

111TH CONGRESS
2^D SESSION

S. 3317

To authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2010

Mr. KERRY (for himself, Mr. CORKER, Mr. CARDIN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development 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.**

4 This Act may be cited as the “Haiti Empowerment,
5 Assistance, and Rebuilding Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On January 12, 2010, Haiti suffered an
9 earthquake measuring 7.0 on the Richter magnitude

1 scale, the greatest natural disaster in Haiti’s history,
2 which—

3 (A) devastated Port-au-Prince and the sur-
4 rounding areas;

5 (B) killed more than 230,000 people;

6 (C) injured hundreds of thousands more
7 people;

8 (D) left many hundreds of thousands of
9 people homeless;

10 (E) left many people with newly acquired
11 disabilities, including limb loss and other phys-
12 ical and mental trauma; and

13 (F) disrupted social structures and families
14 through death, injury, and relocation.

15 (2) The scale of the initial relief effort was un-
16 precedented, with many countries, hundreds of orga-
17 nizations, and thousands of people generously con-
18 tributing to a massive influx of supplies, resources,
19 and personnel to support search and rescue oper-
20 ations and humanitarian assistance, underlying one
21 of the most effective relief efforts in history.

22 (3) Prior to the earthquake, Haiti was the poor-
23 est country in the Western Hemisphere, with—

24 (A) an estimated 54 percent of its popu-
25 lation living on less than \$1 per day;

1 (B) approximately 120,000 people living
2 with HIV;

3 (C) 29,333 new cases of tuberculosis in
4 2007;

5 (D) nearly 50,000 children living in or-
6 phanages;

7 (E) 55 percent of school-aged children not
8 attending school; and

9 (F) an estimated 800,000 people with dis-
10 abilities.

11 (4) Despite these challenges, cautious signs of
12 developmental progress and stability were beginning
13 to emerge in Haiti before the earthquake after years
14 of security challenges and natural disasters that
15 weakened the economy and slowed the consolidation
16 of democracy and good governance.

17 (5) Although initial recovery efforts must con-
18 tinue to assist the people of Haiti struggling to se-
19 cure basic necessities, including food, water, health
20 care, shelter, and electricity, Haiti cannot afford to
21 only focus on its immediate needs.

22 (6) Haiti's leaders have advocated that—

23 (A) reconstruction should not follow the in-
24 efficient and poorly coordinated practices of the
25 past, but should build back better; and

1 (B) Haitians should be assisted and sup-
2 ported in accelerating and implementing long-
3 planned reforms and new ways of doing busi-
4 ness in every sector.

5 (7) Haiti enjoys several advantages that can fa-
6 cilitate its rebuilding, including—

7 (A) people committed to education and
8 hard work;

9 (B) proximity and duty-free access to
10 United States markets;

11 (C) a large, hardworking North American
12 diaspora, which remits generous amounts of
13 money back to Haiti every year; and

14 (D) many regional neighbors who are
15 peaceful, prosperous, and supportive of Haiti's
16 success.

17 (8) The experiences of other countries that have
18 successfully recovered from serious natural disasters
19 confirm that—

20 (A) when the people and other civil society
21 actors in an affected country play a significant
22 role in the design and execution of the rebuild-
23 ing efforts, the efforts are often more sustain-
24 able and more in line with the needs and aspi-
25 rations of local populations;

1 (B) when the government of the affected
2 country plays a leading role in the planning and
3 execution of the rebuilding efforts, there is a
4 higher probability of reforms being long-lasting
5 and coordinated with the long-term planning
6 and development efforts of the affected country;

7 (C) every effort should be made to incor-
8 porate, at the earliest time possible, market-
9 based employment and economic development
10 opportunities to allow people to take ownership
11 of their long-term self sufficiency;

12 (D) stability and security are essential pre-
13 conditions to longer-term development;

14 (E) education is critical to securing a bet-
15 ter future for the people in the affected coun-
16 try;

17 (F) removing gender disparities spurs mac-
18 roeconomic growth; and

19 (G) projects that integrate gender are
20 more likely to achieve their overall goals.

21 (9) Employment is essential to breaking the vi-
22 cious cycle of poverty, insecurity, and lack of faith
23 in democracy.

1 (10) In addition to providing emergency assist-
2 ance and relief, the Government of Haiti must grap-
3 ple with the longer-term issues of how to—

4 (A) provide permanent, sustainable shelter
5 to an estimated 1,300,000 Haitians displaced
6 by the earthquake;

7 (B) ensure that communities are at the
8 center of the rebuilding process, by employing
9 local labor and consulting with local leaders and
10 communities;

11 (C) provide health care in a sustainable
12 and comprehensive manner that is accessible to
13 all Haitians; and

14 (D) provide all children with access to edu-
15 cation.

16 (11) The impact of natural disaster on Haiti is
17 exacerbated by—

18 (A) the lack of enforcement of earthquake-
19 resistant construction procedures, weak building
20 codes, and massive private sector economic
21 losses that hinder the ability of people to pur-
22 chase materials of sufficient quality to rebuild
23 existing buildings;

24 (B) a government that has long struggled
25 to provide its people with minimal public serv-

1 ices, including security, clean water, shelter,
2 electricity, health care, and education; and

3 (C) underinvestment in infrastructure and
4 development in rural areas and secondary cities
5 outside of Port-au-Prince.

6 (12) Assistance to Haiti should be delivered in
7 a manner that enhances the ability of the Govern-
8 ment of Haiti to improve democratic, transparent
9 governance and to use credible government institu-
10 tions to provide services to its people.

11 (13) Local communities should play a central
12 role in the rebuilding of Haiti, while the national re-
13 covery process is led by the Government of Haiti in
14 such a way that foreign assistance upholds the pri-
15 maacy of Haitian government institutions in the re-
16 building effort.

17 (14) International donors and nongovernmental
18 organizations—

19 (A) have a responsibility to support the
20 Government of Haiti in its rebuilding efforts;

21 (B) are critical to the success of the recov-
22 ery and reconstruction efforts;

23 (C) are key to the provision of services in
24 the near term;

1 (D) can build capacity for national institu-
2 tions, both governmental and nongovernmental,
3 to take over the management and provision of
4 essential services over the medium term;

5 (E) should support and encourage rebuild-
6 ing and development of programs which are en-
7 vironmentally sustainable and respectful and re-
8 storative of Haiti's natural resources;

9 (F) should work with the Government of
10 Haiti to improve the educational system and to
11 ensure that all children have access to an edu-
12 cation; and

13 (G) should work with the Government of
14 Haiti and the international community to better
15 predict, anticipate, and protect against future
16 disasters.

17 (15) The circumstances following the earth-
18 quake in Haiti provide a real opportunity for
19 Haiti—

20 (A) to break the cycle of poverty and unre-
21 alized expectations that has marked Haiti's his-
22 tory; and

23 (B) to establish a new framework for sus-
24 tained economic development through a commit-
25 ment of engagement from the United States,

1 other donors, and multilateral organizations to
2 support the Government of Haiti and the Hai-
3 tian people as they undertake the long rebuild-
4 ing process.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) AGENCY.—The term “agency” has the
8 meaning given the term in section 551(1) of title 5,
9 United States Code.

10 (2) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means the Committee on Foreign Relations
13 of the Senate and the Committee on Foreign Affairs
14 of the House of Representatives.

15 (3) HAITI REBUILDING AND DEVELOPMENT
16 STRATEGY; STRATEGY.—The terms “Haiti Rebuild-
17 ing and Development Strategy” and “Strategy”
18 mean the multi-year strategy to provide assistance in
19 support of the reconstruction and rebuilding of Haiti
20 prepared pursuant to section 6.

21 (4) SENIOR HAITI COORDINATOR.—The term
22 “Senior Haiti Coordinator” means the Senior Coor-
23 dinator of the United States Government for Haiti
24 appointed pursuant to section 5.

1 **SEC. 4. STATEMENT OF POLICY.**

2 It is the policy of the United States, in partnership
3 with the Government of Haiti and in coordination with
4 the international community, to—

5 (1) support the sustainable recovery and re-
6 building of Haiti in a manner that—

7 (A) encourages greater economic equality;

8 (B) embraces Haitian independence, self-
9 reliance, democratic governance, and efficiency;

10 (C) supports collaboration with the Haitian
11 government and consultation with Haitian and
12 international civil society; and

13 (D) incorporates the potential of both
14 women and men to contribute equally and to
15 their maximum efficiency;

16 (2) affirm and build a long-term partnership
17 with Haiti in support of—

18 (A) just, democratic, and competent gov-
19 ernance including—

20 (i) an independent, efficient, and ef-
21 fective judicial system;

22 (ii) parliamentary strengthening;

23 (iii) political pluralism, equality, and
24 the rule of law;

1 (iv) civil society, governance institu-
2 tions, and political parties that are rep-
3 resentative and peaceful;

4 (v) transparency and accountability
5 among all branches of government and ju-
6 dicial proceedings, including supporting
7 anti-corruption efforts among bureaucrats,
8 elected officials, and public servants at all
9 levels of security and government adminis-
10 tration; and

11 (vi) security, by—

12 (I) ensuring legitimate state ef-
13 forts to prevent and respond to crime,
14 especially violence;

15 (II) instilling public order and
16 confidence in, and increasing the ca-
17 pacity of, Haitian security institu-
18 tions; and

19 (III) reforming local and national
20 police forces through professional
21 training and equipment;

22 (B) providing a foundation for economic
23 growth and economic sustainability, through in-
24 vestments—

- 1 (i) in essential infrastructure, includ-
2 ing transport and energy;
- 3 (ii) in sustainable urban development
4 and improved urban management by iden-
5 tifying, developing, and implementing a
6 long-term, sustainable framework for fu-
7 ture growth and development in urban
8 areas that will ensure appropriate environ-
9 mental and resource management, appro-
10 priate disaster response plans, and expand
11 access to basic shelter, affordable urban
12 housing, energy, clean water, sanitation
13 services, and essential urban services and
14 infrastructure;
- 15 (iii) to rebuild Haiti's competitiveness
16 and private sector in order to foster em-
17 ployment generation, including policies to
18 encourage investment and open world con-
19 sumer markets to Haitian exports;
- 20 (iv) in food security and rural and ag-
21 ricultural development, particularly of food
22 staples and other crops that provide eco-
23 nomic growth and income opportunities in
24 times of shortage; and

1 (v) that recognize and address where
2 obstacles related to gender limit, hinder, or
3 suppress women’s economic productivity
4 and gain;

5 (C) environmentally sustainable programs
6 that are respectful and restorative of Haiti’s
7 natural resources and build community-level re-
8 siliance to environmental and weather-related
9 impacts, including—

10 (i) programs to reduce and mitigate
11 the effects of natural disaster, including
12 floods and hurricanes;

13 (ii) programs to address land use,
14 land tenure, land for reconstruction, and
15 land price escalation issues;

16 (iii) programs and associated support
17 to reduce deforestation and increase the
18 rates of afforestation and reforestation in
19 Haiti, including through diversification of
20 Haiti’s energy sources; and

21 (iv) programs to address safe drinking
22 water, sanitation, hygiene, water resource
23 management, and other water related
24 issues;

1 (D) investments in people, particularly
2 women and children, including—

3 (i) supporting the Government of
4 Haiti, in coordination with nongovern-
5 mental education providers, to rehabilitate
6 and improve Haiti's education sector with
7 the goal of providing access to quality edu-
8 cation for all children;

9 (ii) ensuring that women's needs are
10 appropriately integrated across all sectors,
11 including governance, security, and devel-
12 opment, and in program assessment, de-
13 sign, implementation, monitoring, and eval-
14 uation, with a goal of promoting access, in-
15 clusion, and empowerment;

16 (iii) health care delivery and capacity
17 building to strengthen the overall health
18 care system;

19 (iv) supporting programs, activities,
20 and initiatives that provide or promote
21 equal opportunity, full participation, inde-
22 pendent living, and economic self-suffi-
23 ciency for individuals with disabilities; and

24 (v) strengthening the child welfare
25 system—

1 (I) to ensure the protection of
2 children from violence, abuse, exploi-
3 tation, and neglect;

4 (II) to support family preserva-
5 tion and reunification and prevent
6 child abandonment, to the extent pos-
7 sible;

8 (III) to ensure that children
9 without family care receive safe, devel-
10 opmentally appropriate care; and

11 (IV) to end the practice and ex-
12 ploitation of child domestic servants
13 (referred to in Haiti as “restaveks”),
14 by offering families education, sup-
15 port, and alternatives;

16 (3) support, pursuant to the strategic objectives
17 in paragraph (2) and in coordination with other do-
18 nors—

19 (A) the institutional development and ca-
20 pacity building of the Government of Haiti at
21 the national, local, and community levels so
22 that the Government of Haiti—

23 (i) can better ensure basic services to
24 its population, including health care, edu-
25 cation, and other basic social services; and

1 (ii) will be an effective steward of
2 state resources through a transparent
3 process of equitable resource allocation
4 that includes a broad range of participa-
5 tion from Haitian civil society;

6 (B) Haitian civil society organizations that
7 are committed to making a positive contribution
8 to the rebuilding and sustainable development
9 of Haiti;

10 (C) people-to-people engagement between
11 the United States and Haiti, through increased
12 educational, technical, and cultural exchanges
13 and other methods;

14 (D) significant contributions to a multilat-
15 eral trust fund that will be established to en-
16 hance the reconstruction and rebuilding of
17 Haiti; and

18 (E) a Haitian government budget that is
19 appropriately sized to fulfill the functions ex-
20 pected of the budget for the delivery of essential
21 public services, including arrangements to en-
22 sure transparency and accountability for the
23 funds provided to the budget of the Haitian
24 government; and

1 (4) promote development and rebuilding efforts
2 in Haiti that are led by, and in support of, all levels
3 of government in Haiti, including national and local
4 governments, so that—

5 (A) the Government and people of Haiti
6 lead the vision for reconstruction and rebuilding
7 of Haiti;

8 (B) resources are channeled in concrete
9 and specific ways toward key sectoral objectives
10 identified by the Government of Haiti and its
11 people;

12 (C) feasible steps are taken to recognize
13 and rectify the social injustice of poverty and
14 gender inequality and to decrease the vulner-
15 ability of the poor, through job creation, access
16 to education, the provision of health care, the
17 provision of safe shelter and settlements, and
18 food security;

19 (D) communities are placed at the center
20 of the rebuilding process, by employing local
21 labor and consulting local leaders and commu-
22 nities for their experience and vision;

23 (E) rebuilding and development programs
24 are environmentally sustainable and respectful
25 and restorative of Haiti's natural resources; and

1 (F) the Haiti Rebuilding and Development
2 Strategy builds from and supports—

3 (i) existing assessments for Haiti, in-
4 cluding the Post Disaster Needs Assess-
5 ment;

6 (ii) the Government of Haiti's Action
7 Plan for the Reconstruction and National
8 Development of Haiti;

9 (iii) other existing development plans
10 for Haiti, including the Poverty Reduction
11 Strategy Paper for Haiti; and

12 (iv) shared principles in the Paris
13 Declaration on Aid Effectiveness and the
14 Accra Agenda for Action.

15 **SEC. 5. SENIOR HAITI COORDINATOR.**

16 (a) IN GENERAL.—There shall be established within
17 the Department of State a Senior Coordinator of the
18 United States Government for Haiti, who—

19 (1) shall be appointed by the President; and

20 (2) shall report directly to the Secretary of
21 State, in consultation with the Administrator of the
22 United States Agency for International Develop-
23 ment.

24 (b) DUTIES.—

1 (1) IN GENERAL.—The Senior Haiti Coordi-
2 nator shall advise, oversee, and coordinate all poli-
3 cies of the United States Government related to
4 Haiti.

5 (2) SPECIFIC DUTIES.—The Senior Haiti Coor-
6 dinator shall—

7 (A) ensure interagency program and policy
8 coordination towards Haiti among relevant
9 agencies;

10 (B) help devise, promote and participate
11 in, in coordination with the Chief of Mission, ef-
12 fective international donor coordination mecha-
13 nisms;

14 (C) ensure that each relevant agency un-
15 dertakes programs primarily in those areas in
16 which the agency has the greatest expertise,
17 technical capabilities, and potential for success;
18 and

19 (D) provide input to the Administrator of
20 the United States Agency for International De-
21 velopment in the design of the Haiti Rebuilding
22 and Development Strategy.

23 (c) EFFECTIVE DATE.—This section shall be effective
24 during the 5-year period beginning on the date of the en-
25 actment of this Act.

1 **SEC. 6. HAITI REBUILDING AND DEVELOPMENT STRATEGY.**

2 (a) IN GENERAL.—The Administrator of the United
3 States Agency for International Development, with input
4 provided by the Senior Haiti Coordinator, shall prepare
5 and submit to the appropriate congressional committees
6 a multi-year strategy to provide assistance in support of
7 the reconstruction and rebuilding of Haiti.

8 (b) COMPONENTS.—The Haiti Rebuilding and Devel-
9 opment Strategy shall—

10 (1) include—

11 (A) specific and measurable goals;

12 (B) benchmarks and time frames;

13 (C) an implementation plan to achieve the
14 policy objectives set forth in section 4; and

15 (D) a detailed monitoring and evaluation
16 plan tied to measurable indicators addressing
17 progress toward achieving those policy objec-
18 tives, including impact evaluations of United
19 States assistance to Haiti; and

20 (2) to the greatest extent possible—

21 (A) leverage private sector resources
22 through different agencies, including assistance
23 that allows Haiti to make greater use of the
24 trade preferences provided under section 213A
25 of the Caribbean Basin Economic Recovery Act
26 (19 U.S.C. 2703a) (as added by the Haitian

1 Hemispheric Opportunity Through Partnership
2 Act of 2006 (title V of division D of Public Law
3 109–432; 120 Stat. 3181) (commonly known as
4 the “HOPE Act”) and amended by the Haitian
5 Hemispheric Opportunity Through Partnership
6 Act of 2008 (part I of subtitle D of title XV of
7 Public Law 110–246; 122 Stat. 2289) (com-
8 monly known as the “HOPE II Act”));

9 (B) consult with the academic and re-
10 search communities, nonprofit organizations,
11 foundations, other implementing partners, the
12 Government of Haiti, Haitian civil society, and
13 the Haitian diaspora;

14 (C) coordinate United States assistance ef-
15 forts with similar efforts of international orga-
16 nizations, international financial institutions,
17 the governments of developing and developed
18 countries, and United States and international
19 nongovernmental organizations;

20 (D) promote access to education for all
21 children;

22 (E) incorporate approaches directed at
23 reaching women living in poverty;

1 (F) incorporate best practices for improv-
2 ing child welfare and protection for orphans
3 and other vulnerable children; and

4 (G) maximize local and regional procure-
5 ment.

6 (c) PRIOR CONSULTATION.—Not later than 30 days
7 before the initial submission of the Haiti Rebuilding and
8 Development Strategy, the Administrator of the United
9 States Agency for International Development, in conjunc-
10 tion with the Senior Haiti Coordinator, shall consult with
11 the appropriate congressional committees on the contents
12 of the Strategy.

13 (d) REPORTS.—

14 (1) ANNUAL REPORTS.—Not later than 90 days
15 after the date of the enactment of this Act, and an-
16 nually thereafter, in accordance with the normal per-
17 formance reporting schedule, the Secretary of State
18 shall submit a report to the appropriate congress-
19 sional committees that includes—

20 (A) a copy of the Haiti Rebuilding and De-
21 velopment Strategy, including—

22 (i) any changes made to the Strategy
23 during the preceding calendar year; and

24 (ii) an explanation of such changes;

1 (B) a description, by foreign assistance
2 framework objective, of the implementation of
3 the Strategy;

4 (C) an assessment of progress made during
5 the preceding fiscal year toward meeting—

6 (i) the policy objectives set forth in
7 section 4; and

8 (ii) the specific goals, benchmarks,
9 and time frames specified in the Strategy;

10 (D) a description of all United States Gov-
11 ernment programs contributing to the achieve-
12 ment of the policy objectives set forth in section
13 4, including the amounts obligated and ex-
14 pended on such programs during the preceding
15 fiscal year; and

16 (E) an assessment of United States ef-
17 forts—

18 (i) to encourage and leverage business
19 and philanthropic participation toward
20 Haiti rebuilding and development; and

21 (ii) to coordinate United States Gov-
22 ernment programs with assistance provided
23 by international organizations, inter-
24 national financial institutions, the govern-
25 ments of developing and developed coun-

1 tries, and United States and international
2 nongovernmental organizations.

3 (2) GOVERNMENT ACCOUNTABILITY OFFICE RE-
4 PORT.—Not later than 270 days after the submis-
5 sion of each report under paragraph (1), the Comp-
6 troller General of the United States shall submit a
7 report to the appropriate congressional committees
8 that contains—

9 (A) a review of, and comments addressing,
10 the report submitted under paragraph (1); and

11 (B) recommendations relating to any addi-
12 tional actions the Comptroller General deter-
13 mines to be important to improve the provision
14 of assistance for Haiti to support rebuilding
15 and development.

16 (3) PROGRAM REVIEW.—

17 (A) IN GENERAL.—Concurrent with the
18 submission of the second annual report under
19 paragraph (1), the Secretary of State shall sub-
20 mit a report to the appropriate congressional
21 committees that contains—

22 (i) an assessment of the progress
23 made during the preceding 2 years toward
24 meeting the policy objectives set forth in
25 section 4 and the specific goals, bench-

1 marks, and time frames specified in the
2 Haiti Rebuilding and Development Strat-
3 egy;

4 (ii) an evaluation of the impact during
5 the preceding 2 years of United States as-
6 sistance programs on Haitian rebuilding
7 and development; and

8 (iii) an assessment of the overall sta-
9 tus of broader rebuilding and development
10 taking place in Haiti, as outlined by the
11 Government of Haiti.

12 (B) BASIS FOR REPORT.—The report re-
13 quired under subparagraph (A) shall be based
14 on data quality assessments and impact evalua-
15 tions of quantitative and qualitative indicators.

16 (4) PUBLIC AVAILABILITY OF INFORMATION.—
17 The information requested in paragraphs (1) and
18 (3) for United States programs contributing to the
19 achievement of the policy objectives set forth in sec-
20 tion 4, including the amounts obligated and ex-
21 pended on such programs during preceding fiscal
22 years, shall—

23 (A) be made publically accessible in a time-
24 ly manner on a single, consolidated website; and

1 (B) be presented in a detailed, program-
2 by-program basis.

3 (5) UNCLASSIFIED SUMMARY.—If detailed in-
4 formation is classified, an unclassified summary
5 shall be posted and the classified details shall be
6 submitted separately to the appropriate congres-
7 sional committees.

8 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) AMOUNTS AUTHORIZED.—There are authorized
10 to be appropriated to provide assistance for Haiti and to
11 carry out the other purposes of this Act, in addition to
12 amounts otherwise available for such purposes—

13 (1) \$1,500,000,000 for fiscal year 2010;

14 (2) \$500,000,000 for fiscal year 2011;

15 (3) \$500,000,000 for fiscal year 2012;

16 (4) \$500,000,000 for fiscal year 2013; and

17 (5) \$500,000,000 for fiscal year 2014.

18 (b) APPLICABILITY OF THE FOREIGN ASSISTANCE
19 ACT OF 1961 AND OTHER LAWS.—

20 (1) IN GENERAL.—Amounts made available to
21 carry out the purposes of this Act, including
22 amounts authorized to be appropriated by this Act—

23 (A) shall be considered to be economic as-
24 sistance under the Foreign Assistance Act of
25 1961 (22 U.S.C. 2151 et seq.) for purposes of

1 making available the administrative authorities
2 contained in that Act for the use of economic
3 assistance; and

4 (B) shall be provided in accordance with
5 the provisions of, the general authorities con-
6 tained in, and the limitations of, sections 116,
7 491, and 620M of the Foreign Assistance Act
8 of 1961 (22 U.S.C. 2151n, 2292, and 2378d),
9 respectively.

10 (2) TECHNICAL AMENDMENT.—Chapter 1 of
11 part III of the Foreign Assistance Act of 1961 (22
12 U.S.C. 2351 et seq.) is amended by redesignating
13 section 620 J (as added by section 651 of the the
14 Department of State, Foreign Operations, and Re-
15 lated Programs Appropriations Act, 2008 (division J
16 of Public Law 110–161; 22 U.S.C. 2378d)) as sec-
17 tion 620M.

18 (c) TRANSFERS.—Of the amounts appropriated for
19 each fiscal year pursuant to subsection (a)—

20 (1) the Department of the Treasury may con-
21 tribute to a multi-donor trust fund for reconstruc-
22 tion and recovery expenses related to Haiti following
23 the earthquake of January 12, 2010; and

24 (2) remaining amounts may be transferred to
25 the “Development Credit Authority” account of the

1 United States Agency for International Development
2 for the cost of direct loans and loan guarantees, not-
3 withstanding the dollar limitations in such account
4 on transfers to the account.

5 (d) AVAILABILITY OF FUNDS.—

6 (1) IN GENERAL.—Amounts appropriated for
7 each fiscal year pursuant to subsection (a) shall re-
8 main available until expended.

9 (2) REPORTS REQUIRED.—Of the amounts ap-
10 propriated for each fiscal year pursuant to sub-
11 section (a), none of the amounts may be made avail-
12 able for assistance to Haiti unless the Haiti Rebuild-
13 ing and Development Strategy reports are being
14 submitted to the appropriate congressional commit-
15 tees in accordance with section 6(d)(1).

16 (e) PREFERENCE FOR BUILDING LOCAL CAPAC-
17 ITY.—In providing assistance under this Act, the Presi-
18 dent is encouraged to utilize Haitian firms and community
19 and local nongovernmental organizations, as appropriate.

20 (f) OFFICE OF THE INSPECTOR GENERAL.—Of the
21 amounts appropriated for a fiscal year pursuant to sub-
22 section (a), up to \$5,000,000 may be made available to
23 the Inspectors General of the Department of State, the
24 United States Agency for International Development, and
25 other relevant agencies to provide audits and program re-

- 1 views of programs and activities receiving assistance under
- 2 this Act.

