

117TH CONGRESS
1ST SESSION

H. R. 2471

IN THE SENATE OF THE UNITED STATES

JULY 12, 2021

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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,*

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 at least 220,000 people dead, in-
10 cluding 103 United States citizens, 101 United Na-
11 tions personnel, and nearly 18 percent of Haiti’s
12 civil service, as well as 300,000 injured, 115,000
13 homes destroyed, and 1,500,000 Haitians displaced.

14 (2) The international community, led by the
15 United States and the United Nations, mounted an
16 unprecedented humanitarian response to the earth-
17 quake in Haiti. Through 2018, more than
18 \$8,000,000,000 has been disbursed by donors. Since
19 the 2010 earthquake, the United States Government
20 has disbursed more than \$4,000,000,000 in recovery
21 and development funding.

22 (3) On October 4, 2016, Hurricane Matthew
23 struck southwestern Haiti on the Tiburon Peninsula,
24 causing widespread damage and flooding and leaving
25 1.4 million people in need of immediate assistance.

1 Recovery efforts continue more than four years
2 later.

3 (4) Prior to both the 2010 earthquake and
4 2016 hurricane, Haiti registered among the lowest
5 in socioeconomic indicators and had the second high-
6 est rate of income disparity in the world—conditions
7 that have further complicated disaster recovery and
8 resilience efforts. As of November 2020, 4,400,000
9 people were in need of humanitarian assistance in
10 Haiti.

11 (5) 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 (6) 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 in Haiti from July 2018
23 through December 2019. There were 131 violations
24 in 2018 and 567 violations in 2019, including the

1 shooting of at least five Haitian journalists covering
2 the protests.

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

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

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

23 (10) Following the La Saline massacre, similar
24 attacks have occurred in Port-au-Prince neighbor-
25 hoods, including the November 2019 and August

1 2020 attacks on Bel Air, in which 24 people were
2 killed and hundreds of families were displaced.

3 (11) Parliamentary elections scheduled for Oc-
4 tober 2019 did not take place, and since January
5 13, 2020, President Jovenel Moïse has ruled by de-
6 cree. The United States and international commu-
7 nity have urged President Moise to limit the use of
8 executive decrees during this period and have ex-
9 pressed concern over several decrees issued, includ-
10 ing those creating the National Intelligence Agency
11 and appointing three new judges to the Supreme
12 Court outside of constitutional procedures. Haitian
13 civil society organizations have denounced the presi-
14 dent's use of decrees as an attempt to consolidate
15 power.

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

1 (13) 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 (14) The Moïse administration lacks the credi-
8 bility to oversee a proposed constitutional ref-
9 erendum scheduled for June 2021, which legal ex-
10 perts consider unconstitutional.

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

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States to support the
23 sustainable rebuilding and development of Haiti in a man-
24 ner that—

1 (1) recognizes Haitian independence, self-reli-
2 ance, sovereignty, democratic governance, and effi-
3 ciency;

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

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

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

15 (5) supports anti-corruption efforts, promotes
16 press freedom, and addresses human rights con-
17 cerns, including through the enforcement of sanc-
18 tions imposed in accordance with the Global
19 Magnitsky Human Rights Accountability Act on in-
20 dividuals implicated in human rights violations;

21 (6) respects and helps restore Haiti's natural
22 resources, as well as strengthens community-level re-
23 silience to environmental and weather-related im-
24 pacts;

1 (7) promotes the holding of free, fair, and time-
2 ly elections in accordance with democratic principles
3 and the Haitian Constitution;

4 (8) provides timely and comprehensive reporting
5 on Haiti and the United States Government’s goals
6 and progress, as well as transparent post program
7 evaluations and contracting data;

8 (9) promotes the participation of Haitian
9 women and youth in governmental and nongovern-
10 mental institutions and in economic development and
11 governance assistance programs funded by the
12 United States; and

13 (10) does not provide support to facilitate the
14 proposed June 2021 constitutional referendum, in-
15 cluding through multilateral organizations.

16 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND**
17 **ANTICORRUPTION EFFORTS IN HAITI AND**
18 **HOLDING PERPETRATORS OF THE LA SALINE**
19 **MASSACRE ACCOUNTABLE.**

20 (a) SECRETARY OF STATE PRIORITIZATION.—The
21 Secretary of State shall prioritize the protection of human
22 rights and anticorruption efforts in Haiti by the following
23 methods:

24 (1) Fostering strong relationships with inde-
25 pendent civil society groups focused on monitoring

1 corruption and human rights abuses and promoting
2 democracy in Haiti.

3 (2) Supporting the efforts of the Haitian Gov-
4 ernment to identify persons involved in human rights
5 violations and significant acts of corruption in Haiti,
6 including public and private sector actors, and hold
7 them accountable for their actions.

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

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

15 (b) BRIEFING.—

16 (1) ELEMENTS.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary
18 of State shall brief the appropriate congressional
19 committees on the happenings on November 13,
20 2018, in the Port-au-Prince neighborhood of La Sa-
21 line, and its aftermath. The briefing shall include—

22 (A) an examination of any links between
23 the massacre in La Saline and mass protests
24 that occurred concurrently in the country;

1 (B) an analysis of the reports on the La
2 Saline massacre authored by the United Na-
3 tions, the European Union, and the Govern-
4 ment of Haiti;

5 (C) a detailed description of all known per-
6 petrators, as well as the intellectual authors, of
7 the shootings;

8 (D) an overview of efforts taken by the
9 Haitian Government to bring the perpetrators,
10 as well as the intellectual authors, of the La Sa-
11 line massacre to justice and to prevent other
12 similar attacks; and

13 (E) an assessment of the ensuing treat-
14 ment and displacement of the survivors of the
15 La Saline massacre.

16 (2) CONSULTATION.—In the briefing required
17 under paragraph (1), the Secretary of State shall
18 consult with nongovernmental organizations in Haiti
19 and the United States.

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

22 The Secretary of State shall prioritize the promotion
23 of freedom of the press and freedom of assembly, as well
24 as the protection of journalists in Haiti by the following
25 methods:

1 (1) Advocating to Haitian authorities for in-
2 creased protection for journalists and the press and
3 for the freedom to peacefully assemble or protest in
4 Haiti.

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

8 (3) Supporting efforts to strengthen trans-
9 parency in Haiti’s public and private sectors, as well
10 as access to information in Haiti.

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

14 **SEC. 6. ACTIONS TO SUPPORT POST-EARTHQUAKE, POST-**
15 **HURRICANE AND POST-COVID-19 RECOVERY**
16 **AND DEVELOPMENT IN HAITI.**

17 The Secretary of State, in coordination with the Ad-
18 ministrators of the United States Agency for International
19 Development (USAID), shall prioritize post-earthquake
20 and post-hurricane recovery and development efforts in
21 Haiti by the following methods:

22 (1) Collaborating with the Haitian Government
23 on a detailed and transparent development plan that
24 includes clear objectives and benchmarks.

1 (2) Building the capacity of Haitian-led public,
2 private, and nongovernmental sector institutions in
3 Haiti through post-earthquake and post-hurricane
4 recovery and development planning.

5 (3) Assessing the impact of both the United
6 States' and the international community's recovery
7 and development efforts in Haiti since January
8 2010.

9 (4) Supporting disaster resilience and recon-
10 struction efforts.

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

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

20 **SEC. 7. REPORT.**

21 (a) REPORT CONTENT.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 of State, in coordination with the Administrator of the
24 United States Agency for International Development, and
25 other relevant agencies and departments, shall submit to

1 the appropriate congressional committees a report that in-
2 cludes—

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

7 (2) an assessment of major corruption com-
8 mitted among the public and private sectors, and, as
9 practical and appropriate, an assessment of corrup-
10 tion prosecutions investigated by the Haitian judici-
11 ary since January 2015;

12 (3) an overview of efforts taken by the Haitian
13 Government to address corruption, including the
14 Petrocaribe scandal, and corrective measures to
15 strengthen and restore trust in Haiti’s public insti-
16 tutions;

17 (4) a description of United States Government
18 efforts to consult and engage with Haitian Govern-
19 ment officials and independent civil society groups
20 focused on monitoring corruption and human rights
21 abuses and promoting democracy and press freedom
22 in Haiti since January 2015;

23 (5) a description of the Haitian Government’s
24 response to civic protests that have taken place since

1 July 2018 and any allegations of human rights
2 abuses, including attacks on journalists;

3 (6) an assessment of United States security as-
4 sistance to Haiti, including the United States sup-
5 port to the Haitian National Police and an assess-
6 ment of compliance with section 620M of the For-
7 eign Assistance Act of 1961 (22 U.S.C. 2378d) and
8 section 362 of title 10, United States Code (com-
9 monly referred to as the “Leahy Laws”);

10 (7) a description of the Haitian Government’s
11 efforts to support displaced survivors of urban and
12 gang violence;

13 (8) an assessment of the impact of presidential
14 decrees on the health of Haiti’s democratic institu-
15 tions and safeguarding of human rights, including
16 reducing the authority of the Superior Court of Ac-
17 counts and Administrative Litigation, promulgating
18 an antiterrorism law, and establishing the National
19 Intelligence Agency, as well as retiring and subse-
20 quently appointing judges to the Supreme Court of
21 Haiti;

22 (9) a plan in collaboration with the Haitian
23 Government on efforts to support development goals
24 since January 2015, including steps taken to—

1 (A) strengthen institutions at the national
2 and local levels; and

3 (B) strengthen democratic governance at
4 the national and local levels;

5 (10) an analysis of the effectiveness and sus-
6 tainability of United States-financed development
7 projects, including the Caracol Industrial Park and
8 supporting infrastructure;

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

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

20 (13) quantitative and qualitative indicators to
21 assess progress and benchmarks for United States
22 initiatives focused on sustainable development in
23 Haiti, including democracy assistance, economic re-
24 vitalization, natural disaster recovery, pandemic re-

1 sponse, resilience, energy and infrastructure, health,
2 and food security; and

3 (14) a risk assessment of conflict, instability,
4 and violence in Haiti that includes information relat-
5 ing to—

6 (A) systemic patterns and causes of vio-
7 lence and subsequent impunity relating to mas-
8 sacres, death threats, kidnappings, armed at-
9 tacks, and firearm-related violence, with anal-
10 ysis of the roles of the various actors and bene-
11 ficiaries who play a part, including Haitian
12 Government actors;

13 (B) gang activity and its role in the recent
14 wave of kidnappings and the capacities of the
15 police force to address the most serious mani-
16 festations of insecurity;

17 (C) the scope and role of criminal activity
18 and its linkages to political forces, particularly
19 leading up to elections; and

20 (D) implications of the lack of independ-
21 ence of Haiti’s judicial system.

22 (b) CONSULTATION.—In preparing the report re-
23 quired under subsection (a), the Secretary of State and
24 the USAID Administrator shall consult with nongovern-
25 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.

Passed the House of Representatives June 29, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.