

112TH CONGRESS
1ST SESSION

H. R. 3507

To halt removal of aliens to Haiti until a report is made to the Congress on the status of post-earthquake humanitarian, reconstruction, and development efforts in Haiti.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2011

Ms. WILSON of Florida introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To halt removal of aliens to Haiti until a report is made to the Congress on the status of post-earthquake humanitarian, reconstruction, and development efforts 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 “Cease Haitian Depor-
5 tations Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) On January 12, 2010, an earthquake meas-
2 uring 7.0 on the Richter magnitude scale struck the
3 country of Haiti.

4 (2) According to the United States Geological
5 Survey (USGS)—

6 (A) the earthquake epicenter was located
7 approximately 15 miles southwest of Port-au-
8 Prince, the capital of Haiti; and

9 (B) the earthquake was followed by 59
10 aftershocks of magnitude 4.5 or greater, the
11 most severe measuring 6.0.

12 (3) According to the Government of Haiti, more
13 than 316,000 people died as a result of the earth-
14 quake, including 103 citizens of the United States
15 and more than 100 United Nations personnel.

16 (4) According to the United Nations and the
17 International Organization for Migration—

18 (A) an estimated 3,000,000 people were di-
19 rectly affected by the disaster, nearly one-third
20 of the country's population; and

21 (B) more than 2,100,000 people were dis-
22 placed from their homes to settlements.

23 (5) Casualty numbers and infrastructure dam-
24 age, including to roads, ports, hospitals, and residen-
25 tial dwellings, place the earthquake as the worst

1 cataclysm to hit Haiti in over two centuries and,
2 proportionally, one of the world’s worst natural dis-
3 asters in modern times.

4 (6) The Post Disaster Needs Assessment
5 (PDNA) conducted by the Government of Haiti, the
6 United Nations, the World Bank, the Inter-Amer-
7 ican Development Bank, and other experts estimates
8 that damage and economic losses totaled
9 \$7,804,000,000, approximately 120 percent of Hai-
10 ti’s gross domestic product in 2009.

11 (7) Haiti is the poorest, least developed country
12 in the Western Hemisphere with, prior to the earth-
13 quake—

14 (A) more than 70 percent of Haitians liv-
15 ing on less than \$2 per day; and

16 (B) a ranking of 149 out of 182 countries
17 on the United Nations Human Development
18 Index.

19 (8) House Resolution 1021, which was passed
20 on January 21, 2010, on a vote of 411 to 1 ex-
21 pressed—

22 (A) the House of Representatives’ “deepest
23 condolences and sympathy for the horrific loss
24 of life” caused by the earthquake; and

1 (B) bipartisan support for Haiti's recovery
2 and reconstruction.

3 (9) The initial emergency response of the men
4 and women of the United States Government, led by
5 the United States Agency for International Develop-
6 ment and United States Southern Command, was
7 swift and resolute.

8 (10) United States urban search and rescue
9 (USAR) teams were immediately activated after the
10 earthquake and deployed from Fairfax County, Vir-
11 ginia, Los Angeles County, California, Miami-Dade,
12 Florida, the City of Miami, Florida, and Virginia
13 Beach, Virginia, to assist the United States Agency
14 for International Development (USAID) Disaster
15 Assistance Response Team (DART), and New York
16 City's first responders asked the Office of U.S. For-
17 eign Disaster Assistance (OFDA) to activate a New
18 York City urban search and rescue shortly there-
19 after.

20 (11) A month after the earthquake, the House
21 of Representatives unanimously passed House Reso-
22 lution 1059 which expressed gratitude to these
23 USAR units, and highlighted that the 511 United
24 States rescue workers comprised roughly one-third
25 of the entire international USAR effort in Haiti, and

1 more than 130 people were rescued from under the
2 rubble in Haiti by these units.

3 (12) Individuals, businesses, and philanthropic
4 organizations across the United States and through-
5 out the international community responded in sup-
6 port of Haiti and its populace during this crisis,
7 sometimes in innovative ways such as fundraising
8 through text messaging.

9 (13) The Haitian diaspora in the United States,
10 which was integral to emergency relief efforts—

11 (A) has annually contributed significant
12 monetary support to Haiti through remittances;
13 and

14 (B) continues to seek opportunities to
15 partner with the United States Agency for
16 International Development and other agencies
17 to substantively contribute to the reconstruction
18 of Haiti.

19 (14) Significant challenges still remain in Haiti
20 as it works to recover and rebuild.

21 (15) According to the International Organiza-
22 tion for Migration, approximately 680,000 people re-
23 main in spontaneous and organized camps in Haiti.

24 (16) According to numerous nongovernmental
25 organizations and United States contractors, the

1 pace of reconstruction has lagged significantly be-
2 hind the original emergency relief phase.

3 (17) The widespread irregularities that oc-
4 curred in the elections held in Haiti on November
5 28, 2010, led to outbursts of violence which under-
6 mined the recovery efforts.

7 (18) On October 21, 2010, an outbreak of chol-
8 era was detected in the Lower Artibonite region.

9 (19) Initial efforts to contain the epidemic were
10 disrupted by Hurricane Tomás and resulting wide-
11 spread flooding, which led to the spreading and en-
12 trenchment of the disease throughout the country.

13 (20) According to the Haitian Ministry of Pub-
14 lic Health and Population, as of March 28, 2011—

15 (A) approximately 4,766 people have died
16 from cholera; and

17 (B) approximately 270,991 have been in-
18 fected from the disease.

19 (21) According to the Pan American Health
20 Organization and the Centers for Disease Control
21 and Prevention, cholera could spread to as many as
22 400,000 people within the first year of the epidemic,
23 potentially causing 7,600 deaths at the current case
24 fatality rate.

1 (22) The United States has provided more than
2 \$62,523,017 worth of assistance to combat the cholera
3 epidemic, including by assisting with stockpiling
4 health commodities, equipping cholera treatments
5 centers, providing public information, and improving
6 water and sanitation systems.

7 (23) The efforts to combat the cholera epidemic
8 have helped to drive the mortality rate from cholera
9 down from nearly 7 percent to 1.7 percent of all
10 contracted cases as of February 25, 2011.

11 (24) Throughout the series of crises, the people
12 of Haiti continue to demonstrate unwavering resili-
13 ence, dignity, and courage.

14 (25) On March 20, 2011, presidential and par-
15 liamentary elections were held in Haiti without
16 major disruptions or problems.

17 (26) At the international donors conference
18 “Towards a New Future for Haiti” held on March
19 31, 2010, 59 donors pledged over \$5,000,000,000 to
20 support Haiti.

21 (27) The United Nations Office of the Special
22 Envoy for Haiti estimates that nearly
23 \$1,900,000,000 has been disbursed, with an addi-
24 tional amount of approximately \$2,000,000,000
25 committed.

1 (28) Haiti will need the support of the inter-
2 national community in order to confront the ongoing
3 cholera epidemic and to promote reconstruction and
4 development.

5 **SEC. 3. CESSATION OF REMOVALS TO HAITI.**

6 Beginning on the date of the enactment of this Act,
7 no alien may be removed to Haiti until the report de-
8 scribed in section 4 is issued.

9 **SEC. 4. REPORT.**

10 (a) **REPORT REQUIRED.**—The President, in consulta-
11 tion with the heads of all relevant agencies, including the
12 Department of State, the United States Agency for Inter-
13 national Development, the Department of Defense, the
14 Department of Health and Human Services, and the Cen-
15 ters for Disease Control and Prevention shall transmit to
16 the Congress a report on the status of post-earthquake
17 humanitarian, reconstruction, and development efforts in
18 Haiti, including efforts to prevent the spread of cholera
19 and treat persons infected with the disease.

20 (b) **CONTENTS.**—The report required by subsection
21 (a) shall include a description, analysis, and evaluation of
22 the—

23 (1) overall progress of relief, recovery, and re-
24 construction in Haiti, including—

1 (A) programs and projects of the United
2 States Government;

3 (B) programs and projects to protect vul-
4 nerable populations, such as internally displaced
5 persons, children, women and girls, and persons
6 with disabilities; and

7 (C) projects to improve water, sanitation,
8 and health, and plans for improvements in
9 these areas in the long-term;

10 (2) extent to which United States and inter-
11 national efforts are in line with the priorities of the
12 Government of Haiti and are actively engaging and
13 working through Haitian ministries and local au-
14 thorities;

15 (3) coordination among United States Govern-
16 ment agencies, and coordination between the United
17 States Government and United Nations agencies,
18 international financial institutions, and other bilat-
19 eral donors;

20 (4) mechanisms for communicating the progress
21 of recovery and reconstruction efforts to Haitian
22 citizens, as well as recommendations on how these
23 can be improved;

24 (5) mechanisms through which Haitian civil so-
25 ciety, including vulnerable populations, is actively

1 participating in all major stages of recovery and re-
2 construction efforts, and recommendations on how
3 these can be improved;

4 (6) mechanisms through which the Haitian di-
5 aspora is involved in recovery and reconstruction ef-
6 forts; and

7 (7) suitability of Haiti to receive aliens who are
8 removed, excluded, or deported from the United
9 States pursuant to United States law, and steps
10 Haiti is taking to strengthen its capacity in this re-
11 gard.

12 (c) USE OF PREVIOUSLY APPROPRIATED FUNDS.—
13 Funding for the report required under subsection (a) shall
14 derive from existing discretionary funds of the depart-
15 ments and agencies specified in such subsection.

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