

113TH CONGRESS
2^D SESSION

S. 1104

AN ACT

To measure the progress of recovery and development efforts
in Haiti following the earthquake of January 12, 2010,
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Assessing Progress in
3 Haiti Act of 2014”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

14 (2) According to the Post Disaster Needs As-
15 sessment conducted by the Government of Haiti,
16 with technical assistance from the United Nations,
17 the World Bank, the Inter-American Development
18 Bank, the Economic Commission for Latin America
19 and the Caribbean, and the European Commission,
20 an estimated 15 percent of the population was di-
21 rectly affected by the disaster and related damages
22 and economic losses totaled \$7,804,000,000.

23 (3) Even before the earthquake, Haiti had some
24 of the lowest socioeconomic indicators and the sec-
25 ond highest rate of income disparity in the world,
26 conditions that have further complicated post-earth-

1 quake recovery efforts and, according to the World
2 Bank, have significantly reduced the prospects of ad-
3 dressing poverty reduction through economic growth.

4 (4) According to the World Food Programme,
5 more than 6,700,000 people in Haiti (out of a popu-
6 lation of about 10,000,000) are considered food inse-
7 cure.

8 (5) In October 2010, an unprecedented out-
9 break of cholera in Haiti resulted in over 500,000
10 reported cases and over 8,000 deaths to date, fur-
11 ther straining the capacity of Haiti's public health
12 sector and increasing the urgency of resettlement
13 and water, sanitation, and hygiene (WASH) efforts.

14 (6) The international community, led by the
15 United States and the United Nations, mounted an
16 unprecedented humanitarian response in Haiti, with
17 donors pledging approximately \$10,400,000,000 for
18 humanitarian relief and recovery efforts, including
19 debt relief, supplemented by \$3,100,000,000 in pri-
20 vate charitable contributions, of which approximately
21 \$6,400,000,000 has been disbursed and an addi-
22 tional \$3,800,000,000 has been committed as of
23 September 30, 2013.

24 (7) The emergency response of the men and
25 women of the United States Government, led by the

1 United States Agency for International Development
2 (USAID) and the United States Southern Com-
3 mand, as well as of cities, towns, individuals, busi-
4 nesses, and philanthropic organizations across the
5 United States, was particularly swift and resolute.

6 (8) Since 2010, a total of \$1,300,000,000 in
7 United States assistance has been allocated for hu-
8 manitarian relief and \$2,300,000,000 has been allo-
9 cated for recovery, reconstruction, and development
10 assistance in Haiti, including \$1,140,000,000 in
11 emergency appropriations and \$95,000,000 that has
12 been obligated specifically to respond to the cholera
13 epidemic.

14 (9) Of the \$3,600,000,000 in United States as-
15 sistance allocated for Haiti, \$651,000,000 was ap-
16 portioned to USAID to support an ambitious recov-
17 ery plan, including the construction of a power plant
18 to provide electricity for the new Caracol Industrial
19 Park (CIP) in northern Haiti, a new port near the
20 CIP, and permanent housing in new settlements in
21 the Port-au-Prince, St-Marc, and Cap-Haïtien areas.

22 (10) According to a recent report of the Gov-
23 ernment Accountability Office, as of June 30, 2013,
24 USAID had disbursed 31 percent of its reconstruc-
25 tion funds in Haiti, the port project was 2 years be-

1 hind schedule and USAID funding will be insuffi-
2 cient to cover a majority of the projected costs, the
3 housing project has been reduced by 80 percent, and
4 the sustainability of the power plant, the port, and
5 the housing projects were all at risk.

6 (11) GAO further found that Congress has not
7 been provided with sufficient information to ensure
8 that it is able to conduct effective oversight at a
9 time when most funding remains to be disbursed,
10 and specifically recommends that a periodic report-
11 ing mechanism be instituted to fill this information
12 gap.

13 (12) Donors have encountered significant chal-
14 lenges in implementing recovery programs, and near-
15 ly 4 years after the earthquake, an estimated
16 171,974 people remain displaced in camps, unem-
17 ployment remains high, corruption is rampant, land
18 rights remain elusive, allegations of wage violations
19 are widespread, the business climate is unfavorable,
20 and government capacity remains weak.

21 (13) For Haiti to achieve stability and long
22 term economic growth, donor assistance will have to
23 be carefully coordinated with a commitment by the
24 Government of Haiti to transparency, a market
25 economy, rule of law, and democracy.

1 (14) The legal environment in Haiti remains a
2 challenge to achieving the goals supported by the
3 international community.

4 **SEC. 3. STATEMENT OF POLICY.**

5 It is the policy of the United States to support the
6 sustainable rebuilding and development of Haiti in a man-
7 ner that—

8 (1) promotes efforts that are led by and sup-
9 port the people and Government of Haiti at all levels
10 so that Haitians lead the course of reconstruction
11 and development of Haiti;

12 (2) builds the long term capacity of the Govern-
13 ment of Haiti and civil society in Haiti;

14 (3) reflects the priorities and particular needs
15 of both women and men so they may participate
16 equally and to their maximum capacity;

17 (4) respects and helps restore Haiti’s natural
18 resources, as well as builds community-level resil-
19 ience to environmental and weather-related impacts;

20 (5) provides timely and comprehensive reporting
21 on goals and progress, as well as transparent post
22 program evaluations and contracting data;

23 (6) prioritizes the local procurement of goods
24 and services in Haiti where appropriate; and

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

4 **SEC. 4. SENSE OF CONGRESS.**

5 It is the sense of Congress that transparency, ac-
6 countability, democracy, and good governance are integral
7 factors in any congressional decision regarding United
8 States assistance, including assistance to Haiti.

9 **SEC. 5. REPORT.**

10 (a) IN GENERAL.—Not later than December 31,
11 2014, and annually thereafter through December 31,
12 2017, the Secretary of State shall submit to Congress a
13 report on the status of post-earthquake recovery and de-
14 velopment efforts in Haiti.

15 (b) CONTENTS.—The report required by subsection
16 (a) shall include—

17 (1) a summary of “Post-Earthquake USG Haiti
18 Strategy: Toward Renewal and Economic Oppor-
19 tunity”, including any significant changes to the
20 strategy over the reporting period and an expla-
21 nation thereof;

22 (2) a breakdown of the work that the United
23 States Government agencies other than USAID and
24 the Department of State are conducting in the Haiti
25 recovery effort, and the cost of that assistance;

1 (3) an assessment of the progress of United
2 States efforts to advance the objectives of the “Post-
3 Earthquake USG Haiti Strategy: Toward Renewal
4 and Economic Opportunity” produced by the De-
5 partment of State, compared to what remains to be
6 achieved to meet specific goals, including—

7 (A) a description of any significant
8 changes to the Strategy over the reporting pe-
9 riod and an explanation thereof;

10 (B) an assessment of progress, or lack
11 thereof, over the reporting period toward meet-
12 ing the goals and objectives, benchmarks, and
13 timeframes specified in the Strategy, includ-
14 ing—

15 (i) a description of progress toward
16 designing and implementing a coordinated
17 and sustainable housing reconstruction
18 strategy that addresses land ownership, se-
19 cure land tenure, water and sanitation,
20 and the unique concerns of vulnerable pop-
21 ulations such as women and children, as
22 well as neighborhood and community revi-
23 talization, housing finance, and capacity
24 building for the Government of Haiti to
25 implement an effective housing policy;

1 (ii) a description of United States
2 Government efforts to construct and sus-
3 tain the proposed port, as well as an as-
4 sessment of the current projected timeline
5 and cost for completion; and

6 (iii) a description of United States
7 Government efforts to attract and leverage
8 the investments of private sector partners
9 to the CIP, including by addressing any
10 policy impediments;

11 (C) a description of the quantitative and
12 qualitative indicators used to evaluate the
13 progress toward meeting the goals and objec-
14 tives, benchmarks, and timeframes specified in
15 the Strategy at the program level;

16 (D) the amounts committed, obligated, and
17 expended on programs and activities to imple-
18 ment the Strategy, by sector and by imple-
19 menting partner at the prime and subprime lev-
20 els (in amounts of not less than \$25,000); and

21 (E) a description of the risk mitigation
22 measures put in place to limit the exposure of
23 United States assistance provided under the
24 Strategy to waste, fraud, and abuse;

1 (4) a description of measures taken to strength-
2 en, and United States Government efforts to im-
3 prove, Haitian governmental and nongovernmental
4 organizational capacity to undertake and sustain
5 United States-supported recovery programs;

6 (5) as appropriate, a description of United
7 States efforts to consult and engage with Govern-
8 ment of Haiti ministries and local authorities on the
9 establishment of goals and timeframes, and on the
10 design and implementation of new programs under
11 the Post-Earthquake USG Haiti Strategy: Toward
12 Renewal and Economic Opportunity;

13 (6) a description of efforts by Haiti's legislative
14 and executive branches to consult and engage with
15 Haitian civil society and grassroots organizations on
16 the establishment of goals and timeframes, and on
17 the design and implementation of new donor-fi-
18 nanced programs, as well as efforts to coordinate
19 with and engage the Haitian diaspora;

20 (7) consistent with the Government of Haiti's
21 ratification of the United Nations Convention
22 Against Corruption, a description of efforts of the
23 Governments of the United States and Haiti to
24 strengthen Government of Haiti institutions estab-
25 lished to address corruption, as well as related ef-

1 forts to promote public accountability, meet public
2 outreach and disclosure obligations, and support civil
3 society participation in anti-corruption efforts;

4 (8) a description of efforts to leverage public-
5 private partnerships and increase the involvement of
6 the private sector in Haiti in recovery and develop-
7 ment activities and coordinate programs with the
8 private sector and other donors;

9 (9) a description of efforts to address the par-
10 ticular needs of vulnerable populations, including in-
11 ternally displaced persons, women, children, or-
12 phans, and persons with disabilities, in the design
13 and implementation of new programs and infrastruc-
14 ture;

15 (10) a description of the impact that agri-
16 culture and infrastructure programs are having on
17 the food security, livelihoods, and land tenure secu-
18 rity of smallholder farmers, particularly women;

19 (11) a description of mechanisms for commu-
20 nicating the progress of recovery and development
21 efforts to the people of Haiti, including a description
22 of efforts to provide documentation, reporting and
23 procurement information in Haitian Creole;

24 (12) a description of the steps the Government
25 of Haiti is taking to strengthen its capacity to re-

1 ceive individuals who are removed, excluded, or de-
2 ported from the United States; and

3 (13) an assessment of actions necessary to be
4 taken by the Government of Haiti to assist in ful-
5 filling the objectives of the Strategy.

6 **SEC. 6. STRATEGY.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State,
9 acting through the Assistant Secretary of State for West-
10 ern Hemisphere Affairs, shall coordinate and transmit to
11 the Committee on Foreign Relations and the Committee
12 on Appropriations of the Senate and the Committee on
13 Foreign Affairs and the Committee on Appropriations of
14 the House of Representatives a three-year Haiti strategy
15 based on rigorous assessments that—

16 (1) identifies and addresses constraints to sus-
17 tainable, broad-based economic growth and to the
18 consolidation of responsive, democratic government
19 institutions;

20 (2) includes an action plan that outlines policy
21 tools, technical assistance, and anticipated resources
22 for addressing the highest-priority constraints to
23 economic growth and the consolidation of democracy,
24 as well as a specific description of mechanisms for
25 monitoring and evaluating progress; and

1 (3) identifies specific steps and verifiable bench-
2 marks appropriate to provide direct bilateral assist-
3 ance to the Government of Haiti.

4 (b) ELEMENTS.—The strategy required under sub-
5 section (a) should address the following elements:

6 (1) A plan to engage the Government of Haiti
7 on shared priorities to build long-term capacity, in-
8 cluding the development of a professional civil serv-
9 ice, to assume increasing responsibility for govern-
10 ance and budgetary sustainment of governmental in-
11 stitutions.

12 (2) A plan to assist the Government of Haiti in
13 holding free, fair and timely elections in accordance
14 with democratic principles.

15 (3) Specific goals for future United States sup-
16 port for efforts to build the capacity of the Govern-
17 ment of Haiti, including to—

18 (A) reduce corruption;

19 (B) consolidate the rule of law and an
20 independent judiciary;

21 (C) strengthen the civilian police force;

22 (D) develop sustainable housing, including
23 ensuring appropriate titling and land ownership
24 rights;

1 (E) expand port capacity to support eco-
2 nomic growth;

3 (F) attract and leverage the investments of
4 private sector partners, including to the Caracol
5 Industrial Park;

6 (G) promote large and small scale agricul-
7 tural development in a manner that reduces
8 food insecurity and contributes to economic
9 growth;

10 (H) improve access to potable water, ex-
11 pand public sanitation services, reduce the
12 spread of infectious diseases, and address public
13 health crises;

14 (I) restore the natural resources of Haiti,
15 including enhancing reforestation efforts
16 throughout the country; and

17 (J) gain access to safe, secure, and afford-
18 able supplies of energy in order to strengthen
19 economic growth and energy security.

20 (c) CONSULTATION.—In devising the strategy re-
21 quired under subsection (a), the Secretary should—

22 (1) coordinate with all United States Govern-
23 ment departments and agencies carrying out work in
24 Haiti;

1 (2) consult with the Government of Haiti, in-
2 cluding the National Assembly of Haiti, and rep-
3 resentatives of private and nongovernmental sectors
4 in Haiti; and

5 (3) consult with relevant multilateral organiza-
6 tions, multilateral development banks, private sector
7 institutions, nongovernmental organizations, and for-
8 eign governments present in Haiti.

9 (d) BRIEFINGS.—The Secretary of State, at the re-
10 quest of the Committee on Foreign Relations of the Senate
11 and the Committee on Foreign Affairs of the House of
12 Representatives, shall provide a quarterly briefing that re-
13 views progress of the implementation of the strategy re-
14 quired under subsection (a).

Passed the Senate July 10, 2014.

Attest:

Secretary.

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