

117TH CONGRESS
1ST SESSION

S. 1104

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

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2021

Mr. CARDIN (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

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

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

15 (3) On October 4, 2016, Hurricane Matthew
16 struck southwestern Haiti on the Tiburon Peninsula,
17 causing widespread damage and flooding and leaving
18 approximately 1,400,000 people in need of imme-
19 diate assistance. Recovery efforts continue more
20 than 4 years later.

21 (4) Before the 2010 earthquake and 2016 hur-
22 ricane, Haiti registered among the lowest in socio-
23 economic indicators and had the second highest rate
24 of income disparity in the world, conditions that
25 have further complicated disaster recovery and resil-

1 ience efforts. As of November 2020, approximately
2 4,400,000 people are in need of humanitarian assist-
3 ance in Haiti.

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

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

17 (7) The United Nations Office of the High
18 Commissioner for Human Rights and the Human
19 Rights Service jointly found a 333-percent increase
20 in human rights violations and abuses against the
21 rights of life and security in Haiti from July 2018
22 through December 2019. There were 131 violations
23 in 2018 and 567 violations in 2019, including the
24 shooting of at least 1 journalist covering the pro-
25 tests.

1 (8) Leading members of civil society have faced
2 attacks, including Monferrier Dorval, a constitu-
3 tional law expert and president of the Port-au-
4 Prince bar association who was killed on August 28,
5 2020.

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

11 (10) On December 10, 2020, the Office of For-
12 eign Assets Control of the Department of the Treas-
13 ury designated former Haitian National Police offi-
14 cer Jimmy Cherizier, former Director General of the
15 Ministry of the Interior Fednel Monchery, and
16 former Departmental Delegate Joseph Pierre Rich-
17 ard Duplan pursuant to Executive Order 13818 (50
18 U.S.C. 1701 note; relating to blocking the property
19 of persons involved in serious human rights abuse or
20 corruption) for being foreign persons responsible for
21 or complicit in, or having directly or indirectly en-
22 gaged in, serious human rights abuse for their con-
23 nection to the massacre in La Saline.

24 (11) Following the massacre in La Saline, simi-
25 lar attacks have occurred in other Port-au-Prince

1 neighborhoods, including the November 2019 and
2 August 2020 attacks in Bel Air, in which 24 people
3 were killed and hundreds of families were displaced.

4 (12) Parliamentary elections scheduled for Oc-
5 tober 2019 did not take place, and since January
6 13, 2020, President Jovenel Moïse has ruled by de-
7 cree. At least 5 decrees have been cited as increas-
8 ingly authoritarian by Haitian civic and political
9 leaders and the international community, includ-
10 ing—

11 (A) the October 30, 2020, decision to con-
12 stitute a 5-member group to draft a new con-
13 stitution;

14 (B) the November 6, 2020, decision to re-
15 duce the control of anticorruption entities such
16 as the Superior Court of Accounts and Admin-
17 istrative Litigation;

18 (C) the November 26, 2020, antiterrorism
19 decree that establishes sanctions applicable to
20 Haitian police officers not stopping demonstra-
21 tions;

22 (D) the November 26, 2020, creation of
23 the National Intelligence Agency; and

1 (E) the February 11, 2021, appointment
2 of 3 new judges to the Supreme Court of Haiti
3 outside of constitutional procedures.

4 (13) Although there has been no parliament in
5 place since January 2020, the Government of Haiti
6 approved a budget on September 30, 2020, but the
7 delay prevented the International Monetary Fund
8 and other multilateral organizations from disbursing
9 millions in international assistance.

10 (14) In September 2020, President Moïse by-
11 passed the Supreme Court of Haiti to appoint a
12 Provisional Electoral Council (CEP) by executive de-
13 cree. Several civil society groups that traditionally
14 participate in the electoral councils of Haiti criti-
15 cized the decision and have declined to be rep-
16 resented in the CEP.

17 (15) On February 7, 2021, President Moïse al-
18 leged that a coup had been attempted against him,
19 leading to 23 subsequent arrests, including of Judge
20 Yviquel Dabrésil of the Supreme Court of Haiti. The
21 Department of State noted that “the situation re-
22 mains murky and we await the results of the police
23 investigation”. On February 9, 2021, President
24 Moïse forced the retirement of 3 Supreme Court
25 judges, who were named as possible transitional

1 presidents by political opponents, and replaced them
2 with individuals he unilaterally selected.

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

4 It is the policy of the United States to support the
5 sustainable rebuilding and development of Haiti in a man-
6 ner that—

7 (1) recognizes Haitian independence, self-reli-
8 ance, sovereignty, democratic governance, and effi-
9 ciency;

10 (2) promotes efforts that are led by and sup-
11 port the people and Government of Haiti at all levels
12 so that Haitians lead the course of reconstruction
13 and development of Haiti;

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

17 (4) fosters collaboration between the Haitian di-
18 aspora in the United States, including dual citizens
19 of Haiti and the United States, with the Govern-
20 ment of Haiti and the business community in Haiti;

21 (5) supports anticorruption efforts and address-
22 es human rights concerns;

23 (6) respects and helps restore the natural re-
24 sources of Haiti and strengthens community-level re-

1 silience to environmental and weather-related im-
2 pacts;

3 (7) promotes the holding of free, fair, and time-
4 ly elections in accordance with democratic principles
5 and the Constitution of Haiti;

6 (8) provides timely and comprehensive reporting
7 on the goals and progress of the Government of
8 Haiti and the United States Government, and trans-
9 parent post-program evaluations and contracting
10 data; and

11 (9) promotes the participation of Haitian
12 women and youth in governmental and nongovern-
13 mental institutions and in economic development and
14 governance assistance programs funded by the
15 United States.

16 **SEC. 4. DEFINITION OF APPROPRIATE CONGRESSIONAL**
17 **COMMITTEES.**

18 In this Act, the term “appropriate congressional com-
19 mittees” means—

20 (1) the Committee on Foreign Relations and
21 the Committee on Appropriations of the Senate; and

22 (2) the Committee on Foreign Affairs and the
23 Committee on Appropriations of the House of Rep-
24 resentatives.

1 **SEC. 5. STRENGTHENING HUMAN RIGHTS AND**
2 **ANTICORRUPTION EFFORTS IN HAITI AND**
3 **HOLDING PERPETRATORS OF THE LA SALINE**
4 **MASSACRE ACCOUNTABLE.**

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

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

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

18 (3) Addressing concerns of impunity for the al-
19 leged perpetrators of, as well as the individuals who
20 organized and planned, the massacre in La Saline
21 that took place on November 13, 2018.

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

26 (b) BRIEFING.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary shall brief the appropriate congressional com-
4 mittees on the events that took place on November
5 13, 2018, in the neighborhood of La Saline, in Port-
6 au-Prince, Haiti, and the aftermath of those events.

7 (2) ELEMENTS.—The briefing required by
8 paragraph (1) shall include the following:

9 (A) An examination of any links between
10 the massacre in La Saline and mass protests
11 that occurred concurrently in Haiti.

12 (B) An analysis of the reports on the mas-
13 sacre in La Saline authored by the United Na-
14 tions, the European Union, and the Govern-
15 ment of Haiti.

16 (C) A detailed description of all known
17 perpetrators of, as well as the individuals who
18 organized and planned, the massacre.

19 (D) An overview of efforts taken by the
20 Government of Haiti to bring the perpetrators
21 of, as well as the individuals who organized and
22 planned, the massacre in La Saline to justice
23 and to prevent other similar attacks.

1 (E) An assessment of the ensuing treat-
2 ment and displacement of the survivors of the
3 massacre in La Saline.

4 (3) CONSULTATION.—In carrying out para-
5 graph (1), the Secretary shall consult with non-
6 governmental organizations in Haiti and the United
7 States.

8 **SEC. 6. METHODS TO PROMOTE FREEDOM OF THE PRESS**
9 **AND ASSEMBLY IN HAITI.**

10 The Secretary of State shall prioritize the promotion
11 of freedom of the press and freedom of assembly, as well
12 as the protection of journalists in Haiti through the fol-
13 lowing methods:

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

18 (2) Collaborating with officials of the Govern-
19 ment of Haiti and representatives of civil society to
20 increase legal protections for journalists in Haiti.

21 (3) Supporting efforts to strengthen trans-
22 parency in the public and private sectors in Haiti
23 and access to information in Haiti.

24 (4) Using United States foreign assistance for
25 programs to strengthen capacity for independent

1 journalists and increase support for investigative
2 journalism in Haiti.

3 **SEC. 7. METHODS TO SUPPORT POST-EARTHQUAKE, POST-**
4 **HURRICANE, AND POST-COVID-19 RECOVERY**
5 **AND DEVELOPMENT IN HAITI.**

6 The Secretary of State, in coordination with the Ad-
7 ministrators of the United States Agency for International
8 Development, shall prioritize post-earthquake, post-hurri-
9 cane, and post-COVID-19 recovery and development ef-
10 forts in Haiti through the following methods:

11 (1) Collaborating with the Government of Haiti
12 on a detailed and transparent development plan that
13 includes clear objectives and benchmarks.

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

18 (3) Assessing the impact of the recovery efforts
19 of the United States and the international commu-
20 nity in Haiti since January 2010.

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

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

25 (6) Improving access to—

- 1 (A) health resources;
- 2 (B) public health technical assistance; and
- 3 (C) clean water, food, and shelter.

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

8 **SEC. 8. REPORT.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of State,
11 in coordination with the Administrator of the United
12 States Agency for International Development (in this sec-
13 tion referred to as the “Administrator”) and other rel-
14 evant agencies and departments, shall submit to the ap-
15 propriate congressional committees a report on develop-
16 ments in Haiti.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include the following:

19 (1) A strategy for carrying out sections 5, 6,
20 and 7, including established baselines, benchmarks,
21 and indicators to measure outcomes and impact.

22 (2) An assessment of major corruption com-
23 mitted among the public and private sectors and all
24 corruption prosecutions investigated by the judiciary
25 of Haiti since January 2015.

1 (3) An overview of efforts taken by the Govern-
2 ment of Haiti to address corruption, including the
3 Petrocaribe scandal, and corrective measures to
4 strengthen and restore trust in the public institu-
5 tions of Haiti.

6 (4) A description of United States Government
7 efforts to consult and engage with officials of the
8 Government of Haiti and independent civil society
9 groups focused on monitoring corruption and human
10 rights abuses and promoting democracy and press
11 freedom in Haiti since January 2015.

12 (5) A description of the response by the Gov-
13 ernment of Haiti to civic protests that have taken
14 place since July 2018 and any allegations of human
15 rights abuses, including attacks on journalists.

16 (6) An assessment of United States security as-
17 sistance to Haiti, including United States support to
18 the Haitian National Police and an assessment of
19 compliance with section 620M of the Foreign Assist-
20 ance Act of 1961 (22 U.S.C. 2378d) and section
21 362 of title 10, United States Code (commonly re-
22 ferred to as the “Leahy Laws”).

23 (7) A description of the efforts of the Govern-
24 ment of Haiti to support displaced survivors of
25 urban and gang violence.

1 (8) An assessment of the impact of presidential
2 decrees on the health of Haiti’s democratic institu-
3 tions and safeguarding of human rights, including
4 decrees relating to—

5 (A) reducing the authority of the Superior
6 Court of Accounts and Administrative Litiga-
7 tion;

8 (B) promulgating an antiterrorism law;

9 (C) establishing the National Intelligence
10 Agency; and

11 (D) retiring and subsequently appointing
12 judges to the Supreme Court of Haiti.

13 (9) A review of the alleged coup against Presi-
14 dent Moïse on February 7, 2021, and subsequent ar-
15 rest and jailings of alleged perpetrators.

16 (10) An analysis, in collaboration with the Gov-
17 ernment of Haiti, of efforts to support development
18 goals in Haiti since January 2015, including steps
19 taken—

20 (A) to strengthen institutions at the na-
21 tional and local levels; and

22 (B) to strengthen democratic governance
23 at the national and local levels.

24 (11) An analysis of the effectiveness and sus-
25 tainability of development projects financed by the

1 United States, including the Caracol Industrial Park
2 and supporting infrastructure.

3 (12) A description of procurement from Haitian
4 small- and medium-sized businesses and nongovern-
5 mental organizations by the Government of the
6 United States and the Government of Haiti for de-
7 velopment and humanitarian activities, disaggre-
8 gated by year since 2015, and a description of ef-
9 forts to increase local procurement, including food
10 aid.

11 (13) A description of United States efforts
12 taken since January 2010 to assist the Haitian peo-
13 ple in their pursuits for free, fair, and timely demo-
14 cratic elections.

15 (14) Quantitative and qualitative indicators to
16 assess progress and benchmarks for United States
17 initiatives focused on sustainable development in
18 Haiti, including democracy assistance, economic re-
19 vitalization, natural disaster recovery, pandemic re-
20 sponse, resilience, energy and infrastructure, health,
21 and food security.

22 (c) CONSULTATION.—In preparing the report re-
23 quired by subsection (a), the Secretary and the Adminis-
24 trator shall consult, as appropriate, with—

1 (1) nongovernmental organizations and civil so-
2 ciety groups in Haiti and the United States; and

3 (2) the Government of Haiti.

4 (d) PUBLIC AVAILABILITY.—The Secretary shall
5 make the report required by subsection (a) publicly avail-
6 able on the website of the Department of State.

7 **SEC. 9. REPEAL.**

8 The Assessing Progress in Haiti Act of 2014 (22
9 U.S.C. 2151 note; Public Law 113–162) is repealed.

10 **SEC. 10. TERMINATION.**

11 This Act shall terminate on December 31, 2025.

○