

Calendar No. 157

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

OCTOBER 28, 2021

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On January 12, 2010, a massive earth-
4 quake struck near the Haitian capital city of Port-
5 au-Prince, leaving at least 220,000 people dead, in-
6 cluding 103 United States citizens, 101 United Na-
7 tions personnel, and nearly 18 percent of the civil
8 service of Haiti, as well as approximately 300,000
9 injured, 115,000 homes destroyed, and 1,500,000
10 Haitians displaced.

11 (2) The international community, led by the
12 United States and the United Nations, mounted an
13 unprecedented humanitarian response to the earth-
14 quake in Haiti. Through 2018, more than
15 \$8,000,000,000 was disbursed by donors. Since the
16 2010 earthquake, the United States Government has
17 disbursed more than \$4,000,000,000 in recovery and
18 development funding.

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

25 (4) Before the 2010 earthquake and 2016 hur-
26 ricane, Haiti registered among the lowest in socio-

1 economic indicators and had the second highest rate
2 of income disparity in the world, conditions that
3 have further complicated disaster recovery and resil-
4 ience efforts. As of November 2020, approximately
5 4,400,000 people are in need of humanitarian assist-
6 ance in Haiti.

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

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

20 (7) The United Nations Office of the High
21 Commissioner for Human Rights and the Human
22 Rights Service jointly found a 333-percent increase
23 in human rights violations and abuses against the
24 rights of life and security in Haiti from July 2018
25 through December 2019. There were 131 violations

1 in 2018 and 567 violations in 2019, including the
2 shooting of at least 1 journalist covering the pro-
3 tests.

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

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

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

1 engaged in, serious human rights abuse for their con-
2 nection to the massacre in La Saline.

3 (11) Following the massacre in La Saline, simi-
4 lar attacks have occurred in other Port-au-Prince
5 neighborhoods, including the November 2019 and
6 August 2020 attacks in Bel Air, in which 24 people
7 were killed and hundreds of families were displaced.

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

15 (A) the October 30, 2020, decision to con-
16 stitute a 5-member group to draft a new con-
17 stitution;

18 (B) the November 6, 2020, decision to re-
19 duce the control of anticorruption entities such
20 as the Superior Court of Accounts and Admin-
21 istrative Litigation;

22 (C) the November 26, 2020, antiterrorism
23 decree that establishes sanctions applicable to
24 Haitian police officers not stopping demonstra-
25 tions;

1 (D) the November 26, 2020, creation of
2 the National Intelligence Agency; and

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

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

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

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

1 Moïse forced the retirement of 3 Supreme Court
2 judges, who were named as possible transitional
3 presidents by political opponents, and replaced them
4 with individuals he unilaterally selected.

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

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

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

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

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

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

23 (5) supports anticorruption efforts and address-
24 es human rights concerns;

1 (6) respects and helps restore the natural re-
 2 sources of Haiti and strengthens community-level re-
 3 silience to environmental and weather-related im-
 4 pacts;

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

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

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

18 **SEC. 4. DEFINITION OF APPROPRIATE CONGRESSIONAL**
 19 **COMMITTEES.**

20 In this Act, the term “appropriate congressional com-
 21 mittees” means—

22 (1) the Committee on Foreign Relations and
 23 the Committee on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs and the
 2 Committee on Appropriations of the House of Rep-
 3 resentatives.

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

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

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

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

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

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

5 (b) BRIEFING.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary shall brief the appropriate congressional com-
9 mittees on the events that took place on November
10 13, 2018, in the neighborhood of La Saline, in Port-
11 au-Prince, Haiti, and the aftermath of those events.

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

14 (A) An examination of any links between
15 the massacre in La Saline and mass protests
16 that occurred concurrently in Haiti.

17 (B) An analysis of the reports on the mas-
18 sacre in La Saline authored by the United Na-
19 tions, the European Union, and the Govern-
20 ment of Haiti.

21 (C) A detailed description of all known
22 perpetrators of, as well as the individuals who
23 organized and planned, the massacre.

24 (D) An overview of efforts taken by the
25 Government of Haiti to bring the perpetrators

1 of, as well as the individuals who organized and
2 planned, the massacre in La Saline to justice
3 and to prevent other similar attacks.

4 (E) An assessment of the ensuing treat-
5 ment and displacement of the survivors of the
6 massacre in La Saline.

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

11 **SEC. 6. METHODS TO PROMOTE FREEDOM OF THE PRESS**
12 **AND ASSEMBLY IN HAITI.**

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

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

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

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

4 (4) Using United States foreign assistance for
 5 programs to strengthen capacity for independent
 6 journalists and increase support for investigative
 7 journalism in Haiti.

8 **SEC. 7. METHODS TO SUPPORT POST-EARTHQUAKE, POST-**
 9 **HURRICANE, AND POST-COVID-19 RECOVERY**
 10 **AND DEVELOPMENT IN HAITI.**

11 The Secretary of State, in coordination with the Ad-
 12 ministrators of the United States Agency for International
 13 Development, shall prioritize post-earthquake, post-hurri-
 14 cane, and post-COVID-19 recovery and development ef-
 15 forts in Haiti through the following methods:

16 (1) Collaborating with the Government of Haiti
 17 on a detailed and transparent development plan that
 18 includes clear objectives and benchmarks.

19 (2) Building the capacity of Haitian-led public,
 20 private, and nongovernmental sector institutions in
 21 Haiti through post-earthquake and post-hurricane
 22 recovery and development planning.

23 (3) Assessing the impact of the recovery efforts
 24 of the United States and the international commu-
 25 nity in Haiti since January 2010.

1 (4) Supporting disaster resilience and recon-
2 struction efforts.

3 (5) Addressing the underlying causes of poverty
4 and inequality.

5 (6) Improving access to—

6 (A) health resources;

7 (B) public health technical assistance; and

8 (C) clean water, food, and shelter.

9 (7) Assessing the impact of the COVID-19
10 pandemic on post-disaster recovery efforts and eval-
11 uating United States support needed to help with
12 the pandemic response in Haiti.

13 **SEC. 8. REPORT.**

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

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

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

4 (2) An assessment of major corruption com-
5 mitted among the public and private sectors and all
6 corruption prosecutions investigated by the judiciary
7 of Haiti since January 2015.

8 (3) An overview of efforts taken by the Govern-
9 ment of Haiti to address corruption, including the
10 Petrocaribe scandal, and corrective measures to
11 strengthen and restore trust in the public institu-
12 tions of Haiti.

13 (4) A description of United States Government
14 efforts to consult and engage with officials of the
15 Government of Haiti and independent civil society
16 groups focused on monitoring corruption and human
17 rights abuses and promoting democracy and press
18 freedom in Haiti since January 2015.

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

23 (6) An assessment of United States security as-
24 sistance to Haiti, including United States support to
25 the Haitian National Police and an assessment of

1 compliance with section 620M of the Foreign Assist-
2 ance Act of 1961 (22 U.S.C. 2378d) and section
3 362 of title 10, United States Code (commonly re-
4 ferred to as the “Leahy Laws”).

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

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

12 (A) reducing the authority of the Superior
13 Court of Accounts and Administrative Litiga-
14 tion;

15 (B) promulgating an antiterrorism law;

16 (C) establishing the National Intelligence
17 Agency; and

18 (D) retiring and subsequently appointing
19 judges to the Supreme Court of Haiti.

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

23 (10) An analysis, in collaboration with the Gov-
24 ernment of Haiti, of efforts to support development

goals in Haiti since January 2015, including steps taken—

(A) to strengthen institutions at the national and local levels; and

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

(11) An analysis of the effectiveness and sustainability of development projects financed by the United States, including the Caracol Industrial Park and supporting infrastructure.

(12) A description of procurement from Haitian small- and medium-sized businesses and nongovernmental organizations by the Government of the United States and the Government of Haiti for development and humanitarian activities, disaggregated by year since 2015, and a description of efforts to increase local procurement, including food aid.

(13) A description of United States efforts taken since January 2010 to assist the Haitian people in their pursuits for free, fair, and timely democratic elections.

(14) Quantitative and qualitative indicators to assess progress and benchmarks for United States initiatives focused on sustainable development in

1 Haiti, including democracy assistance, economic re-
 2 vitalization, natural disaster recovery, pandemic re-
 3 sponse, resilience, energy and infrastructure, health,
 4 and food security.

5 (c) **CONSULTATION.**—In preparing the report re-
 6 quired by subsection (a), the Secretary and the Adminis-
 7 trator shall consult, as appropriate, with—

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

10 (2) the Government of Haiti.

11 (d) **PUBLIC AVAILABILITY.**—The Secretary shall
 12 make the report required by subsection (a) publicly avail-
 13 able on the website of the Department of State.

14 **SEC. 9. REPEAL.**

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

17 **SEC. 10. TERMINATION.**

18 This Act shall terminate on December 31, 2025.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Haiti Development, Ac-*
 21 *countability, and Institutional Transparency Initiative*
 22 *Act”.*

1 **SEC. 2. STATEMENT OF POLICY.**

2 *It is the policy of the United States to support the sus-*
3 *tainable rebuilding and development of Haiti in a manner*
4 *that—*

5 (1) *recognizes Haitian independence, self-reli-*
6 *ance, and sovereignty;*

7 (2) *promotes efforts that are led by and support*
8 *the people and Government of Haiti at all levels so*
9 *that Haitians lead the course of reconstruction and*
10 *development of Haiti;*

11 (3) *contributes to international efforts to facili-*
12 *tate conditions for broad, inclusive, and sustained po-*
13 *litical dialogue among the different actors in Haiti to*
14 *restore democratic legitimacy and institutions in*
15 *Haiti;*

16 (4) *builds the long-term capacity of the Govern-*
17 *ment of Haiti, civil society, and the private sector to*
18 *foster economic opportunities in Haiti;*

19 (5) *fosters collaboration between the Haitian di-*
20 *aspora in the United States, including dual citizens*
21 *of Haiti and the United States, and the Government*
22 *of Haiti and the business community in Haiti;*

23 (6) *supports anticorruption efforts, promotes*
24 *press freedom, and addresses human rights concerns,*
25 *including through the enforcement of sanctions im-*
26 *posed in accordance with the Global Magnitsky*

1 *Human Rights Accountability Act (subtitle F of title*
 2 *XII of Public Law 114–328; 22 U.S.C. 2656 note) on*
 3 *individuals implicated in human rights violations*
 4 *and corruption;*

5 (7) *respects and helps restore the natural re-*
 6 *sources of Haiti and strengthens community-level re-*
 7 *silience to environmental and weather-related im-*
 8 *pacts;*

9 (8) *promotes political stability through the hold-*
 10 *ing of free, fair, transparent, and timely elections in*
 11 *accordance with democratic principles and the Con-*
 12 *stitution of Haiti;*

13 (9) *provides timely and comprehensive reporting*
 14 *on the goals and progress of the Government of Haiti*
 15 *and the United States Government, and transparent*
 16 *post-program evaluations and contracting data; and*

17 (10) *promotes the participation of Haitian*
 18 *women and youth in governmental and nongovern-*
 19 *mental institutions and in economic development and*
 20 *governance assistance programs funded by the United*
 21 *States.*

22 **SEC. 3. DEFINITION OF APPROPRIATE CONGRESSIONAL**
 23 **COMMITTEES.**

24 *In this Act, the term “appropriate congressional com-*
 25 *mittees” means—*

1 (1) *the Committee on Foreign Relations and the*
 2 *Committee on Appropriations of the Senate; and*

3 (2) *the Committee on Foreign Affairs and the*
 4 *Committee on Appropriations of the House of Rep-*
 5 *resentatives.*

6 **SEC. 4. STRENGTHENING HUMAN RIGHTS AND**
 7 **ANTICORRUPTION EFFORTS IN HAITI AND**
 8 **HOLDING PERPETRATORS OF THE LA SALINE**
 9 **MASSACRE ACCOUNTABLE.**

10 (a) *PRIORITIZATION BY SECRETARY OF STATE.—The*
 11 *Secretary of State shall prioritize the protection of human*
 12 *rights and anticorruption efforts in Haiti through the fol-*
 13 *lowing methods:*

14 (1) *Fostering strong relationships with inde-*
 15 *pendent civil society groups focused on monitoring*
 16 *corruption and human rights abuses and promoting*
 17 *democracy in Haiti.*

18 (2) *Supporting the efforts of the Government of*
 19 *Haiti to identify persons involved in human rights*
 20 *violations and significant acts of corruption in Haiti,*
 21 *including public and private sector actors, and hold*
 22 *them accountable for their actions.*

23 (3) *Addressing concerns of impunity for the al-*
 24 *leged perpetrators of and the individuals who orga-*

1 nized and planned the massacre in La Saline that
2 took place on November 13, 2018.

3 (4) *Urging authorities to continue to investigate*
4 *attacks in the neighborhoods of La Saline and Bel Air*
5 *in 2018 and 2019 that left dozens dead in order to*
6 *bring the perpetrators to justice.*

7 (b) *BRIEFING.*—

8 (1) *IN GENERAL.*—*Not later than 180 days after*
9 *the date of the enactment of this Act, the Secretary*
10 *shall brief the appropriate congressional committees*
11 *on the events that took place on November 13, 2018,*
12 *in the neighborhood of La Saline, in Port-au-Prince,*
13 *Haiti, and the aftermath of those events.*

14 (2) *ELEMENTS.*—*The briefing required by para-*
15 *graph (1) shall include the following:*

16 (A) *An examination of any links between*
17 *the massacre in La Saline and mass protests*
18 *that occurred concurrently in Haiti.*

19 (B) *An analysis of the reports on the mas-*
20 *sacre in La Saline authored by the United Na-*
21 *tions, the European Union, and the Government*
22 *of Haiti.*

23 (C) *A detailed description of all known per-*
24 *petrators of and the individuals who organized*
25 *and planned the massacre.*

1 (D) *An overview of efforts of the Govern-*
 2 *ment of Haiti to bring the perpetrators of and*
 3 *the individuals who organized and planned the*
 4 *massacre in La Saline to justice and to prevent*
 5 *other similar attacks.*

6 (E) *An assessment of the ensuing treatment*
 7 *and displacement of the survivors of the mas-*
 8 *sacre in La Saline.*

9 (3) *CONSULTATION.—In carrying out paragraph*
 10 *(1), the Secretary shall consult with nongovernmental*
 11 *organizations in Haiti and the United States.*

12 **SEC. 5. PROMOTING FREEDOM OF THE PRESS AND ASSEM-**
 13 **BLY IN HAITI.**

14 *The Secretary of State shall prioritize the promotion*
 15 *of freedom of the press and freedom of assembly and the*
 16 *protection of journalists in Haiti through the following*
 17 *methods:*

18 (1) *Advocating to Haitian authorities for in-*
 19 *creased protection for journalists and the press and*
 20 *for the freedom to peacefully assemble or protest in*
 21 *Haiti.*

22 (2) *Collaborating with officials of the Govern-*
 23 *ment of Haiti and representatives of civil society to*
 24 *increase legal protections for journalists in Haiti.*

1 (3) *Supporting efforts to strengthen transparency*
 2 *in the public and private sectors in Haiti and access*
 3 *to information in Haiti.*

4 (4) *Using United States foreign assistance for*
 5 *programs to strengthen capacity for independent jour-*
 6 *nalists and increase support for investigative jour-*
 7 *nalism in Haiti.*

8 **SEC. 6. SUPPORTING POST-EARTHQUAKE, POST-HURRI-**
 9 **CANE, AND POST-COVID-19 RECOVERY AND**
 10 **DEVELOPMENT IN HAITI.**

11 *The Secretary of State, in coordination with the Ad-*
 12 *ministrator of the United States Agency for International*
 13 *Development, shall prioritize post-earthquake, post-hurri-*
 14 *cane, and post-COVID-19 recovery and development efforts*
 15 *in Haiti through the following methods:*

16 (1) *Collaborating with the Government of Haiti*
 17 *on a detailed and transparent development plan that*
 18 *includes clear objectives and benchmarks.*

19 (2) *Building the capacity of Haitian-led public,*
 20 *private, and nongovernmental sector institutions in*
 21 *Haiti through post-earthquake and post-hurricane re-*
 22 *covery and development planning.*

23 (3) *Assessing the impact of the recovery efforts of*
 24 *the United States and the international community*
 25 *in Haiti since January 2010.*

1 (4) *Supporting disaster resilience and recon-*
2 *struction efforts.*

3 (5) *Addressing the underlying causes of poverty*
4 *and inequality.*

5 (6) *Improving access to—*

6 (A) *health resources;*

7 (B) *public health technical assistance; and*

8 (C) *clean water, food, and shelter.*

9 (7) *Assessing the impact of the COVID–19 pan-*
10 *demic on post-disaster recovery efforts and evaluating*
11 *United States support needed to help with the pan-*
12 *demic response in Haiti.*

13 (8) *Supporting—*

14 (A) *the export of additional United States-*
15 *produced COVID–19 vaccine doses to Haiti; and*

16 (B) *the safe storage, transport, and end-to-*
17 *end distribution of United States-produced*
18 *COVID–19 vaccines throughout Haiti, in light of*
19 *ongoing humanitarian access challenges pre-*
20 *sented by Haiti’s security environment.*

21 **SEC. 7. REPORT ON DEVELOPMENTS IN HAITI.**

22 (a) *IN GENERAL.*—*Not later than 180 days after the*
23 *date of the enactment of this Act, the Secretary of State,*
24 *in coordination with the Administrator of the United States*
25 *Agency for International Development (in this section re-*

1 *ferred to as the “Administrator”) and other relevant agen-*
2 *cies and departments, shall submit to the appropriate con-*
3 *gressional committees a report on developments in Haiti.*

4 *(b) ELEMENTS.—The report required by subsection (a)*
5 *shall include the following:*

6 *(1) A strategy for carrying out sections 4(a), 5,*
7 *and 6, including established baselines, benchmarks,*
8 *and indicators to measure outcomes and impact.*

9 *(2) An assessment of major corruption com-*
10 *mitted among the public and private sectors in Haiti,*
11 *including identification of any individual or entity*
12 *that financed corruption activities, and all corruption*
13 *prosecutions investigated by the judiciary of Haiti*
14 *since January 2015.*

15 *(3) An overview of efforts of the Government of*
16 *Haiti to address corruption, including the Petrocaribe*
17 *scandal, and corrective measures to strengthen and re-*
18 *store trust in the public institutions of Haiti.*

19 *(4) A description of efforts of the United States*
20 *Government to consult and engage with officials of the*
21 *Government of Haiti and independent civil society*
22 *groups focused on monitoring corruption and human*
23 *rights abuses and promoting democracy and press*
24 *freedom in Haiti since January 2015.*

1 (5) *A description of the response by the Govern-*
2 *ment of Haiti to civic protests that have taken place*
3 *since July 2018 and any allegations of human rights*
4 *abuses, including attacks on journalists.*

5 (6) *An assessment of United States security as-*
6 *sistance to Haiti, including United States support to*
7 *the Haitian National Police and an assessment of*
8 *compliance with section 620M of the Foreign Assist-*
9 *ance Act of 1961 (22 U.S.C. 2378d) and section 362*
10 *of title 10, United States Code (commonly referred to*
11 *as the “Leahy Laws”).*

12 (7) *A description of the efforts of the Government*
13 *of Haiti to support displaced survivors of urban and*
14 *gang violence.*

15 (8) *An assessment of United States interagency*
16 *efforts to counter kidnapping and armed violence in*
17 *Haiti.*

18 (9) *An assessment of the impact of presidential*
19 *decrees on the health of Haiti’s democratic institu-*
20 *tions and the safeguarding of human rights, including*
21 *decrees relating to—*

22 (A) *reducing the authority of the Superior*
23 *Court of Accounts and Administrative Litiga-*
24 *tion;*

25 (B) *promulgating an antiterrorism law;*

1 (C) establishing the National Intelligence
2 Agency; and

3 (D) retiring and subsequently appointing
4 judges to the Supreme Court of Haiti.

5 (10) A review of the alleged coup against Presi-
6 dent Moïse on February 7, 2021, and subsequent ar-
7 rest and jailings of alleged perpetrators.

8 (11) An analysis, conducted in collaboration
9 with the Government of Haiti, of efforts to support
10 development goals in Haiti since January 2015, in-
11 cluding steps taken—

12 (A) to strengthen institutions at the na-
13 tional and local levels; and

14 (B) to strengthen democratic governance at
15 the national and local levels.

16 (12) An analysis of the effectiveness and sustain-
17 ability of development projects financed by the United
18 States, including the Caracol Industrial Park and
19 supporting infrastructure.

20 (13) A description of procurement from Haitian
21 small- and medium-sized businesses and nongovern-
22 mental organizations by the Government of the
23 United States and the Government of Haiti for devel-
24 opment and humanitarian activities, disaggregated

1 *by year since 2015, and a description of efforts to in-*
2 *crease local procurement, including food aid.*

3 *(14) A description of United States efforts since*
4 *January 2015 to assist the Haitian people in their*
5 *pursuits for free, fair, and timely democratic elec-*
6 *tions.*

7 *(15) An overview of United States efforts to co-*
8 *operate with diplomatic partners in Latin America,*
9 *the Caribbean, Canada, and Europe to engage with*
10 *political leaders, civil society, the private sector, and*
11 *underrepresented populations in Haiti to support a*
12 *stable environment conducive to holding free and fair*
13 *elections.*

14 *(16) Quantitative and qualitative indicators to*
15 *assess progress and benchmarks for United States ini-*
16 *tiatives focused on sustainable development in Haiti,*
17 *including democracy assistance, economic revitaliza-*
18 *tion, natural disaster recovery, pandemic response,*
19 *resilience, energy and infrastructure, health, and food*
20 *security.*

21 *(c) CONSULTATION.—In preparing the report required*
22 *by subsection (a), the Secretary and the Administrator shall*
23 *consult, as appropriate, with—*

24 *(1) nongovernmental organizations and civil so-*
25 *cietly groups in Haiti and the United States; and*

1 (2) *the Government of Haiti.*

2 (d) *PUBLIC AVAILABILITY.—The Secretary shall make*
 3 *the report required by subsection (a) publicly available on*
 4 *the website of the Department of State.*

5 **SEC. 8. REPORT ON THE ASSASSINATION OF PRESIDENT**
 6 **JOVENEL MOÏSE.**

7 (a) *IN GENERAL.—Not later than 90 days after the*
 8 *date of the enactment of this Act, the Secretary of State,*
 9 *in coordination with the Attorney General, the Secretary*
 10 *of Homeland Security, and the Director of the Central In-*
 11 *telligence Agency, shall submit to the Committee on Foreign*
 12 *Relations of the Senate and the Committee on Foreign Af-*
 13 *airs of the House of Representatives a report on the July*
 14 *7, 2021, assassination of former President of Haiti Jovenel*
 15 *Moïse.*

16 (b) *UPDATED REPORT.—Not later than 180 days after*
 17 *the submission of the report required by subsection (a), the*
 18 *Secretary of State, in coordination with the Attorney Gen-*
 19 *eral, the Secretary of Homeland Security, and the Director*
 20 *of the Central Intelligence Agency, shall submit to the Com-*
 21 *mittee on Foreign Relations of the Senate and the Com-*
 22 *mittee on Foreign Affairs of the House of Representatives*
 23 *an updated version of the report that includes any signifi-*
 24 *cant developments related to the assassination of former*
 25 *President of Haiti Jovenel Moïse.*

1 (c) *ELEMENTS.*—*The report required by subsection (a)*
2 *and the report required by subsection (b) shall each include*
3 *the following elements:*

4 (1) *A detailed description of the events leading*
5 *up to the assassination of former President Jovenel*
6 *Moïse and the subsequent investigation of the assas-*
7 *sination, including a description and identification of*
8 *key dates and the names of foreign persons related to*
9 *the assassination and the investigation of the assas-*
10 *sination.*

11 (2) *A description of United States support for*
12 *the efforts of Haitian authorities to investigate the as-*
13 *sassination of former President Jovenel Moïse.*

14 (3) *An assessment of the independence and ca-*
15 *pacity of Haitian authorities to investigate the assas-*
16 *sination of former President Jovenel Moïse, including*
17 *analysis of significant advances and deficiencies of*
18 *the investigation.*

19 (4) *A description of any threats and acts of in-*
20 *timidation against Haitian law enforcement and ju-*
21 *dicial authorities involved in the investigation of the*
22 *assassination of former President Jovenel Moïse, in-*
23 *cluding the identification of foreign persons involved*
24 *in such threats and acts of intimidation.*

1 (5) *A description of any efforts to interfere in or*
 2 *undermine the independence and integrity of the in-*
 3 *vestigation of the assassination of former President*
 4 *Jovenel Moïse.*

5 (6) *A description of whether any foreign persons*
 6 *previously employed by or who served as a contractor*
 7 *or informant for the United States Government were*
 8 *involved in the assassination of former President*
 9 *Jovenel Moïse.*

10 (7) *A description and the identification of for-*
 11 *ign persons involved in the execution and planning*
 12 *of the assassination of former President Jovenel Moïse*
 13 *and an assessment of the intentions of such foreign*
 14 *persons.*

15 (d) *FORM OF REPORT.*—*The report required by sub-*
 16 *section (a) and the updated report required by subsection*
 17 *(b) shall each be submitted in an unclassified form, but each*
 18 *may include a classified annex.*

19 (e) *PUBLICATION.*—*The Secretary of State shall post*
 20 *on the public website of the Department of State—*

21 (1) *the unclassified version of the report required*
 22 *by subsection (a) not later than 15 days after the date*
 23 *on which the report is submitted under such sub-*
 24 *section; and*

1 (2) *the unclassified version of the report required*
 2 *by subsection (b) not later than 15 days after the date*
 3 *on which the report is submitted under such sub-*
 4 *section.*

5 (f) **BRIEFING REQUIREMENT.**—*The Secretary of State,*
 6 *in coordination with the Attorney General, the Secretary*
 7 *of Homeland Security, and the Director of the Central In-*
 8 *telligence Agency, shall brief the Committee on Foreign Re-*
 9 *lations of the Senate and the Committee on Foreign Affairs*
 10 *of the House of Representatives on—*

11 (1) *the contents of the report required by sub-*
 12 *section (a) not later than 15 days after the date on*
 13 *which the report is submitted under such subsection;*
 14 *and*

15 (2) *the contents of the report required by sub-*
 16 *section (b) not later than 15 days after the date on*
 17 *which the report is submitted under such subsection.*

18 **SEC. 9. REPEAL.**

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

21 **SEC. 10. TERMINATION.**

22 *This Act shall terminate on December 31, 2025.*

Calendar No. 157

117TH CONGRESS
1ST Session

S. 1104

A BILL

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

OCTOBER 28, 2021

Reported with an amendment