

117TH CONGRESS
1ST SESSION

H. R. 2471

To measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2021

Mr. JEFFRIES (for himself and Mr. WALTZ) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Haiti Development,
5 Accountability, and Institutional Transparency Initiative
6 Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) On January 12, 2010, a massive earth-
10 quake struck near the Haitian capital city of Port-

1 au-Prince, leaving at least 220,000 people dead, in-
2 cluding 103 United States citizens, 101 United Na-
3 tions personnel, and nearly 18 percent of Haiti's
4 civil service, as well as 300,000 injured, 115,000
5 homes destroyed, and 1,500,000 Haitians displaced.

6 (2) The international community, led by the
7 United States and the United Nations, mounted an
8 unprecedented humanitarian response to the earth-
9 quake in Haiti. Through 2018, more than
10 \$8,000,000,000 has been disbursed by donors. Since
11 the 2010 earthquake, the United States Government
12 has disbursed more than \$4,000,000,000 in recovery
13 and development funding.

14 (3) On October 4, 2016, Hurricane Matthew
15 struck southwestern Haiti on the Tiburon Peninsula,
16 causing widespread damage and flooding and leaving
17 1.4 million people in need of immediate assistance.
18 Recovery efforts continue more than four years
19 later.

20 (4) Prior to both the 2010 earthquake and
21 2016 hurricane, Haiti registered among the lowest
22 in socioeconomic indicators and had the second high-
23 est rate of income disparity in the world—conditions
24 that have further complicated disaster recovery and
25 resilience efforts. As of November 2020, 4,400,000

1 people are in need of humanitarian assistance in
2 Haiti.

3 (5) With United States assistance, more than
4 30,000 jobs have been created since the 2010 earth-
5 quake, largely in the apparel industry at the Caracol
6 Industrial Park (in partnership with the Inter-Amer-
7 ican Development Bank, the Haitian Government,
8 and the private sector) in northern Haiti.

9 (6) Since 2018, tens of thousands of Haitians
10 have participated in popular demonstrations de-
11 manding accountability over government manage-
12 ment of Petrocaribe resources. In early 2019, the
13 Haitian superior court of auditors released a series
14 of reports implicating high-level government officials
15 in the misappropriation of funds.

16 (7) The United Nations Human Rights Office
17 of the High Commissioner and the Human Rights
18 Service jointly found a 333 percent increase in
19 human rights violations and abuses against the
20 rights of life and security from July 2018 through
21 December 2019. There were 131 violations in 2018
22 and 567 violations in 2019, including the shooting of
23 at least one journalist covering the protests.

24 (8) Leading members of civil society have faced
25 attacks, including Monferrier Dorval, a constitu-

1 tional law expert and president of the Port-au-
2 Prince bar who was killed on August 28, 2020.

3 (9) On November 13, 2018, according to the
4 Haitian National Human Rights Defense Network,
5 at least 71 people were shot and killed and 18 peo-
6 ple were raped in the Port-au-Prince neighborhood
7 of La Saline.

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

19 (11) Following the La Saline massacre, similar
20 attacks have occurred in Port-au-Prince neighbor-
21 hoods, including the November 2019 and August
22 2020 attacks on Bel Air, in which 24 people were
23 killed and hundreds of families were displaced.

24 (12) Parliamentary elections scheduled for Oc-
25 tober 2019 did not take place, and since January

1 13, 2020, President Jovenel Moïse has ruled by de-
2 cree. At least five decrees have been cited as increas-
3 ingly authoritarian by Haitian civic and political
4 leaders and the international community, including
5 the October 30, 2020, decision to constitute a five-
6 member group to draft a new constitution, the No-
7 vember 6, 2020, decision to reduce the control of
8 anti-corruption entities like the Superior Court of
9 Accounts and Administrative Litigation, the Novem-
10 ber 26, 2020, anti-terrorism decree that establishes
11 sanctions applicable to Haitian police officers not
12 stopping demonstrations, the November 26, 2020,
13 creation of the National Intelligence Agency, and the
14 February 11, 2021, appointment of three new judges
15 to the Supreme Court of Haiti outside of constitu-
16 tional procedures.

17 (13) Although there has been no parliament in
18 place since January 2020, the Haitian Government
19 approved a budget on September 30, 2020, but the
20 delay prevented the International Monetary Fund
21 and other multilaterals from disbursing millions in
22 international assistance.

23 (14) In September 2020, President Moïse by-
24 passed the Supreme Court to appoint a Provisional
25 Electoral Council (CEP) by executive decree. Several

1 civil society groups that traditionally participate in
2 Haiti's electoral councils criticized the decision and
3 have declined to be represented in the CEP.

4 (15) On February 7, 2021, President Moïse al-
5 leged that a coup had been attempted against him
6 leading to 23 subsequent arrests, including of Judge
7 Yviquel Dabrésil of the Supreme Court of Haiti. The
8 Department of State noted that “the situation re-
9 mains murky and we await the results of the police
10 investigation”. President Moïse later forced the re-
11 tirement of three Supreme Court judges on Feb-
12 ruary 9, 2021, who were named as possible transi-
13 tional presidents by political opponents, and replaced
14 them with individuals he unilaterally selected.

15 **SEC. 3. STATEMENT OF POLICY.**

16 It is the policy of the United States to support the
17 sustainable rebuilding and development of Haiti in a man-
18 ner that—

19 (1) recognizes Haitian independence, self-reli-
20 ance, sovereignty, democratic governance, and effi-
21 ciency;

22 (2) promotes efforts that are led by and sup-
23 port the people and Government of Haiti at all levels
24 so that Haitians lead the course of reconstruction
25 and development of Haiti;

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

4 (4) fosters collaboration between the Haitian di-
5 aspora in the United States, including dual citizens
6 of Haiti and the United States, with the Haitian
7 Government and the business community in Haiti;

8 (5) supports anticorruption efforts and address-
9 es human rights concerns;

10 (6) respects and helps restore Haiti's natural
11 resources, as well as strengthens community-level re-
12 silience to environmental and weather-related im-
13 pacts;

14 (7) promotes the holding of free, fair, and time-
15 ly elections in accordance with democratic principles
16 and the Haitian Constitution;

17 (8) provides timely and comprehensive reporting
18 on Haiti and the United States Government's goals
19 and progress, as well as transparent post program
20 evaluations and contracting data; and

21 (9) promotes the participation of Haitian
22 women and youth in governmental and nongovern-
23 mental institutions and in economic development and
24 governance assistance programs funded by the
25 United States.

1 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND**
2 **ANTICORRUPTION EFFORTS IN HAITI AND**
3 **HOLDING PERPETRATORS OF THE LA SALINE**
4 **MASSACRE ACCOUNTABLE.**

5 (a) SECRETARY OF STATE PRIORITIZATION.—The
6 Secretary of State shall prioritize the protection of human
7 rights and anticorruption efforts in Haiti by the following
8 methods:

9 (1) Fostering strong relationships with inde-
10 pendent civil society groups focused on monitoring
11 corruption and human rights abuses and promoting
12 democracy in Haiti.

13 (2) Supporting the efforts of the Haitian Gov-
14 ernment to identify persons involved in human rights
15 violations and significant acts of corruption in Haiti,
16 including public and private sector actors, and hold
17 them accountable for their actions.

18 (3) Addressing concerns of impunity for the al-
19 leged perpetrators, as well as the intellectual au-
20 thors, of the La Saline massacre.

21 (4) Urging authorities to continue to investigate
22 attacks in the La Saline and Bel Air neighborhoods
23 in 2018 and 2019 that left dozens dead in order to
24 bring the perpetrators to justice.

25 (b) BRIEFING.—

1 (1) ELEMENTS.—Not later than 180 days after
2 the date of the enactment of this Act, the Secretary
3 of State shall brief the appropriate congressional
4 committees on the happenings on November 13,
5 2018, in the Port-au-Prince neighborhood of La Sa-
6 line, and its aftermath. The briefing shall include—

7 (A) an examination of any links between
8 the massacre in La Saline and mass protests
9 that occurred concurrently in the country;

10 (B) an analysis of the reports on the La
11 Saline massacre authored by the United Na-
12 tions, the European Union, and the Govern-
13 ment of Haiti;

14 (C) a detailed description of all known per-
15 petrators, as well as the intellectual authors, of
16 the shootings;

17 (D) an overview of efforts taken by the
18 Haitian Government to bring the perpetrators,
19 as well as the intellectual authors, of the La Sa-
20 line massacre to justice and to prevent other
21 similar attacks; and

22 (E) an assessment of the ensuing treat-
23 ment and displacement of the survivors of the
24 La Saline massacre.

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

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

7 The Secretary of State shall prioritize the promotion
8 of freedom of the press and freedom of assembly, as well
9 as the protection of journalists in Haiti by the following
10 methods:

11 (1) Advocating to Haitian authorities for in-
12 creased protection for journalists and the press and
13 for the freedom to peacefully assemble or protest in
14 Haiti.

15 (2) Collaborating with government officials and
16 representatives of civil society to increase legal pro-
17 tections for journalists in Haiti.

18 (3) Supporting efforts to strengthen trans-
19 parency in Haiti's public and private sectors, as well
20 as access to information in Haiti.

21 (4) Utilizing United States foreign assistance
22 for programs to strengthen capacity for independent
23 journalists and increase support for investigative
24 journalism.

1 **SEC. 6. ACTIONS TO SUPPORT POST-EARTHQUAKE, POST-**
2 **HURRICANE AND POST-COVID-19 RECOVERY**
3 **AND DEVELOPMENT IN HAITI.**

4 The Secretary of State, in coordination with the Ad-
5 ministrator of the United States Agency for International
6 Development (USAID), shall prioritize post-earthquake
7 and post-hurricane recovery and development efforts in
8 Haiti by the following methods:

9 (1) Collaborating with the Haitian Government
10 on a detailed and transparent development plan that
11 includes clear objectives and benchmarks.

12 (2) Building the capacity of Haitian-led public,
13 private, and nongovernmental sector institutions in
14 Haiti through post-earthquake and post-hurricane
15 recovery and development planning.

16 (3) Assessing the impact of both the United
17 States and the international community's recovery
18 and development efforts in Haiti since January
19 2010.

20 (4) Supporting disaster resilience and recon-
21 struction efforts.

22 (5) Addressing the underlying causes of poverty
23 and inequality.

24 (6) Improving access to—

25 (A) health resources;

26 (B) public health technical assistance; and

1 (C) clean water, food, and shelter.

2 (7) Assessing the impact of the COVID–19
3 pandemic on post-disaster recovery efforts and eval-
4 uating United States support needed to help with
5 the pandemic response in Haiti.

6 **SEC. 7. REPORT.**

7 (a) REPORT CONTENT.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 of State, in coordination with the Administrator of the
10 United States Agency for International Development, and
11 other relevant agencies and departments, shall submit to
12 the appropriate congressional committees a report that in-
13 cludes—

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

18 (2) an assessment of major corruption com-
19 mitted among the public and private sectors, and on
20 all corruption prosecutions investigated by the Hai-
21 tian judiciary since January 2015;

22 (3) an overview of efforts taken by the Haitian
23 Government to address corruption, including the
24 Petrocaribe scandal, and corrective measures to

1 strengthen and restore trust in Haiti’s public insti-
2 tutions;

3 (4) a description of United States Government
4 efforts to consult and engage with Haitian Govern-
5 ment officials and independent civil society groups
6 focused on monitoring corruption and human rights
7 abuses and promoting democracy and press freedom
8 in Haiti since January 2015;

9 (5) a description of the Haitian Government’s
10 response to civic protests that have taken place since
11 July 2018 and any allegations of human rights
12 abuses, including attacks on journalists;

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

20 (7) a description of the Haitian Government’s
21 efforts to support displaced survivors of urban and
22 gang violence;

23 (8) an assessment of the impact of presidential
24 decrees on the health of Haiti’s democratic institu-
25 tions and safeguarding of human rights, including

1 reducing the authority of the Superior Court of Ac-
2 counts and Administrative Litigation, promulgating
3 an antiterrorism law, and establishing the National
4 Intelligence Agency, as well as retiring and subse-
5 quently appointing judges to the Supreme Court of
6 Haiti;

7 (9) a review of the February 7, 2021, alleged
8 coup against President Moïse and subsequent arrest
9 and jailings of alleged perpetrators;

10 (10) an analysis in collaboration with the Hai-
11 tian Government on efforts to support development
12 goals since January 2015, including steps taken
13 to—

14 (A) strengthen institutions at the national
15 and local levels; and

16 (B) strengthen democratic governance at
17 the national and local levels;

18 (11) an analysis of the effectiveness and sus-
19 tainability of United States-financed development
20 projects, including the Caracol Industrial Park and
21 supporting infrastructure;

22 (12) a breakdown of procurement from Haitian
23 small- and medium-sized businesses and nongovern-
24 mental organizations by the United States and Hai-
25 tian governments for development and humanitarian

1 activities by year since 2015, and a description of ef-
2 forts to increase local procurement, including food
3 aid;

4 (13) a description of United States efforts
5 taken since January 2010 to assist the Haitian peo-
6 ple in their pursuits for free, fair, and timely demo-
7 cratic elections; and

8 (14) quantitative and qualitative indicators to
9 assess progress and benchmarks for United States
10 initiatives focused on sustainable development in
11 Haiti, including democracy assistance, economic re-
12 vitalization, natural disaster recovery, pandemic re-
13 sponse, resilience, energy and infrastructure, health,
14 and food security.

15 (b) CONSULTATION.—In preparing the report re-
16 quired under subsection (a), the Secretary of State and
17 the USAID Administrator shall consult with nongovern-
18 mental organizations and civil society groups in Haiti and
19 the United States, as well as the Government of Haiti
20 where appropriate.

21 (c) PUBLIC AVAILABILITY.—The report required
22 under subsection (a) shall be made publicly available on
23 the website of the Department of State.

1 **SEC. 8. SUNSET.**

2 (a) REPEAL.—The Assessing Progress in Haiti Act
3 (22 U.S.C. 2151n; Public Law 113–162) is repealed.

4 (b) TERMINATION.—This Act shall terminate on De-
5 cember 31, 2025.

6 **SEC. 9. DEFINITIONS.**

7 In this Act the term “appropriate congressional com-
8 mittees” means—

9 (1) the Committee on Foreign Affairs and the
10 Committee on Appropriations of the House of Rep-
11 resentatives; and

12 (2) the Committee on Foreign Relations and
13 the Committee on Appropriations of the Senate.

○