

116TH CONGRESS  
2D SESSION

# H. R. 5586

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## 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:

*Clerk.*



116<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 5586**

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## **AN ACT**

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