To establish the Independent Commission on the 2004 Coup d’État in the Republic of Haiti.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2004

Ms. Lee (for herself, Mr. Conyers, Mr. Rangel, Mr. Grijalva, Mr. Thompson of Mississippi, Mr. Cummings, Mr. Hinchey, Ms. Woolsey, Mr. Owens, Mr. George Miller of California, Ms. Corrine Brown of Florida, Ms. Schakowsky, Ms. Solis, Mr. McGovern, Mr. Serrano, Mr. Payne, Ms. Velázquez, Ms. Roybal-Allard, Mrs. Jones of Ohio, Ms. Waters, Mr. Farr, Mrs. Napolitano, and Mrs. Christensen) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To establish the Independent Commission on the 2004 Coup d’État in the Republic of Haiti.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Independent Commission on the 2004 Coup d’État in the Republic of Haiti (in this Act referred to as the “Commission”).
SEC. 2. DUTIES.

(a) DUTIES.—The Commission shall examine and evaluate the role of the United States Government in the February 2004 coup d’état in the Republic of Haiti. In carrying out the preceding sentence, the Commission shall examine and evaluate the following:

(1) The extent to which the United States Government impeded the democratic process in Haiti, including the extent to which actions and policies of the United States Government contributed to the overthrow of the democratically-elected Government of Haiti.

(2) The circumstances under which Haitian President Jean-Bertrand Aristide resigned his office and went into exile in the Central African Republic, including the role of the United States Government in such resignation and exile.

(3) In the events leading up to the coup d’état, the extent to which the United States Government fulfilled its obligations under article 17 of the Organization of American States (OAS) Inter-American Democratic Charter requiring that each OAS member country come to the aid of another OAS government under attack.

(4) The extent to which the United States Government impeded efforts by the international com-
munity, particularly efforts by Caribbean Commu-
nity (CARICOM) countries, to prevent the overthrow
of the democratically-elected Government of Haiti.

(5) The role of the United States Government
in influencing decisions regarding Haiti at the
United Nations Security Council and in discussions
between Haiti and other countries that were willing
to assist in the preservation of the democratically-
elected Government of Haiti by sending security
forces to Haiti.

(6) The extent to which United States assist-
ance was provided or United States personnel were
used to support, directly or indirectly, the forces op-
posed to the government of President Aristide, in-
cluding the extent to which United States bilateral
assistance was channeled through nongovernmental
organizations that were directly or indirectly associ-
ated with political groups actively involved in fo-
menting hostilities or violence toward the govern-
ment of President Aristide.

(7) The involvement of the Central Intelligence
Agency, directly or indirectly, in operations that con-
tributed to the overthrow of the democratically-elect-
ed Government of Haiti.
(8) The impact of the International Republican Institute, the National Democratic Institute for International Affairs, and other organizations funded by the United States Agency for International Development on the political process in Haiti.

(9) The political and economic impact on Haiti of the decision by the United States Government to discontinue all United States bilateral assistance to Haiti and United States efforts to block loans and support for Haiti from international financial institutions.

(10) The broader implications for Haiti and the Caribbean region of the events culminating in the coup d’État.

(b) SCOPE OF DUTIES.—In carrying out the duties described in subsection (a), the Commission may examine the actions and representations of the current Administration as well as prior Administrations.

SEC. 3. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the Speaker of the House of Representatives;
(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) Qualification Requirement; Deadline for Appointment; Meetings.—

(1) Nongovernmental Appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(2) Deadline for Appointment.—All members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(3) Meetings.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(c) Chairperson; Vice Chairperson.—The Chairperson and Vice Chairperson of the Commission shall be elected by the members of the Commission.

(d) Quorum; Vacancies.—6 members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.
SEC. 4. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—The Commission shall, for the purpose of carrying out this Act, hold public hearings and meetings to the extent appropriate, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) ADDITIONAL REQUIREMENTS.—

(A) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(B) PUBLIC VERSIONS OF REPORTS.—The Commission shall release public versions of the reports required under section 8.

(b) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue a subpoena to require the attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(2) FAILURE TO OBEY AN ORDER OR SUBPOENA.—If a person refuses to obey a subpoena
issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) Service of Subpoenas.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(e) Contract Authority.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties of this Act.

(d) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall provide that information to the Commission.
(e) Assistance From Federal Agencies.—

(1) General Services Administration.—
The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s duties.

(2) Other Departments and Agencies.—In addition to the assistance described in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 5. STAFF OF COMMISSION.

(a) Appointment and Compensation.—The Chairperson of the Commission, in consultation with the Vice Chairperson of the Commission, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other
personnel as may be necessary to enable the Commission
to carry out its duties, without regard to the provisions
of title 5, United States Code, governing appointments in
the competitive service, and without regard to the provi-
sions of chapter 51 and subchapter III of chapter 53 of
such Act relating to classification and General Schedule
pay rates, except that no rate of pay fixed under this sub-
section may exceed the equivalent of that payable for a
position at level V of the Executive Schedule under section
5316 of title 5, United States Code.

(b) DETAILLEES.—Any Federal Government employee
may be detailed to the Commission without reimbursement
from the Commission, and such detailee shall retain the
rights, status, and privileges of his or her regular employ-
ment without interruption.

(e) CONSULTANT SERVICES.—The Commission is au-
thorized to procure the services of experts and consultants
in accordance with section 3109 of title 5, United States
Code, but at rates not to exceed the daily rate paid a per-
son occupying a position at level IV of the Executive
Schedule under section 5315 of title 5, United States
Code.

SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commiss-
ion may be compensated at a rate not to exceed the daily
equivalent of the annual rate of basic pay in effect for
a position at level IV of the Executive Schedule under sec-
tion 5315 of title 5, United States Code, for each day dur-
ing which that member is engaged in the actual perform-
ance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their
homes or regular places of business in the performance
of services for the Commission, members of the Commis-
sion shall be allowed travel expenses, including per diem
in lieu of subsistence, in the same manner as persons em-
ployed intermittently in the Government service are al-
lowed expenses under section 5703(b) of title 5, United
States Code.

SEC. 7. SECURITY CLEARANCES FOR COMMISSION MEM-
BERS AND STAFF.

(a) IN GENERAL.—Subject to subsection (b), the ap-
propriate Federal agencies or departments shall cooperate
with the Commission in expeditiously providing to the
Commission members and staff appropriate security clear-
ances to the extent possible pursuant to existing proce-
dures and requirements.

(b) EXCEPTION.—No person shall be provided with
access to classified information under this Act without the
appropriate required security clearance access.
SEC. 8. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to Congress and the President interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress and the President a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 9. TERMINATION.

(a) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under section 8(b).

(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.
SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to carry out this Act $5,000,000 for fiscal year 2005.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until the date on which the Commission terminates pursuant to section 9(a).