

A motion to reconsider was laid on the table.

**SENSE OF CONGRESS THAT HAITI SHOULD CONDUCT FREE, FAIR, TRANSPARENT, AND PEACEFUL ELECTIONS**

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 140) expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 140

Whereas René Preval was elected president of Haiti on December 17, 1995, and inaugurated on February 7, 1996;

Whereas a political impasse between President Preval and the Haitian Parliament over the past 2 years has stalled democratic development and contributed to the Haitian people's political disillusionment;

Whereas Haiti's economic development is stagnant, living conditions are deplorable, and democratic institutions have yet to become effective;

Whereas Haiti's political leaders propose free, fair, and transparent elections for local and national legislative bodies; and

Whereas Haiti's new independent Provisional Electoral Council has scheduled those elections for November and December 1999: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring).* That the Congress—

(1) commends the provisional Electoral Council of Haiti for its decision to hold elections for 19 senate seats, providing for a transparent resolution of the disputed 1997 elections;

(2) urges the Government of Haiti to actively engage in dialogue with all elements of Haitian society to further a self-sustainable democracy;

(3) encourages the Government and all political parties in Haiti to proceed toward conducting free, fair, transparent, and peaceful elections as scheduled, in the presence of domestic and international observers, without pressure or interference;

(4) urges the Clinton Administration and the international community to continue to play a positive role in Haiti's economic and political development;

(5) urges the United Nations to provide appropriate technical support for the elections and to maximize the use of United Nations civilian police monitors of the CIVPOL mission during the election period;

(6) encourages the Clinton Administration and the international community to provide all appropriate assistance for the coming elections;

(7) encourages the Government of Haiti to adopt adequate security measures in preparation for the proposed elections;

(8) urges all elements of Haitian civil society, including the political leaders of Haiti, to publicly renounce violence and promote a climate of security; and

(9) urges the United States and other members of the international community to continue support toward a lasting and committed transition to democracy in Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I rise in support of H. Con. Res. 140.

When we marked up this resolution in the Committee on International Relations, our main concern was that free and fair elections be held to meet the constitutional deadline of January 10 for installing a newly elected legislature. As matters now stand, this apparently will not happen. Although Haitian President Rene Preval cites concerns over the feasibility of the Provisional Electoral Council's calendar, he has in fact been delaying these critically important elections.

As long as there is an opportunity that Haiti can hold genuinely pluralistic elections, we should, as this resolution urges, be supportive. For example, because there is a politically diverse Provisional Electoral Council, a significant sector of the opposition favors elections for parliament and for local officials. I note, however, a disturbing absence of high-level attention in the White House and in the State Department to the unfolding electoral situation in Haiti. Our ambassador, Timothy Carney, deserves high level support from our administration.

I am deeply concerned by the serious problems that threaten these elections. President Preval failed to see that the elections were held last year, and this summer failed to sign the critically important electoral law for 1 month. And now President Preval has become hostile to the Electoral Council that he appointed.

As the election in Haiti nears, street violence threatens freedom of assembly and freedom of speech and may threaten the elections as well. Former President Aristide's Lavalas Family party has fomented recent violent disturbances, including an attack on a peaceful rally organized by business, religious and civic groups in Port-Au-Prince on May 31.

Rising common crime and specific acts of violence have awakened broad concerns regarding public safety. Most recently, on September 4, an explosive device was thrown at the Chamber of Commerce the day after the Chamber issued a call for nonviolence. And on September 5, shots were fired at an opposition leader by a trained gunman. Shots were also recently fired in front of an Electoral Council magistrate's home.

The Haitian National Police has yet to develop and make public a com-

prehensive plan to provide security during the forthcoming election. The Electoral Council faces significant logistical hurdles to provide critically important voter identification cards and to be able to meet the tight electoral calendar that it has established.

When I concurred with releasing funds to support these elections, it was with the understanding that if Haiti backs away from the transparent settlement of the disputed 1997 elections, or if the Provisional Electoral Council's independence and credibility by a broad spectrum of political parties is put into question, that U.S. technical assistance should end.

I agree with the administration's efforts to secure a 2- or 3-month extension of the United Nations civilian police monitoring mission in Haiti. The full contingent of civilian police monitors should actively monitor and support the Haitian National Police's security plan for the election. There are a number of additional steps that should also be undertaken.

Foremost, President Preval needs to stop stalling and start supporting the Electoral Council that he appointed. President Preval should also commit to separating the legislative and municipal elections from next year's presidential election. And the Clinton administration must ensure that the election will be properly supported. International contingency plans for supporting logistical aspects of the election may prove to be critically important.

The United States and our allies should act to prevent violent elements in the Lavalas Family party or other violent individuals or groups in Haiti from disrupting or even derailing the election through violence and intimidation. Denial of visas and other steps should be applied.

Also, the Haitian National Police should produce and make public a detailed plan for providing security for the election. The police should follow the Electoral Council's example and invite political party leaders to review and comment on their election security plans.

I want to thank the gentleman from Florida (Mr. HASTINGS), a senior member of our committee, for bringing this resolution to our attention. With these caveats in mind, I support its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I would, without quarreling, point out that some of the support for the electoral process has been held up by the majority party. The organization that would be in a position to do some of this supporting has not received the fundings that were due them largely in part because of caveats that have been set forth by the majority. While I do not quarrel with the majority's right to do that, then I do not think you ought be heard to complain that certain things are not being done when

moneys were supposed to be appropriated for them to be done and then they are not done. That causes me to have serious concern. And to say that the Clinton administration must properly support the election and then withhold the funds for it to be done is kind of disingenuous, at least in my view.

Additionally, Madam Speaker, I would like to point out to the chairman of the Committee on International Relations that I along with Senator GRAHAM and the special envoy of President Clinton, former Governor Buddy McKay, were in Haiti along with the gentleman from Massachusetts (Mr. DELAHUNT) on a fact-finding mission. Mr. McKay stayed longer than we did because of his duties and went back since that time with reference to ongoing matters as pertains to Haiti. While we were there and upon our return, I felt it necessary to introduce this resolution urging the government of Haiti to conduct free, fair, transparent, and peaceful elections.

Madam Speaker, Haiti's Electoral Council has scheduled parliamentary and local elections for December 16, 1999 and January 19, 2000. Because these elections represent the best chance for Haiti to resolve its political stalemate and proceed with reforms, it is critical that these elections be held as scheduled.

The United States and the international community must assist in maintaining stability and help to strengthen the roots of the rule of law in Haiti. To illustrate our support, we must do the following: provide technical assistance in order to effectively register voters; provide comprehensive aid in developing a security plan where all parties and candidates can campaign freely and without violence; salute the electoral authorities for striving to be fair and judicious; and condemn anyone who attempts to curtail the electoral laws in Haiti.

Free, fair, transparent, and peaceful elections in Haiti are in the best interest of the United States in general and specifically in Florida, my home State. If the United States does not continue its support for Haiti, many Haitians will find themselves again in the dangerous waters en route to our shores. A State whose health and human services budgets are already overburdened, such as my State, cannot stand the weight of further illegal immigration. Moreover, if we are unwilling to pay a small price now, we will, I repeat, we will pay a much greater price later.

Madam Speaker, my resolution is rather simple. It encourages this body to support Haiti's scheduled elections and demands little of us as it refers to expenditures of personnel and resources. Further, it illustrates the importance which the United States emphasizes on free, fair, transparent, and peaceful elections. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield as much time as he may consume to the distinguished gentleman from Florida (Mr. GOSS), chairman of the Permanent Select Committee on Intelligence.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, I thank the distinguished gentleman from New York for his generosity with the time.

Madam Speaker, I am pleased that the House is taking up this resolution this afternoon of my colleague the gentleman from Florida (Mr. HASTINGS). As my colleagues know, Haiti has scheduled parliamentary elections as a way to resolve a crisis that has brought democracy, governance and economic development in Haiti to almost a full halt. In the 5 years since 20,000 U.S. troops forcibly restored Jean-Bertrand Aristide to power, the lights of democracy for Haiti have dimmed significantly and, in fact, they are in danger of going out entirely. Today in Haiti, it is actually worse for many people than it was before our intervention. The current U.S. ambassador to Haiti, Mr. Carney, who has been referred to put it this way and I quote him: "Haiti is a long way from getting democracy. It lacks nearly all of the elements that make up a democracy." This is after several years of intense attention and billions of taxpayers' dollars. For the first time in years, I think we are beginning to see at least some of the folks in the Clinton administration make an honest assessment of the situation on the ground in Haiti. I think the excursion, the trip, the fact-finding analysis that the gentleman from Florida has referred to is proof of the fact that there is an interest to assist the situation accurately and realize just how badly off the people in Haiti are these days. I hope that the rose-colored glasses that we have seen so often in the Clinton administration have finally come off.

The United States has a significant investment in Haiti, significant in terms of our military involvement and our financial commitment as well. We are literally talking about billions—that is billions with a "B"—of taxpayers' dollars we have spent in Haiti in the past few years. To many observers, it seems apparent that this investment has, in fact, been squandered. While the Clinton administration has a lot to account for in terms of explaining this failure to the American people, I think the question before Congress today is more important: Where do we go from here? The first step is to provide encouragement for the elections to go forward. We must also acknowledge that those elections face very serious challenges, including politically motivated violence that we have already seen manifest, and the active hostility of some of Haiti's leading politicians to the actions, well-meant actions and the necessary actions, of the Provisional Electoral Council.

In addition to helpful technical assistance that we might provide, the United States also must send a clear signal to Haiti's leaders, especially the President-in-waiting Aristide, that efforts to subvert or improperly influence the electoral process will not be tolerated. These parliamentary elections are often referred to as a, quote, roadmap for resolving the crisis in Haiti. We have heard that language before. Actually, we hear it before almost every election in Haiti. The last vestiges of Haiti's pretense of democracy will fade entirely if full, fair, free, and transparent elections do not happen on schedule. I will not go so far as to hope for peaceful, but I will put in the other qualifiers. I have been in Haiti for elections and there is a lot of enthusiasm. I do not think "peaceful" is a realistic expectation. But I think "controlled" is.

Haitian leaders should be on notice by this resolution—and I hope they are—and so should U.S. taxpayers who have footed the bill for the Clinton administration's failures in the past. They should take notice, lest we squander more good money after wasting so much already.

Good money after bad is a poor idea no matter how well-intentioned we may be. For that reason, I will support the resolution, of course, but I will ask for close oversight of how the funds are to be spent and I will ask for no rose-colored glasses in assessing what is really going on so that if we run into roadblocks, we understand what is before us and we are in a position to report faithfully to the American people what has happened rather than what we hoped had happened.

□ 1545

Mr. HASTINGS of Florida. Madam Speaker, I yield 3 minutes to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN), my colleague.

Mrs. CHRISTENSEN. Madam Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding this time to me.

Madam Speaker, I rise today in support of House Concurrent Resolution 140 expressing the sense of Congress that Haiti should conduct free, fair, transparent and peaceful elections, and I thank the gentleman from Florida (Mr. HASTINGS), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentleman from Michigan (Mr. CONYERS) for their bill, as well as the gentleman from New York (Mr. GILMAN), for their leadership and support of this resilient island nation.

I have had the opportunity to visit Haiti three times over the last 3 years. The last time was 2 weeks ago with the gentleman from Michigan (Mr. CONYERS) and several of my other colleagues, specifically to review the progress that was being made with regard to the upcoming elections.

Madam Speaker, I saw a Haiti which despite the fact that democracy has not made any significant bread and

butter changes in the lives of its people continue to hold on to the ideal of full democracy and economic progress despite the steepness of the uphill battle. The people of Haiti remain strong in the spirit which, despite the odds, made them an independent nation almost 200 years ago. Despite continuing poverty, little infrastructure, recent hurricane damage, we were able to see active building and vibrant commerce as well as other, if small, signs of improvement and hope. Much progress, Madam Speaker, I think was also seen in the public sector.

Madam Speaker, the people of Haiti want the upcoming elections, and they want elections that they will have confidence in. The United States has helped in the past years to help Haiti on the road to democracy and a healthier economy, but we have done far less than we should have. In the upcoming elections we have the opportunity to correct this and make an important contribution to the future of the Haitian people, to the Caribbean region, and to our hemisphere.

I join my colleagues in expressing the sense of Congress in support of free, fair, transparent and peaceful elections; but Madam Speaker, we should do more by making all the necessary resources available to make it possible.

This is another critical juncture in Haitian history. The integrity and the outcome of this election will determine Haiti's future. I want us to be on the right side of that history. I urge the passage of House Concurrent Resolution 140.

Mr. GILMAN. Madam Speaker, does the gentleman from Florida have any further requests for time?

Mr. HASTINGS of Florida. I do not, Madam Speaker, but I yield myself such time as I may consume to point out that the gentleman from Michigan (Mr. CONYERS) and the gentleman from New Jersey (Mr. PAYNE) and the staff of the chairman 2 weeks ago visited Haiti, and I regret very much that the gentleman from Michigan (Mr. CONYERS) is not here at this time for he had intended to speak regarding his personal findings.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge support for this resolution.

Mr. CONYERS. Madam Speaker, I would like to commend my colleagues for their hard work on this important resolution. Although the language was changed to accommodate opinions from the other body, I believe it still carries the appropriate positive message about Haiti's democratic progress. After all, October 15 will mark only 5 years that have gone by since the restoration of the legitimate government of Haiti and its elected president, Jean-Bertrand Aristide.

Haiti has come a long way since the dark days when General Cedras and Colonel Francois ruled the streets of Port-au-Prince with an

iron fist of terror. I had the opportunity to make my own first hand evaluation 2 weeks ago when I led a bipartisan delegation to Haiti accompanied by my good friends Representatives CAMPBELL, PAYNE, HILLIARD, CHRISTENSEN, and FALEOMAVAEGA. I would also like to thank the gentleman from Illinois, the chairman of the Judiciary Committee, for authorizing the CODEL to travel. Today we are releasing our findings in a comprehensive trip report. While we found that elections probably will not happen in December as hoped, a brief delay may end up being in the best interests of broad participation in the process.

Haiti remains one of the world's poorest countries, with a per capita income of \$380 per year. However, it has taken some important steps. Inflation is down to 8 percent, from about 50 percent in 1995. The budget deficit declined to less than 2 percent of GDP in 1998 and the exchange rate is stable. The economy has benefitted from a growth both in the assembly sector and in increased agricultural exports such as mangos and coffee; these factors contributed to an impressive growth rate of 4 percent last year.

Haiti is also trying hard to tackle a drug transshipment problem. In the last 3 weeks, the police leadership has made several arrests in several drug busts ranging from 13 pounds and 15 pounds of cocaine, to another one believed to amount to over 1,500 pounds. The police leadership are making admirable efforts to keep its ranks clean, arresting four of its own officers in connection with that last incident.

I believe today's resolution keeps Haiti in proper perspective and embraces the spirit of democratic progress. It encourages the United States and the international community to provide assistance to the elections, urges the government of Haiti to remain engaged with civil society, and asks all elements of Haitian society to help promote a climate of peaceful environment for the elections. This last part is important because a group of Haitian business representatives led by Mr. Lionel DeLatour reminded me during my trip, no one sector holds a monopoly on blame for transgressions. The resolution commends the Provisional Electoral Council, whom I also met with 2 weeks ago, for its efforts to resolve the controversial 1997 elections.

I urge your support of this resolution and I commend our report to your attention, which I am inserting into the RECORD.

HAITI TRIP REPORT, SEPTEMBER 10-12, 1999

CONGRESS OF THE UNITED STATES,

Washington, DC, September 27, 1999.

Hon. MADELEINE K. ALBRIGHT,  
Secretary of State, U.S. Department of State,  
Washington, DC.

DEAR MADAME SECRETARY: On September 10-12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) The pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

The Congressional delegation's report contains specific recommendations for actions by the Executive Branch and the object of

continuing your progress in the consolidation of democracy in the nation of Haiti.

Respectfully Submitted,

JOHN CONYERS, Jr.  
TOM CAMPBELL.  
ENI FALEOMAVAEGA.  
DONALD M. PAYNE.  
EARL F. HILLIARD.  
DONNA M. CHRISTENSEN.

CONGRESS OF THE UNITED STATES,

Washington, DC, September 27, 1999.

Hon. JANET RENO,  
The Attorney General, U.S. Department of Justice,  
Washington, DC.

DEAR MADAM ATTORNEY GENERAL: On September 10-12, a House Judiciary Committee congressional delegation traveled to Haiti led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

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DONNA M. CHRISTENSEN.

CONGRESS OF THE UNITED STATES,

Washington, DC, September 27, 1999.

Hon. HENRY HYDE,  
Chairman, House Judiciary Committee,  
Washington, DC.

DEAR CHAIRMAN HYDE: You authorized a House Judiciary Committee congressional delegation to travel Haiti between September 10th and 12th. The delegation was led by the Ranking Member, Representative John Conyers, Jr. Other members of the codel included Representatives Tom Campbell, Donald Payne, Earl Hilliard and Delegates Eni Faleomavaega and Donna Christian-Christensen.

The trip focused on three general areas of interest: (1) the pending elections and the preparations necessary to undertake them; (2) the Department of Justice's ongoing role in police training and judicial reform; and (3) counter-narcotic activities.

The Congressional delegation's report contains specific recommendations for actions by the Executive Branch and the Congress, with the object of continuing progress in the consolidation of democracy in the nation of Haiti.

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INTRODUCTION

From September 10th to September 12th, 1999, Congressman John Conyers, Jr., the Ranking Member of the House Judiciary Committee, led a bipartisan congressional delegation (CODEL) to Haiti. The delegation focused on upcoming elections and issues relevant to their successful undertaking such

as international monitoring, the proper role of the police and building confidence in the political process. It also looked at the status of police training, the U.S. Department of Justice's role in the establishment of an independent judiciary, and the efficacy of anti-drug operations.

The members of the CODEL included: Rep. John Conyers, Jr., Chairman (D-MI); Rep. Tom Campbell (R-CA); Rep. Donald Payne (D-NJ); Rep. Earl Hilliard (D-AL); Del. Eni Faleomavaega (D-AS); and Del. Donna Christian-Christensen (D-VI).

In 1990, Jean Bertrand-Aristide was elected president in Haiti's first legitimate, democratic elections. A year later he was overthrown in a coup d'etat and a violent military regime took over, ruling by repression and fear. In 1994, a United States-led multinational force restored democracy to Haiti. Ever since then, Haiti has been grappling with complicated economic, political and social questions necessary for the consolidation of democracy. This report explores some of those challenges and is meant to provide some useful observations.

In addition to having jurisdiction over operations of the Department of Justice generally, the Judiciary Committee has explicit jurisdiction over enforcement of federal drug statutes, administration of the federal courts, treaties, conventions and other international agreements. It also has jurisdiction over immigration and related issues.

The delegation objectives were:

Evaluate progress of investigations into human rights violations and the role of US assistance, particularly as it relates to the police.

Examine the impact of the withdrawal of the permanent U.S. military presence.

Determine the status of judicial reform and the efficacy of US assistance.

Observe preparations for the elections and make judgments regarding the timetable, the technical steps necessary for their undertaking, the ability of the police to maintain a secure environment, and the role of international observers.

Make observations regarding the public's confidence in the electoral process, the competence of electoral institutions, and the likelihood of broad civic participation in the process.

Our findings and recommendations follow.

#### THE POLICE BACKGROUND

After the restoration of democracy to Haiti in 1994, the U.S. Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP) established the Haiti Police Development Program. In the first phase of this program, ICITAP trained 5200 members of the Haitian National Police (HNP). By next year, ICITAP hopes to have established permanent education programs allowing the HNP to become more self-sufficient, institutionalized issues of integrity and civic duty, and set guidelines for the formation of specialized units such as CIMO, the riot control squad, and the BLTS, the counter-narcotics unit.

The delegation met with representatives of ICITAP, as well as OPDAT (the Overseas Prosecutorial Development Assistance Program), the US Department of Justice program responsible for judicial reform assistance. Their budget for FY 1999 is \$6.1 million.<sup>1</sup>

A number of things suggest that on the bureaucratic level, the police will meet ICITAP's goals. For example, in the past seven months, three classes have come through the police academy which were 100% trained by Haitians with about 100 cadets in

each class. Also, the fact that the HNP developed their own annual budget this year for the first time is an encouraging sign.

#### CHALLENGES FACING THE POLICE

The Haitian National Police, however, continue to face serious challenges including (1) continued problems with excessive use of force, human right abuses and mistreatment of prisoners; (2) drug trafficking within the force; and (3) keeping the police politically neutral and effectively engaged in providing security. Looming large in the foreground of these questions is what the impact of the U.S. troop withdrawal will be, the probable elimination of the police mentoring mission (CIVPOL), and the scaling down of the UN/OAS civilian mission's (MICIVIH) human rights monitoring work.

#### Attrition and recruitment

In response to concerns raised earlier this year by the House Appropriations Committee, the HNP in cooperation with ICITAP, conducted a study on attrition which concluded that attrition was not as bad as it seemed on the surface. According to this study, 1056 police left the force voluntarily or involuntarily between 1995 and April 1999. The overwhelming number of separations were dismissals: 602 police agents and 230 civilian employees fired. The justifications for dismissal ranged from corruption and alleged murder to poor punctuality. There is also a serious attrition problem of another kind: 115 officers have been killed since 1995.<sup>2</sup> As a consequence of the study, the HNP now systematically utilizes exit interviews.

The CODEL was alarmed to hear drastically varying estimates of the actual number of police active in the force. While the official figure is 6500, several sources in Washington, and Haiti assert that the actual number is probably more in the range of 3500-4000. This is alarming for a number of reasons: First of all, the need for police will be great in the months leading up to elections. Second, a reduction in the actual number of police could result in an over-reliance on elite forces, and third, it places tremendous strain on the active duty officers who are already expected to work unreasonably long weeks.

#### Human rights abuses

The human rights situation is a marked improvement from the years of the de facto regime and abuses do not appear to have any kind of pattern. The CODEL does however have serious concerns about the general conduct of the police and certain incidents in particular.

A top priority of the delegation was investigating the involvement of the HNP in the execution of eleven people on May 28, 1999 in the neighborhood of Carrefour Feuille. Protests in the days following were so violent that the Justice Minister and the Prime Minister had to flee the funeral services for the victims. The Minister of Justice has appointed a three judge panel to investigate the incident and six members of the HNP are currently in jail.

The National Coalition for Haitian Rights (NCHR) has complained that the Minister should not have appointed the panel without the Inspector General's report and is very concerned that the case will be mishandled. MICIVIH has criticized handling of Carrefour, arguing that some suspects are being held in isolation, an extra-constitutional and arbitrarily-created form of detention where the suspects have not been charged. It is also generally worried that the investigation is proceeding very slowly. Robert Manuel, the Secretary of State for Public Safety, personally promised Rep. Conyers progress on this investigation and an update in the near future to be announced publicly.

Earlier in the day of May 28, riots erupted in Port-au-Prince when a demonstration organized by a group of businesses and civil society organizations speaking out for peaceful elections faced counter demonstrators throwing rocks. The demonstration's organizers have charged that the behavior of the police exhibited a bias in favor of the counter-demonstrators, while the counter-demonstrators dismiss the allegations. The role of CIMO, the riot control unit formed in 1997 to handle such incidents, is at the center of some of the charges of police misconduct. For example, last year CIMO was dispatched to the town of Mirebalais and along with UDMO (the departmental crowd control unit) and GIPNH (a SWAT team), shares responsibility for severe abuses of a number of political activists. CIMO's accountability and public perception could be improved vastly by changing its uniforms, which lack badges. This measure, suggested by the U.S. Department of Justice last year, has not been implemented.

In May and June, MICIVIH learned of 16 cases of people being killed by a vigilante group. On May 13, an investigation team sent to Titanyen discovered the bodies of two people who had been taken away from Bois Neuf that morning by a group of people, two of them in police uniform. Since then, a total of 14 bodies have been discovered in graves in the area. Progress in this investigation has reportedly been extremely slow as well and the delegation would like to get status report soon.

In 1998, MICIVIH recorded 423 incidents of police brutality. Law enforcement misconduct has inspired a popular campaign against the HNP leadership. Local organizations, many of which appear to be aligned with Fanmi Lavalas, have been demanding the resignation of the police director, Pierre Denize and Bob Manuel, the Secretary of State for Security.

There is an active collective of indigenous organizations that carry out human rights activities, many of which the CODEL met with, but it is clear that they operate at great personal risk. For example, on March 8, Pierre Esperance, Director of the Haiti office of NCHR, was shot and injured shortly after a threatening flyer was found near his office. Some of these organizations, such as those encountered by delegation staff in Gonaive, are awaiting certification as official NGO's from the Haitian Ministry of Social Affairs. It is critical that such bureaucratic obligations are undertaken so that these organizations are able to fill any void left by a downgraded or nonexistent MICIVIH, which has been pivotal in training these indigenous groups.

#### Police role during the elections

The police have thus far managed to keep their distance from politics, a major step forward for a country with a deep history of the politicization of law enforcement. This is a tremendous break from the past, when law enforcement served as the long arm of executive power. However, the elections will present other challenges as well, such as the potential for violence against candidates. For example:

On September 5, a gunman fired on Sauveur Pierre Etienne, secretary of the OPL, an opposition party.

In March, Sen. Jean Yvon-Toussaint was killed in front of his home. On August 24, gunmen shot at the home of Emmanuel Charles, one of the nine members of the Provisional Electoral Council (CEP).

On August 21, another CEP official experienced a carjacking.

In July, election offices in Gonaives and Jacmel were set afire.

<sup>1</sup>Footnotes at end of text of article.

The State Department plans on augmenting CIMO for the elections and is working on approving contracts for new riot control equipment. It has also suggested a "non-violence pact," to be signed by all participating parties.

#### Drugs

According to the Drug Enforcement Administration (DEA), approximately 2720 kilograms of cocaine were seized coming from Haiti between May 1998 and June 1999. Most drugs are smuggled into Haiti via ships, although airdrops and cargo shipments are also used. Most of the drug smuggling is done by Colombians who either live in Haiti or routinely travel there.

Although Haiti still has not signed a formal ship-rider agreement, the U.S. Coast Guard claims that it has "carte blanche" to conduct overflights or board any vessel at any time as long as the Haitian authorities are informed in real time. If this is indeed the case, and drug shipments from Haiti are on the rise, then the most logical improvement would be to dramatically increase the U.S. law enforcement presence, particularly the Coast Guard.

Haiti does not have asset seizure laws, therefore law enforcement agents cannot confiscate large sums of money. Neither does it have domestic laws relating to money laundering and it will not have any until the new parliament is in place next year. In the meantime, President Preval has sought the voluntary cooperation of private banks by requesting them to ask pertinent questions of clients who make large deposits and to help provide such information to the government for tax collection purposes. When the delegation inquired about this arrangement with business representatives, they stated that the assets of the banking sector are sector are actually very small. Nevertheless, the delegation hopes such cooperation with Preval's proposal is forthcoming.

#### THE INTERNATIONAL PRESENCE

##### *The UN/OAS civilian mission*

NICIVIH is being phased out due to the withdrawal of U.S. assistance. The mission plans on going to the UN General Assembly for a new mandate, replacing the current one authorized by the UN Security Council under the MIPONU (United Nations Civilian Police Mission in Haiti) banner. This means the UN share of funding would come from the General Assembly, while the OAS will continue to contribute their share. The new mission will have some police monitoring component and probably will combine the MIPONU and MICIVIH functions. Plans on how to facilitate this transition are still in the air but a temporary extension of the current mandate is a possibility. In the opinion of the delegation, a premature withdrawal of MICIVIH would leave a substantial gap in the human rights monitoring capabilities in Haiti simply because local organizations lack experience. Any phase out over the next year should attempt to minimize this impact.

##### *U.S. troops*

On June 9, the House voted 227-198 for an amendment to the Defense Authorization bill offered by Reps. Ben Oilman (R-NYC) and Porter Foss (R-FE) to withdraw U.S. troops from Haiti. Every member of the MODEL opposed this amendment. The amendment, if it becomes law, would end the U.S. Support Group in Haiti, an outgrowth of Operation UPHOLD DEMOCRACY in 1994. The Clinton Administration strongly opposed the amendment, pointing out that the Support Group has built roads and provided health care to thousands of Haitians, and arguing that a premature withdrawal would be disruptive to the pre-election security cli-

mate. The delegation is particularly concerned about the withdrawal in light of the phasing out of MICIVIH. These two events combined will leave vacuum that Haiti can ill afford. The administration has pledged to maintain a U.S. presence by rotating troops in for specific humanitarian missions.

#### CONGRESSIONAL ISSUES

The House International Relations Committee and the Senate Foreign Relations Committee have frozen the U.S. contribution to MICIVIH, which gets about 60% of its funding from the UN and 40% from the OAS. Previously, the US paid roughly \$3.2 million of the \$5 million OAS share per year. The Senate Foreign Relations Committee has a hold on a \$425,000 arrears payment. The delegation believes this Congressional hold is counterproductive to the establishment of democratic institutions in Haiti and undercuts the role of a key international presence.

Recommendations relating to law enforcement:

When the new parliament takes office in 2000, the passage of forfeiture laws and legislation to combat money laundering should be a top priority. Until then, the private sector should recognize their responsibility to voluntarily provide such information.

The U.S. Congress needs to at least ensure that any MICIVIH phase-out minimizes any human rights observation void. Releasing the Senate Foreign Relations Committee's hold on \$425,000 in arrears would facilitate a smooth transfer of responsibility to local organizations.

The delegation urged Manuel and Denize to make public announcements when they launch an investigation into serious police misconduct. This will increase confidence in criminal investigations.

Increase the U.S. Coast Guard presence in Haiti.

A non-violence pact prior to the elections is a good idea, but it should originate from within the Haitian system, for example from the CEP.

The Haitian Ministry of Social Affairs should do everything it can to expedite requests from NGO's requesting formal certification.

If CIMO should continue to receive equipment and additional training from the US, the HNP should take steps to improve its accountability and public image.

The political section of the U.S. Embassy and USAID should continue to reach out to local human rights organizations, who have explicitly expressed a desire to increase contact.

#### THE JUDICIAL BRANCH

##### BACKGROUND

The Haitian judicial system is corrupt and extremely slow. Many of the judges are holdovers from the years of the Duvalier dictatorship. An increasing problem is the vulnerability of judges to corruption from drug trafficking networks; this is partially linked to the fact that judges still receive very low pay.

The delegation was impressed with the new Minister of Justice, Camille LeBanc. He described his priorities as hiring a new generation of qualified professionals, modernizing outdated laws, and increasing the resources available, in particular for justices of the peace and those involved in judicial processes at the local level. He plans to provide justices of the peace with transportation, enabling them to be the first line of investigation against voter fraud during the elections, and he intends to permit the commissaries at the regional level to investigate allegations made by one candidate against another. Both seem like sensible ideas if implemented properly, in which case could make

important contributions to a climate of confidence during the election cycle.

#### THE UNITED STATES AND THE HAITIAN JUDICIARY

##### *U.S. Administration of Justice programs*

The U.S. has been helping Haiti reform its judicial system through its Administration of Justice (AOJ) program. The project began with an agreement signed between the U.S. and the legitimate government of Haiti in 1993. Over the last five years, the Agency for International Development has spent \$20 million out of \$27 million committed.

Most of the AOJ programs concluded this summer, including programs to improve the competency of judicial personnel by mentoring judges, distributing legal materials, and working with bar associations. The projects providing legal assistance, advocacy training, and conducting public education on human rights and women's rights wound down as well.

Since the AOJ program began, over 50,000 individuals have received legal assistance and information from Non-Governmental Organizations funded through USAID and its subcontractor, Checci. The Department of Justice's Overseas Prosecutorial Development and Training Assistance Program (OPDAT) has trained over fifty magistrates and parquets (model prosecutors) in jurisdictions throughout the country. In the new five year plan, USAID and the Ministry of Justice expect to revive this program substantially as well as establish new training efforts related to commercial arbitration. For its part, OPDAT expects to train 50-100 more magistrates.

##### *The U.S. Government and the question of impunity*

During the restoration of democracy, the U.S. Army seized documents, photographs and other materials from the headquarters of the FAd'H (the Haitian army) and FRAPH (the Front for the Advancement and Progress of Haiti), a paramilitary organization with links to the Central Intelligence Agency. The delegation firmly believes that all of these materials should be returned immediately.<sup>3</sup>

While the FRAPH documents will not solve all of Haiti's problems with the justice system, a long and productive meeting with local human rights organizations in Port-au-Prince convinced the delegation that they are extremely important to many Haitians. Their return would in a concrete way assist lawyers investigating the thousands of murders that occurred during the period of de facto rule and in a broader sense contribute to a much needed sense of reconciliation.

A study by the American Law Division of the Congressional Research Service concluded that the documents are the property of the Haitian Government, and it is clear the seizure violated the spirit, if not the letter, of the Multinational Force's mandate. Claims by the Department of Defense and other branches of the U.S. government that the documents needed to be redacted to comply with the Privacy Act are simply without merit. The documents should be returned in their original form.

Supposedly the U.S. Government has reopened talks on the issue with the new Minister of Justice, Camille LeBlanc. The CODEL hopes that an inter-governmental committee can begin talks soon.

##### THE PRISON SYSTEM

Overcrowding in the prisons remains a serious problem. The population in detention has doubled in the last 2-3 years to over 3000 people, about 80% of whom are in pre-trial detention. For the last several years, a \$1.2 million prison reform project has been funded by USAID and carried out by the UN Development Program. Much progress has been

made, but a registry at the national penitentiary is still incomplete.

While the staff delegation did not tour the prison in Gonaive, it has been recently refurbished—partly in the expectation that there will be convictions in the Raboteau Massacre case. We were also encouraged to hear reports that even though prison officials sometimes have shortages of food, the conditions are generally decent compared to the rest of the country. This is clearly a testament to the excellent work of the MICIVIH field office and the local NGO's they have been training. Unfortunately, the NGO's did note that the police, i.e., those outside of the prisons, continue to be abusive. Significant work remains to be done before organizations such as these are capable of filling a void left by the departure MICIVIH.

#### CONGRESSIONAL ISSUES

The Senate Appropriations Subcommittee on Foreign Operations has a hold of \$2.5 million due to concerns that the judicial project redesign was prepared without the involvement of the Justice Minister. As LeBlanc moves forward with judicial reform, more resources will become available.

The delegation would like to convey to Congress that the Government of Haiti has assumed more of the costs of the Ecole de la Magistrature, which is a positive sign toward meeting Congressional conditionalities.

Recommendations related to the judiciary: The Minister of Justice needs to set a numerical goal for reduction of the prison population. An inter-governmental committee including the Haitian Minister of Justice should be formed immediately to begin the return of the FRAPH documents to the Government of Haiti in their original form.

The Government of Haiti should demonstrate its commitment to judicial reform by approving the program agreed to at the donors meeting on July 6, 1998, appointing new staff, and passing legislation relating to the magistrates school and other matters relevant to the establishment of an independent judiciary.

#### THE ELECTIONS BACKGROUND

On April 6, 1997, Haiti held elections for nine Senate seats, two vacant seats in the Chamber of Deputies (the lower chamber of parliament) and local government positions.<sup>4</sup> The turnout of these elections was only about 5% by most estimates and there were charges of serious fraud. Other problems included a decision by the CEP to not count blank ballots, official publication of the election results without the approval of the prime minister, and voter confusion due to inadequate civic education. The only positive aspect in the eyes of many observers was that reports of election violence were minimal. The controversy surrounding the elections culminated in the resignation of Prime Minister Rosny Smarth on June 9, 1997, who sought to distance himself from tainted elections.

When elections scheduled for the fall of 1998 did not take place, the parliament voted to extend its term. A constitutional crisis erupted in January 1999 when President Preval refused to recognize the vote and announced he would rule by electoral decree. The parliament responded by charging Preval with trying to rule as a dictator.<sup>5</sup> Eventually, the dispute was resolved after negotiations between an informal group of political parties called the Espace de Concertation and the executive branch were able to choose a CEP.

#### New elections

The upcoming elections will run seats for the Chamber of Deputies, most of the Senate seats, as well as the Communal Administra-

tion Councils (CASECs), the Communal Assemblies (ASECs) and City Delegates. They were originally set to take place on November 28. A few days prior to the delegation's arrival, the CEP declared that the elections would take place on December 19. After our return, President Preval announced the formation of a committee to look at election schedules.

Much of the political wrangling this summer among the CEP, the president, the Prime Minister and the major political parties centered on whether 17 or 19 Senate seats would be run, since the latter number would indicate rerunning the two contested Senate seats that went to Lavalas candidates in the 1997 elections. On June 11, the CEP announced that it was effectively annulling the results of those elections. Subsequent statements describing what it means by "running all vacant seats" have clarified that elections will be held for all 19 Senate seats. Lavalas has indicated that it will participate in these elections.

#### ELECTION ISSUES

##### Voter registration

A key goal of the CODEL was to determine whether preparations for these elections are proceeding on schedule. The information collected varied greatly: The National Coalition for Haitian rights believes that the timetable for the elections is too short and that more time is needed to organize voter registration, hire staff for the CEP, and restore confidence in the HNP.<sup>6</sup> The National Democratic Institute (NDI) believes the technical preparations are unnecessarily elaborate and will result in delayed elections. Similarly, the International Republican Institute (IRI) believes that while the cards are a useful long term goal, they are probably infeasible by December. The International Foundation for Election Systems (IFES), which is handling much of the technical preparations, believes the preparations are necessary and achievable.

A postponement of the elections until next year would probably be contentious. Critics of a delay, such as the U.S. embassy and most of the political opposition parties, argue that it would allow political candidates to run on the coattails of Aristide, who will be running for president. Second, they note that since the constitution stipulates that the parliament must be in place by the second week of January, any extension of the parliament's term would probably violate that provision. Finally, they suggest that a delay would undermine confidence; a potential hazard could be a boycott of the elections by some opposition parties. The delegation urges those parties to not withdraw from the political process by doing so.

The issuance of voter identification cards for the election is a controversial issue because many Haitians believe it is simply infeasible for 4.5 million voters to get an ID card in time for the elections and an unsuccessful attempt to do so would result in an urban bias in the electoral results. Moreover, Prime Minister Alexis expressed outrage that the funding for the contract, which went to Code Canada, circumvented the Haitian Ministry of Finance and the CEP. Former president Aristide and many other NGOs suggested that implementation of the voter ID plan begin in both the urban and rural areas with equal vigor, an idea that seems eminently reasonable to the CODEL.

The delegation believes that a postponement of the elections is all but certain. Regardless of when they take place, the massive undertaking of voter ID cards should begin as soon as equipment is in place and staff has been trained. Various factors indicate that any fallout from delay could be mitigated by assurances that two elections—

one for the president and one for the parliament—take place. During meetings in Haiti and in Washington, representatives of the Haitian business community assured the delegation that having two separate elections is more important than having the elections in December. The words of the President of the BED (the regional electoral council) for Gonaive and the Artibonite region are illustrative; he emphasized during a meeting with delegation staffers that "when elections take place is less important than having people motivated, educated and prepared for them."

#### Election Observation

As in 1997, the bulk of the international observation will be carried out by the Organization of American States (OAS). The Inter-American Commission of Human Rights will also help.

MICIVIH has also played an important role during elections by monitoring freedom of expression and human rights aspects as they relate to electoral participation and they plan to do so this year as well. Until recently, it has 120 permanent observers throughout the country, but due to cutbacks and the expiration of the UN Mission on November 30, it has been phasing out its operations.

Two indigenous election observation coalitions have sprung up: the first is the National Electoral Observer Network (RENO), started by a group of business people which hopes to place 4000 observers around the country. The other is the National Civic Network (RCN), composed of center-Right political organizations. The delegation was encouraged by signs that these two coalitions have been cooperating with each other.

Earlier this summer, IRI, the counterpart to NDI, pulled out of Haiti citing physical danger to their staff. IRI had been the focus of a campaign against their effort to organize a coalition of political parties into a bloc. NDI is continuing its work with the Civic Forum, a project it began in October 1997 to provide civic education to citizens around the country. It plans to help encourage voter participation in the elections, sponsor candidate debates and train non-partisan election observers. They will be receiving State Department funding for their election work. The delegation condemns any violence against IRI or any American NGOs and hopes that Haitians will welcome foreign observers in the next elections.

#### CONGRESSIONAL ISSUES

The FY 1999 Foreign Operations Appropriations Act set up criteria that must be met before the U.S. can provide assistance for the elections.<sup>7</sup> On August 16, President Clinton certified to Congress that "the central Government of Haiti: (1) has achieved a transparent settlement of the contested April 1997 elections, and (2) has made concrete progress on the constitution of a credible and competent provisional electoral council that is acceptable to a broad spectrum of political parties and civic groups in Haiti." The first criteria was met when the CEP annulled the 1997 elections on June 11 and with the promulgation of the electoral law, published on July 19 and corrected on July 22. The second criteria was met based on a fair process utilizing the Espace de Concertation that picked the CEP in March and by judging how they have acted since.

The delegation urges Congressional leaders to recognize the extraordinary circumstances at play in Haiti and to remain committed to funding free, fair and widely participatory elections in Haiti.

Recommendations relating to the elections:

If the implementation plan for the ID cards moves forward as planned, it should occur in urban and

rural areas simultaneously in order to prevent a geographical bias in turnout. It will also help secure the confidence of the rural population in the process.

While it is highly unlikely that the voter ID cards will reach the more than 4 million voters by December, they are nonetheless a worthy goal and the process should begin as soon as possible.

Two separate electoins—one for parliament and one for the presidency—need to take place and the political leadership of Haiti needs to publicly maintain that commitment.

U.S. assistance for the elections is crucial and Congress needs to remain committed to them, even if there should be a brief postponement.

#### FOOTNOTES

<sup>1</sup>The amount of that money going to outside consultants has been decreasing. ICITAP-Washington sees this as an encouraging development that is a result of re-competing their contracts, which are now with DYNCORPS and SAIC.

<sup>2</sup>The UN Secretary General's report of May 10, 1999, gave even higher numbers: 50 killed in 1996, 53 in 1997, 31 in 1998, and at least 16 this year for a total of 159.

<sup>3</sup>These demands were enumerated in some detail in three letters from a sum total of 80 members of Congress sent to President Clinton and Secretary of State Warren Christopher.

<sup>4</sup>The local government positions included 5,883 members of the Territorial Assembly and 392 Town Delegates, all of whom serve two year terms. A second round of elections is usually necessary. These runoff elections were scheduled for June 15, 1997 but were postponed indefinitely due to the controversy surrounding the first round.

<sup>5</sup>The Constitution says members of parliament should serve four year terms but a 1995 presidential decree (issue by Aristide and accepted without controversy) said the tenure for current members of parliament should end in January 1999. The decree was meant to correct an election schedule disrupted by the military dictatorship that ruled from 1991-1994.

<sup>6</sup>See "Violence Threatens Haiti Elections," An NCHR Briefing Paper, July 1999.

<sup>7</sup>Section 561(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY 1999. (Public Law 105-277).

#### APPENDIX A: PARTIAL LIST OF MEETINGS AND INTERVIEWS

President Rene Preval  
Former President Jean-Bertrand Aristide  
Camille LeBlanc, Minister of Justice and Gabriel Zephyr  
Robert Manuel, Secretary of State for Public Safety  
Pierre Denize, Director of the HNP  
Debussy Daimier, Carlo Dupiton, Micheline Figaro, Irma Rateau of the CEP  
Colin Granderson, Director of MICIVIH  
The Center for Free Enterprise and Democracy (CLED)  
The Chamber of Commerce  
Viles Alizar, The National Coalition of Haitian Rights (NCHR)  
Johnson Aristide & Mondesir Jean Gaston, Soley Jistis Demokrasi (SOJIDEM), "The Sun of Justice"  
Jocie Philistin & Lovinsky Pierre-Antoine, Fondasyon 30 Septanm, "The September 30th Foundation"  
Lesly St. Vil, MAP VIV  
Paul Rony, Popular Democratic Organization of Raboteau (OPDR)  
Brian Concannon, Bureau des Avocats Internationaux  
Vincent Louis, Peace Brigades International  
Robert August, Ayiti Kapab  
Gergard Phillipe August, MOP  
Marc Basin, MIDH  
Victor Benoit and Micha Gaillard, KONAKOM  
Gerard Pierre Charles, Sen. Yvelt Cheryl and Paul Dejukan OPL  
Hubert de Ronceray, MDN  
Fr. Edner Devalcin, Fanmi Lavalas  
Serges Gilles Panpra

Evans Paul and Frea Brutus, KID  
Claude Roumain, Generation 2004  
Rene Theodore, MRN  
RENO  
RCN

Auguste Augustin, Council Electorale Province et Bureau Electorale Dept Pierre Pierrot, President Organization des Defence et Civics of Artibonite  
Joseph Elie

The National Democratic Institute  
The United Nations Development Program  
Micheline Begin, International Foundation of Electoral Systems

Carl Le Van, Minority Staff, House Judiciary Committee

Charisse Glassman, Minority Staff, House International Relations Committee  
Caleb McCarry, Majority Staff, House International Relations Committee

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Con. Res. 140, expressing the sense of the Congress that Haiti should conduct free, fair, transparent, and peaceful elections. I urge that these elections be held without delay. Haiti is the world's oldest black republic and the second-oldest republic after the United States in the Western Hemisphere. Haitians actively assisted the American Revolution and independence movements of Latin American countries.

From 1843 until 1915, Haiti experienced numerous periods of intense political and economic disorder including 22 changes of government. The country continued to experience economic hardships and political dictatorship until December 1990 when Jean Bertrand Aristide, won 67% of the vote in a presidential election that international observers deemed largely free and fair. Aristide took office in February 1991. He was overthrown by dissatisfied elements of the army and forced to leave the country in September of that year. It has been estimated that 3,000 Haitians were killed during the three years that President Aristide lived in exile. In 1993, President Aristide returned to Haiti and assumed the presidency of the country. The people of Haiti as well as many in the world, looked forward to democracy taking root and the development of a striving environment that would stimulate economic growth.

President Aristide himself set in motion the presidential election process that led to his peaceful transference of power in accordance with the provisions of the Haitian constitution after the expiration of his five-year term. President Aristide stressed the importance of establishing the constitution precedent of a legitimate transfer of power for the future of Haitian democracy over his personal beliefs or that of his most ardent supports. On February 7, 1996, President Rene Preval was inaugurated as President of Haiti in the first peaceful and constitutional transfer of power from one freely elected president to another in that country. Through this unprecedented event, the political leaders of Haiti are viewed as committed to the permanent establishment of democratic processes in accordance with the Haitian constitution.

During the past 18 months, Haitian leaders have been unable to reach agreement on critical issues. The environment of hope and the commitment to democracy have been hampered by the lack of a functioning government in Haiti since June 1997. Haitian political leaders must correct this. I applaud the establishment of the electoral council and urge the immediate establishment of dates for an election.

Haiti has made progress with privatizing many state owned industries helping the economic conditions in the country. The once feared Police Force of Haiti is now thought by most citizens as doing a good job. However, foreign investors worry when no government is in place. And without a functioning government, economic reforms are becoming stagnant.

Elections, without delay, are critical to restore the Parliament and restore a true democracy. I urge my colleagues to join me in supporting this resolution.

Mrs. MEEK of Florida. Madam Speaker, I rise in strong support of H. Con. Res. 140—the resolution sponsored by my good friend from Florida, Representative HASTINGS. This resolution expresses the Sense of the Congress that Haiti should conduct free, fair, open and peaceful elections.

The establishment of a constitutional government and functioning parliament in Haiti demands a commitment by the United States to support free and fair elections in Haiti. Earlier this year, President Rene Preval's government and six political parties signed an agreement aimed at resolving a costly and contentious political standoff that left Haiti without a functioning government for the past two years. This agreement paved the way for new parliamentary elections.

There is no doubt that the political environment in Haiti is fragile. We know that since the resignation of the Prime Minister in June 1997, this impoverished country has experienced very disturbing violence. This volatile environment has altered the landscape of the country in ways that, among other things, has limited Haiti's ability to advance commerce and provide much needed services to a desperate people. Haiti is undergoing the strenuous birth pains of Democracy.

Haiti is the poorest country in the Western Hemisphere and among the poorest nations in the world. There is no wonder that this budding democracy remains delicate.

This goes to a larger issue. There are those in this body that do not want to support and advance democracy in Haiti. There are some who believe that democracy just springs up—that it just happens. The fact is that forging a democracy takes work. Look how hard we work to preserve democracy in America. In order to have a viable democracy in Haiti, the United States, as well as the international community, must play a critical role in providing the technical and logistical support needed for viable democratic elections.

The United States has made a significant commitment to democracy in Haiti because it is in our national interest. In the past, political instability in Haiti has led to Haitian refugees flooding our borders seeking economic opportunity. If we do not want this to happen, the United States should keep its previous commitment to democracy in Haiti and help to facilitate free and open election. I urge my colleagues to support this resolution.

Mr. GILMAN. Madam Speaker, I do not have any further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 140, as amended.

The question was taken.

Mr. GILMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MARINE MAMMAL RESCUE ASSISTANCE ACT OF 1999

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1934) to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program, as amended.

The Clerk read as follows:

H.R. 1934

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Act of 1999".

#### SEC. 2. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

#### "SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

"(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

"(B) In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

"(ii) data regarding average annual strandings and mortality events per region.

"(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) ADVISORY GROUP.—

"(1) IN GENERAL.—The Secretary, in consultation with the Marine Mammal Commission, shall establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this section, including the award of grants under this section.

"(2) MEMBERSHIP.—The advisory group shall consist of a representative from each of the designated stranding regions and other individuals who represent public and private organizations that are actively involved in

rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals.

"(3) PUBLIC PARTICIPATION.—

"(A) MEETINGS.—The advisory group shall—

"(i) ensure that each meeting of the advisory group is open to the public; and

"(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

"(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(C) MINUTES.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

"(4) EXEMPTION.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

"(d) LIMITATION.—The amount of a grant under this section shall not exceed \$100,000.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended."

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

"Sec. 409. Authorization of appropriations.

"Sec. 410. Definitions."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Madam Speaker, first, let me express my appreciation to my

colleagues, the gentleman from American Samoa (Mr. FALCOMA) and the gentleman from New Jersey (Mr. LOBIONDO), for joining me and for working so hard to bring this bill to the floor. I would also like to thank the gentleman from New Mexico (Mr. UDALL) for his interest in, and efforts to help, this bill to proceed to the extent that it has.

Madam Speaker, as the author of H.R. 1934, I rise obviously in strong support of the Marine Mammal Rescue Assistance Act. I am pleased that the House is considering this bill, and I would like to urge everyone to vote for it. But first, let me just explain what the bill does, Madam Speaker, and why I believe it is so urgently needed.

Madam Speaker, H.R. 1934 would establish a grant program to fund and rescue and rehabilitate marine mammals; and it would conduct, it would provide for us to conduct, scientific work associated with live and dead marine mammals; and third and finally, it would assist those centers which carry out those humanitarian rescues and recoveries.

Madam Speaker, Americans are always thrilled to see news reports of rescue attempts of stranded or beached Atlantic bottlenose dolphins, manatees or pygmy sperm whales. These efforts are extremely expensive, and this bill helps in no small way to offset some of these costs. Although title IV of the Marine Mammal Protection Act, as it currently stands, provides funds to compensate participants of the Nation's stranding network, it is limited to certain work associated with unusual mortality events which are defined as unexpected or a scientific die-off of marine mammals.

Madam Speaker, regrettably at the same time, funds are currently not available for small strandings, either live or dead, of dolphins on the New Jersey beaches or the now famous live stranding of the baby grey whale on a California beach that was successfully rescued, rehabilitated and released back to the wild by Sea World. Furthermore, there are few funds available to research the cause of these strandings or to care for these sick animals.

The examples I have mentioned are just two of the hundreds of small live and dead strandings that occur frequently on our Nation's shores. Hundreds of dolphins, harbor porpoises, seals, sea lions, manatees, sea otters, and even beluga whales become stranded on our shores. Every year hundreds of people like my constituent, Robert Schoelkopf, director of the Marine Mammal Stranding Center in Brigantine, New Jersey, rescue and recover and collect important scientific data and at times successfully release these animals back into the wild.

In his testimony recently, Mr. Schoelkopf noted that his stranding center has handled 1,852 marine mammals. He stated that the National Marine Fishery Service has acknowledged the need for stranding networks along