

In the Senate of the United States,

January 13 (legislative day, January 10), 2022.

Resolved, That the bill from the House of Representatives (H.R. 2471) entitled “An Act to measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Haiti Development, Ac-*
3 *countability, and Institutional Transparency Initiative*
4 *Act”.*

5 ***SEC. 2. STATEMENT OF POLICY.***

6 *It is the policy of the United States to support the sus-*
7 *tainable rebuilding and development of Haiti in a manner*
8 *that—*

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

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

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

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

15 (5) *fosters collaboration between the Haitian di-*
16 *aspora in the United States, including dual citizens*
17 *of Haiti and the United States, and the Government*
18 *of Haiti and the business community in Haiti;*

19 (6) *supports anticorruption efforts, promotes*
20 *press freedom, and addresses human rights concerns,*
21 *including through the enforcement of sanctions im-*
22 *posed in accordance with the Global Magnitsky*
23 *Human Rights Accountability Act (subtitle F of title*
24 *XII of Public Law 114–328; 22 U.S.C. 2656 note) on*

1 *individuals implicated in human rights violations*
2 *and corruption;*

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

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

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

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

20 **SEC. 3. DEFINITION OF APPROPRIATE CONGRESSIONAL**
21 **COMMITTEES.**

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

24 *(1) the Committee on Foreign Relations and the*
25 *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. 4. 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 and the individuals who orga-*
23 *nized and planned the massacre in La Saline that*
24 *took place on November 13, 2018.*

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

5 (b) *BRIEFING.—*

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

12 (2) *ELEMENTS.—The briefing required by para-*
13 *graph (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 Government*
20 *of Haiti.*

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

24 (D) *An overview of efforts of the Govern-*
25 *ment of Haiti to bring the perpetrators of and*

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

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

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

10 **SEC. 5. PROMOTING FREEDOM OF THE PRESS AND ASSEM-**
11 **BLY IN HAITI.**

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

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

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

23 *(3) Supporting efforts to strengthen transparency*
24 *in the public and private sectors in Haiti and access*
25 *to information in Haiti.*

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

5 **SEC. 6. SUPPORTING POST-EARTHQUAKE, POST-HURRI-**
6 **CANE, AND POST-COVID-19 RECOVERY AND**
7 **DEVELOPMENT IN HAITI.**

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

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

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

20 (3) *Assessing the impact of the recovery efforts of*
21 *the United States and the international community*
22 *in Haiti since January 2010.*

23 (4) *Supporting disaster resilience and recon-*
24 *struction efforts.*

1 (5) *Addressing the underlying causes of poverty*
2 *and inequality.*

3 (6) *Improving access to—*

4 (A) *health resources;*

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

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

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

11 (8) *Supporting—*

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

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

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

20 (a) *IN GENERAL.*—*Not later than 180 days after the*
21 *date of the enactment of this Act, the Secretary of State,*
22 *in coordination with the Administrator of the United States*
23 *Agency for International Development (in this section re-*
24 *ferred to as the “Administrator”) and other relevant agen-*

1 *cies and departments, shall submit to the appropriate con-*
2 *gressional committees a report on developments in Haiti.*

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

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

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

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

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

24 *(5) A description of the response by the Govern-*
25 *ment of Haiti to civic protests that have taken place*

1 *since July 2018 and any allegations of human rights*
2 *abuses, including attacks on journalists.*

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

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

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

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

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

23 *(B) promulgating an antiterrorism law;*

24 *(C) establishing the National Intelligence*
25 *Agency; and*

1 (D) retiring and subsequently appointing
2 judges to the Supreme Court of Haiti.

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

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

10 (A) to strengthen institutions at the na-
11 tional and local levels; and

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

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

18 (13) A description of procurement from Haitian
19 small- and medium-sized businesses and nongovern-
20 mental organizations by the Government of the
21 United States and the Government of Haiti for devel-
22 opment and humanitarian activities, disaggregated
23 by year since 2015, and a description of efforts to in-
24 crease local procurement, including food aid.

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

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

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

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

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

24 (2) *the Government of Haiti.*

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

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

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

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

1 **SEC. 10. TERMINATION.**

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

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

H.R. 2471

AMENDMENT