

116TH CONGRESS
2D SESSION

H. R. 5586

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2020

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

AN ACT

To measure the progress of recovery and efforts to address
corruption, 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 an estimated 220,000 people
10 dead, including 103 United States citizens, 101
11 United Nations personnel, and nearly 18 percent of
12 the nation’s civil service, as well as 300,000 injured,
13 115,000 homes destroyed, and 1,500,000 people dis-
14 placed.

15 (2) The Post Disaster Needs Assessment con-
16 ducted by the Government of Haiti, the United Na-
17 tions, the World Bank, the Inter-American Develop-
18 ment Bank, and others estimated that damage and
19 economic losses from the January 12, 2010, earth-
20 quake totaled \$7,804,000,000.

21 (3) The international community, led by the
22 United States and the United Nations, mounted an
23 unprecedented humanitarian response to the earth-
24 quake in Haiti. Through 2018, more than \$8 billion
25 has been disbursed by donors. Since the 2010 earth-
26 quake, the United States Government has disbursed

1 more than \$4 billion in recovery and development
2 funding.

3 (4) On October 4, 2016, Hurricane Matthew
4 struck southwestern Haiti on the Tiburon Peninsula,
5 causing widespread damage and flooding and leaving
6 1.4 million people in need of immediate assistance.
7 Recovery efforts continue more than 3 years later.

8 (5) Prior to both the earthquake and hurricane,
9 Haiti registered among the lowest socioeconomic in-
10 dicators and had the second highest rate of income
11 disparity in the world—conditions that have further
12 complicated disaster recovery and resilience efforts.

13 (6) In June 2019 the World Food Program re-
14 ported that Haiti has one of the highest levels of
15 chronic food insecurity in the world, with more than
16 half of its total population chronically food insecure
17 and 22 percent of children chronically malnourished.

18 (7) In October 2010, an unprecedented out-
19 break of cholera in Haiti resulted in over 800,000
20 reported cases and over 9,000 deaths to date. The
21 Pan American Health Organization reported in 2018
22 that the cholera incidence rate in Haiti is 25.5 cases
23 per 100,000.

24 (8) With United States assistance, almost
25 14,000 jobs have been created since the 2010 earth-

1 quake, largely in the apparel industry at the Caracol
2 Industrial Park (in partnership with the Inter-Amer-
3 ican Development Bank, the Haitian Government,
4 and the private sector) in northern Haiti.

5 (9) According to the Haitian National Human
6 Rights Defense Network, on November 13, 2018, at
7 least 59 people were shot and killed in the Port-au-
8 Prince neighborhood of La Saline. After months of
9 investigations, no one has been held responsible for
10 the La Saline massacre.

11 (10) 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 (11) From August 2018 through February
19 2019, local human rights organizations reported that
20 64 Haitian citizens were killed in protests.

21 (12) According to the Committee to Protect
22 Journalists, five Haitian journalists were shot while
23 covering protests in 2019 and one was killed. On
24 September 23, 2019, Associated Press photo-
25 journalist Chery Dieu-Nalio was shot by Haitian

1 Senator Jean Marie Ralph Féthière when the Sen-
2 ator fired multiple shots near a crowd outside of
3 parliament.

4 (13) Economic growth in Haiti is projected to
5 drop below 1.5 percent this year. Inflation is esti-
6 mated to be 15 percent and the local currency has
7 depreciated by 30 percent in the past year. The Hai-
8 tian government and parliament have failed to pass
9 a budget for 2 years, preventing the International
10 Monetary Fund and other multilaterals from dis-
11 bursing millions in international assistance.

12 (14) Midterm elections set for October 2019 did
13 not take place, and since January 2020 President
14 Moise has ruled by decree.

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 Haitian-led efforts for reconstruc-
23 tion and development of Haiti;

1 (3) strengthens the capacity of civil society and
2 supports private sector initiatives that foster eco-
3 nomic opportunities in Haiti;

4 (4) fosters collaboration between the Haitian di-
5 aspora in the United States and the Haitian Govern-
6 ment;

7 (5) combats impunity and prioritizes delivering
8 justice to victims of human rights abuses;

9 (6) ensures the protection of press freedoms
10 and promotion of a free and independent Haitian
11 press;

12 (7) promotes respect for freedom of assembly
13 and the rights of Haitians to peacefully demonstrate;

14 (8) demands increased transparency and ac-
15 countability among all branches of government and
16 supports anti-corruption and addresses human
17 rights concerns;

18 (9) prioritizes strengthening community resil-
19 ience to environmental and weather-related impacts;
20 and

21 (10) promotes democratic principles, including
22 free, fair, and timely elections in accordance with the
23 Haitian Constitution.

1 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND ANTI-COR-**
2 **RUPTION EFFORTS IN HAITI AND HOLDING**
3 **PERPETRATORS OF LA SALINE MASSACRE**
4 **ACCOUNTABLE.**

5 (a) SECRETARY OF STATE PRIORITIZATION.—The
6 Secretary of State shall prioritize the protection of human
7 rights and anti-corruption efforts in Haiti by—

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

12 (2) supporting the efforts of the Haitian Gov-
13 ernment to identify human rights violators and cor-
14 rupt actors in Haiti, including public and private
15 sector actors, and hold them accountable for their
16 actions; and

17 (3) addressing concerns of impunity for alleged
18 orchestrators of the La Saline massacre.

19 (b) ASSESSMENT.—

20 (1) ELEMENTS.—Not later than 180 days after
21 the date of the enactment of this Act, the Secretary
22 of State, in consultation with nongovernmental orga-
23 nizations in Haiti and the United State, shall submit
24 to the appropriate congressional committees a de-
25 tailed assessment of the happenings on November

1 13, 2018, in the Port-au-Prince neighborhood of La
2 Saline. The assessment shall include the following:

3 (A) An examination of any links between
4 the massacre in La Saline and mass protests
5 that occurred concurrently in the country.

6 (B) An analysis of the reports on the La
7 Saline massacre authored by the United Na-
8 tions, the European Union, and the Haitian
9 Government.

10 (C) A detailed description of all known ac-
11 tors implicated in the shooting.

12 (D) An overview of efforts taken by the
13 Haitian Government to bring the orchestrators
14 of the La Saline massacre to justice.

15 (E) An assessment of the ensuing treat-
16 ment and displacement of the La Saline shoot-
17 ing survivors.

18 (2) PUBLIC AVAILABILITY.—The assessment re-
19 quired under paragraph (1) shall be made publicly
20 available on the website of the Department of State.

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

23 The Secretary of State shall prioritize the promotion
24 of press and assembly freedoms, as well as the protection
25 of journalists, in Haiti by—

1 (1) advocating for increased protections for the
2 press and the freedom to peacefully assemble in
3 Haiti;

4 (2) collaborating with government and non-
5 government officials to develop and implement legal
6 protections for journalists in Haiti;

7 (3) supporting efforts to strengthen trans-
8 parency and access to information in Haiti;

9 (4) ensuring that threats and attacks on jour-
10 nalists and protesters are fully investigated and per-
11 petrators are held accountable;

12 (5) developing increased protection measures
13 for peaceful protesters in accordance with Haitian
14 law; and

15 (6) financing efforts to strengthen capacity for
16 independent journalists and increase support for in-
17 vestigative journalism.

18 **SEC. 6. ACTIONS TO SUPPORT POST-EARTHQUAKE AND**
19 **POST-HURRICANE RECOVERY AND DEVELOP-**
20 **MENT IN HAITI.**

21 The Secretary of State, in coordination with the Ad-
22 ministrators of the United States Agency for International
23 Development, shall prioritize post-earthquake and post-
24 hurricane recovery and development efforts in Haiti by—

1 (1) collaborating with the Haitian Government
2 on a detailed and transparent development plan that
3 includes clear objectives and benchmarks;

4 (2) building the capacity of local institutions
5 through post-earthquake and post-hurricane recovery
6 and development planning;

7 (3) assessing the impact of both the United
8 States' and the international community's recovery
9 and development efforts in Haiti over the past 10
10 years;

11 (4) supporting disaster resilience and recon-
12 struction efforts; and

13 (5) addressing the underlying causes of poverty
14 and inequality, including by providing health re-
15 sources, access to clean water, food, and shelter.

16 **SEC. 7. REPORT.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Secretary of State,
19 in coordination with the Administrator of the United
20 States Agency for International Development, shall submit
21 to the appropriate congressional committees a report that
22 includes the following:

23 (1) A strategy for carrying out the initiatives
24 described in sections 4, 5, and 6, including estab-

1 lished baselines, benchmarks, and indicators to
2 measure outcomes and impact.

3 (2) An assessment of corruption in Haiti, in-
4 cluding an analysis of corruption among the public
5 and private sectors, a list of government and non-
6 government officials known or alleged to have par-
7 taken in corruption or human rights violations, and
8 a list of United States entities, including financial
9 institutions, with financial ties to alleged corrupt ac-
10 tors in Haiti.

11 (3) An overview of efforts taken by the Haitian
12 Government to address public and private sector cor-
13 ruption.

14 (4) A description of United States Government
15 efforts to consult and engage with Haitian Govern-
16 ment officials and independent civil society groups
17 focused on monitoring corruption and human rights
18 abuses and promoting democracy in Haiti to address
19 the Petrocaribe scandal and other acts of corruption
20 within the Haitian Government.

21 (5) An assessment of the Haitian Government's
22 efforts to support displaced survivors of urban and
23 gang violence.

1 (6) A detailed description of all known attacks
2 on journalists in the past since the beginning of
3 “country lock” protests in July 2018.

4 (7) An assessment of the Haitian Government’s
5 response to civic protests that have taken place since
6 July 2018 and any allegations of human rights
7 abuses.

8 (8) An analysis of the Haitian Government’s ef-
9 forts to increase protection for journalists.

10 (9) A description of United States Government-
11 led efforts to promote press freedom in Haiti over
12 the last 3 years and an outline of any additional best
13 practices the United States Government can employ
14 to promote press freedom and the freedom of expres-
15 sion in Haiti.

16 (10) A plan, developed in collaboration with the
17 Haitian Government, to support development goals
18 that includes the following:

19 (A) Strengthening institutions at the na-
20 tional and local levels.

21 (B) Strengthening democratic governance
22 at the national and local levels.

23 (11) A description of best practices to ensure
24 efficient and transparent earthquake and hurricane
25 recovery and development efforts in Haiti.

1 (12) An analysis of the effectiveness and sus-
2 tainability of United States-financed development
3 projects, including the Caracol Industrial Park and
4 supporting infrastructure.

5 (13) A breakdown of local procurement by year
6 and a description of efforts to increase local procure-
7 ment, including food aid.

8 (14) The design of quantitative and qualitative
9 indicators to assess progress and benchmarks for
10 United States initiatives focused on natural disaster
11 recovery, resilience, and sustainable development in
12 Haiti.

13 (15) A description of United States efforts
14 taken to assist the Haitian people in their pursuits
15 for free and fair democratic elections.

16 (b) CONSULTATION.—In preparing the report re-
17 quired under paragraph (1), the Secretary of State and
18 the USAID Administrator shall consult with nongovern-
19 mental organizations and civil society groups in Haiti and
20 the United States, as well as the Government of Haiti
21 where appropriate.

22 (d) PUBLIC AVAILABILITY.—The report required
23 under paragraph (1) shall be made publicly available on
24 the website of the Department of State.

1 **SEC. 8. DEFINITION.**

2 In this Act the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Foreign Affairs and the
5 Committee on Appropriations of the House of Rep-
6 resentatives; and

7 (2) the Committee on Foreign Relations and
8 the Committee on Appropriations of the Senate.

Passed the House of Representatives November 18,
2020.

Attest: CHERYL L. JOHNSON,
Clerk.