

118TH CONGRESS
1ST SESSION

H. R. 1684

To require the Secretary of State to submit an annual report to Congress regarding the ties between criminal gangs and political and economic elites in Haiti and impose sanctions on political and economic elites involved in such criminal activities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2023

Mr. MEEKS (for himself, Mr. McCAUL, and Mrs. CHERFILUS-McCORMICK) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of State to submit an annual report to Congress regarding the ties between criminal gangs and political and economic elites in Haiti and impose sanctions on political and economic elites involved in such criminal activities.

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 Criminal Collu-
5 sion Transparency Act of 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) According to a United Nations estimate, ap-
4 proximately 167 criminal gangs operated in Haiti in
5 October 2021, exerting territorial control over as
6 much as two-thirds of the country.

7 (2) Haitian armed criminal gangs, the most
8 prominent of which are the G9 Family and Allies
9 and 400 Mawozo gangs, conduct violent crimes, in-
10 cluding murder, rape, arms and drug trafficking,
11 racketeering, kidnapping, and blockades of fuel and
12 aid deliveries. These crimes have perpetuated the on-
13 going security and humanitarian crises in Haiti,
14 which have worsened since the assassination of
15 President Jovenel Moïse on July 7, 2021.

16 (3) The United Nations Office of the High
17 Commissioner for Human Rights and the Human
18 Rights Service jointly found a 333 percent increase
19 in human rights violations and abuses against the
20 rights to life and security in Haiti between July
21 2018 and December 2019.

22 (4) At least 19,000 Haitians were forcibly dis-
23 placed during 2021 due to rising criminal violence.

24 (5) Armed gangs have used rape, and other
25 forms of sexual violence to instill fear, punish, sub-
26 jugate, and inflict pain on local populations with the

1 goal of expanding their areas of influence in Port-
2 au-Prince.

3 (6) At least 803 kidnappings were reported in
4 Haiti during the first 10 months of 2021, including
5 the kidnapping of more than 16 United States citi-
6 zens, giving Haiti having the highest per capita kid-
7 napping rate of any country in the world.

8 (7) There is significant evidence of collusion be-
9 tween criminal gangs and economic and political
10 elites in Haiti, including members of the Haitian
11 National Police, which has resulted in widespread
12 impunity and directly contributed to Haiti's current
13 security crisis.

14 (8) 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 Chérizier, former Director General of the
18 Ministry of the Interior Fednel Monchery, and
19 former Departmental Delegate Joseph Pierre Rich-
20 ard Duplan under the Global Magnitsky Human
21 Rights Accountability Act (subtitle F of title XII of
22 Public Law 114–328; 22 U.S.C. 2656 note) for their
23 connections to armed criminal gangs, including orga-
24 nizing the November 2018 La Saline massacre.

1 **SEC. 3. REPORTING REQUIREMENTS.**

2 (a) DEFINITIONS.—In this section:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations of
7 the Senate;

8 (B) the Select Committee on Intelligence
9 of the Senate;

10 (C) the Committee on Foreign Affairs of
11 the House of Representatives; and

12 (D) the Permanent Select Committee on
13 Intelligence of the House of Representatives.

14 (2) ECONOMIC ELITES.—The term “economic
15 elites” means board members, officers, and execu-
16 tives of groups, committees, corporations, or other
17 entities that exert substantial influence or control
18 over Haiti’s economy, infrastructure, or particular
19 industries.

20 (3) INTELLIGENCE COMMUNITY.—The term
21 “intelligence community” has the meaning given
22 such term in section 3(4) of the National Security
23 Act of 1947 (50 U.S.C. 3003(4)).

24 (4) POLITICAL AND ECONOMIC ELITES.—The
25 term “political and economic elites” means political
26 elites and economic elites.

1 (5) POLITICAL ELITES.—The term “political
2 elites” means current and former government offi-
3 cials and their high-level staff, political party lead-
4 ers, and political committee leaders.

5 (b) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, and annually
8 thereafter for the following 5 years, the Secretary of
9 State, in coordination with the intelligence commu-
10 nity, shall submit a report to the appropriate con-
11 gressional committees regarding the ties between
12 criminal gangs and political and economic elites in
13 Haiti. The report shall—

14 (A) identify prominent criminal gangs in
15 Haiti, describe their criminal activities includ-
16 ing coercive recruitment, and identify their pri-
17 mary geographic areas of operations;

18 (B) list Haitian political and economic
19 elites who have links to criminal gangs;

20 (C) describe in detail the relationship be-
21 tween the individuals listed pursuant to sub-
22 paragraph (B) and the criminal gangs identified
23 pursuant to subparagraph (A);

24 (D) list Haitian political and economic
25 elites with links to criminal activities who are

1 currently subjected to visa restrictions or sanc-
2 tions by the United States, its international
3 partners, or the United Nations, including in-
4 formation regarding—

5 (i) the date on which each such Hai-
6 tian political or economic elite was des-
7 ignated for restrictions or sanctions;

8 (ii) which countries have designated
9 such Haitian political and economic elites
10 for restrictions or sanctions; and

11 (iii) for Haitian political and economic
12 elites who were designated by the United
13 States, the statutory basis for such des-
14 ignation;

15 (E) describe in detail how Haitian political
16 and economic elites use their relationships with
17 criminal gangs to advance their political and
18 economic interests and agenda;

19 (F) include an assessment of how the na-
20 ture and extent of collusion between political
21 and economic elites and criminal gangs threat-
22 ens the Haitian people and United States na-
23 tional interests and activities in the country, in-
24 cluding the provision of security assistance to
25 the Haitian government; and

1 (G) include an assessment of potential ac-
2 tions that the Government of the United States
3 and the Government of Haiti could take to ad-
4 dress the findings made pursuant to subpara-
5 graph (F).

6 (2) FORM OF REPORT.—The report required
7 under paragraph (1) shall be submitted in unclassi-
8 fied form, but may include a classified annex.

9 (c) DESIGNATIONS OF POLITICAL AND ECONOMIC
10 ELITES.—

11 (1) IN GENERAL.—The Secretary of State, in
12 coordination with other relevant Federal agencies
13 and departments, shall identify persons identified
14 pursuant to subparagraphs (A) and (B) of sub-
15 section (b)(1) who may be subjected to visa restric-
16 tions and sanctions under—

17 (A) section 7031(c) of the Department of
18 State, Foreign Operations, and Related Pro-
19 grams Appropriations Act, 2022 (division K of
20 Public Law 117–103; 8 U.S.C. 1182 note); or

21 (B) section 1263 of the Global Magnitsky
22 Human Rights Accountability Act (22 U.S.C.
23 10102).

24 (2) IMPOSITION OF SANCTIONS.—Not later than
25 30 days after the date on which the report is sub-

mitted pursuant to subsection (b), the President shall impose, on individuals identified pursuant to paragraph (1), to the extent applicable, the sanctions referred to in subparagraphs (A) and (B) of such paragraph.

(3) WAIVER.—The President may waive the requirements under paragraphs (1) and (2) with respect to a foreign person if the President certifies and reports to the appropriate congressional committees before such waiver is to take effect that such waiver—

(A) would serve a vital national interest of the United States; or

(B) is necessary for the delivery of humanitarian assistance or other assistance that supports basic human needs.

(4) PUBLIC AVAILABILITY.—The list of persons identified pursuant to subsection (b)(1)(B) shall be posted on a publicly accessible website of the Department of State beginning on the date on which the report required under subsection (b)(1) is submitted to Congress.

1 (d) SUNSET.—This section shall cease to have effect
2 on the date that is 5 years after the date of the enactment
3 of this Act.

