

116TH CONGRESS
2D SESSION

H. R. 5586

To measure the progress of recovery and development efforts in Haiti and the strength of democracy and rule of law in the country.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2020

Mr. JEFFRIES (for himself, Mrs. WAGNER, Mr. HURD of Texas, Mr. SPANO, Ms. CLARKE of New York, Mr. HASTINGS, Ms. WILSON of Florida, Mr. WALTZ, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To measure the progress of recovery and development efforts in Haiti and the strength of democracy and rule of law in the country.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

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

15 (3) The international community, led by the
16 United States and the United Nations, mounted an
17 unprecedented humanitarian response to the earth-
18 quake in Haiti. Through 2018, more than \$8 billion
19 has been disbursed by donors. Since the 2010 earth-
20 quake, the United States Government has disbursed
21 more than \$4,000,000,000 in recovery and develop-
22 ment funding.

23 (4) On October 4, 2016, Hurricane Matthew
24 struck southwestern Haiti on the Tiburon Peninsula,
25 causing widespread damage and flooding and leaving

1 1.4 million people in need of immediate assistance.
2 The strongest storm to hit Haiti since Hurricane
3 Cleo in 1964, 2.1 million people were directly af-
4 fected by the hurricane.

5 (5) Recovery efforts continue almost 3 years
6 after Hurricane Matthew made landfall in 2016.
7 The World Bank estimates storm-caused losses and
8 damages valued at 32 percent of 2015 Gross Domes-
9 tic Product.

10 (6) Prior to both the earthquake and hurricane,
11 Haiti registered among the lowest socioeconomic in-
12 dicators and the second highest rate of income dis-
13 parity in the world, conditions that have further
14 complicated disaster recovery and resilience efforts.

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

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

1 (9) With United States assistance, almost
2 14,000 jobs have been created, largely in the apparel
3 industry at the Caracol Industrial Park (in partner-
4 ship with the Inter-American Development Bank,
5 the Haitian government, and the private sector) in
6 northern Haiti.

7 (10) Evidence suggests that people displaced by
8 the 2010 earthquake and hurricanes in following
9 years, especially Hurricane Matthew in 2016, still
10 face displacement-related vulnerabilities today.

11 (11) On November 13, 2018, at least 59 people
12 were shot and killed in the Port-au-Prince neighbor-
13 hood of La Saline. After months of investigations,
14 no one has been held responsible for the La Saline
15 massacre.

16 (12) Since 2018, tens of thousands of Haitians
17 have participated in a series of demonstrations de-
18 manding accountability over government spending of
19 Petrocaribe resources. In early 2019, the Haitian su-
20 perior court of auditors released an investigation im-
21 plicating high-level government officials in the mis-
22 appropriation of funds.

23 (13) From August 2018 through February
24 2019, local human rights organizations reported that
25 64 Haitian citizens were killed in protests.

1 (14) In 2019, according to the Committee to
2 Protect Journalists, five Haitian journalists have
3 been shot while covering protests, including one who
4 was killed. On September 23, 2019, Haitian Senator
5 Jean Marie Ralph Féthière shot Associated Press
6 photojournalist Chery Dieu-Nalio in the face after he
7 exited his car and fired multiple shots near a crowd
8 of people surrounding him.

9 (15) Economic growth in Haiti is projected to
10 drop below 1.5 percent this year. Inflation is esti-
11 mated to be 15 percent and the local currency has
12 depreciated by 30 percent in the past year. The gov-
13 ernment and parliament have failed to pass a budget
14 for two years, preventing the International Monetary
15 Fund and other multilaterals from disbursing mil-
16 lions in international assistance.

17 (16) Midterm elections set for October 2019 did
18 not take place and will leave President Moïse ruling
19 by decree after two-thirds of the Haitian Senate ex-
20 pires in January 2020.

21 **SEC. 3. STATEMENT OF POLICY.**

22 It is the policy of the United States to support the
23 sustainable rebuilding and development of Haiti in a man-
24 ner that—

1 (1) embraces Haitian independence, self-reli-
2 ance, sovereignty, democratic governance, and effi-
3 ciency;

4 (2) promotes efforts that are led by and sup-
5 port the people and Government of Haiti at all levels
6 so that Haitians lead the course of reconstruction
7 and development of Haiti;

8 (3) encourages and assists the building of long-
9 term capacity for civil society in Haiti;

10 (4) fosters collaboration between the Haitian di-
11 aspora in the United States and the Haitian govern-
12 ment;

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

15 (6) ensures the protection and promotion of a
16 free Haitian press;

17 (7) respects the sovereignty and individual lib-
18 erty of Haitian citizens to peacefully demonstrate;

19 (8) demands increased transparency and
20 heightens accountability among all branches of gov-
21 ernment, including through efforts to reduce corrup-
22 tion and address human rights concerns;

23 (9) assists and helps build community resilience
24 to environmental and weather-related impacts; and

1 (10) promotes the holding of free, fair, and
2 timely elections in accordance with democratic prin-
3 ciples and the Haitian Constitution.

4 **SEC. 4. ACTIONS TO HOLD LA SALINE SHOOTING PER-**
5 **PETRATORS AND VIOLATORS OF HUMAN**
6 **RIGHTS IN HAITI ACCOUNTABLE.**

7 (a) SECRETARY OF STATE PRIORITIZATION.—The
8 Secretary of State shall prioritize the protection and pres-
9 ervation of human rights in Haiti by carrying out the fol-
10 lowing initiatives:

11 (1) Fostering strong relationships with inde-
12 pendent civil society groups focused on monitoring
13 human rights concerns and promoting democracy in
14 Haiti.

15 (2) Collaborating with Haitian government offi-
16 cials to ensure that human rights violators in Haiti
17 are held accountable for their actions.

18 (3) Identifying corrupt public and private sector
19 officials and violators of human rights in Haiti.

20 (4) Addressing concerns of perceived impunity
21 for hostile orchestrators of the La Saline shooting.

22 (b) STRATEGY.—

23 (1) ELEMENTS.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary
25 of State shall submit to the appropriate congres-

1 sional committees a detailed summary of the hap-
2 penings on November 13, 2018, in the Port-au-
3 Prince neighborhood of La Saline and a strategy for
4 carrying out the initiatives described in subsection
5 (a). The strategy shall include—

6 (A) a breakdown of how the massacre in
7 La Saline related to mass protests occurring
8 concurrently in the country;

9 (B) an analysis of the La Saline shooting
10 reports authored by the United Nations, the
11 European Union, and the Government of Haiti;

12 (C) a detailed description of all known ac-
13 tors implicated in the shooting;

14 (D) an overview of efforts taken by the
15 Haitian government to bring the orchestrators
16 of the La Saline shooting to justice; and

17 (E) an assessment of the ensuing treat-
18 ment and displacement of the La Saline shoot-
19 ing survivors.

20 (2) CONSULTATION.—In devising the strategy
21 required under paragraph (1), the Secretary shall
22 consult with nongovernmental organizations in Haiti
23 and the United States.

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

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

6 (a) PRIORITIZATION.—The Secretary of State shall
7 prioritize the promotion of press and assembly freedoms
8 as well as the protection of journalists in Haiti by carrying
9 out the following initiatives:

10 (1) Advocating for increased protection of the
11 press and freedom to peacefully assemble in Haiti.

12 (2) Collaborating with government and non-
13 government officials to increase security for journal-
14 ists in Haiti.

15 (3) Supporting efforts to strengthen access to
16 information in Haiti.

17 (4) Ensuring that threats and attacks on jour-
18 nalists and protestors are fully investigated and per-
19 petrators are held accountable.

20 (5) Developing increased protection measures
21 against police violence.

22 (b) ASSESSMENT.—

23 (1) ELEMENTS.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary
25 of State, shall submit to the appropriate congres-

1 sional committees an assessment of press freedom
2 and the right to assembly in Haiti. The assessment
3 shall include—

4 (A) a detailed description of all known at-
5 tacks on journalists in the past 12 months;

6 (B) a description of protests in the past 12
7 months and an assessment of Haitian govern-
8 ment response to each protest;

9 (C) a summary of the Haitian govern-
10 ment's efforts to increase protection for journal-
11 ists; and

12 (D) a description of best practices the
13 United States embassy can employ to promote
14 press freedom and the freedom of expression in
15 Haiti.

16 (2) CONSULTATION.—In devising the assess-
17 ment required under subsection (a), the Secretary of
18 State shall consult with nongovernmental organiza-
19 tions in Haiti and the United States.

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

1 **SEC. 6. ACTIONS TO COMBAT CORRUPTION IN HAITI.**

2 (a) **PRIORITIZATION.**—The Secretary of State shall
3 prioritize efforts to combat corruption in Haiti by carrying
4 out the following initiatives:

5 (1) Identifying government and nongovernment
6 officials known or alleged to have partaken in cor-
7 rupt acts.

8 (2) Supporting the strengthening of a justice
9 system independent of the executive branch.

10 (3) Ensuring that both government and non-
11 government officials are held accountable for corrupt
12 actions.

13 (4) Promoting and protecting nongovernment
14 civil society groups monitoring institutionalized cor-
15 ruption in Haiti.

16 (5) Supporting demands for clarity and ac-
17 countability in the Petrocaribe scandal.

18 (6) Strengthening institutional transparency
19 and ensuring that Haitian government officials are
20 not immune from prosecution.

21 (b) **ASSESSMENT.**—

22 (1) **ELEMENTS.**—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary
24 of State, in coordination with the Administrator of
25 the United States Agency for International Develop-
26 ment, shall submit to the appropriate congressional

1 committees an assessment for combating institu-
2 tional corruption in Haiti. The assessment shall in-
3 clude—

4 (A) an overview and detailed history of the
5 Petrocaribe scandal, including an in-depth de-
6 scription of former and current officials and
7 businesses implicated in such scandal and the
8 Haitian government response;

9 (B) a description of United States efforts
10 to consult and engage with Haitian government
11 officials to address growing allegations of cor-
12 ruption within the Haitian government;

13 (C) an assessment of the extent of corrup-
14 tion, including embezzling state funds, an ac-
15 count of steps needed to be taken to impose
16 sanctions pursuant to the Global Magnitsky
17 Human Rights Accountability Act (22 U.S.C.
18 2656 note), and a list of government and non-
19 government officials known or alleged to have
20 partaken in such corruption; and

21 (D) a list of United States entities, includ-
22 ing financial institutions with financial ties to
23 alleged corrupt actors in Haiti.

24 (2) CONSULTATION.—In devising the assess-
25 ment required under subsection (a), the Secretary of

1 State shall consult with nongovernmental organiza-
2 tions in Haiti and the United States.

3 (3) PUBLIC AVAILABILITY.—The assessment re-
4 quired under paragraph (1) shall be made publicly
5 available on the website of the Department of State.

6 **SEC. 7. ACTIONS TO ASSESS POST-EARTHQUAKE AND POST-**
7 **HURRICANE RECOVERY AND DEVELOPMENT**
8 **EFFORTS IN HAITI.**

9 (a) PRIORITIZATION.—The Secretary of State, in co-
10 ordination with the Administrator of the United States
11 Agency for International Development, shall prioritize a
12 strategy of post-earthquake and post-hurricane recovery
13 and development efforts in Haiti by carrying out the fol-
14 lowing initiatives:

15 (1) Collaborating with the Haitian government
16 to promote a detail-oriented and transparent devel-
17 opment plan.

18 (2) Supporting the strengthening of local insti-
19 tutions through a post-earthquake and post-hurri-
20 cane recovery and development planning.

21 (3) Assessing both the United States and the
22 international community's recovery and development
23 efforts in Haiti over the past 10 years.

24 (4) Supporting disaster resiliency and recon-
25 struction efforts.

1 (5) Addressing underlying causes of poverty
2 and inequality by providing health resources, access
3 to clean water, food security, and shelter.

4 (6) Identifying and responding to long-term hu-
5 manitarian needs caused by natural disasters and
6 extreme poverty.

7 (b) ASSESSMENT.—Not later than 180 days after the
8 date of the enactment of this Act and annually thereafter
9 for two years, Administrator of the United States Agency
10 for International Development, in coordination with the
11 Secretary of State, shall submit to the appropriate con-
12 gressional committees an assessment on best practices to
13 ensure efficient and transparent earthquake and hurricane
14 recovery and development efforts in Haiti. The assessment
15 shall include—

16 (1) an analysis of the sustainability of United
17 States-financed projects, including the Caracol In-
18 dustrial Park and supporting infrastructure;

19 (2) a breakdown of local procurement by year
20 and a description of efforts to increase local procure-
21 ment, including of food aid;

22 (3) a strategy to assign fixed quantitative and
23 qualitative indicators to assess progress and bench-
24 marks for United States initiatives focused on nat-

1 ural disaster recovery, resiliency, and sustainable de-
2 velopment in Haiti; and

3 (4) a description of United States efforts taken
4 to assist Haitian pursuits for free and fair demo-
5 cratic elections.

6 **SEC. 8. DEFINITIONS.**

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

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

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

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