

Calendar No. _____

113TH CONGRESS
2^D SESSION**S. 1104****[Report No. 113-_____]**

To measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2013

Mr. NELSON (for himself, Ms. LANDRIEU, Mr. CARDIN, and Mrs. GILLI-BRAND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment

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

A BILL

To measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010, and for other purposes.

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 “Assessing Progress in~~
5 ~~Haiti Act”.~~

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) According to the Government of Haiti, more
4 than 316,000 people died as a result of the earth-
5 quake that struck 15 miles southwest of Port-au-
6 Prince on January 12, 2010, including 103 citizens
7 of the United States and more than 100 United Na-
8 tions personnel.

9 (2) According to the United Nations and the
10 International Organization for Migration, an esti-
11 mated 3,000,000 people were directly affected by the
12 disaster, and more than 2,100,000 people were dis-
13 placed from their homes.

14 (3) The Post Disaster Needs Assessment con-
15 ducted by the Government of Haiti, the United Na-
16 tions, the World Bank, the Inter-American Develop-
17 ment Bank, and others estimated that damage and
18 economic losses totaled \$7,804,000,000, approxi-
19 mately 120 percent of Haiti's gross domestic prod-
20 uct in 2009.

21 (4) The initial emergency response of the men
22 and women of the United States Government, led by
23 the United States Agency for International Develop-
24 ment and the United States Southern Command, as
25 well as of cities, towns, individuals, businesses, and

1 philanthropic organizations across the United States,
2 was swift and resolute.

3 (5) According to the Government of Haiti, nu-
4 merous multilateral agencies such as the United Na-
5 tions, and international nongovernmental organiza-
6 tions, Haiti faces an ongoing food crisis as a result
7 of the earthquake and subsequent damage caused by
8 tropical storms and hurricanes, as well as long-term
9 neglect of the agriculture sector.

10 (6) According to the International Organization
11 for Migration, approximately 320,000 people remain
12 in spontaneous and organized camps in Haiti, and
13 reports by the General Accountability Office, the In-
14 spector General for the United States Agency for
15 International Development, and civil society organi-
16 zations indicate that the pace of recovery and devel-
17 opment has lagged significantly behind the emer-
18 gency relief phase.

19 (7) On October 21, 2010, an outbreak of chol-
20 era was detected and according to the Haitian Min-
21 istry of Public Health and Population, as of Feb-
22 ruary 17, 2013, more than 8,000 people had died
23 from cholera and more than 647,500 had been in-
24 fected with the disease.

1 (8) The United Nations Office of the Special
2 Envoy for Haiti estimates that, including donor
3 pledges and other support, approximately
4 \$6,400,000,000 has been disbursed, with an addi-
5 tional amount of \$3,800,000,000 committed, to as-
6 sist in Haiti's recovery and development.

7 (9) The United States Government has appro-
8 priated approximately \$3,600,000,000 for relief, re-
9 covery, and development in Haiti since the earth-
10 quake, of which \$2,600,000,000 had been disbursed
11 as of March 2013. The United States Government
12 has also provided more than \$95,000,000 in aid to
13 combat the cholera epidemic and care for the vic-
14 tims.

15 (10) Significant challenges remain in Haiti,
16 which will require continued recovery and develop-
17 ment aid from the international community for the
18 foreseeable future.

19 (11) The Haitian diaspora has also played an
20 essential role in Haiti's reconstruction, and the
21 United States Government should take steps to in-
22 crease outreach and encourage participation by Hai-
23 tian Americans in recovery and development activi-
24 ties in Haiti.

1 **SEC. 3. REPORT.**

2 (a) **REPORT REQUIRED.**—Not later than 180 days
3 after the date of the enactment of this Act, the Comp-
4 troller General of the United States shall submit to Con-
5 gress a report on the status of post-earthquake recovery
6 and development efforts in Haiti, including efforts to pre-
7 vent the spread of cholera and treat persons infected with
8 the disease.

9 (b) **CONTENT.**—The report required by subsection
10 (a) shall include the following elements:

11 (1) An assessment of the progress of recovery
12 and development efforts, as embodied in the Haiti
13 Rebuilding and Development Strategy, compared to
14 what remains to be achieved to meet specific goals,
15 including—

16 (A) the amount of funds disbursed and any
17 significant changes to the Strategy since Janu-
18 ary 2010, with an explanation of such changes;

19 (B) the amounts obligated and expended
20 on United States Government programs and ac-
21 tivities since January 2010 to implement the
22 Strategy, including award data on the use of
23 implementing partners at the prime level and at
24 the subprime level of \$25,000 and above, and
25 disbursement data from prime implementing
26 partners; and

1 (C) a description of goals and quantitative
2 and qualitative indicators to evaluate the
3 progress, achievement, or lack of achievement
4 of such goals, within specific time frames, that
5 comprise the Strategy at the program level.

6 (2) An assessment of the manner in which the
7 Department of State and the United States Agency
8 for International Development are working with
9 ministries and local authorities in Haiti, including
10 the extent to which the Government of Haiti has
11 been consulted on the establishment of goals and
12 time frames and on the design and implementation
13 of new programs under the Strategy.

14 (3) An assessment of the extent to which civil
15 society and grassroots organizations in Haiti have
16 been consulted on the establishment of goals and
17 time frames and on the design and implementation
18 of new programs under the Strategy.

19 (4) An assessment of efforts to increase the in-
20 volvement of the private sector in Haiti in recovery
21 and development activities.

22 (5) An assessment of how consideration for vul-
23 nerable populations, including internally displaced
24 persons, women, children, orphans, and persons with

1 disabilities, have been incorporated in the design and
2 implementation of new programs and infrastructure.

3 (6) An assessment of how agriculture and infra-
4 structure programs are impacting food security and
5 the livelihoods of smallholder farmers in Haiti.

6 (7) An assessment of recovery and development
7 coordination among United States Government
8 agencies and between the United States Government
9 and other donors.

10 (8) A description of the United States Govern-
11 ment's efforts, including diplomatic efforts, to help
12 abate the cholera epidemic in Haiti, in coordination
13 with the Government of Haiti, the United Nations,
14 and other relevant entities.

15 (9) A description of mechanisms for commu-
16 nicating the progress of recovery and development
17 efforts to people in Haiti.

18 (10) An assessment of the steps the Govern-
19 ment of Haiti is taking to strengthen its capacity to
20 receive individuals who are removed, excluded, or de-
21 ported from the United States.

22 (c) USE OF PREVIOUSLY APPROPRIATED FUNDS.—
23 Funding for the report required under subsection (a) shall
24 be made available from existing funds appropriated to the
25 Department of State and the United States Agency for

1 International Development for assistance to Haiti, and
2 shall not exceed \$75,000.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Assessing Progress in*
5 *Haiti Act of 2014”.*

6 **SEC. 2. FINDINGS.**

7 *Congress makes the following findings:*

8 *(1) On January 12, 2010, a massive earthquake*
9 *struck near the Haitian capital city of Port-au-*
10 *Prince, leaving an estimated 220,000 people dead, in-*
11 *cluding 103 United States citizens, 101 United Na-*
12 *tions personnel, and nearly 18 percent of the nation’s*
13 *civil service, as well as 300,000 injured, 115,000*
14 *homes destroyed, and 1,500,000 people displaced.*

15 *(2) According to the Post Disaster Needs Assess-*
16 *ment conducted by the Government of Haiti, with*
17 *technical assistance from the United Nations, the*
18 *World Bank, the Inter-American Development Bank,*
19 *the Economic Commission for Latin America and the*
20 *Caribbean, and the European Commission, an esti-*
21 *mated 15 percent of the population was directly af-*
22 *ected by the disaster and related damages and eco-*
23 *nomical losses totaled \$7,804,000,000.*

24 *(3) Even before the earthquake, Haiti had some*
25 *of the lowest socioeconomic indicators and the second*

1 *highest rate of income disparity in the world, condi-*
2 *tions that have further complicated post-earthquake*
3 *recovery efforts and, according to the World Bank,*
4 *have significantly reduced the prospects of addressing*
5 *poverty reduction through economic growth.*

6 *(4) According to the World Food Programme,*
7 *more than 6,700,000 people in Haiti (out of a popu-*
8 *lation of about 10,000,000) are considered food inse-*
9 *ecure.*

10 *(5) In October 2010, an unprecedented outbreak*
11 *of cholera in Haiti resulted in over 500,000 reported*
12 *cases and over 8,000 deaths to date, further straining*
13 *the capacity of Haiti's public health sector and in-*
14 *creasing the urgency of resettlement and water, sani-*
15 *tation, and hygiene (WASH) efforts.*

16 *(6) The international community, led by the*
17 *United States and the United Nations, mounted an*
18 *unprecedented humanitarian response in Haiti, with*
19 *donors pledging approximately \$10,400,000,000 for*
20 *humanitarian relief and recovery efforts, including*
21 *debt relief, supplemented by \$3,100,000,000 in private*
22 *charitable contributions, of which approximately*
23 *\$6,400,000,000 has been disbursed and an additional*
24 *\$3,800,000,000 has been committed as of September*
25 *30, 2013.*

1 (7) *The emergency response of the men and*
2 *women of the United States Government, led by the*
3 *United States Agency for International Development*
4 *(USAID) and the United States Southern Command,*
5 *as well as of cities, towns, individuals, businesses, and*
6 *philanthropic organizations across the United States,*
7 *was particularly swift and resolute.*

8 (8) *Since 2010, a total of \$1,300,000,000 in*
9 *United States assistance has been allocated for hu-*
10 *manitarian relief and \$2,300,000,000 has been allo-*
11 *cated for recovery, reconstruction, and development*
12 *assistance in Haiti, including \$1,140,000,000 in*
13 *emergency appropriations and \$95,000,000 that has*
14 *been obligated specifically to respond to the cholera*
15 *epidemic.*

16 (9) *Of the \$3,600,000,000 in United States as-*
17 *sistance allocated for Haiti, \$651,000,000 was appor-*
18 *tioned to USAID to support an ambitious recovery*
19 *plan, including the construction of a power plant to*
20 *provide electricity for the new Caracol Industrial*
21 *Park (CIP) in northern Haiti, a new port near the*
22 *CIP, and permanent housing in new settlements in*
23 *the Port-au-Prince, St-Marc, and Cap-Haïtien areas.*

24 (10) *According to a recent report of the Govern-*
25 *ment Accountability Office, as of June 30, 2013,*

1 *USAID had disbursed 31 percent of its reconstruction*
2 *funds in Haiti, the port project was 2 years behind*
3 *schedule and USAID funding will be insufficient to*
4 *cover a majority of the projected costs, the housing*
5 *project has been reduced by 80 percent, and the sus-*
6 *tainability of the power plant, the port, and the hous-*
7 *ing projects were all at risk.*

8 *(11) GAO further found that Congress has not*
9 *been provided with sufficient information to ensure*
10 *that it is able to conduct effective oversight at a time*
11 *when most funding remains to be disbursed, and spe-*
12 *cifically recommends that a periodic reporting mecha-*
13 *nism be instituted to fill this information gap.*

14 *(12) Donors have encountered significant chal-*
15 *lenges in implementing recovery programs, and near-*
16 *ly 4 years after the earthquake, an estimated 171,974*
17 *people remain displaced in camps, unemployment re-*
18 *mains high, corruption is rampant, land rights re-*
19 *main elusive, allegations of wage violations are wide-*
20 *spread, the business climate is unfavorable, and gov-*
21 *ernment capacity remains weak.*

22 *(13) For Haiti to achieve stability and long term*
23 *economic growth, donor assistance will have to be*
24 *carefully coordinated with a commitment by the Gov-*

1 *ernment of Haiti to transparency, a market economy,*
2 *rule of law, and democracy.*

3 *(14) The legal environment in Haiti remains a*
4 *challenge to achieving the goals supported by the*
5 *international community.*

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

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

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

14 *(2) builds the long term capacity of the Govern-*
15 *ment of Haiti and civil society in Haiti;*

16 *(3) reflects the priorities and particular needs of*
17 *both women and men so they may participate equally*
18 *and to their maximum capacity;*

19 *(4) respects and helps restore Haiti's natural re-*
20 *sources, as well as builds community-level resilience*
21 *to environmental and weather-related impacts;*

22 *(5) provides timely and comprehensive reporting*
23 *on goals and progress, as well as transparent post*
24 *program evaluations and contracting data;*

1 (6) *prioritizes the local procurement of goods and*
2 *services in Haiti where appropriate; and*

3 (7) *promotes the holding of free, fair, and timely*
4 *elections in accordance with democratic principles*
5 *and the Haitian Constitution.*

6 **SEC. 4. SENSE OF CONGRESS.**

7 *It is the sense of Congress that transparency, account-*
8 *ability, democracy, and good governance are integral fac-*
9 *tors in any congressional decision regarding United States*
10 *assistance, including assistance to Haiti.*

11 **SEC. 5. REPORT.**

12 (a) *IN GENERAL.*—*Not later than December 31, 2014,*
13 *and annually thereafter through December 31, 2017, the*
14 *Secretary of State shall submit to Congress a report on the*
15 *status of post-earthquake recovery and development efforts*
16 *in Haiti.*

17 (b) *CONTENTS.*—*The report required by subsection (a)*
18 *shall include—*

19 (1) *a summary of “Post-Earthquake USG Haiti*
20 *Strategy: Toward Renewal and Economic Oppor-*
21 *tunity”, including any significant changes to the*
22 *strategy over the reporting period and an explanation*
23 *thereof;*

24 (2) *a breakdown of the work that the United*
25 *States Government agencies other than USAID and*

1 *the Department of State are conducting in the Haiti*
2 *recovery effort, and the cost of that assistance;*

3 *(3) an assessment of the progress of United*
4 *States efforts to advance the objectives of the “Post-*
5 *Earthquake USG Haiti Strategy: Toward Renewal*
6 *and Economic Opportunity” produced by the Depart-*
7 *ment of State, compared to what remains to be*
8 *achieved to meet specific goals, including—*

9 *(A) a description of any significant changes*
10 *to the Strategy over the reporting period and an*
11 *explanation thereof;*

12 *(B) an assessment of progress, or lack there-*
13 *of, over the reporting period toward meeting the*
14 *goals and objectives, benchmarks, and timeframes*
15 *specified in the Strategy, including—*

16 *(i) a description of progress toward de-*
17 *signing and implementing a coordinated*
18 *and sustainable housing reconstruction*
19 *strategy that addresses land ownership, se-*
20 *ecure land tenure, water and sanitation, and*
21 *the unique concerns of vulnerable popu-*
22 *lations such as women and children, as well*
23 *as neighborhood and community revitaliza-*
24 *tion, housing finance, and capacity build-*

1 *ing for the Government of Haiti to imple-*
2 *ment an effective housing policy;*

3 *(ii) a description of United States*
4 *Government efforts to construct and sustain*
5 *the proposed port, as well as an assessment*
6 *of the current projected timeline and cost*
7 *for completion; and*

8 *(iii) a description of United States*
9 *Government efforts to attract and leverage*
10 *the investments of private sector partners to*
11 *the CIP, including by addressing any policy*
12 *impediments;*

13 *(C) a description of the quantitative and*
14 *qualitative indicators used to evaluate the*
15 *progress toward meeting the goals and objectives,*
16 *benchmarks, and timeframes specified in the*
17 *Strategy at the program level;*

18 *(D) the amounts committed, obligated, and*
19 *expended on programs and activities to imple-*
20 *ment the Strategy, by sector and by imple-*
21 *menting partner at the prime and subprime lev-*
22 *els (in amounts of not less than \$25,000); and*

23 *(E) a description of the risk mitigation*
24 *measures put in place to limit the exposure of*

1 *United States assistance provided under the*
2 *Strategy to waste, fraud, and abuse;*

3 *(4) a description of measures taken to strength-*
4 *en, and United States Government efforts to improve,*
5 *Haitian governmental and nongovernmental organi-*
6 *zational capacity to undertake and sustain United*
7 *States-supported recovery programs;*

8 *(5) as appropriate, a description of United*
9 *States efforts to consult and engage with Government*
10 *of Haiti ministries and local authorities on the estab-*
11 *lishment of goals and timeframes, and on the design*
12 *and implementation of new programs under the Post-*
13 *Earthquake USG Haiti Strategy: Toward Renewal*
14 *and Economic Opportunity;*

15 *(6) a description of efforts by Haiti's legislative*
16 *and executive branches to consult and engage with*
17 *Haitian civil society and grassroots organizations on*
18 *the establishment of goals and timeframes, and on the*
19 *design and implementation of new donor-financed*
20 *programs, as well as efforts to coordinate with and*
21 *engage the Haitian diaspora;*

22 *(7) consistent with the Government of Haiti's*
23 *ratification of the United Nations Convention Against*
24 *Corruption, a description of efforts of the Govern-*
25 *ments of the United States and Haiti to strengthen*

1 *Government of Haiti institutions established to ad-*
2 *dress corruption, as well as related efforts to promote*
3 *public accountability, meet public outreach and dis-*
4 *closure obligations, and support civil society partici-*
5 *pation in anti-corruption efforts;*

6 *(8) a description of efforts to leverage public-pri-*
7 *vate partnerships and increase the involvement of the*
8 *private sector in Haiti in recovery and development*
9 *activities and coordinate programs with the private*
10 *sector and other donors;*

11 *(9) a description of efforts to address the par-*
12 *ticular needs of vulnerable populations, including in-*
13 *ternally displaced persons, women, children, orphans,*
14 *and persons with disabilities, in the design and im-*
15 *plementation of new programs and infrastructure;*

16 *(10) a description of the impact that agriculture*
17 *and infrastructure programs are having on the food*
18 *security, livelihoods, and land tenure security of*
19 *smallholder farmers, particularly women;*

20 *(11) a description of mechanisms for commu-*
21 *nicating the progress of recovery and development ef-*
22 *forts to the people of Haiti, including a description*
23 *of efforts to provide documentation, reporting and*
24 *procurement information in Haitian Creole;*

1 (12) a description of the steps the Government of
2 Haiti is taking to strengthen its capacity to receive
3 individuals who are removed, excluded, or deported
4 from the United States; and

5 (13) an assessment of actions necessary to be
6 taken by the Government of Haiti to assist in ful-
7 filling the objectives of the Strategy.

8 **SEC. 6. STRATEGY.**

9 (a) *IN GENERAL.*—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of State,
11 acting through the Assistant Secretary of State for Western
12 Hemisphere Affairs, shall coordinate and transmit to the
13 Committee on Foreign Relations and the Committee on Ap-
14 propriations of the Senate and the Committee on Foreign
15 Affairs and the Committee on Appropriations of the House
16 of Representatives a three-year Haiti strategy based on rig-
17 orous assessments that—

18 (1) identifies and addresses constraints to sus-
19 tainable, broad-based economic growth and to the con-
20 solidation of responsive, democratic government insti-
21 tutions;

22 (2) includes an action plan that outlines policy
23 tools, technical assistance, and anticipated resources
24 for addressing the highest-priority constraints to eco-
25 nomic growth and the consolidation of democracy, as

1 *well as a specific description of mechanisms for moni-*
2 *toring and evaluating progress; and*

3 *(3) identifies specific steps and verifiable bench-*
4 *marks appropriate to provide direct bilateral assist-*
5 *ance to the Government of Haiti.*

6 *(b) ELEMENTS.—The strategy required under sub-*
7 *section (a) should address the following elements:*

8 *(1) A plan to engage the Government of Haiti on*
9 *shared priorities to build long-term capacity, includ-*
10 *ing the development of a professional civil service, to*
11 *assume increasing responsibility for governance and*
12 *budgetary sustainment of governmental institutions.*

13 *(2) A plan to assist the Government of Haiti in*
14 *holding free, fair and timely elections in accordance*
15 *with democratic principles.*

16 *(3) Specific goals for future United States sup-*
17 *port for efforts to build the capacity of the Govern-*
18 *ment of Haiti, including to—*

19 *(A) reduce corruption;*

20 *(B) consolidate the rule of law and an inde-*
21 *pendent judiciary;*

22 *(C) strengthen the civilian police force;*

23 *(D) develop sustainable housing, including*
24 *ensuring appropriate titling and land ownership*
25 *rights;*

1 (E) *expand port capacity to support eco-*
2 *nomie growth;*

3 (F) *attract and leverage the investments of*
4 *private sector partners, including to the Caracol*
5 *Industrial Park;*

6 (G) *promote large and small scale agricul-*
7 *tural development in a manner that reduces food*
8 *insecurity and contributes to economic growth;*

9 (H) *improve access to potable water, expand*
10 *public sanitation services, reduce the spread of*
11 *infectious diseases, and address public health cri-*
12 *ses;*

13 (I) *restore the natural resources of Haiti,*
14 *including enhancing reforestation efforts*
15 *throughout the country; and*

16 (J) *gain access to safe, secure, and afford-*
17 *able supplies of energy in order to strengthen*
18 *economic growth and energy security.*

19 (c) *CONSULTATION.—In devising the strategy required*
20 *under subsection (a), the Secretary should—*

21 (1) *coordinate with all United States Govern-*
22 *ment departments and agencies carrying out work in*
23 *Haiti;*

24 (2) *consult with the Government of Haiti, in-*
25 *cluding the National Assembly of Haiti, and rep-*

1 *representatives of private and nongovernmental sectors*
2 *in Haiti; and*

3 *(3) consult with relevant multilateral organiza-*
4 *tions, multilateral development banks, private sector*
5 *institutions, nongovernmental organizations, and for-*
6 *ign governments present in Haiti.*

7 *(d) BRIEFINGS.—The Secretary of State, at the request*
8 *of the Committee on Foreign Relations of the Senate and*
9 *the Committee on Foreign Affairs of the House of Represent-*
10 *atives, shall provide a quarterly briefing that reviews*
11 *progress of the implementation of the strategy required*
12 *under subsection (a).*