assistance within the Bureau of
11 International Affairs, including by providing Depart-
12 ment of the Treasury advisers to work to explain
13 such concepts as budgeting and the decision making
14 process, tax policy as a means of financing the an-
15 nual government budget, treasury bill markets to re-
16 place central bank monetization of deficits, and the
17 banking as a system of intermediation rather than
18 financial accounting.

19 **SEC. 103. DEFINITIONS.**

20 In this Act:

21 (1) AIDS.—The term “AIDS” means the ac-
22 quired immune deficiency syndrome.

23 (2) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the Committee on International Re-

1 lations of the House of Representatives and the
2 Committee on Foreign Relations of the Senate.

3 (3) DEMOCRATICALLY ELECTED GOVERNMENT
4 IN HAITI.—The term “democratically elected govern-
5 ment in Haiti”—

6 (A) means a government determined by the
7 President to have met the requirements of sec-
8 tion 104; and

9 (B) does not include the Government of
10 Haiti that came to power in February 2004 as
11 a result of the coup d’état in the Republic of
12 Haiti.

13 (4) HIV.—The term “HIV” means the human
14 immunodeficiency virus, the pathogen that causes
15 AIDS.

16 (5) HIV/AIDS.—The term “HIV/AIDS”
17 means, with respect to an individual, an individual
18 who is infected with HIV or living with AIDS.

19 **SEC. 104. REQUIREMENTS FOR DETERMINING A DEMO-**
20 **CRATICALLY ELECTED GOVERNMENT IN**
21 **HAITI.**

22 For purposes of this Act, a democratically elected
23 government in Haiti is a government which—

24 (1) results from free and fair elections—

1 (A) conducted under the supervision of
2 internationally recognized observers; and

3 (B) in which—

4 (i) opposition parties were permitted
5 ample time to organize and campaign for
6 such elections; and

7 (ii) all candidates were permitted full
8 access to the media; and

9 (2) is showing respect for the basic civil lib-
10 erties and human rights of the citizens of Haiti.

11 **SEC. 105. DEVELOPMENT OF A COMPREHENSIVE STRAT-**
12 **EGY.**

13 Upon transmitting a determination to the appro-
14 priate congressional committees that a democratically
15 elected government in Haiti is in power, the President
16 shall seek to work with such democratically elected govern-
17 ment in Haiti, the international financial community, civil
18 society, and other international organizations to establish
19 a comprehensive and integrated strategy to combat infec-
20 tious diseases in Haiti and to establish a comprehensive
21 health infrastructure in Haiti.

1 **TITLE II—UNITED STATES**
2 **ASSISTANCE FOR HAITI**

3 **SEC. 201. ASSISTANCE FOR HEALTH SECTOR DEVELOP-**
4 **MENT.**

5 (a) STATEMENT OF POLICY.—It is the policy of the
6 United States—

7 (1) to assist in empowering the people of Haiti,
8 particularly, women, young people and children, so-
9 cially, economically, and intellectually to seek health
10 as a human right and to prevent the transmission
11 and contraction of HIV/AIDS, tuberculosis, malaria,
12 and other infectious and endemic diseases; and

13 (2) to ensure that affordable effective health
14 technologies, preventatives, and curatives are widely
15 available to the people of Haiti.

16 (b) ASSISTANCE.—

17 (1) IN GENERAL.—Upon transmitting a deter-
18 mination to the appropriate congressional commit-
19 tees that a democratically elected government in
20 Haiti is in power, the President, acting through the
21 Administrator of the United States Agency for
22 International Development, the Director of the Cen-
23 ters for Disease Control and Prevention, and the
24 heads of other appropriate Federal departments and
25 agencies, is authorized to provide assistance, on such

1 terms and conditions as the President may deter-
2 mine, to facilitate the development of the health sec-
3 tor of Haiti.

4 (2) ACTIVITIES SUPPORTED.—Assistance pro-
5 vided under paragraph (1) shall, to the maximum
6 extent practicable, be used to carry out the following
7 activities:

8 (A) Develop and expand the health sector
9 in Haiti by expanding the current health infra-
10 structure, targeting resources toward sanitation
11 and water improvements, and developing best
12 practices to fight serious health conditions in
13 the country, including HIV/AIDS, tuberculosis,
14 and malaria.

15 (B) Education, prevention, care, treat-
16 ment, support, capacity development, and other
17 activities relating to the prevention, treatment,
18 and control of infectious diseases.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to carry out this section such sums as
22 may be necessary for each of the fiscal years 2006
23 and 2007.

24 (2) AVAILABILITY.—Amounts appropriated pur-
25 suant to the authorization of appropriations under

1 paragraph (1) are authorized to remain available
2 until expended.

3 **SEC. 202. ASSISTANCE FOR HEALTH INFRASTRUCTURE DE-**
4 **VELOPMENT.**

5 (a) ASSISTANCE.—

6 (1) IN GENERAL.—Upon transmitting a deter-
7 mination to the appropriate congressional commit-
8 tees that a democratically elected government in
9 Haiti is in power, the President, acting through the
10 Secretary of State and the United States Army
11 Corps of Engineers, is authorized to provide assist-
12 ance, on such terms and conditions as the President
13 may determine, to facilitate the development of the
14 basic sanitation and transportation infrastructure of
15 Haiti.

16 (2) ACTIVITIES SUPPORTED.—Assistance pro-
17 vided under paragraph (1) shall, to the maximum
18 extent practicable, be used to carry out the following
19 activities:

20 (A) Expand and further develop transpor-
21 tation and infrastructure projects in Haiti, in-
22 cluding paving of roads and the availability of
23 a health care vehicle or establishment of an
24 emergency transportation plan in townships or

1 villages located more than 30 to 40 miles away
2 from a health clinic.

3 (B) Commission an environmental impact
4 study focused on the cost of development and
5 paving of primary “dirt roads” located up to
6 30–40 miles away from major health clinics and
7 provide the basic resources for the development
8 and paving of such roads.

9 (b) REPORT.—The President shall prepare and trans-
10 mit to the appropriate congressional committees a report
11 that contains the results of the environmental impact
12 study carried out pursuant to subsection (a)(2)(B), includ-
13 ing a cost analysis of carrying out the activities described
14 in such subsection.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated to carry out this section such sums as
18 may be necessary for each of the fiscal years 2006
19 and 2007.

20 (2) AVAILABILITY.—Amounts appropriated pur-
21 suant to the authorization of appropriations under
22 paragraph (1) are authorized to remain available
23 until expended.

1 **SEC. 203. ASSISTANCE FOR WATER AND SANITATION INFRA-**
2 **STRUCTURE DEVELOPMENT.**

3 (a) ASSISTANCE.—

4 (1) IN GENERAL.—Upon transmitting a deter-
5 mination to the appropriate congressional commit-
6 tees that a democratically elected government in
7 Haiti is in power, the President, acting through the
8 Secretary of State and the United States Army
9 Corps of Engineers, is authorized to provide assist-
10 ance, on such terms and conditions as the President
11 may determine, to facilitate the development of the
12 water and sanitation infrastructure of Haiti.

13 (2) ACTIVITIES SUPPORTED.—Assistance pro-
14 vided under paragraph (1) shall, to the maximum
15 extent practicable, be used to carry out the following
16 activities:

17 (A) Expand and further develop water and
18 sanitation infrastructure projects in Haiti, in-
19 cluding assistance for development of sanitation
20 and trash removal services in urban and rural
21 areas of Haiti, development of sewage systems
22 in areas with populations of at least 100,000
23 people, assistance and educational resources to
24 improve water quality and delivery, and imple-
25 mentation of community water reserves to be
26 maintained by public-private partnerships.

1 (B) Commission an environmental impact
2 study focused on the effects of the deteriorating
3 water and sanitation conditions in Haiti and
4 provide the necessary resources for the improve-
5 ment of such conditions.

6 (b) REPORT.—The President shall prepare and trans-
7 mit to the appropriate congressional committees a report
8 that contains the results of the environmental impact
9 study carried out pursuant to subsection (a)(2)(B), includ-
10 ing a cost analysis of carrying out the activities described
11 in such subsection and subparagraphs (C) and (D) of sub-
12 section (a)(2).

13 (c) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be
15 appropriated to carry out this section such sums as
16 may be necessary for each of the fiscal years 2006
17 and 2007.

18 (2) AVAILABILITY.—Amounts appropriated pur-
19 suant to the authorization of appropriations under
20 paragraph (1) are authorized to remain available
21 until expended.

1 **SEC. 204. PROFESSIONAL EXCHANGE FOR AREAS IN HAITI**
2 **SEVERELY AFFECTED BY DILAPIDATED**
3 **PHYSICAL HEALTH INFRASTRUCTURES.**

4 (a) **IN GENERAL.**—Upon transmitting a determina-
5 tion to the appropriate congressional committees that a
6 democratically elected government in Haiti is in power, the
7 President shall establish a program to demonstrate the
8 feasibility of facilitating the service of United States
9 health care professionals and engineers in Haiti and its
10 localities severely affected by dilapidated physical and
11 health infrastructure, including but not limited to develop-
12 ment of health clinics and health care, roads and sanita-
13 tion development, and reconstruction of public facilities
14 such as schools, hospitals, and clinics.

15 (b) **REQUIREMENTS.**—Participants in the program
16 shall provide basic services through training and participa-
17 tion, enter into partnerships with nongovernmental orga-
18 nizations and the United States Army Corps of Engineers,
19 facilitate on-the-job training for residents of the area, and
20 serve for a period of up to 3 years.

21 (c) **ELIGIBILITY REQUIREMENTS.**—Candidates shall
22 be residents of the United States who are trained profes-
23 sional in their respective field who meets licensure require-
24 ments necessary to be such a professional, including but
25 not limited to physicians, nurses, nurse practitioners,
26 pharmacists, and other types of health care professionals,

1 engineers, architects, and any other individual determined
2 to be appropriate by the President.

3 (d) RECRUITMENT.—The President shall ensure that
4 information on the program is widely distributed, includ-
5 ing the distribution of information to schools and univer-
6 sities where professionals attain certification, hospitals,
7 clinics, nongovernmental organizations working in the
8 areas of international health and development, and any
9 other location the President deems fit.

10 (e) COORDINATION.—Placement of participants in
11 the program shall be coordinated with the United States
12 Agency for International Development in countries in
13 which the Agency is conducting such programs. Overall
14 placement of participants in the program shall be made
15 by the President or his designee.

16 (f) INCENTIVES.—The President may offer such in-
17 centives as the President determines to be necessary to
18 encourage individuals to participate in the program, such
19 as partial payment of principal, interest, and related ex-
20 penses on government and commercial loans for edu-
21 cational expenses relating to professional training in their
22 respective fields, and where possible, deferment of repay-
23 ments on such loans, the provision of retirement benefits
24 that would otherwise jeopardize participation in the pro-
25 gram, and other incentives.

1 (g) REPORT.—Not later than 18 months after the
2 date of enactment of the Act, the President shall transmit
3 to the appropriate congressional committees a report on
4 steps taken to establish the program, including—

5 (1) the process of recruitment, including the
6 venues for recruitment, the number of candidates re-
7 cruited, the incentives offered, if any, and the cost
8 of those incentives;

9 (2) the process, including the criteria used, for
10 the selection of participants;

11 (3) the number of participants placed, the local-
12 ity in which they were placed, and why those profes-
13 sionals were selected for that particular region of
14 Haiti; and

15 (4) the potential for expansion of the program.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to carry out this section such sums as
19 may be necessary for each of the fiscal years 2006
20 and 2007.

21 (2) AVAILABILITY.—Amounts appropriated pur-
22 suant to the authorization of appropriations under
23 paragraph (1) are authorized to remain available
24 until expended.

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