

Manager's Substitute Amendment

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**S. 1104**

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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. STATEMENT OF POLICY.**

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

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

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

7 (3) contributes to international efforts to facili-
8 tate conditions for broad, inclusive, and sustained
9 political dialogue among the different actors in Haiti
10 to 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 con-
21 cerns, including through the enforcement of sanc-
22 tions imposed in accordance with the Global
23 Magnitsky Human Rights Accountability Act (sub-
24 title F of title XII of Public Law 114–328; 22

1 U.S.C. 2656 note) on individuals implicated in
2 human rights violations and corruption;

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

7 (8) promotes political stability through the
8 holding of free, fair, transparent, and timely elec-
9 tions in accordance with democratic principles and
10 the Constitution of Haiti;

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

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

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

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

1 (1) the Committee on Foreign Relations and
2 the 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
5 Air in 2018 and 2019 that left dozens dead in order
6 to bring the perpetrators to justice.

7 (b) BRIEFING.—

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

14 (2) ELEMENTS.—The briefing required by
15 paragraph (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 Govern-
22 ment of Haiti.

23 (C) A detailed description of all known
24 perpetrators of and the individuals who orga-
25 nized 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 treat-
7 ment and displacement of the survivors of the
8 massacre in La Saline.

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

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

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

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

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

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 (8) Supporting—

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

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

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

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of State,
25 in coordination with the Administrator of the United

1 States Agency for International Development (in this sec-
2 tion referred to as the “Administrator”) and other rel-
3 evant agencies and departments, shall submit to the ap-
4 propriate congressional committees a report on develop-
5 ments in Haiti.

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

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

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

17 (3) An overview of efforts of the Government of
18 Haiti to address corruption, including the
19 Petrocaribe scandal, and corrective measures to
20 strengthen and restore trust in the public institu-
21 tions of Haiti.

22 (4) A description of efforts of the United States
23 Government to consult and engage with officials of
24 the Government of Haiti and independent civil soci-
25 ety groups focused on monitoring corruption and

1 human rights abuses and promoting democracy and
2 press freedom in Haiti since January 2015.

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

7 (6) An assessment of United States security as-
8 sistance to Haiti, including United States support to
9 the Haitian National Police and an assessment of
10 compliance with section 620M of the Foreign Assist-
11 ance Act of 1961 (22 U.S.C. 2378d) and section
12 362 of title 10, United States Code (commonly re-
13 ferred to as the “Leahy Laws”).

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

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

20 (9) An assessment of the impact of presidential
21 decrees on the health of Haiti’s democratic institu-
22 tions and the safeguarding of human rights, includ-
23 ing decrees relating to—

1 (A) reducing the authority of the Superior
2 Court of Accounts and Administrative Litiga-
3 tion;

4 (B) promulgating an antiterrorism law;

5 (C) establishing the National Intelligence
6 Agency; and

7 (D) retiring and subsequently appointing
8 judges to the Supreme Court of Haiti.

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

12 (11) An analysis, conducted in collaboration
13 with the Government of Haiti, of efforts to support
14 development goals in Haiti since January 2015, in-
15 cluding steps taken—

16 (A) to strengthen institutions at the na-
17 tional and local levels; and

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

20 (12) An analysis of the effectiveness and sus-
21 tainability of development projects financed by the
22 United States, including the Caracol Industrial Park
23 and supporting infrastructure.

24 (13) A description of procurement from Haitian
25 small- and medium-sized businesses and nongovern-

1 mental organizations by the Government of the
2 United States and the Government of Haiti for de-
3 velopment and humanitarian activities, disaggre-
4 gated by year since 2015, and a description of ef-
5 forts to increase local procurement, including food
6 aid.

7 (14) A description of United States efforts
8 since January 2015 to assist the Haitian people in
9 their pursuits for free, fair, and timely democratic
10 elections.

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

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

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

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

6 (2) the Government of Haiti.

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

10 **SEC. 8. REPORT ON THE ASSASSINATION OF PRESIDENT**
11 **JOVENEL MOÏSE.**

12 (a) IN GENERAL.—Not later than 90 days after the
13 date of the enactment of this Act, the Secretary of State,
14 in coordination with the Attorney General, the Secretary
15 of Homeland Security, and the Director of the Central In-
16 telligence Agency, shall submit to the Committee on For-
17 eign Relations of the Senate and the Committee on For-
18 eign Affairs of the House of Representatives a report on
19 the July 7, 2021, assassination of former President of
20 Haiti Jovenel Moïse.

21 (b) UPDATED REPORT.—Not later than 180 days
22 after the submission of the report required by subsection
23 (a), the Secretary of State, in coordination with the Attor-
24 ney General, the Secretary of Homeland Security, and the
25 Director of the Central Intelligence Agency, shall submit

1 to the Committee on Foreign Relations of the Senate and
2 the Committee on Foreign Affairs of the House of Rep-
3 resentatives an updated version of the report that includes
4 any significant developments related to the assassination
5 of former President of Haiti Jovenel Moïse.

6 (c) ELEMENTS.—The report required by subsection
7 (a) and the report required by subsection (b) shall each
8 include the following elements:

9 (1) A detailed description of the events leading
10 up to the assassination of former President Jovenel
11 Moïse and the subsequent investigation of the assas-
12 sination, including a description and identification of
13 key dates and the names of foreign persons related
14 to the assassination and the investigation of the as-
15 sassinatio.

16 (2) A description of United States support for
17 the efforts of Haitian authorities to investigate the
18 assassination of former President Jovenel Moïse.

19 (3) An assessment of the independence and ca-
20 pacity of Haitian authorities to investigate the as-
21 sassinatio of former President Jovenel Moïse, in-
22 cluding analysis of significant advances and defi-
23 ciencies of the investigation.

24 (4) A description of any threats and acts of in-
25 timidation against Haitian law enforcement and ju-

1 dicial authorities involved in the investigation of the
2 assassination of former President Jovenel Moïse, in-
3 cluding the identification of foreign persons involved
4 in such threats and acts of intimidation.

5 (5) A description of any efforts to interfere in
6 or undermine the independence and integrity of the
7 investigation of the assassination of former Presi-
8 dent Jovenel Moïse.

9 (6) A description of whether any foreign per-
10 sons previously employed by or who served as a con-
11 tractor or informant for the United States Govern-
12 ment were involved in the assassination of former
13 President Jovenel Moïse.

14 (7) A description and the identification of for-
15 eign persons involved in the execution and planning
16 of the assassination of former President Jovenel
17 Moïse and an assessment of the intentions of such
18 foreign persons.

19 (d) FORM OF REPORT.—The report required by sub-
20 section (a) and the updated report required by subsection
21 (b) shall each be submitted in an unclassified form, but
22 each may include a classified annex.

23 (e) PUBLICATION.—The Secretary of State shall post
24 on the public website of the Department of State—

1 (1) the unclassified version of the report re-
2 quired by subsection (a) not later than 15 days after
3 the date on which the report is submitted under
4 such subsection; and

5 (2) the unclassified version of the report re-
6 quired by subsection (b) not later than 15 days after
7 the date on which the report is submitted under
8 such subsection.

9 (f) **BRIEFING REQUIREMENT.**—The Secretary of
10 State, in coordination with the Attorney General, the Sec-
11 retary of Homeland Security, and the Director of the Cen-
12 tral Intelligence Agency, shall brief the Committee on For-
13 eign Relations of the Senate and the Committee on For-
14 eign Affairs of the House of Representatives on—

15 (1) the contents of the report required by sub-
16 section (a) not later than 15 days after the date on
17 which the report is submitted under such subsection;
18 and

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

22 **SEC. 9. REPEAL.**

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

1 SEC. 10. TERMINATION.

2 This Act shall terminate on December 31, 2025.